

**ORDINANCE NO. 88-18****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**, is it necessary to amend the certain definition 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 9, 2018, that changes be made; and,

**WHEREAS**, three (3) copies of October 2018 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,

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


**SECTION 1:** The October 2018 Amendment to the Unified Development Ordinance are 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 6 DAY OF November, 2018.

**ATTEST:**

  
\_\_\_\_\_  
City Clerk, *acting*

**APPROVED:**

  
\_\_\_\_\_  
Mayor

**Approved as to form:**

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

**OCTOBER 2018**  
**AMENDMENT TO THE UNIFIED DEVELOPMENT**  
**ORDINANCE**

shall mean any existing street whose right-of-way meets the design requirements of the Master Street Plan or the minimum street standards, whichever is greater.

**Structural alterations**

shall mean any external or internal change in either the supporting members of a building such as a bearing wall, column, beam or girder or in the dimension or configuration of the roof or exterior wall.

**Structure**

shall mean a combination of material to form a construction that is safe and stable. The term structure shall be construed as if followed by the words "or part thereof."

**Studio of the arts, private,**

shall mean a working place for one engaged in artistic painting, sculpture, or other individual artistic endeavor.

**Subdivider**

shall mean any person who has an interest in the land and causes it, directly or indirectly, to be divided into a subdivision.

**Subdivision (~~incorporated: inside the city limits~~)**

shall mean the division of or the assimilation of one (1) or more parcels of land into two (2) or more parcels resulting in the need for access and utilities. "Subdivision" also includes the development of land resulting in the need for access to lots and parcels, the need to provide or extend utilities, the need to improve adjacent infrastructure due to insufficient existing capacity and the added demand resulting from proposed development.

**Subdivision (~~unincorporated: outside the city limits and within the planning area~~)**

shall mean the division of or the assimilation of one (1) or more parcels of land into two (2) or more parcels when any one (1) of the resulting contiguous parcels in the ownership is reduced to less than five (5) acres.

**Substance abuse treatment facility**

shall mean a facility for the purposes of temporary or long-term inpatient treatment of victims of alcohol or drug use or addiction.

**Substandard street**

shall mean any existing street whose right-of-way does not meet the designated requirements of the master street plan or the minimum street standards, whichever is greater.

**Substantial progress**

shall mean the obtaining of a building permit and the actual completion of at least fifty (50) percent of the repairs authorized by the permit.

**Swimming pool**

shall mean a water related recreational facility designed and intended for access by the public. Pools that are part of a country club, health club, hotels and motels or similar uses are accessory to the principal use.

**Swimming pool sales and supplies store (without storage yard)**

shall mean a facility for display and retail sales of swimming pools,