

ORDINANCE NO. 79-24

**AN ORDINANCE AMENDING THE 2019 UNIFIED DEVELOPMENT
ORDINANCE OF THE CITY OF FORT SMITH**

WHEREAS, the Board of Directors passed and approved Ordinance No. 87-19 which adopted the Unified Development Ordinance on October 15, 2019, and,

WHEREAS, it is necessary to amend certain sections of the Unified Development Ordinance to provide clarity and remove conflict with other provisions of the municipal code; and,

WHEREAS, the Planning Commission held a public hearing regarding the amendment and recommended on August 13, 2024, that changes be made; and,

WHEREAS, three (3) copies of the August 2024 Amendments to the Unified Development Ordinance have been on file in the Office of the City Clerk of the City of Fort Smith for inspection and review by the public prior to the passage of this Ordinance; and,

WHEREAS, the August 2024 Amendments to the Unified Development Ordinance includes amendments to Landscaping in Overlay Districts, Land Use Chart for Container Storage, and Table 27-301-1 Application Procedures Review Process

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS THAT:

SECTION 1: The August 2024 Amendments to the Unified Development Ordinance are hereby adopted.

SECTION 2: The codifier shall codify the adopted amendments by amending existing sections and by adding new sections of the UDO.

SECTION 3: It is hereby found and determined that the adoption of the amendments to the Unified Development Ordinance are necessary to alleviate an emergency created by the lack of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare of the inhabitants of the City requires that the amendments be effective, and the amendments are hereby made effective, as of date of approval of the Ordinance.

PASSED AND APPROVED THIS 3rd DAY OF September, 2024.

ATTEST:



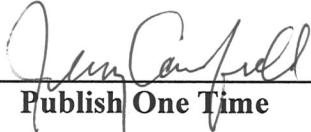
City Clerk

APPROVED:



Mayor

Approved as to form:



Publish One Time

August 2024 UDO Amendments –
Landscaping Amendments in Overlay District,
Land Use Chart Container Storage, and Table
27-301-1 Application Procedures review
process

19. UDO Amendments

Chairman McCaffrey introduced item 19. Mr. Miller delivered the staff report stating that staff was proposing to amend the land use chart in regard to Container Storage, remove Crepe Myrtle from the approved landscaping material list in Overlay Districts, and correct Table 27-301.1 – Application Procedure.

In regard to amending the land use chart, Mr. Miller explained that staff was proposing to remove *Container Storage* as a permitted use in the Commercial Heavy (C-5) zone; require conditional use approval within the Industrial Light (I-1) zoning district; and permit the land use by right in the Industrial Moderate (I-2) and Industrial Heavy (I-3) zones.

He, then, explained that staff was proposing to remove crepe myrtles from the approved landscaping material list in Section 27-440 Phoenix Avenue Overlay District and Section 27-441 Massard/Zero Street Corridor Overlay District-Appendix E. He stated that the amendment would allow overlay districts to mirror the approved types of trees located elsewhere in the city.

He noted that the final proposed amendment would correct the errors that were reflected in the review process for a Planned Zoning District rezoning application located in Table 27-301-1 – Application Procedure.

With no questions or comments, Chairman McCaffrey called for a motion. Commissioner Trumbly moved, seconded by Commissioner Hanna, to approve as written. Chairman McCaffrey called for a vote. The vote was 9 in favor and 0 opposed.

The meeting adjourned at approximately 7:03 p.m.

Appendix A - Land Use Chart

1		MEOS	RE3	RE1	RS-1	RS-2	RS-3	RS-4	SFMH	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	MU	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3			
260	Container storage	P																							P	P	P	P	P	P	P	P

MASSARD/ZERO OVERLAY 27-441(e)2

(2) *Secondary list.* The following list of trees are those which have been found to be the next best suited to this area but require increased maintenance:

TABLE INSET:

Common Name	Scientific Name
American holly	Ilex opaca
Crab apple	Malus spp.
Crepe myrtle	Lagerstroemia indica
Dogwood	Cornus florida
Hawthorn	Crataegus opaca
Redbud	Cercis canadensis
River birch	Betula nigra
Southern magnolia	Magnolia grandiflora
Swamp red maple	Acer rubrum
Water oak	Quercus nigra
Weeping willow	Salix babylonica

PHOENIX AVENUE OVERLAY-27-440 (D)2

2. Secondary list. The following list of trees are those which have been found to be the next best suited to this area but require increased maintenance:

<u>Common Name</u>	<u>Scientific Name</u>
American holly	Ilex opaca
Crab apple	Malus spp.
Crepe myrtle	Lagerstoemia indica
Dogwood	Cornus florida
Hawthorn	Crataegus opaca
Redbud	Cercis canadensis
River birch	Betula nigra
Southern magnolia	Magnolia grandiflora
Swamp red maple	Acer rubrum

TABLE 27-301.1- APPLICATION PROCEDURES

Table 27-301.1—Application Procedures

Actions:

R = Review/Recommendation D = Decision A = Appeal • Required
 ◊ = at the discretion of the Director ■ = as described in section

Acting Bodies:

Staff = Planning and Zoning Department
 PC = Planning Commission
 BD = Board of Directors
 BZA = Board of Zoning Adjustment

Application Type	Preapp Conf.	Neighborhood Meeting	Acting Body				Notices		
			Staff	PC	BD	BZA	Pub.	Mail	Sign
Accessory Residential Use (324)			D	A					
Permits for New Construction, Major Alterations (325)			D						
Certificate of Occupancy (326)			D						
Master Land Use Map Amendment (328)	•	•	R	R	D		•	■	■
Rezoning – Planned (329)	•	•	R	R	D		•	•	•
Rezoning – Conventional (330)	•	•	R	R	D		•	•	•
Development Plan Review (331)	•	◊	D	A					
Conditional Use Permit (332)	•	•	R	D	A		•	•	•
Subdivision – Major (333)	◊		R	D	A				
Subdivision –			D	A					

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Minor (334)									
Commercial Subdivision (335)	•		R	D	A				
Written Interpretations (336)			D	A	A				
Appeals (337)						D		•	
Zoning Variance (337)	•	•	R			D		•	
Subdivision Variance (516)	•	◊	R	D	A				
Home Occupations (338)	•		R	D	A			•	•
Vested Rights (339)	•		R	D	A		•		
Text Amendment (340)			R	R	D		•		
Planned Zoning District	•	•	R	◊	◊		•	•	•