

ORDINANCE NO. 32-20**AN ORDINANCE AMENDING THE 2019 UNIFIED DEVELOPMENT
ORDINANCE OF THE CITY OF FORT SMITH**

WHEREAS, the Board of Directors passed and approved Ordinance No. 87-19 which adopted the Unified Development Ordinance on October 15, 2019, and,

WHEREAS, is it necessary to amend the certain sections 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 March 10, 2020, that changes be made; and,

WHEREAS, three (3) copies of April 2020 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,

WHEREAS, the April 2020 Amendment to the Unified Development Ordinance includes amendments to correct a reference within the PZD section and to include the addition of definitions for *zoning by classification* and *zoning by extension*; and,

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

SECTION 1: The April 2020 Amendment to the Unified Development is 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.

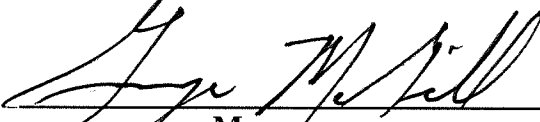
PASSED AND APPROVED THIS 7th DAY OF April, 2020.

ATTEST:



City Clerk

APPROVED:



Mayor

Approved as to form:



Publish One Time

Yard

shall mean an open space other than a court, on the lot of which a building is situated and which is not obstructed from a point twelve (12) inches above the general ground level of the graded lot to the sky, except as provided by this chapter.

Yard, front,

shall mean the required area of open space extending across the full width of the lot, the depth of which shall be the least distance between the front lot line and the nearest point of the exterior face of any building or structure.

Yard, rear,

shall mean the required area of open space extending across the full width of the lot, the depth of which shall be the least distance between the rear lot line and the nearest point of the exterior face of any building or structure.

Yard, side,

shall mean the required area of open space between any building or structure and side lot line, extending from the front yard to the rear yard, the width of which shall be the least distance between the side lot line and the nearest point of the exterior face of any building or structure.

Zero lot line dwelling unit

shall mean a detached single family unit distinguished by the location of only one side exterior wall on a side property line. A building constructed with both side exterior walls on the property lines is a row house.

Zone or zoning district

shall mean a section of the city designated in this chapter in which requirements for the use of land and buildings and development standards are prescribed.

Zone boundaries

shall mean that boundary line which separates unlike zoning districts.

Zoning by classification

shall mean a proposed zoning district that is not adjacent to a boundary line of the same zoning district that is proposed.

Zoning by extension

shall mean a proposed zoning district that is adjacent to a boundary line of the same zoning district that is proposed.

Zoo

shall mean a facility housing and displaying live animals, reptiles and birds.

27-300

Development Review and Approval Processes

I. General Requirements

- 301 General Requirements
- 302 Pre-Application Conference
- 303 Application Requirements
- 304 Neighborhood Meeting

filing of a notice of review, the request may not be withdrawn or the hearing date postponed without the approval of the Board of Directors.

4. If the Board of Directors denies the application the applicant shall not be permitted to reapply for the same or substantially same request for a period of one (1) calendar year from the date of action by the Board.

H. Action by the Board of Directors. When the Planning Commission certifies a proposed rezoning to the Board of Directors, the Board shall consider the criteria established in Section 27-~~330-6(E)~~ 341-3(E) and may take any action consistent with Sections 27-310 and 27-311, including:

1. Approve the application and preliminary plan;
2. Approve as amended the application and/or preliminary plan. The Board of Directors may impose a time limit for the development as described in the project booklet; or
3. Deny the application and preliminary plan.
4. Where there is new, material evidence presented at the Board of Directors meeting that was not available to the Planning Commission, the Board shall return the application and preliminary plan to the Planning Commission for reconsideration based on the new evidence.

I. Appeal. Appeal of the Board of Director's determination may be made to a court of record having jurisdiction.

J. Re-application. If the Board of Directors denies a proposed preliminary development plan or rezoning application certified to it with the Planning Commission's approval, the applicant shall not be permitted to re-apply for the same or substantially similar request for a period of six (6) months from the date of the action. No such rejected proposal shall be re-submitted, even after the expiration of six months for the consideration of the Board of Directors until it has been resubmitted first to the Planning Commission for consideration.

K. Determination of Re-application. The Director shall determine whether a re-filed application for rezoning meets the requirements of these provisions and whether the new application is the same or substantially similar to the previous application. The Director may consult with other departments, the Planning Commission, or the Board of Directors in making this determination. Appeals of the Director's determination decision may be made to the Planning Commission.

27-341-4 Amendments to the Planned Zoning District Plans