

**ORDINANCE NO. 36-24****AN ORDINANCE AMENDING THE 2019 UNIFIED DEVELOPMENT  
ORDINANCE OF THE CITY OF FORT SMITH**

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**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 March 12, 2024, that changes be made; and,

**WHEREAS**, three (3) copies of March 2024 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 March 2024 Amendments to the Unified Development Ordinance includes amendments to landscaping materials,

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

**SECTION 1:** The March 2024 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.

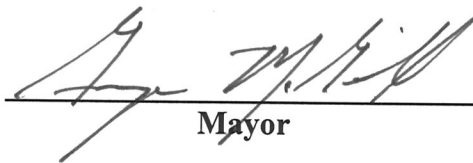
PASSED AND APPROVED THIS 2<sup>nd</sup> DAY OF April, 2024.

**ATTEST:**



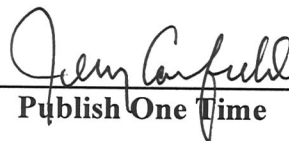
City Clerk

**APPROVED:**



Mayor

**Approved as to form:**



Publish One Time

**MARCH 2024 AMENDMENTS  
TO THE UNIFIED  
DEVELOPMENT ORDINANCES**

### C. Parking Lot Screening.

Parking lot screening shall be placed in the ten-foot landscaped area reserved for the perimeter landscaping. The parking lot screening can satisfy the perimeter landscaping requirements, when the parking lot screening is installed in compliance with one of the three (3) options below and where trees are planted at the required spacing of one (1) tree for every fifty (50) linear feet.

When required by Section 27-602-2(E), parking lots, maneuvering aisles, and internal access roads (except driveways) shall be visually screened by one (1) or a combination of two (2) or more of the following;

1. ~~A dense vegetative planting buffer incorporating approved landscaping materials of a variety that shall be equally effective in winter and summer.~~ Approved landscaping materials shall be adequately spaced to form a solid continuous visual screen. Where shrubs are used they shall be evergreen in nature ~~or approved deciduous material~~, be at least 24 inches tall at the time of planting, and be spaced closely enough together so as to create a seamless row of screening/buffering, and reach the required height within twenty-four(24) months after the initial installation.
2. A solid masonry or vinyl fence or wall that is compatible with the principal structure or development. Where a masonry or vinyl fence or wall is utilized for the parking lot screening, the perimeter landscaping required by section 27-602-3 (c) must be installed on the right-of-way side of the fence but not in the right of way. Where fences or walls are used they shall be no more than 4 feet in height, as measured from the surface of the parking lot, except for those that are constructed as part of a comprehensive security fence.
3. Earth berms shall be gently rolling in nature so as to appear natural and have a maximum slope ratio of 3:1 (horizontal run to vertical rise) and a recommended slope of 4:1. Where a berm does not reach the minimum required screening height, additional screening measures shall be installed to complement the berm. Berms and approved landscaping materials shall be adequately spaced to form a solid continuous visual screen and reach the required height within twenty-four (24) months after the initial installation.

All parking lot screening shall be a minimum of three (3) feet above the finish elevation of the parking lot. All planted materials shall reach the required height within twenty-four (24) months after the initial installation. Screening shall be installed in a manner so that it does not impair the sight lines of driveways or intersections.

**D. Height of Screening.** The height of a screening buffer, except for parking lot screening required by section 27-602-3(C), shall comply with the following:

I. **Shrub Species.**

3. Primary list. The following shrubs have been found to be best suited to this area and yet require the least amount of maintenance. This list, along with the secondary list, are those shrubs which may be planted in the required landscaping area. Additional selective shrubs may be substituted when proven to be hearty to this region. Minimum plant size for either list is 3 gallons:

<b>Primary List</b>		
<b><u>Common Name</u></b>	<b><u>Scientific Name</u></b>	<b><u>Type</u></b>
Abelia	<i>Kaleidoscope</i>	<u>evergreen</u>
American beautyberry	<i>Callicarpa americana</i>	<u>deciduous</u>
American Elderberry	<i>Sambucus canadensis</i>	<u>deciduous</u>
Arrowwood	<i>Viburnum dentatum</i>	<u>deciduous</u>
<u>Boxwood</u>	<u><i>Buxus spp.</i></u>	<u>evergreen</u>
Buttonbush	<i>Cephalanthus occidentalis</i>	<u>deciduous</u>
Chinese Fringeflower	<i>Zhizou loropetalum</i>	<u>evergreen</u>
Dwarf Yaupon Holly	<i>Ilex vomitoria "Nana"</i>	<u>evergreen</u>
Evergreen Hollies	<i>Ilex species</i>	<u>evergreen</u>
Glossy Abelia	<i>Abelia grandiflora</i>	<u>evergreen</u>
Golden Current	<i>Ribes aureum</i>	<u>deciduous</u>
Japanese Camellia	<i>Camellia japonica</i>	<u>evergreen</u>
Nandina	<i>Nandina domestica</i>	<u>evergreen</u>
Ninebark	<i>Physocarpus opulifolius</i>	<u>deciduous</u>
Red chokeberry	<i>Aronia arbutifolia</i>	<u>deciduous</u>
Smooth Witherod	<i>Viburnum nudum</i>	<u>deciduous</u>
Spicebush	<i>Lindera benzoin</i>	<u>deciduous</u>
St. John's Wort	<i>Hypericum prolificum</i>	<u>deciduous</u>
Virginia Sweetspire	<i>Itea virginica</i>	<u>evergreen</u>
Wild Hydrangea	<i>Hydrangea arborescens</i>	<u>deciduous</u>
<u>Wintergreen Barberry</u>	<u><i>Berberis julinae</i></u>	
White Catawba rhododendron	<i>Rhododendron catawbiense</i>	<u>evergreen</u>

<b>Drought Tolerant Shrubs</b>			
<b><u>Common Name</u></b>	<b><u>Scientific Name</u></b>	<b><u>Native</u></b>	<b><u>Type</u></b>
glossy abelia	<i>Abelia x grandiflora</i>	no	<u>Evergreen</u>
barberry	<i>Berberis</i> spp.	no	<u>Species Dependent</u>
butterfly bush	<i>Buddleia davidii</i>	no	<u>Species Dependent</u>
boxwood	<i>Buxus</i> spp.	no	<u>Evergreen</u>
beautyberry	<i>Callicarpa</i> spp.	yes	<u>Deciduous</u>
French hybrid ceanothus	<i>Ceanothus x delilianus</i>	yes	<u>Deciduous</u>
flowering quince	<i>Chaenomeles speciosa</i>	no	<u>Deciduous</u>
smoketree	<i>Cotinus coggygia</i>	no	<u>Deciduous</u>
yew	<i>Taxus</i> spp.	no	<u>Evergreen</u>
fuzzy deutzia	<i>Deutzia</i> spp.	no	<u>Deciduous</u>
Euonymus	<i>Euonymus</i> spp.	no	<u>Species Dependent</u>
forsythia	<i>Forsythia</i> spp.	no	<u>Deciduous</u>
fothergilla	<i>Fothergilla gardenii</i>	yes	<u>Deciduous</u>
witch hazel	<i>Hamamelis virginiana</i>	yes	<u>Deciduous</u>
oakleaf hydrangea	<i>Hydrangea quercifolia</i>	yes	<u>Deciduous</u>
American holly	<i>Ilex attenuata</i>	yes	<u>Evergreen</u>
Nellie Stevens holly	<i>Ilex 'Nellie R. Stevens'</i>	no	<u>Evergreen</u>
Burford holly	<i>Ilex cornuta</i>	no	<u>Evergreen</u>
possumhaw holly	<i>Ilex decidua</i>	yes	<u>Deciduous</u>
inkberry holly	<i>Ilex glabra</i>	yes	<u>Evergreen</u>
yaupon holly	<i>Ilex vomitoria</i>	yes	<u>Evergreen</u>
Virginia sweetspire	<i>Itea virginica</i>	yes	<u>Deciduous</u>
juniper	<i>Juniper</i> spp.	some are	<u>Evergreen</u>
crapemyrtle	<i>Lagerstroemia indica</i>	no	<u>Deciduous</u>
loropetalum	<i>Loropetalum chinensis</i>	no	<u>Evergreen</u>
Oregon grape holly	<i>Mahonia aquifolium</i>	yes	<u>Evergreen</u>
leatherleaf mahonia	<i>Mahonia bealei</i>	no	<u>Evergreen</u>
southern waxmyrtle	<i>Myrica cerifera</i>	yes	<u>Evergreen</u>
northern bayberry	<i>Myrica pennsylvanica</i>	yes	<u>Evergreen</u>
nandina	<i>Nandina domestica</i>	no	<u>Evergreen</u>
Russian sage	<i>Perovskia atriplicifolia</i>	no	<u>Deciduous</u>
mock-orange	<i>Philadelphus</i> spp.	yes	<u>Deciduous</u>
ninebark	<i>Physocarpus opulifolius</i>	yes	<u>Deciduous</u>
scarlet firethorne	<i>Pyracantha coccinea</i>	no	<u>Evergreen</u>
alder buckthorn	<i>Rhamnus fragula</i>	no	<u>Evergreen</u>
Chinese sumac	<i>Rhus chinensis</i>	no	<u>Deciduous</u>
staghorn sumac	<i>Rhus typhina</i>	yes	<u>Deciduous</u>
rosemary	<i>Rosmarinus officinalis</i>	no	<u>Evergreen</u>
spirea	<i>Spirea</i> spp.	some are	<u>Deciduous</u>
tamarisk	<i>Tamarix</i> spp.	no	<u>Deciduous</u>
cranberry viburnum	<i>Viburnum opulus</i>	yes	<u>Deciduous</u>
snowball viburnum	<i>Viburnum plicatum</i>	no	<u>Deciduous</u>
blackhaw	<i>Viburnum prunifolium</i>	yes	<u>Deciduous</u>
southern blackhaw	<i>Viburnum rufidulum</i>	yes	<u>Deciduous</u>
Adam's needle yucca	<i>Yucca filamentosa</i>	yes	<u>Evergreen</u>