

**1. AMENDED**

**ORDINANCE NO. 78-15**

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

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**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 October 13, 2015, that said changes be made; and,

**WHEREAS**, the Board of Directors recommended amendments to the Planning Commission's recommendation at the Board meeting on November 3, 2015; and,

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

**SECTION 1:** In Section 27-201 of the Fort Smith Municipal Code, the existing definition for "microbrewery" shall be deleted and replaced with the following:

Microbrewery/microwinery/microdistillery shall mean a small business which seeks the support of informed craft beverage consumers. It is limited to a maximum gross floor area of 10,000 square feet for the manufacturing portion of the facility and to production less than 15,000 barrels of alcoholic beverages per year. It may serve alcoholic beverages for sampling on the premises and may also have wholesale and resale for sales of alcoholic beverages produced on the premises.

**SECTION 2:** Section 27-403, Appendix A of the Fort Smith Municipal Code (Land Use Matrix) is hereby amended to provide that the use "microbrewery/microwinery/microdistillery"

is allowed as a conditional use in the Commercial-5 zoning districts and as a permitted use in the Commercial-6, Industrial-1, Industrial-2 and Industrial-3 zoning districts.

**SECTION 3:** The codifier of the Fort Smith Municipal Code shall cause the amendment adopted by Section 1 to be codified by indicating a “C” under the Commercial-5 zone, and by indicating a “P” under the Commercial-6, Industrial-1, Industrial-2, and Industrial-3 zones for the use “microbrewery/microwinery/microdistillery”.

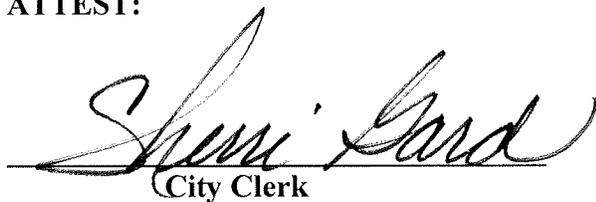
**SECTION 4:** It is hereby found and determined that the adoption of these amendments to the Unified Development Ordinance is necessary to alleviate an emergency created by the lack of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare 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 17 DAY OF November, 2015.

APPROVED:

  
Mayor

ATTEST:

  
City Clerk

Approved as to form:

  
Publish One Time

