

ORDINANCE NO. 99-20**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**, 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 October 13, 2020, that changes be made; and,

**WHEREAS**, three (3) copies of November 2020 Amendment 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 November 2020 Amendment to the Unified Development Ordinance includes amendments to add language expanding the party that can initiate an easement vacation, an amendment to exempt properties from the perimeter landscaping requirements when the new structure does not exceed 15% of the gross square footage of the existing structures; and,

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

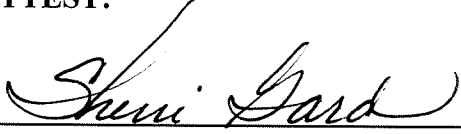
**SECTION 1:** The November 2020 Amendment to the Unified Development is hereby adopted.

**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 10<sup>th</sup> DAY OF November, 2020.

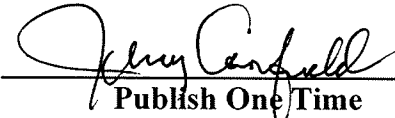
**ATTEST:**

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

**APPROVED:**

  
\_\_\_\_\_  
Mayor

**Approved as to form:**

  
\_\_\_\_\_  
Publish One Time

conditionally approved is exempt from any subsequent amendments to the zoning regulations or improvement requirements that would otherwise render that plat nonconforming if the effective period of approval is still in effect.

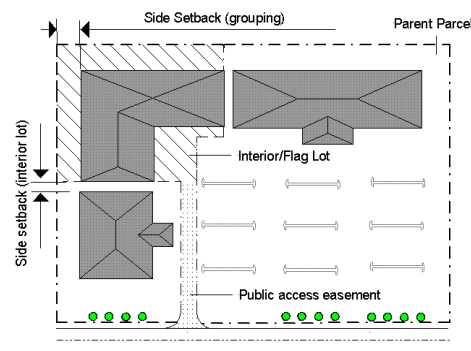
**27-334-7 Replatting of existing easements.**

The ~~Planning Commission~~ **Board of Directors, Planning Commission, property owner(s) or the owner's agent** may **initiate the process** to vacate, abandon and relocate any existing platted easements for the benefit of the City or its owned utility functions (but not public utility easements) through the subdivision platting process. Prior to exercising such authority, the Planning **Commission Department** will request the recommendation of appropriate City departments and all franchised public utilities. Any developer desiring to replat an existing easement pursuant to this section must accurately identify, by legal description, dimensions and allowed usages, and the easement to be vacated, abandoned or relocated, in the proposed plat. Any error in the identification shall negate the replatting effect on the existing easement.

**27-335 Commercial Subdivision – Limited Frontage**

**A. Purpose:** This section permits the division of land into commercial lots, without the frontage normally required in the applicable zoning district and subject to adequate internal circulation, access, and parking. This allows flexibility in the subdivision and development of commercial parcels, while insuring that adequate on site and off site infrastructure is provided. Commercial Subdivision – Limited Frontage applications shall be filed as either Major Subdivisions (27-333) or Minor Subdivisions (27-334) based upon which qualifications the subdivision design triggers.

**B.** The parent parcel may be subdivided with individual buildings or structures internal to the parent parcel and that have frontage abutting a private street, if the subdivision plat conforms to the criteria established in subsections (b) through (e) below. For purposes of this subsection, the “parent parcel” means the original lot



or parcel from which smaller lots or parcels are subdivided.

**C.** The parcels must be part of a common scheme of development,

**D.** Access must be internalized using the shared circulation system of the principal use or structures (such as a shopping center).

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, 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.
7. Landscaping and Screening requirements shall not apply to a new structure on an existing development when: (1) the new structure does not increase the gross square footage of the existing structures by 15% and (2) shall not include any new structures that cumulatively amount to a 15% or greater increase in square footage of the existing development over a five year period.

**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.