

ORDINANCE NO. 50-14**AN ORDINANCE AMENDING THE 2009 UNIFIED DEVELOPMENT  
ORDINANCE OF THE CITY OF FORT SMITH**

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**WHEREAS**, the Board of Directors passed and approved Ordinance No. 36-09 which adopted the Unified Development Ordinance on May 19, 2009; and,

**WHEREAS**, it is necessary to amend certain sections of the Unified Development Ordinance to provide clarity and remove conflicts with other provisions of the municipal code; and,

**WHEREAS**, the Planning Commission held a public hearing regarding these amendments and recommended on August 12, 2014, that said changes be made; and,

**WHEREAS**, three (3) copies of September 2014 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,

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

**SECTION 1:** The September 2014 Amendments to the Unified Development Ordinance is hereby adopted.

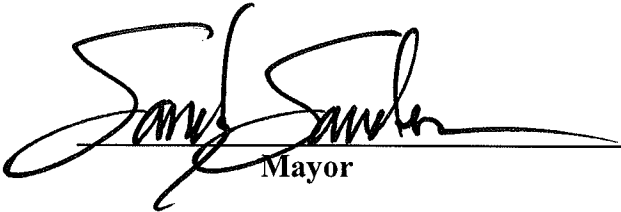
**SECTION 2:** The codifier shall codify the new sections and amend the existing sections of the Unified Development Ordinance.

**SECTION 3:** It is hereby found and determined that the adoption of these amendments to the Unified Development Ordinance is 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 amendment is hereby made effective, as of the date of approval of this Ordinance.

PASSED AND APPROVED THIS 2<sup>nd</sup> DAY OF September, 2014.

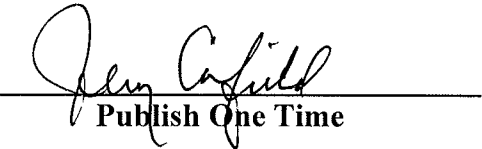
APPROVED:

  
Mayor

ATTEST:

  
City Clerk

Approved as to form:

  
Publish One Time

**SEPTEMBER 2014**

**AMENDMENTS TO THE UNIFIED DEVELOPMENT  
ORDINANCE**

1. Vehicle servicing and equipment assembly as part of a sales operation shall be conducted within an enclosed building unless adequate visual screening from the public and adjoining properties
2. All areas unoccupied by buildings, parking lots or used as traffic ways shall be maintained in a safe and orderly condition.
3. No display of merchandise shall be permitted on public sidewalks or rights-of-way.
4. Special sales merchandise may be temporarily displayed outdoor, but not to exceed a period for more than 14 days or no more than two occasions per year (total of 28 days per year) provided:
  - a. The display shall be limited to the private walk in front of the store.
  - b. No required parking area shall be used as a display or sales area.
5. There shall be no open display in the first twenty (20) feet of the required front yard setback.

<b>27-427 COMMERCIAL DOWNTOWN (C-6)</b>
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- A. Purpose** To provide for the orderly development of the original downtown area of Fort Smith and the areas immediately adjacent to it. The Commercial Downtown (C-6) Zoning District establishes guidelines and controls that allow for retail and residential development which is compatible with existing and expanding governmental, financial, professional, cultural, historic, and entertainment facilities. Commercial, governmental, and professional uses that serve the metropolitan area are allowed in this zone.
- B. Land Uses.** Permitted, Conditional and Accessory land uses in the C-6 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**

Max. Lot Size/Max. Bldg (s.f.)	Min. Lot Width	Max Lot Coverage	Minimum Street Frontage	Max Height
n/a	n/a	100%	n/a	n/a
<b>Setbacks (feet)</b>				
<b>Front Setback</b>	<b>Side Setback</b>	<b>Street Side</b>	<b>Rear Setback</b>	

6B

n/a                      n/a                      **Setback**  
n/a                      n/a                      n/a                      n/a

1. Multifamily density: n/a
2. Minimum Parcel/Lot Size for Rezoning to C-6:
  - a. There shall be no new C-6 zones created by classification.
  - b. Existing District (By Extension): 42,000 s.f. (one lot)

**D. District Standards**

1. New billboards are not permitted in the C-6 Zoning District.
2. Development in the C-6 Zoning District may also be governed by the CBID Design Guidelines, which is a separate process from the Planning and Zoning Department's approval.
3. No minimum parking is required in this zone. If off-street parking is provided, such parking shall conform to Section 27-601-12.

**INDUSTRIAL DISTRICTS**

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<b>27-430</b>	<b>INDUSTRIAL LIGHT (I-1)</b>
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**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**

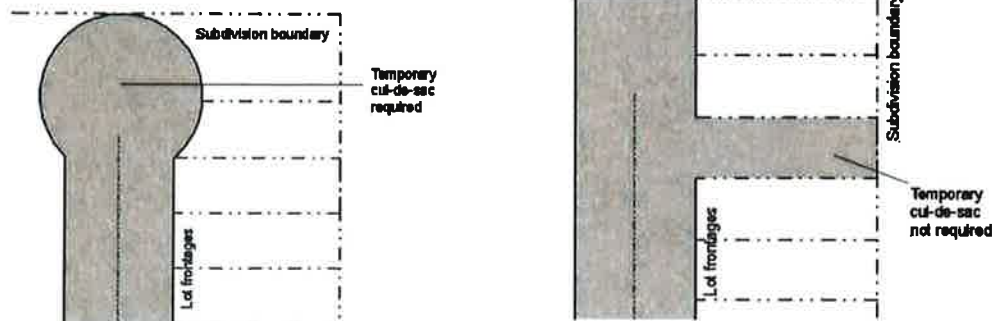
Permitted, Conditional and Accessory land uses in the Industrial Light Zoning District are identified on the Land Use Matrix, Chapter 27-400, Appendix A. Specific land uses not identified on the list are subject to classification pursuant to Section 27-336.

**C. Area and Bulk Regulations**

6C



3. Dead-end streets shall be designed according to Fort Smith Street Standards.



### 27-503-11 Landscaping

#### A. Applicability

The Residential subdivisions shall include perimeter frontage landscaping and subdivision entry landscaping as provided below. Replats of existing residential lots and residential subdivisions with no more than five (5) lots are exempt from perimeter frontage landscaping and subdivision entry landscaping. This requirement does not include residential for multifamily development.

#### B. Perimeter Frontage Landscaping

Perimeter frontage landscaping shall comply with the following:

1. Perimeter landscaping shall be located along the entire perimeter of the subdivision that fronts the right-of-way of a public street. The perimeter landscaping shall be located on the subdivision property. The landscaping shall be parallel and adjacent to the public right-of-way line.
2. The perimeter landscaping area shall have a minimum width of ten (10) feet.
3. At a minimum, the perimeter landscaping planting strip shall be planted with one (1) tree and ten (10) shrubs for every fifty (50) linear feet of right-of-way frontage.

#### C. Subdivision Entry Landscaping

1. Applicability. Proposed developments subject to this requirement shall provide subdivision entry landscaping. Subdivision entry landscaping must conform to the standards in subsection (b), below.
2. Standards

5. Parking lots should be divided into blocks of 40-50 spaces. Where blocks are not easily defined, groups of 20 spaces should be divided by a landscaped median island at least the size of one stall.
6. Accessible parking must be provided according to the City of Fort Smith requirements
7. Parking lots should include appropriately marked locations with racks for bicycle parking.
8. Dead-end parking (parking without a clear turn-around area) should be avoided and shall not be permitted on any non-infill or redevelopment projects.
9. Structured parking (e.g., parking decks or ramps) shall conform to the following:
  - a. Structured parking adjacent to a street shall provide an active front with pedestrian-oriented uses.
  - b. Structured parking shall integrate with adjacent buildings by using similar materials, alignments, and architectural finishes.

**F. Phased Development.** If a development is to be built in phases, each phase shall include an appropriate share of the proposed streets and circulation system, landscaping and outdoor spaces, screening, and other site and architectural amenities of the entire project. The extent of these improvements shall be determined for each phase of a specific project during the time of project development approval, but may not be based solely upon a proportional or equal share of the entire site. Requirements for a phased project may include off-site improvements

### **27-602-3 Landscaping and Screening**

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#### **A. Applicability.**

1. The Landscaping and Screening requirements of the Design Guidelines apply to all new multifamily, non-residential development in residential zones, transitional, commercial, and industrial development within the City of Fort Smith. In areas where the Downtown or Belle Grove design standards apply, those standards will control over these in the case of conflict.
2. The Design Guidelines apply to existing multifamily, transitional, commercial, and industrial development within the City of Fort Smith when rehabilitation (renovation, restoration, modification, addition, or retrofit) is proposed to the exterior of a structure or site will: (1) increase the gross square footage of the structure by 50% or greater and (2) shall also



include any cumulative building additions from the effective date of this ordinance that over a five year period amount to a 50% or greater increase in square footage.

3. Rehabilitation projects shall conform to the guidelines to the greatest extent possible.
4. ~~Industrial subdivisions are required to provide perimeter landscaping only.~~  
Industrial, storage and distribution buildings when constructed along major arterial or boulevard streets as classified by the master street plan, or adjacent to residential zoning districts or single family development, and/or those buildings at the perimeter of an industrial subdivision shall provide perimeter landscaping only.
5. Parking lots used solely for the display of vehicles at an approved auto and vehicle dealer are required to provide perimeter landscaping only.
6. Development or properties in compliance with these regulations shall not be renovated, remodeled, altered, or repaired so that the site will be in noncompliance with these regulations.

**B. Perimeter Landscaping** Perimeter landscaping requirements along public rights-of-way are as follows:

1. A ten-foot wide landscaped area is required and shall be located on the property parallel and adjacent to the public street right-of-way line.
2. The minimum requirement for a planting strip will be one (1) tree and ten (10) shrubs for every fifty (50) linear feet of right-of-way frontage.
3. To insure that landscape materials do not constitute a sight hazard, a clear sight visibility triangle shall be observed at all street intersections or intersections of driveways with streets. Within the designated sight visibility triangle, no landscape material exceeding twenty-four (24) inches in height shall be permitted; provided, trees may be permitted as long as only the tree trunk is visible between the ground and eight (8) feet above the ground and the tree does not otherwise present a traffic visibility hazard. The dimensions of the sight visibility triangle are as indicated in the attached diagram for driveways for street intersections.

**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

**Street Classification**

**Major Arterial/Boulevard**

**Freeway**

Grand

I-540

Rogers

I-49

Zero

Phoenix Avenue

Wheeler

North 6<sup>th</sup>

North 10<sup>th</sup> & 11<sup>th</sup>

Riverfront

Waldron (Rogers to Grand)

North 50<sup>th</sup>

South 74<sup>th</sup> (Phoenix to Dallas)

Massard Road (from Dallas South)

Rye Hill Road East (from Hwy. 71 to Massard)

Custer

Roberts Boulevard

North 23<sup>rd</sup> (Kelley Highway to Spradling Avenue)

Kelley Highway

Garrison Avenue (Dodson to Rogers)

Taylor Avenue

Highway 71

Highway 271

Towson

Highway 253

Chad Colley

Highway 45

Old Greenwood Road

6H

2. The Design Guidelines apply to existing multifamily, commercial and industrial development within the City of Fort Smith when rehabilitation (renovation, restoration, modification, addition, or retrofit) is proposed to the exterior of a structure or site will: (1) increase the gross square footage of the structure by 50% or greater and (2) shall also include any cumulative building additions from the effective date of this ordinance that over a five year period amount to a 50% or greater increase in square footage.
3. Rehabilitation projects shall conform to the guidelines to the greatest extent possible.
4. 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.

#### **C. Transitional and Commercial Building Design Standards.**

1. Any development that contains more than one building shall incorporate a recurring, unifying and identifiable theme for the entire development.
2. The predominant (fifty-one (51) percent of the gross wall area or greater) exterior building facade of all commercial buildings must be of high quality materials such as brick, wood, native stone, tinted glass, stucco, exterior insulated finished systems (EIFS), cementitious siding (e.g., Hardie Board), tinted/textured concrete masonry units, or other siding materials as approved by the Director. Smooth-faced concrete block, plain or untextured tilt-up panels and prefabricated steel panels are prohibited as the predominant facade. Applicants with commercial development adjacent to residential development may incorporate residential materials on the side of the development that faces the residential development.
3. All facades of a building that are visible from the finished grades of adjoining properties or public streets shall have design characteristics similar to the building's front facade. This shall be implemented by requiring the same treatment as discussed in **B C.2** above.
4. All mechanical equipment, heating/cooling systems, trash receptacles and utility boxes shall be completely screened from adjoining properties and street right-of-way.
  - a. For ground-mounted equipment, the screening shall consist of a wall, fence, or approved landscaping or the equipment must be enclosed within a building.

b. Signs required for public health and safety or identification may be displayed on security fencing if placed in conformity with section 27-704-5.

(5) Subdivisions, developments signs: ~~One~~ **Two** (~~1~~ **2**) signs per entrance, **Signage shall** not ~~to~~ exceed twenty-four (24) square feet in area per sign.  
 (Ord. No. 3391, as amended, § 10-10(B), 11-1-76; Ord. No. 64-99, § 2, 10-5-99)

**27-704-2 Permitted business signs in transitional zones**

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The following types of signs are permitted and the following regulations shall apply to all signs in transitional zones:

- (1) Flat, single-faced signs may be mounted directly on the facade of a structure, provided that the total sign area does not exceed five (5) percent of the building facade area (building elevation area) as measured from the adjacent street right-of-way.
- (2) Pedestal or monument type signs are permitted and shall conform to the following regulations:
  - a. Such signs, if illuminated, shall be illuminated with indirect lighting only;
  - b. The maximum size of a pedestal or monument sign for a lot or parcel fronting on any local street, identified from time to time by the City of Fort Smith Master Street Plan, shall not exceed twelve (12) square feet;
  - c. The maximum size of a pedestal or monument sign for a lot or parcel fronting on any collector street and arterial street, identified from time to time by the City of Fort Smith Master Street Plan, shall be based upon the length of lot or parcel frontage as outlined as follows:

TABLE INSET:

Frontage Length	Maximum Signage Area
0--99 ft.	18 sq. ft.
100--199 ft.	24 sq. ft.
200 ft. or greater	32 sq. ft.

d. If directional sign(s) are utilized within a development on a lot or parcel, the size of the directional signage shall be considered as part of the maximum sign area for the lot or parcel which contains the directional sign(s) and shall

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Appendix A

	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	I-4
<b>P = Permitted Use, C = Conditional Use, A = Accessory Use</b>																										
Districts																										
Boat or marine craft dealer																										
Car wash - full service																										
Car wash self-service																										
Gasoline service station																										
Motorcycle or ATV sales & service																										
Tire sales																										
Truck stop/travel plaza																										
<b>Heavy Consumer Goods Sales or Service</b>																										
Agricultural equipment and supplies (sales & service)																										
Appliance repair - (Large)																										
Appliance repair (Small)																										
Bus, truck sales and service																										
Clothing and personal items (repair)																										
Commercial, industrial machinery & equipment (sales & service)																										
Department store, warehouse club or superstore																										
Computer and software shop																										
Electronics and appliances (new)																										
Electronics and appliances (used)																										
Floor, paint, wall coverings, window treatments																										
Furniture or home furnishings (new)																										
Furniture or home furnishings (used)																										
Furniture repair and upholstery shop																										
Greenhouse (sales)																										
Hardware store																										
Hardware store (neighborhood)																										
Home improvement center																										
Lawn and garden supplies																										
Locksmith																										
Lumber yard and building materials																										
Mall or shopping center																										
Manufactured home and mobile home sales and service																										
Oil and gas equipment (sales and service)																										
Sand, gravel, stone, or earth sales and storage																										
Swimming pool sales and supply store (w/o storage yard)																										
Truck or tractor sales and service facility																										
<b>Durable Consumer Goods Sales or Service</b>																										
Bait and tackle shop																										
Bicycle sales and service																										
Bicycle sales and service (no outside storage)																										
Bookstore																										
Bridal shop																										
Cameras, photographic supplies and services																										

6K