

ORDINANCE NO. 104-22**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 11, 2022, that changes be made; and,

WHEREAS, three (3) copies of November 2022 Amendments to the Unified Development Ordinance (Industrial District Standards and Development Timeframe) 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 2022 Amendments to the Unified Development Ordinance (Industrial District Standards and Development Timeframe) includes amendments to industrial standards and development timeline; 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 2022 Amendments to the Unified Development Ordinance(Industrial District Standards and Development Timeframe) 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 1st DAY OF November, 2022.

ATTEST:



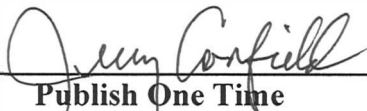
City Clerk

APPROVED:



Mayor

Approved as to form:



Publish One Time

**NOVEMBER 2022 AMENDMENTS TO
THE UNIFIED DEVELOPMENT
ORDINANCES**

- a. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided?
- b. Does the plan provide for safe and easy ingress, egress and internal traffic circulation?
- c. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety;
- d. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features;
- e. Does the Plan represent an overall development pattern that is consistent with the Master Street Plan, Master Land Use Plan, and other adopted planning policies;
- f. The required right-of-way dedication has been identified by the City Engineering Department.
- g. All easements and utilities shall meet the requirements of the approving departments and agencies.
- h. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size.
- i. Articulate how the plan exceeds the UDO requirements. (ex. increased landscaping, increased high quality materials, etc.)

F. Planning Commission Action. Following the public hearing, the Planning Commission may recommend approval, approval as amended, or denial. The Planning Commission may also continue the application to a date certain.

1. The Planning Commission shall certify recommendations of approval or approval as amended to the Board of Directors for further procedure in conformity with A.C.A. tit. 14, ch. 56, subch. 4[§ 14-56-401 et. seq.]

The Planning Commission or Board of Director's may impose a time limit for the development as described in the project booklet.

2. The Planning Commission's certified recommendations shall be automatically placed on the agenda of the Board of Director's second regularly scheduled meeting of the month following action by the Planning Commission.

G. Appeal. Appeals from the decisions of the Planning Commission shall be in accordance with Section 27-337-8.

INDUSTRIAL DISTRICTS

27-430 INDUSTRIAL LIGHT (I-1)

A. Purpose

To provide for a mixture of light manufacturing, office park, research and development, and limited retail/service retail land uses in an attractive, business park setting. The Industrial Light District may be used as a zoning buffer between mixed uses, commercial uses and heavier industrial uses. The I-1 Zoning District is appropriate with the Office, Research, and Light Industrial (ORLI) and Industry classifications of the Master Land Use Plan.

B. Land Uses

Permitted, Conditional and Accessory land uses in the Industrial Light Zoning District are identified on the Land Use Matrix, Chapter 27-400, Appendix A. Specific land uses not identified on the list are subject to classification pursuant to Section 27-336.

C. Area and Bulk Regulations

Min. Lot Size (s.f.)	Min. Lot Width	Max Lot Coverage	Minimum Street Frontage	Max Height (see 27-404(D))
20,000	100 feet	75%	n/a	45 feet
Setbacks				
Front Setback	Side Setback	Street Side Setback	Side/Rear Setback (Adjoining SF Res. Dist/Development)	Rear Setback
25 feet	10 feet	15 feet	100 feet see C.3 below	10 feet

1. Building separation shall be determined by the current City building and fire code.
2. Minimum Parcel/Lot Size for Rezoning to I-1:
 - a. New District (By Classification) : 2 acres
 - b. Existing District (By Extension): 20,000 s.f. unless extension of existing development.

3. Required street access: major arterial or higher
4. Side/Rear setback abutting residential may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process.

D. District Standards

1. All areas unoccupied by buildings, parking lots or used as traffic ways shall be maintained in a safe and orderly condition.
2. Areas which are allowed to have outdoor storage and display of merchandise shall be maintained in a manner that does not collect trash, debris, and/or vermin.
 - a. No required parking lot area shall be used as a display or sales area.
 - b. No public sidewalk or street right-of-way shall be used for display.
3. There shall be no open display of merchandise or inventory.
4. Vehicle servicing and equipment assembly as part of a sales operation shall be conducted within an enclosed building unless adequate "sight-proof" visual screening from the public and adjacent residences is provided.
5. No manufacturing, assembly, or repair work shall take place outside the confines of an enclosed building.
6. All residential uses are prohibited except sleeping facilities required by watchmen or caretakers employed upon the premises.
7. Auto impoundment or holding yards shall be screened with a minimum six (6) to eight (8) foot opaque fence constructed of wood or masonry.

- E.** Industrial developments shall conform to Design Guidelines of chapter 27-600 et seq.

27-431 INDUSTRIAL MODERATE (I-2)

- A. Purpose.** To provide for industrial land uses which can be operated in a clean and quiet manner that shall not be obnoxious to adjacent land uses, and shall have relatively limited environmental impacts. The land uses within an Industrial Moderate (I-2) zoning district are primarily contained indoors and have heavier traffic generation than the I-1 uses. I-2 zoning is appropriate within the Industry classification of the Master Land Use Plan.

B. Land Uses. Permitted, Conditional and Accessory land uses in the I-2 Zoning District are identified on the Land Use Matrix, Chapter 27-400; Appendix A. Specific land uses not identified on the list are subject to classification pursuant to Section 27-336.

C. Area and Bulk Regulations

Min. Lot Size (s.f.)	Min. Lot Width	Max Lot Coverage	Minimum Street Frontage	Max Height (see 27-404(D))
20,000 . Setbacks	100 feet	60%	n/a	45 feet

Front Setback	Side Setback	Street Side Setback	Side/Rear Setback (Adjoining SF Res. Dist/Development)	Rear Setback
50 feet	25 feet	50 feet	100 feet (See C.3 below)	20 feet

1. Building separation shall be determined by the current City building and fire code.
2. Minimum Parcel/Lot Size for Rezoning to I-2:
 - a. New District (By Classification) : 10 acres
 - b. Existing District (By Extension): 20,000 s.f. unless extension of existing development.
3. For buildings and structures located between 100 and 150 feet from residentially zoned property, each additional foot of setback in excess of the minimum required setback may allow the building height to be increased by one foot. Buildings or structures which are located more than 150 feet from residentially zoned property shall have no specific height requirements.
4. Side/Rear setback abutting residential may be reduced to 60' with Planning Commission approval of screening/landscaping through the Development Plan approval process. Additional building height may not be calculated in this space.
5. Required street access: major arterial or higher

D. District Standards

1. All areas unoccupied by buildings, parking lots or used as traffic ways shall be maintained in a safe and orderly condition.
 2. Outdoor storage and display of merchandise shall be maintained in a manner that does not collect trash, debris, and vermin and comply with the following:
 - a. No required parking lot area shall be used as a display or sales area.
 - b. No public sidewalk or street right-of-way shall be used for display.
 3. Vehicle servicing and equipment assembly as part of a sales operation shall be conducted within an enclosed building unless adequate "sight-proof" visual screening from the public and adjacent residences is provided.
 4. No manufacturing, assembly, or repair work shall take place outside the confines of an enclosed building.
 5. All residential uses are prohibited except sleeping facilities required by watchmen or caretakers employed upon the premises.
 6. Auto impoundment or holding yards shall be screened with a minimum six (6) to eight (8) foot opaque fence constructed of wood or masonry.
- F. Industrial developments shall conform to Design Guidelines of chapter 27-600 et seq.

27-432

INDUSTRIAL HEAVY (I-3)

- A. Purpose.** To accommodate a wide variety and intensity of industrial uses, some of which may have significant external impacts. This may include areas of heavy and concentrated fabrication, manufacturing, and industry. The Industrial Heavy (I-3) zoning district requires readily available and adequate public facilities and services, including access to major transportation hubs (rail, river, or highwayinterstate). The I-3 Zone must be located so as to minimize conflicts with other land uses. Industrial Heavy Zoning is appropriate in the Industry classification of the Master Land Use Plan.
- B. Land Uses.** Permitted, Conditional and Accessory land uses in the I-3 Zoning District are identified on the Land Use Matrix, Chapter 27-400, Appendix A. Specific land uses not identified on the list are subject to classification pursuant to Section 27-336.
- C. Area and Bulk Regulations**

Min. Lot Size (s.f.)	Min. Lot Width	Max Lot Coverage	Minimum Street Frontage	Max Height (see 27-404(D))
20,000.	100 feet	60%	n/a	45 feet
Setbacks				

Front Setback	Street Side Setback	Side Setback	Side/Rear		Rear
			Side Setback	Setback	
100 feet	50 feet	100 feet	Abutting Non-Industrial	100 feet	20 feet
			(See C.3 below)		

1. Building separation shall be determined by the current City building and fire code.
2. Minimum Parcel/Lot Size for Rezoning to I-3
 - a. New District (By Classification) : 20 acres
 - b. Existing District (By Extension): 20,000 s.f. unless extension of existing development
3. For buildings and structures located between 100 and 150 feet of residentially zoned property, for each additional foot of setback in excess of the minimum required setback, building height may be increased by one foot. Buildings or structures located more than 150 feet from residentially zoned property shall have no specific height requirement.
4. Side/Rear Setback Abutting Residential may be reduced to 60' with Planning Commission approval of screening/landscaping through Development Plan approval process. Additional building height may not be calculated in this space.
5. Required street access: major arterial or higher.

D. District Standards

1. All areas unoccupied by buildings, parking lots or used as traffic ways shall be maintained in a safe and orderly condition.

2. Outdoor storage and display of merchandise shall be maintained in a manner that does not collect trash, debris, and/or vermin and comply with the following:
 - a. No required parking lot area shall be used as a display or sales area.
 - b. No public sidewalk or street right-of-way shall be used for display.
 3. Vehicle servicing and equipment assembly as part of a sales operation shall be conducted within an enclosed building unless adequate "sight-proof" visual screening from the public and adjacent residences is provided.
 4. No manufacturing, assembly or repair work activity other than permitted storage shall take place outside the confines of an enclosed building.
 5. ~~All residential uses are prohibited except sleeping facilities required by watchmen or caretakers employed upon the premises.~~
 6. Auto impoundment or holding yards shall be screened with a minimum six (6) to eight (8) foot opaque fence constructed of wood or masonry.
- E.** Industrial developments shall conform to Design Guidelines of chapter 27-600 et seq.

Sections 27-433 and 434 are reserved for future use.