

FORT SMITH PROPOSED UNIFIED DEVELOPMENT ORDINANCE EXECUTIVE SUMMARY

This summary provides a general overview of the proposed Unified Development Ordinance (UDO). The development of the UDO is the result of citizen input documented in Fort Smith's Comprehensive Plan adopted by the Board of Directors in November 2002. Following the Board of Director's authorization in 2005 to begin the development of the UDO, the planning commission and planning department held over 30 meetings with stakeholders and citizens to gather their input on updating the existing land use regulations. The proposed UDO has received written support from the Greater Fort Smith Association of Home Builders and the Fort Smith Board of Realtors. On October 27, 2008, the Planning Commission made their final recommendations to the proposed document. As a result of these meetings, the proposed UDO is a comprehensive set of regulations that will protect and enhance property values, preserve and protect neighborhoods, provide appropriate land uses, and improve the quality of life and aesthetics for the citizens of Fort Smith.

The following sections will provide the purpose of the UDO chapters, major differences between the proposed UDO and existing regulations, and a description of the major features.

CHAPTER 27-100 – GENERAL PROVISIONS

Purpose

The General Provisions chapter has a two-fold purpose by stating the purpose and objectives of the UDO and providing general information regarding interpretation and administration of the regulations.

Major Differences in Proposed Regulations and Existing Regulations

- ✓ No major changes - certain sections in the existing regulations were relocated to more logical sections in the proposed UDO, e.g., information regarding Temporary Use permits and Variances.

Major Features

This chapter states the objectives of the UDO, which are to: 1) stabilize and conserve property values; 2) protect streets, schools and utilities from overloading by limiting population density; 3) provide locations for each land use which are properly related to traffic, utilities, and other land uses; 4) separate conflicting types of traffic by requiring the proper relation of land uses; 5) reduce or eliminate congestion by providing adequate off-street parking and loading spaces; 6) improve quality of life and aesthetics by providing adequate light, air, and open space.

CHAPTER 27-200 – GENERAL DEFINITIONS

Purpose

Provides definitions for terms and words used in land use planning functions and the UDO.

Major Differences in Proposed Regulations and Existing Regulations

- ✓ Provides an expanded glossary of more than 400 terms and words used in land use planning functions and the UDO as compared to 300 definitions in the existing regulations

Major Features

The expanded list of terms will be more helpful to users by providing definitions pertinent to the UDO.

CHAPTER 27-300 – DEVELOPMENT REVIEW AND APPROVAL PROCESSES

Purpose

Provides information on application types and procedures, required meetings, acting bodies and public notices involved in the development review process between the applicants and the City.

Major Differences in Proposed Regulations and Existing Regulations

- ✓ Provides easy-to-read charts identifying application requirements
- ✓ Establishes application completeness review process
- ✓ Expands days allowed for Special Temporary Use Permits (Retail)
- ✓ Establishes procedures for Planned Development District Zoning
- ✓ Requires submittal of Development Plans for all new non-residential construction of 5,000 square feet or more, or multi-family construction of 8 units or more
- ✓ Expands the number of lots from two to five that are allowed in minor or administrative subdivision plats
- ✓ Establishes regulations for vested rights

Description of Major Features

This chapter provides a comprehensive description of all application procedures and requirements. The section begins by providing an easy-to-read chart identifying the requirements for specific application types. For example, the applicant must conduct a

neighborhood meeting for several types of applications, including amendments to the Comprehensive Plan, Master Land Use Map, rezonings, conditional use permits, and variances. This requirement will provide additional opportunities for neighborhood residents to hear what is being proposed and provide input on the development.

Another key feature is the application review process, which provides an application completeness review that must be conducted by staff within three days. Applications that are determined to be incomplete will be returned to the applicant with a written explanation of the missing information, defects, or other problems.

This chapter also proposes revisions to the Special Temporary Use Permits (Retail). These types of permits allow vendors to operate trailers for the preparation and sale of food, beverages, and/or merchandise. Proposed revisions include: 1) expanding the number of days from 14 to 30 days; 2) allowing vendors to renew permits for one additional 30 day period upon review and approval by the Planning Commission; 3) lengthening the number of days from 30 days to 90 days that a vendor must wait to request a permit for the same facility on the same site or within 500 feet.

This chapter also establishes application procedures for Planned Development District rezoning. A Planned Development District rezoning provides density flexibility not available through conventional zoning procedures. Planned Development rezonings can provide the city with a tool to incent developers to build high-quality developments that protect neighborhoods, reduce traffic demands, provide open space and pedestrian connectivity, affordable yet quality housing choices, and more efficient infrastructure.

To further meet the goals of the Comprehensive Plan to protect neighborhoods and improve the aesthetics of Fort Smith, this chapter proposes that development plans are required for all new non-residential construction of 5,000 square feet or more, or multi-family construction of 8 units or more. Development Plans can be reviewed concurrently with other development applications. Currently, development plans are only required as a condition for some rezoning applications. The proposed revision to require a development plan for these types of developments will ensure that the objectives of the UDO and Comprehensive Plan are met.

A revision to the number of lots for minor and major subdivision plats are proposed in this chapter. Currently, subdivisions of no more than two lots can be processed as an administrative subdivision plat and lots of three or more are processed as a major plat that requires approval from the planning commission. This chapter outlines a revision that allows subdivision plats with up to five lots (not including commercial subdivisions) to be processed as minor (administrative) plats. Any development that generates at least 51 trips per day and any development that involves the extension of streets or utilities will require a major plat. Also, a provision has been added that will address commercial subdivisions with limited street frontage, allowing flexibility in the design and construction of commercial parcels.

This chapter also establishes regulations for vested rights and a process for persons claiming vested rights that have been disputed by the Planning and Zoning Department.

CHAPTER 27-400 – ZONING DISTRICTS

Purpose

This chapter provides specific details regarding characteristics for all zoning districts.

Major Differences in Proposed Regulations and Existing Regulations

- ✓ Reduces number of zoning districts from 42 to 22

Major Features

The reduction of zoning districts from 42 to 22 will provide increased flexibility within the districts to accommodate new residential and commercial mixed use developments that are consistent with the Comprehensive Plan and Master Land Use Plan. For example, the proposed Mixed Use (MU) zoning district will replace Transitional-1, Transitional-2, and Transitional-3 while providing appropriate locations for mixed-use developments.

CHAPTER 27-500 – SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS

Purpose

Establishes subdivision regulations for all residential, commercial, mixed, and industrial developments within the corporate city limits of Fort Smith and within the City's planning area boundary.

Major Differences in Proposed Regulations and Existing Regulations

- ✓ Requires developments within City's planning area boundary to meet some minimum infrastructure requirements
- ✓ Establishes standards for private and gated streets
- ✓ Establishes requirements for Traffic Impact Analysis and Traffic Impact Statement
- ✓ Establishes provision for planning commission to require cul-de-sac connectivity to sidewalks, parks, and open space
- ✓ Requires subdivisions to have perimeter and entryway landscaping
- ✓ Establishes regulations for shared driveways

- ✓ Requires sidewalks on both sides of arterial, collector, and commercial streets and on one side of internal residential streets

Major Features

All new developments within the city limits and all new developments within the city's planning boundary must comply with the regulations proposed in this chapter. However, some exceptions are provided for developments outside the corporate limits but in the planning area. The exceptions will apply to single-family residential developments where the minimum lot width is 125 feet, and the minimum lot size is 14,000 square feet and the subdivision density is no more than three dwelling units per acre. Based on comments from stakeholders, the planning commission agreed that certain requirements were not appropriate for subdivisions in rural settings. The exceptions to the design standards include: 1) streets shall have two-foot wide asphalt paved shoulders instead of curb and gutter; 2) Pavement width shall be 22 feet plus shoulders; 3) Driveway culverts shall be reinforced concrete pipe no less than 15" diameter; 4) roadway ditch slopes shall be no steeper than four parts horizontal to one part vertical for both the front slope and back slope; 5) roadway ditches shall be no less than 1.5 feet below the shoulder of the road and no more than 2.5 feet below the shoulder of the road; 6) grass-lined ditches and concrete lined ditches are permitted but shall be designed to meet specified velocities; 7) Rights-of-ways for streets with open ditches shall be 60 feet; 8) Open channel drainage is permitted within 100 feet of the right-of-way and perpendicular to street; 9) Diversion berms to direct and contain drainage are required; 10) No sidewalks required; and 11) Street pavement thickness must be designed in accordance with City Street Standards.

Revised standards for private streets and establishment of standards for gated streets are proposed in this chapter. Revisions to existing regulations for private streets include requiring the Homeowners or Property Owners Association to provide documents showing a forecast and schedule of street maintenance costs prepared by a licensed professional engineer and the establishment of a maintenance account. This chapter also establishes standards for gated streets, which include a master key security system that is accessible to public service providers and entrance queuing restrictions. Private streets and utilities shall comply with all the standards for public streets and utilities.

Requirements for Traffic Impact Analysis (TIA) and Traffic Impact Statements (TIS) are established in this chapter. TIA/TIS are tools to evaluate the interaction between the study of transportation infrastructure and proposed land use development projects. This chapter proposes the following requirements:

- Traffic Impact Analysis - TIA shall be required when the projected peak hour traffic is 100 trips or greater (200 trips or greater for Single Family Residential development) as determined by the latest Trip Generation Manual published by the Institute of Transportation Engineers. A TIA shall (this could be “may”) also be required for any of the following:
 1. Any requests for a variance from the access management (See Chapter 27-600) or Streets, Alleys and Easements standards in this Chapter; or
 2. All developments entry roads located completely or partially within 500 feet of the intersection of two or more boulevards, freeway frontage roads, arterials, or major collectors with an overall developable land area in excess of 5 acres; or
 3. New school construction; or
 4. Any preliminary plat meeting the above criteria if the property has already been rezoned for the proposed use and no traffic impact study has been conducted in the past two years; or
 5. Any request by the applicant to quantify offsite impacts to wetland areas pursuant

to Section 27-511.

6. A TIA shall be required for a Single Family Residential development when the projected peak hour trips are expected to be 200 trips or greater. When considering a residential development, the entire development should be considered and projected improvements can be phased in by final plat submission.

- Traffic Information Statement – A TIS is required when projected traffic is fewer than 100 peak hour trips (200 trips for a Single Family Residential development), and greater than 30 trips (60 trips for a Single Family Residential development).

Another feature of this chapter is the proposal to authorize the planning commission to require, when appropriate, a stub connecting a cul-de-sac to sidewalks, parks or open space on abutting parcels. Additionally, a requirement is proposed that a cul-de-sac stub is required where lots abut a public trail system, bike path, park, or greenway. These requirements will help achieve the Comprehensive Plan's recommended action to link neighborhoods to parks and open space.

This chapter also proposes that all subdivisions have perimeter frontage landscaping and subdivision entry landscaping. The perimeter landscaping requirement includes an area that is a minimum width of 10 feet planted with one tree and ten shrubs for every fifty linear feet of right-of-way frontage. This requirement is currently in place in the Phoenix Avenue Extension and Massard/Zero overlay districts. In addition to perimeter landscaping, all subdivisions except industrial are required to have subdivision entry landscaping that meets the perimeter landscaping requirements.

Regulations for optional shared driveways for ingress and egress between adjoining residential or non-residential lots are established in this chapter. The option of a shared driveway will improve traffic circulation and safety, reduce impermeable surfaces, and improve streetscapes by reducing multiple curb cuts.

Another important feature of this chapter is the requirement of sidewalks.

Recommended by the Comprehensive Plan, the proposed UDO requires sidewalks on both sides of all arterial, collector, and commercial streets and on one side of an internal residential street.

The Planning Commission may waive or reduce this requirement and allow an applicant to construct an internal walkway, trail or greenway system. Additionally, sidewalks are required on the subdivision side of all adjacent or perimeter streets and on both street frontages of double-frontage lots. Sidewalks would be required on only one side of subdivision entry streets unless residential lots are platted or planned to be platted on both sides of the street.

Sidewalks for streets interior to a subdivision must be completed: a) before the issuance of building permits for eighty percent (80%) of the lots on the block; or b) five (5) years after the construction plans are approved. Sidewalks along perimeter collector or arterial streets must be: a) completed before the issuance of any building permit in the proposed subdivision; or b) guaranteed pursuant to a subdivision improvement agreement between the City and the applicant. Applicants may pay a fee in lieu of sidewalk construction pursuant Section 6-30 of the Municipal Code where: a) the required sidewalks are along an existing street that has no existing sidewalk network; or b) the subdivision takes exclusive access from an existing street with no sidewalk network.

In earlier drafts of the UDO, this chapter established regulations for the dedication of land for open space and parks. The proposed regulations required land dedication from residential and commercial subdivisions with 20 or more dwelling units and commercial developments with building space of 16,000 square feet or more. During the public comment period, stakeholders expressed significant concerns that the proposed regulations would create

increased development costs. As a result of the concerns, the planning commission deferred the proposed regulations to the Parks and Recreation Commission for further review.

Following additional public meetings, the Parks and Recreation Commission voted unanimously to remove the regulations from the proposed UDO.

CHAPTER 27-600 – GENERAL DEVELOPMENT STANDARDS

Purpose

This chapter provides regulations for off-street parking and loading, building design standards, and access management.

Major Differences in Proposed Regulations and Existing Regulations

- ✓ Regulations revise the design standards for accessible parking to recognize the American National Standards Institute (ANSI) A117.1 and the City's Building Code as the design documents
- ✓ Regulations establishing that all new multi-family, commercial and industrial development within the Fort Smith city limits shall comply with architectural design guidelines and landscaping requirements
- ✓ Establishes regulations for access management

Major Features

The revision to the accessible parking design requirements will allow design professionals and building owners to comply with the national standard. The current Fort Smith design standard exceeds the national standard, which has caused confusion and excess use of available parking area.

The proposed architectural design guidelines and landscaping requirements would apply to all existing multifamily, commercial and industrial development within the City of Fort Smith when rehabilitation (renovation, restoration, modification, addition, or retrofit) is proposed to the exterior of a structure or site will: (1) increase the gross square footage of the structure by 50% or greater and (2) shall also include any cumulative building additions from the effective date of this ordinance that over a five year period amount to a 50% or greater increase in square footage. Rehabilitation projects would be required to conform to the guidelines to the greatest extent possible. Owners of rehabilitation projects that could not comply with the design guidelines would be required to provide a written explanation for each area of non-compliance.

The architectural design guidelines require that fifty-one percent of the exterior building façade of all commercial buildings be of high-quality materials such as brick, wood, native stone, tinted glass, stucco, exterior insulated finished systems (EIFS), cementitious siding, tinted/textured concrete masonry units, or other siding materials as approved by the director (planning department).

Landscaping requirements include a perimeter landscaping area that is a minimum of 10 feet wide and planted with one tree and ten shrubs for every fifty linear feet of right-of-way frontage. The requirements also require parking lots to be screened and landscaped.

The proposed architectural design guidelines and landscaping requirements are the same as those currently in place for the Phoenix Avenue Extension and Massard/Zero overlay districts. Expanding these requirements to the entire city limits will help achieve the goals of

the Comprehensive Plan to improve the aesthetics of commercial corridors and adopt design guidelines that support quality urban design.

This chapter also establishes regulations for access management pertaining to driveway locations. The proposed regulations require driveways to comply with separation and spacing standards that promote traffic safety.

CHAPTER 27-700 – GENERAL STANDARDS

Purpose

This chapter establishes regulations for large and small domestic animals, mobile home parks, commercial communication towers, and signs.

Major Differences in Proposed Regulations and Existing Regulations

No major changes in the existing regulations are proposed.

Major Features

All language in this chapter is the same as existing regulations.

APPENDIX A – LAND USE MATRIX

Purpose

The land use matrix provides users with a list of land uses and zoning districts in which they are permitted

Major Differences in Proposed Regulations and Existing Regulations

- ✓ Provides an expanded list of uses as compared to the existing land use chart.

Major Features

The expanded list of land uses will help users easily identify permitted uses.

APPENDIX B – PLANNING AND ZONING DEPARTMENT FEE SCHEDULE

Purpose

The Planning and Zoning Department Fee Schedule provides users with application fees.

Major Differences in Proposed Regulations and Existing Regulations

Existing regulations do not provide this information.

Major Features

Provides users with an easy reference to required application fees.

APPENDIX C – TRAFFIC IMPACT ANALYSIS FORMAT

Purpose

Provides required information for Traffic Impact Analysis reports.

Major Differences in Proposed Regulations and Existing Regulations

Existing regulations do not require Traffic Impact Analysis reports.

Major Features

Provides users with an easy-to-follow list of required information to include in Traffic Impact Analysis reports.