

ORDINANCE NO. 105-21**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 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 amendments and recommended on October 12, 2021, that changes be made; and,

WHEREAS, three (3) copies of November 2021 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 2021 Amendments to the Unified Development Ordinance include an amendment to eliminate Conditional Use approval for a restaurant with outdoor dining when the use is not in close proximity to residential property; and,

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

SECTION 1: The November 2021 Amendments to the Unified Development are hereby adopted.

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

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 2nd DAY OF November, 2021.

ATTEST:



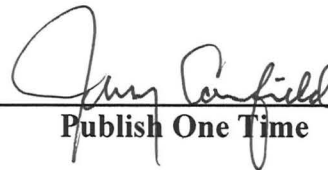
City Clerk

APPROVED:



Mayor

Approved as to form:



Publish One Time

**November 2021 Amendments
to the Unified Development
Ordinance**

shall mean an establishment serving food or beverage to the general public in specific, designated dining areas where food is not served to persons by means of a drive-through window.

Restaurant (with drive-in service)

shall mean an establishment designed and constructed to serve food for consumption on the premises in an automobile, which establishment may or may not have on the premises a dining room or service counter.

Restaurant (with drive-through service)

shall mean an establishment serving food to the general public having designated dining areas as well as a drive-through service window.

Restaurant (with outdoor dining)

shall mean an establishment serving food to the general public having a designated dining area as well as a porch, deck, or other area of land used for seated dining only which is not within the interior building walls of a restaurant or eatery that may include music.

Restaurant (with outdoor dining within 300 feet of property zoned or developed for residential purposes)

shall mean an establishment serving food to the general public having a designated dining area as well as a porch, deck, or other area of land used for seated dining only which is not within the interior building walls of a restaurant or eatery that may include music **and does not exceed 50% of the number of seats indoors.**

Retirement housing

these establishments offer minimal convenience services but focus on attracting elderly residents so as to provide a social support system among the residents.

Rhythm (architecture)

shall mean any kind of movement characterized by the regular occurrence of elements, lines, shapes, and forms.

Right-Of-Way, Public,

shall mean an area of land deeded, reserved by plat, or otherwise accepted and maintained by the City, the county or the state for public use.

Rooming or boarding house

shall mean a building other than a hotel or motel, arranged and used for the lodging, with or without meals, for compensation of more than three (3) persons exclusive of the operating person or family, pursuant to previous arrangements.

Row house

shall mean two or more attached dwelling units located on separate lots that are separated by fire walls at a common property line.

Salon/spa services

shall mean establishments that provide health and beauty treatments for customers such as massage, aroma therapy, exercise facilities, steam/sauna facilities, hair salons.

Salvage yard

shall mean any establishment maintained, used or operated for the storing, keeping, dismantling, salvaging, buying or selling of:

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	RH	T	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												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															
Consumer rental center																																								
Oil and gas field equipment																																								
Video, music, software																																								
Business, Professional, Scientific, and Technical Services																																								
Professional Services																																								
Abstract services																																								
Accounting, tax, bookkeeping, payroll																																								
Advertising and media services																																								
Architectural, engineering																																								
Carpet and upholstery cleaning																																								
Consulting services																																								
Extermination and pest control																																								
Graphic, industrial, interior design																																								
Investigation and security services																																								
Janitorial services																																								
Legal services																																								
Medical laboratory																																								
Medical laboratory (no animal research/testing)																																								
Offices, corporate																																								
Offices, general																																								
Property management services (office only)																																								
Real estate agency																																								
Travel arrangement and reservation services																																								
Administrative Services																																								
Business support services																																								
Collection agency																																								
Employment agency																																								
Employment agency (day labor)																																								
Facilities support services																																								
Office and administrative services																																								
Telemarketer/call center																																								
Food Services																																								
Bar or tavern																																								
Beer garden																																								
Catering service																																								
Food distribution center																																								
Microbrewery/microwinery/microdistillery																																								
Mobile food services																																								
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