

ORDINANCE NO. 34-15

**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 public hearings regarding these amendments and recommended on April 27, 2015, that said changes be made; and,

**WHEREAS**, three (3) copies of May 2015 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;

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

**SECTION 1:** Sections 22-36 through 22-39 and Sections 22-51 through 22-53 of the Fort Smith Municipal Code are hereby repealed. The codifier of the Municipal Code shall delete the repealed provisions and reserve the identified Code sections for future use.

**SECTION 2:** The May 2015 Amendments to the Unified Development Ordinance are hereby adopted. The codifier of the Municipal Code shall codify the adopted provisions as Sections 27-327-5 and 27-327-6 of the Municipal Code.

**SECTION 3:** Any existing temporary and mobile food business that has been in existence and which has been legally operating at the time of approval of this ordinance may continue to operate for the previously approved timeframe. The business must have a valid temporary use permit and/or a valid business license for the specific site on which it is located.

**SECTION 4:** The phrase “food, beverage, and/or” is hereby deleted from Section 27-327-3 of the Fort Smith Municipal Code, said deletion to occur at each place the phrase currently exists.

**SECTION 5:** Section 27-327-3 B, 1 and 2 are hereby amended to provide as follows:

1. The Director may grant a special temporary use Permit (retail) to utilize a trailer or other mobile structures for sale of merchandise on a seasonal basis.
2. The period of use may not exceed one hundred twenty (120) days. Seasonal shall mean and refer to merchandise which are customarily sold during a specific season of the year and not sold on general, customary basis during the remainder of the year. An example of seasonal merchandise would include “fire wood” or “Christmas trees” sold during the winter season.

**SECTION 6:** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

**SECTION 7:** 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 19 DAY OF May, 2015.

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
acting City Clerk

Approved as to form:

  
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Publish One Time