

ORDINANCE NO. 98-24

**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 October 8, 2024, that changes be made; and,

WHEREAS, three (3) copies of November 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 November 2024 Amendments to the Unified Development Ordinance includes amendments to retail sales of fireworks and an Open-1 Zoning District.

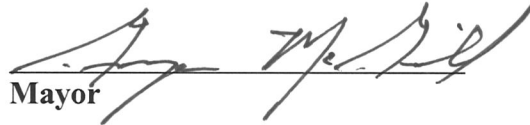
NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT SMITH, ARKANSAS THAT:

SECTION 1: The November 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.

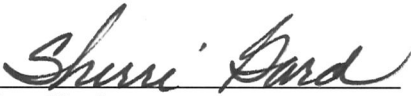
PASSED AND APPROVED THIS 6th DAY OF November, 2024.

APPROVED:



Mayor

ATTEST:



City Clerk

Approved as to form:



Publish One Time

NOVEMBER 2024 UDO
AMENDMENTS

27-708 Retail Sales of Fireworks

27-708-1 Purpose

The purpose of these regulations is described as follows:

- A. Protect and enhance the City of Fort Smith
- B. Preserve property values of surrounding property

27-708-2

Retail sales of fireworks are permitted within the C-2, C-3, C-4, C-5, I-1, I-2, and I-3 zoning districts.

27-708-3

The following regulations shall apply to the retail sales of fireworks:

- a. Fireworks sales shall be permitted from June 20th through July 10th of each year.
- b. Fireworks sales shall be from a permanent structure; and,
- c. Fireworks sales shall be located on a right-of-way with a classification of major arterial or higher.

Fire and rescue station

a building used to house fire equipment, firefighters, and emergency medical services.

Firearms range

shall mean a facility designed and constructed for the practice and teaching of marksmanship with hand guns, rifles and shotguns and operated by a public agency or a quasi-public or private corporation approved by the city.

Fireworks (Retail Sales) (See Section 27-708)

shall mean a permanent building for the retail sale of any composition or device for the purpose of producing a visible or an audible affect by combustion, deflagration, or detonation that comply with the construction, chemical composition, and labeling regulations of the U.S. Consumer Product Safety Commission as set forth in 16 CFR 1500 and 1507, 49 CFR 172, and APA Standard 87-1A. Each package containing toy paper and/or plastic caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap. Nothing contained in this article shall prohibit the sale or use of blank cartridges for theatrical purposes, signal purposes, military or police purposes. Nothing contained in this article shall prohibit any resident wholesaler, dealer or jobber to sell at wholesale such fireworks as are not herein prohibited or the sale of any kind of fireworks provided the same are to be shipped to a location outside the city for sale. Nothing contained in this article shall prohibit the sale or offering for sale of firearms or ammunition therefor.

Fitness Studio

shall mean a place or building where passive or active exercises and related activities are performed for the purpose of physical fitness, improved circulation or flexibility, and/or weight control. The activities shall be conducted entirely within an enclosed building. Examples include martial arts, yoga, dance or similar activities but does not include spectator events.

Flea market (indoor)

shall mean a commercial activity conducted, inside a building, with individual spaces for rent to individual sellers for the sale of new or used merchandise. No outdoor storage or display.

Flea market (outdoor)

shall mean a commercial activity conducted outside with individual spaces for rent to individual sellers for the sale of new or used merchandise.

Flood or flooding

shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters;
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source.
- a temporary rise in stream level that results in water covering areas not ordinarily covered by water.

Flood insurance rate map (FIRM)

shall mean an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Appendix A

| | Districts | MEO | RE3 | RE1 | RS-1 | RS-2 | RS-3 | RS-4 | RS-5 | RSD-2 | RSD-3 | RSD-4 | RM-2 | RM-3 | RM-4 | RMD | RH | T | C-1 | C-2 | C-3 | C-4 | C-5 | C-6 | I-1 | I-2 | I-3 | |
|---|---|-----|-----|-----|------|------|------|------|------|-------|-------|-------|------|------|------|-----|----|--------|-----|-----|-----|-----|-----|-----|-------|-----|-----|--|
| DP = Development Plan review by the PC and approval by the City Board | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| P = Permitted Use, C = Conditional Use, A = Accessory Use | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Bait and tackle shop | | | | R-1 | R-2 | R-3 | R-4 | R-6 | DP-2 | DP-3 | DP-4 | MF-2 | MF-3 | MF-4 | R-5 | H | T1,2,3 | C-1 | C-2 | C-3 | C-4 | C-5 | C-6 | I-1,2 | I-3 | I-4 | |
| | Bicycle sales and service | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Bicycle sales and service (no outside storage) | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Bookstore | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Bridal shop | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Cameras, photographic supplies and services | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Retail sales of fireworks see section 27-708-3 | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Clothing, jewelry, luggage, shoes, accessories | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Gift shop | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Sewing machine store (sales & service) | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Sporting goods, toys, & musical instruments | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Thrift store | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Consumer Goods, Other | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Antique shop | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Art dealers, art studio, galleries, supplies | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Arts and craft shop | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Flea market (indoor) | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Flea market (outdoor) | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Florist shop | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Hobby shop | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Office supply store | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Pawnshop | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Pawnshop (no outside storage) | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Tobacco shop | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Grocery, Food, Beverage, Dairy | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Bakery or confectionery shop | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Beer, wine and liquor store (with drive-through) | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Beer, wine and liquor store (without drive-through) | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Convenience store (with gasoline sales) | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Farmer's market | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Fruit and vegetable store | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Grocery store or supermarket | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Neighborhood store | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Health and Personal Care | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Cosmetics, beauty supplies, and perfume stores | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Medical appliance services | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Optical shop | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Pharmacy or drug store | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Finance and Insurance | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Auto insurance claims office | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Automatic teller machine | P | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Bank, credit union, or savings institution | P | | | | | | | | | | | | | | | | | | | | | | | | | | |

A. Purpose. A zone to protect undeveloped areas from incompatible land use or other specific uses that may constitute a nuisance to the residents therein or uses that may create an endangerment to the health, safety, or general welfare of the jurisdiction's population. The Open-1 zone designation may be utilized as a zoning classification for properties until a distinct land utilization pattern is developed in keeping with the city's Master Land Use Plan and other land use policies.

B. Land Uses. Permitted, Conditional, and Accessory land uses in the Open-1 district as identified below:

1. Permitted Uses: Single-family homes (Detached) and Two-family homes (Duplex).
2. Conditional Uses: Agricultural (not including commercial/industrial operations, e.g., commercial food lots, processing plants, sales yards); churches, parks (public or private), nursing homes, college, university, seminary, preschool, primary and secondary school, library or public arts complex, fire and rescue station, police stations, police substation, emergency response station, utility substations, and government office.
3. Accessory Uses: Guest houses and accessory building, structure or use.

C. Area and Bulk Regulations

| Density/ Min. Lot Size (s.f.) | Min. Lot Width at Bldg. Line | Minimum Street Frontage | Max Height |
|-------------------------------------|---------------------------------|-------------------------------|----------------------------|
| 20 du per acre/ 6,500 s.f. | 60 feet | 20 feet | 40 feet (see 27.404(D)) |
| Setbacks | | | |
| Front | Side | Street Side /Corner | Rear |
| 25 feet | 7.5 feet | 15 feet | 10 feet |

1. Minimum building separation shall be 10 feet.
2. There shall be no new Open-1 zones created unless a property is subsequently annexed.