

ORDINANCE NO. *late-20***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, is it necessary to amend the 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 July 14, 2020, that changes be made; and,

WHEREAS, three (3) copies of August 2020 Amendment 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 2020 Amendment to the Unified Development Ordinance includes amendments to include *shelter for abused persons* in the land use chart as a Conditional Use in the Transitional, C-2, C-3, C-4, C-5, C-6, and I-1 zoning districts, increases the size of subdivision signage, and allowing *pet supply store* in the C-2 zoning district; and,

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

SECTION 1: The August 2020 Amendment to the Unified Development is hereby adopted.


SECTION 2: The codifier shall codify the new sections and amend the existing sections of the Unified Development Ordinance.

SECTION 3: It is hereby found and determined that the adoption of the amendment to the Unified Development Ordinance is 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 amendment be effective, and the amendment is hereby made effective, as of date of approval of the Ordinance.

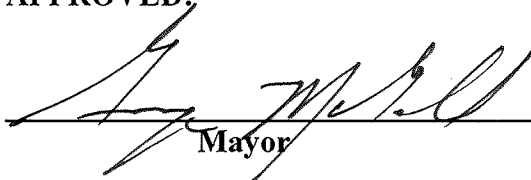
PASSED AND APPROVED THIS 4th DAY OF August, 2020.

ATTEST:



City Clerk

APPROVED:



Mayor

Approved as to form:



Publish One Time

AUGUST 2020
AMENDMENTS TO THE UNIFIED DEVELOPMENT
ORDINANCE

Appendix A

	Districts	RES	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	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3
P = Permitted Use, C = Conditional Use, A = Accessory Use																										
	Primary and secondary school	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	School, business professional																									
	School, technical or trade																									
	Public Administration - Government																									
	Criminal justice facility																									
	Detention facility																									
	Government office																									
	Public Safety																									
	Emergency response station																									
	Fire and rescue station	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	P	P	P	P	P	P	P	P
	Police station																									
	Police substation (no incarceration)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	P	P	P	P	P	P	P	P
	Health and Human Services																									
	Community health and welfare clinic																									
	Diagnostic laboratory testing facility																									
	Doctor office and clinic																									
	Hospice residential care facility																									
	Hospital																									
	Mental health hospital																									
	Nursing home																									
	Substance abuse treatment facility																									
	Social Assistance, Welfare, and Charitable Services																									
	Child and youth services (office)																									
	Day care Home (12 or less)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	
	Day care center																									
	<u>Shelter for abused persons</u>																									
	Community food services																									
	Emergency and relief services																									
	Family support services																									
	Senior citizen center																									
	Vocational rehabilitation																									
	Religious Institutions																									
	Church, synagogue, temple, mosque	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
	Rectory, convent, monastery																									
	Note: educational/hospital facilities owned or run by religious institutions are classified by use not ownership																									
	Wedding chapel																									
	Death Care Services																									
	Cemetery, mausoleum, crematorium, funeral home, & mortuary																									
	Monument (manufacturing)																									
	Monument (sales)																									
	Associations, Nonprofit Organizations																									
	Lodge or fraternal organization																									

Shelter for abused persons

shall mean a facility for providing a protective sanctuary for a person physically or mentally abused by family or other persons.

Shoe repair shop

shall mean a facility for repair or reconditioning of footgear, handbags and other leather articles such as shoes, boots, sandals, wallets, purses and other similar products.

Sign

shall mean a structure or device designed or intended to convey information to the public in written, pictorial or three dimensional form. Signs erected by the state highway department, county road department or the city street department are not subject to the regulations.

Sign area

shall mean the entire area within a single continuous perimeter enclosing the outer dimensions of the actual message or copy area. It does not include customary extensions or embellishments, nor any structural elements outside the limits of such display surface and not forming an integral part of the display. For double-face or V-type sign structures, only one (1) display face shall be counted in computing the actual sign area. The sign area permitted on any piece of property refers to the permitted combined total area of all signs on that property.

Sign (back-to-back)

shall mean a structure with two (2) parallel and directly opposite signs with their faces oriented in opposite directions and spaced no more than three (3) feet apart.

Sign (bench)

shall mean a sign located on any part of and contained within the perimeter of the bench or seat.

Sign (bus shelter)

shall mean a sign located on any part of and contained within the perimeter walls of the shelter.

Sign (business)

shall mean a sign which directs the attention of the general public to a business, product, service or activity which is conducted upon the premises where such sign is located.

Sign (electronic message center/digital)

shall mean a sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs, or a flipper matrix.

Sign (flashing)

shall mean a sign, the illumination of which is not constant in intensity when in use; except that illuminated signs which indicate the time, date, temperature and other public service information shall not be considered to be flashing signs.

Sign (v-type)

shall mean a structure of two (2) signs in the shape of the letter "V" when viewed from above and with their faces oriented in opposite directions.

b. Signs required for public health and safety or identification may be displayed on security fencing if placed in conformity with section 27-704-5.

(5) Subdivisions, developments signs: Two (2) signs per entrance, Signage shall not exceed ~~twenty-four (24)~~ sixty (60) square feet in area per sign.

(Ord. No. 3391, as amended, § 10-10(B), 11-1-76; Ord. No. 64-99, § 2, 10-5-99)

27-704-2 Permitted business signs in transitional zones

The following types of signs are permitted and the following regulations shall apply to all signs in transitional zones:

(1) Flat, single-faced signs may be mounted directly on the facade of a structure, provided that the total sign area does not exceed five (5) percent of the building facade area (building elevation area) as measured from the adjacent street right-of-way.

(2) Pedestal or monument type signs are permitted and shall conform to the following regulations:

a. Such signs, if illuminated, shall be illuminated with indirect lighting only;

b. The maximum size of a pedestal or monument sign for a lot or parcel fronting on any local street, identified from time to time by the City of Fort Smith Master Street Plan, shall not exceed twelve (12) square feet;

c. The maximum size of a pedestal or monument sign for a lot or parcel fronting on any collector street and arterial street, identified from time to time by the City of Fort Smith Master Street Plan, shall be based upon the length of lot or parcel frontage as outlined as follows:

TABLE INSET:

Frontage Length	Maximum Signage Area
0--99 ft.	18 sq. ft.
100--199 ft.	24 sq. ft.
200 ft. or greater	32 sq. ft.

d. If directional sign(s) are utilized within a development on a lot or parcel, the size of the directional signage shall be considered as part of the maximum sign area for the lot or parcel which contains the directional sign(s) and shall

Appendix A

Districts	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	H	RH	T	T1,2,3	C-C-1	C-C-2	C-C-3	C-C-4	C-C-5	C-C-6	I-1	I-2	I-3	
P = Permitted Use, C = Conditional Use, A = Accessory Use																												
Bail bonds office			R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5														
Barber shop/salon/spa/massage services																												
Laundry (commercial/industrial)																												
Laundry and cleaning facilities (self-service)																												
Laundry, cleaner																												
Laundry, cleaner (drop-off station)																												
Photocopy shop																												
Photography studio																												
Print shop																												
Shoe repair shop																												
Tailor shop																												
Tanning salons																												
Tattoo/body piercing parlor																												
Weight loss centers																												
Pet and animal services																												
Animal and pet services (indoor)																												
Animal and pet services (outdoor)																												
Animal shelter																												
Equestrian facilities																												
Kennels																												
Pet cemetery																												
Pet shop																												
Pet supply store																												
Veterinary clinic (no outdoor kennels)																												
Veterinary clinic (with outdoor kennels)																												
Automobile Parking Facilities																												
Parking garage																												
Parking lot (commercial)																												
Parking lot (off site) (See Section 27-601-11)																												
Manufacturing and Wholesale Trade																												
Food, Textiles and Related Products																												
Animal food processing																												
Clothing manufacturing																												
Food and beverage processing																												
Leather and allied products																												
Textiles																												
Tobacco manufacturing																												
Wood, Paper and Printing Products																												
Cabinet and woodwork shop																												
Furniture or home furnishings																												
Manufacturing, boxes/containers/corrugated																												
Manufacturing, packaging material																												
Paper and printing materials																												