

5
as amended

ORDINANCE NO. 17-20

AN ORDINANCE AMENDING THE 2019 UNIFIED DEVELOPMENT ORDINANCE
OF THE CITY OF FORT SMITH

WHEREAS, the Board of Directors passed and approved Ordinance No. 87-19 which adopted the Unified Development Ordinance on October 15, 2019, and,

WHEREAS, is it necessary to amend the 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 February 11, 2020, that changes be made; and,

WHEREAS, three (3) copies of March 2020 Amendment to the Unified Development Ordinance – Old Greenwood Road Overlay 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 2020 Amendment to the Unified Development Ordinance – Old Greenwood Road Overlay includes an overlay district for a portion of Old Greenwood Road; and,

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

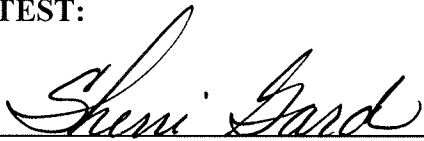
SECTION 1: The March 2020 Amendment to the Unified Development Ordinance – Old Greenwood Road Overlay is hereby adopted.

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 the amendment 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 amendment be effective, and the amendment is hereby made effective, as of date of approval of the Ordinance.

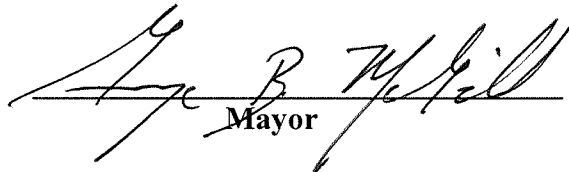
PASSED AND APPROVED THIS 3rd DAY OF March, 2020.

ATTEST:



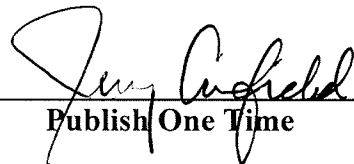
City Clerk

APPROVED:



Mayor

Approved as to form:



Publish One Time

27-44_ Overlay zone for the Old Greenwood Road Corridor.

(a) *Area of applicability.* The regulations adopted by these 2019 amendments to the Unified Development Ordinance shall apply to all real properties zoned with designations other than residential and are physically contiguous to the right-of-way lines (both sides of the street) of the hereinafter designated sections of Old Greenwood Road. The regulations shall be applicable to all portions of said tracts of real property which are located within three hundred (300) feet of the right-of-way line. The regulations apply on Old Greenwood Road between South M Street/Dodson Avenue and Phoenix Avenue.

(b) *Signage regulations.*

1. Monument sign defined. When used herein, "monument sign" shall refer to a ground mounted sign having no more than two (2) faces and being constructed of materials of the same type and in design similar to the principal structure located on the lot on which the sign is located.
2. Signage per lot. Each separately owned lot is allowed no more than one (1) monument sign; provided, any such lot having frontage on two (2) public streets, is allowed no more than two monument signs. In addition to the allowed monument sign(s), each such lot is allowed signs of a maximum total of six (6) square feet to provide traffic directions.
3. Sign size. Each monument sign shall be a maximum of six (6) feet high (inclusive of the base and the display area) and shall not be more than one (1) square foot in area per linear foot of lot frontage with a maximum area of seventy-five (75) square feet in area per sign. As to the monument sign for a retail center or business park, as defined in zoning code section 27-200, the sign area and height may be increased by an additional twenty (20) percent if only identification of the name and/or logo of the retail center or business park (and not individual tenants) is used on the monument sign.
4. Wall sign allowance. The wall sign area for the principal structure shall not exceed twenty (20) percent of the wall area. The wall sign area for each accessory structure shall not exceed five (5) percent of the wall area on which the sign is located.
5. Wall signs for the principal structure shall be limited to the name and/or logo of the business(es) operating in the structure. Directional and information signs meeting the conditions of paragraph (4) above are permitted.
6. Wall signs for each accessory structure shall be limited to building identification, directional information and the name and/or logo of the business(es) operating in the structure.
7. Advertising shall not be permitted on the principal or accessory structure, wall sign or traffic direction sign.

8. Banners are permitted as follows:
 - a. Special event banners shall be limited to 32 square feet and shall be permitted no more than twice in each calendar year for a maximum of 30 continuous days at a time.
 - b. New business banners shall be limited to 64 square feet and shall be permitted one time with a new business that has obtained a certificate of occupancy for no more than 45 continuous days.
9. Outdoor advertising (offsite) signs. Outdoor advertising (offsite) signs are prohibited in that portion of the area described in (a) above.
10. Signs prohibited. Marquees and changeable letter reader boards and portable signs are expressly prohibited. Changeable letters and/or numbers are permitted in the monument signs. Except as allowed by this section, no signs shall be installed in the area described in (a) above.
11. Other sign ordinances. All signs allowed by these regulations shall comply with further sign regulations of the zoning code and the Code of Ordinances. In the event of a conflict of these regulations and the further sign regulations of the zoning code and the Code of Ordinances, these regulations will control.
12. Variance procedures. Administrative decisions applying the provisions of this section may be appealed to the board of zoning adjustment according to the procedure provided for in section 27-337 of the Code of Ordinances.

(c) Architectural design requirements for new commercial and industrial buildings and additions to existing commercial and industrial buildings.

(1) Purposes.

- a. To protect and enhance the Old Greenwood Road Corridor.
- b. To provide good civic design and arrangement.
- c. To preserve property values of surrounding properties.

(2) Commercial building design standards.

- a. The exterior building facade of all commercial buildings must be constructed with 100% high quality materials on any façade facing the street right of way and 51% high quality materials on the side and rear facades. If the building is constructed next to property zoned or developed residential all facades shall be 100% high quality materials. High quality materials include brick, wood, native stone, tinted glass, stucco, exterior insulated finished systems (EIFS), cementitious siding (e.g., Hardie Board), or tinted/textured concrete masonry

units. Smooth-faced concrete block, plain or untextured tilt-up panels and prefabricated steel panels are prohibited as the predominant facade.

- b. Outdoor storage shall be located to the rear of the building and not exceed 1,000 s.f. or 10% of the total site (whichever is greater) and be screened from view from adjacent properties and street rights-of-ways by a solid opaque wall or fence at least six feet in height.
- c. All motor vehicle, boat, trailer, or recreational vehicle related uses, including sales, service, and storage shall be conducted in an enclosed building with the exception of the property located within 300 feet of the northwest corner of the Old Greenwood Road and Phoenix Avenue intersection. The property located within 300 feet of the northwest corner of the Old Greenwood Road and Phoenix Avenue intersection shall require site plan approval through the Planning Commission for any outdoor motor vehicle, boat, trailer, or recreational vehicle related uses.

(3) *Industrial building design standards.*

- a. The exterior building facade of all industrial buildings must be constructed with 100% high quality materials on any façade facing the street right of way and 51% high quality materials on the side and rear facades. If the building is constructed next to property zoned or developed residential all facades shall be 100% high quality materials. High quality materials include brick, wood, native stone, tinted glass, stucco, exterior insulated finished systems (EIFS), cementitious siding (e.g., Hardie Board), or tinted/textured concrete masonry units. Smooth-faced concrete block, plain or untextured tilt-up panels and prefabricated steel panels are prohibited as the predominant facade.
- b. All industrial activities shall be conducted in enclosed buildings.
- c. Outdoor storage shall be located to the rear of the building and not exceed 1,000 s.f. or 10% of the total site (whichever is greater) and be screened from view from adjacent properties and street rights-of-ways by a solid opaque wall or fence at least six feet in height.
- d. All motor vehicle, boat, trailer, or recreational vehicle related uses, including sales, service, and storage shall be conducted in an enclosed building.

(4) *Industrial Screening and Landscape Buffer Design Standards.* In addition to the landscaping and screening requirements of the Unified Development Ordinance, the following shall be applicable:

- a. A landscape buffer with a minimum width of 20 feet, along with a solid opaque wall, fence or berm at least six feet in height, shall be installed adjacent to all

properties zoned or developed residential. The buffer shall consist of two staggered rows of trees spaced no more than 30 feet on center.

- b. Fifty percent of all trees shall be evergreen with a minimum installation height of 8 feet tall and a maturity height of 40 feet.

(5) *Effects of approval.*

a. An approved design shall be binding on the applicants and their successors and assignees. No building permit shall be issued for any building or structure not in conformance with the approved design. No element of an approved design shall be eliminated, altered or provided in another manner unless an amendment is approved in accordance with this section, provided, however, that the director may approve such minor changes in the design as will not cause any of the following circumstances to occur:

1. Any change to the recurring, unifying and identifiable theme from one building to the next in a single development.
2. Any modification having an adverse impact on adjacent property.
3. Any modification that lessens the requirements for screening of the mechanical equipment.
4. Any modification that lessens the requirements for all facades of a building, visible from adjoining properties or public streets, having similar design characteristics to the building's front facade.
5. No change permitted facing residentially zoned or developed properties.

(d) Any standard not specifically covered by this section shall be subject to the general requirements of the Unified Development Ordinance.