

ORDINANCE NO. 78-20**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 August 11, 2020, that changes be made; and,

WHEREAS, three (3) copies of September 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 September 2020 Amendment to the Unified Development Ordinance includes amendments to include *Mobile Food Court* as an authorized use in C-5, C-6, I-1, and I-2 zones by right; and,

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

SECTION 1: The September 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 1st DAY OF September, 2020.

ATTEST:

Sherril Gard
City Clerk

APPROVED:

[Signature]
Mayor

Approved as to form:

[Signature]
Publish One Time

September 2020
Unified Development Ordinance Amendment

- b. Number of Vendors.** Only one (1) mobile food vendor shall be permitted per lot. However, if a lot has multiple street frontages, vendors may operate on the lot provided there is only one mobile food vendor proposed per street frontage. Otherwise, all proposed multiple mobile food vendors on a single lot shall be considered a Mobile Food Court and shall comply with the requirements for Mobile Food Courts below.
- c. Permission required.** Outdoor mobile food vendors shall first obtain written permission from the property owner prior to submitting an application.

2. Mobile Food Courts

- a. Zoning Districts.** Mobile food courts shall be permitted as a conditional use in C-2 through ~~C-6 and I-1 and I-2 industrial zoning districts~~ C-4 and permitted by right in the C-5, C-6, I-1, and I-2 zoning districts. Outdoor mobile food courts are prohibited in residential zoning districts.
- b. Review Criteria.** A property owner, or agent, proposing a mobile food court shall submit an application ~~for~~ or a Conditional Use Permit to the Planning Department. The Planning Department or Planning Commission will review the overall compatibility of the planned semi-permanent use with the surrounding property as well as such specific items as screening, parking and landscaping to make sure that no harmful effects occur to nearby property. The property owner, or agent, proposing a mobile food court may also be required to provide any of the following improvements to the property:
 - i. Improvements necessary to provide permanent utility connections for each mobile vending unit location in the mobile food court. This may include permanent water, sanitary sewer and electricity connections.
 - ii. Improvements necessary to ensure safe pedestrian and vehicular access to the site.
 - iii. Off-street parking improvements in compliance with Section 27-601 of the Unified Development Ordinance.

- iv. A minimum of 1 ½ spaces off-street parking spaces provided for each vending unit in the mobile food court. The number of parking spaces shall be rounded to the next higher whole number when the fraction is 0.5 or higher. Mobile food courts in the C-6 zoning district are exempt from the off-street parking requirements.
- v. Provide adequate restrooms facilities on site or through the provision of a shared use agreement with a neighboring business for access to restroom facilities.

c. Permit Requirements. Individual mobile food vendors within a mobile food court shall comply with the permitting requirements in Section E – Mobile Food Vendor Permit Requirements – Private Property. The mobile food court owner/operator shall not pay an annual permit fee, but shall maintain a current business license. The owner/operator shall also provide the following information:

- i. Name, address, and contact information of the individual mobile food vendors operating in the mobile food court.
- ii. Name, address, and contact information of the mobile food court operator and/or owner.

D. Public Street Right-of-Way. Outdoor mobile food vending on public street right-of-way shall be permitted only within the Commercial Downtown (C-6) zoning district. Mobile food vendor permits shall be issued to the owner of the mobile food vendor vehicle. All permits shall expire December 31.

1. Permit requirements. Each application for a permit to conduct a mobile food vendor business on a public street right-of-way shall contain the following:

- a. A permit and processing fee of \$150.00. For Permits issued after June 30th the permit and processing fee shall be \$75.00.
- b. The name, address, contact information and signature of the mobile food vendor requesting to locate within a public street right-of-way.
- c. A scaled drawing, photo, or written documentation verifying the dimensions of the mobile food vehicle and/or trailer.
- d. A statement of how and where solid and liquid wastes will be disposed,