

ORDINANCE NO. 48-23

**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 May 9, 2023, that changes be made; and,

WHEREAS, three (3) copies of May 2023 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 May 2023 Amendments to the Unified Development Ordinance includes amendments to mini-storage warehouse design standards and the vending definition,

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

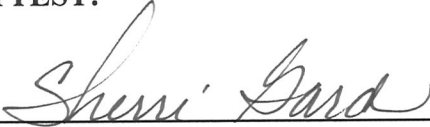
SECTION 1: The May 2023 Amendments to the Unified Development Ordinance are hereby adopted.

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.

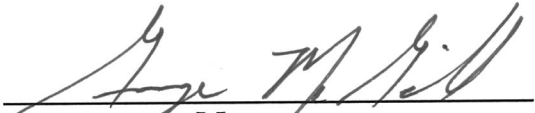
PASSED AND APPROVED THIS 13th DAY OF June, 2023.

ATTEST:



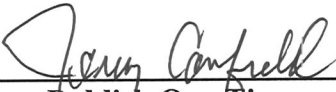
City Clerk

APPROVED:



Mayor

Approved as to form:



Publish One Time

**JUNE 2023 AMENDMENTS TO THE
UNIFIED DEVELOPMENT
ORDINANCES**

2. UDO Amendments – Mini – Storage Warehouse Design Standards and Vending Definition

Chairman Keesee introduced item 2. Ms. Rice presented the staff report stating that staff was proposing to amend the definition of “Vending” in the UDO, as well as the Mini-Storage Warehouse Design Standards.

By updating the definition, the function of vending would be described without listing specific types of merchandise that would also allow for greater flexibility of land use.

Additionally, staff proposed to amend the current design standards for mini-storage warehouses.

Ms. Rice explained that current regulations would allow the option to omit high-quality materials and wall articulations if an 8’ opaque masonry wall surrounded the development. Staff proposed to omit “51%” in item F to clarify that when a wall is constructed in compliance with the design standards, high quality materials are would not be required.

Chairman Keesee called for a motion. Commissioner Trumbly moved, seconded by Vice Chair Taylor to approve. Chairman Keesee called for a vote. The vote was 8 in favor and 0 opposed.

27-707 Mini-Storage Warehouses

27-707-1 Purpose

The purpose of these regulations is described as follows:

- A. Protect and enhance the City of Fort Smith.
- B. Provide good civic design and arrangement.
- C. Preserve property values of surrounding property.

27-707-2 Mini-Storage Locations

As defined herein, mini-storage warehouses are subject to development plan review by the Fort Smith Planning Commission and approval by the Board of Directors. Subject to approval and applicable zoning and design standards, mini-storage warehouses (nonclimatized) are permitted within the I-1, I-2, and I-3 zoning districts. Mini-storage warehouses (climatized) are permitted in the I-1, I-2 and I-3 zoning district.

27-707-3 Applicability

- A. The design guidelines shall apply to all new mini-storage warehouses and to existing mini-storage warehouses when a structure or site will: (1) increase the gross square footage of the structure or site by 50% or greater; (2) shall include any cumulative building additions from the effective date of this ordinance that over a five-year period amount to a 50% increase in square footage; and (3) shall also include the redevelopment of existing structures into mini-storage warehouses.
- B. Buildings in compliance with these regulations shall not be renovated, remodeled, altered, or repaired so that the building will be in noncompliance with these regulations.

27-707-4 Mini-Storage Warehouse Design Standards

Mini-storage warehouse developments shall comply with the following:

- A. Developments shall have a principal building oriented towards a street right-of-way. The principal building shall be 51% high-quality materials. High-quality materials include brick, native stone, stucco, exterior insulated finished systems, (EIFS), cementitious siding (e.g., Hardie Board), and tinted/textured concrete masonry units.
- B. The roofline of a building longer than sixty-five (65) feet shall include at least one vertical elevation change or parapet of at least three (3) feet and extending at least twenty (20) percent of the length of the roofline.

- C. Each building façade greater than sixty-five (65) feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three (3) percent of the length of the façade and extending at least twenty (20) percent of the length of the façade.
- D. The exterior building façade of all buildings must be constructed with 51% high quality materials on any façade facing a street right of way. If a mini-storage warehouse is constructed next to property zoned or developed residential, all facades shall be 100% high-quality materials. High-quality materials include brick, native stone, stucco, exterior insulated finished systems, (EIFS), cementitious siding (e.g., Hardie Board), and tinted/textured concrete masonry units.
- E. All mini-storages shall be screened from street rights of way and adjoining properties with a wall not less than eight feet in height. The wall shall be:
 - 1. A decorative, opaque wall constructed of stone, brick, tinted/textured concrete masonry units, exterior insulated finished systems (EIFS), or other materials as approved. Main entry gates may utilize non-opaque materials such as wrought iron, steel tubing or similar materials.
 - 2. The wall shall be integrated with the overall architectural design of the development.
 - 3. Wood privacy and vinyl covered chain-link fences are prohibited. Razor wire and barbed wire shall only be permitted when not visible from a street right-of-way and adjacent property.
- F. In lieu of utilizing 51% high-quality materials and wall projections or recesses, a wall as described in Section 27-707-4(E) may be constructed.
- G. Buildings shall be designed and located so that overhead doors within such facilities are not visible from a street right of way. When a non-opaque gate is utilized, overhead doors may be visible through the gate.
- H. All mechanical equipment, heating/cooling systems, trash receptacles and utility boxes shall be completely screened from adjoining properties and street right of way.
 - 1) For ground-mounted equipment, the screening shall consist of a wall, fence, or approved landscaping or the equipment must be enclosed with a building.

- 2) For roof-mounted equipment, the screening shall be architecturally incorporated into the roof design and shall consist of materials that are visually compatible with the supporting building.
- I. Vehicle storage yards shall be restricted to the rear of the site.

27-707-5 Additional Requirements for Mini-Storage Warehouse (Climatized)

In addition to the above standards, the following standards shall apply to mini-storage warehouse (climatized):

- A. All exterior building façades shall be constructed with 51% high-quality materials.
- B. High quality materials include brick, native stone, stucco, exterior insulated finished systems, (EIFS), cementitious siding (e.g., Hardie Board, and tinted/textured concrete masonry units) or other approved materials.
- C. A decorative masonry wall described in 27-707-4(E) is not required.
- D. Loading areas shall not be visible from a street right of way.
- E. Interior storage units shall not be visible through a building storefront or windows from a street right-of-way.
- F. Building facades that face a street right of way shall avoid solid walls through the use of windows.

27-707-6 Application Requirements

- A. Submittal of a Development Plan Application as defined in Section 27-331 is required for all mini-storage warehouse developments allowed in the zoning districts described in 27-707-2.
- B. All mini-storage warehouse developments shall require review by the Planning Commission and approval of the Board of Directors prior to the issuance of a building permit.
 1. **Planning Commission Action.** Following the public hearing, the Planning Commission may recommend approval, approval as amended, or denial of the proposed amendment.
 - a. The Planning Commission's recommendation shall be certified to the Board of Directors.

- b. The Board of Directors shall consider the Planning Commission's recommendation at the second regularly scheduled meeting following action by the Planning Commission.
- c. If the Planning Commission fails to make a recommendation on the application, it shall be deemed to have made a recommendation of denial.

At that point the application shall be forwarded to the Board of Directors with no recommendation having been made.

- 2. **Action by the Board of Directors.** When the Planning Commission certifies a recommendation to the Board of Directors, the Board shall take any action consistent with its authority, including:

- a. Approving the application
- b. Approving the application plan as amended;
- c. Denying the application;
- d. Returning the application to the Planning Commission with specific questions or issues; or
- e. Continue the application to a date certain.

27-707-7

Any standard not specifically covered by this section shall be subject to the general requirements of the Unified Development Ordinance.

Definitions

Sec 27-200 General Definitions

Vending

shall mean a service for the maintaining and supplying of automatic merchandising units, also referred to vending machines. ~~for candy and other small foodstuffs, novelties, pamphlets and cigarettes but not including beverages.~~