

ORDINANCE NO. 87-24**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 September 10 2024, that changes be made; and,

WHEREAS, three (3) copies of the October 2024 Sign Regulations in Overlay Districts Amendment to the Unified Development Ordinance have been on file in the Office of the City Clerk of the City of Fort Smith for inspection and review by the public prior to the passage of this Ordinance; and,

WHEREAS, the October 2024 Sign Regulations in Overlay Districts Amendment to the Unified Development Ordinance includes amendments to sign regulations in overlay districts,

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

SECTION 1: The October 2024 Sign Regulations in Overlay Districts Amendment to the Unified Development Ordinance is hereby adopted.

SECTION 2: The codifier shall codify the adopted amendment 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 amendment to the Unified Development Ordinance is necessary to alleviate an emergency created by the lack of regulation of uses of property within the City of Fort Smith so that the protection of the health, safety and welfare of the inhabitants of the City requires that the amendment be effective, and the amendment is hereby made effective, as of date of approval of the Ordinance.

PASSED AND APPROVED THIS 8th DAY OF October, 2024.

ATTEST:



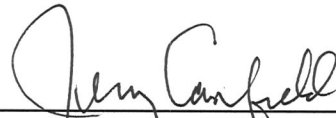
City Clerk

APPROVED:



VICE Mayor
JAMES REBO

Approved as to form:



Publish One Time

OCTOBER 2024 UDO
AMENDMENTS

Appendix E – to be codified as Section 27-441

Overlay zone for the Massard/Zero Street Corridor.

(a) *Area of applicability.* The regulations adopted by these 2008 amendments to the zoning code shall apply to all real properties zoned with designations other than residential and physically contiguous to the right-of-way lines (both sides of the street) of the hereinafter designated sections of Zero Street and Massard Road. The regulations shall be applicable to all portions of said tracts of real property which are located within three hundred (300) feet of the right-of-way line. The regulations apply on Massard between the railroad right-of-way on the north and Forest Wood Way on the south. The regulations apply on South Zero Street/Highway 255 between Massard Creek on the west and Painter Lane on the east.

(b) *Signage regulations.*

(1) *Monument sign defined.* When used herein, "monument sign" shall refer to a ground mounted sign having no more than two (2) faces and being constructed of materials of the same type and in design similar to the principal structure located on the lot on which the sign is located.

(2) *Signage per lot.* Each separately owned lot is allowed no more than one (1) monument sign; provided, any such lot having frontage on two (2) public streets, is allowed no more than two monument signs. In addition to the allowed monument sign(s), each such lot is allowed signs of a maximum total of six (6) square feet to provide traffic directions. ~~No monument sign shall be installed closer than ten (10) feet to the property line of the lot.~~

(3) *Sign size.* Each monument sign shall be a maximum of six (6) feet high (inclusive of the base and the display area) and shall not be more than one (1) square foot in area per linear foot of lot frontage with a maximum area of seventy-five (75) square feet in area per sign. As to the monument sign for a retail center or business park, as defined in zoning code section 27-200, the sign area and height may be increased by an additional twenty (20) percent. ~~if only identification of the name and/or logo of the retail center or business park (and not individual tenants) is used on the monument sign.~~

(4) *Wall sign allowance.* ~~Each separately owned lot is allowed no more than one (1) wall sign for each separate structure on the lot.~~ The wall sign area for the principal structure shall not exceed twenty (20) percent of the wall area on which the sign is located. Permanently affixed, non-changeable, product or service advertising may be permitted up to 5% of wall area of a principal structure if name and logo is reduced to no more than 15% of wall area. The wall sign area for each accessory structure shall not exceed five (5) percent of the wall area on which the sign is located. ~~On any lot having frontage on two (2) public streets, each separate structure is allowed no more than two (2) wall signs.~~

~~A second wall sign is permitted on a principal structure with frontage on one (1) public street and a third wall sign is permitted on a principal structure having frontage on two (2) public streets if the following conditions are met:~~

- ~~a. The sign is not facing property that is zoned or developed for residential purposes.~~
- ~~b. The sign is limited to a single logo or business symbol of a business operating in the structures.~~
- ~~e. The cumulative area of the second or third wall sign allowed with this condition and the wall sign on the first or second walls shall not exceed the twenty (20) percent wall area allowed for the first or second wall sign.~~

~~Additional to the permitted wall sign(s), directional information and building identification signs are permitted on the principal structure if the following conditions are met:~~

- ~~a. Not more than two (2) directional or building identification signs are permitted.~~
- ~~b. The cumulative area of all wall signs shall not exceed twenty (20) percent of the wall area on which the signs are located.~~
- ~~e. The cumulative wall sign area of the directional or building identification signs is limited to twenty five (25) percent of the wall sign area of the logo or business symbol sign and no directional or building identification sign shall exceed eighteen (18) square feet.~~

~~(5) *Illumination.* Only ground mounted or spotlight (external only) lighting may be used for illumination of monument signs.~~

~~(6) *Sign content.* Content of monument signs shall be such that no more than fifty (50) percent of the monument sign can be used for advertising. The remaining area of a monument sign is limited to the name and/or logo of the business(es) operating in the structure.~~

~~Content of wall signs for the principal structure shall be limited to the name and/or logo of the business(es) operating in the structure. Directional and information signs meeting the conditions of paragraph (4) above are permitted.~~

~~Content of wall signs for each accessory structure shall be limited to building identification, directional information and the name and/or logo of the business(es) operating in the structure.~~

Advertising shall not be permitted on the principal or accessory structure, wall sign or traffic direction sign.

(5) Banners are permitted as follows:

a. Special event banners shall be limited to 32 square feet and shall be permitted no more than twice in each calendar year for a maximum of 30 continuous days at a time.

b. New business banners shall be limited to 64 square feet and shall be permitted one time with a new business that has obtained a certificate of occupancy for no more than 45 continuous days.

(7 6) *Outdoor advertising (offsite) signs.* Outdoor advertising (offsite) signs are prohibited in that portion of the area described in (a) above.

(8 7) *Signs prohibited.* Banners, Marquees and changeable letter reader boards and portable signs are expressly prohibited. Changeable letters and/or numbers are permitted in the advertising portion of monument signs. Except as allowed by this section, no signs shall be installed in the area described in (a) above.

(9 8) *Other sign ordinances.* All signs allowed by these regulations shall comply with further sign regulations of the zoning code and the Code of Ordinances. In the event of a conflict of these regulations and the further sign regulations of the zoning code and the Code of Ordinances, these regulations will control.

(10 9) *Variance procedures.* Administrative decisions applying the provisions of this section may be appealed to the board of zoning adjustment according to the procedure provided for in section 27-44-337 of the Code of Ordinances.

27-442 Massard Street Corridor Overlay

(a) *Area of applicability.* The regulations adopted by these 2019 amendments to the Unified Development Ordinance shall apply to all real properties zoned with designations other than residential and physically contiguous to the right-of-way lines (both sides of the street) of the hereinafter designated sections of Massard Road. The regulations shall be applicable to all portions of said tracts of real property which are located within three hundred (300) feet of the right-of-way line. The regulations apply on Massard between Zero Street/Highway 255 and Little Massard Creek north of Phoenix Avenue.

(b) *Signage regulations.*

~~3.~~ **1.** Monument sign defined. When used herein, "monument sign" shall refer to a ground mounted sign having no more than two (2) faces and being constructed of materials of the same type and in design similar to the principal structure located on the lot on which the sign is located.

~~4.~~ **2.** Signage per lot. Each separately owned lot is allowed no more than one (1) monument sign; provided, any such lot having frontage on two (2) public streets, is allowed no more than two monument signs. In addition to the allowed monument sign(s), each such lot is allowed signs of a maximum total of six (6) square feet to provide traffic directions.

~~5.~~ **3.** Sign size. Each monument sign shall be a maximum of six (6) feet high (inclusive of the base and the display area) and shall not be more than one (1) square foot in area per linear foot of lot frontage with a maximum area of seventy-five (75) square feet in area per sign. As to the monument sign for a retail center or business park, as defined in zoning code section 27-200, the sign area and height may be increased by an additional twenty (20) percent. ~~if only identification of the name and/or logo of the retail center or business park (and not individual tenants) is used on the monument sign.~~

~~6.~~ **4.** Wall sign allowance. The wall sign area for the principal structure shall not exceed twenty (20) percent of the wall area. ~~Permanently affixed, non-changeable, product or service advertising may be permitted up to 5% of wall area of a principal structure if name and logo is reduced to no more than 15% of wall area.~~ The wall sign area for each accessory structure shall not exceed five (5) percent of the wall area on which the sign is located.

~~7.~~ **Sign content.** ~~Content of monument signs shall be such that no more than fifty (50) percent of the monument sign may be used for advertising. The remaining area of a monument sign is limited to the name and/or logo of the business(es) operating in the structure.~~

~~8. Content of wall signs for the principal structure shall be limited to the name and/or logo of the business(es) operating in the structure. Directional and information signs meeting the conditions of paragraph (4) above are permitted.~~

~~9. Content of wall signs for each accessory structure shall be limited to building identification, directional information and the name and/or logo of the business(es) operating in the structure.~~

~~10. Advertising shall not be permitted on the principal or accessory structure, wall sign or traffic direction sign.~~

~~7. 5. Banners are permitted as follows:~~

~~a. Special event banners shall be limited to 32 square feet and shall be permitted no more than twice in each calendar year for a maximum of 30 continuous days at a time.~~

~~b. New business banners shall be limited to 64 square feet and shall be permitted one time with a new business that has obtained a certificate of occupancy for no more than 45 continuous days.~~

~~8. 6. Outdoor advertising (offsite) signs. Outdoor advertising (offsite) signs are prohibited in that portion of the area described in (a) above.~~

~~9. 7. Signs prohibited. Banners, Marquees and changeable letter reader boards and portable signs are expressly prohibited. Changeable letters and/or numbers are permitted in the advertising portion of monument signs. Except as allowed by this section, no signs shall be installed in the area described in (a) above.~~

~~10. 8. Other sign ordinances. All signs allowed by these regulations shall comply with further sign regulations of the zoning code and the Code of Ordinances. In the event of a conflict of these regulations and the further sign regulations of the zoning code and the Code of Ordinances, these regulations will control.~~

~~11. 9. Variance procedures. Administrative decisions applying the provisions of this section may be appealed to the board of zoning adjustment according to the procedure provided for in section 27-337 of the Code of Ordinances.~~

As27-443 Old Greenwood Road Overlay

(a) *Area of applicability.* The regulations adopted by these 2019 amendments to the Unified Development Ordinance shall apply to all real properties zoned with designations other than residential and are physically contiguous to the right-of-way lines (both sides of the street) of the hereinafter designated sections of Old Greenwood Road. The regulations shall be applicable to all portions of said tracts of real property which are located within three hundred (300) feet of the right-of-way line. The regulations apply on Old Greenwood Road between South M Street/Dodson Avenue and Phoenix Avenue.

(b) *Signage regulations.*

1. Monument sign defined. When used herein, "monument sign" shall refer to a ground mounted sign having no more than two (2) faces and being constructed of materials of the same type and in design similar to the principal structure located on the lot on which the sign is located.

2. Signage per lot. Each separately owned lot is allowed no more than one (1) monument sign; provided, any such lot having frontage on two (2) public streets, is allowed no more than two monument signs. In addition to the allowed monument sign(s), each such lot is allowed signs of a maximum total of six (6) square feet to provide traffic directions.

3. Sign size. Each monument sign shall be a maximum of six (6) feet high (inclusive of the base and the display area) and shall not be more than one (1) square foot in area per linear foot of lot frontage with a maximum area of seventy-five (75) square feet in area per sign. As to the monument sign for a retail center or business park, as defined in zoning code section 27-200, the sign area and height may be increased by an additional twenty (20) percent. ~~if only identification of the name and/or logo of the retail center or business park (and not individual tenants) is used on the monument sign.~~

4. Wall sign allowance. The wall sign area for the principal structure shall not exceed twenty (20) percent of the wall area. ~~Permanently affixed, non-changeable, product or service advertising may be permitted up to 5% of wall area of a principal structure if name and logo is reduced to no more than 15% of wall area.~~ The wall sign area for each accessory structure shall not exceed five (5) percent of the wall area on which the sign is located.

5. ~~Wall signs for the principal structure shall be limited to the name and/or logo of the business(es) operating in the structure. Directional and information signs meeting the conditions of paragraph (4) above are permitted.~~

6. Wall signs for each accessory structure shall be limited to building identification, directional information and the name and/or logo of the business (es) operating in the structure.

7. Advertising shall not be permitted on the principal or accessory structure, wall sign or traffic direction sign.

5. Banners are permitted as follows:

a. Special event banners shall be limited to 32 square feet and shall be permitted no more than twice in each calendar year for a maximum of 30 continuous days at a time.

b. New business banners shall be limited to 64 square feet and shall be permitted one time with a new business that has obtained a certificate of occupancy for no more than 45 continuous days.

6. Outdoor advertising (offsite) signs. Outdoor advertising (offsite) signs are prohibited in that portion of the area described in (a) above.

7. Signs prohibited. Marquees and changeable letter reader boards and portable signs are expressly prohibited. Changeable letters and/or numbers are permitted in the monument signs. Except as allowed by this section, no signs shall be installed in the area described in (a) above.

8. Other sign ordinances. All signs allowed by these regulations shall comply with further sign regulations of the zoning code and the Code of Ordinances. In the event of a conflict of these regulations and the further sign regulations of the zoning code and the Code of Ordinances, these regulations will control.

9. Variance procedures. Administrative decisions applying the provisions of this section may be appealed to the board of zoning adjustment according to the procedure provided for in section 27-337 of the Code of Ordinances.

27-440 Phoenix Avenue Overlay

Area of applicability. The signage and landscaping regulations adopted by these 1998 amendments to the zoning code shall apply to all real properties zoned with designations other than residential and physically contiguous to the right-of-way lines (both sides of the street) of the hereinafter designated sections of Phoenix Avenue. The regulations shall be applicable to all portions of said tracts of real property which are located within four hundred (400) feet of the right-of-way line. The regulations apply to those sections of Phoenix Avenue commencing, on the west, at the point where the I-540 overpass crosses the Phoenix Avenue right-of-way and continuing, to the east, to the intersection with Massard Road.

Signage regulations.

1. Monument sign defined. When used herein, "monument sign" shall refer to a ground mounted sign having no more than two (2) faces and being constructed of materials of the same type and in design similar to the principal structure located on the lot on which the sign is located.
2. Signage per lot. Each separately owned lot is allowed no more than one (1) monument sign; provided, any such lot having frontage on two (2) public streets, is allowed no more than two monument signs. In addition to the allowed monument sign(s), each such lot is allowed signs of a maximum total of six (6) square feet to provide traffic directions. ~~No monument sign shall be installed closer than ten (10) feet to the property line of the lot.~~
3. Sign size. Each monument sign shall be a maximum of six (6) feet high (inclusive of the base and the display area) and shall not be more than one (1) square foot in area per linear foot of lot frontage with a maximum area of seventy-five (75) square feet in area per sign. As to the monument sign for a retail center or business park, as defined in zoning code section 27-200, the sign area and height may be increased by an additional twenty (20) percent. ~~if only identification of the name and/or logo of the retail center or business park (and not individual tenants) is used on the monument sign.~~
4. Wall sign allowance. The wall sign area for the principal structure shall not exceed twenty (20) percent of the wall area. ~~Permanently affixed, non-changeable, product or service advertising may be permitted up to 5% of wall area of a principal structure if name and logo is reduced to no more than 15% of wall area.~~ The wall sign area for each accessory structure shall not exceed five (5) percent of the wall area on which the sign is located.
5. ~~Sign content. Content of monument signs shall be such that no more than fifty (50) percent of the monument sign may be used for advertising. The remaining area of a monument sign is limited to the name and/or logo of the business(es) operating in the structure.~~
6. ~~Content of wall signs for the principal structure shall be limited to the name and/or logo of the business(es) operating in the structure. Directional and information signs meeting the conditions of paragraph (4) above are permitted~~

- ~~7. Content of wall signs for each accessory structure shall be limited to building identification, directional information and the name and/or logo of the business(es) operating in the structure.~~
- ~~8. Advertising shall not be permitted on the principal or accessory structure, wall sign or traffic direction sign.~~
5. Banners are permitted as follows:
 - a. Special event banners shall be limited to 32 square feet and shall be permitted no more than twice in each calendar year for a maximum of 30 continuous days at a time.
 - b. New business banners shall be limited to 64 square feet and shall be permitted one time with a new business that has obtained a certificate of occupancy for no more than 45 continuous days.
6. Outdoor advertising (offsite) signs. Outdoor advertising (offsite) signs are prohibited in that portion of the area described in (a) above located between Leigh Avenue and four hundred (400) feet west of the Massard Road right-of-way.
7. Signs prohibited. ~~Banners,~~ Marquees and changeable letter reader boards and portable signs are expressly prohibited. Changeable letters and/or numbers are permitted in the advertising portion of monument signs. Except as allowed by this section, no signs shall be installed in the area described in (a) above.
8. Other sign ordinances. All signs allowed by these regulations shall comply with further sign regulations of the zoning code and the Code of Ordinances. In the event of a conflict of these regulations and the further sign regulations of the zoning code and the Code of Ordinances, these regulations will control.
9. Variance procedures. Administrative decisions applying the provisions of this section may be appealed to the board of zoning adjustment according to the procedure provided for in section 27-337 of the Code of Ordinances.