

**MAYOR**

George B McGill

**ACTING CITY  
ADMINISTRATOR**

Jeff Dingman

**CITY CLERK**

Sherri Gard

**BOARD OF DIRECTORS**

Ward 1 - Jarred Rego

Ward 2 - Andre' Good

Ward 3 - Lee Kemp

Ward 4 - George Catsavis

At-Large Position 5 - Christina Catsavis

At-Large Position 6 - Kevin Settle

At-Large Position 7 - Neal Martin

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# AGENDA

**Fort Smith Board of Directors**

## REGULAR MEETING

**August 5, 2025 ~ 6:00 p.m.**

**Blue Lion**

**101 North 2nd Street**

**Fort Smith, Arkansas**

**THIS MEETING IS BEING TELECAST LIVE ON THE  
CITY OF FORT SMITH GOVERNMENT ACCESS CHANNEL (COX CHANNEL 214)  
AND ONLINE AT THE FOLLOWING LINK:**

[https://fortsmithar.granicus.com/ViewPublisher.php?view\\_id=1](https://fortsmithar.granicus.com/ViewPublisher.php?view_id=1)

### INVOCATION & PLEDGE OF ALLEGIANCE

### ROLL CALL

### PRESENTATION BY MEMBERS OF THE BOARD OF DIRECTORS OF ANY ITEMS OF BUSINESS NOT ALREADY ON THE AGENDA FOR THIS MEETING

### APPROVE MINUTES OF JULY 22, 2025 REGULAR MEETING

### ITEMS OF BUSINESS

1. Ordinance rezoning identified property and amending the zoning map (*Industrial Light (I-1) and Industrial Moderate (I-2) to a Planned Zoning District (PZD) at 301 South E Street (Planning & Zoning)*)
2. Ordinance declaring an exceptional situation and waiving the requirements of competitive bidding for the transfer of ownership and transferring the ownership of the Hope Park Pavilion to Riverview Hope Campus (*City Administrator*)
3. Resolution authorizing the City Administrator to waive building permit fees and construction inspection fees associated with construction of a pavilion at Riverview Hope Campus located at 301 South E Street (*City Administrator*)

4. Ordinance rezoning identified property and amending the zoning map (*Residential Single Family High Density (RS-4) to Residential Single Family Duplex High Density (RSD-4) at 10405, 10409, 10415, 10419, 10423, and 10427 Preston Court*) (*Planning & Zoning*)
5. Ordinance amending the Master Land Use Plan map and rezoning identified property and amending the zoning map (*Master Land Use Plan: Residential Detached to Mixed-Use Residential / Rezoning: Residential Multifamily Medium Density (RM-3) to a Planned Zoning District (PZD) at 4900 Spradling Avenue*) (*Planning & Zoning*)
6. Ordinance amending the 2019 Unified Development Ordinance of the City of Fort Smith (*Extraterritorial Jurisdiction*) (*Planning & Zoning*)
7. Ordinance repealing regulation of metered parking, providing for the removal of parking meters and adopting parking regulations for area around Sebastian County Courthouse ~ *C. Catsavis/Kemp placed on future agenda at the July 15, 2025 study session ~ (City Administrator)* ♦
8. Consent Agenda
  - 8A. Resolution authorizing the Mayor to execute an agreement with Heartland Business Systems for the purchase of cybersecurity software, licensing and maintenance (\$606,121.95 / *Budgeted / Information Technology - Operating Funds*) (*Information Technology*)
  - 8B. Resolution authorizing the purchase of a Physical Access Control System for the City of Fort Smith Maintenance Facility located at 3900 Kelley Highway (\$91,048.83 / *Budgeted / Information Technology - Operating Funds*) (*Information Technology*)
  - 8C. Resolution approving Agreed Order to resolve civil action of Marilyn Moore vs. City of Fort Smith (*City Administrator*)

#### **OFFICIALS FORUM - presentation of information requiring no official action**

- Mayor
- Directors
- City Administrator

#### **ADJOURN**



## MEMORANDUM

**TO:** Jeff Dingman, Acting City Administrator  
**FROM:** Maggie Rice, Deputy City Administrator  
**DATE:** July 15, 2025  
**SUBJECT:** Rezoning #15-7-25 from Industrial Light (I-1) and Industrial Moderate (I-2) to a Planned Zoning District (PZD) at 301 South E Street

### **SUMMARY**

On July 8, 2025, the Planning Commission held a public hearing to consider rezoning property located at 301 South E Street from Industrial Light (I-1) and Industrial Moderate (I-2) to a Planned Zoning District (PZD). The property, containing an area of 7.11 acres, is located on the north side of South E Street at the intersection of South 4th Street and South E Street. The proposed rezoning to a Planned Zoning District (PZD) permits the homeless shelter (indoor expansion) land use by right and requires Conditional Use approval from the Planning Commission for the homeless shelter (exterior modifications) land use.

A neighborhood meeting was held on June 25, 2025. No neighboring property owners were in attendance.

At the Planning Commission meeting, Mr. Kasey Wilson was present to represent these applications. There were none present to speak in favor or opposition of the item.

The Planning Commission voted eight (8) in favor and zero (0) opposed to recommend the Board of Directors amend the Zoning Map.

Please contact me if you have any questions.

### **ATTACHMENTS**

1. [301\\_South\\_E\\_Ordinance.pdf](#)
2. [8-5-25 ITEM 1981 301 South E Backup.pdf](#)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REZONING IDENTIFIED PROPERTY  
AND AMENDING THE ZONING MAP**

**WHEREAS**, the City Planning Commission has heretofore held a public hearing upon request 15-7-25 to rezone certain property hereinafter described, and, having considered said request, recommended on July 8, 2025, that said change be made;

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

**SECTION 1:** That the following property to-wit:

Block 555, 572, 573 and 574 of Reserve Addition and that part of the St. Louis-San Francisco Railroad right of way, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Beginning at the SW corner of said Block 573 which is the intersection of South "E" Street and the east right of way line of the Union-Pacific Railroad; thence N00°04'15"E along the west line of said Blocks 573, 572 and 555 and said east right of way line of the Union-Pacific Railroad, 1000.00' to the NW corner of said Block 555; thence N89°57'51"E along the north line of said Block 555, 15.30' to the NE corner of said Block 555 to the west right of way line of the St. Louis-San Francisco Railroad; thence S17°22'50"E along the east line of said Block 555 and the west right of way line of said St. Louis-San Francisco Railroad, 114.74'; thence S89°59'46"E 178.11' to a line that lies parallel and concentric with and 25' westerly from centerline of the Main Track of the St. Louis-San Francisco Railroad; thence S13°30'35"E paralleling said railroad centerline perpendicular, 29.14'; thence along a curve to the left having a central angle of 07°05'10" and a radius of 4454.87' to a point subtended by a chord bearing of S17°03'10"E 550.61' paralleling said railroad centerline, 25' perpendicular; thence S19°03'52"E paralleling said railroad centerline, 25' perpendicular, 355.56' to the north right of way line of South "E" Street; thence N89°59'46"W along said north right of way line of South "E" Street, 513.44' to the Point of Beginning.

Less and Except, South 4<sup>th</sup> Street right of way and South "C" Street right of way.

Containing a total of 7.11 acres more or less.

More commonly known as 301 South E Street is hereby rezoned from Industrial Light (I-1) and Industrial Moderate (I-2) to a Planned Zoning District (PZD). The approved zoning classification is based and conditioned upon the Planned Zoning District provisions of Section 27-341 of the Unified Development Ordinance and the Planned Zoning District Project Booklet reviewed by the Fort Smith Planning Commission and approved hereby, which Project Booklet shall be filed in the office of the City Clerk.

**SECTION 2:** It is hereby found and determined that the adoption of the amendment to the zoning map is necessary to alleviate an emergency relative to the regulation of uses of property within the City of Fort Smith so that the protection of the health, safety, welfare, and property of the inhabitants of the City requires that the above amendment be effective, and the amendment is hereby made effective as of date of approval of the Ordinance.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.**

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
Mayor

**Approved as to form:**



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

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT**  
**AGENDA**  
**BLUE LION DOWNTOWN, 101 N 2<sup>ND</sup> ST**  
**JULY 8, 2025**  
**5:30 P.M**

- 1. Rezoning #15-7-25 – A request by Kasey Wilson, agent for Old Fort Homeless Coalition, Inc, for a zone change from Industrial Light (I-1) and Industrial Moderate (I-2) to a Planned Zoning District (PZD) at 301 South E Street.**

Chairman McCaffrey introduced items 1 and 2 as companion items. Mr. Miller presented the staff report indicating the subject property was located on the north side of South E Street at the intersection of South 4<sup>th</sup> Street and South E Street. He said approval of the items would create two new land uses that include homeless shelter (indoor expansion) and homeless shelter (exterior modifications) along with the other uses listed within the land use chart. He stated approval of the conditional use application facilitates the installation of a 1,625 s.f. pavilion on the existing slab. He explained that the homeless shelter (indoor expansion) land use would be permitted by right within the PZD zoning and homeless shelter (exterior modifications) would require conditional use approval from the Planning Commission.

Mr. Kasey Wilson was present to represent the items. There were none present to speak in favor or opposition of the items.


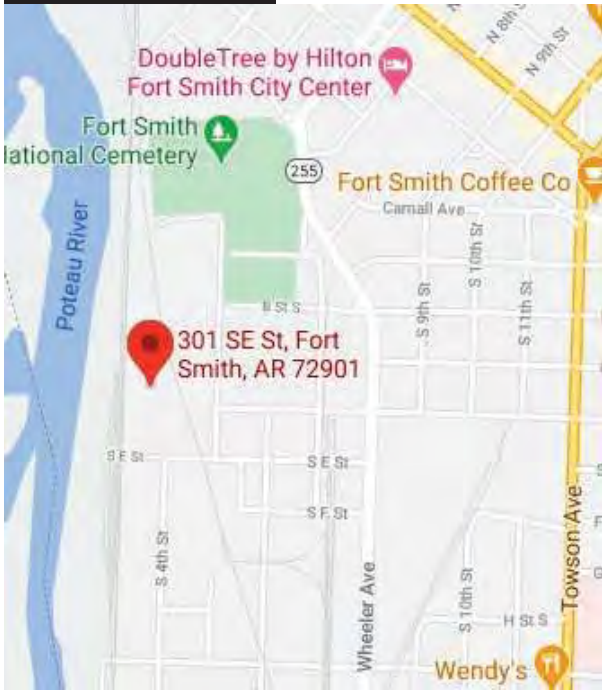
Vice Chair Taylor moved, seconded by Commissioner Hanna, to approve with staff comments.

Chairman McCaffrey called for a vote on item 1. The vote was eight (8) in favor and zero (0) opposed.

- 2. Conditional Use #6-7-25 – A request by Kasey Wilson, agent for Old Fort Homeless Coalition, Inc., for a homeless shelter exterior modification (pavilion) in a proposed Planned Zoning District (PZD) at 301 South E Street.**

Chairman McCaffrey called for a motion on item 2. Vice Chair Taylor moved, seconded by Commissioner Hanna, to approve with staff comments.

Chairman McCaffrey called for a vote on item 2. The vote was eight (8) in favor and zero (0) opposed.

 <p style="text-align: center;"><b>Fort Smith</b> <b>Planning Commission</b></p>	<p><b><u>Item Number:</u></b> Rezoning PZD #15-7-25</p> <p><b><u>Hearing Date:</u></b> July 8, 2025</p>
<p><b><u>Report Prepared by:</u></b></p> <p>Planning Staff</p>	<p><b><u>Owner and Applicant Information:</u></b></p> <p>Applicant: Kasey Wilson</p> <p>Property Owner: Old Fort Homeless Coalition, Inc.</p>
<p><b><u>Location Map:</u></b></p> 	<p><b><u>Applicant Proposal:</u></b></p> <p>Address: 301 South E Street</p> <p>Present Use: Homeless Shelter</p> <p>Proposed Use: Rezoning from I-1 &amp; I-2 to a PZD permitting homeless shelter interior modifications and requiring CU approval for homeless shelter exterior modifications</p> <p>Summary: Addition to existing homeless shelter</p> <p>Tract Size: 7.11 ± acres</p> <p>Location: Northwest of the South E and South 5th Street intersection</p>
<p><b><u>Zoning:</u></b></p> <p>Existing Zoning: I-1 &amp; I-2</p> <p><b><u>Master Land Use Plan</u></b></p> <p>Mixed-Use-E</p>	<p><b><u>Staff Recommendation:</u></b></p> <p>Approval</p>

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** July 8, 2025

**Re:** Rezoning #15-7-25 - A request by Kasey Wilson, agent for the Old Fort Homeless Coalition, Inc., for a zone change from Industrial Light (I-1) and Industrial Moderate (I-2) to a Planned Zoning District (PZD) at 301 South E Street.

## **PROPOSED ZONING**

Approval of the zone change creates two new land uses that include homeless shelter (indoor expansion) and homeless shelter (exterior modifications) along with the other uses listed within the land use chart. The homeless shelter (indoor expansion) land use would be permitted by right within the PZD zoning and homeless shelter (exterior modifications) would require conditional use approval from the Planning Commission. A companion conditional use request would facilitate the installation of a 1,625s.f. pavilion on the existing slab.

## **LOT LOCATION AND SIZE**

The subject property is on the north side of South E Street at the intersection of South 4<sup>th</sup> Street and South E Street. The tract contains an area of 7.11 acres with approximately 513 feet of street frontage along South E Street.

## **REQUESTED ZONING**

The applicant has requested a Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.
- Developments that utilize design standards greater than the minimum required by the UDO.

## **EXISTING ZONING**

The existing zoning on this tract is Industrial Light (I-1) and Industrial Moderate (I-2).

**The characteristics of the I-1 zone are as follows:**

**Purpose:**

To provide for a mixture of light manufacturing, office park, research and development, and limited retail/service retail land uses in an attractive, business park setting. The Industrial Light district may be used as a zoning buffer between mixed uses, commercial uses and heavier industrial uses. The I-1 zoning district is appropriate with the Office, Research, and Light Industrial (ORLI) and Industry classifications of the Master Land Use Plan.

**Permitted Uses:**

Auto and boat related businesses, a wide variety of retail businesses, indoor flea market, pawnshop, financial services, offices, bar or tavern, restaurant, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

**Conditional Uses:**

Homeless shelter, truck stop, outdoor flea market, beer garden, restaurant with outdoor dining, pet cemetery, animal food processing, petroleum distribution facility, bus station, recycling center, sports complex, educational facilities and police station are examples of uses permitted as conditional uses.

**Area and Bulk Regulations:**

Minimum Lot Size – 20,000 square feet

Maximum Height - 45 feet (1+1)

Maximum Lot Coverage - 75%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 2 acres

Existing District (By Extension) – 20,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 25 feet

Side Yard on Street Side of Corner Lot - 15 feet

Side Yard Setback – 10 feet

Rear Yard Setback - 10 feet

Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)

Minimum building separation – to be determined by current City building and fire code.

Required street access – Major Arterial or higher

**The characteristics of the I-2 zone are as follows:**

**Purpose:**

To provide for industrial land uses which can be operated in a clean and quiet manner that shall not be obnoxious to adjacent land uses and shall have relatively limited environmental impacts. The land uses within an I-2 zoning district are primarily contained indoors and have heavier traffic generation than Industrial-1 uses. I-2 zoning is appropriate within the Industry classification of the Master Land Use Plan.

**Permitted Uses:**

Auto and boat related businesses, a variety of retail businesses, offices, animal and pet services, manufacturing and commercial communication towers are examples of permitted uses.

**Conditional Uses:**

Truck stops, pet cemetery, animal food processing, bus station, sports complex and police station are examples of uses permitted as conditional uses.

### **Area and Bulk Regulations:**

Minimum Lot Size – 20,000 square feet

Maximum Height - 45 feet (1+1), 27-431(C)3

Maximum Lot Coverage - 60%

Minimum Parcel/Lot Size for Rezoning – New District (By Classification) - 10 acres

Existing District (By Extension) – 20,000 square feet

Minimum Lot Width – 100 feet

Front Yard Setback - 50 feet

Side Yard on Street Side of Corner Lot - 50 feet

Side Yard Setback – 25 feet

Rear Yard Setback - 20 feet

Side/Rear (adjoining SF Residential District/Development) – 100 feet (may be reduced to 60 feet with Planning Commission approval of screening and/or landscaping through the Development Plan approval process)

Minimum building separation – to be determined by current City building and fire code.

Required street access – Major Arterial or higher

### **SURROUNDING ZONING AND LAND USE**

<b>Direction</b>	<b>Land use</b>	<b>Zoning</b>
North	Vacant Warehouse and Undeveloped	Industrial Light (I-1) and Industrial Moderate (I-2)
East	Railroad and Vacant Warehouses	Industrial Moderate (I-2)
South	Machine Shop and Vacant Warehousing	Industrial Light (I-1) and Industrial Moderate (I-2)
West	Railroad and Undeveloped	Industrial Light (I-1)

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies South E Street as a local road.

### **MASTER LAND USE PLAN**

The Master Land Use Plan classifies the site as Mixed-Use-Employment. This classification is intended to provide for a dense, compatible mix of retail, residential, employment and production activities designed for all modes of transportation.

### **PROJECT BOOKLET**

A copy of the project booklet is enclosed for your review. The following criteria shall be considered by the Planning Commission when reviewing the project booklet:

- A. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **YES**
- B. Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **YES**
- C. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **YES**

- D.** Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **YES**
- E.** Does the Plan represent an overall development pattern that is consistent with the Master Street Plan, Master Land Use Plan, and other adopted planning policies? **YES**
- F.** The required right-of-way dedication has been identified by the City Engineering Department? **N/A**
- G.** All easements and utilities meet the requirements of the approving departments and agencies? **YES**
- H.** Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **YES**
- I.** Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **YES. The booklet states that all new construction shall be 75% high-quality façade materials. Additionally, the booklet states that all free-standing signage will be limited to monument style signs.**

### **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – All existing driveways will be reused.

**Right-of-way dedication** – No R.O.W. dedication is required.

**Drainage** – The project booklet states compliance with the 2011 Storm Drainage Standards.

**Landscaping & Screening** – The project booklet states all landscaping and screening will comply with Section 27-602 landscaping and screening requirements of the UDO.

**Parking** – The project booklet states compliance with the UDO parking requirements.

**Signage** – No new signage is proposed. The project booklet states that all future signage will comply with Section 27-703-3 permitted signs in open, commercial, and industrial zones, however the PZD will restrict all free-standing signage to monument style signs.

**Sidewalks** – No new sidewalks are proposed currently. The site has existing sidewalks located on South E Street.

### **FACTORS TO BE CONSIDERED**

Approval, approval as amended, or denial of the application and project booklet shall be based on the following factors as outlined in Section 27-341-3(E) of the UDO:

- A.** Compatibility with the Master Street Plan, and applicable area plans (e.g., corridor, neighborhood)
- B.** Compatibility of the proposed development with the character of the neighborhood.
- C.** The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses.
- D.** The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts.

- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts.
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700).

### **NEIGHBORHOOD MEETING**

A neighborhood meeting was held on June 25, 2025 at 5:15 P.M. on site. No neighboring property owners attended the meeting.

### **STAFF COMMENTS**

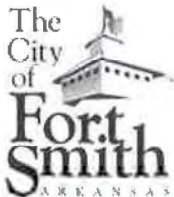
The Planning Commission approved the original conditional use request for Riverview Hope Campus homeless shelter at the May 12, 2015, meeting and approved a second conditional use for an interior expansion at the November 9, 2021, meeting.

The site is currently zoned I-1 and I-2. The homeless shelter land use requires conditional use approval in the I-1 zone; however it is not permitted within the I-2 zoning district. Approval to a PZD will allow the homeless shelter (indoor expansions) land use to be permitted by right and requires homeless shelter (exterior modifications) to obtain conditional use approval prior to any building expansions or exterior site changes.

Riverview Hope Campus intends to install a 1,625 s.f. pavilion on an existing slab located on the east side of the property which is zoned I-2. A companion conditional use application has been submitted to allow an outdoor area that offers protection from inclement weather and provides shade for unsheltered individuals.

### **STAFF RECOMMENDATIONS**

Staff recommends approval.



Application updated January 2022

PLANNING & COMMUNITY DEVELOPMENT

## CITY OF FORT SMITH, ARKANSAS Planned Zoning Development

**FOR STAFF USE ONLY**

**FEE: \$350**

Date Application Submitted:

Zone:

Date Accepted as Complete:

Project Number:

Public Hearing Date:

**Application:**

Indicate one contact person for this request:

☐ Applicant

☐ Agent

**Applicant (person making request):**

Name: **Kasey Wilson**  
E-mail: [REDACTED]

Address:

**301 South E Street**

Phone: **479-242-9140**

Fax: [REDACTED]

**Agent (engineer, surveyor, realtor, etc.):**

Name: [REDACTED]  
E-mail: [REDACTED]

Address:

[REDACTED]

Phone: [REDACTED]

Fax: [REDACTED]

Site Address / Location: **301 South E Street**

Current Zoning District: **I-1 & I-2**

Requested Zoning District: **PZD**

Assessor's Parcel Number(s) for property: **16477-0001-00573-00**

Last updated: May 7, 2020

[www.fortsmithar.gov/index.php/planning-zoning](http://www.fortsmithar.gov/index.php/planning-zoning)

623 Garrison Avenue, Rm 331  
Fort Smith, AR 72901  
479-784-2216 [planning@fortsmithar.gov](mailto:planning@fortsmithar.gov)



Application updated January 2022

PLANNING & COMMUNITY DEVELOPMENT

PLANNED ZONING DEVELOPMENT

Total Acreage:

Legal Description of property: Provide legal description in a word document.

Legal Description of property:

☐ Restrictive Covenants Apply (attach to application)

**Note: Fees cover the administrative costs of advertising and notifying neighboring property owners. Fees are Non-Refundable.**

Describe Proposed Zoning Request, including the development of any construction on the property:

No restrictive covenants

**PROPERTY OWNER(S) / AUTHORIZED AGENT:** The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830. Once deemed completed, no modification may be made unless requested or agreed upon by the Planning Department. Should modification to the application be requested after advertising, it shall be at the discretion of the Planning Commission to review or continue. Re-advertising fee may apply.

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I grant the appropriate City personnel permission to enter the subject property during reasonable hours so that they may investigate and review this application.

Name and Signature	Date
Kasey Wilson	6-12-25

Last updated: May 7, 2020

[www.fortsmithar.gov/index.php/planning-zoning](http://www.fortsmithar.gov/index.php/planning-zoning)

623 Garrison Avenue, Rm 331  
Fort Smith, AR 72901  
479-784-2216 [planning@fortsmithar.gov](mailto:planning@fortsmithar.gov)

**LETTER REGARDING RESTRICTIVE COVENANTS**

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property: Provide legal description in a word document.

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land, except as follows:



None; or

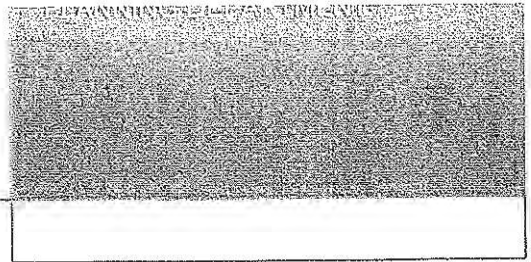


Attach copy of Covenants in the application packet

**Submit**

NOTE: Applications can be submitted Online with Internet Explorer. If another browser is being used, the user will have to follow the instructions for electronic submission via email.

INSTRUCTIONS: To SUBMIT ELECTRONICALLY, please right click on download link and click save-as. Once the application has been downloaded to your device it can be filled out and submitted electronically.



## AUTHORIZATION OF AGENT

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.

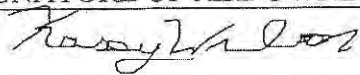





We the undersigned, being owners of real property, and requesting a conditional use by application do hereby authorize Kasey Wilson, Donna Morgan to act as our agent in the (Print Name of Agent) matter.

(Type or clearly print)

### NAMES OF ALL OWNERS.

1.	Kasey Wilson
2.	Shanita Christian
3.	Donna Morgan
4.	
5.	RAUDY HALL
6.	Nouh Hansen
7.	Michael Pate
8.	
9.	

### SIGNATURE OF ALL OWNERS.

*This form is necessary only when the person representing this request does not own all the property.*

**LIST OF OWNERS OF ALL PROPERTY TO BE REZONED**

List the names and addresses of all owners of property included within the area requested by this petition to be rezoned.

NAME

ADDRESS



Hasey W.
Old Fort Homelands
Coalition

301 S.E. St
Ft Smith

# Planned Zoning District Project Booklet

## Subject Property:

Hope Campus  
301 South E Street Fort Smith, AR 72901  
Parcel: **16477-0001-00573-00**

## Submitted to:

City of Fort Smith Planning Department  
623 Garrison Ave, Room 331  
Fort Smith, AR 72901

## Owner:

**OLD FORT HOMELESS COALITION INC**



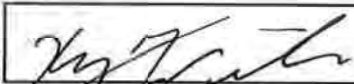
June 12, 2025

PLANNED ZONING DISTRICT  
CERTIFICATION STATEMENT  
Application updated July 2021


The **Kasey Wilson**, applicant for the property located at **301 S E Street**,  
does hereby certify that the Project Booklet for a Planned Zoning District complies with the City of Fort  
Smith's Planned Zoning District Regulations as defined in Section 27-341 of the Fort Smith Unified  
Development Ordinance

We hereby agree to the terms and conditions with the Project Booklet, and request the City of Fort  
Smith to approve the zoning.

Signature:



Name:



Date:

**6-12-24**

**A. Reason (need) for requesting the zoning change and response to how the proposal fulfills the intent/purpose of the planned zoning district.**

The agent is requesting to rezone the property from I-1 and I-2 to a Planned Zoning District (PZD) to reflect the existing use of the property. The majority of the parcel is currently zoned Industrial Light (I-1). Approximately 40' of the eastern portion of the property is zoned Industrial Moderate (I-2). A homeless shelter land use requires conditional use approval within the I-1 zoning district and is not permitted within the I-2 zoning district. The request allows interior remodels for the homeless shelter to be permitted by right while requiring conditional use approval for exterior changes.

**B. Current ownership information (landowner/applicant and representative of applicable) and any proposed or pending property sales.**

The current owner is OLD FORT HOMELESS COALITION INC. Currently no pending property sales are expected. The authorized agent is the executive director, Kasey Wilson.

**C. Comprehensive description of the scope, nature, and intent of the proposal.**

The purpose of the proposed Planned Zoning District is to create a zoning that will allow for the existing homeless shelter (Hope Campus) and support services be permitted by right. Currently, an existing interior portion of the building is unutilized, and all interior expansions require conditional use approval prior to construction. The PZD will create a Homeless Shelter (Indoor Expansions) land use to be permitted by right. Additionally, it creates a Homeless Shelter (Exterior Modifications) land use and requires conditional use approval.

**D. General project concept:**

**i. Street and lot layout.**

No changes are proposed to the street or lot layout. The property has four existing driveways located on South E Street. All future street and lot layouts will comply with the UDO and comply with the parking requirements in Section 27-601 of the UDO

**ii. Site plan showing proposed improvements.**

A companion conditional use request has been submitted with the PZD for a 1,625 s.f. pavilion located on the east side of the site. No other exterior expansions are proposed at this time. The PZD requires all future redevelopment to comply with the bulk and area requirements outlined in Chart G and H below. New development will meet or exceed the UDO architectural design standards as stated further below in the project booklet.

**iii. Buffer areas, screening, and landscaping.**

No new landscaping is proposed at this time. A new six (6) feet tall opaque screening fence will be installed on the south and eastern border of the proposed pavilion. The west and northern side of the pavilion will be fenced with chain link to allow for visibility from the main offices. All future development shall comply with Section 27-602-3 the UDO landscaping and screening requirements.

**iv. Stormwater detention areas and drainage.**

All drainage and detention will comply with the City of Fort Smith 2011 Drainage Standards.

**v. Undisturbed natural areas.**

This area is currently developed. No undisturbed natural areas are proposed.

**vi. Existing and proposed utility connections and extensions.**

Utilities serving Hope Campus are located in an existing former South 4th Street right of way that extends north of South E Street to the railroad easement. Future utilities to serve the Hope Village will connect to existing utilities on the site.

**vii. Development and architectural design standards.**

All future exterior development must require conditional use approval and shall comply with the UDO. All new exterior additions will exceed Section 27-602-4C of the UDO commercial building design standards providing 75% high-quality materials on each façade. Trash receptacles, mechanical equipment screening, opaque screening fence and/or landscaping as required for future development will comply with the UDO. All lighting shall comply with Section 27-602-5 of the UDO.

**viii. Building elevations.**

As mentioned previously a six (6) feet wood opaque fence will be installed on the south and eastern border of the pavilion. All future development shall comply with Section 27-602-4C of the UDO. Additionally, the PZD will require all new structures to provide 75% high-quality materials on each facade.

**ix. Proposed signage (type and size).**

No new signage is proposed at this time. All future signage will comply with Section 27-703-3 permitted signs in open, commercial, and industrial zones, however the PZD will restrict all free standing signage to monument style signs.

**E. Proposed development phasing and time frame.**

Approval of the PZD will allow for a zone change allows for interior remodels for the homeless shelter to be permitted by right while requiring conditional use approval for exterior changes. A companion conditional use application has been submitted for an exterior pavilion. If the conditional use is approved the pavilion is projected to be installed by the end of August 2025.

**F. Identify land use designations.**

See attached PZD Use Matrix (land use chart).

**G. Identify area and bulk regulations.**

See chart G&H below in subsection H

**H A chart comparing the proposed planned zoning district to the current zoning district requirements (land uses, setbacks, density, height, intensity, bulk and area regulations, etc.)**

**CHART G&H**

<b>Bulk/Area Requirement</b>	<b>I-1</b>	<b>I-2</b>	<b>Proposed PZD</b>
<b>Min Lot Size:</b>	<b>20,000 s.f.</b>	<b>20,000 s.f.</b>	<b>20,000 s.f.</b>
<b>Min Lot Width at Bldg. Line:</b>	<b>100'</b>	<b>100'</b>	<b>75'</b>
<b>Min Street Frontage:</b>	<b>N/A</b>	<b>N/A</b>	<b>N/A</b>
<b>Max Lot Coverage:</b>	<b>75%</b>	<b>60%</b>	
<b>Front Setback:</b>	<b>25'</b>	<b>50'</b>	<b>25'</b>
<b>Side Setback:</b>	<b>10'</b>	<b>25'</b>	<b>10'</b>
<b>Street Side Setback:</b>	<b>15'</b>	<b>50'</b>	<b>15'</b>
<b>Rear Setback:</b>	<b>10'</b>	<b>20'</b>	<b>10'</b>
<b>Side/Rear Setback (Adjoining SF Residential District/Development):</b>	<b>100'</b>	<b>100'</b>	<b>100'</b>
<b>Max Bldg. Height:</b>	<b>45' See 27-404D</b>	<b>45' See 27-404D</b>	<b>45' See 27-404D</b>
<b>Min Bldg. Separation</b>	<b>Current Building and Fire Code</b>	<b>Current Building and Fire Code</b>	<b>Current Building and Fire Code</b>

**I. A chart comparing the proposed land uses and the zoning district where such land uses are permitted.**

See attached PZD Use Matrix.

**J. Articulating how the project exceeds the UDO requirements (e.g., increased landscaping, increased high quality materials on the facade, etc.).**

The PZD will require all new construction to provide 75% high quality materials. Additionally, all free standing signage will be limited to monument style.

**K. Statement of how the development will relate to existing and surrounding properties in terms of land use, traffic, appearance, height, and signage.**

The property is located on South E Street within an existing industrial subdivision. Hope Campus was approved by a conditional use in 2015 and 2021.

**L. A traffic study when required by the engineering department (consult with staff prior to submittal).**

A traffic study is not required.

**M. Statement of availability of water and sewer (state size of lines).**

Existing utilities are located along South E Street and in the utility easement on site.

## Appendix A

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Appendix A

Districts										RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PROPOSED PZD				
DP = Development Plan review by the PC and approval by the City Board										R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD				
P = Permitted Use, C = Conditional Use, A = Accessory Use																																					
Insurance office																						P	P	P	P	P	P	P	P	P				P			
Investment banking, securities, and brokerages																						P	P	P	P	P	P	P	P	P				P			
Rental and Leasing																																					
Auto (rental and leasing)																												P	P	P	P	P			C		
Commercial, industrial machinery & equipment																												P	P	P	P	P			C		
Consumer rental center																												P	P	P	P	P			C		
Oil and gas field equipment																														P	P	P					
Video, music, software																												P	P	P	P	P					
Business, Professional, Scientific, and Technical Services																																					
Professional Services																																					
Abstract services																								P	P	P	P	P	P	P	P				P		
Accounting, tax, bookkeeping, payroll																							P	P	P	P	P	P	P	P				P			
Advertising and media services																							P	P	P	P	P	P	P	P				P			
Architectural, engineering																								P	P	P	P	P	P	P	P				P		
Carpet and upholstery cleaning																												P	P	P	P	P	P				
Consulting services																								P	P	P	P	P	P	P	P			P			
Extermination and pest control																													P	P	P	P					
Graphic, industrial, interior design																								P	P	C	P	P	P	P	P	P					
Investigation and security services																													P	P	P	P	P				
Janitorial services																													P	P	P	P	P				
Legal services																								P	P	P	P	P	P	P	P	P					
Medical laboratory																														P	P	P	P				
Medical laboratory (no animal research/testing)																													C	C	P	P	P				
Offices, corporate																									P	P	P	P	P	P	P	P					
Offices, general																									P	P	P	P	P	P	P	P					
Property management services (office only)																									P	P	P	P	P	P	P	P					
Real estate agency																									P	P		P	P	P	P	P					
Travel arrangement and reservation services																									P	P		P	P	P	P	P					
Administrative Services																																					
Business support services																								P	P	P	P	P	P	P	P				P		
Collection agency																									P	P		P	P	P	P						
Employment agency																													P	P	P	P				P	
Employment agency (day labor)																														P	P	P				P	
Facilities support services																									P	P	P	P	P	P	P	P				P	
Office and administrative services																									P	P	P	P	P	P	P	P				P	
Telemarketer/call center																										P	P	P	P	P	P	P	P				P
Food Services																																					
Bar or tavern																													C	C	P	P	P			P	
Beer garden																														C	C	P	C			P	
Catering service																													P	P	P					P	
Food distribution center																																P	P	P			P
Microbrewery/microwinery/microdistillery																													C	C	P	P	P			P	
Mobile food services																														P	P	P	P				P

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Districts												RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PROPOSED PZD					
DP = Development Plan review by the PC and approval by the City Board												R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD					
P = Permitted Use, C = Conditional Use, A = Accessory Use												R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD					
Restaurant																								P		C	P	P	P	P	P	P				P				
Restaurant (with drive-in services)																												C	P	P	P	P	P	P			P			
Restaurant (with drive-through services)																													C	P	P	P	P	P	P			P		
Restaurant (with outdoor dining)																													P	P	P	P	P	P	P			P		
Restaurant (with outdoor dining within 300 feet of property zoned or developed for residential purposes)																													C	C	C	C	P	C				P		
Specialty Manufacturing																												C	C		P	P	C	P				P		
Vending																															P		P				P			
Personal Services																																								
Bail bonds office																								P			C	P	P		P	P	P				P			
Barber shop/salon/spa/massage services																													P	P		P					P			
Laundry (commercial/industrial)																																		P				P		
Laundry and cleaning facilities (self-service)																												P	P	P	P			P				P		
Laundry, cleaner																													P	P	P			P				P		
Laundry, cleaner (drop-off station)																													P	P	P	P	P	P				P		
Photocopy shop																												P	P	P	P	P	P	P					P	
Photography studio																								P				P	P	P	P	P	P	P					P	
Print shop																													P	P	P	P	P	P					P	
Shoe repair shop																								P				P	P	P	P	P	P	P					P	
Tailor shop																								P				P	P	P	P	P	P	P					P	
Tanning salons																								P				C	P	P	P	P	P	P					P	
Tattoo/body piercing parlor																													P	P	P	P	P	P	P					P
Weight loss centers																													P	P	P	P	P	P					P	
Pet and animal services																																								
Animal and pet services (indoor)																													P	P	P	P	P	P	P	P	P	P	P	
Animal and pet services (outdoor)																																								P
Animal shelter																															P			P	P	P	P	P	P	
Equestrian facilities																																		P	P	P	P	P		
Kennels																																P		P	P	P	P	P		
Pet cemetery																													C	C	C	C		C	C	C	C	C		
Pet shop																													C	P	P	P	P	P					P	
Pet supply store																													P	P	P	P	P	P					P	
Veterinary clinic (no outdoor kennels)																													P	P	P	P	P	P					P	
Veterinary clinic (with outdoor kennels)																														P		P		P	P	P	P	P	P	
Automobile Parking Facilities																																								
Parking garage																														C	C	P	C	P	P	P	P	P	P	
Parking lot (commercial)																															P	P	C	P	P	P	P	P	P	
Parking lot (off site) (See Section 27-601-11)																								C	C	C	C	P	P	P	P	C	P	P	P	P	P	P	P	
Manufacturing and Wholesale Trade																																								
Food, Textiles and Related Products																																								
Animal food processing																																		C	C	P	C	C		
Clothing manufacturing																																		P	P	P	P	P		
Food and beverage processing																																		P	P					
Leather and allied products																																							P	

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Districts										RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PROPOSED PZD
DP = Development Plan review by the PC and approval by the City Board										R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD
P = Permitted Use, C = Conditional Use, A = Accessory Use																																	
Textiles																																	
Tobacco manufacturing																																	
<b>Wood, Paper and Printing Products</b>																																	
Cabinet and woodwork shop																																	
Furniture or home furnishings																																	
Manufacturing, boxes/containers/corrugated																																	
Manufacturing, packaging material																																	
Paper and printing materials																																	
Wood products manufacturing plant																																	
<b>Chemicals, Metals, Machinery, and Electronics Mfg.</b>																																	
Acid manufacturing																																	
Asphalt or concrete batching plant (permanent)																																	
Chemicals, plastics and rubber industry																																	
Electrical equipment, appliance and components mfg.																																	
Explosives manufacturing																																	
Foundry or metal-works facility																																	
Laboratory (manufacturing)																																	
Machine, welding, or sheet metal shop																																	
Nonmetallic manufacturing																																	
Petroleum and coal products																																	
Pharmaceutical manufacturing																																	
Refinery																																	
Tire retreading																																	
<b>Miscellaneous Manufacturing</b>																																	
Auto manufacturing																																	
Barge and ship manufacturing																																	
Boat manufacturing																																	
Dolls, toys, games, musical instruments																																	
Jewelry and silverware																																	
Manufacturing, batteries																																	
Manufacturing, fiberglass																																	
Manufacturing, foam products																																	
Manufacturing, heavy																																	
Manufacturing, light																																	
Manufacturing, medium																																	
Manufacturing, motors, drives, and generators																																	
Office supplies																																	
<b>Wholesale Trade Establishment</b>																																	
Durable goods																																	
Electrical, plumbing, heat & air conditioning																																	
Nondurable goods																																	
<b>Warehouse and Storage Services</b>																																	
Auto salvage yard																																	

## Appendix A

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	Districts	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PROPOSED PZD
<b>DP = Development Plan review by the PC and approval by the City Board</b>		R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD
	Sanitary landfill																								P
	Solid waste collection																								P
	Utility shop, storage yard or building																								P
	Utility substation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P
	Wastewater treatment plant																								P
<b>Arts, Entertainment, and Recreation</b>																									
<b>Performing Arts or Supporting Establishments</b>																									
	Drive-in theater																								
	Movie theater																								
	Performance theater													P					P	P	P	P	P		
	Carnival or circus (temporary with permit)																P	P	P	P	P	P	P		
	Fairground/rodeo ground																								
<b>Museums and Other Special Purpose Recreational Institutions</b>																									
	Historical or archaeological institution																								
	Museum													P			C	C	C	C	C	C	C		
	Zoos, botanical gardens, arboreta																			C	P	C	C		
<b>Amusement, Sports, or Recreation Establishment</b>																									
	Amusement center (indoor)																P	P	P	P	P	P	P		
	Amusement center (outdoor)																								
	Convention/Event center																C	C	P	P	P	P	P		
	Bingo parlor																								
	Casino gaming business																								
	Country club	C	C	C	C	C	C	C	C	C	C	C	C		C	C	C	C	C	C					
	Dance hall/night club																								
	Private club																								
	Race track																								
<b>Fitness, Recreational Sports, Athletic Club</b>																									
	Bowling alley																C	C	P	P	P	P	P		
	Community recreation center																C	C	C	C	C	C	C		
	Driving range (outdoor)																								
	Golf course	C	C	C	C	C	C	C	C	C	C	C	C			C	C	C	C	C	C	C	C		
	Pistol Range (Indoor)																								
	Health club													P			C	C	P	P	P	P	P		
	Fitness studio													P			P	P	P	P	P	P	P		
<b>Indoor Games Facility</b>																									
	Miniature golf course																								
	Pool hall																C	C	C	C	C	C	C		
	Sexually oriented business (see Ft. Smith Muni. Code Sec.14-141)																								
	Skating rink																								
	Sports complex/athletic field																								
	Swimming pool																C	C	C	C	C	C	C		
	Water park																								
<b>Camps, Camping, and Related Establishments</b>																									

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	Districts	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PROPOSED PZD
<b>DP = Development Plan review by the PC and approval by the City Board</b>		R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD
<b>P = Permitted Use, C = Conditional Use, A = Accessory Use</b>																									
Camps, camping, and related establishments																									P
<b>Natural and Other Recreational Parks</b>																									
Park or playground (public and nonpublic)		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P
<b>Education, Public Administration, Health Care and Other Institutions</b>																									
<b>Educational Services</b>																									
College, university, or seminary		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Fine art and performance education																C	C	C	C	C	C	C	C	C	
Library or public arts complex		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Nursery school		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Preschool		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Primary and secondary school		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
School, business professional																C	C	C	C	C	C	C	C	C	
School, technical or trade																			C	C	C	C	C	C	
<b>Public Administration - Government</b>																									
Criminal justice facility																					C	C	C	C	
Detention facility																					C	C	C	C	
Government office														P		P	P	P	P	P	P	P	P	P	
<b>Public Safety</b>																									
Emergency response station															C	P	P	P	P	P	C	P	P	P	P
Fire and rescue station		C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	P	P	P	P	P	P	P	P	P
Police station															C	C	C	C	C	C	C	C	C	C	C
Police substation (no incarceration)		C	C	C	C	C	C	C	C	C	C	C	C	P	C	P	P	P	P	P	P	P	P	P	P
<b>Health and Human Services</b>																									
Community health and welfare clinic																		C	C	C	C	C	C	C	P
Diagnostic laboratory testing facility																		C	C	C	C	C	C	C	
Doctor office and clinic															P	C	P	P	P	P	C	P	P	P	P
Hospice residential care facility															P	P	P	P	P	P	P	P	P	P	P
Hospital															C	P	P	P	P	P	P	P	P	P	
Mental health hospital															C	C	C	C	C	C	C	C	C	C	
Nursing home															C	C	C	C	C	C	C	C	C	C	
Substance abuse treatment facility															C	C	C	C	C	C	C	C	C	C	C
Substance abuse treatment facility (outpatient only)																C	C	C	C	P		P	P	P	C
<b>Social Assistance, Welfare, and Charitable Services</b>															C										
Child and youth services (office)																P	P	P	P	P	P				
Day care Home (12 or less)		C	C	C	C	C	C	C	C	C	C	C	C	C	C										
Day care center																	C	C	C	C	C	C	C	C	P
Shelter for abused persons																	C	C	C	C	C	C	C	C	P
Community food services																									P
Emergency and relief services																		P	P	P	P	P	P	P	P
Family support services																									P
Senior citizen center										C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P
Vocational rehabilitation																C	C	C	C	C	C	C	C	C	P
<b>Religious Institutions</b>																									P

Appendix A

	Districts	RS-1	RS-2	RS-3	RS-4	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PROPOSED PZD
<b>DP = Development Plan review by the PC and approval by the City Board</b>		R-1	R-2	R-3	R-4	R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H	T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4	PZD
<b>P = Permitted Use, C = Conditional Use, A = Accessory Use</b>		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P
	Church, synagogue, temple, mosque																								A
	Rectory, convent, monastery																								
	<b>Note: educational/hospital facilities owned or run by religious institutions are classified by use not ownership</b>																								
	Wedding chapel													P			P	P	P	P	P	P			
	<b>Death Care Services</b>																								
	Cemetery, mausoleum, crematorium, funeral home, & mortuary																C	C	C	C		C			
	Monument (manufacturing)																					P	P		P
	Monument (sales)																P	P	P	P		P	P		P
	<b>Associations, Nonprofit Organizations</b>																								
	Lodge or fraternal organization													C			C	C	C	C	C	P	P		P
	<b>Construction-Related Businesses</b>														P	P	P	P	P	P	P	P	P	P	P
	Contractor's office																								
	Contractor's shop and storage yard																								
	Glass sales and service																								
	Landscaping contractor																								
	Sign contractor																								
	<b>Mining and Extraction Establishments</b>																								
	Coal mining																							C	
	Metallic mining																						C	P	C
	Non-metallic manufacturing and mining																						C	P	C
	<b>Agriculture, Forestry, Fishing, and Hunting</b>																								
	Grain storage and processing																						C	P	C
	Livestock yard, feed lot, holding pens, and auction facility																						C	C	C
	Commercial grower																					P	P	P	P
	<b>Tanning and Slaughtering of Animals or Fowl</b>																								
	Animal slaughter and processing																						C	C	
	<b>Note: Section 4-5 of the Fort Smith Municipal Code prohibits the collection or keeping of hogs or swine within the Fort Smith city limits</b>																								
	Forestry and Logging																								
	Fishing, Hunting and Trapping, Game Preserves																								
	Taxidermy shop																			P		P	P		P



## RIVERVIEW HOPE CAMPUS

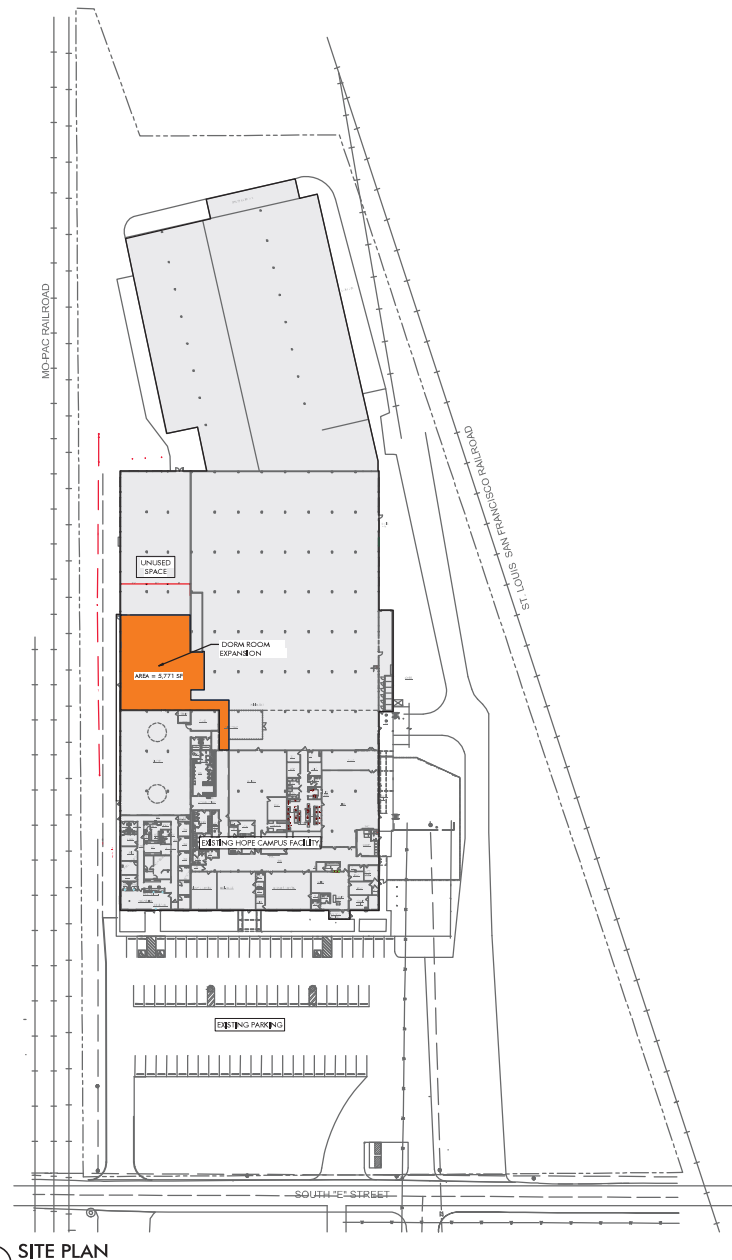
## CONCRETE PAD FENCING

**301 SE SIREE  
FORT SMITH, ARKANSAS**




## A1.1





**1 SITE PLAN**  
1" = 50'-0"



EST. 1919

1120 Garrison Avenue  
Suite 1A  
Fort Smith, AR 72901  
479.782.4085  
www.GoStudio6.com


CONSULTANTS

**HOPE CAMPUS**

**DORM ROOM ADDITION**

**301 S E STREET**

**FORT SMITH, ARKANSAS**



REVISIONS		
MARK	DATE	DESCRIPTION

PROJECT NO. 21-054

DATE --

BSLD

PRELIMINARY - NOT FOR CONSTRUCTION

SHEET TITLE

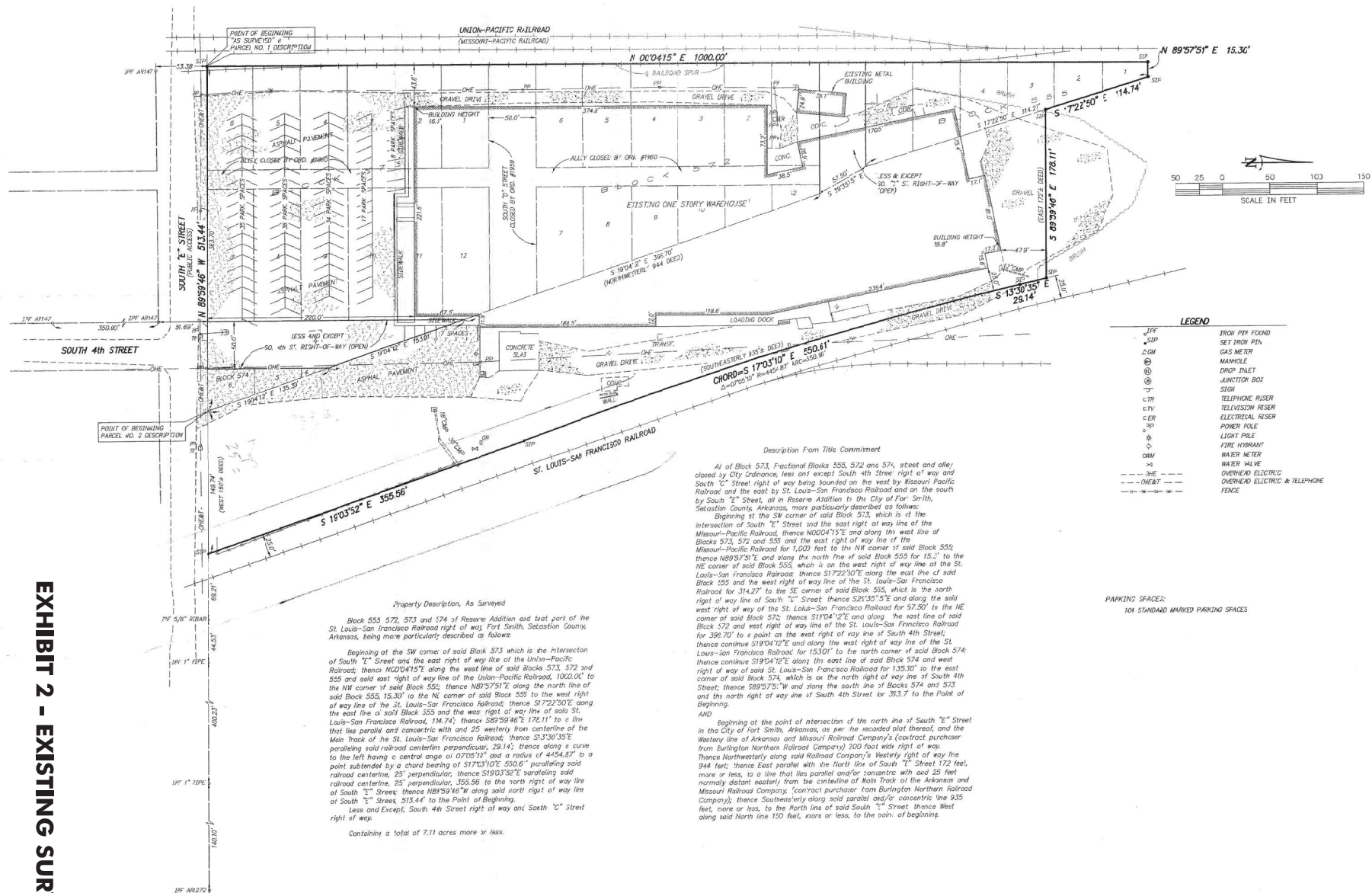
SITE PLAN

DATE

SHEET NUMBER

A1.1

## EXHIBIT 2 - EXISTING SURVEY



<b>LEGEND</b>	
— JFF —	IRON PIN FOUND
— SIP —	SET IRON PIN
— LAM —	GAS METER
— (A) —	MANHOLE
— (B) —	DROP INLET
— (C) —	JUNCTION BOX
— (D) —	SEW
— LTR —	TELEPHONE RISER
— TV —	TELEVISION RISER
— ER —	ELECTRICAL RISER
— P —	POWER POLE
— H —	LIGHT POLE
— F —	FIRE HYDRANT
— W —	WATER METER
— CM —	WATER VALVE
— X —	
— - - - - OHE - - - -	OVERHEAD ELECTRIC
— - - - - OH&T - - - -	OVERHEAD ELECTRIC & TELEPHONE
— - - - - F - - - -	FIRE

PARKING SPACES:  
104 STANDARD MARKED PARKING SPACES

At all of Block 574, Fractional Blocks 555, 572 and 574, street and alley corners of City of St. Louis, Missouri, and except South 4th Street right of way and South "C" Street right of way being bounded on the west by Missouri Pacific Railroad and the east by St. Louis-San Francisco Railroad and on the south by South "E" Street, all of these streets and the intersection thereof and the intersection of these streets, be and lawfully described as follows:

Beginning at the SW corner of said Block 513, which is at the intersection of South "C" Street and the east right of way line of the Missouri-Pacific Railroad, and along the north right of way line of the Blocks 573, 572 and 555 and the east right of way line of the Missouri-Pacific Railroad for 1,002 feet to the NW corner of said Block 555, thence S10°47'42" E along the north right of way line of said Block 555, to the NE corner of said Block 555, which is on the west right of way line of the St. Louis-San Francisco Railroad, thence S17°22'00" E along the east line of said Block 555 for 453 feet to the NE corner of said Block 555, thence S89°07'42" E along the north right of way line of said Block 555 for 336 feet to the NW corner of said Block 574 and the west right of way line of the St. Louis-San Francisco Railroad for 390.70' to a point on the west right of way line of said South 4th Street, thence continue S19°04'12" E along the west right of way line of said South 4th Street for 100 feet to the NW corner of said Block 574, thence S74°07'42" E along the north right of way line of said Block 574 and the west right of way line of said St. Louis-San Francisco Railroad for 135.30' to the east line of said Block 574, which is on the north right of way line of said South 4th Street, thence S89°07'42" E along the north right of way line of said Block 574 and 573 and the north right of way line of said South 4th Street for 383.70 to the Point Beginning.

AND

Beginning at the point of intersection of the north line of South "E" Street in the City of Fort Smith, Arkansas, as per her recorded plat thereof, and the Western line of Arkansas and Missouri Railroad Company's (contract purchaser from Burlington Northern Railroad Company) Western right of way line of said South "E" Street, thence easterly along said Railroad Company's Western right of way line 944 feet, thence East parallel with the North line of South "E" Street 172 feet less or more, to a line that lies parallel and/or concave with said 25 feet East parallel with the North line of South "E" Street, thence easterly along the Missouri Railroad Company's (contract purchaser from Burlington Northern Railroad Company) Western right of way line of said South "E" Street 835 feet, less or more, to the North line of said parallel or concave line, thence East parallel with the North line of said parallel or concave line, to the point of beginning.

*Property Description, As Surveyed*

Block 555, 576, 573 and 574 of Reserve Addition and last part of the St. Louis-San Francisco Railroad right of way Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:

Beginning at the SW corner of said Block 573 which is the intersection of South "E" Street and the east right of way line of the Union-Pacific Railroad; thence N20D415E along the west line of said Block 573, 572 and 555 and said right of way line, 100.00'; thence S72D25E along the NW corner of said Block 555; thence N89D5751E along the north line of said Block 555, 153.30' to the NE corner of said Block 555 to the east right of way line of the St. Louis-San Francisco Railroad; thence S72D25E along the NW corner of said Block 555, 100.00' to the NW corner of said Block 573; thence S72D25E along the west line of said St. Louis-San Francisco Railroad, 114.74'; thence S89D548'E 176.11' to a line that lies parallel and concentric with and 25' westerly from centerline of the Union Pacific Railroad; thence S72D25E along said line, 213.39' to the NW corner of said railroad centerline perpendicular, 29.14'; thence along a curve to the left having a central angle of 07D05'30" and a radius of 45456.87' to a point subtended by the arc bearing of S72D10'E 250.61' paralleling said line and 25' westerly from centerline of said railroad; thence along said line and 25' westerly from centerline of said railroad centerline, 25' perpendicular, 355.56' to the north right of way line of South "E" Street; thence N89D548'E 70" along said north right of way line of South "E" Street, S154.4' to the Point of Beginning; thence along the East and Excepted, South 48" Street right of way and South "C" Street right of way, 100.00' to the NW corner of said Block 573.

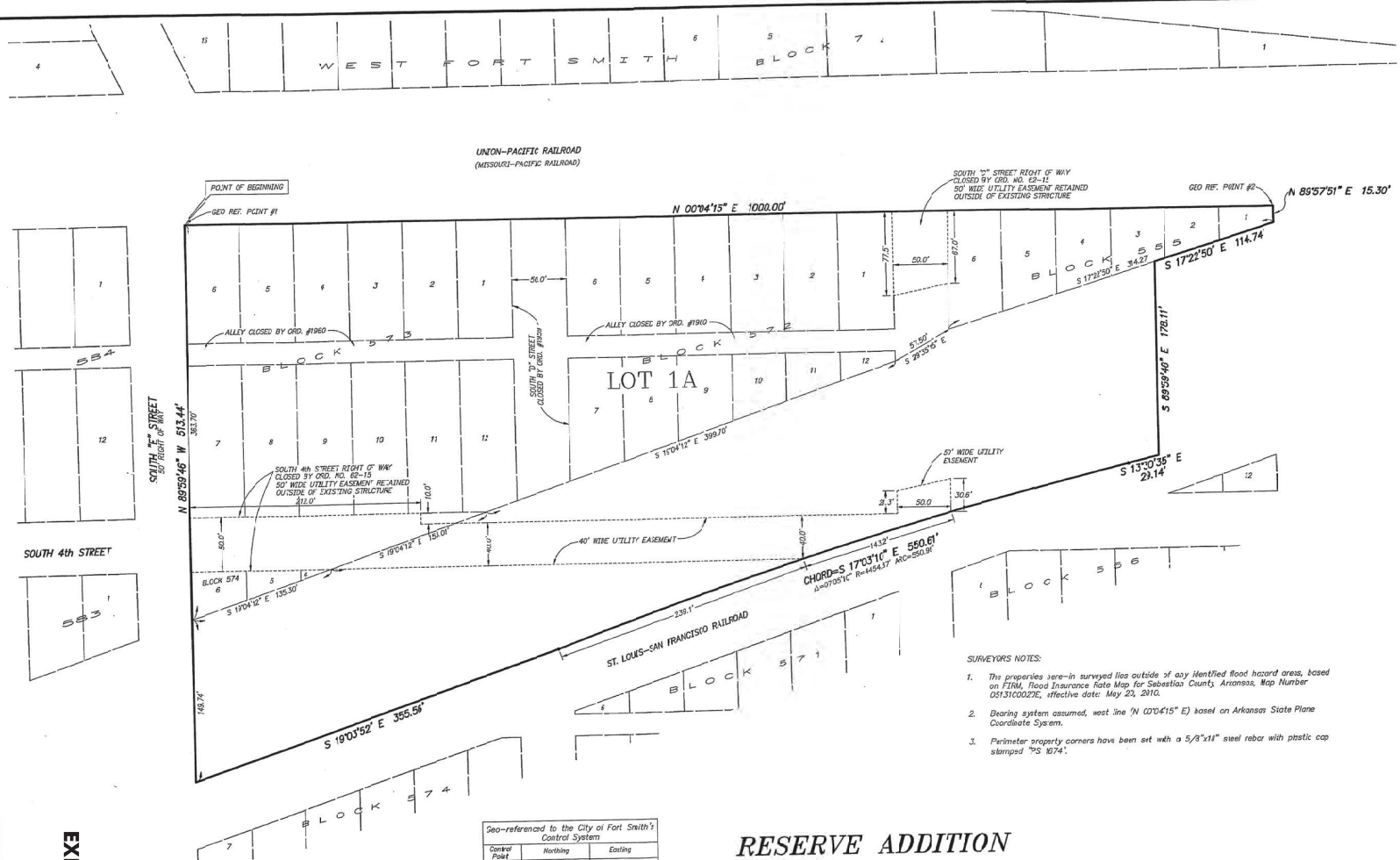
Containing a total of 7.11 acres more or less.

Containing a total of 7.11 acres more or less.

[illegible]

U:\HAWKINS\PROJECTS\2015\20150701 OLD FORT HOMELESS COALITIONS\PLANS, 9/17/2015 1:17 PM, STEVE HENDRICKS, LAYOUT

EXHIBIT 3 - EXISTING PLAT



Geo-referenced to the City of Fort Smith's Control System

Control Point	Northing	Easting
1	389426.89	587548.60
2	390425.31	587903.08

Utility Easement:  
The right-of-way as shown on this plat is hereby dedicated to the City of Fort Smith ("City") for public use. The easements shown on this plat are hereby dedicated to the City for utility, drainage access and other purposes. Any easement designated as a "utility easement" is dedicated to the City for the installation, operation, and maintenance of City owned utilities and utilities, including cable TV, operated by utility companies having a franchise agreement with the City. The City and City franchised utility companies shall have access through and along designated easements for their personal and equipment at all times with the authority to cut down and keep trimmed from the dedicated easements trees, bushes, and shrubs that may interfere with or endanger such utilities. In the event that fencing of individual lots is desired, gates that provide free ingress and egress to and within the dedicated easement shall be provided.

RESERVE ADDITION  
LOT 1A

BEING PART OF BLOCKS 555, 572 AND 574 OF RESERVE ADDITION AND THAT PART OF THE ST. LOUIS-SAN FRANCISCO RAILROAD RIGHT OF WAY, FORT SMITH, SEBASTIAN COUNTY, ARKANSAS

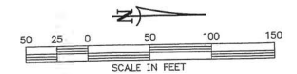
DATE: SEPTEMBER 2015

SCALE: 1"= 50'

**HAWKINS & WEIR**  
ENGINEERS, INC.  
110 South 7th Street  
211 Natural Resources Drive  
• Van Buren, Arkansas 72954  
• Little Rock, Arkansas 72202  
• (479) 474-1227  
• (501) 374-4646  
www.hawkins-weir.com



Surveyor's Certification:  
This is to certify that this plat and survey on which it is based was made in accordance with the minimum standards as set forth in Standards of Practice No. 1, Arkansas Minimum Standards for Property Boundary Surveys and Plats by the State of Arkansas Land Survey Division.



PLANNING COMMISSION APPROVAL  
*[Signature]* 9/22/15  
*[Signature]*

FILE FOR RECORD  
This is the 22 day of September 2015 A.D. at the County Clerk's Office.  
CLERK EEROOS  
By: *[Signature]*  
FILED  
SEP 23 2015  
CLERK EEROOS  
BY: *[Signature]*

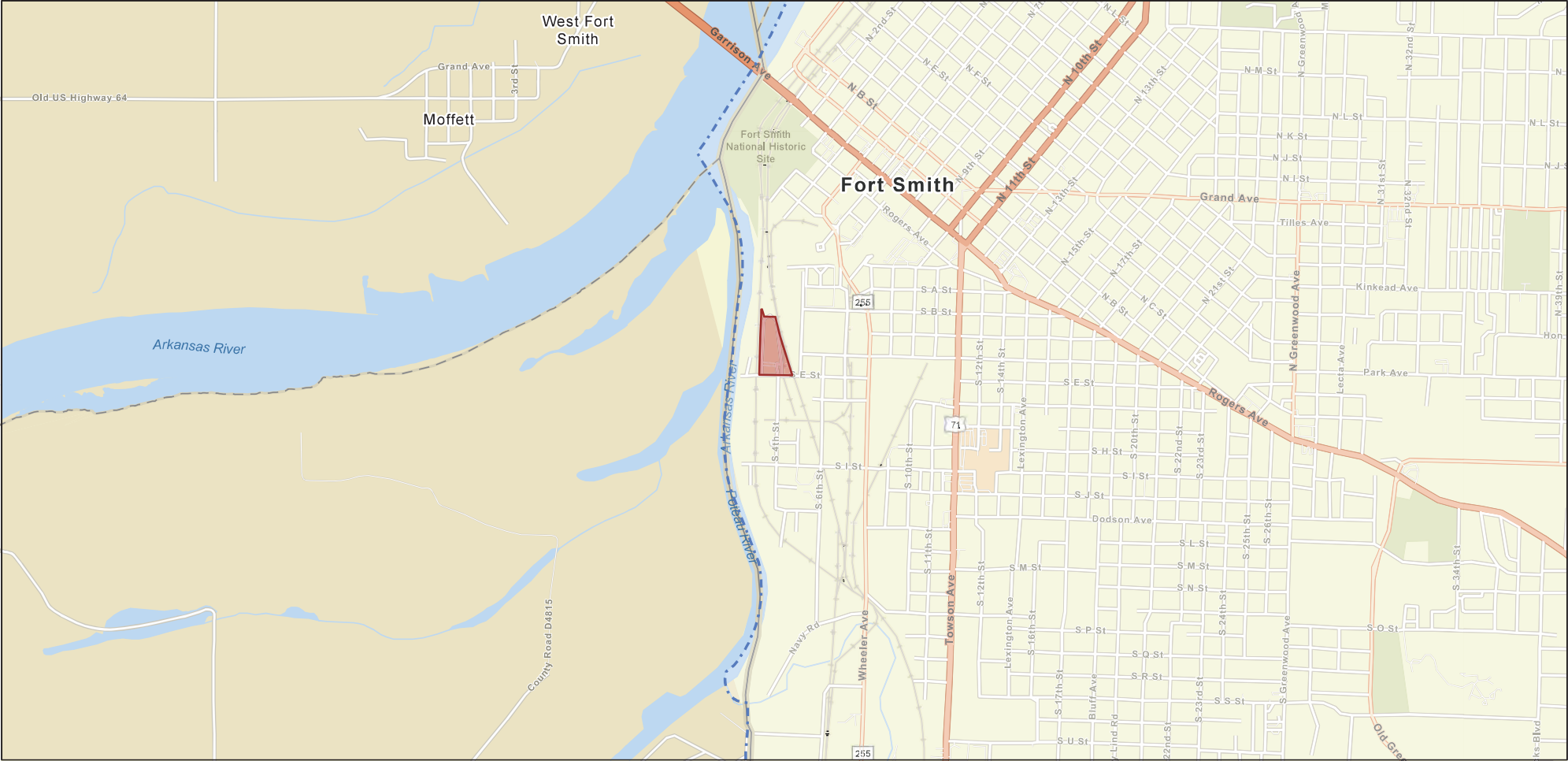
ALLOTTEE: Old Fort Homeless Coalitions, Inc.  
2100 N. 31st Street  
Fort Smith, Ar. 72304

STATE OF ARKANSAS  
COUNTY OF SEBASTIAN  
Sworn and subscribed before me this 22 day of September 17, 2015  
Notary Public: *[Signature]*  
My commission expires: November 28, 2017

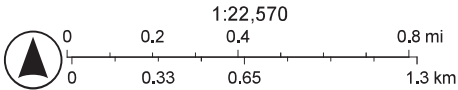
Property Description  
Block 555, 572, 573 and 574 of Reserve Addition and that part of the St. Louis-San Francisco Railroad right of way, Fort Smith, Sebastian County, Arkansas, being more particularly described as follows:  
Beginning at the SW corner of said Block 573 which is the intersection of South "E" Street and the east right of way line of the Union-Pacific Railroad; thence N00°41'51"E along the west line of said Blocks 573, 574 and 555 and said east right of way line of the Union-Pacific Railroad, 1000.00' to the NW corner of said Block 555; thence N89°57'51"E along the north line of said Block 555, 15.30' to the NE corner of said Block 555 to the west right of way line of the St. Louis-San Francisco Railroad; thence S17°22'50"E along the east line of said Block 555 and the west right of way line of said St. Louis-San Francisco Railroad, 114.74'; thence S89°59'46"E 178.11' to a line that lies parallel and concentric with said 25' westerly from centerline of the Main Track of the St. Louis-San Francisco Railroad; thence S13°30'35"E paralleling said railroad centerline perpendicular, 28.14'; thence along a curve to the left having a central angle of 07°05'10" and a radius of 1454.87' to a point subtended by a chord bearing of S17°03'07"E 550.61' paralleling said railroad centerline 25' perpendicular, 355.59' to the north right of way line of South "E" Street; thence N89°59'46"W along said north right of way line of South "E" Street, 513.14' to the Point of Beginning.  
Containing a total of 7.48 acres more or less.

JO3 NO. 20150390

Rezoning #15-7-25 – A request by Kasey Wilson, agent for Old Fort Homeless Coalition, Inc, for a zone change from Industrial Light (I-1) and Industrial Moderate (I-2) to a Planned Zoning District (PZD) at 301 South E Street

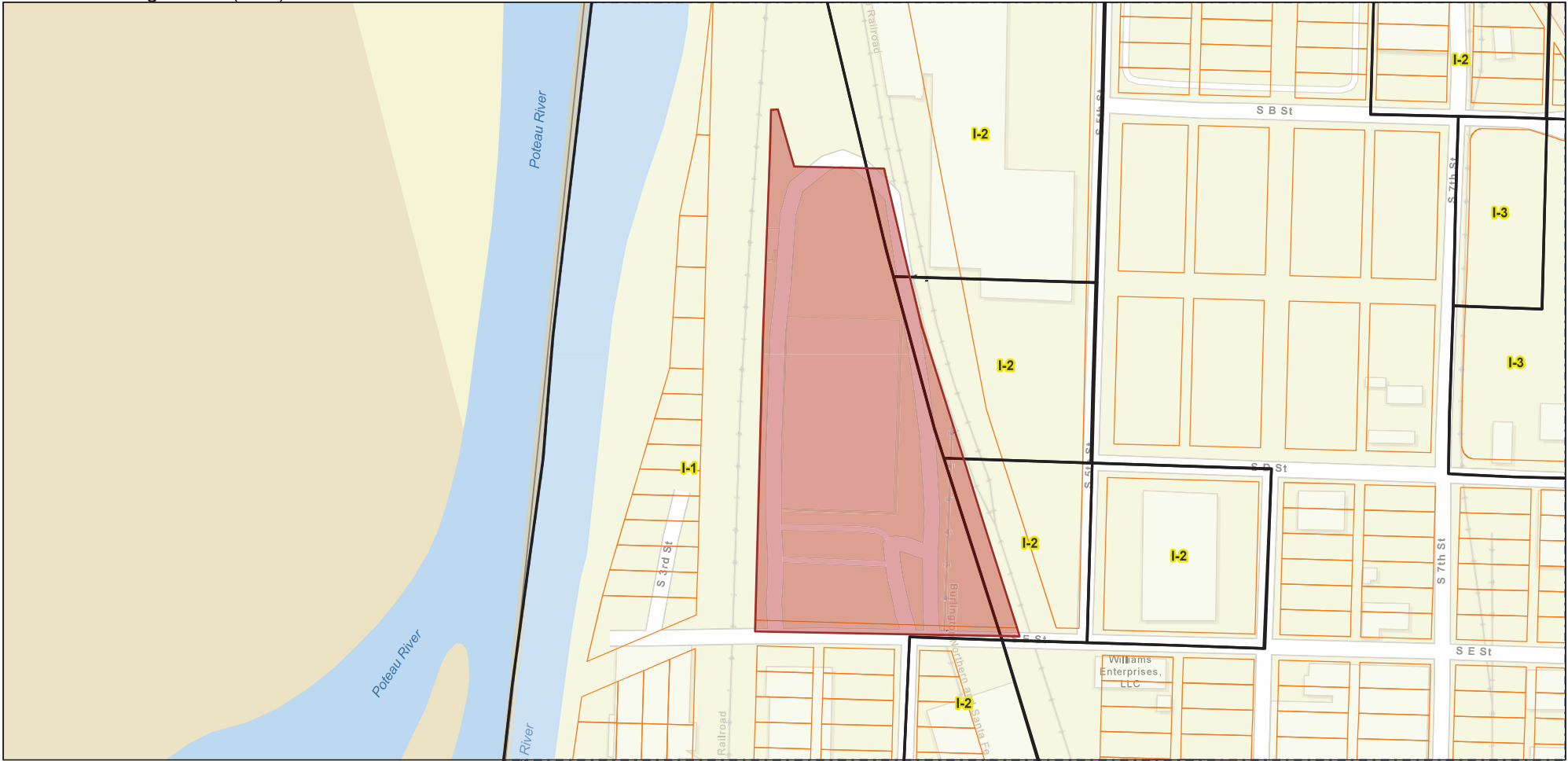


6/17/2025, 11:25:54 AM  
Fort Smith City Limits



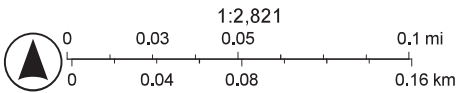
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

Rezoning #15-7-25 – A request by Kasey Wilson, agent for Old Fort Homeless Coalition, Inc, for a zone change from Industrial Light (I-1) and Industrial Moderate (I-2) to a Planned Zoning District (PZD) at 301 South E Street



6/17/2025, 11:21:23 AM

- Zoning
- Subdivisions
- Fort Smith City Limits



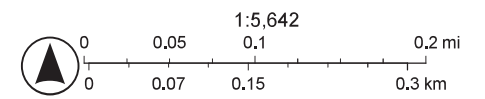
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

Rezoning #15-7-25 – A request by Kasey Wilson, agent for Old Fort Homeless Coalition, Inc, for a zone change from Industrial Light (I-1) and Industrial Moderate (I-2) to a Planned Zoning District (PZD) at 301 South E Street



6/17/2025, 11:23:34 AM

Fort Smith City Limits



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community



## MEMORANDUM

**TO:** Jeff Dingman, Acting City Administrator  
**FROM:** Maggie Rice, Deputy City Administrator  
**DATE:** July 29, 2025  
**SUBJECT:** Relocation of Hope Park Pavilion and Waiver of Fees – Riverview Hope Campus, 301 South E Street

### **SUMMARY**

Representatives of the Riverview Hope Campus requested to relocate the Hope Park Pavilion to Hope Campus at 301 South E Street. The enclosed ordinance allows for the pavilion, which is city-owned personal property, to be donated to Hope Campus. Additionally, the enclosed resolution allows waiving all building permit and inspection fees associated with the relocation. Included in the packet is a letter from Kasey Wilson, Executive Director, detailing the need for the relocation as well as requesting the waiver of fees.

Please contact me if you have any questions.

### **ATTACHMENTS**

1. [20250728\\_Hope\\_Park\\_Pavilion.pdf](#)

## ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE DECLARING AN EXCEPTIONAL SITUATION AND WAIVING  
THE REQUIREMENTS OF COMPETITIVE BIDDING FOR THE TRANSFER OF  
OWNERSHIP AND TRANSFERRING THE OWNERSHIP OF THE HOPE PARK  
PAVILION TO RIVERVIEW HOPE CAMPUS**

---

WHEREAS, the City owns personal property described as the Hope Park Pavilion, which is an approximately 65 feet x 25 feet metal frame pavilion located at 14 N. H Street;

WHEREAS, the Hope Park Pavilion has been utilized by civic organizations to provide various services to the homeless community within the City; and,

WHEREAS, the City desires to transfer the Hope Park Pavilion to Riverview Hope Campus so that the pavilion may be utilized by Riverview Hope Campus in providing services to the homeless community within the City.

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

SECTION 1: An exceptional situation exists requiring the waiving of competitive bidding for the transfer of ownership of the Hope Park Pavilion to Riverview Hope Campus so that the competitive bidding requirement is hereby waived, and the transfer of ownership of the Hope Park Pavilion to Riverview Hope Campus is hereby authorized.

SECTION 2: The City Administrator is authorized to take all necessary actions to effectuate transfer of ownership and physical possession of the Hope Park Pavilion to Riverview Hope Campus. Any and all costs or expenses related to the de-assembly, removal, moving and/or re-assembly of the Hope Park Pavilion shall be the sole obligation of Riverview Hope Campus.

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF AUGUST, 2025.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

Approved as to form:



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

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE CITY ADMINISTRATOR TO WAIVE BUILDING PERMIT FEES  
AND CONSTRUCTION INSPECTION FEES ASSOCIATED WITH THE CONSTRUCTION OF A PAVILION  
AT RIVERVIEW HOPE CAMPUS LOCATED AT 301 SOUTH E STREET

---

WHEREAS, the Riverview Hope Campus wishes to provide a covered outdoor space for  
its clients at 301 South E Street in Fort Smith; and

WHEREAS, the Riverview Hope Campus has requested a waiver of building permit and  
construction inspection fees associated with the improvement project.

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

Building permit fees and construction inspection fees associated with the construction  
of a pavilion for the Riverview Hope Campus located at 301 South E Street are hereby waived.  
All building permits and construction inspections for said project continue to be required, but  
no fee shall be assessed.

THIS RESOLUTION ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

Approved as to form:



\_\_\_\_\_  
NPR



Riverview HOPE Campus  
301 South E Street  
Fort Smith, AR 72901

7/28/25

City of Fort Smith Board of Directors  
City of Fort Smith  
623 Garrison Avenue  
Fort Smith, AR 72901

Dear Members of the Board,

On behalf of Riverview HOPE Campus, I am writing to respectfully request a waiver of the building permit review and construction inspection fees associated with the relocation of a pavilion structure to our campus site at 301 South E Street.

This pavilion, formerly located at Hope Park, will serve as a much-needed covered area for the individuals we serve daily. It will provide critical shade during extreme heat and protection during inclement weather, allowing our unhoused neighbors a dignified and safe place to rest and gather while accessing essential services offered on-site.

We believe that this small but meaningful improvement will enhance our service delivery to Fort Smith's most vulnerable residents and reflect our shared community values of compassion and support. We appreciate your continued support of Riverview HOPE Campus and ask for your partnership in this endeavor by waiving the associated permit and inspection fees.

Thank you for your consideration. Please don't hesitate to reach out if any further documentation or clarification is needed.

Sincerely,

***Kasey Wilson, BS, ADC***  
Kasey Wilson, BS, ADC  
Executive Director  
479-242-4190







## MEMORANDUM

**TO:** Jeff Dingman, Acting City Administrator  
**FROM:** Maggie Rice, Deputy City Administrator  
**DATE:** July 15, 2025  
**SUBJECT:** Rezoning #16-7-25 from Residential Single Family High Density (RS-4) to Residential Single Family Duplex High Density (RSD-4) at 10405, 10409, 10415, 10419, 10423, and 10427 Preston Court

### **SUMMARY**

On July 8, 2025, the Planning Commission held a public hearing to consider rezoning property located at 10405, 10409, 10415, 10419, 10423, and 10427 Preston Court from Residential Single Family High Density (RS-4) to Residential Single Family Duplex High Density (RSD-4). The property, containing an area of 2.14 acres, is located on the east side of Preston Court, between Penelope and Mallory Lanes. The proposed rezoning facilitates the construction of six (6) duplexes on Lots 14-19 of the Stone Ridge subdivision.

A neighborhood meeting was held on June 25, 2025. No neighboring property owners were in attendance.

At the Planning Commission meeting, Ms. Nicole Swanson was present to represent the application. There were none present to speak in favor or opposition of the item.

The Planning Commission voted seven (7) in favor, zero (0) opposed, and one (1) abstention to recommend the Board of Directors amend the Zoning Map.

Please contact me if you have any questions.

### **ATTACHMENTS**

1. [Stone\\_Ridge\\_Ordinance.pdf](#)
2. [8-5-25 ITEM 1982 Stone Ridge Backup.pdf](#)

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE REZONING IDENTIFIED PROPERTY  
AND AMENDING THE ZONING MAP**

**WHEREAS**, the City Planning Commission has heretofore held a public hearing upon request 16-7-25 to rezone certain property hereinafter described, and, having considered said request, recommended on July 8, 2025, that said change be made;

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

**SECTION 1:** That the following property to-wit:

Stone Ridge Lots 14-19, being part of the west ½ of the southeast ¼ and part of the east ½ of the southwest ¼ of Section 18, Township 7 North, Range 31 West, Fort Smith, Sebastian County, Arkansas.

More commonly known as 10405, 10409, 10415, 10419, 10423, and 10427 Preston Court is hereby rezoned from Residential Single Family High Density (RS-4) to Residential Single Family Duplex High Density (RSD-4).

The zoning map of the City of Fort Smith is hereby amended to reflect said zoning.

**SECTION 2:** It is hereby found and determined that the adoption of the amendment to the zoning map is necessary to alleviate an emergency relative to the regulation of uses of property within the City of Fort Smith so that the protection of the health, safety, welfare, and property of the inhabitants of the City requires that the above amendment be effective, and the amendment is hereby made effective as of date of approval of the Ordinance.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.**

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
Mayor

**Approved as to form:**



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

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT**  
**AGENDA**  
**BLUE LION DOWNTOWN, 101 N 2<sup>ND</sup> ST**  
**JULY 8, 2025**  
**5:30 P.M**

- 1. Rezoning #16-7-25 – A request by ERC, agent for Stoneridge FSM Development, LLC, for a zone change from Residential Single Family High Density (RS-4) to Residential Single Family Duplex High Density (RSD-4) at 10405, 10409, 10415, 10419, 10423, and 10427 Preston Court.**

Chairman McCaffrey introduced items 3 and 4 as companion items. Mr. Miller delivered the staff report indicating the subject property was located on the east side of Preston Court, between Penelope Lane and Mallory Lane. He said approval of the items would facilitate the construction of six (6) duplex residential structures on Lots 14-19 of the Stone Ridge subdivision.

Ms. Nicole Swanson was present to represent the item. There were none present to speak in favor or opposition of the item.

Chairman McCaffrey called for a motion on item 3. Commissioner Ledford moved, seconded by Commissioner Hanna, to approve with staff comments.

Commissioner Hanna and Chairman McCaffrey asked staff for clarification on the order regarding the public hearings for the Planning Commission and Fort Chaffee Redevelopment Authority. Ms. Rice explained that Planning Commission approval was contingent upon FCRA approval of the land use plan. Mr. Miller responded that the scheduled timing of the meetings sometimes requires the Planning Commission vote prior to the Fort Chaffee Board of Trustees vote on the land use plan map change that is scheduled for July 17, 2025.

Chairman McCaffrey called for a vote on item 3. The vote was seven (7) in favor and one (1) abstention. (Coleman)

- 2. Development Plan #12-7-25 – A request by ERC, agent for Stoneridge FSM Development, LLC, for duplexes in a proposed Residential Single Family Duplex High Density (RSD-4) zone at 10405, 10409, 10415, 10419, 10423, and 10427 Preston Court.**

Chairman McCaffrey called for a motion on item 4. Vice Chair Taylor moved, seconded by Commissioner Wilson, to approve with staff comments.

Chairman McCaffrey asked staff and the applicant if sidewalks would be installed. Mr. Miller responded that sidewalks are a requirement on both sides of the street by the FCRA and Ms. Swanson confirmed that they would be installed.

Chairman McCaffrey called for a vote on item 4. The vote was seven (7) in favor and 1 abstention. (Coleman)



## Fort Smith Planning Commission

**Item Number:** Rezoning #16-7-25

**Hearing Date:** July 8, 2025

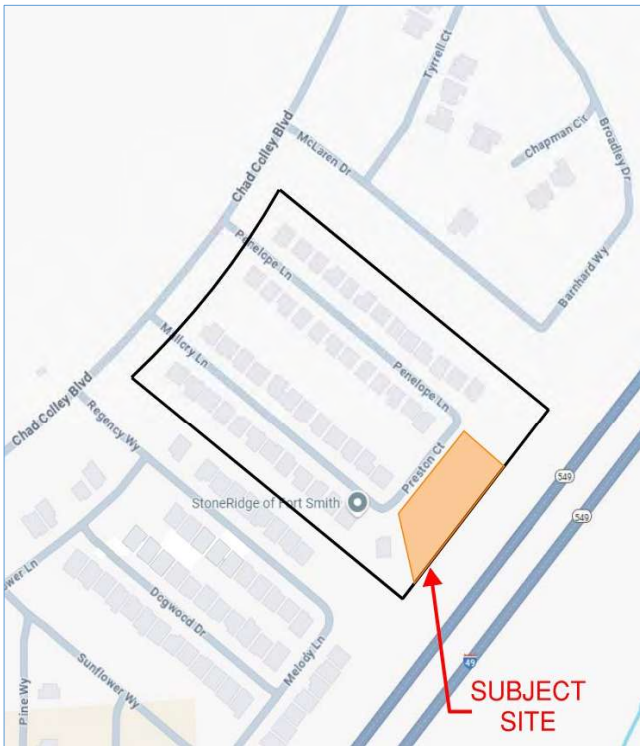
**Report Prepared by:**  
Planning Staff

**Owner and Applicant Information:**

Owner: FSM Development, LLC

Applicant: ERC, agent

**Location Map:**



**Applicant Proposal:**

**Address:** 10405 through 10427 Preston Court (Stone Ridge, Lots 14-19)

**Present Use:** Undeveloped

**Summary:** Rezoning request from Residential Single Family High Density (RS-4) to Residential Single Family Duplex High Density (RSD-4)

**Total Tract Size:** 2.14 Acres

**Location:** East side of Preston Court, between Penelope Lane and Mallory Lane

**Existing Zoning:**

RS-4

**Staff recommendation:**

Approval

**Chaffee Crossing Future Land Use**

**Plan classification:**

Single Family Residential

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** July 8, 2025

**Re:** Rezoning #16-7-25 - A request by ERC, agent for Stoneridge FSM Development, LLC, for a zone change from Residential Single Family High Density (RS-4) to Residential Single Family Duplex High Density (RSD-4) at 10405, 10409, 10415, 10419, 10423, and 10427 Preston Court (Stone Ridge, Lots 14-19).

### **PROJECT DESCRIPTION**

Approval will facilitate the construction of six (6) duplex residential structures on Lots 14-19, Stone Ridge subdivision.

### **LOT LOCATION AND SIZE**

The subject property lies on the east side of Preston Court, between Penelope and Mallory Lanes, approximately 985 feet east of Chad Colley Boulevard. The property consists of roughly 2.14 acres with approximately 315 feet of frontage on Preston Court and 453 feet of frontage backing up to Interstate 549 right of way.

### **REQUESTED ZONING**

The requested zoning of the subject lots is Residential Single Family – Duplex High Density (RSD-4). Characteristics of this zone are as follows:

#### **Purpose:**

To provide very dense single family detached and duplex housing as either new or infill development. The RSD-4 zoning district is appropriate in higher density residential areas near the downtown, in mixed use/density areas, and as a transitional buffer zone between lower density residential development and multifamily or commercial uses. The RSD-4 zoning district corresponds to the Residential Attached, Mixed Use Residential, and Mixed Use Employment classification of the Master Land Use Plan.

#### **Permitted Uses:**

Single-family, duplex dwellings and family group homes are examples of permitted uses.

#### **Conditional Uses:**

Commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

### **Area and Bulk Regulations:**

Minimum Lot Size – 5,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Density – 8.7 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 20 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet	

### **EXISTING ZONING**

The existing zoning of the of the subject lots is Residential Single Family High Density (RS-4). Characteristics of this zone are as follows:

#### **Purpose:**

To provide very dense single family detached housing as either new or infill development. The RS-4 zoning district is appropriate in higher density residential areas near the downtown, in mixed use/density areas, and as a transitional buffer zone between lower density residential development and multifamily or commercial uses. The RS-4 zoning district corresponds to the Residential Detached, Mixed Use Residential, and Mixed Use Employment category of the Master Land Use Plan.

#### **Permitted Uses:**

Single-family dwellings and family group homes are examples of permitted uses.

#### **Conditional Uses:**

Commercial communication towers, amateur radio transmitting towers, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes and churches are examples of uses permitted as conditional uses.

### **Area and Bulk Regulations:**

Minimum Lot Size – 5,000 square feet	Maximum Height - 35 feet (1+1)
Maximum Density – 8.7 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 50 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 20 feet	
Side Yard on Street Side of Corner Lot - 20 feet	
Side Yard Setback – 5 feet	
Rear Yard Setback - 10 feet	
Minimum building separation – 10 feet	

### **MASTER STREET PLAN CLASSIFICATION**

Preston Court is a local road.

## **SURROUNDING ZONING AND LAND USE**

<b>Direction</b>	<b>Land use</b>	<b>Zoning</b>
North	Single Family Subdivision	RS-3, Residential Single Family Medium/High Density
East	Interstate 549	N/A
South	Single Family Subdivision	RS-4, Residential Single Family High Density
West	Single Family Subdivision	RS-4, Residential Single Family High Density

## **MASTER LAND USE PLAN COMPLIANCE**

The Chaffee Crossing Future Land Use Plan classifies the subject property as Single Family Residential, defined as standard residential lot of zero lot-line lots in attractive, interconnected neighborhoods. Accompanying this request, the applicant requests approval of an amendment to the Chaffee Crossing Future Land Use Plan to accommodate the proposed RSD-4 rezoning and duplex land use.

## **NEIGHBORHOOD MEETING**

A neighborhood meeting was held at 5:00pm Wednesday, June 25, 2025, on-site at the ERC office, 9301 RA Young, Jr. Drive. Present were the owner's representative and a member of Fort Smith Planning Staff. No neighboring owners or residents were in attendance.

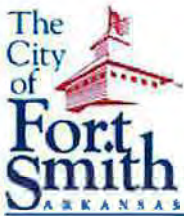
## **STAFF COMMENTS**

The applicant requests rezoning to facilitate construction of six (6) duplex structures on individual lots within Stone Ridge subdivision. The subject site can be seen as a buffer between the existing single-family lots to the west and the interstate roadway located to the east.

Should the Planning Commission recommend approval of the subject rezoning, the Fort Chaffee Redevelopment Authority Board of Trustees must approve a proposed Chaffee Crossing Future Land Use Plan amendment prior to the rezoning hearing by the Fort Smith Board of Directors.

## **STAFF RECOMMENDATIONS**

Staff recommends approval contingent upon FCRA approval of a Chaffee Crossing Land Use Plan amendment.



Application updated January 2022

PLANNING & COMMUNITY DEVELOPMENT

## REZONING APPLICATION

# CITY OF FORT SMITH, ARKANSAS Rezoning

<b>FOR STAFF USE ONLY</b>	<b>FEE: \$350</b>
Date Application Submitted: 6/11/25	Zone: Existing: RS-4
Date Accepted as Complete: 6/17/25	Proposed: RSD-4
Project Number:	
Public Hearing Date: 7/8/25	

### Application:

Indicate one contact person for this request:

☒ Applicant

☐ Agent

#### Applicant (person making request):

Name: Nicole Swanson  
E-mail: [REDACTED]

Address:

9301 R.A. Young Jr. Drive, Suite 104

Fort Smith, AR 72916

Phone: 479-478-5103

Fax: 479-452-7252

#### Agent (engineer, surveyor, realtor, etc.):

Name: [REDACTED]  
E-mail: [REDACTED]

Address:

[REDACTED]  
[REDACTED]

Phone: [REDACTED]

Fax: [REDACTED]

Site Address / Location: Lots 14-19, Stone Ridge Addition

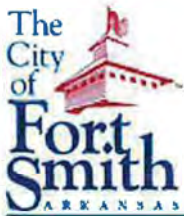
10405, 10409, 10415, 10419, 10423  
& 10427 Preston Court

Current Zoning District: RS-4

Requested Zoning District: RSD-4

Assessor's Parcel Number(s) for property: 11688-0014-00000-00, 11688-0015-00000-00, 11688-0016-00000-00,  
11688-0017-00000-00, 11688-0018-00000-00 & 11688-0019-00000-00

[www.fortsmithar.gov/index.php/planning-zoning](http://www.fortsmithar.gov/index.php/planning-zoning)



Application updated January 2022

PLANNING & COMMUNITY DEVELOPMENT

## REZONING APPLICATION

Total Acreage: 2.14

Legal Description of property:

Attach legal description in  
word format.

N/A ☐ Restrictive Covenants Apply (attach to application) [Per Wendy/Co. Clerk 6/12/25](#)

Companion items:

☐ Development Plan (\$100 when submitted with another application)

☐ Master Land Use Plan Map Amendment (\$100 when submitted with a rezoning)

**Note: Fees cover the administrative costs of advertising and notifying neighboring property owners. Fees are Non-Refundable.**

Describe Proposed Zoning Request, including the development of any construction on the property:

I am proposing a zoning change for six currently zoned RS-4 lots to RSD-4 in order to allow for greater flexibility in their future development and sale. The RSD-4 designation provides broader development options, which can enhance the appeal of these properties to a wider range of potential investors or builders. This change aligns with current land use trends and market demand, while still preserving the intent and integrity of residential neighborhoods.

**PROPERTY OWNER(S) / AUTHORIZED REPRESENTATIVE:** The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830. Once deemed completed, no modification may be made unless requested or agreed upon by the Planning Department. Should modification to the application be requested after advertising, it shall be at the discretion of the Planning Commission to review or continue. Re-advertising fee may apply.

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I grant the appropriate City personnel permission to enter the subject property during reasonable hours so that they may investigate and review this application.

Name and Signature	Date
Nicole Swanson, Mgr.	05.22.25
Nicole Swanson	

[www.fortsmithar.gov/index.php/planning-zoning](http://www.fortsmithar.gov/index.php/planning-zoning)

**LIST OF OWNERS OF ALL PROPERTY TO BE REZONED**

List the names and addresses of all owners of property included within the area requested by this petition to be rezoned.

NAME

Stoneridge FSM Development, LLC

ADDRESS

9301 R.A. Young Jr. Drive, Suite 104, Fort Smith, AR 72916

BEING PART OF THE WEST-HALF (W 1/2) OF THE SE 1/4  
AND PART OF THE EAST-HALF (E 1/2) SW 1/4 OF  
SECTION 18, TOWNSHIP 7 NORTH, RANGE 31 WEST,  
FORT SMITH, SEBASTIAN COUNTY, ARKANSAS.

Intersection of the  
Northwesterly R/W line of Interstate 49  
& the East line of the W 1/2 of SE 1/4 of  
Section 18, T-07-N, R-31-W  
(Taken from the AHTD I-49 R/W Plans)

FLAT CERTIFIED CORRECT:

ALLOTTERS:

Sworn and subscribed  
 Before me this 24th day of May  
 Notary Public: Alyson M. Hagg  
 My Commission Expires 10/29/2023

Date: June 17, 2021  
Chairman: [Signature]  
Secretary: [Signature]

2021-15747  
Certificate of Second  
FORT WALTON DISTRICT  
DADE COUNTY, ARIZONA  
N. BROOKS, CO. CLERK & REC'D  
06/17/2021 09:51:03 AM  
SURV RECORDING FEE 15.00  
Page: 1

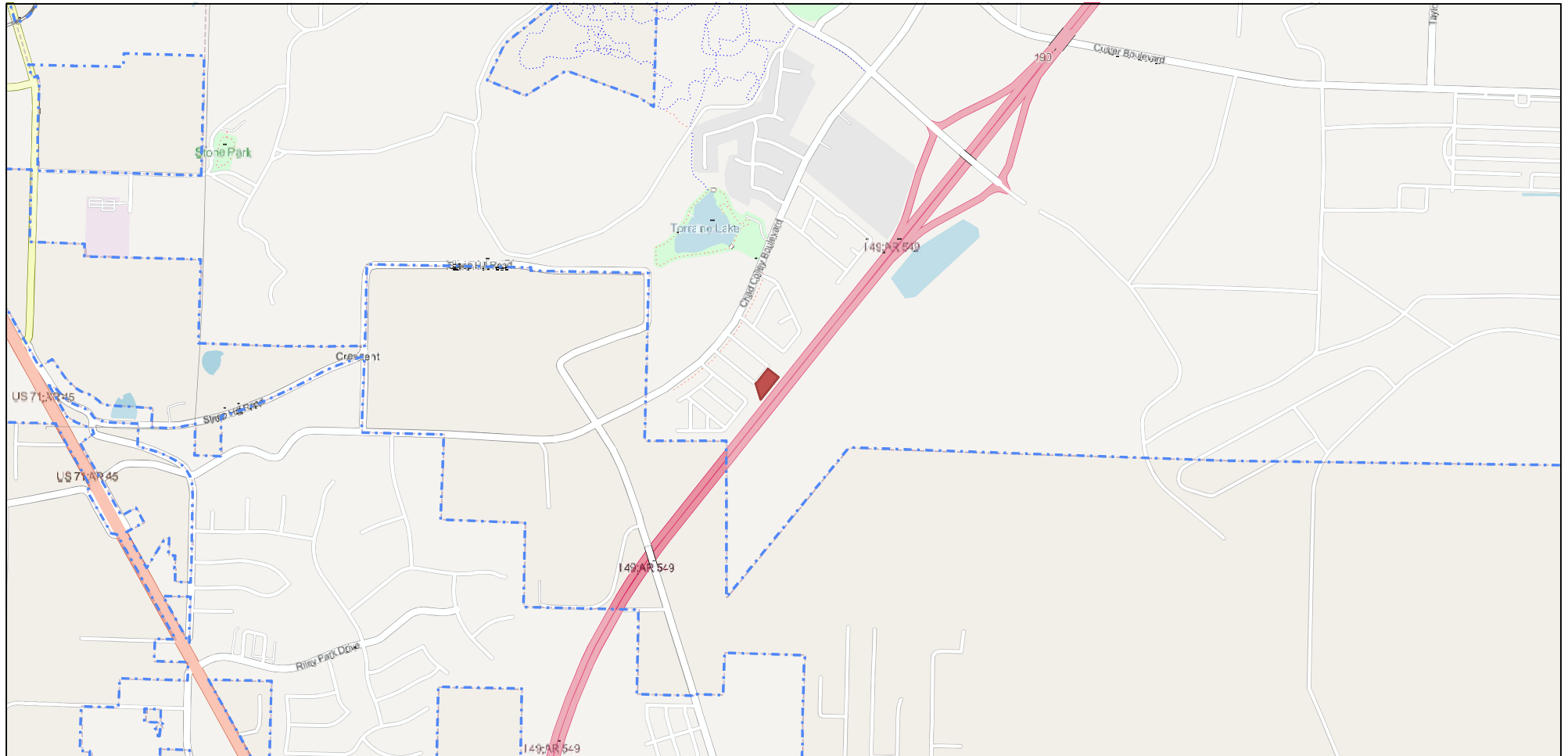
REGISTERED PROFESSIONAL ENGINEER  
STATE OF ARKANSAS  
NO. 1272  
J. H. SMITH  
SIGNATURE

**ANDERSON SURVEYING INC.**  
Arkansas -- Oklahoma  
P.O. Box 129  
Van Buren, AR 72957  
(479)-474-4247  
Fax (479)-410-5333  
e-mail: [tony@and-survey.com](mailto:tony@and-survey.com)

DATE: 05-20-2024	FOR USE BY:	PORT SMITH HOUSING II LIMITED PARTNERSHIP
TIME: 20:08:21		
SCALE: 1" = 60'		

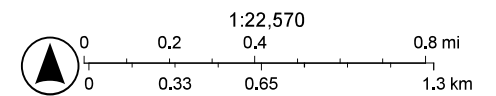
56

Rezoning #16-7-25 – A request by ERC, agent for Stoneridge FSM Development, LLC, for a zone change from Residential Single Family High Density (RS-4) to Residential Single Family Duplex High Density (RSD-4) at 10405, 10409, 10415, 10419, 10423, and 10427 Preston Court.



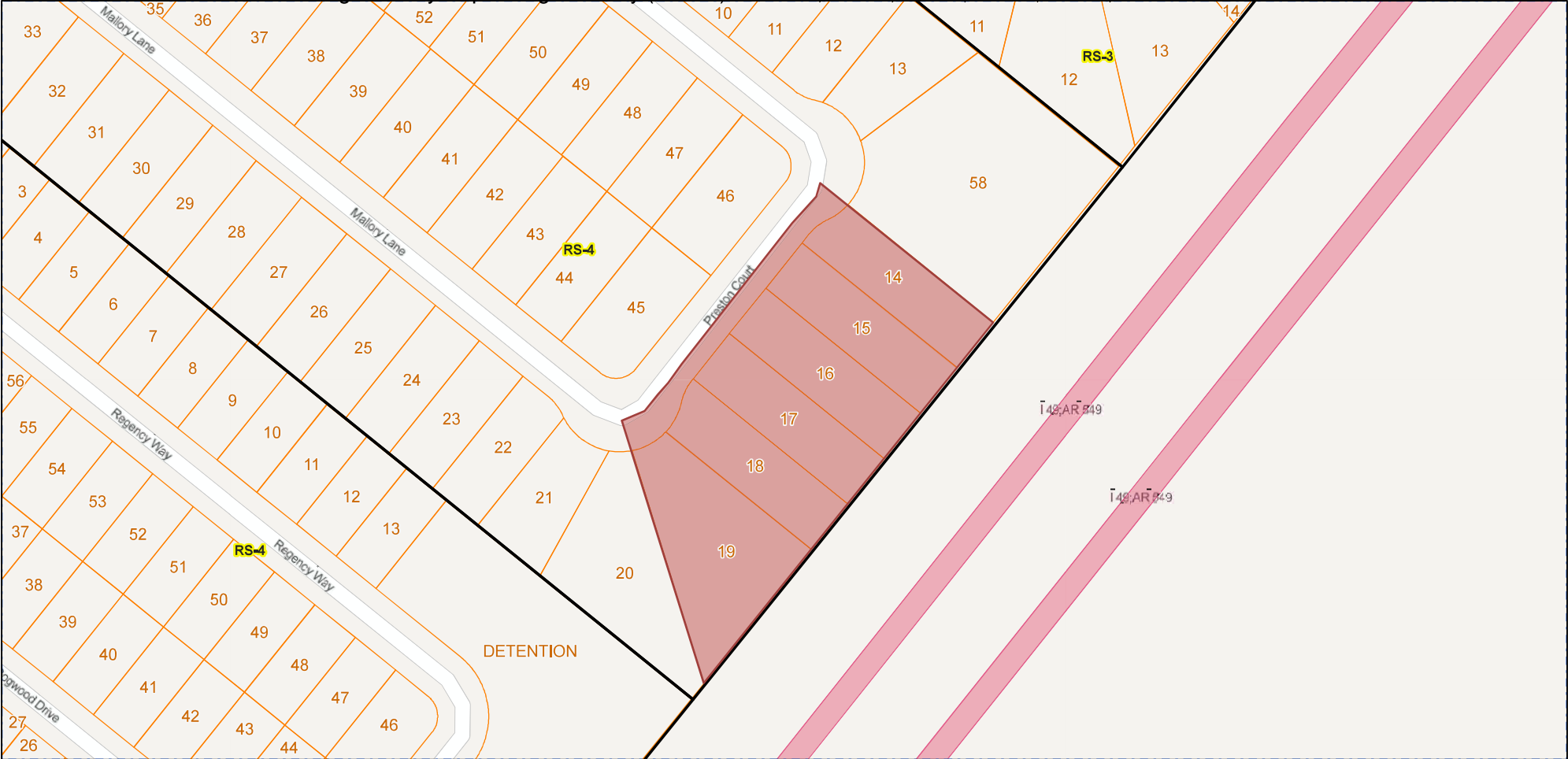
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Fort Smith City Limits



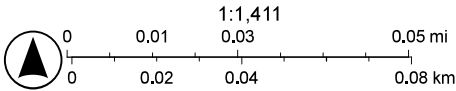
Map data © OpenStreetMap contributors, Microsoft, Facebook, Google, Esri Community Maps contributors, Map layer by Esri

Rezoning #16-7-25 – A request by ERC, agent for Stoneridge FSM Development, LLC, for a zone change from Residential Single Family High Density (RS-4) to Residential Single Family Duplex High Density (RSD-4) at 10405, 10409, 10415, 10419, 10423, and 10427 Preston Court.



6/17/2025, 1:24:31 PM

- Zoning
- Subdivisions
- Fort Smith City Limits





Map data © OpenStreetMap contributors, Microsoft, Facebook, Google, Esri Community Maps contributors, Map layer by Esri

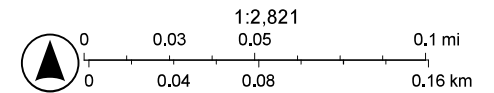


Rezoning #16-7-25 – A request by ERC, agent for Stoneridge FSM Development, LLC, for a zone change from Residential Single Family High Density (RS-4) to Residential Single Family Duplex High Density (RSD-4) at 10405, 10409, 10415, 10419, 10423, and 10427 Preston Court.



6/17/2025, 1:27:18 PM

-  Subdivisions
-  Fort Smith City Limits



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## MEMORANDUM

**TO:** Jeff Dingman, Acting City Administrator  
**FROM:** Maggie Rice, Deputy City Administrator  
**DATE:** July 15, 2025  
**SUBJECT:** Master Land Use Plan Amendment #6-7-25 from Residential Detached to Mixed-Use Residential, Rezoning #17-7-25 from Residential Multifamily Medium Density (RM-3) to a Planned Zoning District (PZD) at 4900 Spradling Avenue

### **SUMMARY**

On July 8, 2025, the Planning Commission held a public hearing to consider the subject Master Land Use Plan Amendment and rezoning applications. The property, containing an area of 0.55 acres, is located on the southeast corner of Spradling Avenue and North 49th Street. Approval allows for an event center to operate from the former church building as well as the other land uses listed in the land use chart.

Two neighborhood meetings were held on April 17, 2025, and on June 25, 2025. A total of five (5) neighboring property owners attended both meetings in support of the request.

At the Planning Commission meeting, Ms. Jahaira Bonilla was present to represent these applications. There were none present to speak in favor or opposition of the item.

The Planning Commission voted eight (8) in favor and zero (0) opposed to recommend the Board of Directors amend the Zoning Map.

Please contact me if you have any questions.

### **ATTACHMENTS**

1. [4900\\_Spradling\\_Ordinance.pdf](#)
2. [8-5-25 ITEM 1983 4900 Spradling Backup.pdf](#)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE MASTER LAND USE PLAN MAP AND  
REZONING IDENTIFIED PROPERTY AND AMENDING THE ZONING MAP**

---

**WHEREAS**, the City Planning Commission held a public hearing to consider request No. 6-7-25 to amend the Master Land Use Plan Map relative to property described in Section 1 of this ordinance, and, having considered the request, recommended on July 8, 2025, that said change be made; and,

**WHEREAS**, the City Planning Commission determined the change to the Master Land Use Plan Map does conform to the goals and objectives of the Comprehensive Plan; and,

**WHEREAS**, the City Planning Commission has heretofore held a public hearing to consider request No. 17-7-25 to rezone certain property, and, having considered said request, recommended on July 8, 2025, that said change be made;

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

**SECTION 1:** The hereinafter described property is hereby reclassified on the Master Land Use Plan Map from Residential Detached to Mixed-Use Residential and the Master Land Use Plan Map is hereby amended to reflect said amendment, to-wit:

Lot 13-A, Block 1, Eagle Heights, an addition to the City of Fort Smith, Arkansas

more commonly known as 4900 Spradling Avenue.

**SECTION 2:** The real property described in Section 1 is hereby rezoned from Residential Multifamily Medium Density (RM-3) to a Planned Zoning District (PZD). The approved zoning classification is based and conditioned upon the Planned Zoning District provisions of Section 27-341 of the Unified Development Ordinance and the Planned Zoning District Project Booklet reviewed by the Fort Smith Planning Commission and approved hereby, which Project Booklet shall be filed in the office of the City Clerk.

The zoning map of the City of Fort Smith is hereby amended to reflect said rezoning.

**SECTION 3:** It is hereby found and determined that the adoption of the amendment to the zoning map is necessary to alleviate an emergency relative to the regulation of uses of property within the City of Fort Smith so that the protection of the health, safety, welfare, and property of the inhabitants of the City requires that the above amendment be effective, and the amendment is hereby made effective as of date of approval of the Ordinance.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.**

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor  
Approved as to form:



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

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT**  
**AGENDA**  
**BLUE LION DOWNTOWN, 101 N 2<sup>ND</sup> ST**  
**JULY 8, 2025**  
**5:30 P.M**

- 1. Master Land Use Plan Amendment #6-7-25 – A request by Satterfield Land Surveyors, agent for Dilbert and Jahaira Bonilla, for a Master Land Use Plan amendment from Residential Detached to Mixed-Use Residential in a proposed Planned Zoning District (PZD) at 4900 Spradling Avenue.**

Chairman McCaffrey introduced items 8, 9, and 10 as companion items. Mr. Miller delivered the staff report indicating the subject property was located on the southeast corner of Spradling Avenue and North 49<sup>th</sup> Street. He said approval of the items would allow an event center to operate from the existing church building as well as the other land uses listed within the land use chart.

Ms. Jahaira Bonilla was present to represent the items. There were none present to speak in favor or opposition of the items.

Chairman McCaffrey called for a motion on item 8. Commissioner Ledford moved, seconded by Commissioner Marshall, to approve with staff comments. Chairman McCaffrey called for a vote on item 8. The vote was eight (8) in favor and zero (0) opposed.

- 2. Rezoning #17-7-25 – A request by Satterfield Land Surveyors, agent for Dilbert and Jahaira Bonilla, for a zone change from Residential Multifamily Medium Density (RM-3) to a Planned Zoning District (PZD) at 4900 Spradling Avenue.**

Chairman McCaffrey asked for a motion on item 9. Commissioner Wilson moved, seconded by Commissioner Newton, to approve with staff comments. Chairman McCaffrey called for a vote on item 9. The vote was eight (8) in favor and zero (0) opposed.

- 3. Conditional Use #6-7-25 – A request by Satterfield Land Surveyors, agent for Dilbert and Jahaira Bonilla, for an event center in a proposed Planned Zoning District (PZD) at 4900 Spradling Avenue.**

Chairman McCaffrey asked for a motion on item 10. Vice Chair Taylor moved, seconded by Commissioner Marshall, to approve with staff comments. Chairman McCaffrey called for a vote on item 10. The vote was eight (8) in favor and zero (0) opposed.

Chairman McCaffrey called for a motion to adjourn the meeting. Commissioner Coleman moved, seconded by Vice Chair Taylor, to adjourn the meeting.

The meeting adjourned at approximately 6:03 P.M.

<div data-bbox="344 195 548 390" data-label="Image"> </div> <p data-bbox="196 396 698 510"><b>Fort Smith Planning Commission</b></p>	<p data-bbox="776 281 1039 323"><b><u>Item Number:</u></b></p> <p data-bbox="776 329 1260 371">MLUP Amendment #6-7-25</p> <p data-bbox="776 432 1255 474"><b><u>Hearing Date:</u></b> July 8, 2025</p>
<p data-bbox="142 588 522 630"><b><u>Report Prepared by:</u></b></p> <p data-bbox="142 684 393 726">Planning Staff</p>	<p data-bbox="776 552 1419 594"><b><u>Owner and Applicant Information:</u></b></p> <p data-bbox="776 600 1425 642">Applicant: Satterfield Land Surveyors</p> <p data-bbox="776 699 1396 785">Property Owner: Dilbert and Jahaira Bonilla</p>
<p data-bbox="142 798 415 840"><b><u>Location Map:</u></b></p> <div data-bbox="142 840 750 1640" data-label="Image"> </div>	<p data-bbox="776 798 1143 840"><b><u>Applicant Proposal:</u></b></p> <p data-bbox="776 896 1308 938">Address: 4900 Spradling Avenue</p> <p data-bbox="776 987 1229 1029">Present Use: Vacant Church</p> <p data-bbox="776 1077 1230 1119">Proposed Use: Event Center</p> <p data-bbox="776 1167 1403 1348">Summary: Master Land Use Plan map amendment from Residential Detached to Mixed-Use Residential to accommodate a PZD request</p> <p data-bbox="776 1396 1156 1438">Tract Size: 0.55 ± acres</p> <p data-bbox="776 1486 1417 1572">Location: Southeast corner of Spradling Avenue and North 49<sup>th</sup> Street</p>
<p data-bbox="142 1644 289 1686"><b><u>Zoning:</u></b></p> <p data-bbox="142 1692 542 1734">Existing Zoning: RM-3</p> <p data-bbox="142 1740 552 1827"><b><u>Master Land Use Plan</u></b> Residential Detached</p>	<p data-bbox="776 1644 1208 1686"><b><u>Staff Recommendation:</u></b></p> <p data-bbox="776 1740 938 1782">Approval</p>

## Master Land Use Plan Amendment

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** July 8, 2025

**Re:** Master Land Use Plan Amendment #6-7-25 – A request by Satterfield Land Surveyors, agent for Dilbert and Jahaira Bonilla, for a Master Land Use Plan amendment from Residential Detached to Mixed-Use Residential in a proposed Planned Zoning District (PZD) at 4900 Spradling Avenue

The Planning Department is in receipt of an application from Satterfield Land Surveyors, agent for Dilbert and Jahaira Bonilla, to amend the Master Land Use Plan Map from Residential Detached to Mixed-Use Residential to accommodate a rezoning to a Planned Zoning District (PZD). The subject property is on the southeast corner of Spradling Avenue and North 49<sup>th</sup> Street. The tract contains an area of 0.55 acres with approximately 106 feet of street frontage along Spradling Avenue and approximately 160 feet of street frontage along North 49<sup>th</sup> Street.

The property is currently zoned Residential Multifamily Medium Density (RM-3). A companion zoning application requests a zone change to a Planned Zoning District (PZD). The Master Land Use Plan is a guide to zoning and development and must be considered with the companion application.

### ADJACENT LAND USE CLASSIFICATIONS AND USES

Land use classification and use contiguous to the subject lot are as follows:

Direction	Land Use	Master Land Use Classification
North	Spradling Elementary	Public/Institutional
South, East and West	Single-family Residential Development	Residential Detached

The proposed Land Use classification of Mixed-Use Residential is intended to provide for a dense, compatible mix of retail, residential, employment and production activities designed for all modes of transportation.

### **Characteristics and Use:**

#### **Criteria for Designation:**

#### **Compliance Noted**

- Within redevelopment and revitalization areas transitioning out of industrial land use
- A planned mixed-use development (PUD), or as a complement to an existing area of mixed land use

**NO**

**YES**

### **MASTER LAND USE PLAN**

The Master Land Use Plan currently classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

### **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Spradling Avenue as a Major Collector and North 49<sup>th</sup> Street as a local road.

### **NEIGHBORHOOD MEETING**

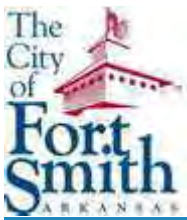
Two neighborhood meetings were held on April 17, 2025, at 5:30 p.m. and on June 25, 2025, at 5:30 p.m. on site. A total of five (5) individual neighboring property owners attended both meetings in support of the request. A copy of the neighborhood meeting minutes is included.

### **STAFF COMMENTS**

The applicant intends to rezone the site to a PZD and apply for a conditional use to utilize the existing church building as an event center. The Mixed-Use Residential classification is an appropriate Master Land Use category for the requested zoning.

### **STAFF RECOMMENDATIONS**

Staff recommends approval.



Application updated May 2022

# MLUP Application

## MASTER LAND USE PLAN APPLICATION

☒ Minor Amendment    ☐ Standard Amendment    ☐ Major Amendment

*(See Section 27-328-5 C. (Criteria))*

☒ Request to Amend Map    ☐ Request to Amend Text

### APPLICATION:

Indicate one contact person for this request:

Representative



Applicant

*Applicant (person making request):*  
*etc.):*

Name: Jahaira Bonilla

E-mail:

Address: 3607 Spradling Ct, Ft. Smith, AR 72904

*Representative (engineer, surveyor, realtor,*

Name: Ricky Hill

E-mail:

Address: 1928 Hwy 71 North, Alma, AR 72921

Phone: 479-561-1267

Fax:

Phone: 479-632-3565

Fax:

Site Address / Location: 4900 Spradling Avenue

Surrounding Property

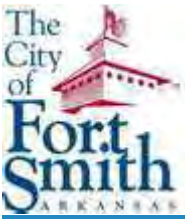
Current Land Use:

North School

South Residence

East Residence

West Residence



# MLUP Application

Current MLUP Classification: Residential / Detached

Requested MLUP Classification: Mixed-Use Residential

Existing MLUP Classification:

North Public / Institutional

South Residential / Detached

East Residential / Detached

West Residential / Detached

Existing Zoning Classification:

North RM-3

South RM-3

East RM-3

West RM-3

**For a Minor, Standard or Major Master Land Use Plan Amendment,** please attach the following information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

1. A legal description of the subject property that is to be amended (reclassified).
2. A map of the property which includes the scaled distance, legal description, and general vicinity map inset showing the property's location.
3. The area dimensions of the property in square feet or acres.
4. Describe existing road conditions and new roads to be included in the development and the effect of the proposed development on existing roads and traffic conditions:

Existing roads are in good condition and there will be no new roads needed. Impact from the use of the events center will be minimal and not add much traffic to what there currently is.

5. Describe the existing public utility services and infrastructure (such as water, sewer, fire/police) which are available to the property and the source/method of providing additional utilities and infrastructure to the property if necessary:

All utility services are existing on-site and no infrastructure improvements will not be needed.

6. Provide a statement of the proposed build-out density and maximum potential build-out density (units per acre) permitted by the proposed land use classification:

No new buildings will be built. Use of the existing buildings is all that is needed.

7. Identify any known or anticipated environmental concerns:

None identified

**For a Standard or Major Master Land Use Plan Amendment only,** please attach the following additional information and answer the questions below. You may provide answers on a separate sheet and attach it to this application:

8. An analysis of the impact of the amendment on surrounding properties and plans in terms of:
- a. Describe potential changes to development patterns in terms of local and regional impacts:

- b. Describe the consistency in zoning between existing and planned uses:

- c. Provide explanation of the need for and demand in the proposed uses:

9. Provide an analysis of the long term development plan for the area (10-20 years) which incorporates a review of the land use, transportation, and infrastructure impact to both the City of Fort Smith and the property owner:

**AUTHORIZATION OF AGENT**

If an agent (i.e., contractor) is acting on behalf of the owner(s), all owners must sign in the space provided. This form is necessary only when the person representing this request does not own all the property.


We the undersigned, being owners of real property, and requesting a master land use amendment by application do hereby authorize Ricky Hill to act as our agent in the (Print Name of Agent) matter.

(Type or clearly print)

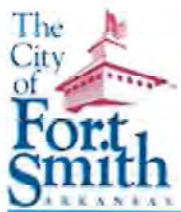
**NAMES OF ALL OWNERS.**

1.	Dilbert Bonilla
2.	Jahaira Bonilla
3.	
4.	
5.	
6.	
7.	
8.	
9.	

**SIGNATURE OF ALL OWNERS.**


Jahaira L Bonilla

*This form is necessary only when the person representing this request does not own all the property.*



Application updated May 2022

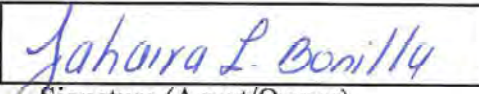
PLANNING DEPARTMENT

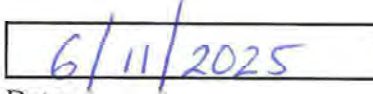
## MLUP Application

### Certification

Once an application has been deemed complete, the applicant shall not modify it unless requested or agreed upon by the Planning Department. Should the applicant request a modification to the application after it has been advertised for public hearing, it shall be at the discretion of the Planning Commission to review or continue the application. A re-advertising fee may be required.

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I grant the appropriate City personnel permission to enter the subject property during reasonable hours so that they may investigate and review this application.

  
Signature (Agent/Owner)

  
Date

---

The City of Fort Smith requires complete applications. If your application does not include all of the information required for submission, it will not be processed.

---

**Submit**

NOTE: Applications can be submitted Online with Internet Explorer. If another browser is being used, the user will have to follow the instructions for electronic submission via email.

INSTRUCTIONS: To SUBMIT ELECTRONICALLY, please right click on download link and click save-as. Once the application has been downloaded to your device it can be filled out and submitted electronically.

## METTING MINUTES

DATE : 4/17/2025

TIME: 5:30 PM

LOCATION: 4900 Spradling Ave ,  
Fort Smith, AR 72904.

Attendendees: list is added at the end.

TOPIC: Neighborhood meeting to provide information regarding the project as well as to discuss any concerns from neighbors

### Metting Notes:

This project consist in make this place available to rent for events, our main goal with this project is to bring to the community a safe, and enjoyable place to hold events, special celebrations.

We focus primarily on children's birthday parties, where they can share a fun time with family and friends, we will also be open to celebrations susch as graduation parties, baby showers or even civil weddings.

### Important discussion points:

\*We will try to make the rent payment an affordable, fair price.

\*We will not allow excessive noise, there is to be no gambling, drinking, or possession of alcoholic beverage and/or narcoticd, no smoking either.

\* The celebrations will have a time limit around 11pm.

\* This Venue will also have a maximum guest capacity of 50 to 80 people, for the safety of all attendees and so They can enjoy and have greater control of their party as well as respecting city regulations.

The neighbors had some questions and requests.

Ms. Sandra B., who lives at 4822 Spradling Ave., She was agreed with the project and she was advising us to keep the place clean because she lives on the corner and would like it to always be as clean as it is now.

Mr. Jose Gonazles, who lives at 3631 N 50th. St. He agreed to start this project and suggested that there be surveillance to prevent bad people from approaching our place.

Mr. Don Bradford was pleased and agreed, He came from the Church located at 3631 N 50th and said that a place like this was needed and that he would recommend us.

Ms. Rosa Gonzalez and her daughter, Elizabeth, agreed to everything. They live at 3631 N. 50th St.

Ms. Megan Bailey, representing the Fort Smith City Council office, helped explain the steps needed to get this project approved

## Conclusion of the meeting:

We are in process of applying for Rezoning and Conditional use, as part of the process, We need to make some changes in the building, some of them are: having viable access for people with disabilities as well as organizing the parking lots, some changes we need to make in the bathrooms, repair the emergency Exit lights, all of this We will be doing in accordance with the regulations and codes required by the Fort Smith City.

One last point to mentioned with the neighbors was that We are sole owners, We have no partners, so They can always contact us with any questions or reports that They may have regarding the property, They can always contact us directly, We gave them our phone number. They were agreed.

The meeting was in English and in Spanish language.

Thank you.

Jahaira Lucero Bonilla  
4900 Spradling Ave Fort Smith AR  
4795611267

### Attendance List for Neighborhood Meeting

List the names, addresses telephone numbers and email of all residents/property owners who attended the meeting.

### Meeting Location

4900 Spradling Ave. Fort Smith AR 72904

### Meeting Time & Date

April 17<sup>th</sup> 2025 at 5:30 p.m.

### Meeting Purpose

## Neighborhood Meeting (Applying for

Conditional use and a Rezoning, a Master Land Use Map Amend.

[illegible]





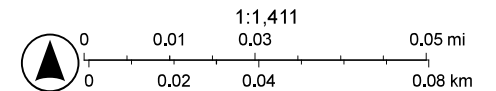
Master Land Use Plan Amendment #6-7-25 – A request by Satterfield Land Surveyors, agent for Dilbert and Jahaira Bonilla, for a Master Land Use Plan amendment from Residential Detached to Mixed-Use Residential in a proposed Planned Zoning District (PZD) at 4900 Spradling Avenue



6/17/2025, 1:02:17 PM

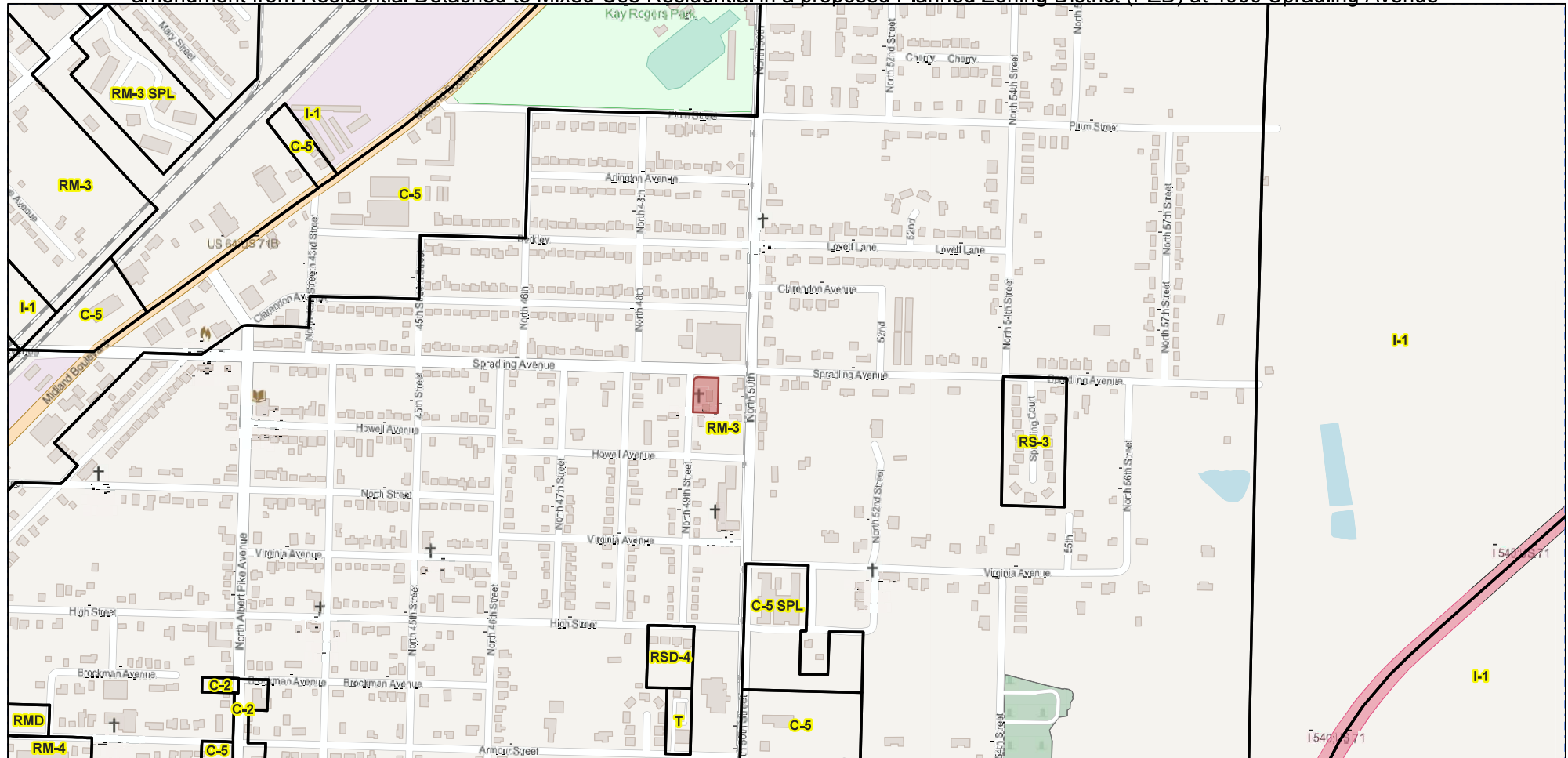
Land Use

- Public/Institutional
- Residential Attached
- Residential Detached
- Fort Smith City Limits



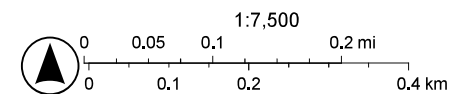
Map data © OpenStreetMap contributors, Microsoft, Facebook, Google, Esri Community Maps contributors, Map layer by Esri

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6/30/2025, 10:01:38 AM

- Zoning
- Address Points
- Fort Smith City Limits



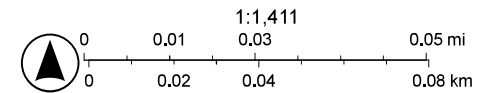
Map data © OpenStreetMap contributors, Microsoft, Facebook, Google, Esri Community Maps contributors, Map layer by Esri

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6/17/2025, 11:40:31 AM

- Subdivisions
- Fort Smith City Limits



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

<div data-bbox="344 195 548 394" data-label="Image"> </div> <p data-bbox="199 396 695 510"><b>Fort Smith Planning Commission</b></p>	<p data-bbox="776 281 1198 373"><b><u>Item Number:</u></b> PZD Rezoning #17-7-25</p> <p data-bbox="776 432 1255 478"><b><u>Hearing Date:</u></b> July 8, 2025</p>
<p data-bbox="142 590 522 636"><b><u>Report Prepared by:</u></b></p> <p data-bbox="142 684 391 730">Planning Staff</p>	<p data-bbox="776 554 1425 646"><b><u>Owner and Applicant Information:</u></b> Applicant: Satterfield Land Surveyors</p> <p data-bbox="776 699 1398 787">Property Owner: Dilbert and Jahaira Bonilla</p>
<p data-bbox="142 800 415 846"><b><u>Location Map:</u></b></p> <div data-bbox="142 842 751 1635" data-label="Image"> </div>	<p data-bbox="776 800 1143 846"><b><u>Applicant Proposal:</u></b></p> <p data-bbox="776 894 1308 940">Address: 4900 Spradling Avenue</p> <p data-bbox="776 989 1230 1035">Present Use: Vacant Church</p> <p data-bbox="776 1083 1230 1129">Proposed Use: Event Center</p> <p data-bbox="776 1178 1365 1350">Summary: Zone change from Residential Multifamily Medium Density (RM-3) to a Planned Zoning District (PZD)</p> <p data-bbox="776 1398 1154 1444">Tract Size: 0.55 ± acres</p> <p data-bbox="776 1493 1417 1581">Location: Southeast corner of Spradling Avenue and North 49<sup>th</sup> Street</p>
<p data-bbox="142 1646 553 1833"><b><u>Zoning:</u></b> Existing Zoning: RM-3 <b><u>Master Land Use Plan</u></b> Residential Detached</p>	<p data-bbox="776 1646 1208 1692"><b><u>Staff Recommendation:</u></b></p> <p data-bbox="776 1740 938 1787">Approval</p>

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** July 8, 2025

**Re:** Rezoning #17-7-25 – A request by Satterfield Land Surveyors, agent for Dilbert and Jahaira Bonilla, for a zone change from Residential Multifamily Medium Density (RM-3) to a Planned Zoning District (PZD) at 4900 Spradling Avenue.

## **PROPOSED ZONING**

Approval of the rezoning and companion applications allow for an event center to operate from the existing church building as well as the other land uses listed in the land use chart.

## **LOT LOCATION AND SIZE**

The subject property is on the southeast corner of Spradling Avenue and North 49th Street. The tract contains an area of 0.55 acres with approximately 106 feet of street frontage along Spradling Avenues and approximately 160 feet of street frontage along North 49th Street.

## **REQUESTED ZONING**

The applicant has requested a Planned Zoning District (PZD). The purpose of a Planned Zoning District is to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically the purposes of a PZD are to encourage:

- Better utilization of sites characterized by special features of geographic location, topography, size, or shape;
- Flexible administration of general performance standards and development guidelines;
- Primary emphases shall be placed upon achieving compatibility between the proposed developments and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.
- Developments that utilize design standards greater than the minimum required by the UDO.

## **EXISTING ZONING**

The existing zoning on this tract is Residential Multifamily Medium Density (RM-3). Characteristics of this zone are as follows:

### **Purpose:**

To provide for medium density attached homes, including multi-unit residential buildings in areas where such development already exists or is planned for the future. The RM-3 zoning district is appropriate in urban areas within the Residential Attached, Mixed Use Residential, Mixed Use Employment, Commercial Neighborhood, and General Commercial Land use categories of the Master Land Use Plan.

### **Permitted Uses:**

Single-family, duplex dwellings, multifamily (apartment and condominiums), community residential facility, family and neighborhood group homes and retirement housing are examples of permitted uses.

### **Conditional Uses:**

Assisted living, bed and breakfast inn, dormitory, sorority, fraternity, rooming or boarding house, commercial communication towers, amateur radio transmitting towers, community recreation center, golf course, utility substation, country club, parks, college, primary and secondary schools, preschool, nursery schools, police and fire stations, daycare homes, senior citizen center, churches and rectory, convent, monastery are examples of uses permitted as conditional uses.

### **Area and Bulk Regulations:**

Minimum Lot Size – 6,500 square feet	Maximum Height - 40 feet (1+1)
Maximum Density – 20 Dwelling Units/Acre	Maximum Lot Coverage - 65%
Minimum Lot Width at Building Line – 60 feet	
Minimum Street Frontage – 20 feet	
Front Yard Setback - 25 feet	
Side Yard on Street Side of Corner Lot - 15 feet	
Side Yard Setback – 7.5 feet	
Rear Yard Setback - 10 feet	
Side/Rear adjacent to RS district/development – 30 feet	
Minimum building separation – 10 feet	

## **SURROUNDING ZONING AND LAND USE**

<b>Direction</b>	<b>Land use</b>	<b>Zoning</b>
North	Spradling Elementary	RM-3, Residential Multifamily Medium Density
South, East and West	Single-family Residences	RM-3, Residential Multifamily Medium Density

## **MASTER STREET PLAN CLASSIFICATION**

The Master Street Plan classifies Spradling Avenue as a Major Collector and North 49<sup>th</sup> Street as a local road.

## **MASTER LAND USE PLAN**

The Master Land Use Plan currently classifies the site as Residential Detached. This classification is intended to create and maintain stable neighborhoods, provide safe, attractive family environments, and protect property values.

The proposed Land Use classification of Mixed-Use Residential is intended to provide for a dense, compatible mix of retail, residential, employment and production activities designed for all modes of transportation.

## **PROJECT BOOKLET**

A copy of the project booklet is enclosed for your review. The following criteria shall be considered by the Planning Commission when reviewing the project booklet:

- A.** Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided? **YES**
- B.** Does the plan provide for safe and easy ingress, egress and internal traffic circulation? **YES**
- C.** Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety? **YES**
- D.** Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features? **YES**
- E.** Does the Plan represent an overall development pattern that is consistent with the Master Street Plan, Master Land Use Plan, and other adopted planning policies? **YES**
- F.** The required right-of-way dedication has been identified by the City Engineering Department? **YES**
- G.** All easements and utilities shall meet the requirements of the approving departments and agencies? **YES**
- H.** Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size. **YES.**

- I. Articulate how the plan exceeds the UDO requirements. (e.g. increased landscaping increased high quality materials, etc.) **YES. The PZD states it will exceed the UDO by requiring the following:**

- **Requires 100% high-quality materials on new construction.**
- **All new signage shall comply with UDO Section 27-704-2 permitted signs in transitional zones and limiting free standing signage to monument style signs.**

### **SITE DESIGN FEATURES**

**Ingress/egress/traffic circulation** – No new driveways are proposed. The property will utilize the existing driveway located on North 49<sup>th</sup> Street.

**Easement/utilities** – The developer must agree to meet all franchise and city utility easement requirements. Additionally, the development must comply with the City’s Subdivision Design and Improvement Standards and the Standard Specification for Public Works Construction.

**Drainage** – No new drainage information is shown or required.

**Right-of-way dedication** – No right of way dedication required. The previous plat dedicated 15 feet of R.O.W.

**Landscaping** – Perimeter landscaping, parking lot screening, and interior landscaping will be installed along Spradling Avenue.

**Screening** – A six (6) foot opaque privacy fence will be installed on the east and south property lines adjacent to the existing single-family development.

**Parking** – The existing parking lot will have 22 parking spaces and complies with the UDO.

**Signage** – No new signage is proposed. All new signage shall comply with UDO Section 27-704-2 permitted signs in transitional zones and free-standing signage will be limited to monument style signage.

**Lighting** – No new exterior lighting is proposed.

**Setbacks** – The existing buildings will comply with the proposed PZD existing building area and bulk regulations. Any new future construction and development must comply with the proposed PZD new construction area and bulk regulations.

**Architectural features** – The existing buildings are composed of 100% high-quality materials consisting of brick and wood facades. All future developments will exceed UDO Section 27-602-4C by providing 100% high-quality materials on all facades.

**Height and Area** – The existing church building is approximately 1,787 square feet and is approximately 18 feet in height. The accessory building is 1,126 square feet and is approximately 16 feet in height.

## **FACTORS TO BE CONSIDERED**

Approval, approval as amended, or denial of the application and project booklet shall be based on the following factors as outlined in Section 27-341-3(E) of the UDO:

- A. Compatibility with the Master Street Plan, and applicable area plans (e.g., corridor, neighborhood)
- B. Compatibility of the proposed development with the character of the neighborhood.
- C. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses.
- D. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts.
- E. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts.
- F. That the application complies with all relevant ordinance requirements (for example 27-200, 27-500, 27-600, and 27-700).

## **NEIGHBORHOOD MEETING**

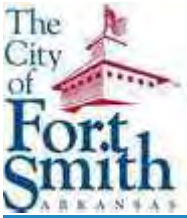
Two neighborhood meetings were held on April 17, 2025, at 5:30 p.m. and on June 25, 2025, at 5:30 p.m. on site. A total of five (5) individual neighboring property owners attended both meetings in support of the request. A copy of the neighborhood meeting minutes is included.

## **STAFF COMMENTS**

The applicant seeks to rezone the property to a Planned Zoning District to allow for the event center land use to operate by conditional use approval. Approval of the zone change and conditional use will allow for the existing church building to be utilized as an event center. The event center hours of operation will be limited to 8:00 A.M. to 7:00 P.M Sunday through Thursday, and 8:00 A.M. to 11:00 P.M. Friday through Saturday

## **STAFF RECOMMENDATIONS**

Staff recommends approval.



Application updated January 2022

## CITY OF FORT SMITH, ARKANSAS Planned Zoning Development

<b>FOR STAFF USE ONLY</b>	<b>FEE: \$350</b>
Date Application Submitted:	Zone:
Date Accepted as Complete:	
Project Number:	
Public Hearing Date:	

### Application:

Indicate one contact person for this request:

☐ Applicant

☐ Agent

#### ***Applicant (person making request):***

Name: **Jahaira Bonilla**

E-mail:

Address:

**3607 Spradling Ct**

**Ft Smith, AR 72904**

Phone: **479-561-1267**

Fax:

Site Address / Location: **4900 Spradling Avenue**

Current Zoning District: **RM-3**

Requested Zoning District: **PZD**

Assessor's Parcel Number(s) for property: **12029-0016-00001-00**

#### ***Agent (engineer, surveyor, realtor, etc.):***

Name: **Ricky Hill**

E-mail:

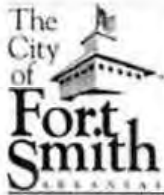
Address:

**1928 Hwy 71 North**

**Alma, AR 72921**

Phone: **479-632-3565**

Fax:



Application updated January 2022

PLANNING & COMMUNITY DEVELOPMENT

PLANNED ZONING DEVELOPMENT

Total Acreage: 0.55

Legal Description of property: Provide legal description in a word document.

Legal Description of property:

☐ Restrictive Covenants Apply (attach to application)

**Note: Fees cover the administrative costs of advertising and notifying neighboring property owners. Fees are Non-Refundable.**

Describe Proposed Zoning Request, including the development of any construction on the property:

We would like to use the existing church building as an events center for the surrounding community.

**PROPERTY OWNER(S) / AUTHORIZED AGENT:** The undersigned, as owner(s) or agent for the owner(s) of the herein described property, makes application for a change in the zoning map of the City of Fort Smith, Arkansas, pursuant to Ordinance No. 3391 and Arkansas Statutes (1974) 19-2830. Once deemed completed, no modification may be made unless requested or agreed upon by the Planning Department. Should modification to the application be requested after advertising, it shall be at the discretion of the Planning Commission to review or continue. Re-advertising fee may apply.

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I grant the appropriate City personnel permission to enter the subject property during reasonable hours so that they may investigate and review this application.

Name and Signature	Date
Jahaira L. Bonilla <i>Jahaira L. Bonilla</i>	6/16/2025
Dilbert E. Bonilla <i>Dilbert E. Bonilla</i>	6/16/2025

Last updated: May 7, 2020

[www.fortsmithar.gov/index.php/planning-zoning](http://www.fortsmithar.gov/index.php/planning-zoning)

623 Garrison Avenue, Rm 331  
Fort Smith, AR 72901  
479-784-2216 [planning@fortsmithar.gov](mailto:planning@fortsmithar.gov)

**LIST OF OWNERS OF ALL PROPERTY TO BE REZONED**

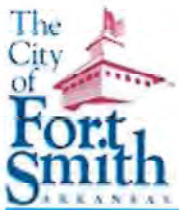
List the names and addresses of all owners of property included within the area requested by this petition to be rezoned.

NAME

ADDRESS

Dilbert and Jahaira Bonilla

4900 Spradling Avenue



Application updated May 2022

PLANNING DEPARTMENT

## MLUP Application

### Certification

Once an application has been deemed complete, the applicant shall not modify it unless requested or agreed upon by the Planning Department. Should the applicant request a modification to the application after it has been advertised for public hearing, it shall be at the discretion of the Planning Commission to review or continue the application. A re-advertising fee may be required.

I, the undersigned applicant, hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief. I grant the appropriate City personnel permission to enter the subject property during reasonable hours so that they may investigate and review this application.

Jahaira L Bonilla  
Signature (Agent/Owner)

6/11/2025  
Date

---

The City of Fort Smith requires complete applications. If your application does not include all of the information required for submission, it will not be processed.

---

**Submit**

NOTE: Applications can be submitted Online with Internet Explorer. If another browser is being used, the user will have to follow the instructions for electronic submission via email.

INSTRUCTIONS: To SUBMIT ELECTRONICALLY, please right click on download link and click save-as. Once the application has been downloaded to your device it can be filled out and submitted electronically.

**LETTER REGARDING RESTRICTIVE COVENANTS**

Restricted covenants are regulations that are maintained and enforced by the property owners of the subject subdivision. These covenants may be found in your abstract or at the County Circuit Clerks Office. Restrictive covenants are often enforced in subdivisions with homeowner's associations and can always be more restrictive but never less restrictive than the City of Fort Smith's Zoning Regulations. *(See attached additional information on restrictive covenants)*

TO: Planning Department

SUBJECT: Legal Description of Property: Provide legal description in a word document.

I have searched all applicable records, and to my best knowledge and belief, there are no restrictive covenants running with the above described land, except as follows:

☒

None; or

☐

Attach copy of Covenants in the application packet

**Submit**

NOTE: Applications can be submitted Online with Internet Explorer. If another browser is being used, the user will have to follow the instructions for electronic submission via email.

INSTRUCTIONS: To SUBMIT ELECTRONICALLY, please right click on download link and click save-as. Once the application has been downloaded to your device it can be filled out and submitted electronically.



PLANNED ZONING DISTRICT  
CERTIFICATION STATEMENT  
Application updated July 2021

The Dilbert and Jahaira Bonilla, applicant for the property located at 4900 Spradling Avenue, does hereby certify that the Project Booklet for a Planned Zoning District complies with the City of Fort Smith's Planned Zoning District Regulations as defined in Section 27-341 of the Fort Smith Unified Development Ordinance

We hereby agree to the terms and conditions with the Project Booklet, and request the City of Fort Smith to approve the zoning.

Signature:

Dilbert / Jahaira L. Bonilla

Name:

Dilbert and Jahaira Bonilla

Date:

6-16-25

**Project Booklet  
4900 Spradling Avenue  
Planned Zoning District**

The proposed planned zoning district (PZD) for the property located at 4900 Spradling Avenue in Fort Smith, AR will be permitted to utilize only the permitted uses as shown in the attached Fort Smith Use Matrix. (See attached Excel Chart)

**Planned Zoning District  
4900 Spradling Avenue**

- 1.) A pre-application conference was held on Wednesday, March 26, 2025, with the City of Fort Smith Planning Department.
- 2.) The application fee of \$350 has been paid by the owner
- 3.) The project booklet has been submitted and comments are listed below:
  - a. ***Reason (need) for requesting the zoning change and response to how the proposal fulfills the intent/purpose of the Planned Zoning District:*** The property is currently zoned Residential Multifamily Medium Density (RM-3). The owner wishes to amend the zoning on the property to utilize the existing church as an event center with conditional use approval as well as the uses listed in the land use chart.
  - b. ***Current ownership information (landowner/applicant and representative if applicable) and any proposed or pending property sales:*** The current owners of the property are Dilbert Edenilson & Jahaira Lucero Bonilla who recently purchased the property in March of 2025. No future property sales are projected at this time.
  - c. ***Summary description of the scope, nature, and intent of the proposal:*** The applicant is requesting the PZD to utilize the existing church as an event center with conditional use approval as well as the uses listed in the land use chart. The applicant intends to utilize the existing building, accessory building, and existing parking with no exterior expansions at this time.
  - d. **General project scope:**
    - i. **Street and lot layout**—Access to the subject property will be from the existing driveway located on North 49<sup>th</sup> Street. No new driveways are proposed.
    - ii. **Site plan showing proposed improvements**—The owner intends to install perimeter landscaping and rehabilitate the gravel parking as shown on the plan.
    - iii. **Buffer areas, screening, and landscaping**— A permanent opaque six-foot screening fence will be installed along the east and south property lines adjacent to the single-family residences. All trash receptacles will be completely screened by an opaque screening fence in accordance with Section 27-602-4 of the UDO. The owner has proposed to add additional interior and perimeter landscaping along Spradling Avenue. All future development will comply with the landscaping and screening requirements of Section 27-602-3&4 of the UDO.

- iv. **Stormwater detention areas and drainage** – All drainage and detention will comply with the City of Fort Smith 2011 Drainage Standards
- v. **Undisturbed natural areas**—The site is currently developed. No undisturbed natural areas are present.
- vi. **Existing and proposed utility connections and extensions**— The property has existing water and sewer connections. No new utility extensions are proposed.
- vii. **Development and architectural design standard**—The existing buildings are composed of 100% high-quality materials consisting of brick and wood facades. All future developments will exceed UDO Section 27-602-4C - design guidelines for commercial development by requiring 100% high-quality materials on all facades. No new site lighting is proposed at this time. All new site lighting will comply with Section 27-602-5 of the UDO commercial and outdoor lighting.
- viii. **Building elevations**— The existing buildings are composed of 100% high-quality materials consisting of brick and wood facades. All future development will exceed UDO Section 27-602-4C - design guidelines for commercial development by requiring 100% high-quality materials on all facades
- ix. **No new signage is proposed.** All new signage shall comply with UDO Section 27-704-2 permitted signs in transitional zones. All free standing signage will be limited to monument signage only.
- e. **Proposed development phasing and timeframe:** The restoration of the parking lot, installation of landscaping, and new opaque screening will begin at the end of August. Construction time for improvements will be approximately 3 months.
- f. **Identify land use designations:** See attached land use chart.
- g. **Identify area and bulk regulations:** Area and bulk regulations will be as follows:

	Existing RM-3 Zone	PZD Existing Buildings	PZD New Construction.
Min. Lot Size	6,500 s.f.	6,500 s.f.	6,500 s.f.
Min. Lot Width at BSL	60'	60'	60'
Max. Lot Coverage	65%	65%	65%
Max. Ht.	40'	40'	40'
Addnl. Ht.	See 27-404-D of UDO	See 27-404-D of UDO	See 27-404-D of UDO
Min. Front Setback	25'	25'	25'
Street Side Setback	15'	15'	15'
Side Setback	7.5'	2'	7.5'
Rear Setback	10'	10'	10'
Setback Adjacent to s.f. development or zoning.	30'	2' and 27' rear	30'
Minimum Street Frontage	20'	20'	20'
Minimum Bldg. Separation	Per Bldg. or Fire Code	Per Bldg. or Fire Code	Per Bldg. or Fire Code

- h. ***A chart comparing the proposed planned zoning district to the current zoning district requirements (land uses, setbacks, density, height, intensity, bulk and area regulations, etc.):***  
The property is currently zoned RM-3. Please see the attached land use chart and bulk and area table listed above and the attached land use chart
- i. ***A chart comparing the proposed land uses and the zoning district(s) where such land uses are permitted:*** See attached proposed land use chart.
- j. ***A chart articulating how the project exceeds the UDO requirements (ex. Increased landscaping, increased high-quality materials on the façade, etc.):*** The PZD will exceed the UDO by requiring 100% high quality materials on all facades and limiting free standing signage to monument style signs only.
- k. ***Statement of how the development will relate to the existing and surrounding properties in terms of land use, traffic, appearance, and signage:*** The owners are proposing to utilize the existing structure and accessory building for an event center. No anticipated traffic impact is expected from the original church land uses.
- l. ***A traffic study when required by the Engineering Department (consult with staff prior to submittal):*** The Engineering Department does not require a traffic study for this rezoning. All future development will require the City's Engineering Department review and approval prior to construction.
- m. ***Statement of availability of water and sewer (state sizes of lines):*** The property has current existing water and sewer taps.
- n. ***Time frames:*** The event center hours of operation will be limited to 8:00 A.M. to 7:00 P.M. Sunday through Thursday, and 8:00 A.M. to 11:00 P.M. Friday through Saturday

Appendix A

								Districts	MEOS	RE3	RE1	RS-1	RS-2	RS-3	RS-4	SFMH	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	MU	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD	
DP = Development Plan review by the PC and approval by the City Board																																						
P = Permitted Use, C = Conditional Use, A = Accessory Use												R-1	R-2	R-3	R-4																							
Size or density restrictions for any use may be noted in the district																																						
Residence or Accommodation																																						
Structure	Private Household																																					
	Single Family building																																					
	Accessory residential dwelling unit								P																		P	P	P	P	P	P	P	P	P	P	P	
	Detached								P	P	P	P	P	P	P													P										P
	Duplex								P																		P											P
	Guest house								P	A	A	A	A	A	A													A										
	Manufactured home																																					
	Mobile home park																																					
	Mobile home subdivision																																					
	Row house								P																													
	Zero lot line dwelling unit								P																													
	Multifamily development								P																													
	Community residential facility								P																													
	Group home, family									P	P	P	P	P	P														P									
	Group home, neighborhood																																					
	Homeless shelter																																					
	Displaced Youth Housing																																					
	Orphanage																																					
	Transitional dwelling																																					
	Housing for the Elderly																																					
	Assisted living								P																													
	Retirement housing								P																													
	Hotels, Motels, or other Accommodations																																					
	Bed and breakfast inn								P																													
	Dormitory, sorority, fraternity								P																													
	Hotel/motel								P																													
	Rooming or boarding house																																					
General Sales or Services																																						
Automobile Sales or Service																																						
Auto & vehicle impoundment or holding yard (no salvage)																																						
Auto and vehicle dealer								P																														
Auto and vehicle dealer (indoors)								P																														
Auto and vehicle towing (wrecker)								P																														
Auto auction																																						
Auto body shop and paint (new parts)								P																														
Auto detailing service								P																														
Auto glass, muffler, and seatcover shop								P																														
Auto parts and accessories sales								P																														
Auto quick lube								P																														
Auto repair								P																														
Auto repair or assembly (salvage parts)																																						
Boat or marine craft dealer								P																														
Car wash - full service								P																														
Car wash self-service								P																														

## Appendix A

						Districts	MEOS	RE3	RE1	RS-1	RS-2	RS-3	RS-4	SFMH	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	MU	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD	
DP = Development Plan review by the PC and approval by the City Board										R-1	R-2	R-3	R-4		R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H		T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4		
P = Permitted Use, C = Conditional Use, A = Accessory Use																																				
		Gasoline service station					P																						P	P		P	P	P		
		Motorcycle or ATV sales & service					P																							P	P		P	P	P	
		Tire sales (Indoors)					P																							P	P		P	P	P	
		Tire sales					P																									P	P		P	
		Truck stop/travel plaza					P																							C		C	C			
Heavy Consumer Goods Sales or Service																																				
		Agricultural equipment and supplies (sales & service)					P																							P	P	P	P	P		
		Appliance repair - (Large)					P																							P	P		P	P	P	
		Appliance repair (Small)					P																					P	P	P	P		P	P	P	
		Bus, truck sales and service																													P	P		P	P	
		Cellular phone and accessory sales					P																				P	P	P	P	P	P	P			
		Clothing and personal items (repair)					P																				P	P	P	P	P		P			
		Commercial,industrial machinery & equipment (sales & service)																												P		P	P			
		Department store, warehouse club or superstore					P																							P	P		P	P		
		Computer and software shop					P																			P	P	P	P	P	P	P				
		Electronics and appliances (new)					P																				P	P	P	P	P	P				
		Electronics and appliances (used)					P																							P	P		P			
		Floor, paint, wall coverings, window treatments					P																					P	P	P	P	P	P			
		Furniture or home furnishings (new)					P																				P	P	P	P	P	P				
		Furniture or home furnishings (used)					P																							P	P	P				
		Furniture repair and upholstery shop					P																							P		P	P	P		
		Greenhouse (sales)					P																							P	P	P	P			
		Hardware store					P																						P	P	P	P				
		Hardware store (neighborhood)					P																				P				P	P				
		Home improvement center					P																							P	P		P			
		Lawn and garden supplies					P																				C	P	P	P	P	P				
		Locksmith					P																			P	P	P	P	P	P		P			
		Lumber yard and building materials					P																									P	P		P	
		Mall					P																							P	P					
		Manufactured home and mobile home sales and service																												P		P	P	P		
		Oil and gas equipment (sales and service)																													P	P				
		Sand, gravel, stone, or earth sales and storage																													C		P	P		
		Shopping center					P																				P	P	P	P	P	P				
		Swimming pool sales and supply store (w/o storage yard)					P																					P	P	P	P	P				
		Truck or tractor sales and service facility																												P		P	P	P		
Durable Consumer Goods Sales or Service																																				
		Bait and tackle shop																											P	P	P	P	P			
		Bicycle sales and service																								C	C	P	P	P	C	P				
		Bicycle sales and service (no outside storage)					P																			P	P	P	P	P	P	P				
		Bookstore					P																	P		P	P	P	P	P	P	P				
		Bridal shop					P																	P		P	P	P	P	P	P	P				
		Cameras, photographic supplies and services					P																	P		P	P	P	P	P	P	P				
		Clothing, jewelry, luggage, shoes, accessories					P																	C		P	P	P	P	P	P	P				
		Gift shop					P																	P		P	P	P	P	P	P	P				
		Sewing machine store (sales & service)					P																				P	P	P	P	P	P				
		Sporting goods, toys, & musical instruments					P																					P	P	P	P	P	P			
		Thrift store																									P	P	P	P	P					
Consumer Goods, Other																																				
		Antique shop					P																	P		P	P	P	P	P	P	P				

## Appendix A

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## Appendix A

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### Use Matrix

Fort Smith  
5

### Use Matrix

Fort Smith  
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## Appendix A

					Districts	MEOS	RE3	RE1	RS-1	RS-2	RS-3	RS-4	SFMH	RS-5	RSD-2	RSD-3	RSD-4	RM-2	RM-3	RM-4	RMD	RH	MU	T	C-1	C-2	C-3	C-4	C-5	C-6	I-1	I-2	I-3	PZD	
DP = Development Plan review by the PC and approval by the City Board									R-1	R-2	R-3	R-4		R-6	DP-2	DP-3	DP-4	MF-2	MF-3	MF-4	R-5	H		T1,2,3	C-1	C-2	C-3	C-4	C-5	C-6	I-1,2	I-3	I-4		
		Hazardous waste treatment and disposal																																	
		Incinerator																																	
		Nuclear power plant				P																													
		Radio, television, and microwave transmitting towers																								C	P	P	P	C	P	P	P		
		Recycling center																																	
		Recycling collection station																								C	C	C	C	C	P	P	P		
		Sanitary landfill																																	
		Solid waste collection																																	
		Utility shop, storage yard or building				P																													
		Utility substation					C	C	C	C	C	C			C	C	C	C	C	C	C	C		C	C	C	C	C	C	P	P	P	P		
		Wastewater treatment plant																	C	C	C	C		C	C	C	C	C	C	P	P	P	P		
Arts, Entertainment, and Recreation																																			
Performing Arts or Supporting Establishments																																			
		Drive-in theater				P																								C		C			
		Movie theater				P																							P	P	P	P			
		Performance theater																					P						P	P	P	P			
		Carnival or circus (temporary with permit)																								P	P	P	P	P	P	P	P		
		Fairground/rodeo ground																												P	P				
Museums and Other Special Purpose Recreational Institutions						P																							P		P				
		Historical or archaeological institution				P																									C	C			
		Museum				P																	P				C	C	C	P	C				
		Zoos, botanical gardens, arboreta																											C	P	C				
Amusement, Sports, or Recreation Establishment						P																							C						
		Amusement center (indoor)				P																								P	P	P			
		Amusement center (outdoor)				P																								C	C	C			
		Convention/Event center																									C	C	P	P	P	P			
		Bingo parlor																											P	P	P	P			
		Casino gaming business																												P	P	P			
		Country club					C	C	C	C	C	C			C	C	C	C	C	C	C	C		C	C	C	C	C							
		Dance hall/night club				P																							P	P	P	P			
		Private club																											P	P	P	P			
		Race track																												P	P	P			
Fitness, Recreational Sports, Athletic Club						P																													
		Bowling alley				P																													

## Appendix A

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## Appendix A

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## METTING MINUTES

DATE : 4/17/2025

TIME: 5:30 PM

LOCATION: 4900 Spradling Ave ,  
Fort Smith, AR 72904.

Attendendees: list is added at the end.

TOPIC: Neighborhood meeting to provide information regarding the project as well as to discuss any concerns from neighbors

### Metting Notes:

This project consist in make this place available to rent for events, our main goal with this project is to bring to the community a safe, and enjoyable place to hold events, special celebrations.

We focus primarily on children's birthday parties, where they can share a fun time with family and friends, we will also be open to celebrations susch as graduation parties, baby showers or even civil weddings.

### Important discussion points:

\*We will try to make the rent payment an affordable, fair price.

\*We will not allow excessive noise, there is to be no gambling, drinking, or possession of alcoholic beverage and/or narcoticd, no smoking either.

\* The celebrations will have a time limit aroundl 11pm.

\* This Venue will also have a maximum guest capacity of 50 to 80 people, for the safety of all attendees and so They can enjoy and have greater control of their party as well as respecting city regulations.

The neighbors had some questions and requests.

Ms. Sandra B., who lives at 4822 Spradling Ave., She was agreed with the project and she was advising us to keep the place clean because she lives on the corner and would like it to always be as clean as it is now.

Mr. Jose Gonazles, who lives at 3631 N 50th. St. He agreed to start this project and suggested that there be surveillance to prevent bad people from approaching our place.

Mr. Don Bradford was pleased and agreed, He came from the Church located at 3631 N 50th and said that a place like this was needed and that he would recommend us.

Ms. Rosa Gonzalez and her daughter, Elizabeth, agreed to everything. They live at 3631 N. 50th St.

Ms. Megan Bailey, representing the Fort Smith City Council office, helped explain the steps needed to get this project approved

## Conclusion of the meeting:

We are in process of applying for Rezoning and Conditional use, as part of the process, We need to make some changes in the building, some of them are: having viable access for people with disabilities as well as organizing the parking lots, some changes we need to make in the bathrooms, repair the emergency Exit lights, all of this We will be doing in accordance with the regulations and codes required by the Fort Smith City.

One last point to mentioned with the neighbors was that We are sole owners, We have no partners, so They can always contact us with any questions or reports that They may have regarding the property, They can always contact us directly, We gave them our phone number. They were agreed.

The meeting was in English and in Spanish language.

Thank you.

Jahaira Lucero Bonilla  
4900 Spradling Ave Fort Smith AR  
4795611267

### Attendance List for Neighborhood Meeting

List the names, addresses telephone numbers and email of all residents/property owners who attended the meeting.

### Meeting Location

4900 Spradling Ave. Fort Smith AR 72904

**Meeting Time & Date**

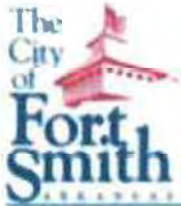
April 17<sup>th</sup> 2025 at 5:30 p.m.

### Meeting Purpose

## Neighborhood Meeting (Applying for

Conditional use and a Rezoning, a Master Land Use Map Amend.

[illegible]

**Attendance List for Neighborhood Meeting**

List the names, addresses telephone numbers and email of all residents/property owners who attended the meeting.

**Meeting Location**

4900 Spradling Ave Fort Smith AR

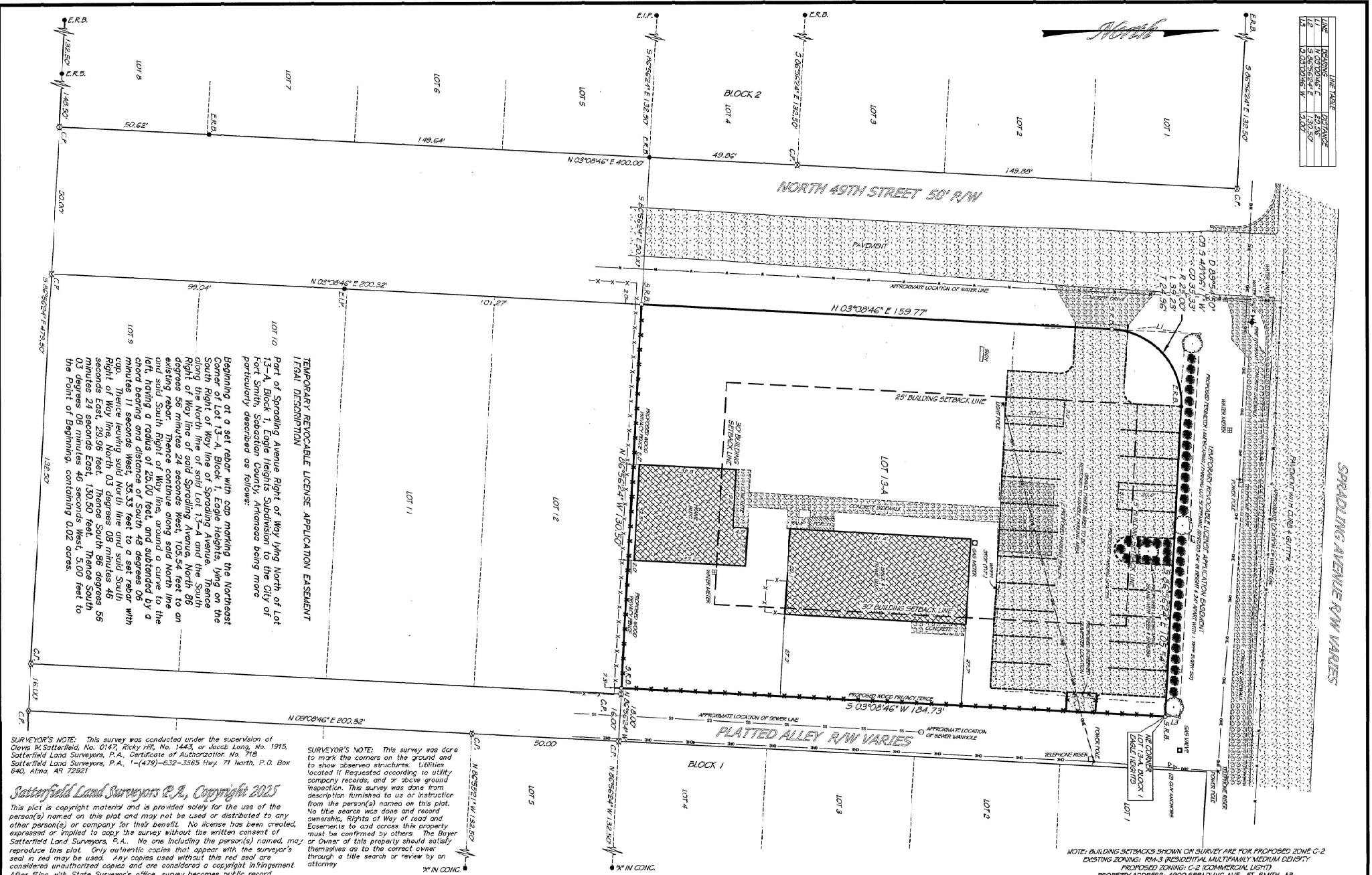
**Meeting Time & Date**

5:30 PM 6/25/2025

**Meeting Purpose**

<u>Name</u>	<u>Address</u>	<u>Phone</u>	<u>Email</u>
Victoria Walls	Cofs		
Jahurul Bonilla			
No Other attendees			

LINE	BEARING	DISTANCE
1	S 86°52'41" E	132.50'
2	S 86°52'41" E	132.50'
3	S 86°52'41" E	132.50'
4	S 86°52'41" E	132.50'
5	S 86°52'41" E	132.50'
6	S 86°52'41" E	132.50'
7	S 86°52'41" E	132.50'
8	S 86°52'41" E	132.50'
9	S 86°52'41" E	132.50'
10	S 86°52'41" E	132.50'
11	S 86°52'41" E	132.50'
12	S 86°52'41" E	132.50'
13	S 86°52'41" E	132.50'
14	S 86°52'41" E	132.50'
15	S 86°52'41" E	132.50'
16	S 86°52'41" E	132.50'
17	S 86°52'41" E	132.50'
18	S 86°52'41" E	132.50'
19	S 86°52'41" E	132.50'
20	S 86°52'41" E	132.50'



**SURVEYOR'S NOTE:** This survey was conducted under the supervision of Clavis W. Satterfield, No. 0147, Rocky Hill, No. 1443, or Jacob Long, No. 1915, Satterfield Land Surveyors, P.A., Certificate of Authorization No. 718, Satterfield Land Surveyors, P.A., 1-(479)-632-3565 Hwy. 71 North, P.O. Box 640, Alma, AR 72921

**Satterfield Land Surveyors P.A., Copyright 2025**  
This plat is copyright material and is provided solely for the use of the person(s) named on this plat and may not be used or distributed to any other person(s) or company for their benefit. No license has been created, expressed or implied to copy the survey without the written consent of Satterfield Land Surveyors, P.A. No one including the person(s) named, may reproduce this plat. Only authentic copies that appear with the surveyor's seal in red may be used. Any copies used without this red seal are considered unauthorized copies and are considered a copyright infringement. After filing with State Surveyor's office, survey becomes public record.

**SURVEYOR'S NOTE:** This survey was done to mark the corners on the ground and to show observed structures. Utilities located if Requested according to utility company records, and to show ground inspection. This survey was done from description furnished to us or instruction from the person(s) named on this plat. No title search was done and record ownership, Rights of Way of road and Easements to and across this property must be confirmed by others. The Buyer or Owner of this property should satisfy themselves as to the correct owner through a title search or review by an attorney

**LEGEND:**  
 ○ S.R.R. = SET 1/4" REBAR W/ CMP  
 ○ S.P.A.K. = SET P.V. NAIL  
 ○ S.R.S. = SET RAILROAD SPINE  
 ○ S.N. = SET NAIL  
 ● E.R.E. = EXISTING REBAR  
 ● E.I.P. = EXISTING IRON PIN  
 ● E.P.A.K. = EXISTING P.V. NAIL  
 ● E.N. = EXISTING NAIL  
 ● E.R.R. = EXISTING RAILROAD SPINE  
 ● = EXISTING GOVERNMENT MONUMENT  
 ○ = EXISTING STONE  
 ○ = EXISTING STATE MONUMENT  
 ○ = EXISTING P.V. MARKER  
 ○ = EXISTING FENCE  
 ○ = CORNER POINT  
 K.C. = FENCE CORNER

**SURVEYOR'S DISCLAIMER AND STATEMENT OF USE**  
This survey was conducted by the written or verbal authorization of the person named as the buyer and/or Use by as shown on this plat. No one has the authority to use the data or legal description from this survey except those named or their agents and the survey is only certified to the date shown on this plat. This plat is protected by copyright and any person other than those named using or relying upon this plat will be held responsible. Satterfield Land Surveyors, P.A. will not be responsible or have any liability to any other person or company who uses this plat without written authorization. After filing with State Surveyor's office, survey becomes public record.



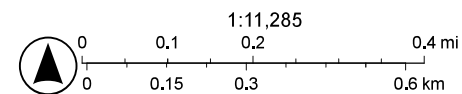
SEBASTIAN COUNTY, ARKANSAS  
SURVEY OF  
**LOT 13-A, BLOCK 1, EAGLE HEIGHTS TO THE CITY OF FORT SMITH, ARKANSAS**  
FOR USE BY: JAVIERA BONILLA  
DRAWN BY: D.E.R.  
SCALE: 1" = 20'  
DATE: 6/13/25  
JOB NO. 49,731  
1928 HWY. 71 NORTH, ALMA, ARK. - PHONE NO. (479) 632-3565  
FAX (479) 632-5002 - WEBSITE: <http://www.etsurveying.com>

REVISIONS	DATE	REVISION
6/17/25	REVISED PER CITY COMMENTS	
REFERENCE SEED		
SURVEY REFERENCES		
BASIS OF BEARING		
ARKANSAS STATE PLANE COORDINATES GRID NORTH 1983		



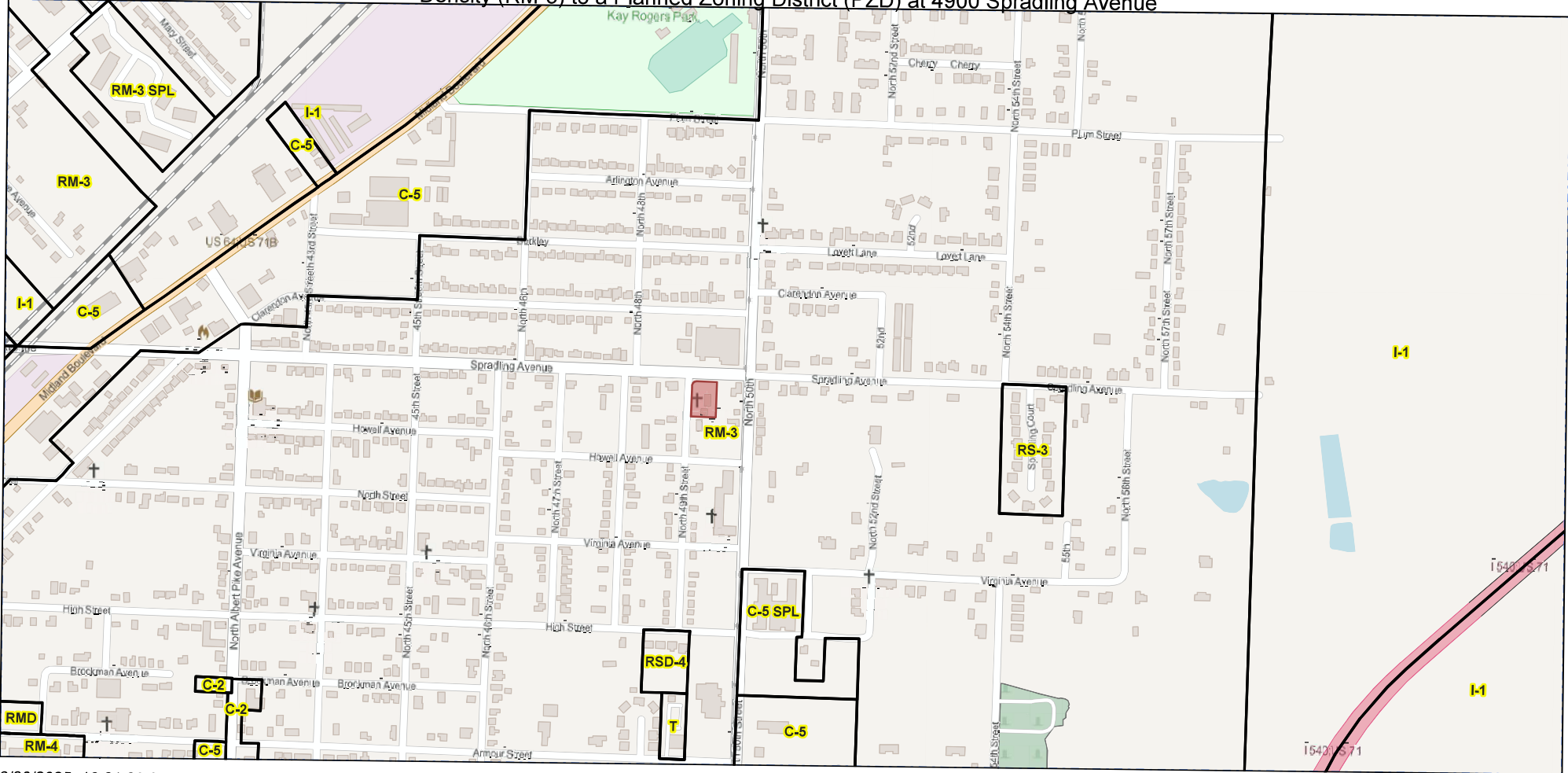
This map shows a section of Atlanta, Georgia, with a grid of streets. Major roads include Peachtree Road (US 64/US 71B) running diagonally from the bottom left to the top right, and North 32nd Street, North 36th Street, and North 40th Street running horizontally. A red rectangle highlights a property at the intersection of North 36th Street and Peachtree Road. Other labeled streets include North 34th Street, North 38th Street, North 42nd Street, North 44th Street, North 46th Street, North 48th Street, North 50th Street, North 52nd Street, North 54th Street, North 56th Street, North 58th Street, North 60th Street, North 62nd Street, North 64th Street, North 66th Street, North 68th Street, North 70th Street, North 72nd Street, North 74th Street, North 76th Street, North 78th Street, North 80th Street, North 82nd Street, North 84th Street, North 86th Street, North 88th Street, North 90th Street, North 92nd Street, North 94th Street, North 96th Street, North 98th Street, and North 100th Street. Landmarks include Kay Rogers Park, Johnson Substation, and the Georgia Pacific railway line.

 Fort Smith City Limits



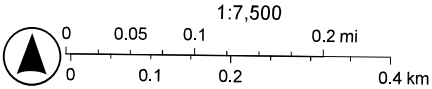
115

Rezoning #17-7-25 – A request by Satterfield Land Surveyors, agent for Dilbert and Jahaira Bonilla, for a zone change from Residential Multifamily Medium Density (RM-3) to a Planned Zoning District (PZD) at 4900 Spradling Avenue



6/30/2025, 10:01:38 AM

- Zoning
- Address Points
- Fort Smith City Limits



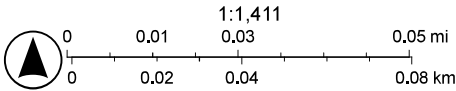
Map data © OpenStreetMap contributors, Microsoft, Facebook, Google, Esri Community Maps contributors, Map layer by Esri

Rezoning #17-7-25 – A request by Satterfield Land Surveyors, agent for Dilbert and Jahaira Bonilla, for a zone change from Residential Multifamily Medium Density (RM-3) to a Planned Zoning District (PZD) at 4900 Spradling Avenue



6/17/2025, 11:40:31 AM

- Subdivisions
- Fort Smith City Limits



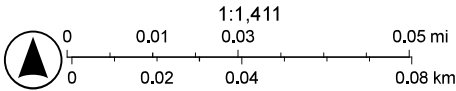
Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community

Conditional Use #6-7-25 – A request by Satterfield Land Surveyors, agent for Dilbert and Jahaira Bonilla, for an event center in a proposed Planned Zoning District (PZD) at 4900 Spradling Avenue



6/17/2025, 11:40:31 AM

- Subdivisions
- Fort Smith City Limits



Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community



## MEMORANDUM

**TO:** Jeff Dingman, Acting City Administrator  
**FROM:** Maggie Rice, Deputy City Administrator  
**DATE:** July 15, 2025  
**SUBJECT:** Amendments to the Unified Development Ordinance – Extraterritorial Jurisdiction

### **SUMMARY**

On July 8, 2025, the Planning Commission held a public hearing to consider amendments bringing Fort Smith's zoning code in compliance with Act 314. On March 13, 2025, the State Legislature adopted Act 314 abolishing Extraterritorial Jurisdictions in Arkansas. The Act went into effect on August 4, 2025.

The Planning Commission voted eight (8) in favor and zero (0) opposed to recommend the Board of Directors amend the UDO.

Please contact me if you have any questions.

### **ATTACHMENTS**

1. [UDO\\_Ordinance \(6\).pdf](#)
2. [8-5-25 ITEM 1984 UDO\\_Backup.pdf](#)

**ORDINANCE NO. \_\_\_\_\_**

**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 July 8, 2025, that changes be made; and,

**WHEREAS**, three (3) copies of August 2025 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 August 2025 Amendments to the Unified Development Ordinance include amendments removing sections and references to the Extraterritorial Jurisdiction and Planning Areas,

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

**SECTION 1:** The August 2025 Amendments to the Unified Development Ordinance 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 \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.**

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
**Mayor**

**Approved as to form:**



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

**PLANNING COMMISSION & BOARD OF ZONING ADJUSTMENT**  
**AGENDA**  
**BLUE LION DOWNTOWN, 101 N 2<sup>ND</sup> ST**  
**JULY 8, 2025**  
**5:30 P.M**

**11. UDO Amendments**

Chairman McCaffrey announced that staff requested item 11 be moved to the front of the agenda.

Ms. Rice introduced item 11 stating that Act 314, adopted by State Legislature on March 13, 2025, abolished Extraterritorial Jurisdictions in Arkansas and would be in effect August 3, 2025. She explained that the proposed amendments would bring Fort Smith's codes in compliance with Act 314.

Chairman McCaffrey called for a motion on item 11. Commissioner Wilson moved, seconded by Commissioner Newton, to approve. Chairman McCaffrey called for a vote. The vote was eight (8) in favor and zero (0) opposed.

# Memo

**To:** City Planning Commission

**From:** Planning Staff

**Date:** July 8, 2025

**Re:** Unified Development Ordinance - Extraterritorial Jurisdiction and Planning Areas

Act 314, adopted by the State Legislature on March 13, 2025, abolished Extraterritorial Jurisdictions and Planning Areas in Arkansas. The Act will be in effect on August 3, 2025. The proposed amendments bring the Fort Smith's codes in compliance with Act 314.

Staff recommends approval of the amendments.

-419	
27-4	Transitional
27-420	Commercial Districts- General
27-421	Commercial Zones Established
27-422	Commercial Neighborhood Compatible (C-1)
27-423	Commercial Light (C-2)
27-424	Commercial Moderate (C-3)
27-425	Commercial Regional (C-4)
27-426	Commercial Heavy (C-5)
27-427	Commercial Downtown (C-6)
27-428	Reserved
-429	
27-430	Industrial Light (I-1)
27-431	Industrial Moderate (I-2)
27-432	Industrial Heavy (I-3)
27-433	Reserved
-434	
27-440	Overlay Districts
27-441	Massard/Zero Street Corridor
27-442	Reserved
444	
27-445	Extraterritorial Jurisdiction
Appendix A	Fort Smith Use Matrix

## **Chapter 27-500 Subdivision Design and Improvement Standards**

27-501	Purpose and Findings
27-502	General Provisions
27-503	Site Layout and Design
27-504	Easements
27-505	Sanitary Sewer
27-506	Stormwater Management
27-507	Water
27-505	Reserved
27-506	Trails and Greenways
27-510	Resource Conservation
27-511	Wetlands Protection
27-512	Land Dedication and Reservation
27-513	Performance Guarantees
27-514	Maintenance Warranty
27-515	Private Infrastructure Maintenance
27-516	Subdivision Variance

## **Chapter 27-600 General Development Standards**

27-601	Off-Street Parking and Loading
27-602	Design Guidelines

- (4) To separate conflicting types of traffic by requiring the proper relation of land uses.
- (5) To reduce or eliminate congestion by providing adequate off-street parking and loading spaces.
- (6) To improve quality of life and aesthetics by providing adequate light, air and open space.

These regulations are justifiable only insofar as they promote the health, safety, convenience, or general welfare of the community as a whole.

#### **27-102 Title and Effective Date**

These regulations shall be known and cited as the City of Fort Smith, Arkansas Unified Development Ordinance (hereinafter known as “the UDO” and cited herein as either UDO or “these regulations”). It has been adopted pursuant to Ordinance No. \_\_\_\_\_, on \_\_\_\_\_, which is the effective date of these regulations.

#### **27-103 Authority**

This chapter and the regulations herein set forth are adopted under the authority of A.C.A. tit. 14, ch. 56, subch. 4 [§ 14-56-401 et seq.].

#### **27-104 Jurisdiction**

A. The Unified Development Ordinance applies to all lands within the corporate limits of Fort Smith, Arkansas, as the same now or hereafter are set.

~~B. Portions of these regulations, as specifically identified herein, are applicable to all lands within the City of Fort Smith’s extraterritorial jurisdiction and planning area.~~

**B** ~~C.~~ These regulations are not applicable to land and development owned and operated by the City of Fort Smith.

#### **27-105 Annexed Area**

Territory annexed to the City after adoption of this chapter shall be governed by the

# 27-400

## Zoning Districts

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### Contents

27-401	Master Land Use Plan and Zoning District Conversion Chart
27-402	Zoning Map
27-403	Land Use Regulations Table
27-404	Lot Dimension Standards
27-405	Street Hierarchy
27-406	Residential Estate Three (RE-3)
27-407	Residential Estate One (RE-1)
27-408	Residential Single Family Low Density (RS-1)
27-409	Residential Single Family Medium Density (RS-2)
27-410	Residential Single Family Medium/High Density (RS-3)
27-411	Residential Single Family High Density (RS-4)
27-4__	Residential Single Family Rowhouse and Zero Lot Line District (RS-5)
27-4__	Residential Single Family-Duplex Low/Medium Density(RSD-2)
27-4__	Residential Single Family-Duplex Medium/High Density(RSD-3)
27-4__	Residential Single Family-Duplex High Density(RSD-4)
27-412	Residential Multifamily Low Density (RM-2)
27-413	Residential Multifamily Medium Density (RM-3)
27-414	Residential Multifamily High Density (RM-4)
27-415	Residential Mixed Density (RMD)
27-416	Residential Historic (RH)
27-417	Residential Mixed Use/Commercial Employment Mixed Use (RMU/CEMU) 27-27-418-
419	Reserved
27-4__	Transitional
27-420	Commercial Districts – General
27-421	Commercial Zones Established
27-422	Commercial Neighborhood Compatible (C-1)
27-423	Commercial Light (C-2)
27-424	Commercial Moderate (C-3)
27-425	Commercial Regional (C-4)
27-426	Commercial Heavy (C-5)
27-424	Commercial Downtown (C-6)
27-425	Reserved
27-426	Reserved
27-427	Industrial Light (I-1)
27-428	Industrial Moderate (I-2)
27-429	Industrial Heavy (I-3)
27-433	
to 439	Reserved
27-440	Overlay Districts
27-441	
to 444	Reserved
27-445	Extraterritorial Jurisdiction

<b>27-401</b>	<b>Master Land Use Plan/Zoning District Conversion Chart</b>
---------------	--

Ordinance regulations, the zoning map kept by the Planning and Zoning Department shall govern.

**B. Location of District Boundaries.** The following rules shall apply in interpreting zoning district boundaries when the location of such boundaries are unclear:

1. Where zoning district boundary lines are indicated as following alleys, streets, or railroads, the boundary lines are located and measured along the center line of the street right of way, railroad, or alley.
2. Where a legal description is not available, zoning district boundary lines are generally intended to coincide with property lines. Where a boundary line coincides approximately, but not exactly, with a property line, the boundary line shall be considered to be the property line.
3. Streets or other rights-of-way that have been vacated fall into the same zoning district as the lots or parcels abutting both sides. If the lots or parcels were classified in different zoning districts before the vacation, the center line of the vacated right-of-way shall be interpreted as the boundary line between the districts.
4. Zoning boundaries which are indicated as approximately following the City or Extraterritorial Jurisdiction Boundaries shall be interpreted to follow such boundaries.
5. Questions about the location of zoning boundaries may be subject to interpretation by the Director pursuant to Section 27-336.

<b>27-403</b>	<b>Land Use Regulations</b>
---------------	-----------------------------

**A. Types of Uses** Land, buildings and structures may be used for any of the listed uses indicated in the following zone classification as set forth by the City of Fort Smith Land Use Matrix (Chapter 27-400, Appendix A).

**B. Classifications**

1. Uses Permitted by Right. P indicates that a land use is permitted by right in the respective district. Such uses are subject to all other applicable regulations.
2. Uses Permitted Conditionally. C indicates that a land use is permitted conditionally, subject to the issuance of a conditional use permit.
3. Accessory Uses. A indicates that a land use is typically permitted as an accessory structure.

- b. Fifty percent of all trees shall be evergreen with a minimum installation height of 8 feet tall and a maturity height of 40 feet.

(5) *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.*

**27-444 – Form Based Code – Appendix F**

**27-445 Extraterritorial Jurisdiction Reserved**

**A.** ~~Title—These regulations shall be known as the "Extraterritorial Zoning Ordinance for the City of Fort Smith, Arkansas."~~

**27-445-1 Authority and Purpose**

~~These zoning regulations are adopted pursuant to the authority granted the city by A.C.A. § 14-56-413 in order to carry out the purposes listed below:~~

(1) These zoning regulations have designed to promote the health, safety, and general welfare, to prevent the overcrowding of land, and to facilitate the adequate and economic provision of transportation, utilities and other public facilities.

(2) These regulations and associated districts have been designed to protect private property values, to protect both private and public investments in infrastructure and improvements, and to protect the existing and future environments in neighborhoods and developments.

(3) The zoning districts and land use maps have been determined with due consideration of future growth, development, and change in land development according to the goals and objectives expressed in the city comprehensive plan.

(4) These regulations have been designed to provide locations for each land use which are properly related to traffic, utilities, and other land uses.

(5) These regulations have been designed to eliminate congestion and to improve the living conditions and fire protection by provisions of adequate light, air, and open space.

(Ord. No. 12-03, § 1, 3-18-03)

## **27-445-2 Jurisdiction**

---

These regulations govern the development and use of that real property located outside the city and which real property is described by the following legal description and is illustrated on the extraterritorial zoning map (May 6, 2003) adopted hereby:

Property description: Parts of Sections 1, 2, 3, 8, 11, 12, 13, 14, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29, Township 7 North, Range 32 West, Sebastian County, Arkansas being more particularly described as follows:

All of Section 1, less and except those parcels previously annexed by the City of Fort Smith; all of Section 2, less and except those parcels previously annexed by the City of Fort Smith; all of Section 3, less and except those parcels previously annexed by the City of Fort Smith; the south half and the south half of the north half of Section 8, less and except those parcels previously annexed by Fort Smith Ordinance 2602, as filed April 17, 1967, and Fort Smith Ordinance 87-85, as filed August 29, 1985; all of Section 11 less and except those parcels previously annexed by the City of Fort Smith; all of Section 12, less and except those parcels previously annexed by the City of Fort Smith; all of Section 13, less and except those parcels previously annexed by the City of Fort Smith; all of Section 14, less and except those parcels previously annexed by the City of Fort Smith; the southwest quarter of the northwest quarter and the west half of the southwest quarter of Section 16, less and except that portion of the platted subdivision called Fianna Estates, Phase IV, as filed for record November 7, 1994, that lies within Section 16; all of Section 17; all of Section 20, less and except that portion of the platted subdivision called Beverly Corporate Plaza, Lots 1 and 2, as filed for record October 15,

1998, that lies within Section 20, and the platted subdivision called Belle Chase, Lots 1 thru 75, as filed for record June 22, 2000; all of Section 21, less and except those parcels previously annexed by the City of Fort Smith; all of Section 22, less and except those parcels previously annexed by the City of Fort Smith; all of Section 23, less and except those parcels previously annexed by the City of Fort Smith; all of Section 24, less and except those parcels previously annexed by the City of Fort Smith; the north half of Section 25; the north half of Section 26; the north half of Section 27; the north half of Section 28; and the north half of Section 29.

Also:

Parts of Sections 6, 7, 18, 19, 20, and 30, Township 7 North, Range 31 West, Sebastian County, Arkansas being more particularly described as follows:

All of Section 6, less and except those parcels previously annexed by the City of Fort Smith and the following described parcel of land also known as the Arkansas National Guard Armory site being more particularly described as follows:

Beginning at the intersection of the west line of the fractional NE 1/4 of fractional Section 6 with the south right-of-way line of Arkansas State Highway No. 22; thence southeasterly along said south right-of-way 379.77 feet to a point; thence south 560 feet to a point; thence west 375 feet to a point on the said west line of said fractional NE 1/4; thence north along said west line 600 feet to the point of beginning and containing 5.0 acres, more or less.

All of Section 7, less and except those parcels previously annexed by the City of Fort Smith; all of Section 18, less and except those parcels previously annexed by the City of Fort Smith; the west half and the south half of the east half of Section 19; the west half of the southwest quarter of Section 20; the north half of Section 30.

(Ord. No. 12-03, § 1, 3-18-03; Ord. No. 13-03, 3-18-03; Ord. No. 29-03, § 1, 5-6-03)

## **27-445-3 Interpretations**

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When referring to this article, the following rules of interpretation shall be applied, except when the context clearly requires otherwise:

(1) The particular shall control the general.

(2) In the case of any difference of meaning or implication between the text of this article and any chart, graph, illustration or table, the text shall control.

(3) The word "shall" and "will" are always mandatory and are not discretionary. The word "may" is permissive and discretionary.

(4) Words used on the present tense include the future tense; words in the future tense include the present tense; words in the singular number include the plural, and words in the plural number include the singular number.

(5) The words "building" and "structure" shall be construed as though followed by the words, "or a portion thereof".

(6) The word "lot" includes the words "parcel," "plot," or "tract," but does not include leased lands.

(7) The word "occupied" shall be construed as though followed by the words, "or intended, arranged, or designed to be occupied."

(8) The word "city" means the area of jurisdiction of the City of Fort Smith, Arkansas.

(9) All public officials, bodies and agencies to which reference is made are those of the City of Fort Smith, Arkansas.

(Ord. No. 12-03, § 1, 3-18-03)

#### **27-445-4 Relation to other ordinances**

---

It is not intended that this article will in any way repeal, annul or interfere with any rules, regulations or permits that were legally adopted or issued under previous ordinances for the use of land or structures. It is not intended that this article will interfere with any easements, covenants, or other agreements between parties. However, if the provisions of this article impose greater restrictions or higher standards for the use of a lot, parcel, or tract of land than is called for by other ordinances, permits, easements or agreements, then the provisions of this article will take precedence over the others and will control the use or development of land within its jurisdiction.

#### **27-445-5 Severability**

---

If any specific provision or standard of these regulations or any zoning district boundary that now exists or may exist in the future is found by a court to be invalid for any reason, the decision of the court shall not affect the validity of any other section, provision, standard, or district boundary of these regulations except the provision in question. The other provision of these regulations not affected by the decision of the court shall remain in full force and effect.

#### **27-445-6 Effective Date**

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These regulations shall become effective on August 6, 2002.

#### **27-445-7 Enforcement**

---

(1) The provisions of this article shall be enforced by the city administrator, or designated agents, of the city.

- (2) It shall be the duty of the city administrator, or designated agents, of the city to initiate proceedings for the enforcement of these regulations.
- (3) If the city administrator, or designated agents, of the city finds a violation of these regulations, the director of planning shall notify the violator and give the violator a specified time to correct the violation. If the violation continues or is not corrected, the director of planning shall initiate proceedings for enforcement as described in this section.
- (4) The provisions of this article may be enforced by any one, all, or combinations of remedies authorized and prescribed by this article. If a person continues to fail to comply with a particular provision of these regulations after the imposition of any type of penalty, the person shall continue to remain subject to the remedies prescribed by this article for the continued violation of the particular provisions of these regulations. The City Administrator, or a designated agent, shall have the authority to prosecute actions seeking the imposition of fines and penalties for violation of the ordinance as provided herein and, after obtaining approval from the governing body of the City, may initiate judicial actions to secure injunctions and abatement orders to further ensure compliance with the ordinance. Each day's continuing violation shall be a separate and distinct offence and may be subject to any one, all, or a combination of remedies authorized and prescribed by this article.
- (5) Any person or entity who violates the provisions of these regulations shall be deemed guilty of committing a misdemeanor and, upon conviction thereof, shall be subject to a penalty as set forth in Section 1-9 of the Fort Smith Code of Ordinances.
- (6) The city administrator, or designated agents, of the city is empowered to issue citations to any person if there is a reasonable cause to believe that the person has violated any provision of these regulations. A violator shall be deemed to be the owner of the property, the agent of the owner authorized to be responsible for the property, or the occupant of the property. Citations may be directly issued to the occupant, lessee, or person having immediate beneficial use of the property. The non-occupant owner or agent responsible for the property each has the duty to maintain the property in compliance with these regulations. Written notice shall be given to the non-occupant owner, agent, or occupant prior to the issuance of any citation.

## **27-445-8 Definitions**

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### ***Accessory building or use***

shall mean a building or use which is incidental and subordinate to and serves the principal building or principal use.

### ***Apartment house***

shall mean any building or portion thereof which is designed, built, rented, leased or let to be occupied as three (3) or more dwelling units or apartments or which is occupied as a home or place of residence by three (3) or more families living in independent dwelling units.

### ***Authorized agent***

shall mean an architect, attorney, builder, developer or other person or persons legally empowered to act on behalf of other persons.

### ***Board of adjustment***

shall mean the board of zoning adjustment of the city.

### ***Certificate of land use compliance***

shall mean official certification that the property usage conforms to the provisions of these regulations and may be used or occupied. Unless a certificate is issued by the city administrator, or designated agents, of the city, the property cannot be used or occupied.

**Church**

shall mean a place of worship and religious training, including accessory housing facilities such as a rectory.

**City**

shall mean the City of Fort Smith, Arkansas.

**City administrator**

shall mean the city administrator of the city.

**Commission**

shall mean the city planning commission.

**Comprehensive plan**

shall mean the plan developed by the City for the purpose of bringing about an orderly, coordinated, and physical development of the City. Any reference to the comprehensive plan in the UDO shall be by express reference only. Terms or phrases in the UDO which do not expressly reference the comprehensive plan, including but not limited to “adopted plans,” “adopted policies,” “area plans,” “functional plans,” “planning policies,” or “policies,” shall not be intended to refer to the comprehensive plan.

**Conditional use**

shall mean uses that can be approved in a zone where they are specifically listed as conditional uses and are subject to special conditions as determined by the planning commission.

**Country club (private)**

shall mean an area containing a clubhouse and recreation facilities restricted to the use of specific membership and which may contain a golf course, tennis court, swimming pool, dining room, social facilities and similar recreation and service facilities, with a minimum of ten (10) acres.

**Data center**

shall mean a building, dedicated space within a building, or group of structures used to house a large group of computer systems and associated components, such as telecommunications and data processing systems to be used for the remote storage, processing, or distribution of large amounts of data. Such data include, but are not limited to computationally intensive applications such as blockchain technology, cryptocurrency mining, weather modeling, and genome sequencing. Facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructures to support operations

**Duplex**

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

**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.

**Dwelling, mobile home**

shall mean a single detached single family dwelling unit with all of the following characteristics:

(1) Designed for full time occupancy and containing sleeping accommodations, flush toilet, tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems.

(2) Designed to be transported after fabrication on its own wheels or on a flatbed or other trailers of detachable wheels, or by other means.

(3) Designed to arrive at the site where it is to be occupied, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on and connection to foundation supports, and connection to utilities.

**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.

**Family**

for purposes of this chapter, shall mean either:

(1) One (1) or more persons occupying a single dwelling unit provided that all members are related by blood, marriage or adoption and may include domestic employees housed on the premises; or

(2) A group of not more than four (4) persons who are not related by blood, marriage or adoption, living together as a common household in a dwelling unit.

This definition of family is established for the purpose of preserving the character of residential neighborhoods by controlling population density, noise disturbance, and traffic congestion, and shall not be applied so as to prevent the city from making reasonable accommodation where the city determines it necessary to afford handicapped persons living together in a household equal access to housing pursuant to the federal Fair Housing Amendments Act of 1988.

**Flood**

shall mean a temporary rise in stream level that results in water covering areas not ordinarily covered by water.

**Flood hazard boundary map (FHBM)**

shall mean an official map of the city or of the county issued by the Federal Insurance Administration, designating the boundaries of special flood hazards.

**Floodway**

shall mean the channel of a river or other water course and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

**Golf course (commercial)**

shall mean a golf course, privately or publicly owned but opened to the public for a fee and operated as a commercial venture.

**Greenhouse or plant nursery**

shall mean an area or structure for the growing, display and sale, at retail, of plants, flowers, trees and other plant materials and the supplies for maintaining plant material.

**Heavy industrial district**

is an industrial zone that is primarily for the manufacturing, assembly, and fabrication activities resulting from the processing of raw materials. Industrial uses which generate relatively high levels of noise, vibrations, smoke, dust, odor or an objectionable site condition are limited to this zone. The industrial uses permitted in this zone are generally incompatible with residential uses and therefore they should be located as far away as possible from residential and most commercial uses.

**High density residential district**

shall mean a residential use zone primarily for medium to high population densities. The principal uses of land may range from two family residential to high density multi family apartment residential use where the multi family apartments do not exceed twenty four (24) units per acre.

**Home occupation**

shall mean an occupation carried on in a residential dwelling as an incidental, subordinate and accessory activity to the primary use of the premises.

**Light commercial/office**

This zone is established to provide locations beyond the central area of the city, primarily along arterial or major collector streets which will accommodate offices or laboratories for professional persons and other related uses. This zone should not be established in a "strip" zoning manner along major streets but should be concentrated to provide easy accessibility to the public. The zone is intended to provide availability of professional services conveniently to all neighborhoods in the community. Uses permitted in the LCO zone would typically include offices for doctors, dentists, accountants and other similar professions, medical and dental laboratories and pharmacies. Each single LCO zone shall contain a minimum of one (1) acre and a maximum of twenty (20) acres.

**Light industry**

This district is intended for light manufacturing, processing, storage, wholesaling and distribution. Commercial and service uses in support of industrial uses are also permitted. Examples of permitted uses are listed below:

(1) Establishments for the manufacture, processing and assembly of goods and uses.

Examples of such establishments include:

- a. Clothing manufacturers.
- b. Metal fabricators.
- c. Industrial laundries.
- d. Furniture and wooden products manufacturers.

(2) General contractors and specialty contractors.

(3) Building materials and supplies.

(4) Retail, service and other commercial establishments intended to serve the needs of the industrial community. Examples of such establishments include:

- a. Industrial machinery dealers.
- b. Packaging materials.
- c. Gasoline service stations.

- d. ~~Petroleum products dealers and wholesalers.~~
- e. ~~Machine shops.~~
- f. ~~Warehousing.~~
- g. ~~Truck terminals.~~
- h. ~~Self-service storage (mini-warehouses).~~

***Light residential***

~~shall mean single family detached.~~

***Lot***

~~shall mean a parcel of land intended to be occupied by principal buildings or uses and accessory buildings or uses customarily intended to go with them and having frontage on a dedicated public street. A lot as defined herein may consist of one (1) or more platted lots, or tract or tract conveyed or parts thereof.~~

***Medium industrial district***

~~is an industrial use zone that is intended to primarily accommodate wholesale activities, processing, distribution, storage, and warehouse and industrial operations which may generate relatively low levels of noise, odor, smoke, dust or intense light. Residential development is excluded from this zone, both to protect residents from an undesirable environment and to facilitate maximum efficiency of industrial activity.~~

***Medium residential***

~~shall mean single family and two family but no more than six (6) units per acre. Lots not served by sanitary sewer must have a soil test and site evaluation. The results of the test and evaluation will determine the possibility for the maximum density of 6 units per acre.~~

***Neighborhood commercial***

~~The neighborhood commercial (NC) zone is established to provide an area in which the primary use of the land is for commercial and service uses to serve the daily convenience needs of the surrounding residential neighborhood. The zone is intended to be located within neighborhood areas and to be integrated into the residential structure of a neighborhood in a manner that will create a minimum of detriment, hazard, or inconvenience to surrounding residential development. Each neighborhood commercial zone will be small (containing from one (1) to five (5) acres) and will be located within convenient walking distance from the edge of the surrounding residential area it is designed to serve. In general, the NC zones will be located from one half ( 1/2) to one (1) mile from each other, or from another zone in which the daily commercial needs of a neighborhood or residential area will be served.~~

***Nonconforming use***

~~shall mean a use of land lawfully occupied at the time of the effective date of these regulations or amendment thereto, or which was subsequently included in the extraterritorial zoning jurisdiction of the city which does not conform to the use regulations for the zone in which it is situated.~~

***Nursing homes***

~~shall mean a building used for lodging, boarding and nursing care, on a twenty four hour basis, of four (4) or more persons who, because of mental or physical incapacity, may be unable to provide for their own needs and safety without the assistance of another person.~~

***Occupancy***

~~shall mean the use or intended use of land.~~

***Orphanage***

shall mean an institution for the care of orphans or homeless children.

**Park or playground (public)**

shall mean an open recreational facility or park owned and operated by a public agency such as the city, the county or Fort Smith School Board and available to the general public.

**Park or playground (nonpublic)**

shall mean a park or playground developed and sponsored by a quasipublic group or private agency for the benefit of specific groups, such as Little League Baseball, or the public in general.

**Planning commission**

shall mean the planning commission of the city.

**Portable building**

shall mean a temporary building that does not have a foundation and is transportable and is not used as a residential structure.

**Principal use**

shall mean the use which fulfills the primary function of an establishment, institution, household and other entity.

**Public building**

shall mean any building held, used or controlled exclusively for public purposes by any department or branch of government, state, county, or municipal, without reference to the ownership of the building or of the realty upon which it is situated. A building belonging to or used by the public for the transaction of public or quasi-public business.

**School business professional,**

shall mean a business organized to operate for a profit and offering instruction and training in a service or art such as secretarial school, barber college, beauty school or commercial art school, but not including trade schools.

**School, public or private,**

shall mean a school under the sponsorship of a public or religious agency having a curriculum generally equivalent to a public elementary or secondary school, but not including trade or commercial schools.

**School, trade or technical,**

shall mean a business organized to operate for a profit and offering instruction and training in a trade such as welding, bricklaying, machinery operation and similar trades.

**Site**

shall mean a single holding which consists of a lot, tract, parcel or acreage, or a combination thereof, not divided in any manner by a public right of way including a street or alley but not including easements.

**Street**

shall mean a public maintained right of way, other than an alley, which affords a primary means of access to property.

**Telecommunication tower,**

shall mean a structure designed and constructed to support one (1) or more antennas used by commercial wireless telecommunication facilities and including all appurtenant devices attached to it. A tower can be freestanding (solely self-supported by attachment to the ground) or supported (attached directly to the ground and with guy wires), of either lattice or monopole construction.

**Truck farm**

shall mean a farm devoted to the production of vegetables for the market.

**Use**

shall mean a purpose to which land, structures or buildings are committed.

**Utility substation**

shall mean a station which is subsidiary to a central station and at which a utility from the central station is converted or passed on to another area.

**Zone**

shall mean a section of the lands within the extraterritorial jurisdiction designated in these regulations in which requirements for the use of land and development standards are prescribed.

**Zone boundaries**

shall mean that boundary line which separates unlike zoning districts.

**27-445-9 Nonconforming Uses**

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(1) "Nonconforming" shall mean that which does not meet the requirements of these regulations but which was in existence on the date of adoption of this Code or, if not in existence on the date of adoption of this Code, has been in continuous existence for at least seven (7) years.

(2) A nonconforming use of land is a use of real property which does not conform to the permitted uses in the zoning district within which the real property is located and which does not involve utilization of a structure or as to which the utilization of a structure is incidental.

(3) Abandonment shall mean the cessation of a nonconforming use of land. The ceasing shall be deemed to be established by the failure to obtain or renew a privilege license for a period of at least one (1) calendar year, the termination of utility services for at least one (1) year or the ceasing of a nonconforming use due to a felony conviction of the owner or the authorized representative of the owner and which felony conviction is related to the subject use. Ceasing may also be established by a written statement of the intention to abandon the use by the owner or the owner's representative.

(4) A nonconforming use of land may be continued unless such use is abandoned, provided that this provision shall not be construed to approve continuation of an activity constituting a nuisance or any activity prohibited by statute or ordinance applicable to the use.

(5) A nonconforming use of land shall not be enlarged or extended, either by the addition of other real property to the use area or by the intensification of the use on the utilized real property.

(6) A nonconforming use of land may be changed to a use permitted in the same classification in which the original use is listed. However, if the original use is listed in multiple zoning district classifications, then the nonconforming use of land may only be changed to a use permitted in the most restrictive zoning district classification in which the original use is listed.

- (7) A nonconforming use of land which has ceased for a continuous period of more than one (1) year shall be deemed abandoned.
- (8) A structure housing a nonconforming use that is destroyed or damaged to the extent that the cost of repair is more than fifty (50) percent of the value of the structure after repair shall not be replaced unless all of the following conditions are met:
- (a) A conditional use application is presented to the planning commission in accordance with section 27-445-12 of this Code;
  - (b) The conditional use is approved by the planning commission;
  - (c) Construction is completed within one (1) year from the date of the loss; the determination of "cost of repair" shall be based on the anticipated cost of a repair performed by a contractor in the ordinary course of the construction industry, and the determination of the "value of the structure after repair" shall not include real property value. Both determinations shall be made by the director of planning;
  - (d) The structure shall be adapted for the same use as the previous structure; and
  - (e) The structure as built shall not exceed the bulk and area characteristics of the previous structure;
  - (f) Provided a maximum time extension not to exceed sixty (60) calendar days may be granted upon written application of the owner to the director of planning, provided substantial progress has been made to repair the structure.

#### **27-445-10 Home Occupation**

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- (1) The planning commission, in reviewing application for home occupations may consider the performing of a skill, talent, service or profession on a limited basis as a home occupation only if it complies with Section 27-338-4 (F):
- (2) The planning commission shall review home occupations at its regularly scheduled monthly meeting at which time one (1) of the following actions may be taken:
- (a) Approve as submitted.
  - (b) Approve with modification.
  - (c) Defer.
  - (d) Table.
  - (e) Deny.
- (3) The planning commission may impose conditions and restriction upon the premises benefitted by the home occupation use as may be necessary to reduce or minimize the injurious effects of the home occupation.
- (4) The planning commission is not required to approve any application for the operation of any home occupation which, in its opinion, is not compatible with the integrity of the neighborhood.
- (5) No license for the conduct of any business will be issued until city inspections show compliance with all conditions set by the planning commission.

#### **27-445-11 Accessory Residential Use**

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**A. Purpose.** To grant the Planning and Zoning Department the authority to permit citizens in all residential zones to operate an accessory residential use in accordance with the criteria set forth in this section. It is further the intent of this section to regulate the operation of the accessory residential use so that the neighborhood shall be unaware of its existence.

**B. Business License.** An individual with an approved business license from the City shall not be required to obtain an accessory residential use permit in order to conduct the business from his or her residence as long as the practice is within the criteria of 27-324-6 of this section.

**C. Applicant.** An accessory residential use permit may be sought only by the home owner or tenant of the address for which the permit is sought.

**D. Pre-Application Conference.** A pre-application conference pursuant to Section 27-302 is recommended.

**E. Submission Requirements.** The Director shall prepare an application form specifying the information to be submitted in support of an accessory residential use permit application. This shall include, at a minimum:

1. **Request.** Request for a written description of the use.

2. **Space.** Requirement of a calculation of the amount of space to be occupied by the use.

3. **Fee.** Application Fee established by the Board of Directors.

4. **Affidavit.** Affidavit from the applicant that the proposed use meets each of the approval criteria established in Section 27-324-6 and that the applicant gives the City permission to withdraw the permit should a valid neighborhood complaint be received which identifies actions that violate the terms of the Accessory Residential Use approval. Withdrawal shall take place pursuant to Section 27-314.

1. **License.** Copy of a valid business license issued by the City of Fort Smith.

#### **F. Application and Review Procedure**

1. **Determination of Completeness.** Applications shall be submitted to the Director for a determination of completeness pursuant to Section 27-303.

2. **Review.** Complete applications shall be reviewed by the Director. If the Director determines that the application meets the requirements of the UDO (including the provisions of Subsection 27-324-6 C, below) the application shall be approved.

**13. Criteria.** Applicants for an accessory residential use shall meet all of the following requirements:

- a. The activity shall be contained in an area no greater than thirty (30) percent of the total heated living space of the residential structure, and there shall be no alteration to the residential structure and no separate outside entrance for the business area of the residential structure.
- b. Only resident members of the household shall operate the activity.
- c. No inventory of materials or supplies other than normal office, art, craft or photography supplies shall be stored at this location.
- d. No customers shall be served in person at this location.
- e. The address shall not be used for any advertising.
- f. No signs shall be used.
- g. No business vehicle larger than a pickup truck shall be housed at the residence.

**4. Appeal.** If the Director denies an application for an accessory residential use, the denial may be appealed to the Planning Commission. No further action shall be taken on the application pending the decision of the Planning Commission.

**G. Conditions for Approval.** When an accessory residential use application is approved, the Planning and Zoning Department is allowing the applicant the privilege of engaging in a specific designated activity at a specific residential address. An approved accessory residential use cannot be moved, transferred, or relocated to another address, or remain at the address where it was approved if a new owner occupies the property. If the owner to which the permit was issued moved, the approval does not transfer nor remain at the residence with the new owner, the approval is considered void. The applicant is required to give the Planning and Zoning Department permission to withdraw the accessory residential use permit should a reasonable complaint be received.

**H. Withdrawal of Permit.** When one (1) verifiable complaint is received on the applicant or location for which the permit approval was issued, or when a violation of any of the criteria set forth in section 27-445-11 is confirmed, the accessory residential use may be withdrawn pursuant to Section 27-314.

## **27-445-12 Conditional Uses**

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The conditional use permit process allows for special conditions to be attached to a development where the proposed use is not totally inconsistent with the other permitted uses but it may have a significant impact on the surrounding area. The planning commission's intent

is to provide flexibility for the petitioner by identifying those special conditions for specific uses without making the ordinance unreasonably strict.

Those uses which are deemed as conditional uses are listed under the extraterritorial open 1 zone (ETJ O 1) in section 27-445-19 of this article.

#### Conditions:

- (1) All conditions required for a conditional use permit must be met before any part of the use can be utilized. If any condition is not met, the conditional use authorization may be revoked by the city.
- (2) All conditions required for a conditional use permit must begin to be met within one (1) year of the authorization unless a special time limit has been imposed by the planning commission. An extension of time beyond one (1) year or that imposed by the planning commission may be granted by the director of planning one (1) time for up to ninety (90) days.
- (3) The planning commission will review the conditional use permit based on adopted development criteria and if it determines that the criteria have been met it may approve the application unless it determines that if the development is completed as proposed, there is a probability that the development will:
  - a. Not adequately safeguard the health, safety, and general welfare of the persons residing or working in adjoining or surrounding properties; or
  - b. Impair an adequate supply of light and air to the surrounding property; or
  - c. Unduly increase congestion on the roads, or the hazard from fire, flood or similar dangers; or
  - d. Diminish or impair established property values on adjoining or surrounding properties; or
  - e. Not be in accord with the intent, purpose, and spirit of the extraterritorial zoning ordinance and land use policies.
- (4) A conditional use permit authorizes the permit holder the use of land in a particular way and subject to certain conditions. As such it is transferable to an owner of the same property. However no person may make use of the land covered under such permit except in accordance with all terms and requirements of the permit, so long as the permit remains in effect.
- (5) The decision of the Planning Commission concerning a conditional use request may be appealed to the Board of Directors in accordance with Section 27-337-8.

#### **27-445-13 — Temporary Use Permits**

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The director of planning may grant a temporary use special permit for religious revivals, temporary recreational facilities, temporary medical facilities, temporary classroom facilities for public and private institutions and similar uses that do not involve retail or food or beverage

sales activities, provided that the use complies with regulations governing area, parking, signs, sanitation requirements etc. for the area and does not constitute a nuisance for adjacent properties. Temporary use special permits when granted will be for a specified duration of time, not to exceed sixty (60) days, and are renewable for sixty-day periods thereafter. Permits for periods in excess of one hundred twenty (120) days (one (1) initial period plus one (1) renewable permit) must be reviewed and approved by the planning commission.

Construction offices that are necessary for the sole purpose of providing a temporary office for a particular construction project will not be required to obtain a temporary use special permit when a land use permit has been issued. The construction office may be allowed to remain on the site for the duration of the project. The construction office must be located on the project site and must not constitute a nuisance for adjacent properties. The director of planning may establish special criteria for the location and setup of a construction office.

Any mobile (retail) structure (trailer) existing at the time of this provision may continue to operate provided that this provision shall not be construed to approve continuation of an activity constituting a nuisance or an activity prohibited by statute or ordinance applicable to the use and that the structure has a valid temporary use special retail permit and/or a valid business license for the special site on which it is located. However, should the mobile retail structure be removed from the site for thirty (30) consecutive calendar days, it shall be considered a nonconforming mobile retail structure and shall not operate at that location.

## **27-445— Outdoor Mobile Food Vending in the ETJ**

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The purpose of Section 27-445— is to promote and encourage open-air retail environments, while preserving and protecting the health, safety and welfare of citizens through regulations that promote opportunities and management of such enterprises in the ETJ..

### **L.— Definitions.**

**Edible goods** shall include, but are not limited to prepackaged and prepared foods, excluding the sales of alcoholic beverages.

**Food service establishment** shall mean businesses that sell edible goods and have been inspected and approved by the Sebastian County Health Department and the City of Fort Smith.

**Mobile** shall mean the state of being active, but not necessarily continuous, movement.

**Mobile food court** shall mean a site that contains more than one mobile food vendor on a regular basis as the principal use of the land.

**Mobile food vendor** shall mean any person(s) who owns or operates a mobile food vehicle for the purpose of mobile food vending.

**Mobile food vendor, private property** shall mean any person(s) who exhibits, displays, or sells any food or beverage from a mobile food vehicle at a designated location on private property.

**Mobile food vehicle** shall include, but not be limited to:

(d) **Mobile food truck:** A motorized unit selling edible goods.

(e) **Mobile food truck or concession trailer (self-contained):** A motorized unit selling edible goods. The unit shall be self-contained meaning all items such as water tanks, generators, etc. are affixed or contained within the mobile food truck.

(f) **Concession trailers:** A vending unit which is pulled by a motorized unit and has no power to move on its own.

**Parallel Parking Space** shall mean a parking space that is adjacent to the curb the full length of the parking space.

**Sell** shall mean the act of exchanging a food for a profit or in return for a donation.

**Stationary** location shall mean the position of the mobile food vendor when not in motion and addressing the public for the purpose of sales.

**Temporary building** shall mean a structure not exceeding 160 s.f. used to vend edible foods and that is not permanently affixed to the ground, or on blocks, etc.

**Tow Vehicle** — A motorized land vehicle.

#### **M. Exemptions**

4. An approved Farmers Market;

5. Temporary sales for non-profit entities that operate for less than five (5) consecutive days as part of a festival or special event shall be exempt from this Section.

6. Children's lemonade stands.

#### **N. Outdoor Mobile Food Vendors Located on Private Property**

The purpose of this section is to facilitate and control the ability of mobile food vendors and mobile food courts to operate on private property while ensuring such uses are compatible with nearby properties, fosters an aesthetically appealing streetscape, and does not create a dangerous traffic condition.

### **3. Single Vendor**

**d. Zoning Districts.** Outdoor mobile food vendors shall be permitted on private property in ETJ C-1, ETJ C-2, ETJ C-3, and ETJ I-1 zoning districts. Outdoor mobile food vendors shall be permitted on private property in ETJ O-1 zoning district provided the location is not on or adjacent to property developed residential and it is located on a street classified as major arterial or higher.

**e. 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.

**f. Permission required.** Outdoor mobile food vendors shall first obtain written permission from the property owner prior to submitting an application.

### **4. Mobile Food Courts**

**d. Zoning Districts.** Mobile food courts shall be permitted as a conditional use in ETJ C-1, ETJ C-2, ETJ C-3, and ETJ I-1 zoning districts. Mobile food courts shall be permitted as a conditional use in ETJ O-1 zoning district as long as the location is not adjacent to property developed residential and it is located on a classified street.

**e. Review Criteria.** A property owner, or agent, proposing a mobile food court shall submit an application for a Conditional Use Permit to the Planning Department. The 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. 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.
- iv. Provide adequate restrooms facilities on site or through the provision of a shared use agreement with a neighboring business for access to restroom facilities.

**f. 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.

#### **O. Mobile Food Permit and Permit Requirements—Private Property**

**1. Mobile Food Vendor Annual Permit.** Mobile food vendors are allowed to operate on a temporary basis for one year in one location with administrative approval of the Planning Department. After the one-year period has expired, the mobile food vendor shall move to another location or may request a one-year renewal from the Planning Department. Mobile food vendor permits shall be issued to the owner of the mobile food vendor vehicle. All permits shall expire December 31.

**2. Mobile Food Vendor Permit Requirements.** Each application for a permit to conduct a mobile food vendor business on a private property shall contain the following:

a. A permit and processing fee of \$150.00. For Permits issued after June 30<sup>th</sup>, the permit and processing fee shall be \$75.00.

f. The name, address, contact information and signature of both the property owner and the mobile food vendor requesting to locate on private property.

g. Written permission, signed by the property owner or legal representative of record, stating that the mobile food vendor is permitted to operate on the subject property for a specified period of time.

h. Written verification that the applicant is registered with the Arkansas Department of Finance and Administration.

i. A statement on how and where solid and liquid wastes will be disposed, if applicable.

**11. Permit Transfer.** The permit issued to a mobile food vendor shall not be transferrable to another owner or operator without a new application submitted and approved by the city.

**12. Permit Displayed.** The mobile food vendor permit issued shall be conspicuously displayed at all times during the operation of the mobile vending business.

**13. Waste Disposal.** The mobile food vendor has the responsibility to dispose of all wastes in accordance with all applicable laws. Mobile food vendors are not permitted to dispose of their trash in public trash receptacles.

**14. Parking Space Requirements.** Mobile food vendors shall maintain parking for the existing businesses. The use of parking for a mobile food vendor may not reduce the number of spaces below the minimum required for other uses occurring on the property.

**15. Temporary Buildings – Private Property.** A temporary building can be used on private property to vend edible foods. Permits for temporary buildings are limited to 180 days unless a time extension is granted by the City Building

Official. A temporary building must also comply with the requirements of this Chapter.

**16. Mobile Food Vendor Transfer Option – Private Property.** Within the permit period, mobile food vendors on private property may transfer to another location that allows mobile food vending. Each transfer request shall be accompanied with an application to the Planning Department and a permit and processing fee of \$40.00.

**17. Mobile Food Vendor on Multiple Locations – Private Property.** Mobile food vendors are allowed to operate on a temporary basis on multiple locations after meeting the following conditions:

- d. The applicant has submitted an application to the Planning Department accompanied with permit and processing fee of \$200.00.
- e. The property owner for each location must provide a written statement giving the mobile food vendor permission to operate on the property.
- f. The mobile food vendor has the responsibility to dispose of all wastes in accordance with all applicable laws. Mobile food vendors are not permitted to dispose of their trash in public trash receptacles.

**18. Renewal Requirements – Private Property.** Mobile vendors requesting a one-year renewal to stay in the same location shall comply with the following:

- f. Applicant shall submit a renewal request on a form provided by the Planning Department.
- g. Applicant shall provide verification that the mobile food vendor has a valid sales tax permit registered with the Arkansas Department of Finance and Administration.
- h. The Director or his designee shall review each application for renewal, and upon determining that the applicant is in full compliance with the provisions of these regulations, shall issue a new permit.
- i. Planning Commission approval shall be required for all mobile food vendors who have received formal enforcement actions from the city.
- j. Payment of a \$150.00 permit fee.

**P. Littering and Trash Removal.**

6. Mobile food vendors shall keep the sidewalks, roadways, property where the vendor is located and other locations adjacent to their vending site clean and free of debris and refuse generated from the operation of their business.
7. Mobile food vendors shall provide a receptacle for litter that shall be maintained and emptied regularly.

**Q. Prohibited Conduct.**

No person authorized to engage in the business of mobile food vending under these regulations shall do any of the following:

14. Locate within a site triangle described as the area delineated by a distance of twenty five (25) feet along the intersecting property lines, beginning at a property corner point and extending twenty five (25) feet in both directions away from the corner point of an intersection and then connecting the terminus points by a line to form the triangular area.
15. No mobile food vendor shall sell or vend from his/her vehicle within 300 feet of a public or private school property while school is in session and one hour before and after school is in session; classes or school related events, except when authorized in writing by the school.
16. Unduly obstruct pedestrian or motor vehicle traffic flow, except a reasonable time to load and unload the mobile food vendor vehicle.
17. Obstruct traffic signals or regulatory signs.
18. Stop, stand or park any mobile food vendor upon any street for the purpose of selling during the hours when parking, stopping and standing have been prohibited by signs or curb markings.
19. Leave any mobile food vehicle in a public street right-of-way overnight.
20. Sounds projecting from the mobile food vendor that violate Article II— Noise regulations of the Fort Smith Code of Ordinances.
21. Conducting the business in such a way that would restrict or interfere with the ingress or egress of the abutting property owner or tenant, create traffic

congestion or delay, constitute a hazard to traffic, life or property, or obstruct adequate access to emergency and sanitation vehicles.

22. Use or install any lighting that does not comply with Section 27-602-5 Commercial and Outdoor Lighting requirements of the Unified Development Ordinance.

23. Run hoses, cords, or other apparatus across a pedestrian pathway or sidewalk.

24. Utilize any portion of a public sidewalk or public right-of-way where mobile food vending is not allowed or authorized.

25. Remove the wheels from a mobile food vehicle. The mobile food vehicle shall not otherwise be rendered immobile such as being placed on blocks, railroad ties, etc.

#### **R. — Revocation of Permit.**

A license issued pursuant to Section 27-445— may be revoked, in writing, by the Director or his designee for any of the following reasons:

5. Any fraud, misrepresentation or false statement contained in the application for license;

6. Any fraud, misrepresentation or false statement made in connection with selling of products;

7. Any violation of this Section.

8. Conducting the business license under this Section in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.

#### **S. — Appeal.**

Appeals to the Director's decision relating to this Section shall be made to the Planning Commission concerning the issuance of a license or revocation of a license pertaining to this Section.

#### **T. — Appeals of Administrative Determinations.**

The Planning Commission shall hear appeals from the Director's decision in respect to the enforcement and application of this Section, and may affirm or reserve in whole or in part the decision of the Director.

1. ~~Process.~~ Any person, officer of the City, or other governmental agency not in agreement with a decision made by the director may appeal the decision within 10 (ten) days of the decision by filing with the Director a notice of appeal along with payment of the required appeal fee. The filing shall specify the reason for the appeal. The Director shall then transmit to the Planning Commission all the information on the details of the decision and reason for the appeal. This shall be done in advance of the next regularly scheduled meeting.

8. ~~Stay.~~ An appeal puts all processing of applications on hold until the appeal process is completed.

9. ~~Hearing.~~ The Planning Commission shall schedule a reasonable time for the hearing of the appeal or any other matter referred to it. Notice shall be published one (1) time in a local newspaper fifteen (15) days before the public hearing.

10. ~~Action.~~ In exercising its powers, the Planning Commission, in conformity with the provisions of law, may reserve or affirm, wholly or in part, or may modify the order, requirement, decision, or determination.

11. ~~Appeals.~~ Appeals from the decision of the Planning Commission shall be made to the Board of Directors in accordance with Section 27-337-8.

**U. Forfeiture of Fee.** If the City revokes a mobile vending permit, the fee already paid for the permit shall be forfeited.

## **27-445-14 Classification of Unlisted Uses**

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When uses arise that have not been classified, the following procedure shall be used to determine the proper classification for those uses:

(1) The director of planning shall make an administrative decision as to the appropriate zones in which an unlisted use will be allowed.

(2) The decision of the director of planning concerning the appropriate zones for an unlisted use may be appealed to the planning commission. The following procedure shall be used for such appeals.

- a. Upon request of the person wishing to appeal, the director of planning will refer the question of the location of an unlisted use to the planning commission for the commission's decision.
  - b. The appeal will contain a statement of facts concerning the nature of the use, including pertinent information such as the types of sales anticipated, types of dwelling activities anticipated, whether enclosed or open storage accompanies the use, types of products manufactured or sold, and information about odor, noise, fumes, dust and toxic materials generated by the planned use. In addition, the appeal should contain information about the demand that will be placed on public utility services by the use.
- (3) Upon receiving the appeal, the planning commission will consider the nature of the proposed use and its compatibility with uses permitted in the zones for which the use is proposed and then make a decision upon the request.
- (4) The decision of the planning commission on the appropriate zone of a new use may be appealed to the board of directors in accordance with Section 27-337-8.

#### **27-445-15 Amendments**

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- (1) The board of directors may supplement, change or amend the zoning map and the zoning regulations in the manner prescribed by A.C.A. §§ 14-56-421.
- (2) A change in the zoning map or the zoning regulations may be proposed by the city planning commission either on its own initiative or upon the application of any interested property owner within the area proposed for a change.
- (a) Before the planning commission shall recommend any alteration or change in the zoning map or regulations to the board of directors, the planning commission shall hold a public hearing and the proponent of such alteration or change will cause notice of said hearing is made in a newspaper or general circulation in the city at least one (1) time fifteen (15) days prior to that hearing. In connection with this public notice and in addition thereto, any proponent for a zoning map change, other than the planning commission, shall deliver to the director of planning the following information: the legal description of the property proposed to be rezoned; the street address of the entire petitioned area; the present zone and the proposed zone, and the names and addresses of all persons listed on the current tax records as the owners of all property within three hundred (300) feet of the petitioned property, including property across any street and intersection and all owners of property within the petitioned area, and finally, the date that the petition will be heard by the planning commission. This information will be utilized by the director of planning by mailing notices to all persons listed therein, notifying them of the public hearing on such proposed change and listing the street addresses of the property and the proposed change. In addition, for applications to change the zoning map, other than those made by the planning commission, the director of planning will, no later than ten (10) days prior to the date of the public hearing, cause adequate signs to be posted on the petitioned premises so that the information thereon will be visible to the

general public and the signs shall contain the information that the planning commission has been petitioned to change the zoning and that the current zoning and proposed zoning will be listed on the sign as well as the date on which the public hearing is to be held. It shall be a misdemeanor to remove or tamper with this sign, punishable by a fine of not less than ten dollars (\$10.00), nor more than one hundred dollars (\$100.00) and a statement to this effect shall be on the sign. The information required in this section for an alteration in the zoning map or regulations shall be submitted to the director of planning at least twenty (20) days prior to the date of the public hearing, scheduled before the planning commission. Following the public hearing, the planning commission may adopt any proposed alterations or changes in the zoning map or regulations as present or in a modified form by a majority vote of the entire planning commission, and shall certify such recommendations to the board of directors for further procedure in conformity with A.C.A. § 14-56-401 et seq. Such certified recommendations shall be automatically placed on the agenda of the board of directors at the second regularly scheduled meeting following action by the planning commission. Subsequent to the filing of an application for a change in the zoning map and the publication of the notices provided for in this subsection, the application may not be withdrawn or the date set for the hearing of the application postponed without the approval of the planning commission.

(b) Where changes or alterations in the zoning map or regulations are proposed by a property owner, then such property owner shall bear the expense of publication of notice given by the planning commission, in addition to the expense of publication of the ordinance after adoption by the board of directors, and in addition thereto, shall deposit with the planning department the sum established by the board of directors.

(c) Appeals from decisions of the planning commission shall be in accordance with Section 27-337-8.

## **27-445—Planned Zoning District**

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### **27-445—Purpose**

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The process is deemed necessary to assure control of certain development while providing the applicant a means of gaining commitment without undue financial risk. Specifically, the purposes of this article are to encourage:

1. Comprehensive and innovative planning and design of diversified yet harmonious development;
2. Better utilization of sites characterized by special features of geographic location, topography, size, or shape;

3. Flexible administration of general performance standards and development guidelines;
4. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas to preserve and enhance the neighborhood through the use of enhanced site design, architecture, landscaping, and signage.
5. Developments that utilize design standards greater than the minimum required by the UDO.

#### 27-445 Submission Requirements.

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The director shall prepare an application form which specifies the information to be submitted in support of a planned zoning district. This shall include at a minimum:

1. A pre-application conference with the Planning and Zoning Department is required. The pre-application conference shall be held at least ten (10) days before the submission date unless otherwise specified by the Director.

#### 2. Application Fee

3. A project booklet, submitted graphically and in narrative form, addressing as many items as applicable. In no instance shall the design requirements and development standards be less than those found in Chapters 27-445
  - a. Reason (need) for requesting the zoning change and response to how the proposal fulfills the intent/purpose of the Planned Zoning District.
  - b. Current ownership information (landowner/applicant and representative of applicable) and any proposed or pending property sales.
  - c. Comprehensive description of the scope, nature, and intent of the proposal.
  - d. General project concept:
    - i. Street and Lot Layout
    - ii. Site plan showing proposed improvements
    - iii. Buffer areas, screening, and landscaping
    - iv. Storm water detention areas and drainage
    - v. Undisturbed natural areas
    - vi. Existing and proposed utility connections and extensions
    - vii. Development and architectural design standards
    - viii. Building elevations
    - ix. Proposed signage (type and size)

- e. Proposed development phasing and time frame
- f. Identify land use designations.
- g. Identify area and bulk regulations.
- h. A chart comparing the proposed planned zoning district to the current zoning district requirements (land uses, setbacks, density, height, intensity, bulk and area regulations, etc.)
- i. A chart comparing the proposed land uses and the zoning district(s) where such land uses are permitted.
- j. A chart articulating how the project exceeds the UDO requirements (ex. increased landscaping, increased high quality materials on the façade, etc.).
- k. Statement of how the development will relate to existing and surrounding properties in terms of land use, traffic, appearance, height, and signage.
- l. A traffic study when required by the Engineering Department (consult with staff prior to submittal)
- m. Statement of availability of water and sewer (state size of lines).

## **27-445 Application and Review Procedures**

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**A. Determination of Completeness.** Applications shall be submitted to the Director for a determination of completeness. An application is complete when all of the items required by the Unified Development Ordinance and on the application form are prepared and/or answered, and any required supplemental or additional applications are submitted with the appropriate fee to the Planning and Zoning Department.

**B. Neighborhood Meeting.** A neighborhood meeting is encouraged.

**C. Staff Review.** Following a determination of completeness, the Staff shall review the application.

**D. Notice and Public Hearing.** Following completion of Staff review and any neighborhood meetings, the application shall be scheduled for a public hearing before the Planning Commission.

1. Notice shall be provided, published, mailed and posted pursuant to Section 27-445.

2. The Planning Commission may recommend a change in a zoning district category which constitutes a more restrictive change than requested by the applicant.

**E. Factors to be Considered.**

1. Rezoning Application—Approval, approval as amended, or denial of the rezoning application shall be based upon consideration of the following factors:

a. Compatibility with the Master Land Use Plan, Master Street Plan, and applicable area plans (e.g., corridor, neighborhood).

b. Compatibility of the proposed development with the character of the neighborhood.

c. The zoning and uses of adjacent and nearby properties, and the compatibility of the proposed future uses with those existing uses.

d. The extent to which the proposed land use would increase or change traffic volume or parking demand in documented evidence or engineering data, road conditions, road safety, or create parking problems in combination with any improvements that would mitigate these adverse impacts.

e. The current availability of public utilities and services and the future capacity needed to adequately serve the proposed land use in combination with any improvements that would mitigate these adverse impacts.

f. That the application complies with all relevant ordinance requirements (for example 27-445).

2. Project Booklet The following criteria shall be considered when reviewing the project booklet:

a. Is the site capable of accommodating the building(s), parking areas and drives with the appropriate open space provided?

b. Does the plan provide for safe and easy ingress, egress and internal traffic circulation?

c. Is the plan consistent with good land use planning and site engineering design principles, particularly with respect to safety;

d. Are the architectural designs consistent with the City of Fort Smith policies and regulations and compatible with surrounding land use features;

e. Does the Plan represent an overall development pattern that is consistent with the Master Street Plan, Master Land Use Plan, and other adopted planning policies;

f. The required right of way dedication has been identified by the City Engineering Department;

g. All easements and utilities shall meet the requirements of the approving departments and agencies.

h. Articulate how the plan minimizes or mitigates the impact of increased traffic both in volume and vehicle size.

i. Articulate how the plan exceeds the UDO requirements. (ex. landscaping, high quality materials, signage, screening, and lighting etc.)

**F. Planning Commission Action.** Following the public hearing, the Planning Commission may recommend approval, approval as amended, or denial. The Planning Commission may also continue the application to a date certain.

1. The Planning Commission shall certify recommendations of approval or approval as amended to the Board of Directors for further procedure in conformity with A.C.A. tit. 14, ch. 56, subch. 4[§ 14-56-401 et. seq.]

The Planning Commission may impose a time limit for the development as described in the project booklet.

2. The Planning Commission's certified recommendations shall be automatically placed on the agenda of the Board of Director's second regularly scheduled meeting of the month following action by the Planning Commission.

**G. Appeal.** Appeals from the decisions of the Planning Commission shall be in accordance with Section 27-337-8.

## **27-445 Amendments to the Planned Zoning District Plans**

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Once a PZD has been approved, significant changes may be made only after approval of a revised PZD. This requires re-submittal of the application through the same procedural requirements of the original application. Changes that are not considered significant pursuant to Section 27-445-(a) may be approved at the Director's discretion. Disapproval of the changes may be appealed to the Planning Commission.

**A. Criteria.** For the purposes of this section, significant changes shall be determined by the Director. Significant changes shall mean any of the following, provided they are still within the approved standards of the applicable zoning district.

1. Increases in density or intensity of residential uses by more than 5%;

2. Increases in total floor area (entire plan) of all non-residential buildings by more than 5% or 5000 square feet, whichever is less;

3. Increases of lot coverage by more than 5%;

4. Changes to the architectural style that shall make the project inconsistent with previous approvals;

5. Changes in ownership patterns or stages of construction that shall lead to a different development concept;
  6. Changes in ownership patterns or stages of construction that shall impose substantially greater volumes on streets and load capacities on public facilities;
  7. Decrease of more than 5% in areas devoted to open space or the substantial relocation of such areas;
  8. Changes in traffic circulation patterns that will affect traffic outside of the project boundaries;
  9. Modification or removal of conditions and stipulations to the planned zoning district approval; or
  10. Modifications that change, amend, or violate the terms of the applicable planning policies.
- B. Approval.** Any changes that seek to vary the standards of the applicable district and cannot be approved through paragraph (A) above must either be approved by the Planning Commission through a Planned Zoning District rezoning application or through a variance request to the Board of Zoning Adjustment.
- C. Appeal.** Appeal of the Director's determination of whether changes are significant may be taken to the Planning Commission, whose decision shall be final. No further action shall be taken to process the application pending the Planning Commission's determination.

## **27-445-16 Use regulation types of uses**

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The ETJ use matrix, section 27-445-28 is based on the American Planning Association's Land Based Classification System (LBCS), as interpreted by these regulations and the city planning department. All of the use categories listed in the use table are defined in section 27-445-8, definition of uses of the Fort Smith Municipal Code or the Land Based Classification System of the American Planning Association.

### **(1) Classifications.**

- a. Uses permitted by right. A "P" indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable regulations.
- b. Uses permitted conditionally. A "C" indicates that a use is allowed conditionally, subject to the issuance of a conditional use permit.
- c. Accessory uses. An "A" indicates that a use is typically permitted as an accessory use.
- d. Blank. A blank cell in the use table indicates that a use category is not allowed in the indicated district.

- (2) *Unlisted uses.* The director shall determine whether or not an unlisted use is part of an existing use category. Any interpretation made by the planning department or planning commission shall be deemed final regardless of the contents of the LBCS.

## **27-445-17 Dimensional Standards**

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**(1) Lot area.**

(a) *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.

(b) *Utilities.* Utilities using land or an unoccupied building covering less than one thousand (1,000) square feet of site area are exempt from minimum lot area standards.

**(2) Lot width.** Lot width is the width of the lot as measured at the front setback line.

(3) *Street frontage.* Street frontage (or frontage) is the distance along a property line that is also the right-of-way line of a public street. It is measured between side lot lines along the front lot line.

**(4) Setbacks.**

(a) *Measurement.* Setbacks are the minimum horizontal distance between the front or side of a building and the front lot line or side lot line of the lot on which the building is located, disregarding any exceptions or projections allowed by these regulations. The setback line is a line which is the specified distance from and parallel to any lot line.

(b) Along a private street, setback measurement shall start at a point 25 feet from the street centerline.

(c) The following structures may encroach no more than three feet into required setbacks if they are approved by the city building official and provided that they do not cross property lines or utility easements:

1. Patios, terraces, walks, and driveways, provided they are at grade and not covered;
2. Porches, decks, landings, and stairs, provided they are for single story buildings and are not covered;
3. Play equipment;
4. Clothesline poles;
5. Portable yard furniture;
6. Fences;
7. Flagpoles;
8. 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.

(d) *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 with structures that are on both sides of the subject lot. 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 twenty (20) feet.

- (e) Except as otherwise provided in individual zone districts and/or overlay districts, signs are exempt from setbacks and other requirements provided they are erected in compliance with the provisions of Chapter 7.
- (5) *Lot coverage.* Lot coverage is the maximum percentage of the lot that may be covered by structures and other impervious surfaces. It is calculated by dividing the square footage of impervious cover by the square footage of the lot.
- (6) *Floor area ratio (FAR).* Floor area ratio is measured as the gross floor area of all buildings on a lot or parcel divided by the lot area.
- (7) *Height.*
- (a) *Measurement.* Building height is the mean vertical distance from the average ground level abutting a building or structure to the highest permanent part of the building or structure.
- (b) A structure may not be more than the maximum allowable feet high at the minimum side setback line, but for each addition foot of horizontal setback in excess of the minimum, the height may be increased by one foot. The height of a gabled end of a building shall be measured at the midpoint of the gable instead of the peak of the gable.
- (c) The following structures may be exempted from the height requirements in the various districts if they are not detrimental to neighboring property and are approved by the city building official:
1. Chimneys;
  2. Vents;
  3. Flagpoles;
  4. Antenna for reception only of radio and television signals (transmitting antenna, towers, and other structures on which receiving antenna are located are not exempt from height or other setback requirements).
- (d) The construction, maintenance, or establishment of any building, tree, smokestack, chimney, flagpole, wire, tower, or other structure or appurtenance thereto, which may constitute a hazard or obstruction to safe air navigation, landing, or take-off of aircraft near an airport, is prohibited. Regulations adopted by the Federal Aviation Agency (FAA) shall be minimum standards. No request shall be approved if it violates FAA standards.
- (8) *Building separation.* Required building separation shall be determined by the Arkansas Fire Prevention Code.
- (9) *Density.* Density is measured by net lot area, not including street or other dedicated right-of-way(s).

## **27-445-18 Street Hierarchy**

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Street classification as used in these regulations is as follows, from lowest to highest:

- (1) Residential;
- (2) Residential collector, restricted parking;
- (3) Residential collector;
- (4) Major collector;
- (5) Minor arterial;
- (6) Major arterial;

- (7) Boulevard;
- (8) Industrial street.

## **27-445-19 Extraterritorial open zone (ETJ Open-1) created**

All real property identified in the extraterritorial zoning jurisdiction as defined in section 27-445-2 of these regulations is hereby zoned extraterritorial open zone (ETJ Open-1). The following zoning district regulations shall apply to all properties zoned as ETJ Open-1:

(1) *Characteristics.* A zone to protect the undeveloped areas within the city's extraterritorial zoning jurisdiction from incompatible land use or other specific uses that may constitute a nuisance to the residents therein or uses that may create an endangerment to the health, safety, or general welfare of the jurisdiction's population. The ETJ Open-1 zone designation may be utilized as a zoning classification for properties until a distinct land utilization pattern is developed in keeping with the city's ETJ Master Land Use Plan and other land use policies.

(2) *Permitted uses:*

a. *General uses:*

1. Single family homes;
2. Two family homes (duplexes);
3. Nurseries and greenhouses, private and commercial;
4. Truck farms;
5. Private or public golf courses;
6. Fire and police stations;
7. Utility substations;
8. Parks, playgrounds and other open spaces;

b. *Conditional uses:*

1. Agricultural (not including commercial/industrial operations, e.g., commercial food lots, processing plants, sales yards);
2. Churches;
3. Country clubs of more than ten (10) acres;
4. Boarding schools;
5. Nursing homes;
6. Orphanages;
7. Public, private or parochial schools and colleges (not including industrial trade schools);
8. Public buildings;

c. *Accessory uses:*

1. Guest houses, not including mobile homes and employee's quarters, not including mobile homes.
2. Accessory farm buildings (requires conditional use permit) including barns, cribs, sheds, tool rooms, shops, bins, tanks, and silos. All structures for the housing of large and small domestic farm animals shall be located no closer than one hundred (100) feet from any property line.
3. Accessory open or closed storage of farm materials, products, equipment and vehicles.
4. Accessory farm dwellings, not to include mobile homes, two (2) on farms with a minimum of fifty (50) tillable acres. These dwellings shall share a

common entrance from a public or private road or highway and shall be occupied by permanent employees of the farm or immediate members of the family owning or operating the farm. All accessory farm dwellings shall be landscaped and screened from adjacent properties.

5. Other accessory uses, as determined by the planning commission, that are incidental to the permitted uses and not detrimental to the adjacent properties or the character of the ETJ Open 1 zone.

## **27-445-20 Rural residential (RR).**

(1) *Purpose.* To provide areas for low intensity agricultural operations and very low density single family uses rural areas. This district is appropriate where low density development is desired or where lack of public facilities and services requires low intensity development. Development in this district shall be designed to allow for the future planned expansion of utilities and services where necessary. RR zoning is appropriate in the low density residential future land use classification of the Fort Smith ETJ land use map.

(2) *Uses.* Permitted, conditional and accessory uses in the RR district are identified in section 27-445-28, ETJ use matrix. Specific uses not identified on the use list are subject to classification by the director. No more than one (1) principal structure may be erected on each defined lot.

(3) *Area and bulk regulations.*

### **TABLE INSET:**

Density/Min. Lot Size	Min. Lot Width (at setback line)	Maximum Lot Coverage	Minimum Street Frontage	Max. Height/Number of Stories
1 structure/3 acres	200 feet	10%	50 feet	35 feet/2.5 stories

### **TABLE INSET:**

Setbacks			
Front	Side	Street Side/Corner	Rear
50	25	50	25

(4) *References to other standards.* Development in the city extra territorial jurisdiction area shall conform to the following standards of the city zoning ordinance:

### **TABLE INSET:**

Standard	Section
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Home Occupations	Section 27-445-10
Accessory Residential Use	Section 27-445-11
Conditional Uses	Section 27-445-12

(Ord. No. 14-06, § 2, 2-7-06)

## **27-445-21 Residential Estate (RE)**

(a) *Purpose.* The purpose of the residential estate district is to provide areas for low-density, large lot single family residential development. Property zoned RE should include tracts that abut or are in close proximity to existing or approved large lot single family development, making RE an appropriate transition between rural and suburban uses. Where public facilities and services are not yet available, development in this district shall be designed to allow for the future planned expansion of utilities and services where necessary. RE zoning is appropriate in the low density residential future land use classification of the city ETJ land use map.

(b) *Uses.* Permitted, conditional and accessory uses in the RE district are identified in section 27-445-28, ETJ use matrix. Specific uses not identified on the use list are subject to classification by the director. No more than one principal structure may be erected on each defined lot.

(c) *Area and bulk regulations.*

### **TABLE INSET:**

Density/Min. Lot Size	Min. Lot Width (at setback line)	Max. Lot Coverage	Minimum Street Frontage	Max. Height/Number of Stories
1 structure/1-acre	100 feet	20%	50 feet	35 feet/2.5 stories

### **TABLE INSET:**

Setbacks			
Front	Side	Street Side/Corner	Rear
40	15	40	20

(d) *References to other standards.*

### **TABLE INSET:**

Standard	Section
Home Occupations	Section 27-445-10
Accessory Residential Use	Section 27-445-11
Conditional Uses	Section 27-445-12

## **27-445-22 Residential single-family low density (RS-1)**

(a) *Purpose.* The purpose of the single family low density district is to maintain, protect, and provide opportunities for low density residential development in spacious environments, along with compatible limited public and institutional uses. RS-1 zoning is appropriate in the low density residential category of the city ETJ land use map.

(b) *Uses.* Permitted, conditional and accessory uses in the RS-1 district are identified in section 27-445-28, ETJ use matrix. Specific uses not identified on the use list are subject to classification by the director. No more than one principal structure may be erected on each defined lot.

(c) *Area and bulk regulations.*

### **TABLE INSET:**

Density/Min. Lot Size (s.f.)	Min. Lot Width (at setback line)	Max. Lot Coverage	Min. Street Frontage	Max. Height/Number of Stories
1 structure/14,000 s.f.	100'	30%	50'	35 feet/2.5 stories

### **TABLE INSET:**

Setbacks (feet)			
Front	Side	Street Side/Corner	Rear
30	10	30	10

(d) *References to other standards.*

### **TABLE INSET:**

Standard	Section
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Home Occupations	Section 27-445-10
Accessory Residential Use	Section 27-445-11
Conditional Uses	Section 27-445-12

## **Sec. 27-4. Residential single-family medium density (RS-2).**

(a) *Purpose.* A low to medium density district allowing residential uses for single-family homes, duplexes and manufactured homes in areas where adequate public services and facilities are available. RS-2 zoning is appropriate in suburban areas in the low density residential category of the city ETJ land use map.

(b) *Uses.* Permitted, conditional and accessory uses in the RS-2 district are identified in section 27-529, ETJ use matrix. Specific uses not identified on the use list are subject to classification by the director. No more than one (1) principal structure may be erected on each defined lot.

(c) *Area and bulk regulations.*

### **TABLE INSET:**

Min Lot Size	Minimum Lot Width (at setback line)	Max. Lot Coverage	Min. Street Frontage	Max. Height
1/2-acre	75'	50%	20'	35'

### **Setbacks (feet)**

### **TABLE INSET:**

Front	Side	Street Side/Corner	Rear
30	7.5	30	10

(1) *Minimum parcel/lot size for rezoning to MUR.*

a. New district: 2 acres.

b. Extending existing district: 1 acre.

(d) *References to other standards.*

### **TABLE INSET:**

Standard	Section
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Home occupations	Article VI, section 27-511
Conditional uses	Article VI, section 27-512

(e) *Additional requirements.* Single-family dwellings constructed or installed in a single-family medium density (RS-2) zone shall be subject to the following additional requirements:

- (1) The principal structure(s) must be wider than twenty-two (22) feet.
- (2) The principal structure(s) must have a minimum pitched roof of three (3) in twelve (12) or fourteen (14) degrees or greater.
- (3) The principal structure(s) shall be appropriately sited on the lot, with the front door or main entry of the home oriented to the front of the lot.
- (4) The principal structure(s) must be placed upon permanent foundations that consist of concrete footings and piers or perimeter foundations.
- (5) The principal structure(s) must be completely underpinned around the entire perimeter with masonry materials.
- (6) The principal structure(s) must have all transport elements such as wheels, axles, trailer or transport hitched and exterior lighting systems attached for highway use removed.
- (7) The exterior siding consists of vinyl or aluminum lap siding, wood, masonite, or other materials similar to the exterior siding commonly used in standard residential construction. All exterior finish materials of the principal structure shall be compatible with the neighborhood.

(f) *Mobile home park requirements.*

(1) *Location.*

a. Mobile home parks may be located in any area zoned residential single-family medium density (RS-2) provided a conditional use has been approved by the planning commission in accordance with chapter 27-512.

b. It shall be unlawful to park any mobile home to be occupied for dwelling or sleeping purposes within the extraterritorial jurisdiction (ETJ) of the city, as the same now exists or may be hereafter designated, outside a licensed mobile home park or an approved mobile home subdivision.

(2) *Site plan.* Prior to the issuance of a development permit, a detailed site plan showing all requirements shall be submitted to the director of planning for approval.

(3) *Supervision.* The licensee or permittee, or a duly authorized attendant or caretaker, shall be in charge at all times to keep the mobile home park, its facilities and equipment in a clean, orderly and sanitary condition. The attendant or caretaker shall be

answerable, with the licensee or permittee, for the violation of any provision of this division to which the licensee or permittee is subject.

(4) *Wall.* Where any boundary of a mobile home park directly abuts property which is improved with a permanent residential building or directly abuts unimproved property which may, under existing laws and regulations, be used for permanent residential building construction, a wall, solid fence, or hedge screen with a minimum height above finish grade of six (6) feet shall be provided along such boundary.

(5) *Drainage.* The mobile home park shall be located on a well-drained site, properly graded to ensure rapid drainage and free from stagnant pools of water.

(6) *Size of spaces.* Each mobile home park shall provide mobile home spaces, and each such space shall be clearly defined or delineated. Each space shall have a minimum depth of sixty (60) feet and width of not less than forty (40) feet.

(7) *Placement of homes.* Mobile homes shall be so located on each space that there shall be at least a twenty-foot clearance in all directions between mobile homes or buildings within the mobile home park. No mobile home shall be located closer than ten (10) feet to any property line of the park which does not abut upon a public street or highway. No mobile home park shall be located closer to any property line of the park abutting upon a public street or highway within twenty-five (25) feet or such other distance as may be established by ordinance or regulations as a front yard or setback requirement, with respect to conventional buildings in the zone in which the mobile home park is located.

(8) *Curb and gutter roadway required.* All mobile home park spaces shall abut upon a curb and gutter roadway of not less than twenty-two (22) feet in width, which shall have unobstructed access to a public street or highway.

(9) *Illumination of driveways, walks.* All roadways and walkways within the park shall be hard surfaced and area lighting shall be required at all roadway intersections and at three hundred (300) feet intervals along all roadways and walkways. The minimum size for lamps shall be one hundred seventy-five (175) watts mercury vapor or equivalent.

(10) *Electrical services.* Electrical services shall be constructed in accordance with the current adopted city electrical code.

(11) *Water supply.* An adequate supply of pure water for drinking and domestic purposes shall be supplied by pipes to all buildings and mobile home spaces within the park to meet the requirements of the park. Each mobile home space shall be provided with a cold water tap at least four (4) inches above the ground. An adequate supply of hot water shall be provided at all times in the service buildings for all bathing, washing and cleansing facilities.

~~(12) Sanitation facilities.~~ Each mobile home park shall provide sanitation facilities in compliance with the rules and regulations pertaining to mobile home and travel trailer parks as adopted by the state board of health.

~~(13) Specifications of service buildings.~~

~~a. Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.~~

~~b. The service buildings shall be well lighted at all times of the day and night, shall be well ventilated with screened openings, shall be constructed of such moistureproof material, which may be painted woodwork, as shall permit repeated cleaning and washing and shall be maintained at a temperature of at least sixty-eight (68) degrees Fahrenheit during the period from October first to May first. The floors of the service buildings shall be of water impervious material.~~

~~c. All service buildings and the grounds of the park shall be maintained in a clean, sightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.~~

~~(14) Sewage and refuse disposal.~~

~~a. Water from showers, bathtubs, flush toilets, urinals, lavatories and slop sinks in service and other buildings within the park shall be discharged into a public sewer system in compliance with applicable provisions of this Code and city ordinances or into a private sewer and disposal plant system of such construction and in such manner as will present no health hazard.~~

~~b. Each mobile home space shall be provided with a sewer at least four (4) inches in diameter, which shall be connected to receive the waste from the shower, bathtub, flush toilet, lavatory and kitchen sink of the mobile home harbored in such space and having any or all of such facilities. The sewer in each space shall be connected to discharge the mobile home waste into a public sewer system in compliance with applicable ordinances or into a private sewer and disposal plant system of such construction and in such manner as will present no health hazard. Plans for construction of sewage disposal and/or treatment facilities shall be approved by the state board of health and the city.~~

~~(15) Fire protection.~~ Every mobile home park shall be equipped at all times with fire extinguishing equipment and hydrants in good working order of such type, size and

number and so located within the park as to satisfy applicable regulations of the fire department. No open fires shall be permitted at any place which may endanger life or property. No fires shall be left unattended at any time.

(16) *Animals and pets.* No owner or person in charge of any dog, cat or other pet animal shall permit it to run at large or commit any nuisance within the limits of any mobile home park.

(17) *Parking space.* Each mobile home space shall have a minimum of two (2) off roadway, ten (10) by twenty (20), all weather parking spaces.

(18) *Open or recreational area.* Not less than five (5) percent of the gross site area of the mobile home or recreational vehicle park, shall be devoted to recreational facilities, generally provided in a central location. In large parks this may be decentralized. Recreational areas may include space for community buildings and community use facilities such as adult recreations, child play areas, and swimming pools, but not include vehicle parking areas. When playground space is provided, it shall be so designated and protected from traffic, thoroughfares, and parking areas. Such space shall be maintained in a sanitary condition and free of safety hazards.

(Ord. No. 53-08, § 2, 10-7-08)

## **27-445-23 — Neighborhood compatible (C-1)**

(a) *Purpose.* To provide small areas for limited office, professional service, and local retail designed in scale with surrounding residential uses. This district encourages the incorporation of neighborhood-scale commercial uses in proximity to residential uses for each of accessibility and promotion of pedestrian-oriented development. C-1 zoning is appropriate in the neighborhood commercial classification of the ETJ land use map.

(b) *Uses.* Permitted, conditional and accessory uses in the C-1 district are identified in section 27-445-28, ETJ use matrix. Specific uses not identified on the use list are subject to classification by the director. No more than one principal structure may be erected on each defined lot; however, second-story residential is permitted as a second use in all commercial structures.

(c) *Area and bulk regulations.*

### **TABLE INSET:**

Max. Lot Size/Max. Bldg (s.f.)	Min. Lot Width (at setback line)	Max. Lot Coverage	Minimum Street Frontage	Max. Height
21,000 Lot/30,000	50'	60%	20'	35 feet

Bldg.				
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**TABLE INSET:**

Setbacks (feet)			
Front	Side	Street Side	Rear
25	10	10	10

1. Minimum parcel/lot size for rezoning to C-1:
  - a. New district: Minimum seven thousand (7,000) square feet, maximum two (2) acres.
  - b. Extending existing district: Minimum seven thousand (7,000) square feet, maximum twenty one thousand (21,000) square feet.
2. Maximum building total for development: Thirty thousand (30,000) square feet; maximum individual building or unit in multi-unit structure: five thousand (5,000) square feet.
3. Required street access: residential collector or higher.

**(d) References to other standards:**

**TABLE INSET:**

Standard	Section
Home Occupations	Section 27-445-10
Accessory Residential Use	Section 27-445-11
Conditional Uses	Section 27-445-12

**27-445-24 Commercial light (C-2)**

- (a) **Purpose.** To provide office, service, and retail activities that are located at the edge of residential areas but which serve an area larger than adjacent neighborhoods. The C-2 district is intended to accommodate well designed development sites that provide excellent transportation access, make the most efficient use of existing infrastructure, and provide for orderly buffers and transitions between uses. C-2 zoning is appropriate in the commercial neighborhood classification of the ETJ land use map.
- (b) **Uses.** Permitted, conditional and accessory uses in the C-2 district are identified in section 27-445-28, ETJ use matrix. Specific uses not identified on the use list are subject to classification by the director. No more than one principal structure may be erected on each defined lot; however, second-story residential is permitted as a second use in all commercial structures.

~~(c) Area and bulk regulations.~~

~~TABLE INSET:~~

<del>Min. Lot Size/Max. Bldg (s.f.)</del>	<del>Min. Lot Width (at setback line)</del>	<del>Max. Lot Coverage</del>	<del>Minimum Street Frontage</del>	<del>Max. Height</del>
<del>7,000 lot/30,000 bldg.</del>	<del>50'</del>	<del>60%</del>	<del>20'</del>	<del>35 feet</del>

~~TABLE INSET:~~

<del>Setbacks (feet)</del>			
<del>Front</del>	<del>Side</del>	<del>Street Side</del>	<del>Rear</del>
<del>25</del>	<del>10</del>	<del>10</del>	<del>10</del>

- ~~1. Minimum parcel/lot size for rezoning to C-2:
  - ~~a. New district: forty two thousand (42,000) square feet.~~
  - ~~b. Extension of existing district: seven thousand (7,000) square feet (one (1) lot).~~~~
- ~~2. Maximum individual building square footage on a single lot: thirty thousand (30,000) square feet.~~
- ~~3. Required street access: major collector or higher.~~

~~(d) References to other standards.~~

~~TABLE INSET:~~

<del>Standard</del>	<del>Section</del>
<del>Home Occupations</del>	<del>Section 27-445-10</del>
<del>Accessory Residential Use</del>	<del>Section 27-445-11</del>
<del>Conditional Uses</del>	<del>Section 27-445-12</del>

**27-445-25 Commercial moderate (C-3)**

- ~~(a) Purpose. To provide for general commercial activities, offices, and services to serve the community. This district promotes a broad range of activities, commercial operations, and~~

services that are dispersed throughout the city and designed at a smaller scale than a regional center. C-3 zoning is appropriate in the light commercial office classification of the ETJ land use map.

(b) *Uses.* Permitted, conditional and accessory uses in the C-3 district are identified in section 27-445-28, ETJ use matrix. Specific uses not identified on the use list are subject to classification by the director of planning and zoning. No more than one principal structure may be erected on each defined lot; however, second-story residential is permitted as a second use in all commercial structures.

(c) *Area and bulk regulations.*

TABLE INSET:

Min. Lot Size/Max. Bldg (s.f.)	Min. Lot Width (at setback line)	Max. Lot Coverage	Minimum Street Frontage	Max. Height
12,000 lot/60,000 bldg	75'	60%	n/a	35 feet

TABLE INSET:

Setbacks (feet)				
Front	Side	Street Side	Side/Rear	Rear
			Abutting RS	
25	20	15	30	20

1. Minimum parcel/lot size for rezoning to C-3: Two (2) acres.
2. Maximum individual building square footage on a single lot: Sixty thousand (60,000).
3. Required street access: major collector or higher.

(d) *References to other standards.*

TABLE INSET:

Standard	Section
Home occupations	Section 27-445-10
Accessory Residential Use	Section 27-445-11
Conditional Uses	Section 27-445-12

## 27-445-26 Industrial light (I-1)

(a) *Purpose.* To provide for a mix of light manufacturing uses, office park, research and development, and limited retail/service uses in an attractive, business park setting. Industrial light may be used as a transition between mixed use or commercial uses and heavier industrial uses. I-1 zoning is appropriate in the light industrial classification of the ETJ land use map.

(b) *Uses.* Permitted, conditional and accessory uses in the Industrial 1 district are identified in section 27-445-28, ETJ use matrix. Specific uses not identified on the use list are subject to classification by the director.

(c) *Area and bulk regulations.*

### TABLE INSET:

Min. Lot Size (s.f.)	Min. Lot Width (at setback line)	Max. Lot Coverage	Minimum Street Frontage	Max. Height
20,000	100'	75%	n/a	45'

### TABLE INSET:

Setbacks (feet)				
Front	Side	Side	Side/Rear Abutting Residential	Rear
25	10	15	100	10

1. Minimum parcel/lot size for rezoning to I-1:
  - a. New district: Two (2) acres.
  - b. Extension of existing district: Twenty thousand (20,000) square feet unless extension of existing development.
2. Required street access: major arterial or higher.
3. Side/rear setback abutting residential may be reduced to sixty (60) with planning commission approval of screening/landscaping through development plan approval process.
4. References to other standards.

### TABLE INSET:

Standard	Section
Home occupations	Section 27-445-10
Accessory Residential Use	Section 27-445-11

Conditional Uses	Section 27-445-12
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## **27-445-27 Industrial moderate (I-2)**

(a) *Purpose.* To provide for industrial uses that can be operated in a clean and quiet manner that will not be obnoxious to adjacent uses and have relatively limited environmental impacts. I-2 uses are primarily contained indoors and have heavier traffic generation than I-1 uses. I-2 zoning is appropriate in the industrial classification of the ETJ land use map.

(b) *Uses.* Permitted, conditional and accessory uses in the Industrial 2 district are identified in section 27-445-28, ETJ use matrix. Specific uses not identified on the use list are subject to classification by the director.

(c) *Area and bulk regulations.*

### **TABLE INSET:**

Min. Lot Size (s.f.)	Min. Lot Width (at setback line)	Max. Lot Coverage	Minimum Street Frontage	Max. Height
20,000	100'	60%	n/a	45'

### **TABLE INSET:**

Setbacks (feet)				
Front	Side	Street Side	Side/Rear Abutting Residential	Rear
50	25	50	100	20

1. Minimum parcel/lot size for rezoning to I-2:

a. New district: Ten (10) acres.

b. Extension of existing district: Twenty thousand (20,000) square feet unless extension of existing development.

2. For buildings and structures located between one hundred (100) and one hundred fifty (150) feet of residentially zoned property, for each additional foot of setback in excess of the minimum required setback, building height may be increased by one foot. Buildings or structures located more than 150 feet from residentially zoned property shall have no specific height requirement.

3. Side/rear setback abutting residential may be reduced to sixty (60) feet with planning Commission approval of screening/landscaping through development plan approval process. Additional building height may not be calculated in this space.

4. Required street access: major arterial or higher.

(d) *References to other standards.*

TABLE INSET:

Standard	Section
Home occupations	Article VI, section 27-511
Conditional uses	Article VI, section 27-512

**27-445-28 ETJ use matrix**

TABLE INSET:

Districts		RR	RE	RS- 1	RS- 2	C- 1	C- 2	C- 3	I- 1	I- 2
Uses	P = Permitted Use, C = Conditional Use, A = Accessory Use									
Function	Size or density restrictions for any use may be noted in the district									
1000 Residence or Accommodation										
Residence or Accommodation	1100 Private household									
		1100 Single-family building								
	Structure	1110 Detached	P	P	P	P				
		1120 Attached								
		1121 Duplex				C				
		1130 Accessory Unit								
		1140 Townhouse					P	P		
		1150 Manufactured housing				P				
		1160 Mobile Home Parks				C				
		Guest house	A	A	A	A				

		1200 Multifamily structure						P	P			
		Commercial structure with accessory residential					A	A	A			
		6520 Family group home I	P	P	P	P						
		6520 Neighborhood group home II						P	P			
		6520 Community residential facility				E		P	P			
		6561 Orphanage						E	E			
		6560 Homeless shelter/rescue mission							E			
		1200 Housing services for the elderly										
		1210 Retirement housing services										
		1220 Congregate living services										
		1230 Assisted living services										
		1250 Skilled nursing services										
		1300 Hotels, motels, or other accommodations										
		1310 Bed and Breakfast Inn						P	P			
		1320 Rooming and boarding						P	P			
		S1320 Dormitory, sorority, fraternity						E	E			
		1330 Hotel, motel or tourist										

		court									
2000 General sales or services											
General sales or service	S2000 Commercial buildings and other specialized structures										
	2000 General sales or services										
	2100 Retail sales										
	2110 Automobile sales or service										
		2110 Body shop								P	
		2110 Body shop (contiguous to residentially zoned or developed property)								C	
		Car wash—full service								P	
		Car wash self-service							C	P	
		Detailing service							P	P	
		Engine repair								P	
		Other repair								P	
		Paint								P	
		Quick lube							P		
		2111 Car dealer								P	
		2112 Bus, truck, mobile homes, or large vehicles								P	P
		2113 Bicycle, motorcycle, ATV								P	
		2114 Boat or marine craft								P	
		2115 Parts, accessories							P	P	
		Tires								P	

		2116 Gasoline service								p	p
		with convenience store							p	p	p
		without convenience store							p	p	p
		automobile storage								c	c
		truck stop/travel plaza								c	c
		2120 Heavy consumer goods sales or service									
		2120 Agricultural equipment								p	
		Construction equipment and machinery								p	
		Heavy machinery and equipment								p	p
		Repair—commercial and industrial machinery								p	
		Repair—consumer goods, large								p	
		Repair—consumer goods, small							p		
		Repair—clothing and personal items						p	p		
		2121 Furniture or home furnishings						p	p		
		Used furniture									
		2122 Hardware, home centers						p	p	p	
		2123 Lawn and garden supplies							p	p	p
		Greenhouse								p	

		2124 Department store, warehouse club or superstore							p		
		2125 Electronics and appliances						p	p		
		New inventory only					p				
		2126 Lumber yard and building materials								p	p
		2127 Heating and plumbing equipment								p	p
		2128 Oil and Gas Equipment (sales or service)								p	p
		2130 Durable consumer goods sales or service									
		2131 Computer and software						p	p	p	
		2132 Camera and photographic supplies						p	p		
		2133 Clothing, jewelry, luggage, shoes					p	p	p		
		Used clothing, jewelry						p	p		
		2134 Sporting goods, toy and hobby, and musical inst.						p	p		
		2135 Books, magazines, music, stationery						p	p	p	
		2140 Consumer goods, other									
		2141 Florist					p	p	p		
		2142 Art dealers, supplies, sales and service						p	p	p	
		2143 Tobacco or tobacconist establishment					p	p	p		

		2144 Mail order or direct selling establishment							P	P	
		2145 Antique shops					C	C	P	P	
		2145 Flea markets (indoor only, no outdoor storage)					P	P	P		
		2150 Grocery, food, beverage, dairy									
		2151 Grocery store, supermarket, or bakery					P	P	P	P	
		2152 Convenience store (no gasoline sales)						P	P	P	
		2153 Specialty food store						P	P	P	
		2154 Fruit and vegetable store						P	P		
		2155 Beer, wine and liquor store						C	P		
		with drive-through							P		
		2160 Health and personal care									
		2161 Pharmacy or drug store					P	P	P		
		2162 Cosmetic and beauty supplies									
		2163 Optical						P	P		
		2200 Finance and Insurance									
		2200 Pawnshop (inside only)							P		
		Pawnshop (outdoor storage and sales)									
		2210 Bank, credit union, or savings									

	institution											
			Branch office							p	p	p
			Automatic teller machine						p	p	p	p
			2220 Credit and finance establishment						p	p	p	p
			2230 Investment banking, securities, and brokerages						p	p	p	p
			2240 Insurance-related establishment						p	p	p	p
			2250 Fund, trust, or other financial establishment						p	p	p	p
	2300 Real estate, and rental and leasing											
			2310 Real estate services						p	p	p	p
			2320 Property management services						p	p	p	p
			2330 Rental and leasing									
			2332 Cars								p	
			2332 Trucks, trailers, RVs								p	
			2333 Recreational goods									
			2334 Commercial, industrial machinery and equip.								p	
			2335 Consumer goods									
			2336 Video, music, software						p	p		
	2400 Business, professional, scientific, and technical services											
			2410 Professional services						p	p	p	p

			2411 Legal services						p	p	p	p
			2142 Accounting, tax, bookkeeping, payroll						p	p	p	p
			2143 Architectural, engineering						p	p	p	p
			2144 Graphic, industrial, interior design						p	p	p	p
			2145 Consulting services						p	p	p	p
			2146 Research and development services						p	p	p	
			Medical laboratories (no animal research)							c		
			Medical laboratories								c	c
			2147 Advertising, media, photography services						p	p	p	p
			2418 Veterinary services (indoor)						p	p	p	p
			Veterinary services (with outdoor kennels)								p	p
			2420 Administrative services									
			2421 Office and administrative services						p	p	p	p
			2422 Facilities support services						p	p	p	p
			2423 Employment agency							p	p	p

		2424 Business support services						P	P	P	P
		2425 Collection agency						P	P	P	P
		2430 Travel arrangement and reservation services						P	P		
		2440 Investigation and security services						P	P		
		2450 Services to buildings and dwellings									
		2451 Extermination and pest control									P
		2452 Janitorial						P	P		
		2453 Landscaping/greenhouse								P	P
		2454 Carpet and upholstery cleaning					C	P	P	P	P
		Carpet and upholstery cleaning - mobile					C	P	P	P	P
		2455 Packing, crating, and convention/trades:									
		2500 Food services									
		2510 Full-service restaurant						P	P	P	
		2520 Cafeteria or limited-service restaurant						P	P	P	
		With drive-through						C	P	P	
		With drive-in								P	
		2530 Snack or nonalcoholic bar, cafe						P	P	C	

		2540 Bar or drinking place						€	€		
		Beer garden							€		
		2550 Mobile food services									
		2560 Caterer						p	p	€	
		2570 Food service contractor								p	p
		2580 Vending machine operator									
		2600 Personal services									
		2600 Bail bonds									
		2600 Salon/spa services					p	p	p		
		Tanning salons						p	p		
		2600 Cleaners, dry cleaning, laundry						p	p		
		Pick-up/drop-off only					p	p			
		Commercial laundry								p	p
		2600 Photography						p	p		
		2600 Printing, photocopying						p	p	p	p
		2600 Tattoo parlor							p		
		2600 Weight loss centers									
		2700 Pet and animal services (except veterinary)									
		2710 Pet or pet supply store						€	p		

		2720 Animal and pet services (indoor)							P	P		
		Outdoor										
		Pound									P	P
	S5200 Automobile parking facilities										C	
		S5210 Surface parking, open									C	
		S5220 Surface parking, covered									C	
		S5230 Multistoried parking structure with ramps									C	
		S5240 Underground parking structure with ramps									C	
3000	Manufacturing and wholesale trade											
Manufacturing and Wholesale Trade	3100 Food, textiles and related products											
		3110 Food and beverages									P	P
		3120 Tobacco manufacturing										
		3130 Textiles										P
		3140 Leather and allied products										
	3200 Wood, paper and printing products											
		3210 Wood products-establishment										P
		3220 Paper and printing materials										P
		3230 Furniture and related products										P
	3300 Chemicals, metals, machinery, and electronics manufacturing											

		3310 Petroleum and coal products									p
		Refinery									
		Asphalt									
		3320 Chemicals, plastics and rubber products									
		Medical/pharmaceutical							p	p	
		Acid									
		3330 Nonmetallic mineral products									
		3340 Primary metal manufacturing								p	
		3350 Machinery manufacturing								p	
		3360 Electrical equipment, appliance and components							p	p	
		3370 Transportation equipment, automobile, boats								p	
		3400 Miscellaneous manufacturing									
		3410 Jewelry and silverware									
		3420 Dolls, toys, games, musical instruments									
		3430 Office supplies, inks									
		3440 Signs							p	p	
		3500 Wholesale trade establishment									
		3510 Durable goods							p	p	
		Automobile auction								p	
		3520 Nondurable goods (life expectancy < 3 years)							p	p	
		3600 Warehouse and storage services									

		Packaging and distribution									P
		Bulk petroleum storage									
		Mini storage warehouse (climatized) See section 27-707								DP	DP
		Mini storage warehouse (non-climatized) See section 27-707								DP	DP
		Container storage								P	
		S2720 High-rise mini-warehouse									
		S2730 Warehouse structure								P	P
		Petroleum storage and loading									C
		Junkyard, salvage									
4000 Transportation, Communication, Information and Utilities											
Transportation, Communication, Information and Utilities	4100 Transportation services										
		4110 Air transportation						C	C	P	P
		4120 Rail transportation								P	P
		4130 Road, ground-passenger, and transit transportation								C	
		4138 Towing service								P	P
		4140 Truck and freight transportation services									
		4150 Marine and water transportation								P	P
		4160 Courier and messenger services						C	P		

		4170 Postal services						€	p	p	€
		4180 Pipeline transportation									p
		4200 Communications and information									
		4210 Publishing								p	p
		Printing								p	p
		4220 Motion pictures and sound recording studios						p	p	p	p
		4230 Telecommunications and broadcasting studios						€	p	p	p
		4240 Data Center									p
		S6500 Communication towers	€	€	€	€	€	€	p	p	p
		4300 Utilities and utility services	€	€	€	€	€	€	€	p	p
		Private franchise utilities								p	p
		4310 Electric power								€	p
		4313 Nuclear power									
		4340 Sewer, solid waste and related services									p
		Recycling drop-off								€	p
		4342 Hazardous waste treatment and disposal									
		4343 Solid waste collection									p
		4344 Solid waste combustor or incinerator									p
		4345 Solid waste landfill									
		5000 Arts, Entertainment, and Recreation									

Arts, Entertainment and Recreation	5100 Performing arts or supporting establishments										
		S3110 Performance theater									
		S3120 Movie theater									
		S3140 Drive-in theater							€	€	
	5110 Circus (temporary with permit)						P	P	P	P	
	5140 Fairground/rodeo ground								€	€	
	5200 Museums and other special-purpose recreational institutions										
		5210 Museum					€	€			
		5220 Historical or archaeological institution									
		5230 Zoos, botanical gardens, arboreta							€	€	
	5300 Amusement, sports, or recreation establishment										
	5300 Country club (driving range is accessory)				€	€	€	€	€		
		Dance hall/nightclub						P			
	5310 Amusement or theme park (indoor)							P			
		Amusement or theme park (outdoor)							€		
	5330 Bingo										
		Casino							€	€	
	5370 Fitness, recreational sports, gym, athletic club										
		Athletic/health club						€	P		

	facilities										
	Community center (public or private)			p	p		e	e	e	e	
	Driving range									p	
	Golf course			p	p	e	e	e	e	e	
	Gun club (indoor)								e	e	
	Gun club (outdoor range)								e	e	
	Miniature golf							p	e	e	
	Sexually oriented businesses (see sec. 14-153)						p	p			
	Swimming pools						e	e	p		
	Swimming pool—private	A	A	A	A						
	Youth sports leagues or teams								p		
	S3200 Indoor games facility								p		
	S3300 Sports stadium or arena								e	e	
	5380 Bowling, billiards						p	p			
	5380 Pool hall							p	p		
	5390 Skating rink										
	5400 Camps, camping, and related establishments										
	5400 Day camp					e	e	e			

	5500 Natural and other recreational parks			p	p	€	€	€	€	€
6000 Education, Public Administration, Health Care and Other Institutions										
Education, Public Administration, Health Care and Other Institutions	6100 Educational services									
	6100 Nursery and preschool			€	€	€	€	€	€	€
	6120 Grade schools			€	€		€	€	€	
	6130 Colleges and universities			€	€		€	€	€	
	6140 Technical, trade and other specialty schools								€	
	6142 Business school					€	€	€	€	
	6145 Fine art and performance education					€	€	€	€	
	S4300 Library			€	€		€	€		
	6200 Public administration – government									
	6300 Other government functions (non-city offices)						€	€	p	
	6400 Public safety									
	6410 Fire and rescue					€	€	€	€	€
	6420 Police					€	€	€	€	€
	6430 Emergency response					€	€	€	€	€
	6500 Health and human services									
	6510 Ambulatory or outpatient care services						€	€	p	
	6510 Doctors offices and						p	p	p	

		clinics									
		6511 Ambulatory surgical centers or clinics							€	P	
		Community health clinic							€		
		6513 Medical and diagnostic laboratories						€	€	P	P
		6520 Nursing, supervision, and other rehabilitative services						€	€		
		6530 Hospital							€		
		Mental health hospital									
		6560 Social assistance, welfare, and charitable services									
		6561 Child and youth services									
		6562 Child day care (up to 12 children)				€	€	€	€	€	€
		Day care center				€	€	€	€	€	€
		6563 Community food services						€	€		
		6564 Emergency and relief services									
		6565 Other family services						€			
		6566 Services for elderly and disabled									
		Adult day care									
		6567 Veterans affairs									
		6568 Vocational rehabilitation									

	6600 Religious institutions					€	€		€	€	€	
			Church affiliated daycare, on-site			A	A	A	A	A		
	6700 Death care services								€	€	€	
	6800 Associations, nonprofit organizations											
			Fraternal organization						€	€	€	€
7000 Construction Related Businesses												
Construction-related businesses	7100 Building, developing, and general contracting									P	P	P
	7200 Machinery related											
	7300 Special trade contractor										P	P
	7400 Heavy construction											
8000 Mining and extraction establishments												
Mining and extraction establishments	8100 Oil and natural gas											
	8200 Metals											
	8300 Coal											
	8400 Non-metallic mining											
	8500 Quarrying and stone cutting											€
9000 Agriculture, forestry, fishing, and hunting												
Agriculture, forestry, fishing and hunting	9100 Crop production											
	9200 Support functions for agriculture											
		S8100 Grain silos and other storage structures										
		S8200 Livestock facility										
		S8300 Animal feed operations facility										
		S8400 Animal waste										

	handling facility										
	S8500 Greenhouse										
	S8600 Hatcheries										
	S8700 Kennels and other canine related facilities										
	S8800 Apiary and other related structures										
	9300 Animal production including slaughter										
	9400 Forestry and logging										
	9500 Fishing, hunting and trapping, game preserves										

## 27-445-29 Commercial communication towers

(a) *Purpose.* The purpose of these regulations is described as follows:

1. Minimize the adverse effects and impact of towers through careful design, siting and screening;
2. Conserve the value of adjacent land and buildings;
3. Avoid potential damage to adjacent properties through engineering and careful siting of tower structures; and
4. Maximize use of existing towers in order to reduce and minimize the number of towers needed.

(b) *Approved tower locations (zoning districts).* As defined herein, commercial communication towers are prohibited within any public right of way, utility easement or residential zoning districts unless granted by conditional use permit. Such uses are allowed by right within C-3, I-1 and I-2 zoning districts subject to applicable zoning restrictions, as well as the following restrictions set forth herein.

(c) *Ownership.* The proposed location for the tower must be large enough to accommodate the communications tower and support facilities, and must include access to a public right of way or accessible parking area. Purchase or ownership of a separate parcel may require platting and improvements before construction permits can be issued.

(d) *Construction.* In order to minimize visual impacts and possible damage that can result from the presence of such facilities, towers (including attached antennae) are limited to monopole construction and shall not exceed two hundred (200) feet in height. Compliance with all requirements of the city building code, including a licensed engineer's structural certification of the tower structure and foundation, must be demonstrated before a building permit will be issued.

(e) *Setback.* All commercial towers must meet the minimum setbacks for the zoning districts in which they are located. Additionally, commercial towers must be set back from any residential structure a number of feet equal to that distance stated by the tower manufacturer's registered structural engineer's determination of the maximum possible fall zone for the tower. The structural engineer shall be licensed in the state.

(f) *Appearance.* No lights, signals or illumination shall be permitted on any tower unless required by the Federal Communication Commission (FCC), Federal Aviation Administration (FAA), or other federal, state or city agency. No commercial advertising, signage or flags shall be allowed on any tower. This shall not prevent the joint use of a legal existing sign structure as a support mechanism for antennae or microwave dishes. Towers and accessory facilities must be colored or painted in muted tones that minimize their visibility, unless otherwise required by the FCC, FAA, or other federal, state or city agency.

(g) *Site design.* The area containing the monopole, accessory and support structures, and the immediate surrounding area utilized for servicing of the communication tower shall be secured by a minimum eight foot chain link fence. The area within the fence must be either paved or graveled and kept weed free. Other than the street side of the site, any side that faces any residential use shall include opaque fencing or sufficient shrubs to screen the site. Any shrubbery provided will be planted and maintained within the next appropriate growing season. If security lighting is installed, such light should be directed into the site and only triggered by motion detectors.

(h) *Co-location.* To minimize tower proliferation, each applicant proposing to construct a commercial communication tower shall with the building permit or conditional use permit application submit a statement of the following in writing:

1. Whether any tower or suitable structure exists, within the geographic area to be served by the proposed new tower, which meets the applicant's engineering requirements.
2. Whether existing towers or suitable structures are of sufficient height to meet the applicant's engineering requirements;
3. Whether existing towers or suitable structures have sufficient structural strength to support applicant's proposed antenna and related equipment;
4. Whether the fees, cost, and/or contractual provisions required by the owner of an existing suitable site for co-location of the applicant's antenna are commercially reasonable; and
5. Other significant limiting factors make existing towers or structures unsuitable for co-location of the proposed antenna.

The permit issuing agent of the city shall utilize the submitted information, together with other available information, to determine whether co-location may be waived and a new commercial communication tower be authorized for construction.

The decision of the agent of the city concerning co-location may be appealed to the planning commission. Any interested party may file an appeal provided that the appeal is filed with the planning commission by 5:00 p.m. on the tenth calendar day following the date of the decision by the agent. A fee in the amount established by the board of directors is required for filing an appeal.

Antennae may be placed wholly within or upon any building located within a commercial or industrial zoning district as permitted in section 27-529(b) or any publicly owned building, provided any supporting equipment is screened from nearby residential districts. A commercial antenna may be mounted to the exterior of such buildings if integrated into the overall architectural design of the building. Roof mounted antennae may not extend more than twenty (20) feet above the highest point of the roof structure, provided any supporting equipment is screened from nearby residential districts. A commercial antennae may be attached to any utility structure (such as a water tower or electrical transmission tower) or to a public building not located in a street right of way and owned by a government or public agency, provided that the antennae does not extend more than twenty (20) feet above the height of the structure, provided any supporting equipment is screened from nearby residential districts. At the time a building permit is issued, the planning department may notify all existing telecommunication providers of the opportunity for co-location. Notice of a desire to co-locate shall be given within sixty (60) days of the receipt of said notice.

### **Signs:**

#### **27-445- Permitted signs in ETJ Open, ETJ Commercial, and ETJ Industrial**

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The following types of signs are permitted for all permitted uses, conditional uses and non-residential nonconforming uses in ETJ open, ETJ commercial or ETJ industrial zones.

- (1) All free standing signs shall not exceed one (1) square foot in area per linear foot of frontage with a maximum area not to exceed three hundred (300) square feet.
- (2) All single face, facade (wall) signs are unlimited in size if placed directly on and are contained totally within the dimensions of the outside wall.

#### **27-445- General ETJ sign regulations**

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- (a) Signs shall not be erected or illuminated in such a manner as to obscure or otherwise interfere with an official traffic sign, signal or device, or to obstruct or otherwise interfere with the driver's view of approaching, merging or intersecting traffic.
- (b) Signs shall not be erected which imitate or resemble any traffic sign, signal or device, or which are erected or maintained upon trees or painted or drawn upon rocks or natural features, or which are structurally unsafe or in disrepair.
- (c) All signs occurring in the sight triangle: The sight triangle is described as the area delineated by a distance of twenty five (25) feet along the intersecting property lines, beginning at the property corner point and extending said twenty five (25) feet in both

directions away from the corner point of intersection and then connecting the terminus points by a line to form the triangular area. A clearance of at least twelve (12) feet to the bottom of the sign shall be maintained, except for not more than two (2) supportive posts which are not more than sixteen (16) inches in width or diameter. Such height of twelve (12) feet is to be measured from the elevation of the center of the lower street.

(d) No flashing signs shall occur in or over any building setbacks or public rights of way.

(e) No sign base or support shall be erected in a public right of way.

(f) It shall be a violation of this division for any person to place or cause to be placed any sign on any property within the ETJ without first obtaining a certificate of land use from the planning and zoning department.

### **27-445-30 Permits**

Any owner or authorized agent who intends to use, convert, change or alter the use of land, buildings or structures shall first make application to the city administrator, or designated agents, of the city and obtain the required certificate of land use. The certificate of land use must first be obtained before the use, expansion, conversion, change or alteration can be used or occupied.

### **27-445-31 Adoption of land use plan**

The land use map (May 6, 2003) for the extraterritorial jurisdiction area is hereby adopted by the board of directors. Three (3) copies have been and now are filed in the office of the clerk of the city.

### **27-445-32 ETJ land use/zoning district conversion chart**

#### **TABLE INSET:**

ETJ Land Use Classifications and Descriptions	Zoning District
<b>Residential</b>	
LDR low density residential Residential development – Shall be located where public utilities exist or expect to be expanded over the next twenty (20) years. Development of specific sites will depend upon the availability of utilities and the maintenance of an acceptable level of service of roads and other public facilities and services.	Rural residential (RR) Residential estate (RE) Residential single-family low density (RS-1)
<b>Commercial</b>	
NC neighborhood commercial	Commercial

Commercial and service uses to serve the daily convenience needs of the surrounding residential neighborhood; small districts located within walking distance from the edge of surrounding residential areas	neighborhood compatible (C-1) Commercial light (C-2)
LCO light commercial office Locations beyond the central area of the city, primarily along arterial or major collector streets, which will accommodate offices or laboratories for professional persons and related uses	Commercial moderate (C-3)
Industrial	
LI light industrial Light manufacturing, research technology, processing, storage, wholesaling, and distribution under high environmental performance standards. Commercial and service uses in support of industrial uses are also permitted.	Industrial light (I-1)
I industry Intended to primarily accommodate wholesale activities, processing, distribution, storage, and warehouse and industrial operations which may generate low levels of noise, odor, smoke, dust, or intense light	Industrial moderate (I-2)

<b>27-501</b>	<b>Purpose and Findings</b>
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**27-501-1 The City finds and determines that:**

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- A. This Chapter regulates land subdivision for residential, commercial, mixed, and industrial uses in a manner that ensures sound community growth while safeguarding the interests of the property owners, residents, developers surrounding neighborhoods, and the City.
- B. This Chapter prevents excessive governmental costs and provides consistency for the owner involved in subdividing or developing land.
- C. The development of property impacts public facilities adjacent to or in reasonable proximity to the proposed development, and compliance with these regulations mitigates the impact on the public services based upon the development to be regulated.
- D. These regulations provide flexible rules with positive values that are a guide to development and serve to protect all parties affected by land development.

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**27-501-2 The Purpose of this Chapter is:**

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- A. The Subdivision Regulations apply to all divisions and development (as defined in A.C.A. § § 14-56-417(a)(2)) of real property lying within the corporate limits of the City of Fort Smith, Arkansas, as now or hereafter established. **and the planning area;**
- B. To provide for adequate light, air and privacy, to ensure safety from fire, flood, and other physical dangers, as well as to prevent overcrowding of the land;
- C. To implement the Master Street Plan, Bikeway and Trails Plan;
- D. To insure proper legal descriptions, monumenting of land, and adequate and accurate platting and recording of land subdivisions;
- E. To insure that public improvements are available with sufficient capacity to serve the proposed subdivision, property development, and the general community.
- F. The Subdivision Regulations are adopted under the authority granted by A.C.A. tit. 14, ch. 56, subch. 4 [§ 14-56-401 et seq.] and amendments thereto, and all other delegation of authority to the City by the Arkansas General Assembly.

## 27-502 General Provisions

### 27-502-1 Applicability

- A. The Subdivision Regulations apply to all divisions and development (as defined in A.C.A. § § 14-56-417(a)(2)) of real property lying within the corporate limits of the City of Fort Smith, Arkansas, as now or hereafter established, and the planning area.
- B. All improvements shall comply with the Standard Specifications for Public Works Construction and standard construction drawings published by the City Engineering Department. To the extent that there is any inconsistency between the Standard Specifications and this Chapter, the City Engineering Department shall provide an interpretation and instructions regarding resolution.

### 27-502-2 Required Improvements

- A. **Generally.** Subdivisions shall include all improvements required by this Chapter. All improvements shall include construction and engineering services required for planning, design, investigations, inspection, testing and related activities necessary for development of the improvements.
- B. **Inside City Limits.** All improvements in developments inside the City limits shall comply with the standards established in this Chapter.
- C. **Outside City Limits.** All improvements in developments outside the city limits and within the City's planning area boundary shall comply with the standards established in this chapter. For single family residential subdivisions 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 (3) dwelling units per acre the following standards shall apply:
  - 1. In lieu of curb and gutter, streets may have two (2) foot wide asphalt paved shoulders and roadside ditches subject to the following:
    - a) Pavement width shall be twenty two feet plus shoulders.
    - b) All driveway culverts shall be reinforced concrete pipe (ASTM C-76) no less than 15" in diameter.
    - c) Roadway ditch slopes shall be no steeper than four (4) parts horizontal to one (1) part vertical for both the front slope and back slope.
    - d) The roadway ditch invert shall be no less than one and one half (1.5) feet below the shoulder of the road and no more than two and one half (2.5) feet below the shoulder of the road.

- e) Grass-lined road ditches shall be designed to carry no more than eight (8) cubic feet per second during a ten-year event, and velocities shall not exceed five (5) feet per second. Flows up to fifteen cfs (10-year) or velocities greater than five (5) fps may be carried in concrete lined, flat bottom roadside ditches; the minimum bottom width is twelve (12) inches. The lowest six inches (measured vertically) of the concrete lined ditch shall have side slope no steeper than two (2) parts horizontal to one (1) part vertical for both front and back slopes. Ditch slopes above this lower six (6) inch bottom depth shall be no steeper than four (4) parts horizontal to one (1) part vertical for both the front slope and back slope. Flows with other rates or velocities shall be directed to other drainage ways, or enclosed in pipe.
- f) Rights of way for streets with open ditches shall be sixty (60) feet.
- g) Drainage within one hundred (100) feet of the right of way and perpendicular to the streets may be open channel
- 2) Diversion berms to direct and contain drainage are permitted.
- 3) No sidewalks are required.

The structural standards for pavement thickness design for streets are not changed, and shall be in accordance with the City Street Standards. Typical cross section for this street is shown in Appendix D.

### **27-502-3 Permanent markers and monuments**

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The developer shall install monuments and permanent markers in accordance with the standards established by the City Engineering Department. The location of all permanent markers shall be noted on the final plat.

### **27-502-4 Violation and penalty**

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- A. No building permit shall be issued for any building or structure located on any tract of property that does not conform to the requirements of this Chapter.
- B. Any person, firm or corporation creating or conveying title to a tract of property that does not comply with the provisions of this Chapter is guilty of a misdemeanor and shall be subject to the penalties set forth in section 1-9 of the Fort Smith Municipal Code.
- C. Application of the criminal provisions in subsection (b) shall not limit the rights of the City to petition a court of competent jurisdiction to enjoin violations of these regulations nor limit the pursuit of any other legal remedy.

cause the allowable pedestal or monument sign area to be reduced by the amount of directional signage area.  
(Ord. No. 3391, as amended, § 10-10(C), 11-1-76; Ord. No. 49-92, §§ 1, 2, 8-4-92; Ord. No. 60-95, § 1, 9-5-95)

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**27-704-3 Permitted signs in open, commercial and industrial zones**

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The following types of signs are permitted in open, commercial or industrial zones.

- (1) All free-standing signs shall not exceed one (1) square foot in area per linear foot of frontage with a maximum area not to exceed three hundred (300) square feet.
- (2) All single face, facade (wall) signs are unlimited in size if placed directly on and are contained totally within the dimensions of the outside wall.
- (3) Outdoor advertising signs shall comply with section 27-704-4.
- (4) Multi-tenant or business park signs may be allowed when the following criteria are met:
  - a) the tenants are located within the same development, subdivision, lot, tract, or parcel
  - b) business park/retail centers shall be limited to one sign and shall comply with the general sign standards as well as the sign standards for the specific zoning district or overlay district
  - c) business park/retail centers with more than six (6) lots or tenants may increase the sign area by an additional twenty (20) percent provided the sign area does not exceed 300 s.f. and the height does not exceed 30 feet

(Ord. No. 3391, as amended, § 10-10(D), 11-1-76; Ord. No. 64-99, § 3, 10-5-99)

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**27-704-4 Outdoor advertising signs**

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- (a) Outdoor advertising signs are to be considered as a specific use, rather than an incidental use to an existing land use, in that outdoor advertising signs produce a revenue to the property owner as a land use while the advertising message carried by business signs does not produce a revenue but is incidental to a revenue-producing land use. Because of the special characteristics of outdoor advertising signs as compared with other types of land uses and structures, certain qualifications and requirements are set forth below in connection with outdoor advertising signs as a permitted use.

- (b) Outdoor advertising signs are permitted in all Industrial zones, Commercial-4 zones, Commercial-5 zones, ~~ETJ Industrial Light zones, and ETJ Industrial Moderate zones. They may be permitted in ETJ Open-1 zones~~ by the planning commission's approval of a Conditional Use request.
- (c) No outdoor advertising sign structure of any size shall be permitted to be erected closer than one thousand (1,000) feet from an existing outdoor advertising sign structure which is larger than thirty-five (35) square feet in sign area. No more than four (4) outdoor advertising sign structures (over thirty-five (35) feet in area) per statute mile are permitted. All distances between two sign structures or between any four (4) outdoor advertising sign structures, irrespective of which side of the right-of-way one (1) or more of the four (4) structures may be located, shall be measured along a line parallel to the right-of-way and from the centers of the closest support poles.
- (d) No outdoor advertising sign shall be permitted to be erected closer than two hundred fifty (250) feet from any residentially zoned or developed property. The distance shall be measured from the property line of the residentially zoned or developed property closest to the subject sign to the center of the nearest support pole of the sign.

- (h) V-type outdoor advertising signs are permitted provided the angle of separation of the two sides of the sign is not greater than thirty (30) degrees.
- (i) No outdoor advertising sign shall be permitted to be erected unless it has a minimum height at the lowest portion of the face surface of the sign of at least thirteen (13) feet and has a maximum height at the tallest point on the face surface of forty-five (45) feet, which minimum and maximum heights are to be measured from the elevation of a perpendicular line from the center/crown of the roadway to which the sign is adjacent.
- (j) No portion of an outdoor advertising sign shall be erected in a public right-of-way.
- (k)(1) Subsequent to the adoption of this Ordinance, no new outdoor advertising sign shall be permitted to be erected within the city limits ~~nor within Fort Smith's extra-territorial planning jurisdiction area except as provided herein~~. This prohibition against new outdoor advertising signs shall apply even in those areas regulated by the Federal Highway Beautification Act (23 U.S.C. 131) or the Arkansas Highway Beautification Act (Ark. Code Ann. § 27-74-101 et seq.).
- (2) Sign Bank. There is hereby created an outdoor advertising sign credit bank ("Sign Bank") whereby the city planning department shall maintain a credit on file for the replacement of outdoor advertising signs as allowed under subsection (1) above or for the expansion in size of outdoor advertising signs as allowed by (f) above. The purposes of the Sign Bank permitting process are to ensure that the quantity and size of outdoor advertising signs in the City of Fort Smith ~~and its extra-territorial jurisdiction area~~ do not increase and to ensure proper placement of replaced or relocated outdoor advertising signs.
  - A. The owners of each outdoor advertising sign existing as of the effective date of these regulations shall be given a credit for the sign and the size of its face(s) within the Sign Bank. A double faced or V-type outdoor advertising sign shall entitle an owner to a single credit in the Sign Bank (not an additional credit for additional faces).
  - B. If an existing outdoor advertising sign is removed it is incumbent on the sign owner to inform the city planning department of the removal of the sign in writing within thirty (30) days of the removal in order to avoid action by the city

2. Day Care Homes require a conditional use permit in accordance with Section 27-332.
3. Day Care Homes shall be operated in a manner that will not change the character of the residence.
4. Day Care Homes are permitted to have no more than one (1) employee who does not reside at the home.
5. All vehicles including the employee parking space must be parked on the property and on a paved parking space. All parking and paving must comply with section 14-52 of this Code.
6. All pick-up and drop-off of children shall be on the property's driveway and not on the public right-of-way unless otherwise approved by the planning commission.

## **27-707 Mini-Storage Warehouses**

### **27-707-1 Purpose**

The purpose of these regulations is described as follows:

- A. Protect and enhance the City of Fort Smith.
- B. Provide good civic design and arrangement.
- C. Preserve property values of surrounding property.

### **27-707-2 Mini-Storage Locations**

As defined herein, mini-storage warehouses are subject to development plan review by the Fort Smith Planning Commission and approval by the Board of Directors. Subject to approval and applicable zoning and design standards, mini-storage warehouses (non- climatized) are permitted within the I-1, I-2, I-3, **ETJ I-1, and ETJ I-2 zoning districts.** Mini-storage warehouses (climatized) are permitted in the I-1, I-2 , I-3, **ETJ I-1, and ETJ I-2** zoning district.

### **27-707-3 Applicability**

- A. The design guidelines shall apply to all new mini-storage warehouses and to existing mini-storage warehouses when a structure or site will: (1) increase the gross square footage of the structure or site by 50% or greater; (2) shall include any cumulative building additions from

State of Arkansas  
95th General Assembly  
Regular Session, 2025

## A Bill

HOUSE BILL 1510

By: Representative Gonzales  
By: Senator G. Stubblefield

### For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING TERRITORIAL  
JURISDICTION OF MUNICIPALITIES; TO REPEAL THE  
AUTHORITY FOR A MUNICIPALITY TO EXERCISE TERRITORIAL  
JURISDICTION OVER AN UNINCORPORATED AREA OF A COUNTY;  
AND FOR OTHER PURPOSES.

### Subtitle

TO REPEAL THE AUTHORITY FOR A  
MUNICIPALITY TO EXERCISE TERRITORIAL  
JURISDICTION OVER AN UNINCORPORATED AREA  
OF A COUNTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 14-17-208(i), concerning subdivision,  
setback, and entry control ordinances for county planning boards, is  
repealed.

~~(i) In unincorporated areas adjoining the corporate limits of a  
municipality in which the authority to control the subdivision of land is  
vested and is being exercised in accordance with and under the provisions of  
§§ 14-56-401, 14-56-408 and 14-56-410, 14-56-425, or any amendments thereto  
or thereof, or other acts of a similar nature enacted by the General  
Assembly, the municipal authority shall have subdivision jurisdiction, but  
shall transmit copies of proposed plats for the areas to the county planning  
board and the board of directors of each affected school district for review  
and comment, which shall be made to the municipal authority within sixty (60)  
days from the time it is received by the county planning board and the board~~



~~of directors of each affected school district unless further time is allowed by the municipal authority.~~

SECTION 2. Arkansas Code § 14-17-208(1)(1), concerning subdivision, setback, and entry control ordinances for county planning boards, is amended to read as follows:

(1)(1) Following the adoption of any subdivision, setback, or entry control ordinances by the court, a plat in an unincorporated area of a county ~~not within the exercised extraterritorial jurisdiction of a municipality~~ shall not be presented for recording without the approval of the county planning board.

SECTION 3. Arkansas Code § 14-38-101(b)(1)(B), concerning limitations on a petition for incorporation, is repealed.

~~(B) The area in which that existing municipal corporation is exercising its planning territorial jurisdiction.~~

SECTION 4. Arkansas Code § 14-40-208 is repealed.

~~14-40-208. Annexation of territory under municipal territorial jurisdiction.~~

~~(a) If a municipality states its intent by resolution or ordinance to annex a specifically defined territory or portion of the territory over which it is exercising territorial jurisdiction under § 14-56-413, the municipality shall initiate annexation proceedings within five (5) years of the stated intent.~~

~~(b)(1) During the five (5) years under subsection (a) of this section, the municipality may continue to exercise its territorial jurisdiction under § 14-56-413, including the defined territory specified within its intent to annex.~~

~~(2) If the municipality does not initiate annexation proceedings of the territory specified within its intent to annex within five (5) years of the effective date of the resolution or ordinance under subsection (a) of this section, the municipality is prohibited from again exercising territorial jurisdiction over the territory specified within its intent to annex for the next five (5) years.~~

SECTION 5. Arkansas Code § 14-56-413 is repealed.

~~14-56-413. Territorial jurisdiction.~~

~~(a)(1)(A) The territorial jurisdiction of the governing body of a municipality for the purpose of this subchapter shall not exceed the limits stated under this subsection.~~

~~(B) If the territorial limits of two (2) or more municipalities conflict, the limits of their respective territorial jurisdictions shall be a line equidistant between them, or as agreed on by the respective municipalities.~~

~~(2) In addition to the powers under this subchapter, cities now having eight thousand (8,000) population or more shall have the authority to administer and enforce planning ordinances outside their corporate limits as follows:~~

~~(A) For cities of eight thousand (8,000) to sixty thousand (60,000) population, the jurisdictional area will be one (1) mile beyond the corporate limits;~~

~~(B) For cities of sixty thousand (60,000) to one hundred fifty thousand (150,000) population, the jurisdictional area will be two (2) miles beyond the corporate limits; and~~

~~(C)(i) For cities of one hundred fifty thousand (150,000) population and greater, the jurisdictional area will be three (3) miles beyond the corporate limits.~~

~~(ii) Upon July 3, 1989, no city with a population in excess of one hundred fifty thousand (150,000) persons shall exercise any zoning authority outside the boundaries of the county wherein it is located without the approval of the quorum court of the county wherein the city is not located and the approval of the governing bodies of all other cities having zoning authority over the area.~~

~~(3) Cities having a population of eight thousand (8,000) persons or less:~~

~~(A) Shall have a jurisdictional area that does not exceed one (1) mile beyond the corporate limits; and~~

~~(B) Shall not exercise any zoning authority outside the corporate limits.~~

~~(4) Cities now having an eight thousand (8,000) population or more and situated on a navigable stream may administer and enforce zoning~~

~~ordinances outside their corporate limits but may not exceed the territorial limits under subdivision (a)(2) of this section.~~

~~(5) The city populations will be based on the most recent federal decennial census.~~

~~(b)(1) The planning commission shall designate the area within the territorial jurisdiction for which it will prepare plans, ordinances, and regulations.~~

~~(2) A description of the boundaries of the area shall be filed with the city clerk and with the county recorder.~~

SECTION 6. Arkansas Code § 14-56-417(c), concerning the regulations to control development of land, is repealed.

~~(c) A plat within the area within which the municipality intends to exercise its territorial jurisdiction as indicated on the planning area map shall not be presented for recording without the approval of the planning commission, if a planning commission exists.~~

SECTION 7. Arkansas Code § 14-56-422(5)(B), concerning adoption of plans, ordinances, and regulations for municipal planning, is repealed.

~~(B) The city clerk shall file the plans, ordinances, and regulations as pertain to the territory beyond the corporate limits with the county recorder of the counties in which territorial jurisdiction is being exercised.~~

SECTION 8. Arkansas Code § 14-284-207(a), concerning a quorum court's establishment of a fire protection district service area, is amended to read as follows:

~~(a)(1)~~ The quorum court of each county in which a fire protection district is located shall establish the service area of the fire protection district.

~~(2) The service area of a fire protection district created after January 1, 2021, shall not include any area within the territorial jurisdiction of the governing body of a municipality as established in § 14-56-413 that has adopted an ordinance to provide fire protection services to the area in accordance with § 14-53-102, unless waived by majority vote of the governing body of the municipality.~~

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2 SECTION 9. Arkansas Code § 17-28-305(b)(3), concerning the local  
3 regulatory authority of the licensing of electricians, is repealed.

4 ~~(3) If the city has adopted an ordinance to exercise its~~  
5 ~~territorial planning jurisdiction, the city may exercise jurisdiction over~~  
6 ~~the construction, installation, and inspection of electrical work within the~~  
7 ~~city's territorial planning jurisdiction under § 14-56-413 if the city and~~  
8 ~~county agree to the exercise of jurisdiction by the city over electrical work~~  
9 ~~within the city's territorial planning jurisdiction.~~

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11 SECTION 10. Arkansas Code § 18-15-1702(6), concerning definitions for  
12 the Private Property Protection Act, is repealed.

13 ~~(6) "Territorial jurisdiction" means the territorial jurisdiction~~  
14 ~~of a municipality as described in § 14-56-413.~~

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16 SECTION 11. Arkansas Code § 18-15-1703(e)(15), concerning the  
17 application of takings under the Private Property Protection Act, is  
18 repealed.

19 ~~(15) An action by a municipality unless the regulatory program~~  
20 ~~has effect in the territorial jurisdiction of the municipality, excluding~~  
21 ~~annexation, and that enacts or enforces a regulatory program that does not~~  
22 ~~impose identical requirements or restrictions in the entire territorial~~  
23 ~~jurisdiction of the municipality.~~

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26 **APPROVED: 3/18/25**  
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## MEMORANDUM



**TO:** Honorable Mayor & Members of the Board of Directors  
**FROM:** Jeff Dingman, Acting City Administrator  
**DATE:** July 31, 2025  
**SUBJECT:** Removal of downtown parking fees & parking meters

### **SUMMARY**

For the past several years, the city has waived parking meter fees downtown during the holiday season. In 2023, the Board waived parking meter fees from November 24, 2023 through March 31, 2024. After discussion at an April 2024 study session, the Board extended that waiver through January 3, 2025, and then in January extended the waiver through August 1, 2025.

The waiver of parking meter fees was again discussed at the July 15, 2025 study session, in which it was noted that parking meter enforcement has been waived for nearly two years without apparent or detrimental impact in downtown parking patterns or usage. The discussion included a request from County Judge Hotz to preserve parking enforcement on spaces adjacent to the Sebastian County building at 35 South 6th St. It was also noted that while the revenue from parking meters/fees would go away, so too would the need for parking enforcement and maintenance, which often exceeded the revenue gained. After the discussion, the Board requested that an ordinance to remove parking meter fees, parking meters and parking enforcement (excepting the spaces adjacent to the county building) be placed on an upcoming agenda.

The agenda for the August 5 regular meeting includes consideration of a proposed ordinance repealing the regulation of metered parking, providing for the removal of parking meters, and adopting parking regulations to be enforced by Sebastian County for the area around the Sebastian County Courthouse. This action aligns with goal FLU-3.2 of the Future Fort Smith Comprehensive Plan (Improve the accessibility of Downtown).

Please contact me if you have questions regarding this agenda item.

### **ATTACHMENTS**

1. [20250731\\_Ordinance\\_-\\_Removal\\_of\\_Metered\\_Parking.pdf](#)

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE REPEALING REGULATION OF METERED PARKING,  
PROVIDING FOR THE REMOVAL OF PARKING METERS AND  
ADOPTING PARKING REGULATIONS FOR AREA AROUND SEBASTIAN  
COUNTY COURTHOUSE**

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WHEREAS, the City has previously enacted regulations relative to metered parking, which regulations are codified at Chapter 24, Article IV, Division 3, Sections 24-146 – 155 of the Fort Smith Municipal Code;

WHEREAS, the City desires to repeal its regulation of metered parking and remove parking meters installed pursuant to such regulations; and,

WHEREAS, the City desires to enact regulations regarding street parking on those streets adjacent to the Sebastian County Courthouse as described herein.

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

SECTION 1: The City's regulation of metered parking, as established at Chapter 24, Article IV, Division 3, Sections 24-146 – 155 of the Fort Smith Municipal Code, is hereby repealed and any parking meters installed pursuant to such regulations shall be removed.

SECTION 2: Street parking adjacent to Sebastian County Courthouse located at 35 South 6th Street shall be regulated by the placement of signs providing that such parking is for county business only between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday, and limiting parking in such spaces to 30 minutes. Such signs shall be installed and maintained on the county courthouse-adjacent side of Parker Avenue, Rogers Avenue, and South 6th Street. Enforcement of such parking regulations shall be the responsibility of Sebastian County.

SECTION 3: Any ordinances or provisions of the Fort Smith Municipal Code found to be in conflict with the provisions of this ordinance are hereby repealed to the extent necessary to resolve such conflict.

SECTION 4: The codifier shall codify the provisions of Section 2 above within Chapter 24, Article IV, Division 1 of the Fort Smith Municipal Code

SECTION 5: The City Administrator is hereby authorized to take any necessary actions to effectuate the removal of parking meters required by Section 1 above.

PASSED and APPROVED this \_\_\_\_\_ day of August, 2025.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

Approved as to form:



\_\_\_\_\_  
City Attorney, Publish one time



## MEMORANDUM

**TO:** Jeff Dingman, Acting City Administrator  
**CC:** Maggie Rice, Deputy City Administrator  
**FROM:** Steve Dimmitt, Director of Information Technology Operations  
**DATE:** 07/25/2025  
**SUBJECT:** Purchase of cybersecurity software renewal.

### **SUMMARY**

Before you is a resolution authorizing the Mayor to execute an agreement with Heartland Business Systems for the purchase of cybersecurity software, licensing and maintenance. This agreement is quoted under the TIPS Contract #220105. This is a renewal of the current solution that protects the entire city. The total amount of the agreement is \$606,000.00 over three fiscal years. The payment for the first year of the agreement is \$180,000.00 and is due by 08/08/2025. The amount for the 2nd year of the agreement is 200,000.00. The amount for the 3rd year of the agreement is 226,000.00. This cybersecurity software is a very important piece in helping us continue to secure our City's infrastructure.

Thank you for your consideration.

### **ATTACHMENTS**

1. [8-5-25\\_ITEM\\_2034\\_Resolution.pdf](#)

*FISCAL IMPACT:* \$606,121.95  
*BUDGET INFORMATION:* Budgeted / Information Technology - Operating Funds

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT  
WITH HEARTLAND BUSINESS SYSTEMS FOR THE PURCHASE OF  
CYBERSECURITY SOFTWARE, LICENSING AND MAINTENANCE

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BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT  
SMITH, ARKANSAS, THAT:

The Mayor, his signature being attested by the City Clerk, is hereby authorized to execute the agreement, incorporated herein by reference, with Heartland Business Systems for the purchase of cybersecurity software, licensing and maintenance in the amount of \$600,121.95. The agreement is for a 3 year term. The first year (2025) payment is \$180,027.35. The second year (2026) payment is \$200,063.08. The third year (2027) payment is \$220,031.52.

THIS RESOLUTION ADOPTED this 5<sup>th</sup> day of August, 2025.

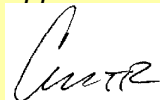
APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

*Approved as to Form:*



\_\_\_\_\_  
*No Publication Required*



## MEMORANDUM

**TO:** Jeff Dingman, Acting City Administrator  
**CC:** Maggie Rice, Deputy City Administrator  
**FROM:** Steve Dimmitt, Director of Information Technology Operations  
**DATE:** July 25, 2025  
**SUBJECT:** Purchase of Physical Access Control System Upgrade.

### **SUMMARY**

Before you is a resolution to authorize the purchase of the access control upgrade from Heartland Business Systems for the Kelley Highway location. It is quoted by Heartland Business Systems under TIPS contract #220105. This is an upgrade similar to the ones we have done at the rest of the City facilities.

Thank you for your consideration.

### **ATTACHMENTS**

1. [8-5-25\\_ITEM\\_2035\\_Resolution.pdf](#)

*FISCAL IMPACT:* \$91,048.83  
*BUDGET INFORMATION:* Budgeted / Information Technology - Operating Funds

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION AUTHORIZING THE PURCHASE OF A PHYSICAL ACCESS  
CONTROL SYSTEM FOR THE CITY OF FORT SMITH MAINTENANCE FACILITY  
LOCATED AT 3900 KELLEY HIGHWAY

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BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT  
SMITH, ARKANSAS, THAT:

Quote No. 327479 v3 from Heartland Business Systems in the amount of \$91,048.83, under TIPS Contract No. 220105, for the purchase of a physical access control system for the City of Fort Smith Maintenance Facility located at 3900 Kelley Highway is hereby accepted.

THIS RESOLUTION ADOPTED this 5<sup>th</sup> day of August, 2025.

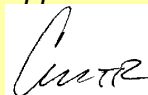
APPROVED:

\_\_\_\_\_  
Mayor

ATTEST:

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

*Approved as to Form:*



\_\_\_\_\_  
*No Publication Required*



## MEMORANDUM

**TO:** Honorable Mayor & Members of the Board of Directors  
**FROM:** Jeff Dingman, Acting City Administrator  
**DATE:** August 1, 2025  
**SUBJECT:** Proposed Agreed Order of Dismissal

### **SUMMARY**

In the case *Marilyn Moore v. City of Fort Smith; and Jeff Dingman, in his Official Capacity as City Administrator* Case No. 66FCV-25-893, the plaintiff's attorney (Mr. McCutchen) drafted and submitted a proposed Agreed Order of Dismissal to the city's counsel on Thursday afternoon, July 31. That original proposed order was forwarded to the Board of Directors via email as notice that an offer of settlement prior to hearing had been made.

A resolution accepting the proposed Agreed Order of Dismissal is included on the Board's agenda for the August 5 regular meeting.

City Attorney Colby Roe suggested language edits to Mr. McCutchen's office on Friday, August 1. Mr. Roe's edited version is what is included with the proposed resolution in the agenda packet. That edited version has not been approved by the plaintiff, so it should be considered still in draft form. If it needs to change based on feedback from the plaintiff after this agenda packet is published, a final agreed-upon version will be provided to the Board as soon as possible before Tuesday's meeting.

If the proposed Agreed Order of Dismissal is not mutually agreed upon, this matter is scheduled for hearing in Sebastian County Circuit Court the afternoon of Tuesday, August 12.

### **ATTACHMENTS**

1. [8-5-25\\_ITEM\\_2041\\_Resolution.pdf](#)
2. [8-5-25 ITEM 2041 Moore FOIA Proposed Agreed Order of Dismissal.pdf](#)

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING AGREED ORDER TO RESOLVE  
CIVIL ACTION OF MARILYN MOORE VS. CITY OF FORT SMITH

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BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF FORT  
SMITH, ARKANSAS, THAT:

SECTION 1: The attached Agreed Order resolving the civil action of *Marilyn Moore v. City of Fort Smith; and Jeff Dingman, in his Official Capacity as City Administrator*, Sebastian County Circuit Court, Case No. 66FCV-25-893 is hereby approved.

SECTION 2: The City Attorney is hereby authorized to execute the attached Agreed Order approved by Section 1 hereof and present same to the Circuit Court for execution and entry.

THIS RESOLUTION ADOPTED THIS \_\_\_\_\_ DAY OF AUGUST, 2025.

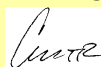
APPROVED:

\_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_

City Clerk

APPROVED AS TO FORM:



\_\_\_\_\_  
City Attorney

**IN THE CIRCUIT COURT OF SEBASTIAN COUNTY, ARKANSAS CIVIL  
DIVISION**

**MARILYN MOORE**

**PLAINTIFF**

**v.**

**Case No. 66FCV-25-893**

**CITY OF FORT SMITH; and  
JEFF DINGMAN, in his Official Capacity  
As City Administrator**

**DEFENDANTS**

**AGREED ORDER OF DISMISSAL**

On this date this cause was submitted to the Court. The Complaint in this matter was brought by the Plaintiff, Marilyn Moore, against Defendants City of Fort Smith and Jeff Dingman in his Official Capacity as City Administrator. The Court, being sufficiently advised as to all matters of law and fact before the Court, and upon agreement of the parties, finds as follows:

1. On July 10, 2025, Plaintiff filed this action against Defendants, City of Fort Smith and Jeff Dingman in his Official Capacity as City Administrator, for alleged Freedom of Information Act, Ark. Code Ann. § 25-19- 101 *et seq.* (“FOIA”), violations.

2. Plaintiff’s Complaint originates from a FOIA request she submitted to Defendant Jeff Dingman on April 10, 2025. Mr. Dingman responded on April 13, 2025, “The city has no records responsive to this request.” Despite Plaintiff offering to clarify her request in a response on April 15, 2025, Mr. Dingman replied that “no clarification is necessary.” He informed Plaintiff about a meeting the City had with the Arkansas Governor’s staff, but stated “no records, technical data, or other information has been exchanged...” Plaintiff noted in a final email from April 18, 2025, that her “FOIA response is still incomplete. My request included electronic communication 1 (sic) regarding the meeting. If additional clarification needed, please let me know.” I also request a timeframe as when the responsive document will be sent as my original request was several days ago.”

3. Jeff Dingman entered Plaintiff's April 18, 2025, email into the ~~In the~~ City of Fort Smith Records Request Center on that date, Plaintiff's April 18, 2025, email was listed as the date of her original request. The City of Fort Smith uploaded documentation as responsive records on April 18 and April 21, 2025. However, Plaintiff's April 10, 2025, email was the original basis for her request and Defendants did not request an extension. As such, Defendants violated the three-day statutory requirement.

4. The City of Fort Smith and Jeff Dingman admit that they violated FOIA by claiming that no responsive records to the Plaintiff's request were available despite their existence and, failing to timely produce records in the three-day statutory requirement without an extension request, ~~and attempting to wrongly state that Plaintiff's initial FOIA request had been made on April 18, 2025 instead of April 10, 2025.~~

5. Furthermore, Defendant's counsel contacted Plaintiff's counsel on July 14, 2025 in response to Plaintiff's Complaint and stated that the City had located additional documentation as requested in Paragraph 22 of Plaintiff's Complaint. Defendant's counsel provided Plaintiff's counsel such documentation via the July 14, 2025 email. The City also provided those documents directly to Plaintiff via the City of Fort Smith Records Request Center.

6. These additional documents were entitled "Thursday Talking Points" and related to a meeting City officials had with the Arkansas state government in Little Rock on March 5-6, 2025. This meeting, Governance in Action: A Collaborative Journey, discussed information related to the Plaintiff's original FOIA request which asked for documents "that relates in any way to the City of Fort Smith supplying water to the proposed prison in Franklin County, or to any related matters concerning the proposed Franklin County prison."

7. The City of Fort Smith has provided ~~and Jeff Dingman agree to provide any additional~~ responsive records to Plaintiff's original request ~~or, if all records have been provided and no further responsive documents exist, admit that all related documentation has been released.~~

8. The City of Fort Smith ~~and Jeff Dingman~~ agrees to pay Plaintiff a reasonable attorneys' fee in the amount of \$1,500.00 and \$271.40 in costs within ten (10) days of the entry of this Order.

9. The Complaint is hereinafter considered completely adjudicated and dismissed. The Court shall retain jurisdiction to enforce this Order.

**IT IS SO ORDERED.**

\_\_\_\_\_  
HONORABLE DIANNA LADD

\_\_\_\_\_  
DATE

Agreed to by:

\_\_\_\_\_  
Colby T. Roe, ABA 2009163  
Daily & Woods, P.L.L.C.  
58 S 6<sup>th</sup> St.  
Fort Smith, Arkansas 72901  
Phone: 479-782-0361  
croe@dailywoods.com

/s/ Joey McCutchen  
\_\_\_\_\_  
Joey McCutchen, ABA 88-045  
McCutchen Napurano – The Law Firm  
PO Box 1971  
Fort Smith, Arkansas 72902  
Phone: 479-783-0036  
[jmccutchen@mccutchenlawfirm.com](mailto:jmccutchen@mccutchenlawfirm.com)