

ORDINANCE NO. 11-16

**AN ORDINANCE AMENDING THE 2009 UNIFIED DEVELOPMENT
ORDINANCE OF THE CITY OF FORT SMITH**

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 January 12, 2016, that said changes be made; and,

WHEREAS, three (3) copies of February 2016 Amendments to the Unified Development Ordinance (neighborhood meeting requirements) 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 February 2016 Amendments to the Unified Development Ordinance (neighborhood meeting requirements) is hereby adopted.

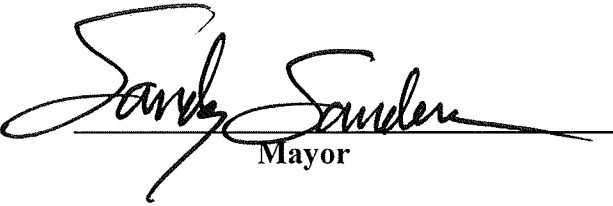
SECTION 2: The codifier shall amend the existing sections of the Unified Development Ordinance.

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.

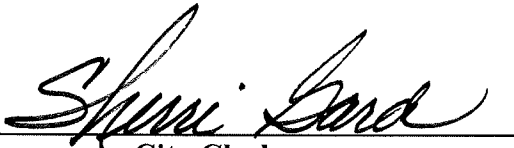
PASSED AND APPROVED THIS 2nd DAY OF February, 2016.

APPROVED:



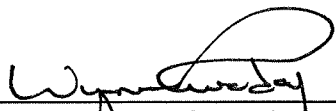
Mayor

ATTEST:



City Clerk

Approved as to form:



Publish One Time

FEBRUARY 2016
AMENDMENTS TO THE UNIFIED DEVELOPMENT
ORDINANCE (NEIGHBORHOOD MEETING
REQUIREMENTS)

I. General Requirements

27-301 General Requirements

27-301-1 Applicability.

The policies and regulations apply to land use and development. Any person proposing a land use change or new development shall comply with the procedures of this Chapter. Table 27-301.1 (Application Procedures) summarizes the application types, required meetings, acting bodies and public notices involved in the development review process between the applicants and the City. The application procedure is covered in more detail in later sections of this chapter. For procedures regarding neighborhood meeting waivers, refer to Section 27-304 and Section 27-337-5 (zoning variance).

Table 27-301.1—Application Procedures

Actions:

R = Review/Recommendation D = Decision A = Appeal • Required
 ♦ = at the discretion of the Director ■ = as described in section

Acting Bodies:

Staff = Planning and Zoning Department
 PC = Planning Commission
 BD = Board of Directors
 BZA = Board of Zoning Adjustment

Application Type	Preapp Conf.	Neighborhood Meeting	Acting Body				Notices		
			Staff	PC	BD	BZA	Pub.	Mail	Sign
Accessory Residential Use (324)			D	A					
Permits for New Construction, Major Alterations (325)			D						
Certificate of Occupancy (326)			D						
Comp. Plan/Master Land Use Map Amendment (328)	•	•	R	R	D		•	■	■
Rezoning – Planned (329)	•	•	R	R	D		•	•	•
Rezoning – Conventional (330)	•	•	R	R	D		•	•	•
Development Plan Review (331)	•	♦	D	A					
Conditional Use Permit (332)	•	•	R	D	A		•	•	•
Subdivision – Major (333)	♦		R	D	A				

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.

27-303-5 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 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) fourteen (14) 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