

ORDINANCE NO. 3-16

**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 December 8, 2015, that said changes be made; and,

WHEREAS, three (3) copies of January 2016 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; and,

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

SECTION 1: The January 2016 Amendments to the Unified Development Ordinance are 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.

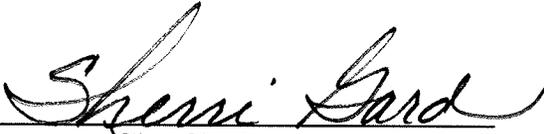
PASSED AND APPROVED THIS 5th DAY OF January, 2016.

APPROVED:



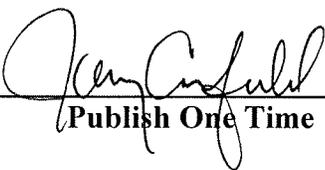
Mayor

ATTEST:



City Clerk

Approved as to form:



Publish One Time

JANUARY 2016
AMENDMENTS TO THE UNIFIED DEVELOPMENT
ORDINANCE

empowered to act on behalf of other persons.

Auto (rental and leasing)

shall mean an area or structure for storing or displaying cars, trucks, trailers, RVs and recreational goods, which are offered for rent for a fee.

Auto auction

shall mean a facility for the sale of automobiles to the highest bidder.

Auto and vehicle dealer

shall mean a facility for display, service and sales of used or new automobiles, motorcycles, recreation vehicles, and travel trailers, excluding heavy equipment.

Auto and vehicle dealer (indoors)

shall mean a climate controlled facility used for the display and sales of used or new automobiles, motorcycles, recreation vehicles, and travel trailers, but not including heavy equipment. All sales, service, storage and display areas shall be indoors. Service and storage areas shall cumulatively be incidental and subordinate to the primary use of sales and display.

Auto and vehicle impoundment or holding yard (no salvage)

shall mean a parcel of land or a building that is used for the impoundment of vehicles and storage of inoperable vehicles usually awaiting insurance adjustment or transport to a repair shop and where vehicles are kept for a period not to exceed sixty (60) days.

Auto and vehicle towing (wrecker)

shall mean the operating of a truck for the towing of inoperable motor vehicles.

Auto body and paint shop

shall mean a facility which provides collision repair services, including body frame straightening, replacement of damaged parts, or painting.

Auto detailing service

shall mean a facility for the cleaning, washing, waxing and polishing of motor vehicles including steam cleaning.

Auto glass, muffler and seatcover shop

shall mean an automotive service establishment specializing in assembly, fitting and installation of glass, seatcovers or mufflers in automobiles as a primary activity.

Auto insurance claims office

shall mean a branch office of a major auto insurance agency in which a liability adjuster assists in damage claims and adjustments to vehicles.

Auto manufacturing

see manufacturing, medium

Fort Smith Use Matrix		J	K	L	M	N	O	Districts										W	X	Y	AB	Z	AC	AD	AE	AF	
		RE3	RE1	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	
P = Permitted Use, C = Conditional Use, A = Accessory Use																											
<i>Size or density restrictions for any use may be noted in the district</i>				R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-3	
Residence or Accommodation																											
Structure	Private Household																										
	Single Family building																										
	Accessory residential dwelling unit																										
	Detached	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Duplex								P	P	P	P	P	P	P	P	P										
	Guest house	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A										
	Manufactured home																										
	Mobile home park																										
	Mobile home subdivision																										
	Row house																										
	Zero lot line dwelling unit																										
	Multifamily development																										
	Community residential facility											P	P	P	P	P	C										
	Group home, family	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P										
	Group home, neighborhood																										
	Homeless shelter																										
	Orphanage																										
	Transitional dwelling																										
	Housing for the Elderly																										
	Assisted living																										
Retirement housing																											
Hotels, Motels, or other Accommodations																											
Bed and breakfast inn																											
Dormitory, sorority, fraternity																											
Hotel/motel																											
Rooming or boarding house																											
General Sales or Services																											
Automobile Sales or Service																											
Auto & vehicle impoundment or holding yard (no salvage)																											
Auto and vehicle dealer																											
Auto and vehicle dealer (indoors)																											
Auto and vehicle towing (wrecker)																											
Auto auction																											
Auto body shop and paint (new parts)																											
Auto detailing service																											
Auto glass, muffler, and seatcover shop																											
Auto parts and accessories sales																											
Auto quick lube																											
Auto repair																											
Auto repair or assembly (salvage parts)																											