

ORDINANCE NO. 105-22**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, it is necessary to amend 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 October 11, 2022, that changes be made; and,

WHEREAS, three (3) copies of November 2022 Amendments to the Unified Development Ordinance (Parking Standards Amendment) 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 November 2022 Amendments to the Unified Development Ordinance (Parking Standards Amendment) includes amendments to parking requirements; and,

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

SECTION 1: The November 2022 Amendments to the Unified Development Ordinance (Parking Standards Amendment) are hereby adopted.

SECTION 2: The codifier shall codify the adopted amendments by amending existing sections and by adding new sections of the UDO.

SECTION 3: It is hereby found and determined that the adoption of the amendments to the Unified Development Ordinance are 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 amendments be effective, and the amendments are hereby made effective, as of date of approval of the Ordinance.

PASSED AND APPROVED THIS 1st DAY OF November, 2022.

ATTEST:

Shari Ford
City Clerk

APPROVED:

Greg M. Hill
Mayor

Approved as to form:

Jenny Cornfield
Publish One Time

**NOVEMBER 2022 AMENDMENTS TO
THE UNIFIED DEVELOPMENT
ORDINANCES**

27-601	Off-Street Parking and Loading
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27-601-1	Off-Street Parking, Loading and Vehicle Access
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- A. New construction or remodeling.** No building permit for new construction, expansion or change in occupancy shall be approved until a parking plan has been reviewed and approved by the building official as a part of the building and site plan review process. No certificate of occupancy shall be issued until all off-street parking and loading facilities have been constructed or bonded according to the building permit.
- B. Plan and information required.** As part of the application for a building permit for new construction, expansion or a change in occupancy of an existing structure the applicant shall submit a parking plan showing the number, location and size of all parking spaces. The applicant shall submit information necessary to demonstrate compliance with these regulations.
- C. Plans for paving of parking area.** Plan for paving of all off-street parking areas, aisles, and access driveways, including detailed drainage plans, shall be reviewed and approved by the Engineering Department for compliance with this division.
- D. Permits required.** All new parking lots and additions to existing parking lots shall require a building permit.

27-601-2 Parking and Loading Space Requirements

Listed below are land uses which are included in this chapter. Each land use has a specific parking and loading standard which must be met. In certain cases where a land use has no specific standard determined in advance by these regulations, the Director shall make a determination of need after review of the site plan.

TABLE 27-601-2 PARKING STANDARDS TABLE	
sf = square feet	
GFA = Gross Floor Area	
<u>MINIMUM PARKING STANDARDS</u>	
RESIDENCE OR ACCOMMODATION	
<u>Use Type</u>	<u>Parking Requirements</u>
Single-family and two-family dwellings	2 per dwelling unit
MULTIFAMILY DWELLINGS	
One-bedroom dwelling units	1 per dwelling unit
Two or more bedroom dwelling units	1 ½ per dwelling units
Mobile home parks and subdivisions	2 per dwelling unit or lot
HOTELS	
Hotel/motels or other accommodations	1 per guest room
GROUP LIVING	
Group residential	1 per 2 occupants at maximum building capacity
Assisted living/Retirement Housing	1/2 per dwelling unit

TABLE 27-601-2: PARKING STANDARDS TABLE

sf = square feet

GFA = Gross Floor Area

PARKING STANDARDS

<u>Use Type</u>	<u>Minimum Parking</u>	<u>Maximum Parking</u>
AMUSEMENT, SPORTS OR RECREATION ESTABLISHMENT		
Amusement center (indoor)	1 per 1,000 sf GFA	1 per 200 sf GFA
Amusement center (outdoor)	5 spaces per acre	1 per 200 sf GFA
AUTOMOBILE SALES OR SERVICE		
Automobile (vehicle) rentals	1 per 1,000 sf GFA	1 per 500 sf GFA
Automobile and vehicle dealer	1 per 4,000 sf of interior or exterior display area	1 per 2,000 sf of interior or exterior display area
Auto quick lube	1 per each service bay	3 per each service bay
Auto repair and service	1 per 1,000 sf GFA	1 per 500 sf GFA
Automobile storage	1 per 1,000 sf GFA	1 per 500 sf GFA
Car wash	1 per washing stall	1 per 375 sf GFA (including wash tunnels and detail areas)
Convenience store with gasoline sales	1 per 500 sf GFA – off-street loading (C)	1 per 300 sf GFA
BUSINESS AND PROFESSIONAL SERVICES		
Banks, credit union, or savings institution	1 per 400 sf GFA – off-street loading (B)	1 per 200 sf GFA
Offices (business, corporate, or professional)	1 per 600 sf GFA	1 per 300 sf GFA
EDUCATION AND RELIGIOUS INSITUIONS		
Day care, Nursery, or preschool	1 per 375 sf GFA	1.5 per 375 sf GFA
Elementary or middle schools	1 per classroom	4 per classroom
High schools	1 per classroom	10 per classroom
Colleges, universities, trade, business professional, or vocational school	1 per 1,000 sf GFA	1 per 150 sf GFA
Religious institutions	1 per 400 sf GFA	1 per 150 sf GFA
Public uses otherwise not listed	1 per 400 sf GFA	1 per 200 sf GFA
FOOD SERVICES		
Bar, night club or tavern	1 per 300 sf GFA – off-street loading (C)	1 per 150 sf GFA
Restaurant	1 per 300 sf GFA – off-street loading (A)	1 per 100 sf GFA
Food services otherwise not listed	1 per 500 sf GFA	1 per 250 sf GFA
HEALTH AND HUMAN SERVICES		
Medical clinics or diagnostic laboratory	1 per 400 sf GFA	1 per 200 sf GFA
Nursing home or hospice facility	1 per 4 beds	1 per 2 beds
Hospital	1 per 1,000 sf GFA – off-street loading (A)	1 per 200 sf GFA
Cemetery, mausoleum, crematorium, funeral home, or mortuary	1 per employee	1 per 300 sf GFA
PERSONAL SERVICES		
All personal service uses	1 per 400 sf GFA	1 per 200 sf GFA
PET AND ANIMAL SERVICES		
All pet and animal service uses	1 per 1,000 sf GFA	1 per 400 sf GFA
RETAIL SALES		
All retails sales uses	1 per 600 sf GFA – off-street loading (A)	1 per 300 sf GFA
COMMERCIAL USES NOT OTHERWISE LISTED		
Commercial uses not otherwise listed	1 per 600 sf GFA	1 per 300 sf GFA
MANUFACTURING		
All manufacturing uses	1 per employee – off-street loading (C)	1 per 1,000 GFA
WAREHOUSE		
Mini-Storage	1 per employee	1 per 1,000 sf of site area
Warehousing	1 per employee – off-street loading (C)	1 per 1,000 sf GFA
Any outdoor storage	1 per employee	1 per 1,000 sf of outdoor storage area
INDUSTRIAL USES NOT OTHERWISE LISTED		
Industrial uses not otherwise listed	1 per employee	1 per 1,000 sf GFA

A. Multifamily Developments. The minimum number of parking spaces required for multifamily developments shall comply with Table 27-601-2.

(1) *Bicycle Racks.* One (1) bicycle rack per 20 dwelling units shall be provided.

(2) *Compact Spaces.* A maximum of 20% of the total spaces may be compact spaces at a rate of (1) compact space for one (1) automobile space. Compact spaces shall be identified as "Compact Only".

(3) *Motorcycle parking space.* Up to 10% of the required automobile parking spaces may be substituted with motorcycle parking at a rate of one (1) motorcycle space for one (1) automobile space.

(4) *Reduction.* Multifamily developments may reduce the minimum number of required parking listed in Table 27-601-2 by 15% when properties are located within a radius of 1,320 feet of a transit stop.

B. Commercial Developments.

1. There shall be a minimum and maximum number of parking spaces required for commercial uses. The parking standards for commercial developments shall comply with Table 27-601-2.

2. The following standards apply to commercial development:

(a) *Motorcycle parking.* One (1) motorcycle parking space may be substituted for every 25 parking spaces.

(b) *Bicycle parking.* One (1) bicycle parking rack shall be provided per 20 automobile parking spaces.

(c) *Compact spaces.* A maximum of 20% of the total spaces may be compact spaces. Compact spaces shall be identified as "Compact Only".

C. Maximum parking calculation exceptions.

For the purpose of calculating parking requirements, the following types of parking spaces shall not count against the maximum parking requirement:

1. Accessible parking

2. Spaces with electrical vehicle charging stations, up to a maximum of two per 50 parking spaces

D. For mixed land uses, parking requirements will be tabulated separately for each land use within the development, using the list of specific standards or the tables above.

E. Queuing space. Five (5) queuing spaces shall be required per drive-up window.

27-601-3 Bicycle Parking Requirements The following standards shall apply:

- A. **Commercial Development.** Commercial developments shall provide one (1) bicycle parking rack per 20 automobile parking spaces.
- B. **Multifamily Development.** Multifamily development shall provide one (1) bicycle rack per 20 dwelling units.
- C. **Bicycle racks shall be secured to a hard surface.**

27-601-4 Loading facilities

- A. **Off-Street Loading Space Required.** Every industrial, commercial, retail, wholesale, office, and/or civic building erected or expanded shall provide space for loading unloading of vehicles as identified in Section 27-601-2. The number of off-street loading spaces required by this division shall be considered the minimum, and the developer shall evaluate the needs of the development to determine if they are greater than the minimum specified by this division.
- B. **Number Of Off-Street Loading Spaces Required.** The following table illustrates the number of required loading spaces required by land use category according to the floor area. Where a use will not require the loading space identified by this table, the applicant may request that the Planning Commission allow the loading space to be marked for additional parking. Loading space may not be eliminated from a site or incorporated into a building.

Off Street Loading Spaces Required			
Use/Gross Floor Area (sq. ft.)	Number of Spaces Required		
	10'x20'	12'x35'	12'x50'
Use Group A			
15,000 – 50,000		1	
50,001 and over		1	1
Use Group B			
10,000 – 20,000	1	1	
20,001 and over	1	2	

Use Group C			
Up to 30,000		1	
30,001 – 100,000		1	1
100,000 and over		2	1

C. Loading Facility Design Criteria

1. Off-street loading spaces shall be oriented so that vehicles, regardless of size, can maneuver entirely within property lines. Property lines and street rights-of-way adjacent to maneuvering and loading areas to be protected by a 6' fence, 18" tall welded, pipe barrier or other approved device.
2. Site/development plan shall provide basic loading design elements including:
 - a. Certified and dimensioned turning radii for size and types of vehicles utilizing docks re: dock location, circulation on the site and ingress and egress from site.
 - b. Site entrance and egress shall comply with driveway standards as per Section 27-603 (Access Management).
 - c. Description of drainage to prevent standing water in dock areas.
 - d. Area and security lighting for dock area shall comply with Sec. 27602-5 (Commercial and Outdoor Lighting).
 - e. Description, location and detail of property line, structure and rights-of-way barriers.

D. Loading Zones. Off-street loading requirements shall not be required within any Commercial Downtown zoning district. However, the Chief of Police must approve any loading or unloading activity in any Commercial Downtown zoned area.

E. Violations. Violations to this section will be subject to the enforcement procedures and penalties listed in these regulations.

27-601-5 Parking: Purpose and intent

This section is designed to provide adequate parking and maneuvering facilities for all land uses in the city. The standards and procedures of this section are intended to assure that each land use will have facilities that are functionally adequate for its purpose.

27-601-6 Off-street Parking Requirements

- A.** Permanent off-street parking in the amount specified in this section for any land use shall be provided when any new building is constructed or when any existing principal building is expanded.
- B.** In addition, permanent off-street parking shall be required when property is changed from one land use to another or when a building is changed from one (1) type of occupancy to another. Occupancy for this purpose is defined in the City's building code.
- C.** A minimum of 50% of required parking spaces to be directly accessed by a public street.

27-601-7 Use of Public Right-of-Way Prohibited

- A.** No portion of any parking space or minimum required maneuvering area may make use of any part of a public street, right-of-way, alley or other public property.
- B.** No public street, right-of-way or public property may be used to gain direct access to a parking space except that an alley can be used for maneuvering space to reach a parking space.

27-601-8 Exemption

Legally established land uses and structural uses, existing at the effective date of this ordinance, where minimum required parking is not provided, shall not be required to meet these minimum requirements until required in section 27-601-6.

27-601-9 Minimum Standards, Property Owner Responsibility

It shall be the responsibility of the property owner to certify at the time of application for a building permit that the development plan provides sufficient spaces and facilities necessary to assure that no activity will take place on public rights-of-way or property not under the owner's control.

27-601-10_ Ownership or Control

The land on which the off-street parking or loading facility is located shall be owned or controlled by the same entity which owns and controls the land on which the principal use is located, or by a joint use agreement as defined in subsections 27-611(b)(1) and (b)(2).

27-601-11 Off-street Parking Standards

- A. Remote Parking Permitted.** If the off-street parking space required by this section cannot be reasonably provided on the same lot on which the principal use is located, space may be provided elsewhere if approved by the Planning Commission, but in any case the parking must be within three hundred (300) feet of the facility it serves.
- B. Joint Parking Facilities.** The parking spaces for any number of separate land uses may be combined in a joint parking facility under the following conditions:
- a. Shared parking. Separate facilities under separate ownership and control may use a common parking lot provided a legal and binding agreement such as a Shared Parking Agreement is utilized which grants each of the separate facilities the right to use the common parking lot is filed with the circuit clerk. The agreement must grant each facility enough space in the common parking lot to meet the parking requirements of the city.
 - b. Church and school parking lots. A facility located within three hundred (300) feet of the property line of a church or school may use the parking lot of the church or school to provide up to twenty-five (25) percent of its parking so long as the operating schedules of the facility and the church or school do not conflict. This also applies vice versa as:

- i. A church or school located within three hundred (300) feet of the property line of another facility may use the parking lot of that facility for up to twenty-five (25) percent of its parking so long as the operating schedules of the church or school and the facility do not conflict.
 - ii. In either case, a document must be filed with the Director showing that the operating schedules of the facilities involved do not conflict. At such time that the schedules do conflict, the separate facilities will be required to meet the requirements of this chapter.
- c. Residential parking design. Single-family and duplex residential structures located on one (1) lot may use a paved driveway to fulfill the minimum parking requirements of this section. The space for each automobile shall be a minimum of nine (9.0) feet in width and nineteen (19.0) feet in length. The residential driveway shall conform to the driveway design requirements of Chapter 22, Article III.

27-601-12 Parking Area Construction Standards

- A. Paving.** All portions of access driveways or public rights-of-way connected to paved streets for which the grade has been established must comply with Chapter 22, Article III (Driveway Approaches and Curbs).
- B. Design.** Off-street parking areas shall be designed to provide systematic and orderly circulation, traffic separation devices, and parking spaces in accordance with this subdivision and with sound traffic engineering practices.
- C. Separation From Public Right-Of-Way.** All off-street parking and public right-of-way shall be separated by a six-inch-high concrete header curb, bumper or landscape timbers and shall be designed so that vehicles do not overhang public sidewalks, public rights-of-way or adjacent property.

D. Lighting. Lighting illumination levels for off-street parking shall not create a hazard for traffic or be a nuisance to adjoining properties. **E. Clearance.**

- a. An eight (8) foot high vertical clearance free of all obstructions is required for all portions of any off-street parking space, except when off-street parking spaces are provided in a parking structure, a residential garage or carport.
- b. No obstruction within or near the bounds of any required off-street parking space shall interfere with the normal use of the space.

27-601-13 Handicapped Parking

- A.** The number of accessible spaces allocated will follow the guidelines set out in the City's building code and ICC/ANSI A117.1.
- B.** Accessible parking spaces and accessible routes shall be designed according to the City's building code and ICC/ANSI A117.1.

27-601-14 Minimum Parking Design Standards

A. Parking area design standards.

1. Basic design standards. The basic parking space dimension shall be a width of nine (9) feet and a length of eighteen (18) feet. The following tables and diagrams establish the minimum design and dimension standards for parking areas.
2. Alternative design standards. While the tables provide design standards for angles of zero (0) degrees, forty-five (45) degrees, sixty (60) degrees, seventy-five (75) degrees and ninety (90) degrees, the building official shall be permitted to approve an alternative design using different angles, provided the property owner submits such a design with calculations for parking

spaces and aisles based upon the standards contained herein.

3. Compact parking space dimensions. 8' width – 16' length. Compact spaces shall be identified as "Compact Only".
4. Motorcycle parking space dimensions. 4' width – 9' length.

B. Queuing space. Queuing spaces required for certain land uses in this chapter shall conform to the following standards:

1. No queuing space may occupy any portion of a public right-of-way.
2. Queuing spaces shall be a minimum width of nine (9) feet and minimum length of eighteen (18) feet.
3. A passing aisle shall be provided with a minimum width of twelve (12) feet and located adjacent and parallel to the queuing spaces.
4. Queuing spaces may not be used to satisfy the off-street parking or loading requirements of this section.
5. Queuing spaces may be provided in the primary access aisle leading to a drive-in or drive-through facility.

C. Drive Aisle Widths.

1. Drive aisle widths associated with off-street parking facilities must be at least twenty-four (24) feet wide if designed for two-way traffic and at least twelve (12) feet wide if designed for one-way traffic.
2. Drive aisles associated with off-street parking facilities, and maneuvering aisles that are located next to structures shall be separated from the structures by a walkway or open area at least four (4) feet wide. The walkway or open area shall be protected by a six-inch high concrete curb or a bumper guard at least two (2) feet high.
3. Parking spaces may be located immediately adjacent to buildings or structures without a four-foot walkway if the

spaces are provided with a bumper guard. This can only be done when there is no public access to the building on the wall next to the parking area.

4. A drive-through window shall not overhang or extend more than one (1) foot into any parking or drive aisle.

27-602-2 E. Parking

1. Surface parking and drive through facilities should be located to the maximum extent possible behind buildings or in the interior of a block. Front facades and entranceways should not be oriented toward parking areas. Where parking is located behind buildings or within the interior of a block, side and rear setbacks may be used for parking spaces and landscaping.

~~2. Parking lots with five or more parking spaces, maneuvering aisles, and internal access roads shall be screened in accordance with Section 27-602-3(D).~~

32. Parking areas must be visually screened from adjacent streets by walls, shrubs, trees, or other design elements pursuant to Section 27-602-3. The required landscaping may constitute part of the screening.

27-602-3 Landscaping and Screening

A. Applicability.

1. The Landscaping and Screening requirements of the Design Guidelines apply to all new multifamily, non-residential development in residential zones, transitional, commercial, and industrial development within the City of Fort Smith. In areas where the Downtown or Belle Grove design standards apply, those standards will control over these in the case of conflict.
2. The Design Guidelines apply to existing multifamily, transitional, 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.
3. Rehabilitation projects shall conform to the guidelines to the greatest extent possible.
4. Industrial, storage, and distribution buildings when constructed along major arterial or boulevard streets as classified by the master street plan, or adjacent to residential zoning districts or single family development, and/or those buildings at the perimeter of an industrial subdivision shall provide perimeter landscaping only.
5. Parking lots used solely for the display of vehicles at an approved auto and vehicle dealer are required to provide perimeter landscaping only.
6. Development or properties in compliance with these regulations shall not be renovated, remodeled, altered, or repaired so that the site will be in noncompliance with these regulations.

7. Landscaping and Screening requirements shall not apply to a new structure on an existing development when: (1) the new structure does not increase the gross square footage of the existing structures by 15% and (2) shall not include any new structures that cumulatively amount to a 15% or greater increase in square footage of the existing development over a five year period.

B. Perimeter Landscaping Perimeter landscaping requirements along public rights-of-way are as follows:

1. A ten-foot wide landscaped area is required and shall be located on the property parallel and adjacent to the public street right-of-way line. Provided public utilities are immediately adjacent to the right-of-way line, the ten-foot landscape buffer may commence adjacent to the utility easement.
2. The minimum requirement for a planting strip will be one (1) tree and ten (10) shrubs for every fifty (50) linear feet of right-of-way frontage.
3. To insure that landscape materials do not constitute a sight hazard, a clear sight visibility triangle shall be observed at all street intersections or intersections of driveways with streets. Within the designated sight visibility triangle, no landscape material exceeding twenty-four (24) inches in height shall be permitted; .provided, trees may be permitted as long as only the tree trunk is visible between the ground and eight (8) feet above the ground and the tree does not otherwise present a traffic visibility hazard. The dimensions of the sight visibility triangle are as indicated in the diagram for driveways for street intersections in Section 27-503-3.

C. Parking Lot Screening.

Parking lot screening shall be placed in the ten-foot landscaped area reserved for the perimeter landscaping. The parking lot screening can satisfy the perimeter landscaping requirements, when the parking lot screening is installed in compliance with one of the three (3) options below and where trees are planted at the required spacing of one (1) tree for every fifty (50) linear feet.

When required by Section 27-602-2(E), parking lots, maneuvering aisles, and internal access roads (except driveways) shall be visually screened by one (1) or a combination of two (2) or more of the following;

1. A dense vegetative planting buffer incorporating approved landscaping materials of a variety that shall be equally effective in winter and summer. Approved landscaping materials shall be adequately spaced to form a solid continuous visual screen. Where shrubs are used they shall be evergreen in nature or approved deciduous material, be at least 24 inches tall at the time of planting, and be spaced closely enough together so as to create a seamless row of screening/buffering and reach the required height within twenty-four (24) months after the initial installation.
2. A solid masonry or vinyl fence or wall that is compatible with the principal structure or development. Where a masonry or vinyl fence or wall is utilized for the parking lot screening, the perimeter landscaping required by section 27-602-3 (c) must be installed on the right-of-way side of the fence but not in the right of way. Where fences or walls are used they shall be no more than 4 feet in height, as measured from the surface of the parking lot, except for those that are constructed as part of a comprehensive security fence.
3. Earth berms shall be gently rolling in nature so as to appear natural and have a maximum slope ratio of 3:1 (horizontal run to vertical rise) and a recommended slope of 4:1. Where a berm does not reach the minimum required screening height, additional screening measures shall be installed to complement the berm. Berms and approved landscaping materials shall be adequately spaced to form a solid continuous visual screen and reach the required height within twenty-four (24) months after the initial installation.

All parking lot screening shall be a minimum of three (3) feet above the finish elevation of the parking lot. All planted materials shall reach the required height within twenty-four (24) months after the initial installation. Screening shall be installed in a manner so that it does not impair the sight lines of driveways or intersections.

D. Height of Screening. The height of a screening buffer, except for parking lot screening required by section 27-602-3(C), shall comply with the following:

1. Visual screening walls, fences, or berms and fences in combination shall be four (4) to six (6) feet high measured from the natural grade, in order to accomplish the desired screening effect.
2. Vegetation shall be four (4) to six (6) feet high measured from the natural grade, in order to accomplish the desired screening effect. The required height shall be achieved with vegetation capable of growing up to four (4) to six (6) feet in height within twelve (12) months after the initial installation.

E. Interior Landscaping For Vehicular Use Areas.

1. Requirement. For any open vehicular use area, excluding loading and unloading zones, containing more than six thousand (6,000) square feet of area, or twenty (20) or more vehicular parking spaces, the owner shall provide interior landscaping in addition to the previously required landscaping along the public right-of-way. Interior landscaping may be peninsular or island types. Applicant shall submit square footage of the paved surface area.
2. Tree Island. One (1) island containing a tree shall be installed for every 20 parking spaces. The width of a tree island shall be a minimum of 8 feet; the area shall be a minimum of 150 square feet.
3. Landscaped areas. For each one hundred (100) square feet or fraction thereof of vehicular use area, a minimum total of five (5) square feet of landscaped area shall be constructed and maintained.
 - a. Additionally, the minimum size for the landscaped area shall be sixty-four (64) square feet.
 - b. In order to encourage the required landscape areas to be dispersed, no individual landscape area may be larger than three hundred fifty (350) square feet

~~in size, unless the vehicular use area is over thirty thousand (30,000) square feet.~~

~~c. If the vehicular use area is in excess of thirty thousand (30,000) square feet, no individual landscape area may be larger than one thousand five hundred (1,500) square feet.~~

4. Setbacks. In all required interior landscape areas, trees are required to be set back a distance of four (4) feet from the edge of pavement.
5. Vehicle overhang. Parked vehicles may overhang the interior landscaped area no more than two and one-half (2 1/2) feet, provided there are concrete or other wheel stops are installed to insure no greater overhand of the landscaped area.

Beer garden

shall mean a tavern, private club or similar establishment having outdoor dining or drinking area or music (live or recorded).

Beer, wine and liquor store shall mean a facility for the retail sale of beer, wine or liquor not for on premise consumption.

Bicycle Rack

shall mean a fixture designed to park bicycles that can be secured with a standard u-shaped bicycle lock. Each bicycle parking rack holds a minimum of two (2) bicycles

Bicycle sales and service this class comprises establishments retailing new or used bicycles in combination with repair services and selling replacement parts and accessories.

Bikeway plan shall mean the official bikeway plan and bikeway plan map of the city.

Bingo parlor shall mean any building or part thereof utilized for the playing of "bingo" for money and prizes as defined and controlled under state regulations. This shall not be construed to include the use of structures or parts thereof for the playing of "bingo" for prizes only as a function of church, charitable or other nonprofit organizations.

Block shall mean a parcel of land, intended for urban purposes, which has definite boundaries formed by being surrounded by such features as public streets, highways, railroad rights-of-way, public walks, parks or green strips, rural land or drainage channels or combinations thereof.

Board of zoning adjustment

An appointed body, whose responsibility is to hear appeals from decisions of the staff and to consider requests for variances from applicable zoning requirements in cases of demonstrated unnecessary hardship or practical difficulty. Also referred to as BZA.

Board of directors shall mean the governing and legislative body of the City of Fort Smith, Arkansas.

Boat manufacturing see
manufacturing, light

Boat or marine craft dealer shall mean a facility for display, service and sales of used or new boats or marine craft.

Bookstore shall mean a facility for the retail sale of items such as books, newspapers, magazines, music, videos, stationery, pens, and ink.

Durable goods establishments in the durable goods subcategory sell or arrange the purchase or sale of capital or durable goods to other businesses. These establishments wholesale products, such as motor vehicles, furniture, construction materials, machinery and equipment (including household-type appliances), metals and minerals (except petroleum), sporting goods, toys and hobby goods, recyclable materials, and parts. Durable goods generally have life expectancy of at least three years.

Dwelling shall mean a building that contains one or more dwelling units used, intended, or designed to be rented, leased, let or hired out to be occupied for living purposes.

Dwelling unit

Shall mean a single unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Easement

shall mean a right-of-way or parcel of land specified or set aside for a specific use, normally used for access, utilities, and other public or private usage, given by the owner of land to another party, and kept free from buildings or structures.

Electric power plant shall mean establishments that provide electric power generation, transmission, control, and distribution. Establishments include facilities that convert other forms of energy into electrical energy, electric power transmission and control systems (including lines and transformer stations), and distribution systems (i.e., lines, poles, meters, and wiring).

Electrical equipment, appliance, and components manufacturing shall mean establishments manufacture computers, computer peripherals, communications equipment, audio equipment, lighting equipment, batteries, motors, and other products that generate, distribute and use electrical power. Included are manufactures of components for the above products and manufacturers of small and major household appliances.

Electrical, plumbing, heat & air conditioning

A place of business primarily engaged in selling and/or distributing electrical, plumbing and HVAC products to suppliers and contractors with limited retail to the general consumer.

Electric Vehicle

shall mean any vehicle that operates exclusively on electrical energy from an off-board source that is stored in the vehicle's batteries, and produces zero tailpipe emissions, pollution when stationary, or operating

Electric Vehicle Charging Station

shall mean an electrical component assembly designed specifically to charge batteries within electric vehicles. Electric vehicle charging stations are L2 or higher.

Charging levels

1) **Level 1 (L1).** Electrical service and charging equipment operating at 120v outlets

2) **Level 2 (L2).** Electrical service and charging equipment operating on 208/240v outlets

3) **Level 3 (L3).** Electrical service and charging equipment operating at greater than two hundred forty (240) volts

Electronics and appliances (new) see
furniture and home furnishings (new)

Electronics and appliances (used) see
furniture and home furnishings (used)

Elevation shall mean a drawing showing the vertical, exterior elements of a building as a direct projection to a vertical plane.

Emergency & Relief Services

shall mean an establishment primarily engaged in providing food, shelter, clothing, medical relief, resettlement, and counseling to victims of domestic or international disasters or conflicts (wars). Emergency relief may be needed following a natural disaster such as an earthquake, fire, drought, tornado, famine, hurricane, flood, mudslide, or a man-made disaster such as hazardous material containment, nuclear or biological threats or acts of terrorism.

Emergency response station the conduct of safety and emergency services, such as, but not limited to, emergency medical and ambulance service.

Employment agency

shall mean an agency that helps find jobs for persons seeking employment or assists employers in finding persons to fill positions that are open.

Employment agency (day labor) shall mean an agency that helps find jobs for normally unskilled labor on a daily basis.

Engine repair (all types) shall mean a facility for motor vehicle repair.

Engineering department shall mean the department of the City of Fort Smith responsible for civil engineering functions.

Equestrian facilities shall mean horse, donkey, and mule facilities including horse ranches, boarding stables, riding schools and academies, and horse exhibition facilities. This

Tower

Amateur radio tower a freestanding building-mounted structure, including any base, tower or pole, antenna, and appurtenances, intended for airway communication purposes by a

person holding a valid amateur radio license issued by the Federal Communications Commission

Commercial communication tower

shall mean a structure that supports telecommunications antenna operated for a commercial purpose.

Monopole

shall mean a freestanding structure designed to support a wireless telecommunications antenna(e) or antenna platform(s), and consisting of a single vertical pole driven into the ground and/or attached to a foundation.

Radio, television, microwave, and broadcasting shall mean structures supporting antenna for transmitting or receiving any portion of the radio spectrum, but excluding noncommercial antenna installations for home use of radio or television.

Toy store these establishments sell games (including electronic), toys, dolls, and musical instruments.

Tract, unplatted shall mean property that is the subject of a development or subdivision application or, a property contiguous to a street or right-of-way.

Traditional neighborhood development

a development that exhibits several of the following characteristics: alleys, streets laid out like in a grid system, buildings oriented to the street, pedestrian-orientation, compatible and mixed land uses.

Transitional dwelling

shall mean a residential facility where persons are aided in the readjustment to society following a period of imprisonment or institutionalized treatment.

Transit Stops

shall mean locations operated or contracted with the City transit department and on, or adjacent to a public right of way

Travel arrangement and reservation services shall mean establishments that promote or sell travel, tour, or accommodation services, such as providing maps and information, locating convention sites, arranging reservations, organizing group tours, etc.

Triplex shall mean a building on a single lot that has three attached independent dwelling units.

Truck or tractor sales and service facility shall mean a facility for the sale and repair of trucks, tractors, or similar motorized vehicles.

Truck stop/ travel plaza shall mean an establishment engaged primarily in the fueling, servicing, repair, or parking of tractor trucks, semi=s or similar heavy commercial vehicles, including the sale of accessories and equipment for such vehicles. A truck

27-404 Lot Dimension Standards

27-404 Lot Dimension Standards

- A. Standards.** Table 27-404-A lists the lot dimension standards that apply within all zoning districts. These are base standards only; other provisions within the Unified Development Ordinance may further limit development on a site. These standards apply to all uses unless expressly exempted.

Table 27-404-A Lot Dimension Standards

RESIDENTIAL DISTRICTS										
DISTRICT	MIN. LOT SIZE	MIN. LOT WIDTH AT BUILDING LINE	MIN. STREET FRONTAGE	MAX LOT COVERAGE	SETBACKS					HEIGHT
					FRONT	SIDE	STREET SIDE	REAR	SIDE/REAR ADJACENT TO:	
Residential Estate Three	3 acres	200 feet	50 feet	10%	50	25	50	25		35 feet
Residential Estate One	1 acre	100 feet	50 feet	20%	40	15	40	20		35 feet
SF Low Density	14,000 sf	100 feet	50 feet	30%	30	10	30	10		35 feet
SF Medium Density	10,500 sf	75 feet	50 feet	50%	30	7.5	30	10		35 feet
SF Medium/High Density	6,500 sf	60 feet	20 feet	60%	25	7.5	25	10		35 feet
SF High Density	5,000 sf	50 feet	20 feet	65%	20	5	20	10		35 feet
SF Row house and zero lot line	See Section 27-411.1									
SF - Duplex Low/Med Density	10,500 sf	75 feet	50 feet	50%	30	7.5	30	10		35 feet
SF-Duplex Med/High Density	6,500 sf	60 feet	20 feet	60%	25	7.5	25	10		35 feet
SF-Duplex high Density	5,000 sf	50 feet	20 feet	65%	20	5	20	10		35 feet
MF Low Density	10 du/acre 10,500 sf	75 feet	20 feet	60%	30	7.5	15	10	SF - 30	35 feet
MF Medium Density	20 du/acre 6,500 sf	60 feet	20 feet	65%	25	7.5	15	10	SF - 30	40 feet
MF High Density	30 du/acre 5,000 sf	50 feet	20 feet	70%	20	5	15	5	SF - 40	40 feet
Mixed Density	See Section 27-415									
Res Historic	5,000 sf	50 feet	20 feet	65%	10	5	10	5		35 feet
Res Mixed Use	Determined based on development plan approval									
TRANSITIONAL										
Transitional	5,000 sf	50 feet	50 feet	65%	20	5	20	10		35 feet

COMMERCIAL DISTRICTS										
Neighborhood Compatible	7,000 sf	50 feet	20 feet	60%	25	10	10	10		35 feet
Commercial Light	7,000 sf	50 feet	20 feet	60%	25	10	10	10		35 feet
Com. Moderate	12,000 sf	75 feet	n/a	60%	25	20	15	20	SF-30	35 feet
Com. Regional	40,000 sf	150 feet	n/a	80%	25	20	20	20	SF-100	45 feet
Com. Heavy	14,000 sf	100 feet	n/a	75%	25	20	15	20	SF-30	45 feet
Com. Downtown	Determined based on development plan approval									
Com. Mixed Use	Determined based on development plan approval									
INDUSTRIAL DISTRICTS										
Ind. Light	20,000 sf	100 feet	n/a	75%	25	10	15	10	SF-100	45 feet
Ind. Moderate	20,000 sf	100 feet	n/a	60%	50	25	50	20	SF-100	45 feet
Ind. Heavy	20,000 sf	100 feet	n/a	60%	100	50	100	20	non Ind.100	45 feet

Some building heights may be adjusted on setback, see districts

Building separation shall be determined by current City building and fire codes.

B. Lot Area

1. **Measurement.** Lot area is measured as the amount of net land area contained within the property lines of a lot or parcel, not including right-of-way for streets.
2. **Lots With Less Than Minimum Width.**
 - a. A single- or two-family house may be built on a lot that is smaller than required by the zoning district in which the lot is located, provided that the lot:
 1. Is located in a residential zone that permits the intended use;
 2. Is at least 50 feet wide and 5000 square feet in area; and
 3. The boundaries and dimensions were established by record on the effective date of the Unified Development Ordinance by a recorded plat of a subdivision.
 4. Shall comply with the residential parking regulations in Section 14-52 of the Fort Smith Municipal Code.
 - b. On any non-conforming lot that is less than 60 feet wide at the building line or 6,500 square feet in area, new structures must conform to the bulk and area requirements of the residential zone which most nearly corresponds to the minimum lot dimensions of the substandard lot.

3. Utilities. Utilities using land or an unoccupied building covering less than 1,000 square feet of site area are exempt from the minimum lot area standards.

C. Setbacks

1. Measurement. Setbacks are measured as the unobstructed and unoccupied open area between the minimum setback and the property lines of the lot on which the structure is located, except as modified by the standards of this section. Setbacks must be unobstructed from the ground to the sky except as specified in this section.
2. Along a private street, setback measurement shall start at a point 25 feet from the street centerline.
3. The following structures may encroach no more than three feet into the required setbacks if: (1) they are approved by the city building official, and (2) provided that they do not cross property lines or utility easements:
 - a. porches, decks landings, and stairs, provided they are for single story buildings and are not covered;
 - b. play equipment;
 - c. clothesline poles if not located in the setbacks adjacent to street right-of-way;
 - d. portable yard furniture;
 - e. overhangs, coves, and cornices as defined in the currently adopted building code may be allowed, provided they do not exceed 3 feet. The definition of overhang specifically excludes any exterior wall of any structure regardless of its elevation above ground level.
 - f. mechanical units;
 - g. area and security lighting fixtures and supports (poles);
4. Setback Averaging. Regardless of the minimum front or rear setback required by the underlying zoning district, front or rear setbacks may be adjusted to the average of the existing setbacks of the lots that are on both sides of the subject lot according to the following:
 - a. Only the setbacks on the lots that abut each side of the subject lot on the same side of the street as the subject lot may be used.

- b. When one abutting lot is vacant or a corner lot, then the average is of the setback of the non-vacant lot and the zoning district minimum setback.
- 5. All residential lots on a cul-de-sac street that have frontage on the radius of the cul-de-sac are permitted to have a front yard setback of 20 feet.
- 6. Except as otherwise provided in individual zone districts and/or overlay districts, signs are to be exempt from setbacks and minimum requirements provided they are erected in compliance with the provisions of the Fort Smith Sign Regulations.
- 7. Gasoline sales are permitted under the following conditions:
 - a. Pump islands shall be located a minimum of twenty (20) feet from any public right-of-way.
 - b. Island canopy overhangs shall be located at least ten (10) feet from any public right-of-way and must have a height of at least twelve (12) feet. Supportive posts of canopies shall be located at least twenty (20) feet from any public right-of-way.
- 8. The following structures are exempt from setback regulations as specified below:
 - a. Patios, terraces, walks, and driveways provided they are at grade, and do not have enclosed walls or a roof;
 - b. Ramps for the purpose of meeting accessibility requirements provided they do not have enclosed walls or a roof;
 - 1. Fences;
 - 2. Electric vehicle charging station;
- 9. Residential property platted prior to the effective date (August 12, 2009) of the UDO is permitted to use the 15' exterior side yard setback. This exemption does not include multifamily developments.
- 10. When a multifamily, commercial or industrial development abuts a platted alley and an enhanced setback is required because it is next to property zoned or developed as single family the setback shall be measured from the centerline of the alley.

Comparison of Recent Projects

Recent Projects	Land Use	Current Parking	Current UDO Standard	Min. Parking req. by UDO Amendment	Max. Parking
2510 Jenny Lind	Multifamily	6	6	6	No Max. Req.
9505 Chad Colley	Multifamily (The Reserve) 438 units	789	789	578	No Max. Req.
9301 R.A. Young Jr Dr	Mixed Use (The HUB)	196	196	101	202
5807 Remington	Mini Storage	5	5	1 per employee	19
5800 Remington	Mini Storage	14	5	1 per employee	46
9000 Hwy 71	Nursing Home	170	52	35	70
9040 Massard	Day Care	31	31	25	50
9811 Hwy 253	Convenience Store with Gas	12	12	6	12
7501 Phoenix Ave	Restaurant (Slim's Chicken)	47	44	16	47
8000 Phoenix Ave	Restaurant (Blue Ember)	61	61	20	60
8120 Phoenix Ave	Restaurant (Whataburger)	37	36	13	38
4306 Phoenix Ave	Restaurant (Walk-On's)	126	110	40	121
7001 Phoenix Ave	Restaurant (Fish City Grill)	80	45	16	47
8400 Rogers	Restaurant (Panda Express)	38	24	8	24
3123 S 66th	Medical Clinic	19	19	12	24
1018 Fresno	Warehouse	14	11	1 per employee	11
7601 S. Zero Street & 2500 Wheeler	Retail (Dollar General) Variance	30	37	15	30
8600 Hwy 71	Retail (Walmart)	179	170	70	140