MEMORANDUM

TO: Jeff Dingman, City Administrator

FROM: Maggie Rice, Deputy City Administrator

DATE: November 16, 2026

SUBJECT: Unified Development Ordinance Amendments - Data Centers

SUMMARY

Following the October 5, 2026, Board of Directors meeting, staff was directed to add additional requirements to Section 27-709 of the Unified Development Ordinance pertaining to data center development.

The proposed amendments address additional standards related to property setbacks, site screening, operational contacts, noise mitigation, cooling systems, backup power generation, electrical utility capacity, water supply, and wastewater management. The revisions also expand neighborhood notification requirements to include properties within one-half mile of the subject property.

Data centers remain identified as a development plan (DP) in the I-1, I-2, and I-3 zoning districts requiring review by the Planning Commission and approval by the Board of Directors.

At the Planning Commission meeting, Mr. Steven Cox inquired about the proposed amendments. The Planning Commission voted seven (7) in favor and zero (0) opposed to recommend the Board of Directors amend the UDO.

Staff recommends approval of the proposed amendments.

ATTACHMENTS

1. 1_UDO_Ordinance_data_center.pdf
2. Backup UDO Amendment.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 November 10, 2026, that changes be made; and,

WHEREAS, three (3) copies of November 2026 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 November 2026 Amendments to the Unified Development Ordinance includes amendments relative to data centers.

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

SECTION 1: The November 2026 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 this Ordinance.

PASSED AND APPROVED THIS_____DAY OF_____, 2026.

ATTEST:

_____
City Clerk

APPROVED:

_____
Mayor

Approved as to form:

_____
Publish One Time

PLANNING COMMISSION &
BOARD OF ZONING ADJUSTMENT AGENDA
BLUE LION DOWNTOWN, 101 NORTH 2nd ST
November 10, 2026, 5:30 P.M.
Minutes

Before calling the meeting to order Chairman McCaffrey asked everyone to stand for the Pledge of Allegiance. On roll call, the following commissioners were present: Spencer Dougherty, Rod Coleman, David Tyler, Jackson Mendenhall, Griffin Hanna, Shaun McCaffrey, and Vicki Newton.

Chairman McCaffrey called for a motion on the October 13, 2026, meeting minutes. Commissioner Griffin Hanna moved to approve the minutes. The motion carried with no objections.

Maggie Rice, Deputy City Administrator, spoke on the procedures.

10. UDO Amendments

Chairman McCaffrey introduced item 10. Maggie Rice delivered the staff report stating that following the October 5th, 2026, BOD meeting staff added additional requirements to section 27-709 of the UDO pertaining to data center developments. The proposed amendment addresses additional standards related to property setbacks, site screening, noise mitigation, backup power generation, water supply, wastewater management. The revisions also expand neighborhood notification requirements.

Steven Cox was present to speak about the amendments and asked about the one half mile requirement for notification and an explanation of the additional revisions that are proposed. Maggie Rice provided information on all of the additional amendments and Mr. Cox expressed appreciation for the amendments.

With no comments or questions, Chairman McCaffrey called for a motion on item 10. Commissioner Mendenhall moved to approve, seconded by Commissioner Newton.

Chairman McCaffrey called for a vote on item 10. The vote was seven (7) in favor and zero (0) opposed.

Before adjournment, Commissioner Mendenhall asked about clarification for the deadline for the neighborhood meeting in regards to an application. Maggie rice provided the guidelines.

ADJOURN

27-709 **Data Center**

27-709-1 **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 natural resources and property values of surrounding property.

27-709-2 **Data Center Locations**

Data centers will require development plan (DP) approval in the I-1, I-2 and I-3 zoning districts.

27-709-3 **Data Center Standards**

In addition to 27-602-4(E) Industrial Building Standards, data centers shall comply with the following:

A. A setback of ~~500~~ 1000 feet shall be required from all property lines.

~~B. Submittal shall include letters from applicable public utilities informing whether there is available capacity to serve the proposed load and whether any required transmission, generation, or substation upgrades have been identified before the Arkansas Public Service Commission.~~

B. The city planning department shall be provided with an on-call contact person. Additionally, the data center shall have a public webpage identifying a single point of contact for the community.

C. All data centers shall be screened from street rights of way and adjoining properties with a wall not less than eight (8) feet in height. The wall shall be:

1) A decorative, opaque wall constructed of stone, brick, tinted/textured concrete masonry units, exterior insulated finished systems (EFIS), or other materials as approved. Main entry gates may utilize non-opaque materials such as wrought iron, steel tubing or similar materials.

2) The wall shall be integrated with the overall architectural design of the development.

3) Wood privacy and vinyl covered chain-link fences are prohibited. Razor wire and barbed wire shall only be permitted when not visible from a street right of way and adjacent property.

D. All mechanical equipment and utility boxes shall be completely screened from adjoining properties and street right-of-way.

E. A data center proposal shall provide a third-party acoustic study prior to the issuance of a building permit with results in compliance with Section 16-45 of the municipal code. Additionally, the applicant must provide a post construction acoustic study including backup power operation with results in compliance with Section 16-45 of the municipal code.

F. All cooling systems shall be either fully air-cooled or high-efficiency liquid cooled closed loop systems, or equivalent technologies designed to minimize water consumption and wastewater discharge. Open-loop and once-through cooling systems are prohibited. Evaporative-only cooling systems that consume potable water as the primary cooling medium are prohibited.

G. Data Center Backup Power Supply

1) A data center shall utilize battery storage as the primary backup power source.

2) Generator use for backup power supply shall comply with the following:

a) Routine, non-emergency generator testing shall be limited to Monday through Friday, 10:00 a.m. to 4:00 p.m., excluding federal and state holidays.

b) The operator shall provide written notice of any scheduled generator testing to all property owners within 1,000 feet not less than 24 hours in advance and shall maintain a public web page listing scheduled testing windows.

H. Public Utilities

1) Power Supply Requirements:

a) If the data center will be served by a public or franchise utility, the applicant shall submit documentation from that utility certifying that the utility will supply the power needed and that other customers/users within the utility's service area will not be negatively impacted. This documentation shall identify whether any required transmission, generation, or substation upgrades have been identified before the Arkansas Public Service Commission.

b) If the data center intends to rely fully upon power sources other than from a public or franchise utility, the applicant shall provide a feasibility study establishing that the power source is adequate to supply all of the data center's power needs.

c) If the data center intends to partially rely upon power supplied by a public or franchise utility as well as alternative power sources, the applicant shall provide:

i. Documentation from the utility certifying that the utility has the capacity to supply the power needed.

ii. Provide a feasibility study showing that the applicant's reliance upon the public electric utility will not negatively impact other customers and users of the utility.

I. Water Supply and Wastewater Requirements.

1) An applicant shall submit a water consumption/wastewater discharge report that provides the estimated normal operating water usage per day, highest water usage per day, and estimated water usage per calendar year.

2) If the data center will be served by the City of Fort Smith, the applicant shall submit documentation certifying that Fort Smith has the capacity to supply the water needed. Additionally, the applicant shall submit documentation certifying that the City of Fort Smith's water system has sufficient current and future capacity for the data center and the needs of the data center will not adversely impact the City of Fort Smith's ability to deliver water to its customers.

3) If the data center intends to rely upon a nonpublic groundwater source or is to rely on surface water withdrawal for any portion of its cooling system, the applicant shall provide a water feasibility study determining if there is an adequate supply of water for the proposed use and to estimate the impact of the water use on existing wells, groundwater, and surface waters.

4) A data center shall comply with all applicable wastewater discharge and pretreatment regulations set forth in Chapter 25 Utilities of the Fort Smith Municipal Code for significant industrial users. Additional conditions and limitations such as monitoring the wastewater discharge into the public sewer system before approving any water or sewer connection may be required.

27-709-4 **Application Requirements**

A. Submittal of a Development Plan Application as defined in Section 27-331 is required for all data center developments allowed in the zoning districts described in 27-709-2. The development plan shall include the data center standards listed in Section 27-709-3.

B. All data center developments shall require review by the Planning Commission and approval of the Board of Directors prior to the issuance of a building permit.

C. Neighborhood property owner notification shall be provided and include all parcels located within ½ mile of the boundaries of the property, including any homeowner's association, neighborhood association or merchants association registered with the Planning and Zoning Department and located within a ½ mile of the parcel.

1. **Planning Commission Action.** Following the public hearing, the Planning Commission may recommend approval, approval as amended, or denial of the proposed amendment.

   a. The Planning Commission's recommendation shall be certified to the Board of Directors.

   b. The Board of Directors shall consider the Planning Commission's recommendation at the second regularly scheduled meeting following action by the Planning Commission.

   c. If the Planning Commission fails to make a recommendation on the application, it shall be deemed to have made a recommendation of denial. At that point the application shall be forwarded to the Board of Directors with no recommendation having been made.

2. **Action by the Board of Directors**. When the Planning Commission certifies a recommendation to the Board of Directors, the Board shall take any action consistent with its authority, including:

   a. Approving the application
   b. Approving the application as amended;
   c. Denying the application;
   d. Returning the application to the Planning Commission with specific questions or issues' or
   e. Continue the application to a date certain.

27-709-~~7~~5 Any standard not specifically covered by this section shall be subject to the general requirements of the Unified Development Ordinance