

Planning

ORDINANCE NO. 33-08

AN ORDINANCE AMENDING CHAPTER 14 OF THE FORT SMITH MUNICIPAL CODE TO PROVIDE REGULATIONS FOR THE PARKING OF RECREATIONAL AND UTILITY VEHICLES ON RESIDENTIAL STREETS AND PROPERTIES

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

There is hereby adopted and added to Chapter 14 of the Fort Smith Municipal Code the following provisions:

SECTION 1:

(a) **Recreational and utility vehicles.** For the purposes of this Section, recreational and utility vehicles are defined as travel trailers, folding tent trailers, motor homes, truck campers removed from a truck or pickup, horse trailers, boat trailers with or without boats, and utility trailers. It shall be unlawful to park or leave unattended a recreational and utility vehicle (1) on any street or right-of-way classified as residential or as a residential collector by the Fort Smith Master Street Plan or (2) in a front or exterior side yard setback area as defined in Chapter 27 of the Fort Smith Municipal Code on any property zoned residential or utilized for residential purposes. Any recreational and utility vehicle properly parked pursuant to the preceding sentence shall be maintained in a clean, well-kept state which does not detract from the appearance of the surrounding area. At no time shall a parked or stored recreational and utility vehicle be occupied or used as a dwelling unit.

(b) **Exemptions:** The following exemptions to the provisions of subsection (a) shall apply:

- (1) A recreational and utility vehicle may be temporarily parked in the identified building setbacks or in the identified street right-of-way for no more than four (4) days.
- (2) A recreational and utility vehicle may be parked under a carport or structure approved by the Board of Zoning Adjustment or that exists as a non-conforming structure as defined in Section 27-39(d) of the Fort Smith Municipal Code.
- (3) Guests may reside in a recreational and utility vehicle on the host's premises for a period not longer than two (2) weeks in any ninety (90) day period. The vehicle may be parked in the building setback areas during the two (2) weeks.

(c) **Variances.** In instances where strict enforcement of the requirements of Section 1 would cause undue hardship due to circumstances unique to the individual property under consideration, and the granting of such variance is demonstrated to be within the spirit

*Approved as to form
JH
Publish time*

and intent of the provisions of this ordinance, the Property Owners Appeals Board may grant a variance of the requirements of the Section according to the following guidelines:

- (1) Upon the showing required by (2) below, the Property Owners Appeals Board may modify the requirements of Section 1 to the extent deemed just and proper so as to relieve such hardship, provided that such relief may be granted without detriment to the public interest.
- (2) When the applicant can show the property was acquired in good faith and where by reason of the exceptional narrowness, shallowness, size or shape of a specific piece of property, or where by reason of exceptional topographic conditions or other extraordinary situation or condition of the piece of property, the strict application of the provisions of Section 1 would prohibit or unreasonably restrict the use of the property, and the Property Owners Appeals Board is satisfied that the granting of a variance would alleviate a hardship, as distinguished from a special privilege or convenience sought by the applicant, such variance may be granted; provided that all variances shall be in harmony with the intended purpose of this Section.
- (3) Any party owner aggrieved by the Property Owners Appeals Board in granting or denying a variance may appeal the decision to the court of jurisdiction within thirty (30) days of the Property Owners Appeals Board's decision.

SECTION 2: Enforcement. Any person determined to have violated the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be subject to punishment as set forth in Section 1-9 of this Code of Ordinances.

SECTION 3: The effective date of this ordinance shall be October 1, 2008.

SECTION 4: The Codifier of the ordinances of the City will codify the provisions of this Ordinance in sections determined by the Codifier within Chapter 14 of the Fort Smith Municipal Code.

PASSED AND APPROVED THIS 15th DAY OF July, 2008.

APPROVED:



MAYOR

ATTEST:


CITY CLERK