

ORDINANCE NO. 45-21**AN ORDINANCE AMENDING THE 2019 UNIFIED DEVELOPMENT  
ORDINANCE OF THE CITY OF FORT SMITH**

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

**WHEREAS**, is it necessary to amend 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 April 13, 2021, that changes be made; and,

**WHEREAS**, three (3) copies of May 2021 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 May 2021 Amendments to the Unified Development Ordinance includes an amendment to allow business park or multi-tenant signage when certain criteria is met; and,

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

**SECTION 1:** The May 2021 Amendments to the Unified Development are hereby adopted.

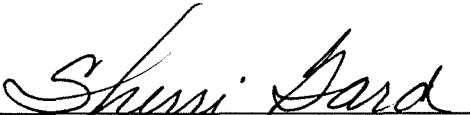
**SECTION 2:** The codifier shall codify the adopted amendments by amending existing sections and by adding new sections of the UDO at the discretion of the codifier.

**SECTION 3:** It is hereby found and determined that the adoption of the amendments to the

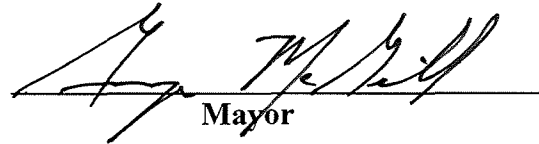
Unified Development Ordinance are necessary to alleviate an emergency created by the lack of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare of the inhabitants of the City requires that the amendments be effective, and the amendments are hereby made effective, as of date of approval of the Ordinance.

PASSED AND APPROVED THIS 11<sup>th</sup> DAY OF May, 2021.


ATTEST:

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

APPROVED:

  
\_\_\_\_\_  
Mayor

Approved as to form:

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

**MAY 2021 AMENDMENTS TO THE  
UNIFIED DEVELOPMENT ORDINANCE**

**Shelter for abused persons**

shall mean a facility for providing a protective sanctuary for a person physically or mentally abused by family or other persons.

**Shoe repair shop**

shall mean a facility for repair or reconditioning of footgear, handbags and other leather articles such as shoes, boots, sandals, wallets, purses and other similar products.

**Sign**

shall mean a structure or device designed or intended to convey information to the public in written, pictorial or three dimensional form. Signs erected by the state highway department, county road department or the city street department are not subject to the regulations.

**Sign area**

shall mean the entire area within a single continuous perimeter enclosing the outer dimensions of the actual message or copy area. It does not include customary extensions or embellishments, nor any structural elements outside the limits of such display surface and not forming an integral part of the display. For double-face or V-type sign structures, only one (1) display face shall be counted in computing the actual sign area. The sign area permitted on any piece of property refers to the permitted combined total area of all signs on that property.

**Sign (back-to-back)**

shall mean a structure with two (2) parallel and directly opposite signs with their faces oriented in opposite directions and spaced no more than three (3) feet apart.

**Sign (bench)**

shall mean a sign located on any part of and contained within the perimeter of the bench or seat.

**Sign (bus shelter)**

shall mean a sign located on any part of and contained within the perimeter walls of the shelter.

**Sign (business)**

shall mean a sign which directs the attention of the general public to a business, product, service or activity which is conducted upon the premises where such sign is located.

**Sign (business park/retail center)**

shall mean a sign that directs the attention of the general public to businesses in a business park/retail center located on a multi-lot of single lot parcel.

**Sign (electronic message center/digital)**

shall mean a sign that utilizes computer-generated messages or some other electronic means of changing copy. These signs include displays using incandescent lamps, LEDs, LCDs, or a flipper matrix.

**Sign (flashing)**

shall mean a sign, the illumination of which is not constant in intensity when in use; except that illuminated signs which indicate the time, date, temperature and other public service information shall not be considered to be flashing signs.

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)

### **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)

### **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