

## ORDINANCE NO. 37-19

### 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 May 14, 2019, that changes be made; and,

**WHEREAS**, three (3) copies of June 2019 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,

**WHEREAS**, the June 2019 Amendments to the Unified Development Ordinance include an overlay district for a portion of Massard Road; and,

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

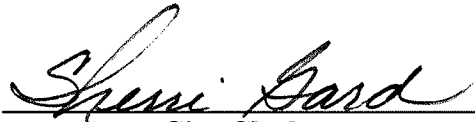
**SECTION 1:** The June 2019 Amendments to the Unified Development Ordinance, including the Massard Overlay District, are hereby adopted.

**SECTION 2:** The codifier shall codify the new sections and amend the existing sections of the Unified Development Ordinance.


**SECTION 3: Emergency Clause.** It is hereby found and determined that the adoption of the June 2019 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 protection of the health, safety and welfare of the inhabitants of the City requires that the June 2019 Amendments be effective immediately. Therefore an emergency is declared and the June 2019 Amendments are hereby made effective as of date of approval of this Ordinance.

PASSED AND APPROVED THIS 4<sup>th</sup> DAY OF June, 2019.

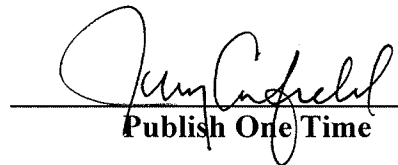
**ATTEST:**

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

**APPROVED:**

  
\_\_\_\_\_  
Mayor

**Approved as to form:**

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

Overlay zone for the Massard Street Corridor.

(a) *Area of applicability.* The regulations adopted by these 2019 amendments to the Unified Development Ordinance shall apply to all real properties zoned with designations other than residential and physically contiguous to the right-of-way lines (both sides of the street) of the hereinafter designated sections of Massard Road. The regulations shall be applicable to all portions of said tracts of real property which are located within three hundred (300) feet of the right-of-way line. The regulations apply on Massard between Zero Street/Highway 255 and Little Massard Creek north of Phoenix Avenue.

(b) *Signage regulations.*

1. Monument sign defined. When used herein, "monument sign" shall refer to a ground mounted sign having no more than two (2) faces and being constructed of materials of the same type and in design similar to the principal structure located on the lot on which the sign is located.
2. Signage per lot. Each separately owned lot is allowed no more than one (1) monument sign; provided, any such lot having frontage on two (2) public streets, is allowed no more than two monument signs. In addition to the allowed monument sign(s), each such lot is allowed signs of a maximum total of six (6) square feet to provide traffic directions.
3. Sign size. Each monument sign shall be a maximum of six (6) feet high (inclusive of the base and the display area) and shall not be more than one (1) square foot in area per linear foot of lot frontage with a maximum area of seventy-five (75) square feet in area per sign. As to the monument sign for a retail center or business park, as defined in zoning code section 27-200, the sign area and height may be increased by an additional twenty (20) percent if only identification of the name and/or logo of the retail center or business park (and not individual tenants) is used on the monument sign.
4. Wall sign allowance. The wall sign area for the principal structure shall not exceed twenty (20) percent of the wall area. The wall sign area for each accessory structure shall not exceed five (5) percent of the wall area on which the sign is located.
5. Sign content. Content of monument signs shall be such that no more than fifty (50) percent of the monument sign may be used for advertising. The remaining area of a monument sign is limited to the name and/or logo of the business(es) operating in the structure.
6. Content of wall signs for the principal structure shall be limited to the name and/or logo of the business(es) operating in the structure. Directional and information signs meeting the conditions of paragraph (4) above are permitted.

7. Content of wall signs for each accessory structure shall be limited to building identification, directional information and the name and/or logo of the business(es) operating in the structure.
8. Advertising shall not be permitted on the principal or accessory structure, wall sign or traffic direction sign.
9. Outdoor advertising (offsite) signs. Outdoor advertising (offsite) signs are prohibited in that portion of the area described in (a) above.
10. Signs prohibited. Banners, marquees and changeable letter reader boards and portable signs are expressly prohibited. Changeable letters and/or numbers are permitted in the advertising portion of monument signs. Except as allowed by this section, no signs shall be installed in the area described in (a) above.
11. Other sign ordinances. All signs allowed by these regulations shall comply with further sign regulations of the zoning code and the Code of Ordinances. In the event of a conflict of these regulations and the further sign regulations of the zoning code and the Code of Ordinances, these regulations will control.
12. Variance procedures. Administrative decisions applying the provisions of this section may be appealed to the board of zoning adjustment according to the procedure provided for in section 27-337 of the Code of Ordinances.

(c) *Architectural design requirements for new commercial buildings and additions to existing commercial buildings.*

(1) *Purposes.*

- a. To protect and enhance the Massard Corridor.
- b. To provide good civic design and arrangement.
- c. To preserve property values of surrounding properties.

(2) *Commercial building design standards.* The exterior building facade of all commercial buildings must be constructed with 100% high quality materials on any facade facing the street right of way and 51% high quality materials on the side and rear facades. If the building is constructed next to property zoned or developed residential all facades shall be 100% high quality materials. High quality materials include brick, wood, native stone, tinted glass, stucco, exterior insulated finished systems (EIFS) or tinted/textured concrete masonry units. Smooth-faced concrete block, plain or untextured tilt-up panels and prefabricated steel panels are prohibited as the predominant facade.

(3) *Effects of approval.*

- a. An approved design shall be binding on the applicants and their successors and assignees. No building permit shall be issued for any building or structure not

in conformance with the approved design. No element of an approved design shall be eliminated, altered or provided in another manner unless an amendment is approved in accordance with this section, provided, however, that the director may approve such minor changes in the design as will not cause any of the following circumstances to occur:

1. Any change to the recurring, unifying and identifiable theme from one building to the next in a single development.
2. Any modification having an adverse impact on adjacent property.
3. Any modification that lessens the requirements for screening of the mechanical equipment.
4. Any modification that lessens the requirements for all facades of a building, visible from adjoining properties or public streets, having similar design characteristics to the building's front facade.
5. No change permitted facing residentially zoned or developed properties.

(d) *Any standard not specifically covered by this section shall be subject to the general requirements of the Unified Development Ordinance.*