



Application updated January 2022

PLANNED ZONING DISTRICT APPLICATION

- I. The filing deadline will be Friday, _____, 20 ____, before 5:00 p.m. Please submit this application to the City of Fort Smith Planning Department, 623 Garrison Avenue, Room 331.
- II. There will be a study meeting of the Planning Commission, Tuesday, _____, 20 ____, at 11:30 a.m. at the Creekmore Park - 3301 South M Street (Rose Room). The Planning Commission may need information that is not included on the application. Therefore, the Planning Commission urges all applicants to attend the meeting to represent their application.
- III. The Planning Commission meeting will be Tuesday, _____, 20 ____, at 5:30 p.m. at the Creekmore Park - 3301 South M Street (Rose Room) The Planning Commission may need information that is not included on the application. Therefore, the Planning Commission urges all applicants to attend the meeting to represent their application.
- IV. A processing fee of \$350.00 shall accompany this application to cover the administrative costs of advertising the public notice and notifying neighboring property owners. **This fee is Non-Refundable.**

TEN DAYS PRIOR TO THE PLANNING COMMISSION MEETING, THE PLANNING DEPARTMENT STAFF WILL POST SIGNS, LIKE THE ONE SHOWN BELOW, AT THE SUBJECT SITE. PLEASE LEAVE THE SIGN IN PLACE UNTIL REMOVED BY THE PLANNING DEPARTMENT STAFF. WE WILL REMOVE THE SIGNS THE DAY FOLLOWING THE PLANNING COMMISSION MEETING OR SOON THEREAFTER.



CHECKLIST FOR REZONING APPLICATION

Please use this checklist to verify that your application is complete.

Pre-Application Conference

Complete Application

Legal Description of Subject Property

Street Address

Existing Zoning Classification

PZD Certification

Submit Master Land Use Plan Amendment (if required)

Signature of Owner or Agent Authorized by Owner

Indicate Whether Restrictive Covenants Apply

List of Property Owners within 300 Feet

List of all Property Owners to be Rezoned

**Authorization of Agent-Owners Names & Signatures
(if using an agent)**

Vicinity Map of Subject Property

**Zoning & Land Use Maps (Staff will assist applicant in
preparing these maps)**

Processing Fee of \$350.00

Neighborhood Meeting (Pursuant to Section 27-304)



Application updated January 2022

CITY OF FORT SMITH, ARKANSAS Planned Zoning Development

FOR STAFF USE ONLY	FEE: \$350
Date Application Submitted:	Zone:
Date Accepted as Complete:	
Project Number:	
Public Hearing Date:	

Application:

Indicate one contact person for this request:

Applicant

Agent

Applicant (person making request):

Agent (engineer, surveyor, realtor, etc.):

Name: _____

Name: _____

E-mail: _____

E-mail: _____

Address: _____

Address: _____

Phone: _____

Phone: _____

Fax: _____

Fax: _____

Site Address / Location: _____

Current Zoning District: _____

Requested Zoning District: _____

Assessor's Parcel Number(s) for property: _____

Last updated: May 7, 2020

www.fortsmithar.gov/index.php/planning-zoning



Application updated January 2022

Total Acreage:

Legal Description of property: Provide legal description in a word document.

Legal Description of property:

Restrictive Covenants Apply (attach to application)

Note: Fees cover the administrative costs of advertising and notifying neighboring property owners. Fees are Non-Refundable.

Describe Proposed Zoning Request, including the development of any construction on the property:

PROPERTY OWNER(S) / AUTHORIZED AGENT: The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830. Once deemed completed, no modification may be made unless requested or agreed upon by the Planning Department. Should modification to the application be requested after advertising, it shall be at the discretion of the Planning Commission to review or continue. Re-advertising fee may apply.

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I grant the appropriate City personnel permission to enter the subject property during reasonable hours so that they may investigate and review this application.

Name and Signature	Date

PLANNED ZONING DISTRICT
CERTIFICATION STATEMENT
Application updated July 2021

The _____, applicant for the property located at _____, does hereby certify that the Project Booklet for a Planned Zoning District complies with the City of Fort Smith's Planned Zoning District Regulations as defined in Section 27-341 of the Fort Smith Unified Development Ordinance

We hereby agree to the terms and conditions with the Project Booklet, and request the City of Fort Smith to approve the zoning.

Signature:

Name:

Date:



Attendance List for Neighborhood Meeting

List the names, addresses telephone numbers and email of all residents/property owners who attended the meeting.

Meeting Location

Meeting Time & Date

Meeting Purpose

<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Email</u>

L&R PROPERTIES, LLC
CT/ BOZE, PATRICK 500 N 7TH ST # 2
Fort Smith, AR 72901

MITCHELL, DONNA JEAN
418 N 6TH ST
FT SMITH, AR 72901

OBERSTE, WILLIAM L & JENNIFER M
716 N 6TH ST
FORT SMITH, AR 72901

DIXON RENTALS NO. 1, LLC
7203 KENSINGTON CT
FORT SMITH, AR 72903

GANN, HOMER M & BARBARA A
708 N 7TH ST
FORT SMITH, AR 72901

FORT SMITH HERITAGE FOUNDATION
514 N 6TH ST
FORT SMITH, AR 72901-2006

CULPEPPER, CLIFTON
404 N 7TH ST
Fort Smith, AR 72901

KURSH, VELMA
1912 N L ST
FORT SMITH, AR 72901

L & R PROPERTIES, LLC (BOZE,
PATRICK)
500 N 7TH ST #2
Fort Smith, AR 72901

VALENTINI, JOSEPH & BILLIE
4800 S W ST
FT SMITH, AR 72903

THOMPSON, DWAYNE
606 N 8TH ST
FT SMITH, AR 72901

TIDWELL, JULIA ET AL
1306 MAY AVE
FT SMITH, AR 72901

TRAN LIVING TRUST
1804 FIANNA WAY
FORT SMITH, AR 72908

HANSEN, LINDA F
514 N 7TH ST
FT SMITH, AR 72901

MORROW, CECIL & WIFE
1306 MAY AVE
FT SMITH, AR 72901

BROWN, MICHAEL J
16211 S E 23RD ST
Choctaw, OK 73020

KURSH, VELMA
1912 N L ST
FORT SMITH, AR 72901

QUINN CHAPEL AFRICAN METHODIST
EPIS
4200 YOUNG ST
Fort Smith, AR 72904

BELLE GROVE FUTURE SCHOOL, LLC
4611 ROGERS AVE STE 201
Fort Smith, AR 72903

SAMUELSON, SHIRLEY ANN & RONALD
RYAN
602 N 8TH ST
FORT SMITH, AR 72901

DANIELSON, ERIK P
P O BOX 1150
BOONEVILLE, AR 72927

GRISSOM, PAULA
504 N 8TH ST
FORT SMITH, AR 72901-2206

OBERSTE, WILLIAM L & JENNIFER
MARIE
716 N 6TH ST
FORT SMITH, AR 72901

ROBINSON, DARRELL W & DEBORAH
GAY
P. O. BOX 11523
FT SMITH, AR 72917-1523

L & R PROPERTIES, LLC
723 N 6TH ST
FORT SMITH, AR 72901

BEASLEY, CHARLES CAMERON
518 N 7TH ST
FORT SMITH, AR 72901

BLANZY, JAMES P
722 N 6TH ST
Fort Smith, AR 72901

BRADLEY, SAM B & MITZI 1/2 %
BRADLEY FAMILY TRUST)
& LINIMON, STUART LANCE 1/2%
INTERE 2509 S 87TH ST
Fort Smith, AR 72903

WILLIAMS, JESS RAY SR
4209 MUSSETT RD
Fort Smith, AR 72904

AFRICAN METHODIST EPISCOPAL
CHURCH, INC
4200 YOUNG ST
Fort Smith, AR 72904



LIST OF ALL PROPERTY OWNERS WITHIN 300 FEET

This information shall be obtained at the County Assessor's Office.

The Planning Department is required to give notice (in writing) of this application to all property owners within a 300 foot radius of the subject property. List the name and address of the owner of every piece of property within 300 feet of any part of the property. This information may be obtained at the County Assessor's Office located in the Sebastian County Courthouse, Room 107, for a small fee. Please call the Tax Assessor's Office at 479-783-8948 to setup an appointment. (The Planning Department will mail the notices for you.) Include map and property owners list from the County Tax Assessor's Office as an attachment to the application packet.

LIST OF OWNERS OF ALL PROPERTY TO BE REZONED

List the names and addresses of all owners of property included within the area requested by this petition to be rezoned.

NAME

ADDRESS

27-341-2 Submission *requirements*. The director shall prepare an application form which specifies the information to be submitted in support of a planned zoning district. This shall include at a minimum:

1. Pre-application conference is required pursuant to section 27-302.
2. Application fee.
3. A project booklet, submitted graphically and in narrative form, addressing as many items as applicable. In no instance shall the design requirements and development standards be less than those found in articles 27-200, 27-500, 27-600, and 27-700.
 - a. Provide reason for requesting the zoning change and response to how the proposal fulfills the intent/purpose of the planned zoning district.
 - b. Provide current ownership information (landowner/applicant and representative of applicable) and any proposed or pending property sales.
 - c. Provide comprehensive description of the scope, nature, and intent of the proposal.
 - d. Address the following nine (9) project concept items:
 - i. Street and lot layout.
 - ii. Site plan showing proposed improvements.
 - iii. Buffer areas, screening, and landscaping.
 - iv. Storm water detention areas and drainage.
 - v. Undisturbed natural areas.
 - vi. Existing and proposed utility connections and extensions.
 - vii. Development and architectural design standards.
 - viii. Building elevations.
 - ix. Proposed signage (type and size).
 - e. Provide proposed development phasing and timeframe.
 - f. Identify land use designations.
 - g. Identify area and bulk regulations.
 - h. Provide a chart comparing the proposed planned zoning district to the current zoning district requirements (land uses, setbacks, density, height, intensity, bulk and area regulations, etc).
 - i. Provide a chart comparing the proposed land uses and the zoning district where such land uses are permitted.
 - j. Provide a chart articulating how the project exceeds the UDO requirements (e.g., increased landscaping, increased high quality materials on the facade, etc.).
 - k. Provide a statement of how the development will relate to existing and surrounding properties in terms of land use, traffic, appearance, height, and signage.
 - i. Provide or attach a traffic study when required by the engineering department (consult with staff prior to submittal).
 - m. Provide a statement of availability of water and sewer (state size of lines).



AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

We the undersigned, being owners of real property, and requesting a PZD by application do hereby authorize _____ to act as our agent in the (Print Name of Agent) matter.

(Type or clearly print)

NAMES OF ALL OWNERS.

SIGNATURE OF ALL OWNERS.

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.

This form is necessary only when the person representing this request does not own all the property.

LETTER REGARDING RESTRICTIVE COVENANTS

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property: Provide legal description in a word document.

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land, except as follows:

None; or

Attach copy of Covenants in the application packet

NOTE: Applications can be submitted Online with Internet Explorer. If another browser is being used, the user will have to follow the instructions for electronic submission via email.

INSTRUCTIONS: To SUBMIT ELECTRONICALLY, please right click on download link and click save-as. Once the application has been downloaded to your device it can be filled out and submitted electronically.



27-302 Pre-Application Conference

27-302-1 When Required

A pre-application conference with the Planning and Zoning Department is required for certain development applications, as identified in Table 27-301.1 (Application Procedures) and indicated by the individual application type sections below. The purpose of the meeting is to:

- A. Review the requirements of the Unified Development Ordinance;
- B. Review the requirements of the Fort Smith Comprehensive Plan;
- C. Discuss the nature and design of the proposed development; and
- D. Discuss the development application review and approval process.

27-302-2 Timing

The pre-application conference shall be held at least ten (10) days before the submission date unless otherwise specified by the Director. Applications must be submitted within six months of the conference date or a new conference shall be required.

27-302-3 Additional Parties

As necessary, the Planning and Zoning Department may include representatives of other departments or agencies at the pre-application conference.

27-303 Application Requirements

27-303-1 Materials

Current development application with submittal requirement instructions is available from the Planning and Zoning Department. Most applications are also available on the City website. All materials submitted in support of a development application become part of the public record and are generally not returned to the applicant(s).

27-303-2 Technical Studies

The Director may require applicants to prepare additional technical studies in support of their applications for rezoning, planned rezoning or special use permits. The cost of the study shall be the applicant's responsibility. If the applicant disagrees with the Director's decision to provide additional technical studies, it may be appealed to the Planning Commission for a final decision. No further action shall be taken to process the development application until the Planning Commission makes a final determination on the appeal.

27-303-3 Deadlines

The Planning and Zoning Department has a list of submission and revision deadlines for the various development applications available at their office. This list is also available on-line at the City's website. Failure to submit a complete

or revised application on or before the deadline shall result in the City not placing the application on the scheduled Planning Commission agenda.

27-303-4 Completeness

Within three (3) business days of submittal by the applicant, a member of the Planning Staff shall review the development application to ensure that it is complete.

- A. When Complete.** An application is complete when all of the items required by the UDO and on the application form are prepared and/or answered, and any required supplemental or additional applications are submitted with the appropriate fees to the Planning and Zoning Department.
- B. Return of Incomplete Applications.** Incomplete applications shall be returned to the applicant with a written description of the missing information, defects, or other problems. The Director shall take no further action on incomplete applications. Appeals of this determination are made to the Planning Commission, which is the final decision-making body. No further action shall be taken to process the application until after the Planning Commission's determination. Applications that have been returned to an applicant for revisions shall not be processed until such revisions have been determined to be complete by the Director.
- C. Processing Complete Applications.** The applicant will be notified that the application is complete and processed in accordance with this Chapter.
- D. Failure to Act.** If the Director fails to act within three (3) business days, the application shall be deemed complete.
- E. Revisions Following Determination.** Following a determination of completeness, any further revisions to the application by the applicant without the approval of the Director, or modifications which are contrary to the directions of the Planning Commission or Board of Directors shall void the determination of completeness and trigger a new three (3) day review period. All processing of the application shall stop until a new, complete application has been filed.
- F. Determination Not Substantive.** A determination of completeness shall not constitute a determination of compliance with the substantive provisions of the UDO.

28-303-5 Fee Schedule

Application fees shall be set in an amount to recover the costs of processing, publicizing, and reviewing development applications. The Board of Directors shall set the fee schedule, which shall be included as an appendix to this Code. The Board may periodically review and modify the fee schedule based on the costs changes associated with the development application.

27-304 Neighborhood Meeting

27-304-1 When Required

A neighborhood meeting is required for certain development applications, as identified in Table 27-301.1 (Application Procedures) and indicated in the individual application type sections below. When not required, applicants are

Last updated: May 7, 2020

www.fortsmithar.gov/index.php/planning-zoning



encouraged by the Board of Directors, Planning Commission and Planning Staff to meet with property owners who may be affected by the proposed development.

The Director may waive the requirement for a neighborhood meeting for rezoning, master land use plan amendments, and conditional use applications based on the following criteria:

1. The project will have minimal impact on surrounding properties.
2. The project will have minimal impact on the neighborhood.

When a neighborhood meeting is waived by the Director, the applicant shall mail letters to property owners within 300 feet of the project site in lieu of a neighborhood meeting. At a minimum, the letter shall include the project description, a drawing or map of the project, and contact information. A copy of the letter shall be submitted to the planning department and a written summary of any responses from property owners.

The requirement for the neighborhood meeting will not be waived for a non-residential or multifamily project that is proposed next to single family zoned or developed property

27-304-2 Neighborhood Identification

Generally, the neighborhood shall include all parcels located within 300 feet of the boundaries of the parcel proposed for development, and any homeowners association, neighborhood association or merchants association registered with the Planning and Zoning Department and located within 300 feet of the parcel.

27-304-3 Meeting Arrangements

The applicant shall be responsible for providing a meeting location and conducting the meeting at a time and place reasonable to the residents of the neighborhood. Written notice of the location and time of the meeting shall be provided by the applicant to the Planning and Zoning Department and residents of the area defined as the neighborhood at least seven (7) days prior to the meeting. The neighborhood meeting should be held at least six (6) days prior to the planning commission voting meeting.

27-304-4 Meeting Content

At the meeting, the applicant shall present a full and accurate description of the proposed development plans, describe projected impacts of development, describe plans to mitigate or off-set impacts, and facilitate a discussion of neighborhood questions and comments. The Planning Staff shall attend the meeting, but shall not be responsible for organizing the meeting or presenting information about the project.

27-304-5 Meeting Report

Following the neighborhood meeting, the applicant shall provide the Planning and Zoning Department with a mailing list of the people who attended the meeting and a written summary of the discussion and comments. All documents and materials which detail the proceedings of the neighborhood meeting shall become part of the public record for the development application and should be submitted to the Planning and Zoning Department.

Additional Information-Restrictive Covenants

What's the Purpose of Restrictive Covenants?

Restrictions give a development a more standard appearance and control some of the activities that take place within its boundaries. When enforced, covenants protect property values.

What You'll Always See in Covenants

Restrictive covenants nearly always stipulate the minimum size residence allowed, how many homes may be built on one lot, and what type of construction the homes must (or must not) be.

More Topics You'll See in Restrictive Covenants

- Set backs (how far homes must be from streets and interior lot lines).
- Easements (such as a pathway for power lines or roads).
- Fees for road maintenance or amenities.
- Rules regarding changing or voiding the covenants.
- Rules about pets and other animals (for instance: no breeding for profit, no livestock, no unchained pets).
- Regulations dealing with in-home businesses and home rentals.
- Rules that limit tree-cutting.
- Clauses that dictate what type of fencing can be used, or that forbid all types of fencing.
- Clauses to reduce clutter on lots, such as prohibiting owners from storing a vehicle that doesn't run within view of others, or parking a recreational vehicle on the property.
- Some restrictions limit the paint colors that can be used on a home's exterior or might require that all homes have a certain type of siding.
- In areas where wildfires are a problem, covenants might require you to use only fire retardant building materials.