

ORDINANCE NO. 23-23**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 February 14, 2023, that changes be made; and,

WHEREAS, three (3) copies of March 2023 Amendments to the Unified Development Ordinance (Land Use for Tire Sales) 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 March 2023 Amendments to the Unified Development Ordinance (Land Use for Tire Sales) includes amendments to the land use chart regarding proper zoning districts for tire sales;

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

SECTION 1: The March 2023 Amendments to the Unified Development Ordinance (Land Use for Tire Sales) are hereby adopted.

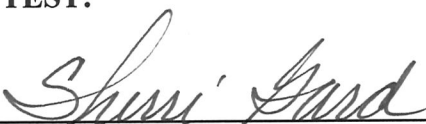
SECTION 2: The codifier shall codify the adopted amendments by amending existing sections and by adding new sections of the UDO.

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 7th DAY OF March, 2023.

ATTEST:



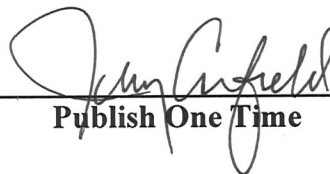
City Clerk

APPROVED:



Mayor

Approved as to form:



Publish One Time

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

Tire Sales (indoor)

Shall mean a facility used for the display and sales of used or new tires. All sales service, storage and display areas shall be indoors. Service and storage areas shall be incidental and subordinate to the primary use of sales and display.

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		
DP = Development Plan review by the PC and approval by the City Board																												
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	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4				
	Auto repair or assembly (salvage parts)																											P
	Boat or marine craft dealer																				P		P	P	P			
	Car wash - full service																				P		P	P				
	Car wash self-service																	C	P	P	P	C						
	Gasoline service station																			P	P		P	P	P	P		
	Motorcycle or ATV sales & service																				P		P	P	P	P		
	Tire sales (indoors)																				P	P		P	P	P		
	Tire sales																				P		P	P	P			
	Truck stop/travel plaza																				C		C	C				
	Heavy Consumer Goods Sales or Service																											
	Agricultural equipment and supplies (sales & service)																				P	P	P	P	P			
	Appliance repair - (Large)																				P		P	P	P			
	Appliance repair (Small)																				P	P	P	P	P	P		
	Bus, truck sales and service																				P		P	P				
	Cellular phone and accessory sales																			P	P	P	P	P				
	Clothing and personal items (repair)																			P	P	P	P					
	Commercial, industrial machinery & equipment (sales & service)																					P		P	P			
	Department store, warehouse club or superstore																					P						
	Computer and software shop																	P	P	P	P	P	P	P				
	Electronics and appliances (new)																				P		P	P				
	Electronics and appliances (used)																					P		P				
	Floor, paint, wall coverings, window treatments																				P	P	P	P				
	Furniture or home furnishings (new)																				P	P	P	P				
	Furniture or home furnishings (used)																					P		P				
	Furniture repair and upholstery shop																					P		P	P			
	Greenhouse (sales)																				P	P	P	P				
	Hardware store																				P	P	P	P				
	Hardware store (neighborhood)																				P			P	P			
	Home improvement center																					P	P		P			
	Lawn and garden supplies																				C	P	P	P	P			
	Locksmith																			P	P	P	P	P	P			
	Lumber yard and building materials																							P	P			
	Mall																					P	P					
	Manufactured home and mobile home sales and service																					P		P	P	P		
	Oil and gas equipment (sales and service)																							P	P	P		
	Sand, gravel, stone, or earth sales and storage																					C		P	P	P		
	Shopping center																				P	P	P	P				
	Swimming pool sales and supply store (w/o storage yard)																					P	P	P	P			
	Truck or tractor sales and service facility																					P		P	P			
	Durable Consumer Goods Sales or Service																											
	Bait and tackle shop																					P	P	P	P			
	Bicycle sales and service																	C	C	P	P	P	C	P				