

Draft

Rogers Arkansas
Unified Development Code

11/27/23

City of Rogers, Arkansas

Article 1	General Provisions	1
Section 1.1	Compliance	1
Section 1.2	Jurisdiction	2
Section 1.3	Purpose	2
Section 1.4	Nonconformities	4
Article 2	Comprehensive Growth Plan	5
Section 2.1	Compliance with Future Land Use	5
Article 3	Land Development and Subdivision	9
Section 3.1	Site Design and Development	10
Section 3.2	Fitness for Development	12
Section 3.3	Site Development and Subdivision	12
Section 3.4	Design Standards	22
Article 4	Zoning	52
Section 4.1	Districts	52
Section 4.2	Building Standards	78
Section 4.3	Site Design Standards	85
Section 4.4	Public Street Improvements	93
Section 4.5	Zone Transitions	94
Section 4.6	Landscape Standards	96
Section 4.7	Use Standards	101
Section 4.8	Sign Standards	107
Section 4.9	Overlay Districts	114
Article 5	Administration	122
Section 5.1	General	122
Section 5.2	Authority	122
Section 5.3	Application Reviews	124
Section 5.4	Amendments to this ordinance	135
Section 5.5	Procedures	136
Section 5.6	Variances and Warrants	140
Section 5.7	Appeals	144
Section 5.8	Applications	145
Section 5.9	Permits	158
Article 6	Definitions	162
Article 7	Appendices	169
Section 7.1	Cave Springs Area Karst Resource Conservation Regulations	169

ARTICLE 1 GENERAL PROVISIONS**1.0.1 Establishment****1.0.2 Authority**

- a. The provisions in this article have been prepared in accordance with the authority granted by the state legislature as provided by Act 186 of 1957, as amended (A.C.A. § 14-56-401 et seq.).

1.0.3 Title

- a. This code is known as the Rogers Arkansas Unified Development Code (UDC).

1.0.4 Severability

- a. The provisions of this chapter are intended to be severable. If any of its sections, provisions, exceptions, or parts should be held unconstitutional or void, the remainder of the ordinance will continue to be in full force and effect, it being the legislative intent that this ordinance would have been adopted even if such unconstitutional or void matter had not been included.

1.0.5 Effective Date

- a. This ordinance will take effect from and after the effective date of its passage and publication.

1.0.6 Prior Zoning Repealed

- a. All prior zoning ordinances and maps previously enacted are repealed.

SECTION 1.1 COMPLIANCE**1.1.1 Mandatory Compliance**

- a. No building, structure, sign, or land may be occupied, altered, constructed, reconstructed, or erected except as authorized through the application and review processes specified in this chapter, and in compliance with all of the provisions of this chapter, except as may otherwise be authorized by variance, minor deviation, or as specified in [Section 1.4 Nonconformities](#).

1.1.2 Enforcement

- a. Should a violation of an approved application occur during construction, or should any construction, site work, or development be commenced without an approved application, the City of Rogers has the right to require the owner to stop, remove, and mitigate the violation, or to secure a variance to cover the violation.

1.1.3 Interpreting regulations

- a. The following general rules apply to regulations of this chapter:
 - i. Numerical metrics take precedence over graphic metrics;
 - ii. Fractional numbers are rounded up when 0.5 or above and rounded down when less than 0.5;
 - iii. The diagrams and illustrations within this chapter, unless specifically noted as advisory, are considered regulatory in nature and are legally binding;
 - iv. The definition of a term in this chapter takes precedence over the definition of the same term elsewhere in the municipal code of ordinances; and
 - v. Terms used throughout this chapter may be defined in [Article 6 Definitions](#). Those terms not defined in [Article 6 Definitions](#) are accorded their commonly accepted meanings.

1.1.4 Interpreting district boundaries

- a. Where uncertainty exists as to the boundary of a district on the official zoning map, the following rules apply:
 - i. Boundaries are assigned to whole parcels for each parcel of land within the City of Rogers;
 - ii. District assignments for parcels of land are as specified by parcel ID in the City of Rogers Geographic Information System (GIS) and apply to the entirety of the parcel as defined by parcel boundaries established through a professional boundary survey. Inquiries may be directed to the Community Development Department;
 - iii. Any land annexed into the City not assigned a zoning district with the annexation or land otherwise not assigned a district are determined to be assigned T2; and
 - iv. District boundaries other than those mapped to parcels are interpreted as follows:
 - (1) Boundaries indicated as following the centerlines of streets, alleys, railroads, streams, rivers, or lakes are construed as following the centerlines;
 - (2) Boundaries indicated as following City limit lines are construed as following City limit lines;
 - (3) Distances not specifically indicated on the official zoning map are determined by the scale of the map; and
 - (4) Where a line cannot be determined by the rules of this section, the Planning Commission will decide the location of the boundary.

SECTION 1.2 JURISDICTION**1.2.1 City of Rogers**

- a. This chapter applies to all lands within the corporate limits of the City of Rogers and all lands subsequently annexed by the City of Rogers.

1.2.2 Territorial Jurisdiction

- a. This chapter applies to all land designated on the most recent Territorial Jurisdiction Map.

1.2.3 Conflicting ordinances

- a. All ordinances or parts of ordinances in conflict with this chapter or inconsistent with its provisions are hereby repealed and superseded to the full extent necessary to give this chapter full force and effect.

SECTION 1.3 PURPOSE**1.3.1 General**

- a. This Chapter is enacted to enable, encourage, and qualify the implementation of the policies specified in this Section.
- b. To promote public health, safety, and general welfare;
- c. To protect the character of established neighborhoods, historic districts, and sensitive natural features;
- d. To protect the City's fiscal investments and ability to deliver services to residents;
- e. To achieve the goals of the Comprehensive Growth Map for the desirable future development of the City.

1.3.2 The Region

- a. That Northwest Arkansas should preserve its rural and natural areas to the greatest extent possible by directing growth within cities to be compact and efficient;
- b. That growth strategies and regulations should encourage redevelopment of under-utilized properties within already developed areas along with limited growth in undeveloped areas;
- c. That growth within each city should be compact rather than sprawling in order to preserve natural and rural areas and municipal fiscal solvency and limit resource consumption;
- d. That the format of growth should support and prepare for future transit opportunities; and
- e. That natural and riparian corridors should be supported with trails to enable residents to commute and recreate within and between cities by foot and by bicycle.

1.3.3 The City

- a. That the city should grow compactly within its borders and retain a defined boundary and identity;
- b. That centers and neighborhoods should be compact, pedestrian-oriented, and mixed-use;
- c. That centers and neighborhoods should be the preferred pattern of development and that districts specializing in a single use should be the exception;
- d. That ordinary activities of daily living should occur within walking or bicycling distance of most homes, as much as is feasible, allowing residents the opportunity to not drive;
- e. That streets should be interconnected to disperse car traffic and provide shorter travel distances;
- f. That streets should provide adequate space for pedestrians, cyclists, vehicles, trees, and utilities;
- g. That within neighborhoods, a range of housing types and price levels should be provided to accommodate diverse ages, household types and sizes, and incomes; and
- h. That a range of parks, by size and program, should be distributed throughout the city and be within walking or bicycling distance of most homes.

1.3.4 The Block and Building

- a. That buildings and landscaping should line the edges of streets, contributing to pedestrian comfort and encouraging slow driving;
- b. That site and building design should prioritize pedestrians and bicyclists while adequately accommodating cars; and
- c. That site and building design should support public safety through the principles of Crime Prevention Through Environmental Design (CPTED).

SECTION 1.4 NONCONFORMITIES**1.4.1 Structures**

- a. Nonconforming structures with a certificate of occupancy may continue to be occupied, operated, repaired, and renovated.

1.4.2 Uses

- a. Nonconforming uses may continue as long as it is in continual operation, not interrupted for more than 60 days.

1.4.3 Signs

- a. Nonconforming signs may remain and be repaired but replacement or changes to the content of the sign must bring the sign into conformance with this code.

1.4.4 Modifications

- a. Modifying or expanding existing structures, signs, sites, and uses is only permitted if such changes result in greater conformance with the requirements of this Chapter, as determined by the **Director of the Department of Community Development**.
 - i. Greater conformance includes, but is not limited to the following:
 - (1) Alterations and additions to structures that increase clear glass area or increase conformance with build-to areas;
 - (2) Change of sign copy to meet text size or location restrictions or change of sign lighting to comply with restrictions;
 - (3) Alteration of driveways and parking areas to comply with required parking setbacks, driveway width restrictions, or impervious surface restrictions; and
 - (4) Change of some but not all nonconforming uses to comply with use restrictions.
 - ii. Expansion of existing multi-tenant commercial buildings are not required to result in greater conformance, and are subject to approval by **Warrant**.

1.4.5 Stormwater

- a. Restoring, rehabilitating, or changing a use associated with an existing building does not require additional on-site stormwater retention or detention in addition to that existing.

1.4.6 Limits

- a. Nonconformity authorized by this section does not authorize the addition of new structures, uses, or the alteration of site conditions, except as specified in [1.4.4 Modifications](#).

ARTICLE 2 COMPREHENSIVE GROWTH PLAN

SECTION 2.1 COMPLIANCE WITH FUTURE LAND USE

2.1.1 Purpose

To ensure development is consistent with the Future Land Use Map (FLUM), as a part of the comprehensive growth plan, and that zoning is coordinated with future land use to direct development in accordance with the intent of each future land use category. The FLUM prescribes where future land use categories, called Place Types, are permitted and this article describes their general characteristics, the general characteristics of zoning districts, and the relationship between Place Types and zoning districts.

2.1.2 Place Types

- a. Place Types define the physical form, intensity, character, and extent of existing or new growth.
- b. Zoning districts are limited by Place Type as mapped on the [Future Land Use Map](#) and as specified in [Table 2.1.3.B Zoning Districts Allowed in Place Types](#). The special exception process for cells marked (S) is specified in [Article 5 Administration](#).
- c. Place types are as follows:
 - i. **Regional Centers.** Regional Centers are intensive mixed-use areas that function as regional activity hubs.
 - (1) **Uptown Regional Center**
 - (2) **Northwest Regional Center**
 - (3) **Pleasant Grove Regional Center**
 - ii. **City Centers.** City Centers are intensive mixed-use areas that function as activity hubs mainly for the residents of Rogers along with some regional draw.
 - (1) **Downtown City Center**
 - (2) **Midtown City Center**
 - iii. **Neighborhood Centers.** Neighborhood Centers are nodal, mixed-use areas serving surrounding neighborhoods.
 - iv. **Neighborhoods.** Primarily residential areas that are differentiated by the average height, setbacks, and number of dwellings per property that establish the distinct character of different areas throughout the city.
 - (1) **Urban Neighborhood**
 - (2) **Neighborhood Fabric**
 - (3) **Downtown Neighborhood**
 - (4) **Suburban Neighborhood**
 - v. **Mixed Use Corridor.** Mixed-Use Corridors link centers and neighborhoods, providing access to services and transportation corridors.
 - vi. **Mixed Use Highway.** The Mixed-Use Highways provide a variety of land uses along busy, car-centric roads.
 - vii. **Industry and Technology.** Industry and Technology areas are characterized by the large-scale manufacturing, industrial, and office uses that support a thriving economy.
 - viii. **Rural.** Rural areas are generally outside of the city limits, but within the Rogers Extra Territorial Jurisdiction (ETJ).

2.1.3 Zoning Districts

- a. Zoning districts and overlay districts are assigned to all properties within the City of Rogers, as specified in [Article 4 Zoning](#).
- b. To achieve the goals of the Comprehensive Growth Plan, most zoning districts are based upon The Rural-to-Urban Transect, a commonly used system for organizing form-based zoning districts, generally described in [Figure 2.1.3.A Transect-based Zoning Districts](#).
- c. Additional zoning districts are available for properties that, by the nature of their use, location, or development pattern, should continue to be regulated principally by use or provided specific exemptions from the intent of The Rural-to-Urban Transect.
- d. Intent of the Rural-to-Urban Transect
 - i. To align zoning and land development regulations with the form of building and pattern of development common across America prior to World War 2 for the following purposes:
 - (1) To support, restore, and revitalize historic neighborhoods, downtowns, and main streets;
 - (2) To direct new development to create new neighborhoods, downtowns, and main streets that are walkable, bikeable, and supportive of public transit, not only accessible by cars;
 - (3) To ensure compatibility among neighboring properties by controlling the height and arrangement of buildings as opposed to use alone;
 - (4) To utilize land efficiently in order to preserve rural and natural areas;
 - (5) To utilize streets and utility infrastructure efficiently in order to reduce the long-term maintenance burden on the City of Rogers; and
 - (6) To direct development to be compact, reducing the per person cost of providing municipal and life safety services.

FIGURE 2.1.3.A TRANSECT-BASED ZONING DISTRICTS**T-1 Natural**

Lands approximating or being restored to a wilderness condition, including lands unsuitable for settlement due to topography, hydrology, or vegetation.

**T-2 Rural**

Sparsely settled open or cultivated lands, including woodlands, agricultural lands, and grasslands. Typical buildings are farmhouses, agricultural buildings, and occasional rural homes.

**T-3 Sub-urban**

Low density residential areas, typically consisting of large blocks with medium and large properties. Properties include significant pervious areas and buildings are typically stand alone homes and supportive structures.

**T-4 General Urban**

Medium density areas that are mostly residential with some small non-residential uses mixed in. Blocks are small and property sizes mixed from medium to very small. Buildings include the Missing Middle types, some of which occupy most of the property.

**T-5 Urban Center**

Higher density, fully mixed-use areas of moderate building height, making up main streets, historic downtowns, and other mixed-use centers. Blocks are generally small, except where parking or occasional large buildings are accommodated.

**T-6 Urban Core**

Very high density, fully mixed-use areas with tall buildings, making up business and entertainment districts. Blocks are medium in size to accommodate structured parking and large floor plate buildings, while retaining walkability.

TABLE 2.1.3.B ZONING DISTRICTS ALLOWED IN PLACE TYPES

Place Type	T2	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6.1	T6.2	HC	I-1	I-2
Regional Center												
Uptown Regional Center						P	P	P	P	P		
Northwest Regional Center						P	P	P	P	P		
Pleasant Grove Regional Center						P	P	P	P	P		
City Centers												
Downtown City Center					P	P	P					
Midtown City Center					P	P	P					
Neighborhood Centers												
Neighborhood Center				S	P	P	S					
Neighborhoods												
Urban Neighborhood			S	P	P	P						
Neighborhood Fabric			P	P	P							
Downtown Neighborhood			P	S								
Suburban Neighborhood		P	P	P								
Corridors												
Mixed Use Corridor						P	P			P		
Mixed Use Highway						P	P			P	S	
Industry and Technology												
Industry and Technology							P			P	P	P
Rural												
Rural	P											
P: Permitted Zones												
S: Zone Permitted by Special Exception, see Article 5, 5.3.3 Zoning reviews												

ARTICLE 3 LAND DEVELOPMENT AND SUBDIVISION

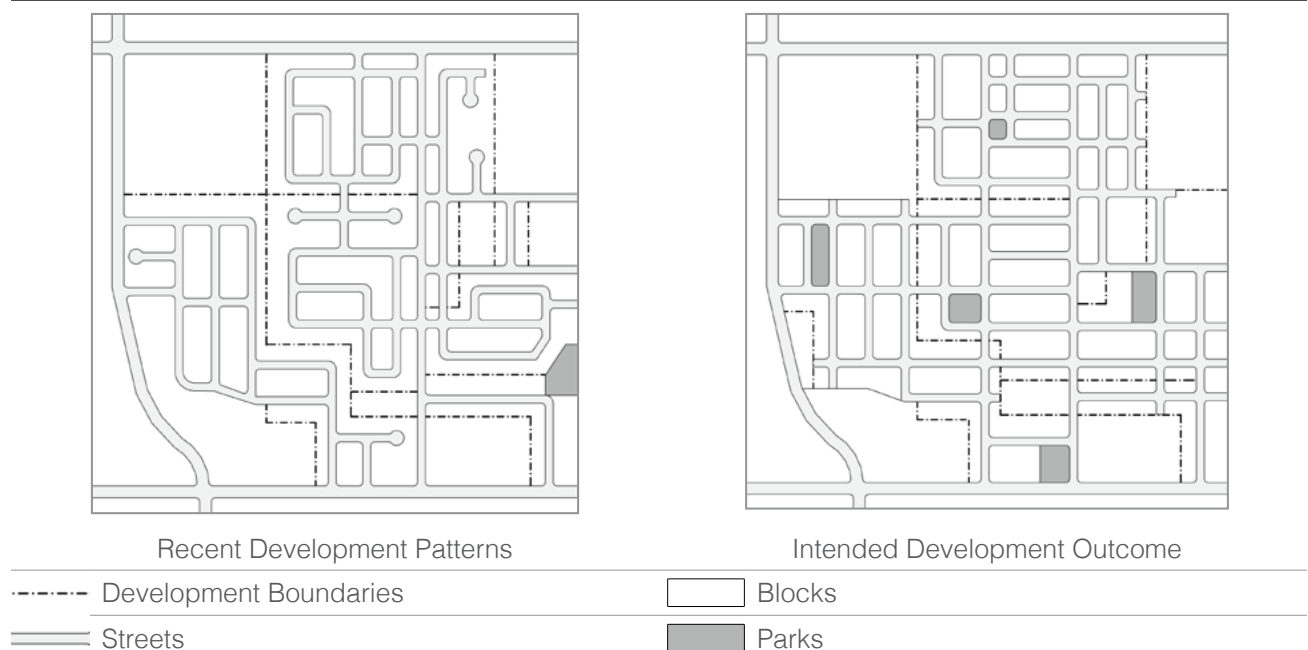
These rules direct new development to create regular blocks and a connected network of streets, similar to the city's historic neighborhoods, and to add street connections in areas of the city that have few interconnected streets, as opposed to development practices in recent decades. This is generally illustrated in [Figure 3.1.3.A Required Street Connections and Parks](#). Where development sites are large, usable park space is required. Blocks, streets, and parks structure the rules of this article, along with further specifications for laying out lots and common facilities. Very small sites and minor developments are exempted from these standards, as specified in [Figure 3.3.6.B District Transitions For a Neighborhood Center Place Type](#).

The development of shopping centers, apartment complexes, and other large sites that are not subdivided is also intended to create blocks and an interconnected network of streets, whether those streets are public rights-of-way or circulation internal to a site. For shopping centers, large parking areas must be divided into sub-lots at the scale of blocks so that future development may fill-in those sub-lots. For apartment complexes and similar developments, the arrangement of buildings, circulation, and parking must also be arranged to create blocks. The primary circulation route within larger sites must connect with adjacent streets, street stubs, and future development sites, contributing to a seamless grid of streets, aligned with its context.

Site design is most effectively approached by first laying out a network of streets or primary site circulation, creating blocks, and accounting for floodways and stormwater needs. Those streets and circulation ways should be connected to adjacent streets and sites. Larger sites will need to provide park space, which is subject to design standards. If a site is being subdivided, the blocks are divided into lots which usually require alleys. If a site is not being subdivided, buildings are arranged to line circulation ways so they resemble streets. Blocks and parks can be irregularly shaped and some streets may be shared space or restrict cars, at the discretion of the applicant.

In the Highway Commercial zone, the type of development that has been customary is still permitted, however those sites are incentivized to develop additional buildings and uses. Such sites have included large format retail along with smaller inline shops towards the rear of the site, with parking in front and often additional commercial uses near the street. New development may continue this pattern, with the caveat that larger sites will need to structure parking into sub-lots and major circulation to look like streets. Both existing and new development following the customary pattern is allowed to add both commercial and residential uses by reducing parking and unused open spaces, at the discretion of the applicant.

FIGURE 3.1.3.A REQUIRED STREET CONNECTIONS AND PARKS



SECTION 3.1 SITE DESIGN AND DEVELOPMENT**3.1.1 Purpose**

To set forth the procedures, requirements, and minimum standards governing the subdivision of land under the jurisdiction of the **Planning Commission** in support of the intent of this chapter. The requirements of this section ensure consistency in the application of the standards of the UDC, with consideration for the size and scope of site and development activity.

3.1.2 All Developments

- a. All development must meet the regulations and required improvements specified in this article, except where specifically excluded.
- b. All development is subject to [Section 3.2 Fitness for Development](#).
- c. All development must comply with engineering, stormwater, and erosion control standards, as specified in the [City of Rogers Engineering Manual](#).
- d. Where a future street on the [Master Street Plan](#) crosses development site, right-of-way must be dedicated as part of the development application.

3.1.3 Cave Springs Area

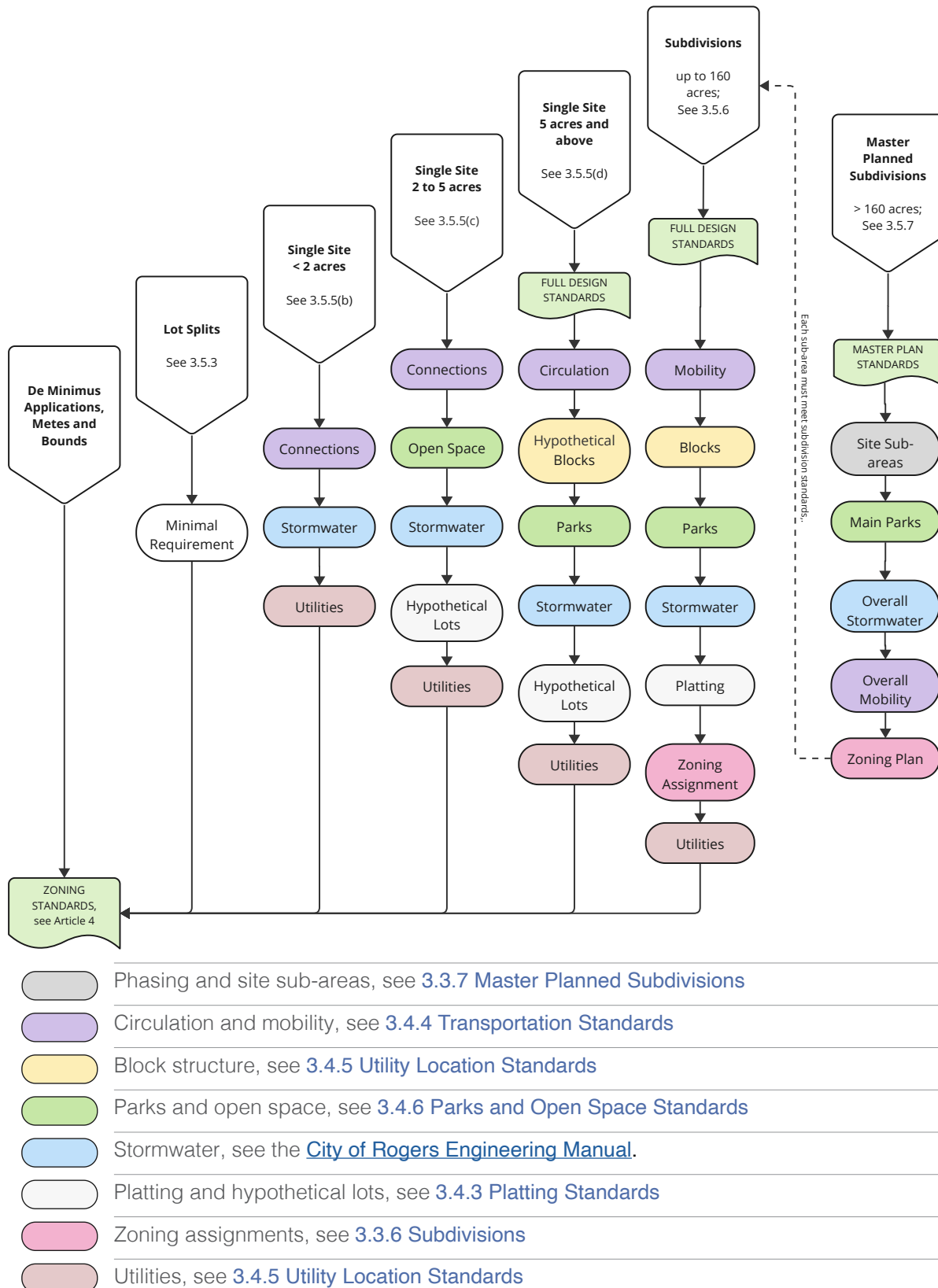
- a. All development in the Cave Springs Area Karst Resource Conservation boundary is subject to [Article 7, Section 7.1 Cave Springs Area Karst Resource Conservation Regulations](#).

3.1.4 Minor Applications

- a. The following minor applications are not subject to [Section 3.3 Site Development and Subdivision](#) and [Section 3.4 Design Standards](#), but are subject to the remainder of this Chapter:
 - i. Minor permits for signs, fences, change of use, and other permits not involving new buildings;
 - ii. Expansion or external alteration of existing buildings that do not exceed the limits specified in [Section 1.4 Nonconformities](#);
 - iii. New buildings in T2 and T3, and in T4 on sites less than 1 acre.
- b. Minor applications are subject to the requirements of [Article 4 Zoning](#) and require a preliminary development permit.

3.1.5 General Design Standards

- a. All development sites are subject to some or all of the design standards specified in this Article, including simple divisions of land, as follows:
 - i. All development is subject to zoning requirements, specified in [Article 4 Zoning](#).
 - ii. All development is subject to the requirements of this Article, except where excluded in [3.1.4 Minor Applications](#).
 - iii. All development must comply with [Section 3.2 Fitness for Development](#).
 - iv. All development subject to this Article must comply with [Section 3.3 Site Development and Subdivision](#), which specifies development requirements according to the type of application and size of site, and identifies which standards in [Section 3.4 Design Standards](#) apply, as generally illustrated in [Figure 3.1.5.A Sequence of Design and Applicable Standards](#).
 - v. All development subject to this Article must contribute to an interconnected network of streets and distributed park spaces, as illustrated in [Figure 3.1.3.A Required Street Connections and Parks](#) and specified in [Section 3.3 Site Development and Subdivision](#).
 - vi. Review and approval processes and submission requirements are specified in [Article 5 Administration](#).

FIGURE 3.1.5.A SEQUENCE OF DESIGN AND APPLICABLE STANDARDS

SECTION 3.2 FITNESS FOR DEVELOPMENT**3.2.1 Flood hazard areas**

- a. A flood hazard area is identified as a special flood hazard area or other high risk area and includes the associated “adjacent to” area.
- b. Any new development or substantial redevelopment in these areas requires a Land Disturbance Permit which functions as the floodplain development permit, see [Chapter 22](#).
- c. In addition to the requirements of [Chapter 22](#), the following regulations apply to flood hazard areas:
 - i. Site improvements within floodways are limited to trails and recreation areas;
 - ii. Site improvements within floodways must not impede the free flow of flood waters;
 - iii. Flood hazard areas must be at least 70% permeable;
 - iv. Floodways must be at least 90% permeable;
 - v. Where a site contains special flood hazard areas or other high risk areas, they must be clearly delineated on all plans and include the “adjacent to” area delineation;
 - vi. New lots must contain sufficient lot area outside of flood hazard areas to construct a habitable structure compliant with the setbacks and other standards in [Article 4 Zoning](#);
 - vii. New structures and expansions of existing structures are limited in flood hazard areas, as specified in [Article 4 Zoning](#) and [Chapter 22](#);
 - viii. No detention, retention, or water quality BMPs are permitted in any flood hazard area except for the “adjacent to” area; and
 - ix. No compensatory storage, detention, or water quality BMP are permitted at an elevation lower than the flow line of an adjacent flood hazard area.

3.2.2 Wetlands

- a. All new development must provide an assessment by a registered environmental consultant certifying the presence or absence of wetlands on the site.
- b. If wetlands are determined to exist, the boundary must be depicted on all plans and a USACE jurisdictional determination must be provided. If the wetlands are impacted by the development, a USACE permit will be required prior to issuance of the Land Disturbance Permit.

3.2.3 Steep Grades

- a. Grades above 20% are considered unbuildable and must be set aside within open space or where included within new lots. Lots with grades above 20% must have sufficient lot area outside of steep grades to construct a habitable structure compliant with the setbacks and other [Article 4 Zoning](#) standards associated with the zoning district.

SECTION 3.3 SITE DEVELOPMENT AND SUBDIVISION**3.3.1 Applicability**

- a. The standards of this article apply in whole or in part based upon the type of development applied for, as specified in this section. Processes and submittal requirements are specified in [Article 5 Administration](#).

3.3.2 Metes and Bounds

- a. Conveyance by metes and bounds is subject to approval by the **Director of the Department of Community Development**.
- b. Conveyance by metes and bounds must not be used to circumvent compliance with subdivision

or lot-split requirements.

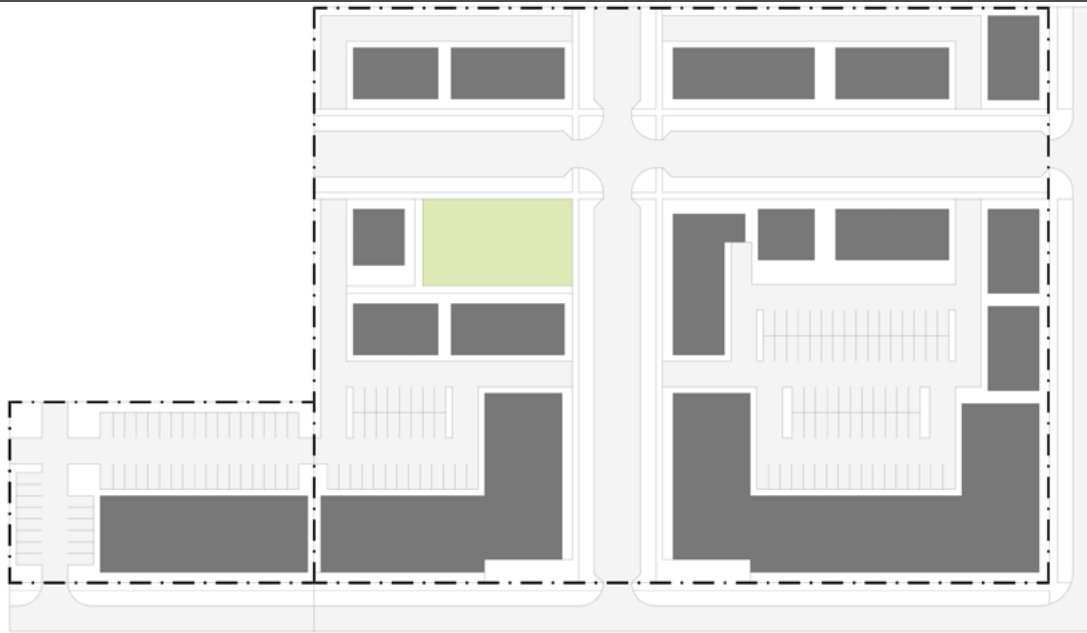
- c. Conveyance by metes and bounds must not create landlocked properties, except where provided an easement or tract providing for future access.
- d. Conveyance by metes and bounds is not subject to the remainder of this article.

3.3.3 Lot Splits

- a. Lot splits are subject to approval by the **Director of the Department of Community Development**, and the following requirements:
 - i. The lot split must result in no more than 7 lots or tracts;
 - ii. Each resulting lot must:
 - (1) Have a front or side property line along a public street, trail, or pedestrian walkway;
 - (2) Meet the minimum lot size requirements for the zone and have a depth of no less than 60 feet; and
 - (3) Lots less than 60 feet wide must have access to a street along a side property line or through an alley.
 - iii. Where the [Master Street Plan](#) identifies a new street on the site or an existing street stub abuts the site being divided, a future street must be provided for as follows:
 - (1) In a newly constructed street; or
 - (2) By right-of-way dedication if it is determined by the **City Engineer** that the street construction may be delayed; and
 - (3) New streets or right-of-way dedication width must be equal to or greater than street stubs and must meet the minimum right-of-way width of the appropriate street type, as determined by the **City Engineer** and as specified in [3.4.4 Transportation Standards](#).
 - iv. Where new streets or alleys are required, they must meet the street design standard of [3.4.4 Transportation Standards](#);
 - v. Each resulting lot must have reasonable access to utilities;
 - vi. Any existing and vacatable utility easements that would prevent future development must be vacated; and
 - vii. The lot split must not conflict with neighboring land use and transportation patterns or any lawfully adopted City of Rogers plans.
- b. Lot splits must not be used to circumvent compliance with subdivision requirements.
- c. Lot splits are limited to one occurrence for every 5 years for the subject properties.
- d. Lot splits are not subject to the remainder of this article.

3.3.4 Condominiums

- a. Horizontal property regimes are subject to the requirements of [A.C.A. Title 18, Subtitle 2, Chapter 13 \(2019\)](#), and are referred to as condominiums.
- b. Condominium developments are subject to the requirements of [3.3.5 Single Site Development](#).

FIGURE 3.3.4.A SINGLE SITE DEVELOPMENT AT TWO SITE SIZES

Site < 2 acres
see subsection **b. Sites less than 2 acres**

Site > 5 acres
see subsection **d. Sites 5 acres and larger**

3.3.5 Single Site Development

a. General

- i. Applications for development on sites not to be subdivided, including condominiums, are subject to the requirements of this section, differentiated by the size of the site.
- ii. Lots and tracts for new streets or up to 7 divisions may be subdivided by metes and bounds or lot split as part of a single site development application. Any requirements of this section for primary site circulation may include new streets at the discretion of the applicant.
- iii. Parking is generally required to be located behind buildings relative to streets, however the applicant is advised that Highway Commercial zones and sites within Mixed Use Corridor and Mixed Use Highway Place Types permit front parking areas along existing arterial streets, as specified in [Article 4 Zoning](#).
- iv. Requirements for single site development differ by the site area, as generally illustrated in [Figure 3.3.4.A Single site development at Two Site Sizes](#) and specified below.

b. Sites less than 2 acres

- i. Connections
 - (1) Primary site circulation must provide connectivity to abutting street stubs.
 - (2) Connections to adjoining parking lots must be provided where proposed parking areas are adjacent to property boundaries.
- ii. Parks and open space
 - (1) Parks and open space are not required.
- iii. Stormwater

- (1) Stormwater must be provided for as specified in [Article 3, 3.1.2 All Developments](#).
- iv. Utilities
 - (1) Utilities must not be located between buildings and sidewalks, except within front parking areas where permitted in HC, I-1, I-2, and the Mixed Use Corridor and Mixed Use Highway Place Types.
- v. The remainder of this article is not applicable.
- c. **Sites between 2 and 5 acres**
 - i. Connections
 - (1) Primary site circulation must provide connectivity to abutting properties in accordance with [3.4.4 Transportation Standards](#).
 - (2) Connections to adjoining parking lots must be provided where proposed parking areas are adjacent to property boundaries.
 - ii. Parks and open space
 - (1) Parks and open space are not required, however open space that is provided, greater than ½ acre, must meet the park design standards in [3.4.6 Parks and Open Space Standards](#).
 - iii. Stormwater
 - (1) Stormwater must be provided for as specified in [Article 3, 3.1.2 All Developments](#).
 - iv. Hypothetical lots
 - (1) Buildings must be sited as specified in [3.3.5.f](#).
 - v. Utilities
 - (1) Utilities must not be located between buildings and sidewalks, except within front parking areas where permitted in HC, I-1, I-2, and the Mixed Use Corridor and Mixed Use Highway Place Types.
 - vi. The remainder of this article is not applicable.
- d. **Sites 5 acres and larger**
 - i. Applications are subject to the entirety of [Section 4.3 Site Design Standards](#), interpreted as specified in this subsection.
 - ii. Hypothetical Blocks
 - (1) The site must be divided into hypothetical blocks that comply with the maximum block size as specified in [3.4.2 Block Standards](#).
 - (a) Cross-block passages required for large blocks may be provided by dedicated pedestrian walkways traversing parking lots.
 - (2) Hypothetical blocks must be bounded by site boundaries, existing streets, and site circulation as specified in subsection [iii. Circulation](#) below.
 - iii. Circulation
 - (1) A primary site circulation network must be provided that divides the site into hypothetical blocks, as specified in [3.4.2 Block Standards](#).
 - (2) The primary site circulation network is subject to [3.4.4 Transportation Standards](#), providing internal and external vehicular, pedestrian, and bicycle access.
 - (3) The primary site circulation network must be designed to the dimensional standards of

streets, as specified in [c. Street Design](#).

- (4) Site circulation in addition to the primary site circulation network may be provided, and is not subject to the design standards.
- iv. Parks and open space
 - (1) Parks are required as specified in [3.4.6 Parks and Open Space Standards](#). Additional open space is not required.
- v. Hypothetical lots
 - (1) Buildings must be sited as specified in [3.3.5.f](#).
- vi. Utilities
 - (1) Utilities must be located within the primary site circulation network in accordance with utility locations for streets, as specified in [3.4.5 Utility Location Standards](#).
 - (2) Utilities located in alleys, according to [3.4.5 Utility Location Standards](#), must be located behind buildings relative to the primary site circulation network. **DIAGRAM**
 - (3) Utilities must not be located between buildings and sidewalks, except within front parking areas where permitted in HC, I-1, I-2, and the Mixed Use Corridor and Mixed Use Highway Place Types.
- e. ~~Applications for sites greater than 20 acres must be subdivided, except sites already developed and under single ownership proposing development that will bring them into greater compliance with this Chapter. Such applications may use the 6 to 20 acre process, subject to approval of the Director of the Department of Community Development.~~
- f. **Hypothetical lots**
 - i. To site buildings, the site plan must be divided into hypothetical lots that comply with the lot standards specified in [3.4.3 Platting Standards](#) and as follows:
 - (1) A hypothetical lotting plan must be provided, as generally illustrated in [Figure 3.3.5.A Hypothetical lotting plans](#); and
 - (2) Hypothetical lots are used to apply the requirements of [Article 4 Zoning](#) to large sites that are not subdivided, solely represented on a hypothetical lotting plan accompanying single site developments, as specified in [Article 5, 5.8.6 Development plan applications](#).
 - ii. Proposed building footprints must comply with [Article 4 Zoning](#) requirements for each hypothetical lot.
 - iii. In Mixed Use Corridor and Mixed Use Highway Place Types, buildings are not required to comply with build-to area requirements as specified in [Article 4, 4.2.2 Building Location](#).
 - iv. In T5 and T6, front property line adjacency requirements along the primary circulation network may be reduced or eliminated along hypothetical lot lines internal to the site, by **Warrant**, where buildings being proposed fulfill front property line adjacency requirements along existing streets.

FIGURE 3.3.5.A HYPOTHETICAL LOTTING PLANS

Single Site
Development Plan

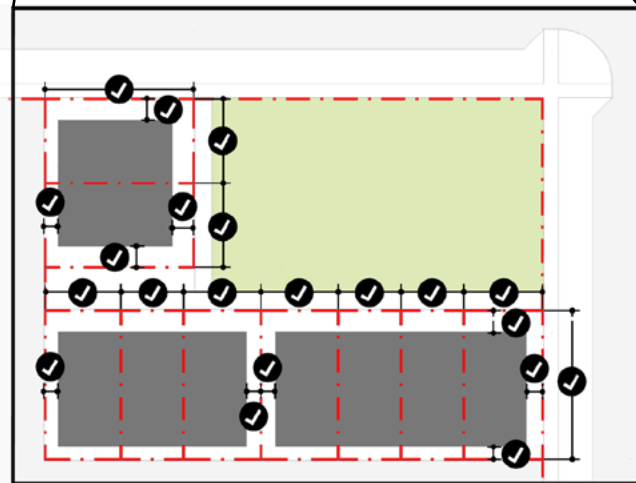
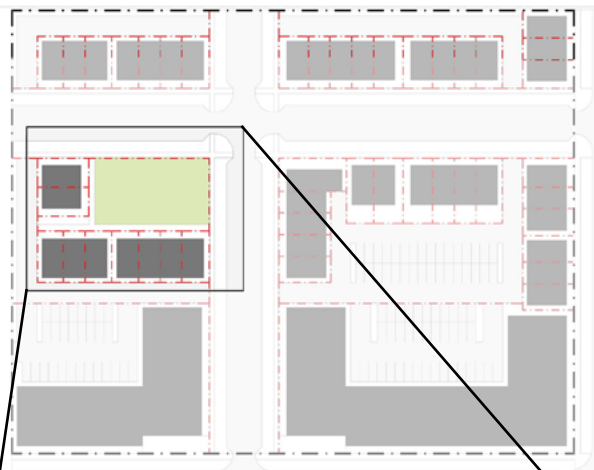
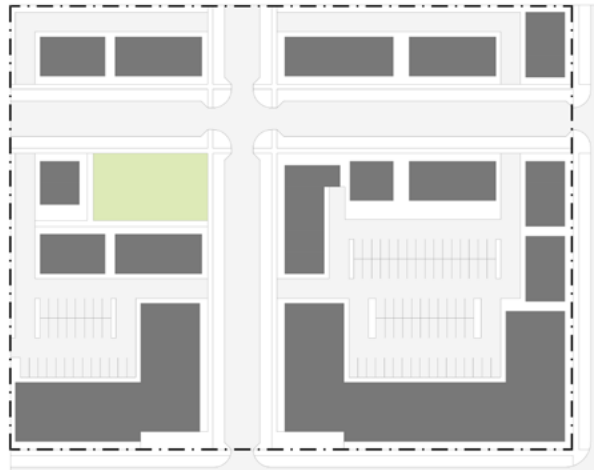


Hypothetical
Lotting Plan



Compliance Review
for Hypothetical
Lots

Need a key for the
different types of
lot lines.



3.3.6 Subdivisions

- a. Sites 160 acres or larger are subject to [3.3.7 Master Planned Subdivisions](#).
- b. Sites must be designed according to [Section 3.4 Design Standards](#).
- c. Applications must depict the transportation network for vehicles, pedestrians, and bicycles, blocks and block perimeter dimensions, parks, park types, and sizes, and lots and tracts.
- d. Each lot must be provided with power, telecom, water, and sewer service, collectively termed utilities, sized for the anticipated future use.
- e. Parking is generally required to be located behind buildings relative to streets, however the applicant is advised that Highway Commercial zones and Mixed Use Corridor and Mixed Use Highway Place Types permit front parking areas along existing arterial streets, as specified in [Article 4 Zoning](#).
- f. Utilities must be located as specified in [3.4.5 Utility Location Standards](#).
- g. Stormwater management must be provided in accordance with the [City of Rogers Engineering Manual](#). Dual-use stormwater detention is encouraged by allowing stormwater detention to count towards required park space as specified in [3.4.6 Parks and Open Space Standards](#).
- h. Rezoning pursued with a subdivision is subject to the following:
 - i. Each lot must be assigned only one zone;
 - ii. Zone transitions should be across alleys and along streets, not across streets, as illustrated in [Figure 3.3.6.A District Transitions](#) and [Figure 3.3.6.B District Transitions For a Neighborhood Center Place Type](#);
 - iii. Zones must be assigned to all lots, according to the Future Land Use Place Type;
 - iv. Sites between 40 and 80 acres must include at least 2 zones and above 80 acres must include 3 zones, except:
 - (1) Within Mixed Use Corridor, Mixed Use Highway, Regional Center, and Suburban Neighborhood Place Types, 2 zones are only required for sites 80 acres and larger.
 - v. Zone assignments for sites over 40 acres must comply with the zone mix requirements specified in [Table 3.3.6.C Zoning Mix for subdivisions over 40 acres](#).
 - vi. Within Neighborhood Center Place Types:
 - (1) T5 is only permitted for lots within 660 feet of intersections with a Neighborhood Center designation, along an existing arterial or collector; and
 - (2) T5 or T4 must be assigned to all lots abutting existing arterials and collectors.

FIGURE 3.3.6.A DISTRICT TRANSITIONS

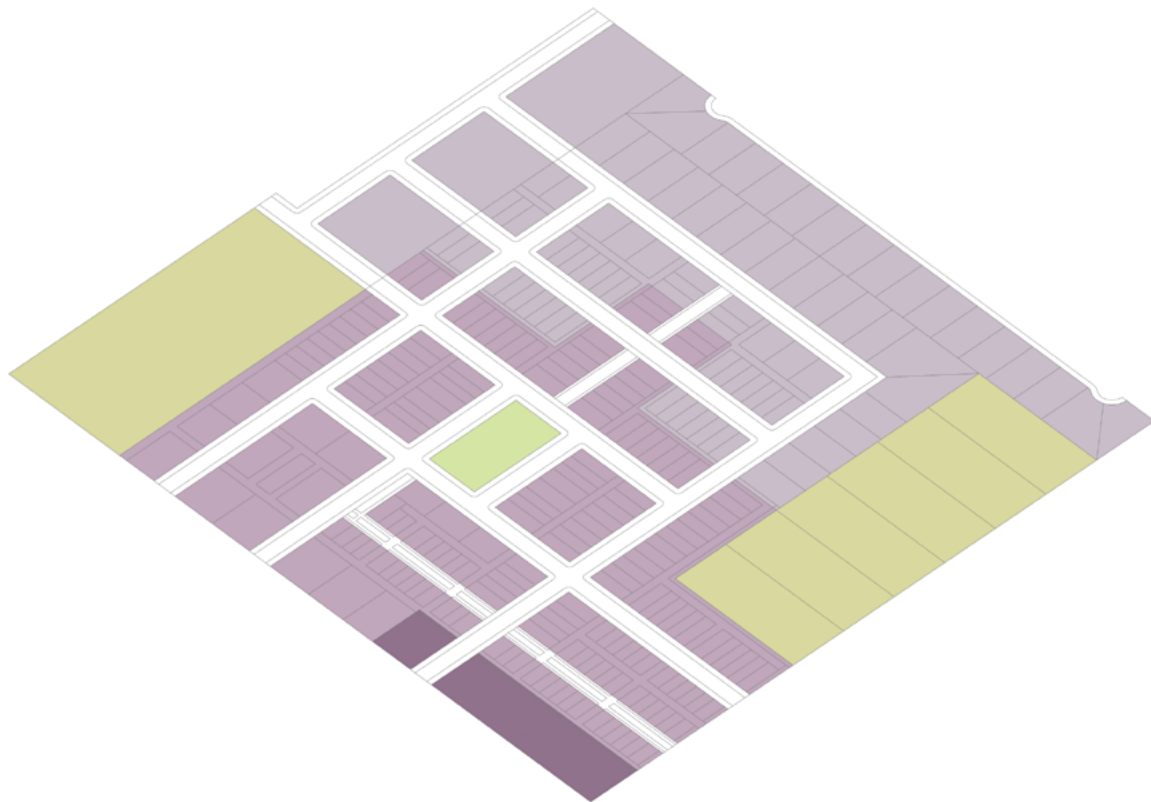
FIGURE 3.3.6.B DISTRICT TRANSITIONS FOR A NEIGHBORHOOD CENTER PLACE TYPE**T2** T2 Zone**T3** T3 Zone**T4** T4 Zone**T5** T5 Zone**C** Civic

TABLE 3.3.6.C ZONING MIX FOR SUBDIVISIONS OVER 40 ACRES

Place Type	Zones Permitted											
	T2	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6.1	T6.2	HC	I-1	I-2
Regional Center												
Uptown Regional Center	Existing parcels only					20% max.	80% max.	60% max.	60% max.	Only lots adjacent to major arterials.		
Northwest Regional Center						20% max.	80% max.	60% max.	60% max.			
Pleasant Grove Regional Center						20% max.	80% max.	60% max.	60% max.			
City Centers												
Midtown City Center	Existing parcels only				20% max.	40% max.	No max.					
Downtown City Center					20% max.	40% max.	No max.					
Neighborhood Centers												
Neighborhood Center	Existing parcels only			20% max. (S)	60% max.	No max.	40% max. (S)					
Neighborhoods												
Suburban Neighborhood	Existing parcels only	40% max.	80% max.	20% max.								
Neighborhood Fabric			40% max.	80% max.	40% max.							
Urban Neighbor-hood			20% max. (S)	40% max.	80% max.	40% max.						
Downtown Neighborhood			no max.	40% max. (S)								
Corridors												
Mixed Use Corridor	Existing parcels only					No max.	No max.			No max.		
Mixed Use Highway						No max.	No max.			No max.		
Industry and Technology												
Industry and Technology	Existing parcels only						No max.			Only lots adjacent to major arterials.	No max.	No max.
Rural												
Rural	No max.											

(S): Zone permitted by Special Exception, see [Article 5, 5.3.3 Zoning reviews](#)

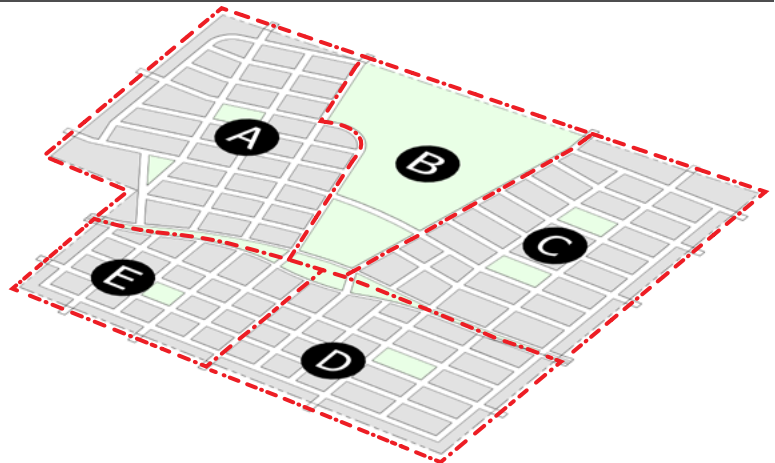
3.3.7 Master Planned Subdivisions

Large development sites are divided into separate areas for compliance with subdivision requirements, intended to produce multiple neighborhoods that are individually complete. Large scale applications include conceptual design for sub-areas sufficient to approve zoning changes.

- a. Sites over 160 acres must be divided into sub-areas, each up to 160 acres and not less than 30 acres, as illustrated in [Figure 3.3.7.A Master Planned Subdivision Sub-areas](#).
- b. Each sub-area must individually comply with the standards of [3.3.6 Subdivisions](#). Conceptual design is required for each sub-area within master planned subdivision applications.
- c. Each sub-area must be processed through a standard subdivision process, as specified in [Article 5 Administration](#).
- d. Sub-areas must have a boundary proportion between 1:3 and 1:1, except where site dimensions require a narrower proportion to achieve the minimum sub-area dimension.
- e. Development phasing must align with sub-area boundaries.
- f. Parks and other open spaces may be provided in addition to that required for each sub-area. Parks are subject to the park design standards.
- g. Stormwater and utilities must be conceptually designed for the entire site.
- h. Street network connections must be provided between each sub-area at a frequency of no less than 660 feet, except:
 - i. Where a park or natural feature such as a floodway separates sub-areas, street network connections are not required through the park or feature; and
 - ii. Where slopes exceed 10%, the minimum spacing is 1,320 feet.
- i. A zoning plan is required for the overall site, subject to the rezoning standards of [3.3.6 Subdivisions](#).

FIGURE 3.3.7.A MASTER PLANNED SUBDIVISION SUB-AREAS**A** Sub-Area A**B** Sub-Area B, only park space**C** Sub-Area C**D** Sub-Area D**E** Sub-Area E

Each sub-area must comply with subdivision requirements individually.

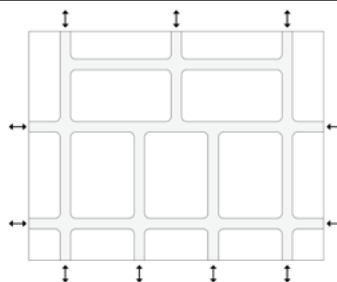


SECTION 3.4 DESIGN STANDARDS**3.4.1 Purpose**

Design standards ensure consistency of development and predictable growth among separate properties and approaches to development whether subdividing, maintaining single ownership, or establishing condominiums, organized as illustrated in [Figure 3.4.1.A Design standards](#).

FIGURE 3.4.1.A DESIGN STANDARDS**Transportation Standards**

see [3.4.4 Transportation Standards](#)

**Block Standards**

see [3.4.5 Utility Location Standards](#)

**Platting Standards**

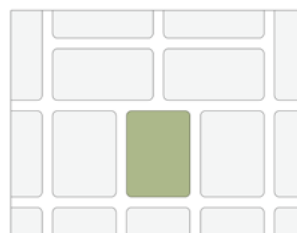
see [3.4.3 Platting Standards](#)

**Utility Location Standards**

see [3.4.5 Utility Location Standards](#)

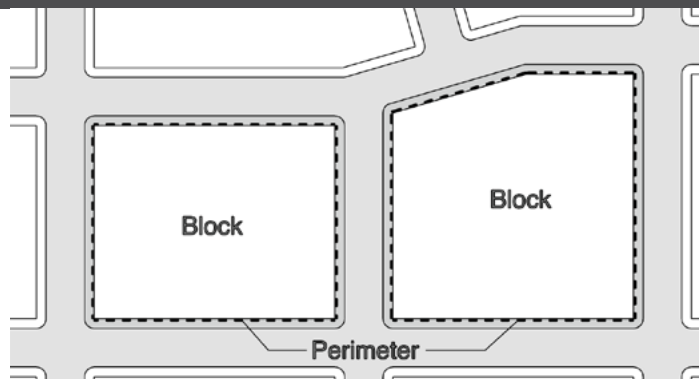
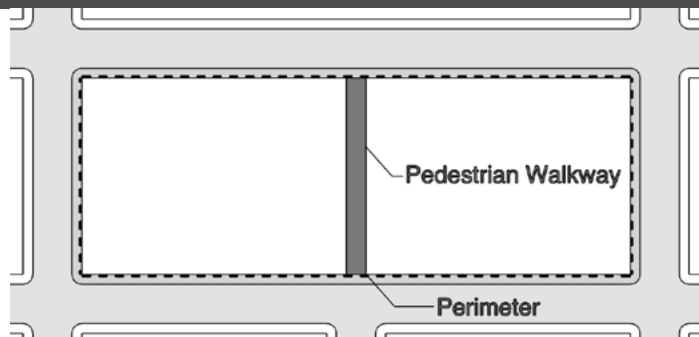
**Park Standards**

see [3.4.6 Parks and Open Space Standards](#)



3.4.2 Block Standards

- a. Each site must be divided into blocks as specified in this section. Sites not being subdivided must be divided into sub-areas that comply with the requirements for blocks.
- b. The site must be divided into blocks, except:
 - i. Areas zoned T2, I-1, and I-2;
 - ii. Infrastructure and recreational corridors; and
 - iii. Areas directly abutting an interstate highway or railroad.
- c. Block perimeters are delineated by streets, site boundaries, and shared-use paths.
- d. Block perimeters must not exceed 2,400 feet in length, except as follows:
 - i. In HC, sites may be divided into blocks by providing primary circulation ways between parking sub-lots such that the sub-lot sizes meet the block perimeter requirements;
 - ii. I-1, I-2, and blocks containing only parks are exempt;
 - iii. Blocks containing more than 40% park space may have perimeters up to 5,000 feet in length;
 - iv. Blocks along site boundaries are exempt if connections cannot be made to adjacent properties;
 - v. Blocks abutting natural waterways and slopes greater than 10% are exempt; and
 - vi. Where an existing building exceeds the maximum block perimeter, a block perimeter enlargement may be permitted by **Warrant** in order to contain the building.
- e. Blocks with a perimeter exceeding 1,600 feet must include a cross-block pedestrian walkway traversing the block from the frontage of greatest length, except in HC.

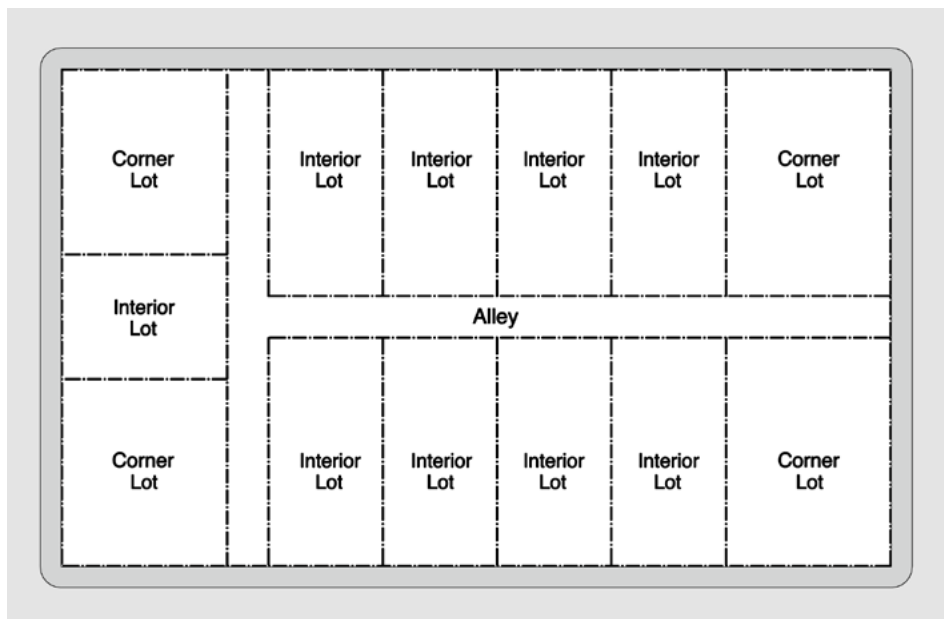
FIGURE 3.4.2.A BLOCK PERIMETER**FIGURE 3.4.2.B CROSS-BLOCK PEDESTRIAN WALKWAY**

3.4.3 Platting Standards

Purpose. Each block within a site must be divided into lots according to this section. Sites not being subdivided must draw hypothetical lots, in accordance with this section, indicating the location of buildings to verify zoning compliance related to setbacks, building orientation, entries, and other design considerations. Whether a site is subdivided or not, the design requirements, including the location of buildings, apply equally.

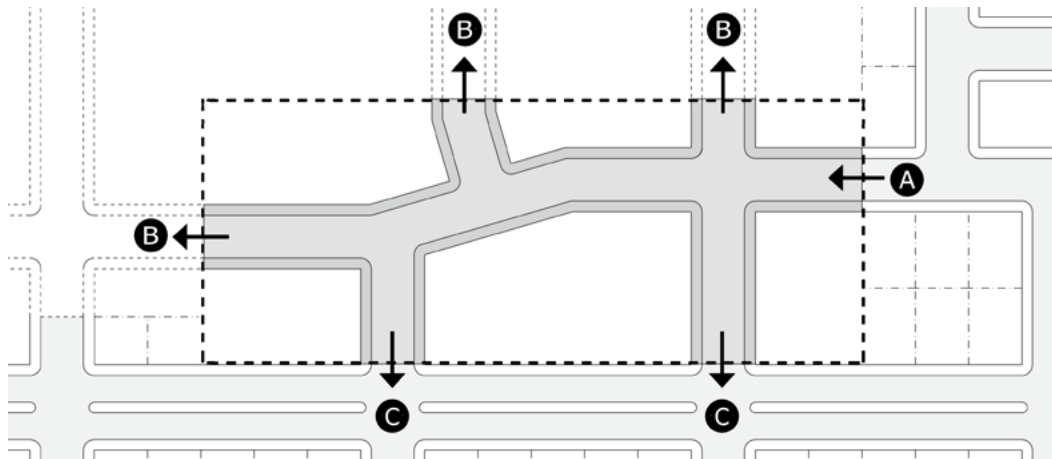
- a. The site must be divided into lots, except for rights-of-way and tracts for parks, open space, and circulation.
- b. Sites not being subdivided must be divided into hypothetical lots which are only used to determine compliance with building setbacks and other zoning requirements, as specified in [3.3.5 Single Site Development](#).
- c. Lots must have one lot line along a street, park, or pedestrian walkway. Lots along a park or pedestrian walkway must have vehicular access from an alley, side street, or shared parking area.
- d. Lots less than 60 feet wide must have alley or side street access.
- e. New through lots, which have parallel lot lines along two streets, require approval by **Warrant**.
- f. Lots must meet the lot size requirements specified in [Article 4 Zoning](#), in accordance with the proposed lot zoning if different from existing zoning.

FIGURE 3.4.3.A PLATTED BLOCK



3.4.4 Transportation Standards

- a. Each site must provide transportation for vehicles, pedestrians, and bicycles in a connected network, extending the public street and trail network, as specified in this section. Sites not subdividing have to meet transportation standards with the primary site circulation network.
- b. **Street Network**
 - i. All streets must intersect with other streets, creating a connected network.
 - ii. Streets spacing and frequency is controlled by block size requirements specified in [3.4.5 Utility Location Standards](#).
 - iii. Offset street intersections must be at least 150 feet, centerline-to-centerline, unless otherwise approved by the Director of the Department of Community Development.
 - iv. Intersecting streets must meet at 75-degrees or greater.
 - v. Culs-de-sac may be permitted by **Warrant** where the following conditions limit the ability to terminate on other streets or provide street stubs to adjacent properties:
 - (1) Natural constraints;
 - (2) The site is narrow, restricting the ability to connect to other streets within the site and adjacent sites are already developed with T3 or T4, unable to receive a street stub;
 - (3) Connections to an existing road are limited by [ARDOT](#) requirements.
 - vi. Culs-de-sac must provide a pedestrian walkway continuing the pedestrian network to adjacent properties, streets, and trails.
 - vii. Streets and stubs must be provided as specified in [Table 3.4.4.A External Street Connections](#).
 - viii. Where the Master Street Plan depicts a street through the site, that street must be provided by the applicant. The trajectory may differ from the Master Street Plan within the site provided that it connects to adjacent sites as specified, subject to approval by the **City Engineer**.

TABLE 3.4.4.A EXTERNAL STREET CONNECTIONS

- A** Street stubs abutting site boundaries must be continued within the site.
- B** Street stubs to adjacent sites, other than already developed lots, must be provided at least every 660 feet, except where restricted by natural features.
- C** Street connections to adjacent streets must be provided at least every 660 feet, except where restricted by natural features.

c. Street Design**i. General**

- (1) Streets must be designed following Complete Street principles, providing access for pedestrians, bicyclists, and cars, and transit and freight where appropriate.
- (2) Streets depicted on the [Master Street Plan](#) must meet the standards specified in that plan;
- (3) Design of new streets must be according to a Standard Street Section as specified in [Table 3.4.4.D Standard Street Sections](#).
- (4) Existing streets within the site and along site boundaries must be modified to meet the requirements of this section or in accordance with National Association of City Transportation Officials (NACTO) guidelines, as specified by the **City Engineer**.
- (5) Alternative street designs may be permitted by **Warrant** for innovative merit or site- and use-specific constraints.
- (6) Street design elements must change in coordination with zoning along the street, specifically the width of sidewalks, planting strip design, and lighting.

ii. Lanes and movement

- (1) Streets are limited to one lane in each direction, except:
 - (a) Collectors specified on the [Master Street Plan](#) may require a 3-lane configurations which include a continuous turning lane or median, as specified by the **City Engineer**; and
 - (b) Arterials specified on the Master Street Plan may be 5-lane configurations with a center median as the 5th lane. A continuous turn lane is permitted where required by the **City Engineer**.
- (2) Vehicular travel lanes must be 10ft. in width, except where 11ft. lanes are required for public transportation or freight access.
- (3) Parallel parking lanes must be 7ft. in width and provided on at least one side of each street.
 - (a) 45-degree angled parking may be substituted for parallel parking in T5, T6, and along primary site circulation networks for sites that are not subdivided.
 - (b) 45-degree angled requires 18 feet of depth from the curb and a minimum stall width of 7 feet.

iii. Sidewalks and crosswalks

- (1) A continuous pedestrian network must be provided, consisting of sidewalks along streets, shared-space streets, shared-use trails, and pedestrian walkways, except in T2, I-1, and I-2.
- (2) The pedestrian network must connect to all adjacent streets, sidewalks, shared-use trails, pedestrian walkways, and transit stops.
- (3) Crosswalks must be provided at each intersection quadrant. Where streets are offset less than 200ft, intersection quadrants are combined between streets, as depicted in [Figure 3.4.4.A Crosswalks](#).
- (4) Curb extensions must be provided at intersections with collector and arterial, and at all mid-block pedestrian crossings, except where they would conflict with a bike lane.
- (5) Where the distance between intersections exceeds 500 feet, a mid-block pedestrian crosswalk must be provided. Mid-block pedestrian crosswalks should align with mid-block

pedestrian walkways where required in [3.4.5 Utility Location Standards](#).

- (6) Shared-use paths must be paved and a minimum of 10ft wide. Pervious pavement is encouraged.
 - (7) Sidewalks and pedestrian walkways must meet the following minimum widths:
 - (a) T6: 12ft. Minimum;
 - (b) T5 and HC: 8ft. Minimum;
 - (c) T4 and I-1: 6ft. Minimum;
 - (d) T3 and I-2: 5ft. Minimum.
 - (8) Pedestrian-oriented lighting must be provided along the pedestrian network as specified in [3.4.4 Transportation Standards](#) and additionally along pedestrian pathways other than streets.
- iv. Planting strips
- (1) Street trees and landscaping must meet the landscape requirements in [Article 4 Zoning](#).
 - (2) The planting strip must be configured as specified in [Table 3.4.4.A Planting Strip Requirements](#) and as follows:
 - (a) Street trees must be provided with a maximum spacing of 50ft, except:
 - (i) Where prohibited by existing utility easements; and
 - (ii) Where buildings in T5 or T6 are intended to have awnings, canopies, or galleries that fully cover the sidewalk.
 - (b) In HC, where street trees are prohibited within rights-of-way, including instances of utility conflicts, they must be provided in a recreation easement on private property, abutting the right-of-way.
- v. Street furnishings
- (1) Street furnishings, including but not limited to benches and bike racks, must be located within the planting strip or within private property adjacent to the sidewalk.
- vi. Lighting
- (1) Pedestrian-oriented lighting must be provided along streets as follows:
 - (a) Lighting must be provided at the following frequency, or more frequent at the discretion of the applicant:
 - (i) T3: at intersections and bends in the street greater than 30-degrees;
 - (ii) T4, HC, I-1, I-2: 150ft. between lights along the length of the street, alternating on each side of the street; and
 - (iii) T5, T6: 60ft. between lights along the length of the street, on both sides of the street.
 - (b) Light poles are limited to 14ft. max. in T3 and T4, and 16ft. max. elsewhere;
 - (c) The light source must be LED and shielded from direct view by diffusion;
 - (d) The light source must be shielded to prevent uplighting; and
 - (e) The light source must be 3,000 and 3,600 kelvin.
 - (f) Alternative materials may approved by **Warrant** due to a lack of available materials meeting the above specifications.

vii. Curb return radius

- (1) See the [Engineering Manual](#) for required curb return requirements for collector and arterial intersections with other collectors and arterials.
- (2) At intersections with local streets, curb return radius is measured as the effective radius along the inside edge of vehicle tracking, accounting for the width of bicycle lanes and parallel parking that may position the turning vehicle away from the actual curb, as follows:
 - (a) Where on-street parking or bike facilities are not provided, the effective curb return radius is measured along the trajectory of the curb where curbs are present or along the edge of pavement where curbs are not present;
 - (b) Where on-street parking or bicycle facilities are provided, the effective curb return radius is measured along a curved line that connects tangent to lines corresponding with the outside edge of the outer-most travel lane at both roads, as illustrated in [Figure 3.4.4.A Effective Curb Return Radius](#); and
 - (c) Examples of effective curb return radius measurement, including with curb extensions, are illustrated in [Figure 3.4.4.C Effective Radius Measurement Examples](#).
- (3) As intersections with local streets, minimum curb radii must be provided as specified in [Table 3.4.4.B Minimum Curb Radii for Local Streets](#).
- (4) The **City Engineer** may require a larger curb return radius than specified in this section to accommodate large design vehicles.
- (5) A swept path analysis may be utilized to determine the minimum actual curb return radius required.

FIGURE 3.4.4.A CROSSWALKS

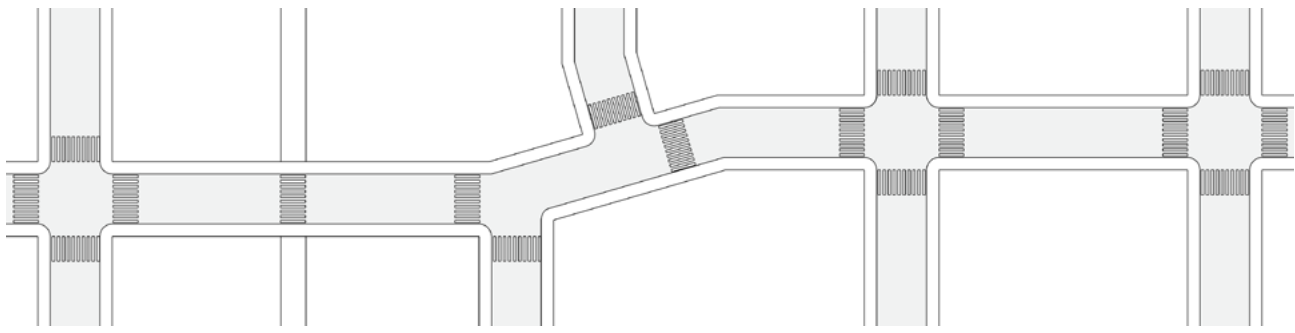
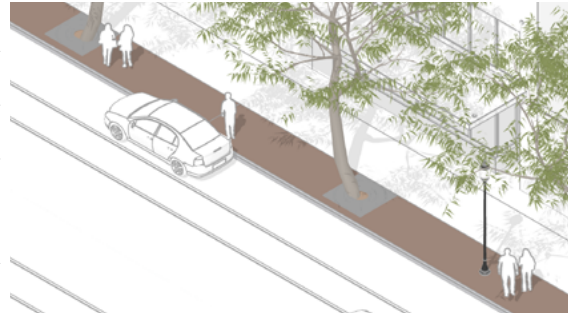
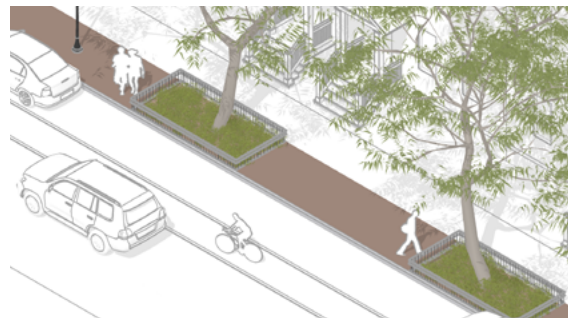


TABLE 3.4.4.A PLANTING STRIP REQUIREMENTS**Standard Tree Well**

Zoning District	T6, T5, HC
Tree Well Width	6 ft. min.
Tree Well Length	6 ft. min.
Surface: Between Tree Planters	Hardscape: To match sidewalk, unit pavers, or pervious pavement
Surface: Tree Planter	Unit pavers or metal grate

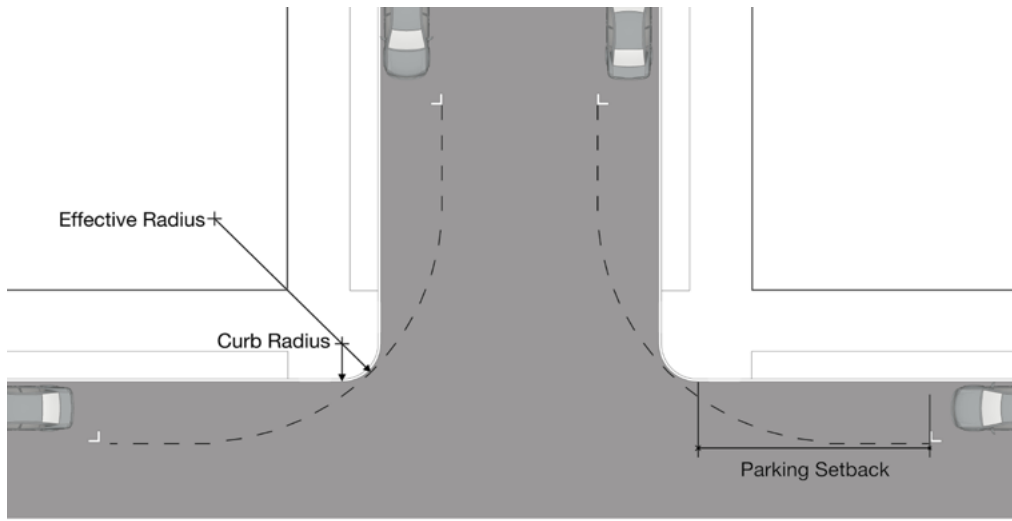
**Long Tree Well**

Zoning District	T6, T5, T4, HC
Tree Well Width	6 ft. min.
Tree Well Length	12-20 ft.
Surface: Between Tree Planters	Hardscape: To match sidewalk, unit pavers, or pervious pavement
Surface: Tree Planter	Landscaped or ground cover with tree guards, rain gardens and LID, or unit pavers

**Continuous Planter**

Zoning District	T2, T3, T4, HC, I-1, I-2
Planter Width	6 ft. min.
Planter Length	Continuous
Surface: Between Tree Planters	Landscaped, rain gardens and LID



FIGURE 3.4.4.A EFFECTIVE CURB RETURN RADIUS**TABLE 3.4.4.B MINIMUM CURB RADII FOR LOCAL STREETS**

Street Type	Minimum Effective Radius	Minimum Actual Curb Radius
Minor Street	25 ft.	5 ft.
Standard Street	25 ft.	5 ft.
Collector	30 ft.	10 ft.
Minor Arterial	40 ft.	15 ft.
Major Arterial	50 ft.	25 ft.

FIGURE 3.4.4.C EFFECTIVE RADIUS MEASUREMENT EXAMPLES**Illustrated: Addressing Curb Extensions with Effective Radius**

Curb extensions reduce the effective radius and may require larger actual curb return radius measurements in order to provide the minimum required effective radius. Curb extensions are required at local street intersections with collectors and arterials.

R Actual Curb Return Radius

E Effective Radius

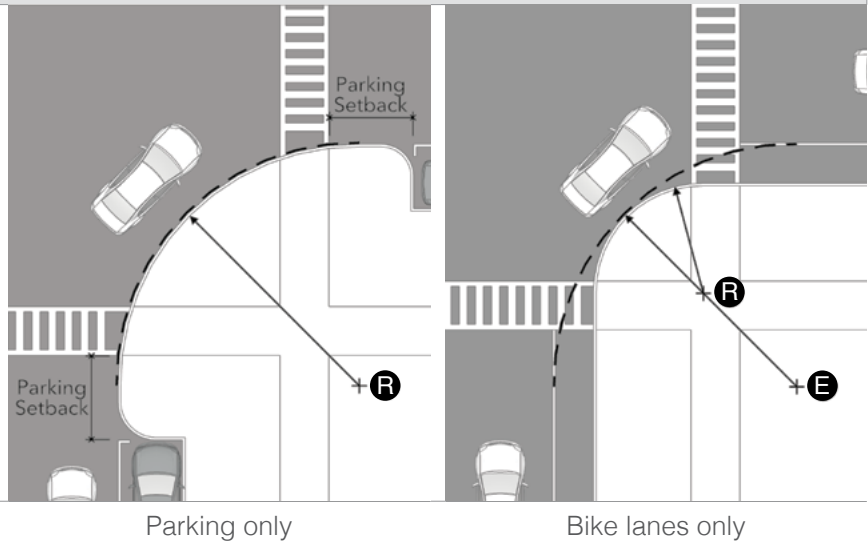
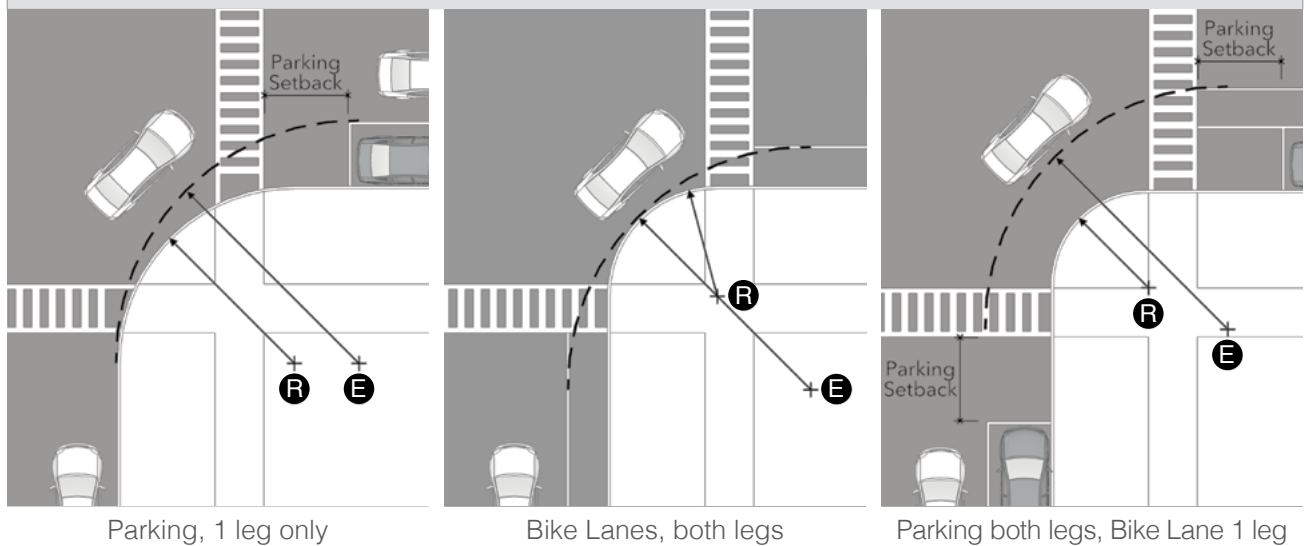
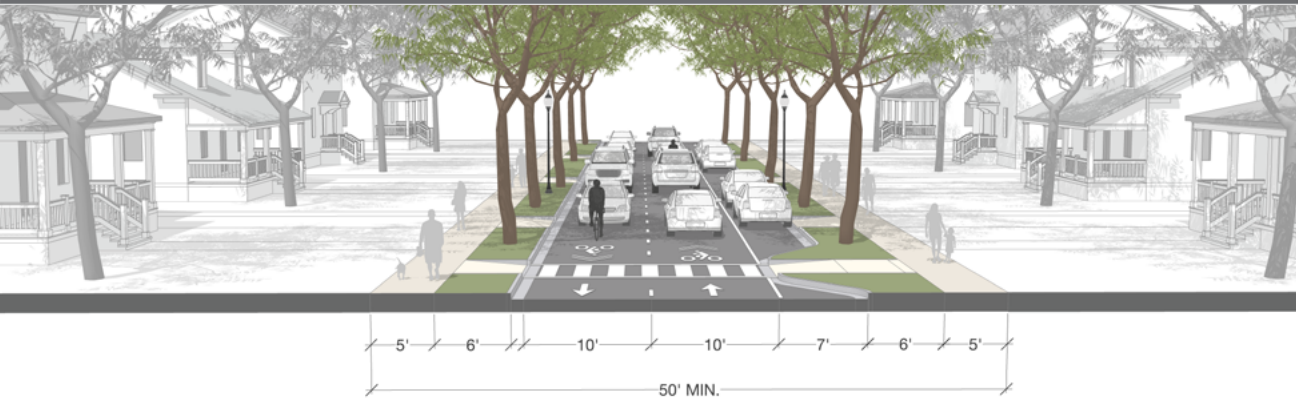
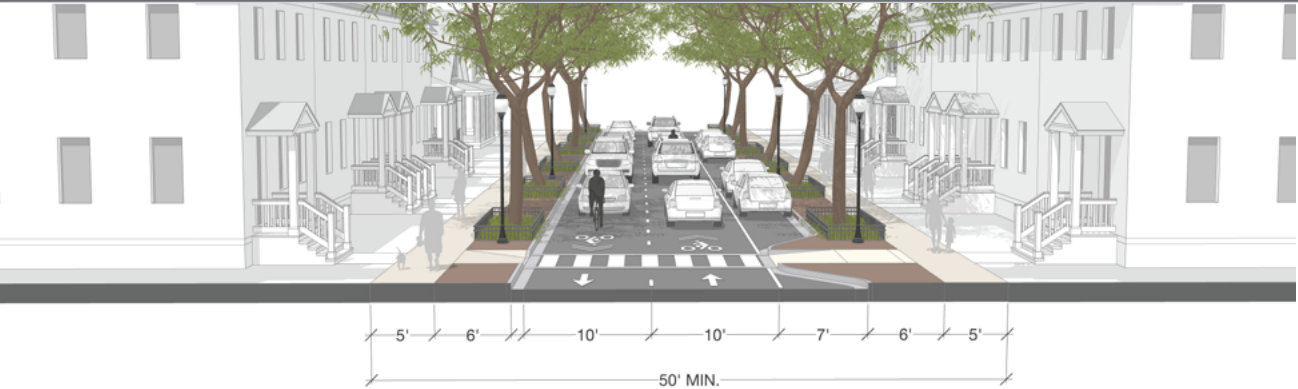
**Illustrated: Effective Radius in Various Configurations**

TABLE 3.4.4.D STANDARD STREET SECTIONS

Minor Street ST-50-38-T3



Minor Street ST-50-38-T4



Assembly	
Assembly Type	Minor Street
Right-of-Way	50 ft. min.
Zoning Districts	T3, T4, T5
Border	
Sidewalk	5 ft. min.
Planting & Furnishing	6 ft. min.
Curb	Vertical

Roadway	
Design Speed	20 mph
Movement	2-way
Travel Lanes	2
Parking Lanes	1
Median	None
Center Turn Lane	None
Bicycle Facilities	Shared Lane Marking (sharrow)

TABLE 3.4.4.D STANDARD STREET SECTIONS**Minor Street ST 50-38-T5****Assembly**

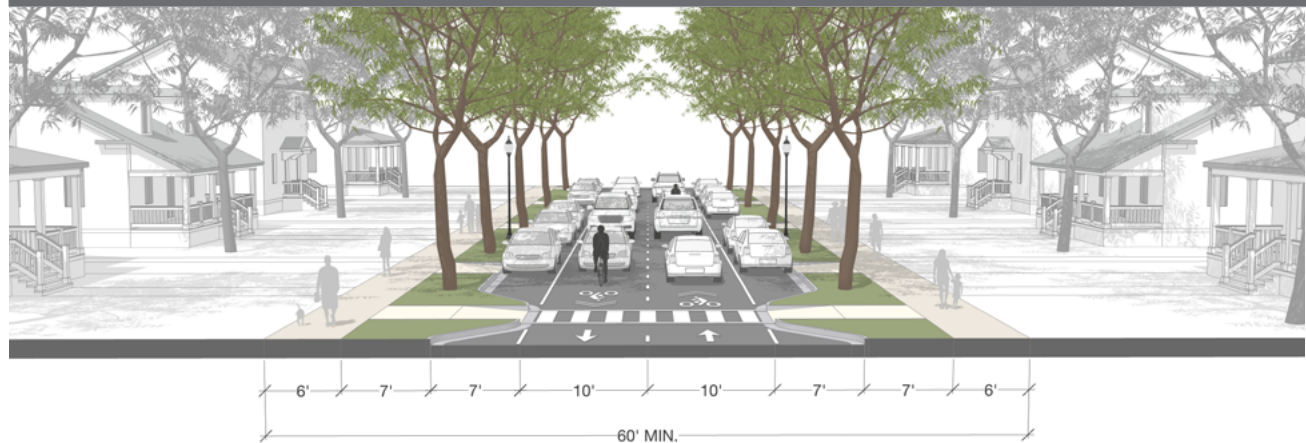
Assembly Type	Minor Street
Right-of-Way	50 ft. min.
Zoning Districts	T3, T4, T5

Border

Sidewalk	6 ft. min.
Planting & Furnishing	5 ft. min.
Curb	Vertical

Roadway

Design Speed	20 mph
Movement	2-way
Travel Lanes	2
Parking Lanes	1
Median	None
Center Turn Lane	None
Bicycle Facilities	Shared Lane Marking (sharrow)

Standard Street ST 60-34-T3**Assembly**

Assembly Type	Standard Street
Right-of-Way	60 ft. min.
Zoning Districts	T3

Border

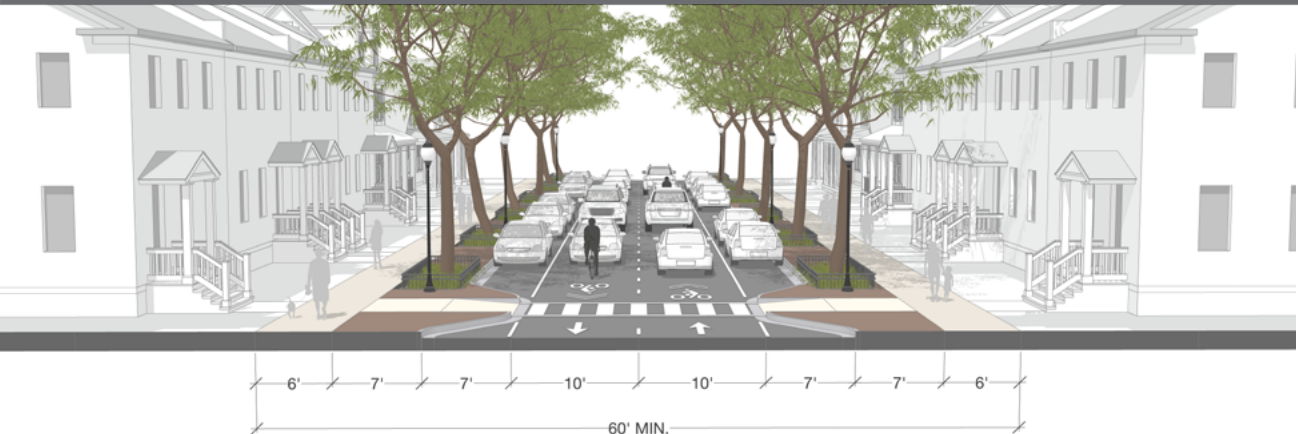
Sidewalk	5 ft. min.
Planting & Furnishing	8 ft. min.
Curb	Vertical

Roadway

Design Speed	20 mph
Movement	2-way
Travel Lanes	2
Parking Lanes	2
Median	None
Center Turn Lane	None
Bicycle Facilities	Shared Lane Marking (sharrow)

TABLE 3.4.4.D STANDARD STREET SECTIONS

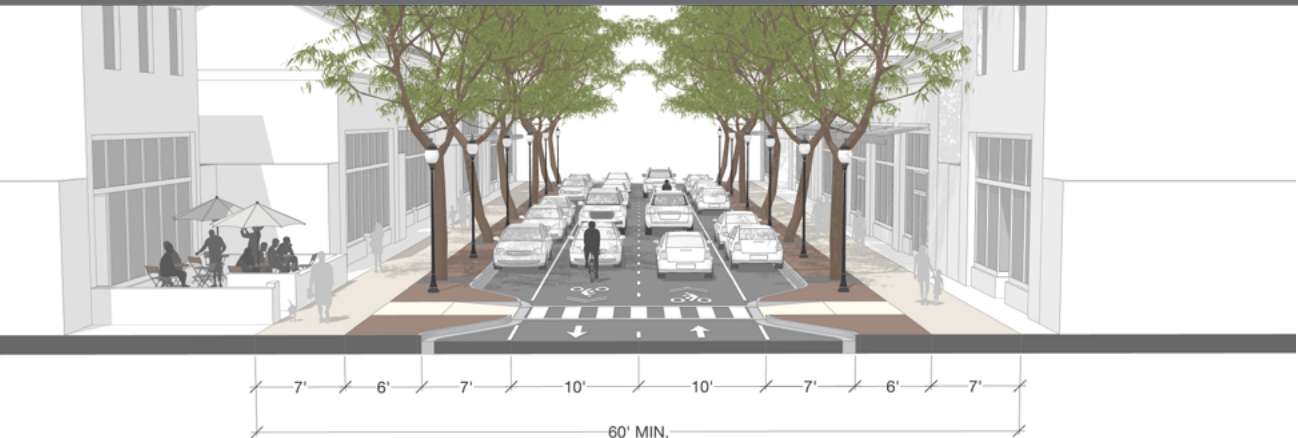
Standard Street ST 60-34-T4



Assembly	
Assembly Type	Standard Street
Right-of-Way	60 ft. min.
Zoning Districts	T4
Border	
Sidewalk	6 ft. min.
Planting & Furnishing	7 ft. min.
Curb	Vertical

Roadway	
Design Speed	20 mph
Movement	2-way
Travel Lanes	2
Parking Lanes	2
Median	None
Center Turn Lane	None
Bicycle Facilities	Shared Lane Marking (sharrow)

Standard Street ST 60-34-T5

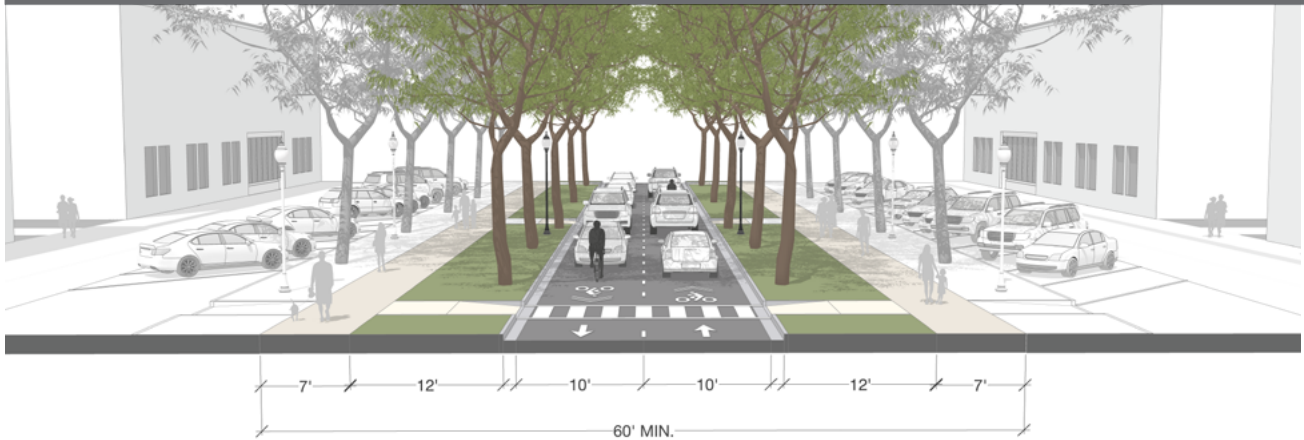


Assembly	
Assembly Type	Standard Street
Right-of-Way	60 ft. min.
Zoning Districts	T5
Border	
Sidewalk	7 ft. min.
Planting & Furnishing	6 ft. min.
Curb	Vertical

Roadway	
Design Speed	20 mph
Movement	2-way
Travel Lanes	2
Parking Lanes	2
Median	None
Center Turn Lane	None
Bicycle Facilities	Shared Lane Marking (sharrow)

TABLE 3.4.4.D STANDARD STREET SECTIONS

Standard Street ST 60-34-I1/I2

**Assembly**

Assembly Type	Standard Street
Right-of-Way	60 ft. min.
Zoning Districts	I1, I2

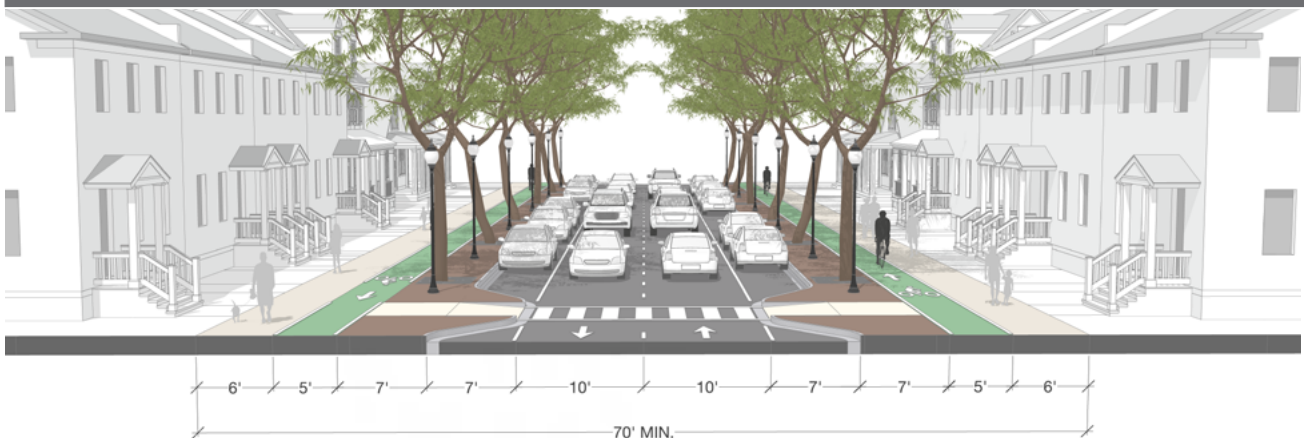
Border

Sidewalk	7 ft. min.
Planting & Furnishing	12 ft. min.
Curb	Vertical

Roadway

Design Speed	20 mph
Movement	2-way
Travel Lanes	2
Parking Lanes	None
Median	None
Center Turn Lane	None
Bicycle Facilities	Shared Lane Marking (sharrow)

Collector CS-70-34

**Assembly**

Assembly Type	Collector
Right-of-Way	70 ft. min.
Zoning Districts	All

Border

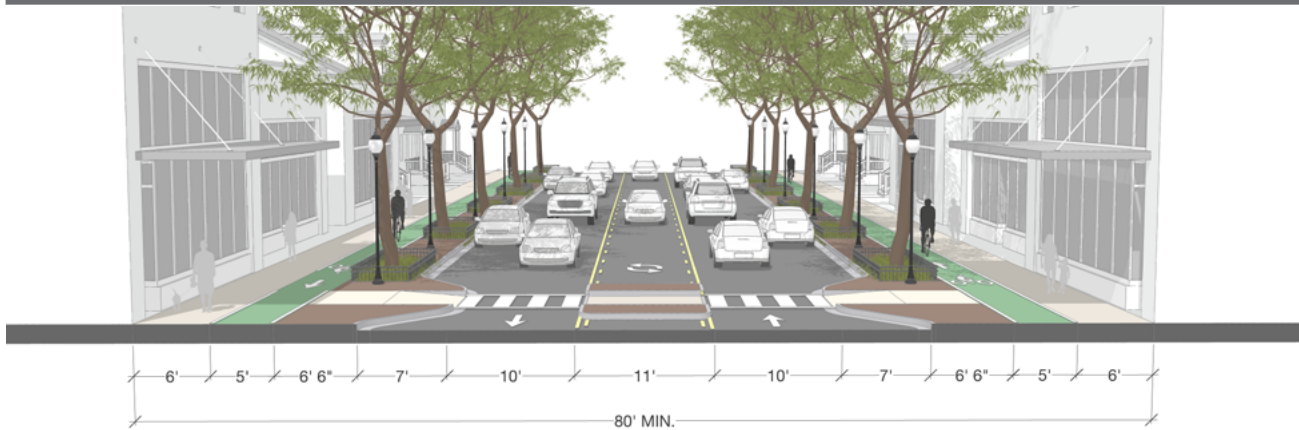
Sidewalk	6 ft. min.
Planting & Furnishing	7 ft. min.
Curb	Vertical

Roadway

Design Speed	25 mph
Movement	2-way
Travel Lanes	2
Parking Lanes	2
Median	None
Center Turn Lane	None
Bicycle Facilities	Shared Lane Marking (sharrow)

TABLE 3.4.4.D STANDARD STREET SECTIONS

Minor Arterial AR-80-45



Assembly

Assembly Type	Arterial
Right-of-Way	80 ft. min.
Zoning Districts	All

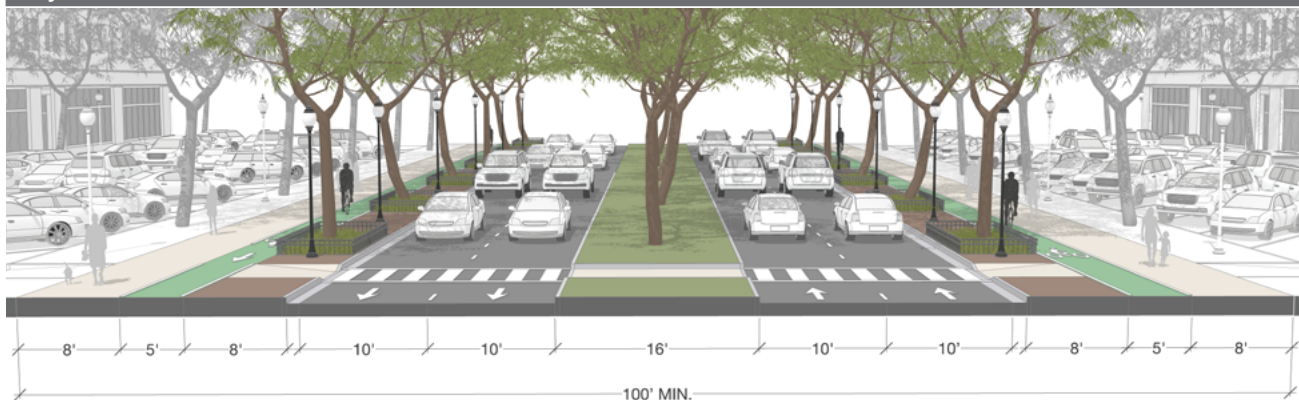
Border

Sidewalk	6 ft. min.
Planting & Furnishing	6.5 ft. min.
Curb	Vertical

Roadway

Design Speed	35 mph
Movement	2-way
Travel Lanes	2
Parking Lanes	2
Median	None
Center Turn Lane	11 ft.
Bicycle Facilities	5 ft. Raised, Protected

Major Arterial AR-100-58



Assembly

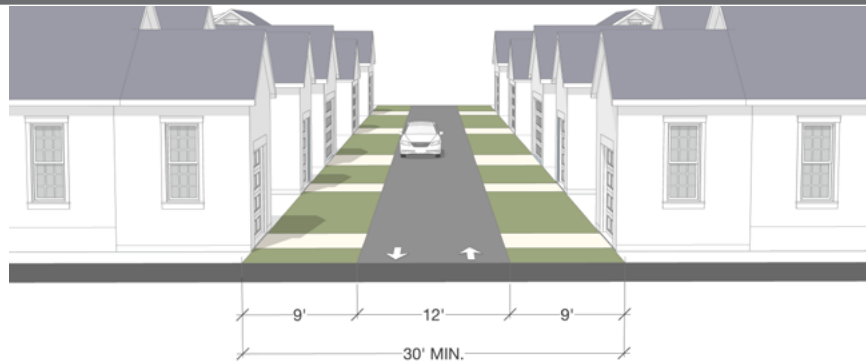
Assembly Type	Arterial
Right-of-Way	100 ft. min.
Transect Zones	All

Border

Sidewalk	7 ft. min.
Planting & Furnishing	8 ft. min.
Curb	Vertical

Roadway

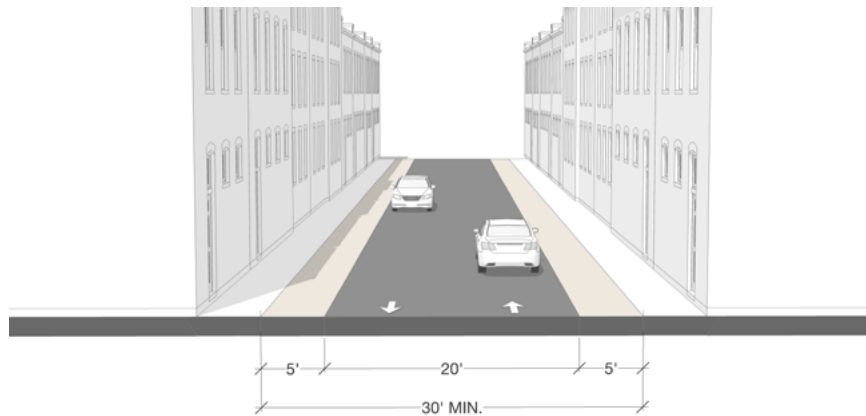
Design Speed	40 mph
Movement	2-way
Travel Lanes	4, City Engineer may permit 11' travel lanes.
Parking Lanes	None
Median	16 ft. min., City Engineer may permit reduction of median.
Center Turn Lane	None
Bicycle Facilities	6 ft. Raised, Protected

TABLE 3.4.4.D STANDARD STREET SECTIONS**Alley AL-30-12****Assembly**

Assembly Type	Alley
Right-of-Way	30 ft. min.
Zoning Districts	T3, T4

Roadway

Design Speed	None
Movement	2-way, Yield
Surface	Paved or Gravel

Alley AL30-20-T3/T4**Alley AL30-20-T3/T4****Assembly**

Assembly Type	Alley
Right-of-Way	30 ft. min.
Zoning Districts	All

Roadway

Design Speed	None
Movement	2-way, Yield
Surface	Paved

d. Bicycle Network

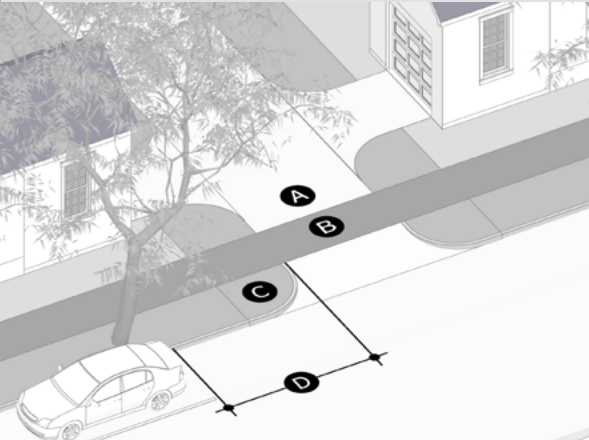
- i. A bicycle network must be provided, consisting of marked, shared lanes, dedicated lanes, shared-use trails, and dedicated bicycle trails.
- ii. The bicycle network must connect to all adjacent bikeways, regional open space, existing trail networks, schools, and parks, and must continue adjacent bicycle networks.
- iii. Where the [Master Street Plan](#) depicts a bicycle facility through the site, that facility must be provided by the applicant. The trajectory may be different from the [Master Street Plan](#) within the site provided that it connects to adjacent sites as specified, subject to approval by the **City Engineer**.
- iv. Sites smaller than 5 acres only require the continuation of adjacent bicycle networks that terminate at site boundaries and facilities specified on the [Master Street Plan](#).
- v. The **City Engineer** may require a specific facility type and trajectory to integrate with the citywide bicycle network.
- vi. Bicycle facilities must meet the design requirements specified in [Table 3.4.4.A Bicycle Facilities](#).

TABLE 3.4.4.A BICYCLE FACILITIES

Type	Zoning District	Street Posted Speed	Lane Width	Separation		Additional Requirements
Bike Trail or Shared-Use Trail	T2, T3, T4	N/A	5 ft. min. each way	Landscape Strip	10 ft. min.	Trails may be provided between sidewalks and planters in accordance with standard street sections.
	T5, T6, HC, I		6 ft. min. each way	Landscape Strip, Raised Island, Pedestrian Way	8 ft. min.	
Cycle Track (2-way Separated Bike Lane)	All	45 mph max.	6 ft. min. each way	Grade, Flexible Post, Inflexible Barrier, On-Street Parking, Raised Island	2 ft. min.	N/A
Separated Bike Lane	All	45 mph max.	6 ft. min.	Grade, Flexible Post, Inflexible Barrier, On-Street Parking, Raised Island	2 ft. min.	N/A
Buffered Lane	T2, T3, T4	40 mph max.	5 ft. min.	Paint, Flexible Post	3 ft. min.	N/A
	T5, T6, HC, I		6 ft. min.			
Dedicated Lane	T2, T3, T4	30 mph max.	5 ft. min.	N/A	N/A	N/A
	T5, T6, HC, I		6 ft. min.			
Shared Lane	All	25 mph max.	10 ft. max.	N/A	N/A	Lane width on yield streets may exceed the maximum width indicated.

- e. **Alleys**
- i. All lots that meet the following criteria must have alley or side street access:
 - (1) Lots less than 60 feet wide in any zone; and
 - (2) Lots less than 80 feet wide in T5 or T6.
 - ii. Alley design must be according to a Standard Alley Section and Entry as specified in [Table 3.4.4.A Standard Alley Section and Entry](#).
 - (1) All alleys require a paved apron.
 - (2) Alleys may be paved with compacted gravel and other pervious materials, subject to approval by the **City Engineer**.
 - iii. Where lots face onto a park or pedestrian walkway, alley pavement must be a minimum of 20 feet wide and able to accommodate fire truck weight and turning movements.
 - iv. The interior radius of alley pavement must be a minimum of 20 feet.
 - v. Alley elevation at sidewalks must be at sidewalk grade to permit sidewalk continuity.
 - vi. Sidewalk material and appearance must be maintained across alley entrances and aprons.
 - vii. Alleys must intersect streets within 15-degrees of perpendicular.

TABLE 3.4.4.A STANDARD ALLEY SECTION AND ENTRY

Neighborhood Alley	
	<div><div>A</div>Alley pavement must be 20ft. min. at the alley apron and extend at that width for at least 20ft. into the alley.</div> <div><div>B</div>Where the sidewalk crosses the alley apron, it must be maintained in material, width, and elevation across the alley apron.</div> <div><div>C</div>The apron must have a 5 to 10ft. curb return radius.</div> <div><div>D</div>Parking must be set back a minimum of 20ft. from the alley pavement at the alley apron.</div>

Permitted Zones: T2, T3, T4

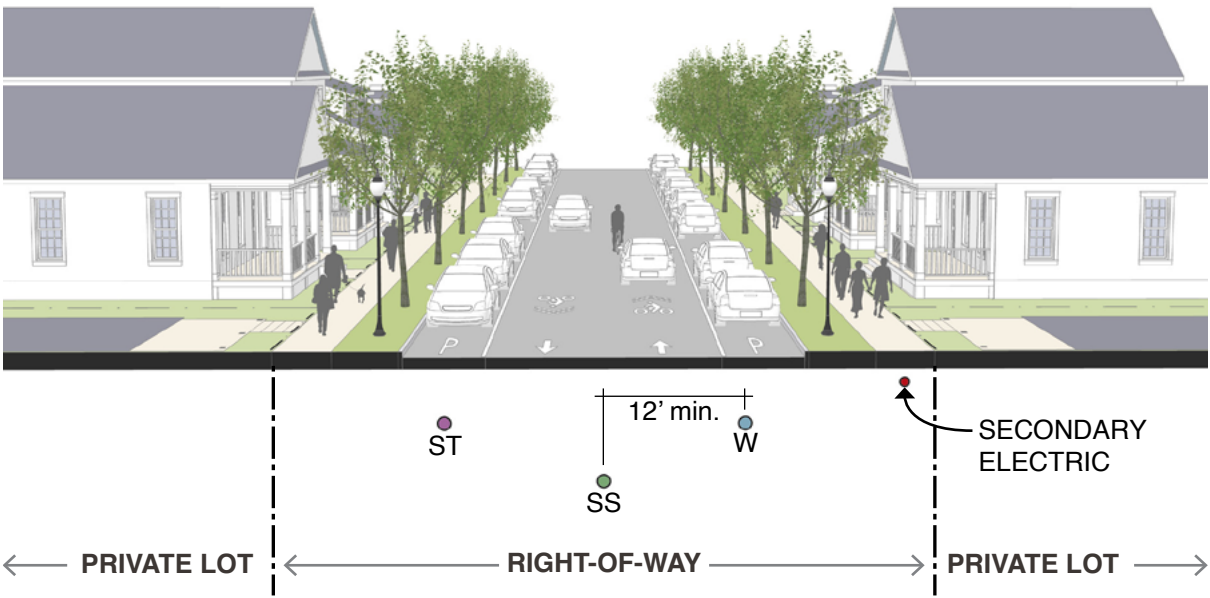
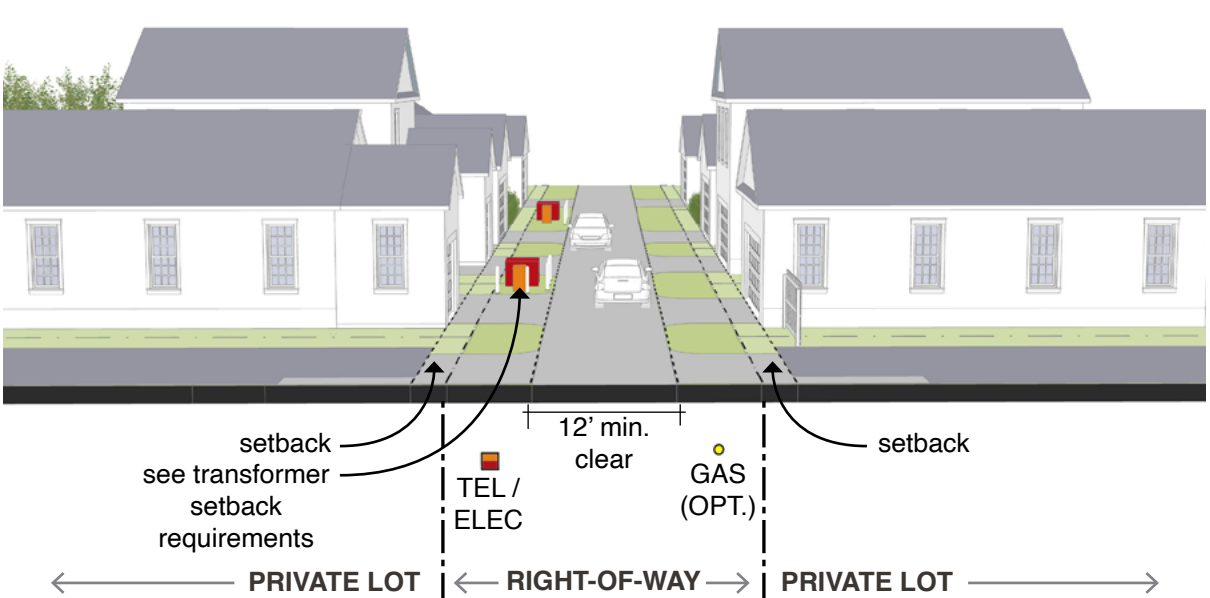
3.4.5 Utility Location Standards

Purpose. To standardize utility locations to avoid future utility conflicts and restrictions that may impact the occupation of front yards or the ability to redevelop properties.

- a. Utilities must be located as specified in this section and as depicted in [Table 3.4.5.A Utility Location Standards](#).
- b. All utilities must be provided underground, except:
 - i. Major transmission lines;
 - ii. Above ground transformers and lines must be provided a pocket easement or continuous easement, restricting building location within 15 feet, as illustrated in [Figure 3.4.5.B Transformer and Telecom Locations](#). Building location restrictions may be reduced within alleys where transformers are protected by an approved blast wall;
 - iii. Above ground transformers and pedestals must be set back from front property lines at least the minimum front setback dimension as specified in [4.2.2 Building Location](#), or 10 feet, whichever is greater; and
 - iv. Pole-mounted transmission lines, transformers, telecom, and other utility equipment may be permitted in alleys by [Warrant](#).
- c. Sanitary sewer, stormwater, and water must be within streets, located between curbs, except where provided in alleys, pedestrian ways, or within front setback areas as approved by the Director of the Department of Community Development.
- d. Where alleys are provided, power, telecom, and natural gas, and related transformers and pedestals must be located in the alley.
- e. Power and telecom must be provided in a shared trench box, except:
 - i. The [City Engineer](#) may permit a joint trench in lieu of a shared trench box;
 - ii. Above ground service may be permitted by [Warrant](#) within alleys and crossing streets, but not along streets; and
 - iii. Where service is provided from alleys, street lights and other street-side equipment may be serviced by a pipe installed below the sidewalk.
- f. The shared trench box must be located within the alley or below the sidewalk, as illustrated in [Figure 3.4.5.C Shared Trench Locations](#).
- g. In T2, T3, I-1, I-2, and HC, power, telecom, and natural gas may be permitted in an easement adjacent to the street, by [Warrant](#).
- h. For single site development applications:
 - i. Sanitary sewer, stormwater, and water must be located within primary circulation ways as specified for streets; and
 - ii. Power and telecom may be located within secondary site circulation, parking areas, or beneath sidewalks. Where located within parking areas, at least 80 feet should be provided between utilities and the primary circulation way.

TABLE 3.4.5.A UTILITY LOCATION STANDARDS

T3 and T4 Alley-Loaded Condition

Street						
Alley						
	Water	Sewer	Electric	Telecom	Storm	Gas
Street	Within R.O.W., 12 ft. min. separation	Within R.O.W., 12 ft. min. separation	Secondary power for streetlights below sidewalk		Within R.O.W.	
Alley		(Alternative) Below pave- ment, 5 ft. min. separation	Within shared trench box	Within shared trench box		(Optional) Within the alley

Street

12' min.

GAS (OPT.) ST SS W TEL / ELEC

PRIVATE LOT RIGHT-OF-WAY PRIVATE LOT

T3, HC, I-1, I-2 Street Loaded Condition (Utilities in Easement)



⁴²
Draft

TABLE 3.4.5.A UTILITY LOCATION STANDARDS**T5, T6, HC, I-1, I-2 Street Loaded Condition**

Street						
	← PRIVATE LOT					PRIVATE LOT →
	Water	Sewer	Electric	Telecom	Storm	Gas
Street	Within R.O.W., 12 ft. min. separation	Within R.O.W., 12 ft. min. separation	Joint Trench within ease- ment on private property	Joint Trench within ease- ment on private property	Within R.O.W.	(Optional) Located in easement on private property. rRequires sepa- rateapproval.

TABLE 3.4.5.A UTILITY LOCATION STANDARDS

T5, T6, HC, I-1, I-2 Alley-Loaded Condition


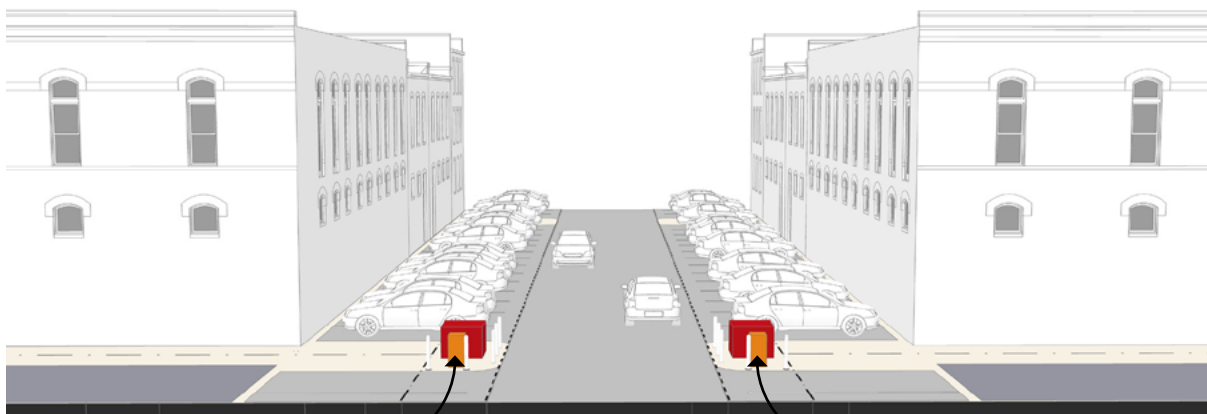
Street	 <p>Diagram illustrating utility location standards for a street. The street is divided into a central RIGHT-OF-WAY and two PRIVATE LOT areas on either side. Utilities are located as follows: ST (Storm) on the left sidewalk, SS (Sewer) in the center, W (Water) on the right sidewalk, and SECONDARY ELECTRIC further right. A 12' min. separation is indicated between SS and W.</p>					
Alley	 <p>Diagram illustrating utility location standards for an alley. The alley is divided into a central RIGHT-OF-WAY and two PRIVATE LOT areas on either side. Utilities are located as follows: TEL / ELEC (Telecom/Electric) on the left sidewalk, GAS (OPT.) (Optional Gas) on the right sidewalk, and see transformer setback requirements on both sides. A 20' min. clear zone is indicated between the sidewalks.</p>					
	Water	Sewer	Electric	Telecom	Storm	Gas
Street	Within R.O.W., 12 ft. min. separation	Within R.O.W., 12 ft. min. separation	Secondary power for streetlights below sidewalk		Within R.O.W.	
Alley			Within shared trench box	Within shared trench box		(Optional) To be located within easement on private property

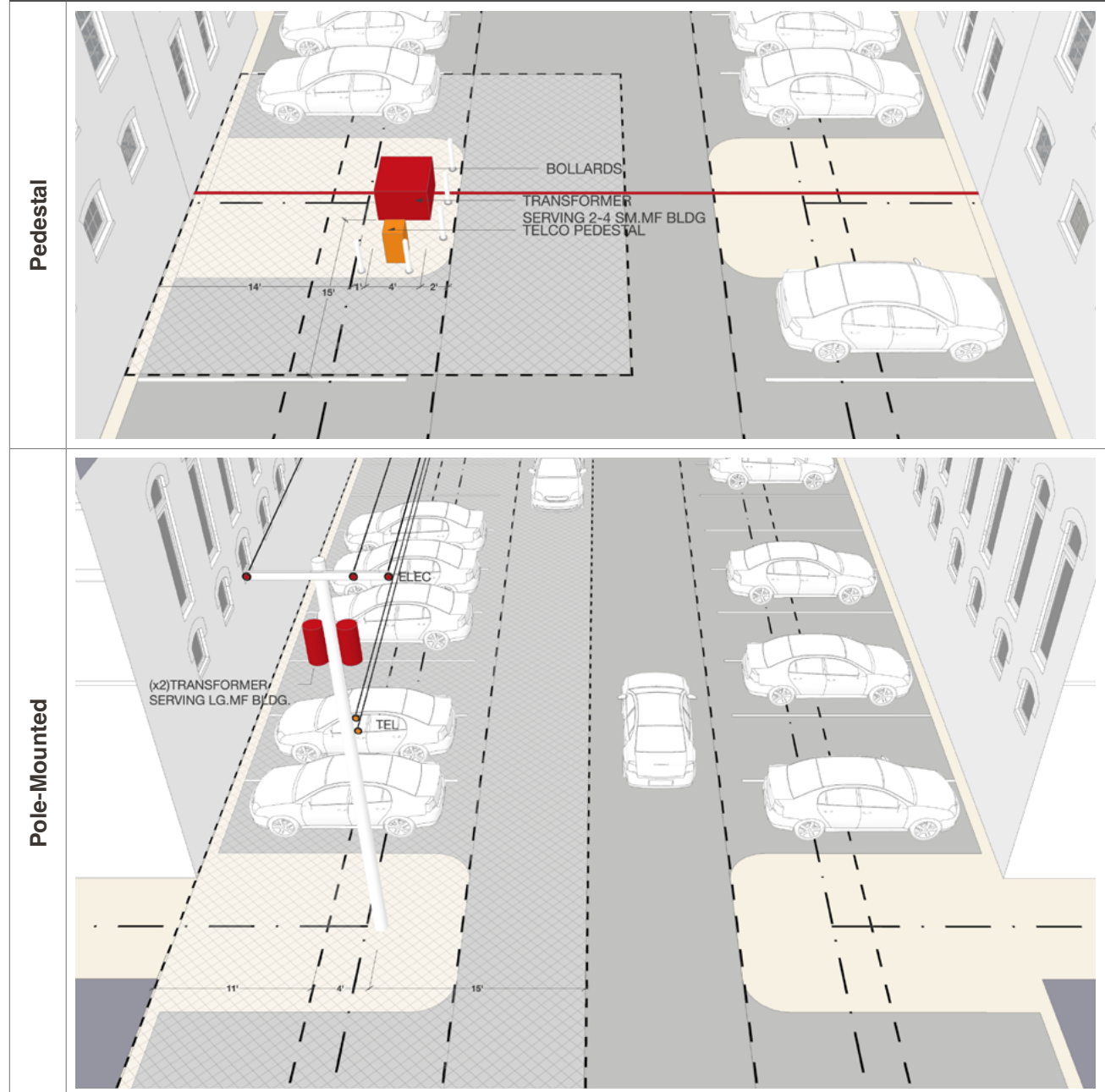
FIGURE 3.4.5.B TRANSFORMER AND TELECOM LOCATIONS

FIGURE 3.4.5.C SHARED TRENCH LOCATIONS



3.4.6 Parks and Open Space Standards

- a. Intent
 - i. Applications over 5 acres are required to provide parks that comply with the design standards of this section. Open space other than any required parks is optional. Stormwater areas are encouraged to be designed for use as parks and qualify as park space when dual-use.
- b. Parks are required in the following amounts:
 - i. Sites less than 5 acres: no parks required;
 - ii. Sites between 5 and 30 acres: min. 1 park and at least 4% of the gross site area in parks;
 - iii. Sites between 30 and 60 acres: min. 1 park and at least 6% of the gross site area in parks; and
 - iv. Sites greater than 60 acres: min. 2 parks for every 60 acres and at least 6% of the gross site area in parks.
- c. Parks must meet the standards specified in [Table 3.4.6.B Park Types](#) to fulfill park requirements. The **TAC** may accept an alternative park type at their discretion.
- d. Parks must be available for public access.
- e. Additional open space and parks that do not meet the standards of this section are permitted at the applicant's discretion.
- f. Within subdivisions:
 - i. One playground must be provided within 800 feet of each T3 or T4 zoned lot. Playgrounds may be specified as a park or may be provided within a larger park;
 - ii. Parks must be provided within a lot or tract, and deed restricted for public use; and
 - iii. Parks must be maintained by the property owner's association, except where dedicated to the City of Rogers.
- g. Stormwater areas may be located within a park, provided:
 - i. No more than 20% of the park may be continually under water;
 - ii. Stormwater areas must be accessible and not enclosed by fencing or walls; and
 - iii. Stormwater areas must be provided in a drainage easement.

TABLE 3.4.6.B PARK TYPES

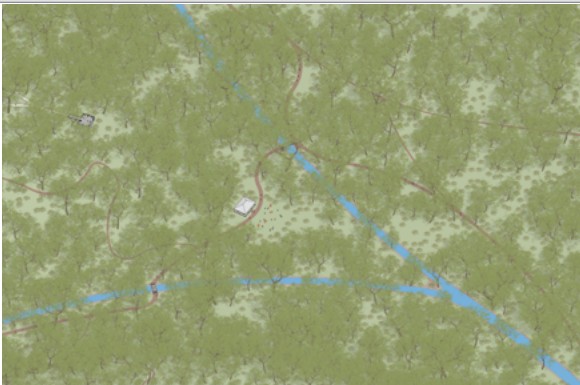


Conservation Park		
Zoning District	Any	
Size	8 ac. min.	
Proportion	N/A	
Edge condition	N/A	
Surface	Planted, pervious paths and main-tenance roads	
Buildings	Pavilions and picnic areas	
Multipurpose Field		
Zoning District	T3, T4, T5	
Size	3 ac. min., 10 ac. max.	
Proportion	1:5 max.	
Edge condition	Rights-of-way required on two sides minimum	
Surface	Planted, sports fields and courts, paved 20% max.	
Landscape	20 foot landscape zone at perimeter, canopy tree required.	
Fields may serve as a secondary purpose as stormwater management		
Park		
Zoning District	T2, T3, T4, T5, T6	
Size	5 ac. min.	
Proportion	1:5 max. in T5 and T6	
Edge condition	Right-of-way required on all sides in T5 and T6	
Surface	Planted, pervious and non-pervious paths, paved gathering spaces, sports facilities	
Buildings	Pavilions, picnic areas, storage, rest rooms, food service	

TABLE 3.4.6.B PARK TYPES**Green**

Zoning District	T3, T4, T5
Size	1/2 ac. min., 8 ac. max.
Proportion	N/A
Edge condition	Right-of-way required on at least one side
Surface	Planted, paved 15% max.
Buildings	40% mature canopy

**Square**

Zoning District	T4, T5, T6, HC
Size	1/2 ac. min., 5 ac. max.
Proportion	1:5 max.
Edge condition	Rights-of-way required on two sides minimum
Surface	Paved 50% max., pervious paving required
Landscape	30% mature canopy required

**Plaza**

Zoning District	T5, T6, HC
Size	1/8 ac. min., 3 ac. max.
Proportion	1:4 max.
Edge condition	Rights-of-way required on two sides minimum
Surface	Paved 50% min., pervious paving required
Landscape	20% mature canopy required
Buildings	Pavilions, storage, rest rooms, food service, vending



TABLE 3.4.6.B PARK TYPES		
Greenway		
Zoning District	T3, T4, T5, T6	
Size	50 ft. min. in width, 1,000 ft. min. in length	
Proportion	N/A	
Edge condition	Rights-of-way or pedestrian way required on one side minimum	
Surface	Lawn, paved 20% max.	
Landscape	20% mature canopy required	
Pocket Park		
Zoning District	T3, T4, T5, T6	
Size	2,000 sq.ft. min., 8,000 sq.ft. max.	
Proportion	1:5 max.	
Edge condition	Rights-of-way required on one side minimum	
Surface	Planted, play equipment, paved 30% max.	
Landscape	40% mature canopy required	
Community Garden		
Zoning District	T3, T4, T5	
Size	N/A	
Proportion	N/A	
Edge condition	N/A	
Surface	Water supply required	
Landscape	75% noon-time solar exposure	

ARTICLE 4 ZONING**SECTION 4.1 DISTRICTS**

4.1.1 City of Rogers. The City of Rogers is divided into the following zoning districts, mapped on the “City of Rogers Official Zoning Map”:

- a. T2: Rural;
- b. T3.1: Neighborhood Edge, Large Lot;
- c. T3.2: Neighborhood Edge, Medium Lot;
- d. T4.1: Neighborhood General;
- e. T4.2: Neighborhood Node;
- f. T5.1: Town Center Low;
- g. T5.2: Town Center High;
- h. T6.1: Urban Center Low;
- i. T6.2: Urban Center High;
- j. HC: Highway Commercial;
- k. I-1: Light Industrial;
- l. I-2: Large Format Industrial; and
- m. PUD: Planned Unit Development.

4.1.2 Overlay Districts

- a. Overlay districts modify the standards of this code within the area of the overlay.
- b. Overlay districts are as mapped on the “City of Rogers Official Zoning Map”.
- c. Overlay district standards are as specified in [Section 4.9 Overlay Districts](#).

4.1.3 Planned Unit Development (PUD) Districts

- a. Planned unit development (PUD) districts are regulated by the standards approved with the PUD application.
- b. New PUD districts are not permitted.

4.1.4 Specific Regulations

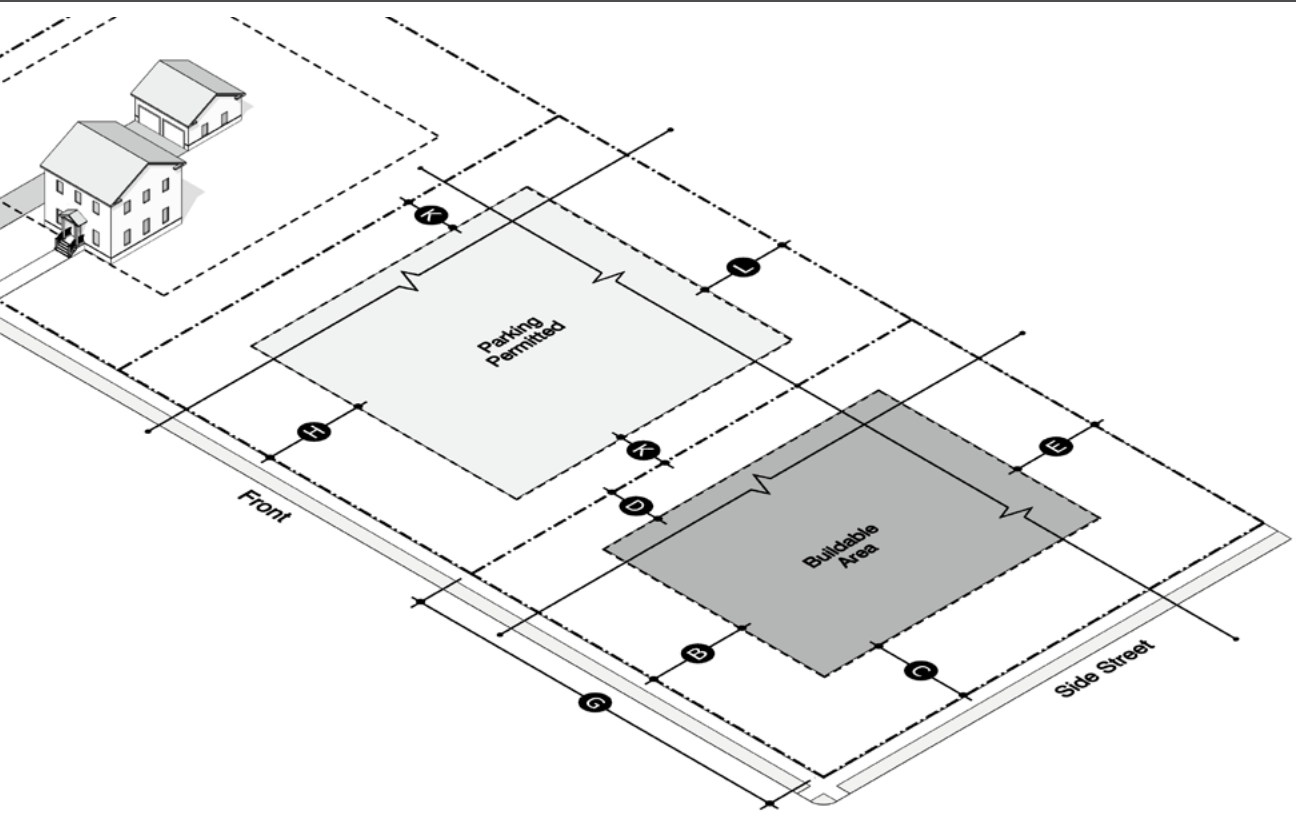
- a. Regulations specifying zoning districts beginning with “T” include a primary identifier (T2, T3, T4, T5, and T6) and may include a secondary identifier (such as T3.1 and T3.2), applied as follows:
 - i. Regulations that specify only the primary identifier of a zone without a secondary identifier apply to all secondary identifiers (e.g. T5 means T5.1 and T5.2);
 - ii. Regulations that specify the primary and secondary identifier only apply to the specific sub-zone specified by both the primary and secondary identifier (e.g. T5.2 does not apply to T5.1); and
 - iii. Regulations may mix specifications for only primary identifiers with other primary and secondary identifiers (e.g. T4 and T3.2). Such conditions are evaluated independently for each instance (e.g. T4 applies to T4.1 and T4.2, while T3.2 does not apply to T3.1).

4.1.5 Additional Requirements

- a. All development is subject to the following sections:
 - i. [Section 4.2 Building Standards](#);
 - ii. [Section 4.3 Site Design Standards](#);
 - iii. [Section 4.5 Zone Transitions](#);
 - iv. [Section 4.6 Landscape Standards](#);
 - v. [Section 4.7 Use Standards](#);
 - vi. [Section 4.8 Sign Standards](#); and
 - vii. [Section 4.9 Overlay Districts](#).
- b. Development may also be subject to the standards of [Article 3 Land Development and Subdivision](#).

TABLE 4.1.5.A ZONE STANDARDS

TABLE 4.1.5.B T2: RURAL



A very low intensity district consisting of very large properties with few dwellings and significant areas of open space and agriculture.

Buildings				
Building Location		Building Height		
A	Building Footprint	15% max.	Building Height	2 stories max. for residential buildings, farm buildings exempt
B	Front Setback	24 ft. min.		
C	Side Street Setback	12 ft. min.	Accessory Structure Height	14 ft. max. for residential buildings, farm buildings exempt
D	Side Setback	8 ft. min.		
E	Rear Setback	30 ft. min.	Parking Structure Height	N/A
F	Rear (alley) Setback	15 ft. from centerline of alley	Ground Floor Ceiling Height	N/A

TABLE 4.1.5.B T2: RURAL**Building Elevations****Required Entries**

Entry Frequency N/A

Required Glazing

Ground Floor N/A

Required Active Interior Space

N/A

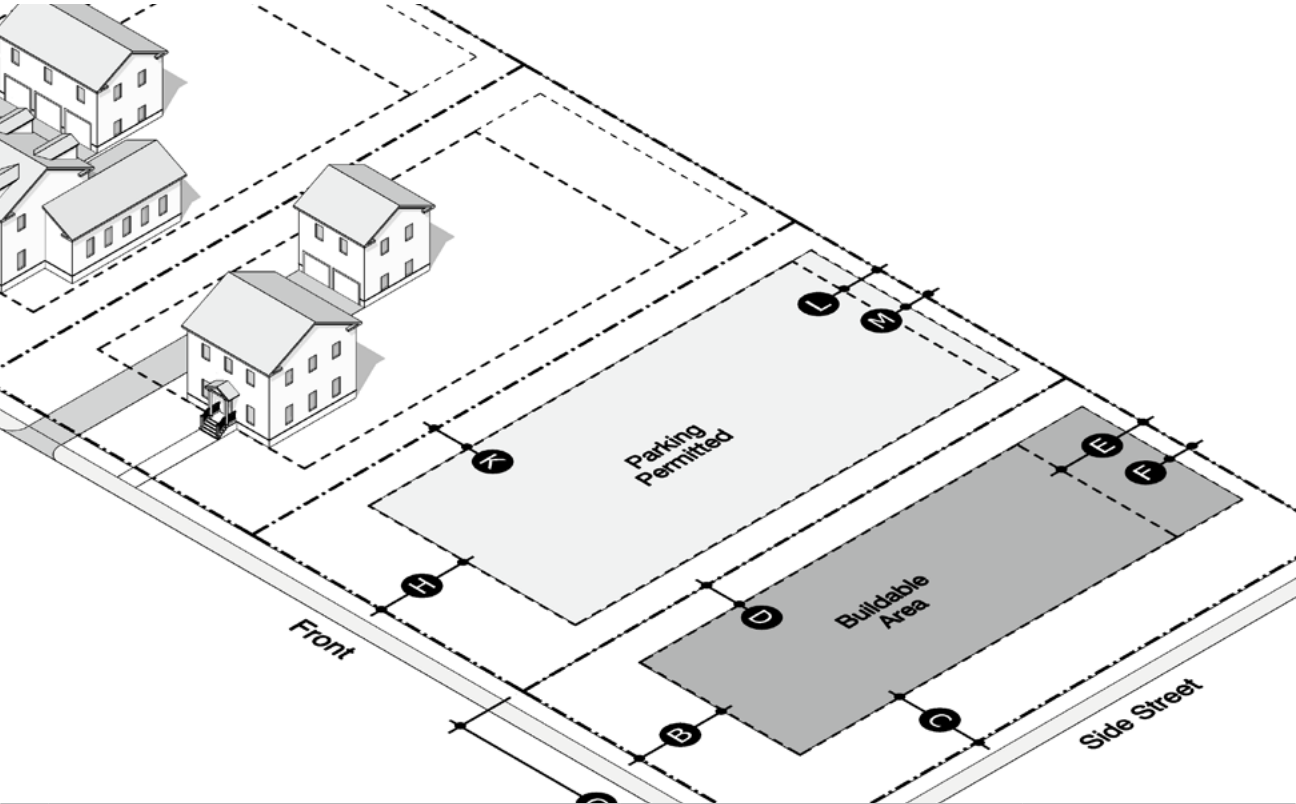
Upper Floor N/A

Site Design**Lot Size Requirements****G** Lot Area 2 acres min.**Parking Location****H** Front Setback 40 ft. min.**Fencing and Walls**See section [4.3.5 Fences and Walls](#).**J** Side Street Setback 40 ft. min.**Impervious Areas**

Impervious Area 30% max.

K Side Setback 20 ft. min.**L** Rear Setback 35 ft. min.**M** Rear (alley) Setback 35 ft. min.**Uses**See [Table 4.7.1.A Zoning District Use Matrix](#).

TABLE 4.1.5.C T3.1: NEIGHBORHOOD EDGE - LARGE LOT



A low intensity district consisting of large properties with few dwellings and large yards.

Buildings				
Building Location		Building Height		
A	Building Footprint	40% max.	Building Height	2.5 stories max.
B	Front Setback	24 ft. min.	Accessory Structure Height	14 ft. max.
C	Side Street Setback	12 ft. min.	Parking Structure Height	N/A
D	Side Setback	8 ft. min.	Ground Floor Ceiling Height	N/A
E	Rear Setback	30 ft. min.		
F	Rear (alley) Setback	15 ft. from centerline of alley		

TABLE 4.1.5.C T3.1: NEIGHBORHOOD EDGE - LARGE LOT**Building Elevations****Required Entries**

Entry Frequency N/A

Required Glazing

Ground Floor 15% min.

Required Active Interior Space

N/A

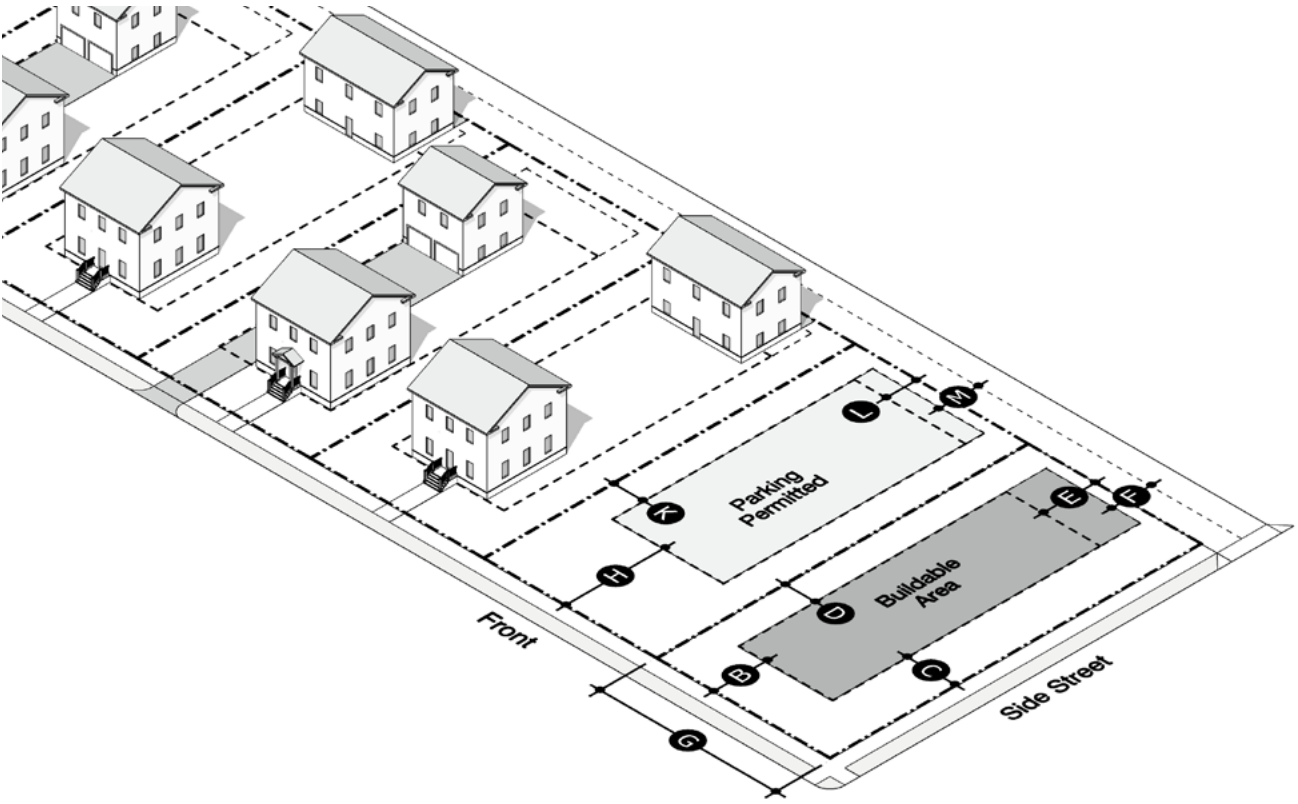
Upper Floor 15% min.

Site Design**Lot Size Requirements****G** Lot Width 80 ft. min.**Parking Location****H** Front Setback 30 ft. min.**Fencing and Walls**See section [4.3.5 Fences and Walls](#)**J** Side Street Setback 30 ft. min.**Impervious Areas**

Impervious Area 50% max.

K Side Setback 12 ft. min.**L** Rear Setback 12 ft. min.**M** Rear (alley) Setback 15 ft. from centerline of alley**Uses**See [Table 4.7.1.A Zoning District Use Matrix](#)

TABLE 4.1.5.D T3.2: NEIGHBORHOOD EDGE - MEDIUM LOT



A generally low intensity district consisting of mostly large properties with few dwellings and large yards.

Buildings				
Building Location		Building Height		
A	Building Footprint	40% max.	Building Height	3 stories max.
B	Front Setback	20 ft. min.	Accessory Structure Height	14 ft. max.
C	Side Street Setback	20 ft. min.	Parking Structure Height	N/A
D	Side Setback	5 ft. min.	Ground Floor Ceiling Height	N/A
E	Rear Setback	20 ft. min.		
F	Rear (alley) Setback	15 ft. from centerline of alley		

TABLE 4.1.5.D T3.2: NEIGHBORHOOD EDGE - MEDIUM LOT**Building Elevations****Required Entries**

Entry Frequency N/A

Required Glazing

Ground Floor 15% min.

Required Active Interior Space

N/A

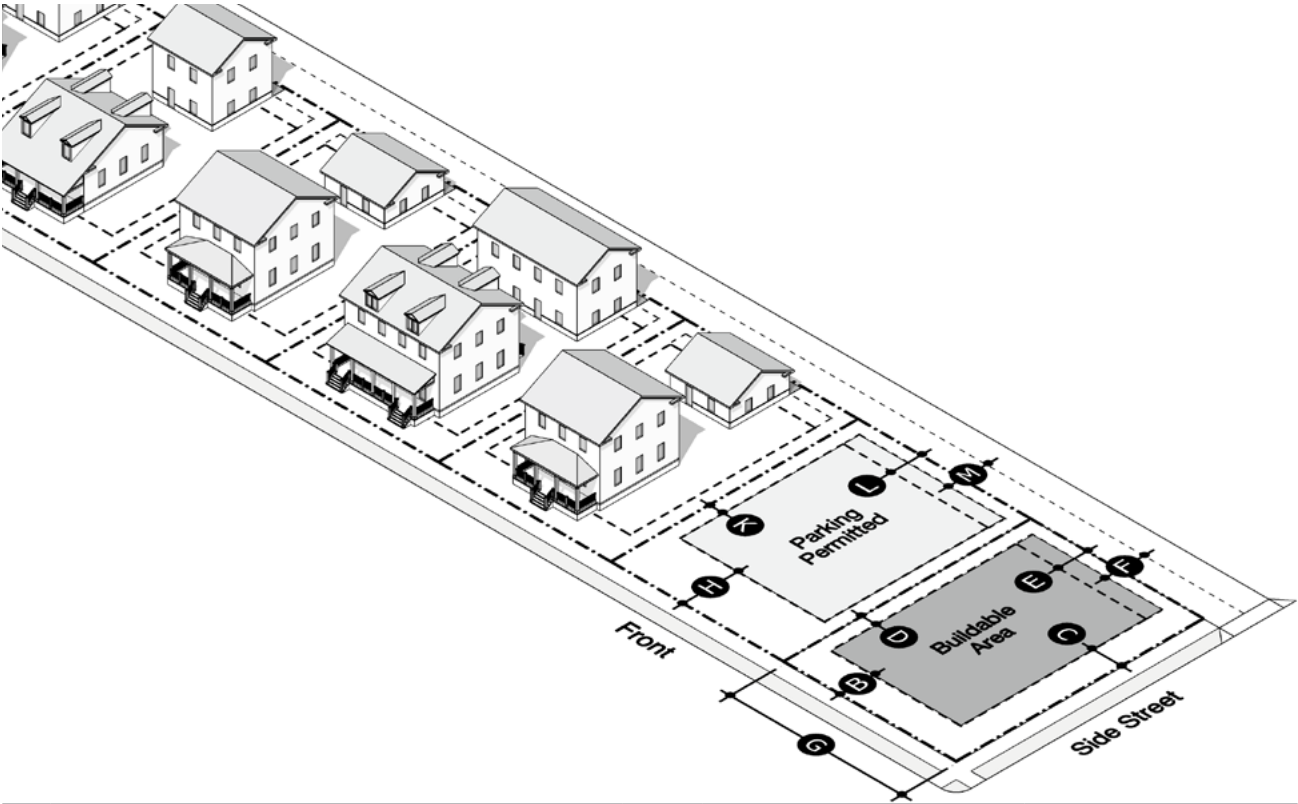
Upper Floor 15% min.

Site Design**Lot Size Requirements****G** Lot Width 50 ft. min.**Parking Location****H** Front Setback 40 ft. min.**Fencing and Walls**See section [4.3.5 Fences and Walls](#)**J** Side Street Setback 20 ft. min.**K** Side Setback 12 ft. min.**Impervious Areas**

Impervious Area 50% max.

L Rear Setback 12 ft. min.**M** Rear (alley) Setback 15 ft. from centerline of alley**Uses**See [Table 4.7.1.A Zoning District Use Matrix](#)

TABLE 4.1.5.E T4.1: NEIGHBORHOOD GENERAL



A district consisting of moderately sized properties with one or occasionally a few dwellings per property and ample yard space.

Buildings				
Building Location		Building Height		
A	Building Footprint	50% max.	Building Height	3 stories max.
B	Front Setback	16 ft. min.	Accessory Structure Height	14 ft. max.
C	Side Street Setback	12 ft. min.	Parking Structure Height	N/A
D	Side Setback	6 ft. min.	Ground Floor Ceiling Height	N/A
E	Rear Setback	12 ft. min.		
F	Rear (alley) Setback	15 ft. from centerline of alley		

TABLE 4.1.5.E T4.1: NEIGHBORHOOD GENERAL**Building Elevations****Required Entries**

Entry Frequency N/A

Required Glazing

Ground Floor 15% min.

Required Active Interior Space

N/A

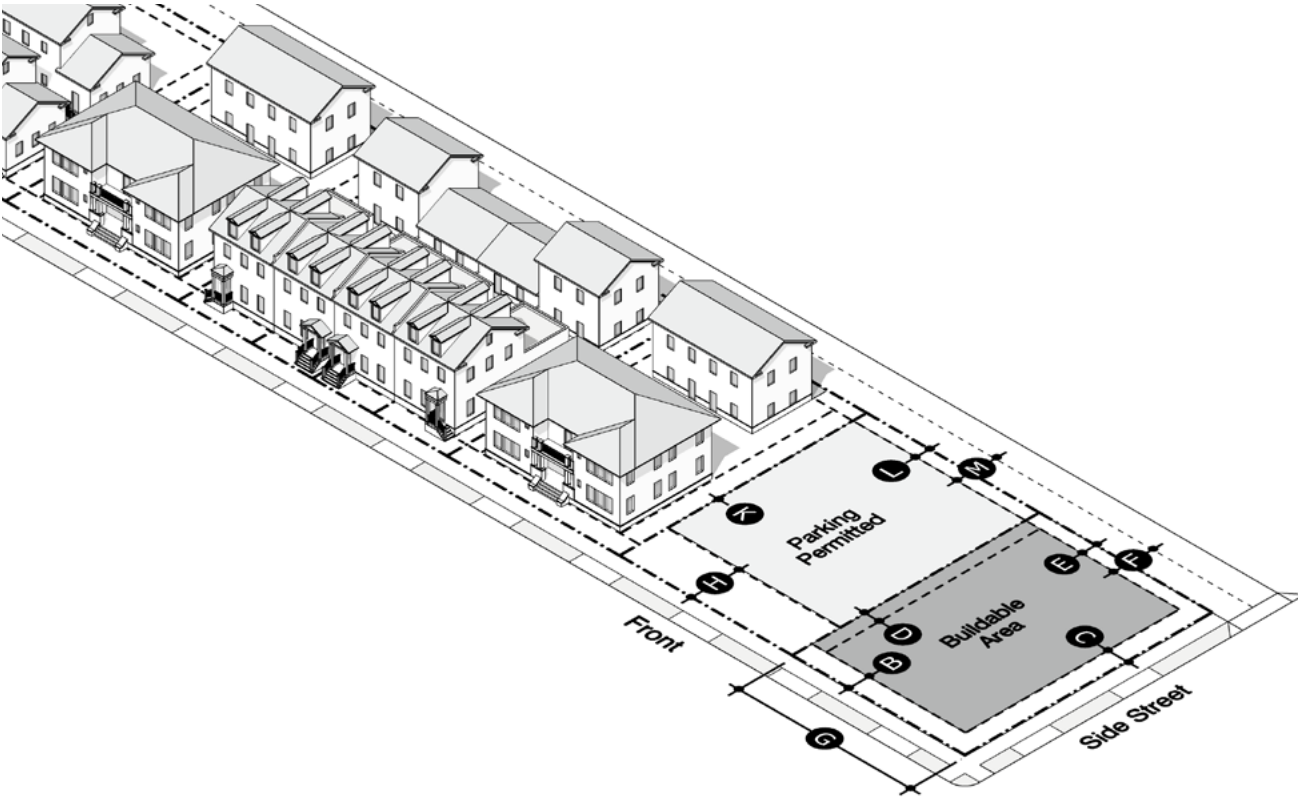
Upper Floor 15% min.

Site Design**Lot Size Requirements****G** Lot Width 55 ft. min. with no alley
30 ft. min. with alley**Parking Location****H** Front Setback 22 ft. min.**Fencing and Walls**See section [4.3.5 Fences and Walls](#)**J** Side Street Setback 12 ft. min.**K** Side Setback 6 ft. min.**Impervious Areas**

Impervious Area 60% max.

L Rear Setback 12 ft. min.**M** Rear (alley) Setback 15 ft. from centerline
of alley**Uses**See [Table 4.7.1.A Zoning District Use Matrix](#)

TABLE 4.1.5.F T4.2: NEIGHBORHOOD NODE



A district consisting of moderately size properties and some small properties, with one or occasionally a few dwellings per property and some yard space.

Buildings				
Building Location			Building Height	
A	Building Footprint	70% max.	Building Height	4 stories max.
B	Front Setback	8 ft. min.	Accessory Structure Height	14 ft. max.
C	Side Street Setback	8 ft. min.	Parking Structure Height	N/A
D	Side Setback	0 ft. or 5 ft. min.*	Ground Floor Ceiling Height	N/A
E	Rear Setback	5 ft. min.		
F	Rear (alley) Setback	15 ft. from centerline of alley		

TABLE 4.1.5.F T4.2: NEIGHBORHOOD NODE**Building Elevations**

Required Entries		Required Glazing	
Entry Frequency	N/A	Ground Floor	15% min.
Required Active Interior Space		Upper Floor	15% min.
N/A			

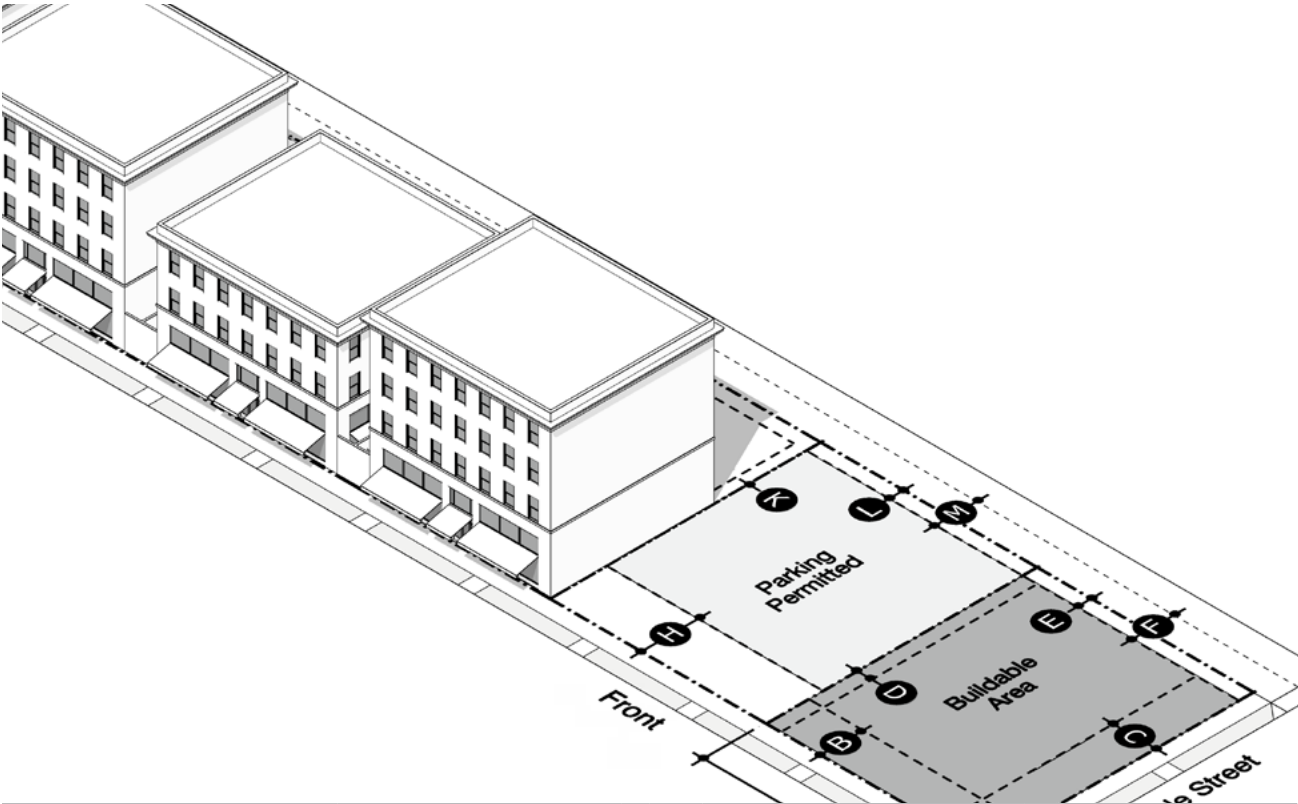
Site Design

Lot Size Requirements		Parking Location	
G Lot Width	55 ft. min. with no alley 16 ft. min. with alley	H Front Setback	20 ft. min.
Fencing and Walls		J Side Street Setback	8 ft. min.
See section 4.3.5 Fences and Walls		K Side Setback	0 ft. min.
Impervious Areas		L Rear Setback	5 ft. min.
Impervious Area	80% max.	M Rear (alley) Setback	15 ft. from centerline of alley

UsesSee [Table 4.7.1.A Zoning District Use Matrix](#)

* Building walls or a shared party-wall may be built without a setback, however walls set back from the property line must be set back at least 5 feet.

TABLE 4.1.5.G T5.1: TOWN CENTER LOW



A district consisting mostly of commercial buildings, office, multi-family buildings, and mixed-use buildings, with a low scale relative to regional destination.

Buildings				
Building Location		Building Height		
A	Building Footprint	80% max.	Building Height	4 stories max.
B	Front Setback	15 ft. max.	Accessory Structure Height	14 ft. max.
C	Side Street Setback	15 ft. max.	Parking Structure Height	35 ft. max.
D	Side Setback	0 ft. or 5 ft. min.*	Ground Floor Ceiling Height	11 ft. min., except entirely residential buildings
E	Rear Setback	5 ft. min.		
F	Rear (alley) Setback	15 ft. from centerline of alley		

TABLE 4.1.5.G T5.1: TOWN CENTER LOW**Building Elevations****Required Entries**

Entry Frequency	60 ft. min. Commercial 100 ft. min. other uses
-----------------	---

Required Glazing

Ground Floor	50% min. Commercial 15% min. other uses
--------------	--

Required Active Interior Space

Upper Floor	15% min.
-------------	----------

See [c. Required Active Interior Space](#).

Site Design**Lot Size Requirements**

G Lot Width	N/A
--------------------	-----

Parking Location

H Front Setback	20 ft. min.
------------------------	-------------

Fencing and Walls

See section [4.3.5 Fences and Walls](#)

J Side Street Setback	10 ft. min.
------------------------------	-------------

K Side Setback	0 ft. min.
-----------------------	------------

Impervious Areas

Impervious Area	100% max.
-----------------	-----------

L Rear Setback	5 ft. min.
-----------------------	------------

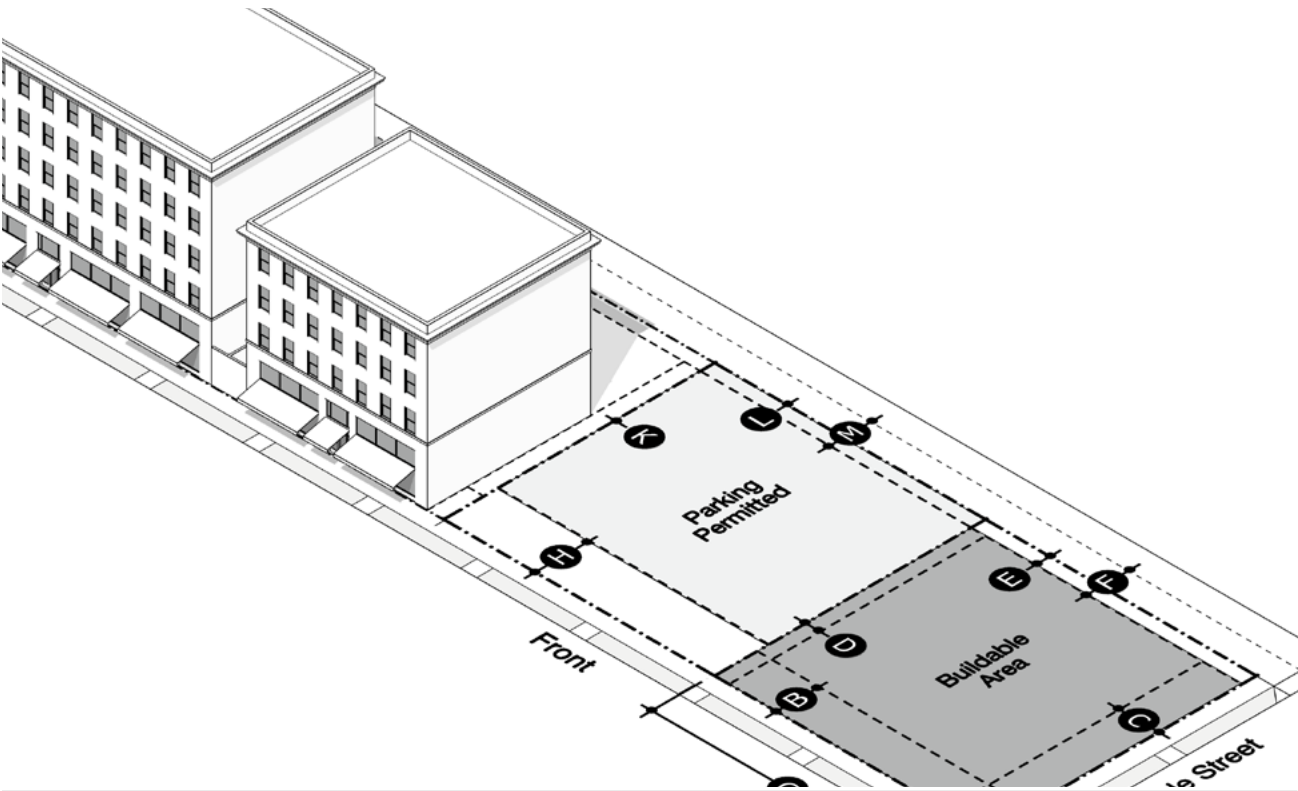
M Rear (alley) Setback	15 ft. from centerline of alley
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Uses

See [Table 4.7.1.A Zoning District Use Matrix](#)

* Building walls or a shared party-wall may be built without a setback, however walls set back from the property line must be set back at least 5 feet.

TABLE 4.1.5.H T5.2: TOWN CENTER HIGH



A district consisting mostly of mixed-use or office buildings, with a low scale relative to regional destination.

Buildings				
Building Location		Building Height		
A	Building Footprint	90% max.	Building Height	5 stories max.
B	Front Setback	15 ft. max.	Accessory Structure Height	14 ft. max.
C	Side Street Setback	15 ft. max.	Parking Structure Height	50 ft. max.
D	Side Setback	0 ft. or 5 ft. min.*	Ground Floor Ceiling Height	12 ft. min.
E	Rear Setback	5 ft. min.		
F	Rear (alley) Setback	15 ft. from centerline of alley		

TABLE 4.1.5.H T5.2: TOWN CENTER HIGH**Building Elevations****Required Entries**

Entry Frequency	60 ft. min. Commercial 100 ft. min. other uses
-----------------	---

Required Active Interior Space

See [c. Required Active Interior Space](#).

Required Glazing

Ground Floor	50% min. Commercial 15% min. other uses
--------------	--

Upper Floor	15% min.
-------------	----------

Site Design**Lot Size Requirements**

G Lot Width	N/A
--------------------	-----

Fencing and Walls

See section [4.3.5 Fences and Walls](#)

Impervious Areas

Impervious Area	100% max.
-----------------	-----------

Parking Location

H Front Setback	20 ft. min.
------------------------	-------------

J Side Street Setback	10 ft. min.
------------------------------	-------------

K Side Setback	0 ft. min.
-----------------------	------------

L Rear Setback	0 ft. min.
-----------------------	------------

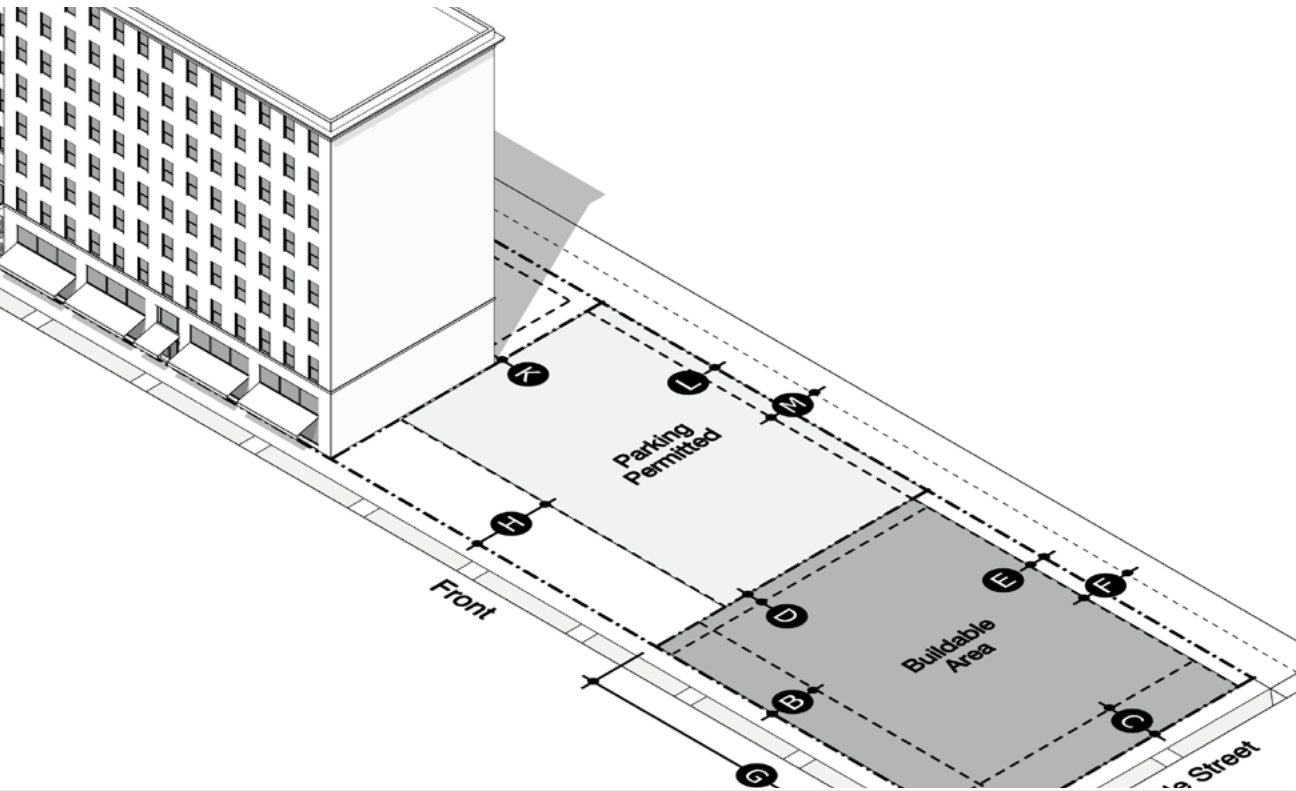
M Rear (alley) Setback	15 ft. from centerline of alley
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Uses

See [Table 4.7.1.A Zoning District Use Matrix](#)

* Building walls or a shared party-wall may be built without a setback, however walls set back from the property line must be set back at least 5 feet.

TABLE 4.1.5.I T6.1: URBAN CENTER LOW



A district consisting mostly of mixed-use, office, institutional, and multi-family buildings that are tall as compared to surrounding areas.

Buildings				
Building Location		Building Height		
A	Building Footprint	100% max.	Building Height	8 stories max.
B	Front Setback	15 ft. max.	Accessory Structure Height	14 ft. max.
C	Side Street Setback	15 ft. max.	Parking Structure Height	70 ft. max.
D	Side Setback	0 ft. or 5 ft. min.*	Ground Floor Ceiling Height	12 ft. min.
E	Rear Setback	5 ft. min.		
F	Rear (alley) Setback	15 ft. from centerline of alley		

TABLE 4.1.5.I T6.1: URBAN CENTER LOW**Building Elevations****Required Entries**

Entry Frequency	60 ft. min. Commercial 100 ft. min. other uses
-----------------	---

Required Active Interior Space

See [c. Required Active Interior Space](#).

Required Glazing

Ground Floor	50% min. Commercial 15% min. other uses
--------------	--

Upper Floor	15% min.
-------------	----------

Site Design**Lot Size Requirements**

G Lot Width	N/A
--------------------	-----

Fencing and Walls

See section [4.3.5 Fences and Walls](#)

Impervious Areas

Impervious Area	100% max.
-----------------	-----------

Parking Location

H Front Setback	25 ft. min.
------------------------	-------------

J Side Street Setback	10 ft. min.
------------------------------	-------------

K Side Setback	0 ft. min.
-----------------------	------------

L Rear Setback	0 ft. min.
-----------------------	------------

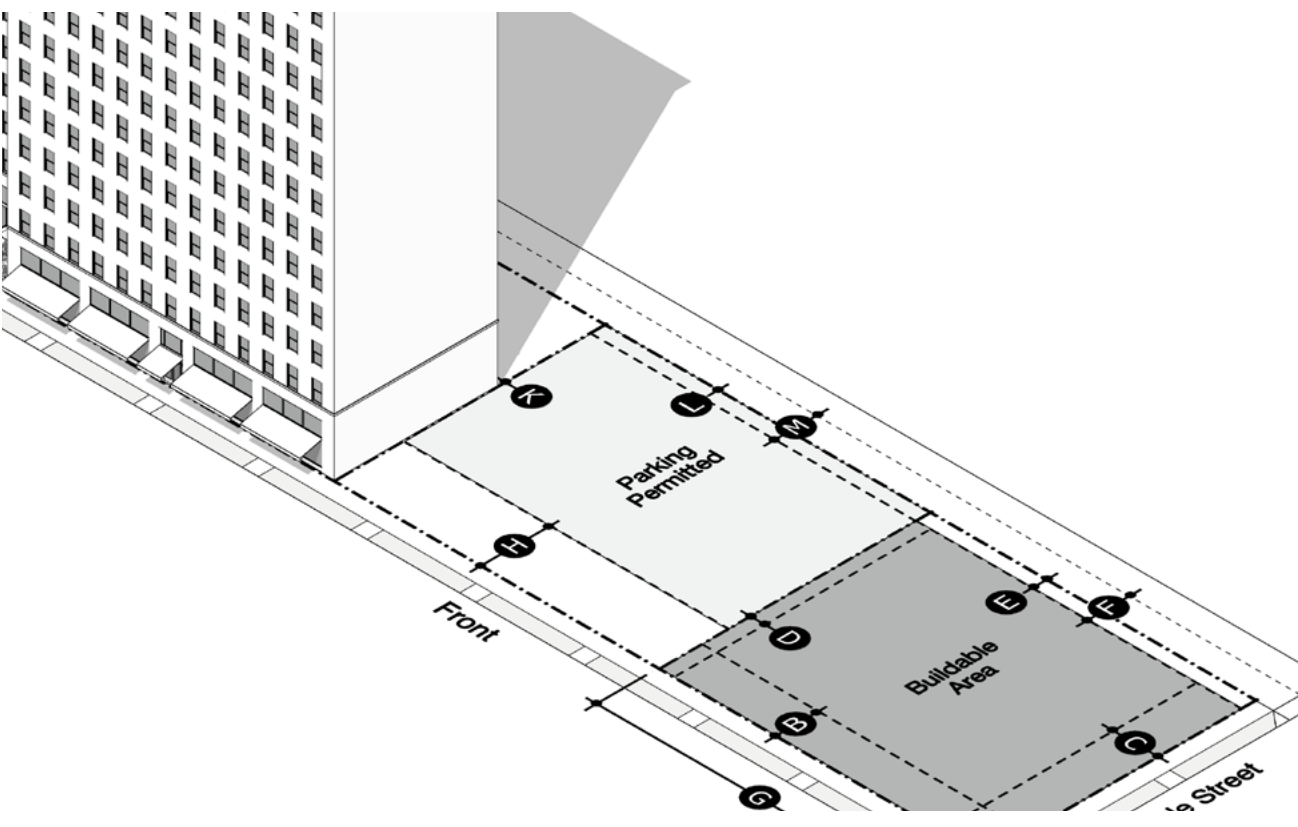
M Rear (alley) Setback	15 ft. from centerline of alley
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Uses

See [Table 4.7.1.A Zoning District Use Matrix](#)

* Building walls or a shared party-wall may be built without a setback, however walls set back from the property line must be set back at least 5 feet.

TABLE 4.1.5.J T6.2: URBAN CENTER HIGH



A district consisting mostly of mixed-use, office, institutional, and multi-family buildings that are regionally significant in size.

Buildings				
Building Location		Building Height		
A	Building Footprint	100% max.	Building Height	20 stories max.
B	Front Setback	15 ft. max.	Accessory Structure Height	14 ft. max.
C	Side Street Setback	15 ft. max.	Parking Structure Height	70 ft. max.
D	Side Setback	0 ft. or 5 ft. min.*	Ground Floor Ceiling Height	12 ft. min.
E	Rear Setback	5 ft. min.		
F	Rear (alley) Setback	15 ft. from centerline of alley		

TABLE 4.1.5.J T6.2: URBAN CENTER HIGH**Building Elevations****Required Entries**

Entry Frequency	60 ft. min. Commercial 100 ft. min. other uses
-----------------	---

Required Active Interior Space

See [c. Required Active Interior Space](#).

Required Glazing

Ground Floor	50% min. Commercial 15% min. other uses
--------------	--

Upper Floor	15% min.
-------------	----------

Site Design**Lot Size Requirements**

G Lot Width	N/A
--------------------	-----

Fencing and Walls

See section [4.3.5 Fences and Walls](#)

Impervious Areas

Impervious Area	50% max.
-----------------	----------

Parking Location

H Front Setback	25 ft. min.
------------------------	-------------

J Side Street Setback	10 ft. min.
------------------------------	-------------

K Side Setback	0 ft. min.
-----------------------	------------

L Rear Setback	0 ft. min.
-----------------------	------------

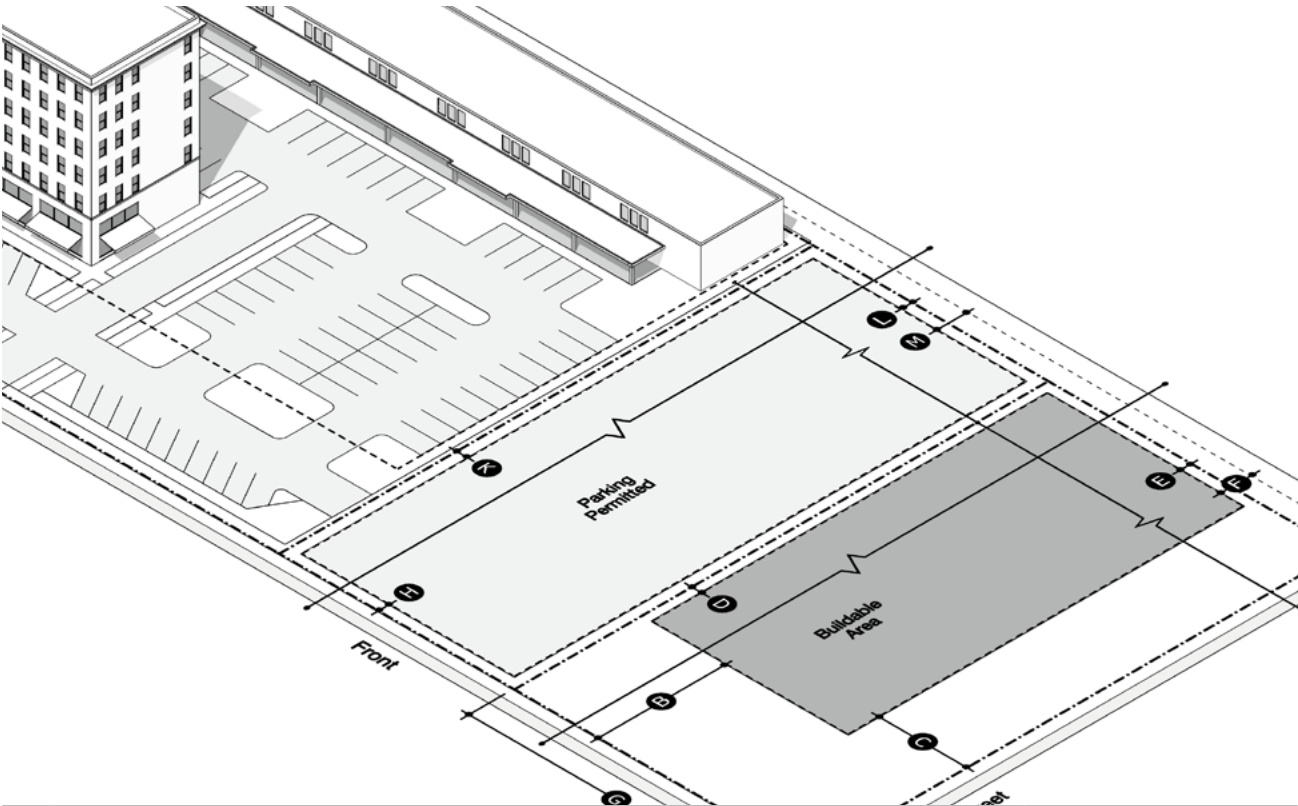
M Rear (alley) Setback	15 ft. from centerline of alley
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Uses

See [Table 4.7.1.A Zoning District Use Matrix](#)

* Building walls or a shared party-wall may be built without a setback, however walls set back from the property line must be set back at least 5 feet.

TABLE 4.1.5.K HC: HIGHWAY COMMERCIAL



A district consisting mostly of low scale commercial strip development. These districts standards allow for the existing condition to persist, however also allow for under-utilized parts of parking lots to be filled with active uses.

Buildings				
Building Location		Building Height		
A	Building Footprint	60% max.	Building Height	150 ft./12 stories max.*
B	Front Setback	8 ft. min.	Accessory Structure Height	14 ft. max.
C	Side Street Setback	45 ft. min.	Parking Structure Height	50 ft. max.
D	Side Setback	5 ft. min.	Ground Floor Ceiling Height	N/A
E	Rear Setback	5 ft. min.		
F	Rear (alley) Setback	15 ft. from centerline of alley		

TABLE 4.1.5.K HC: HIGHWAY COMMERCIAL**Building Elevations****Required Entries**

Entry Frequency N/A

Required Glazing

Ground Floor N/A

Required Active Interior Space

N/A

Upper Floor N/A

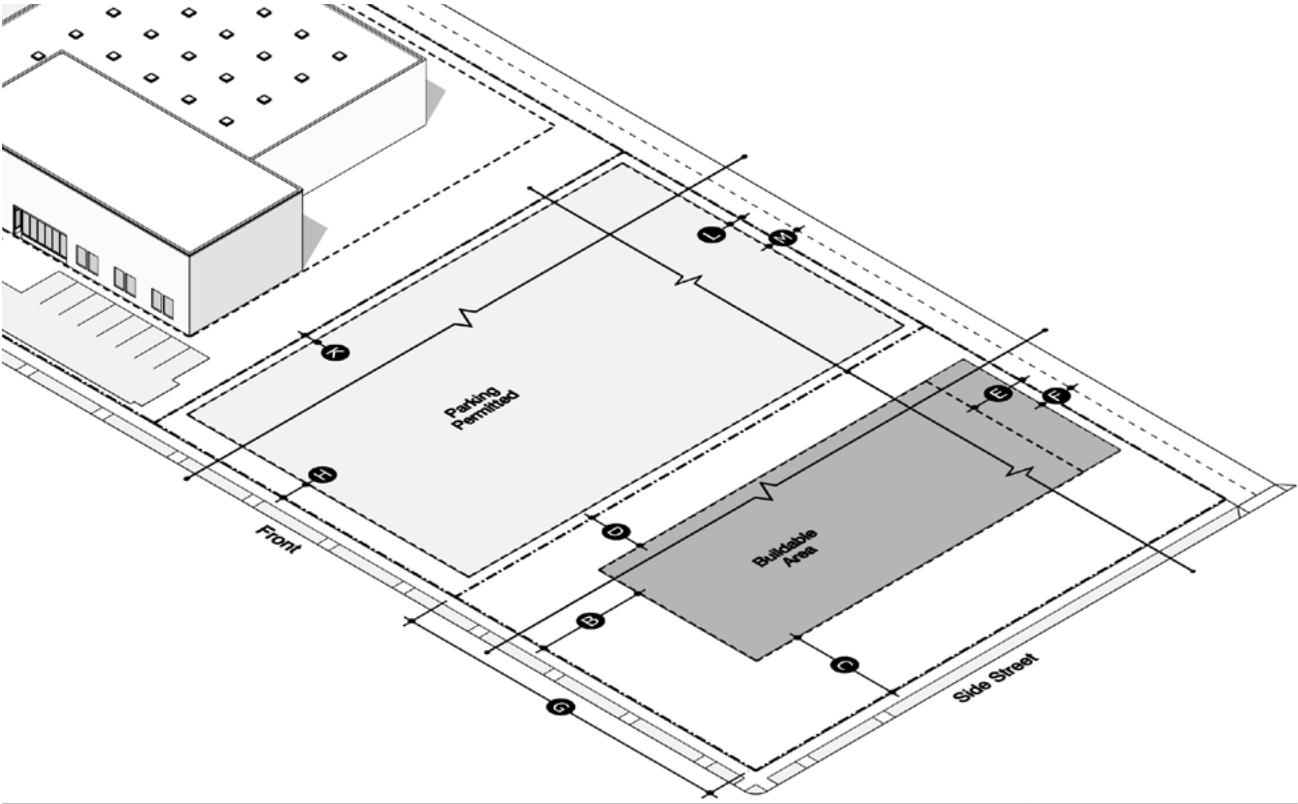
Site Design**Lot Size Requirements****G** Lot Width N/A**Parking Location****H** Front Setback 5 ft. min.**Fencing and Walls**See section [4.3.5 Fences and Walls](#)**J** Side Street Setback 5 ft. min.**Impervious Areas**

Impervious Area 80% max.

K Side Setback 5 ft. min.**L** Rear Setback 5 ft. min.**M** Rear (alley) Setback 15 ft. from centerline of alley**Uses**See [Table 4.7.1.A Zoning District Use Matrix](#)

* Applicant may choose height measurement by feet or stories.

TABLE 4.1.5.L I-1: LIGHT INDUSTRIAL



An industrial district with uses that are not particularly noxious or dangerous, that can be integrated with other nearby mixed-use districts.

Buildings				
Building Location		Building Height		
A	Building Footprint	40% max. / 80% max.*	Building Height	50 ft./5 stories max.**
B	Front Setback	50 ft. min. / 5 ft. min.*	Accessory Structure Height	14 ft. max.
C	Side Street Setback	50 ft. min. / 5 ft. min.*	Parking Structure Height	n/a
D	Side Setback	25 ft. min. / 5 ft. min.*	Ground Floor Ceiling Height	n/a / 11 ft.*
E	Rear Setback	25 ft. min. / 5 ft. min.*		
F	Rear (alley) Setback	15 ft. from centerline of alley		

TABLE 4.1.5.L I-1: LIGHT INDUSTRIAL**Building Elevations**

Required Entries		Required Glazing	
Entry Frequency	N/A	Ground Floor	N/A / 25% min.*
Required Active Interior Space		Upper Floor	N/A / 25% min.*
N/A			

Site Design

Lot Size Requirements		Parking Location	
G Lot Width	N/A	H Front Setback	15 ft. min. / 5 ft. min.***
Fencing and Walls		J Side Street Setback	15 ft. min. / 5 ft. min.***
See section 4.3.5 Fences and Walls		K Side Setback	5 ft. min.
Impervious Areas		L Rear Setback	5 ft. min.
Impervious Area	80% max. / 90% max.*	M Rear (alley) Setback	15 ft. from centerline of alley

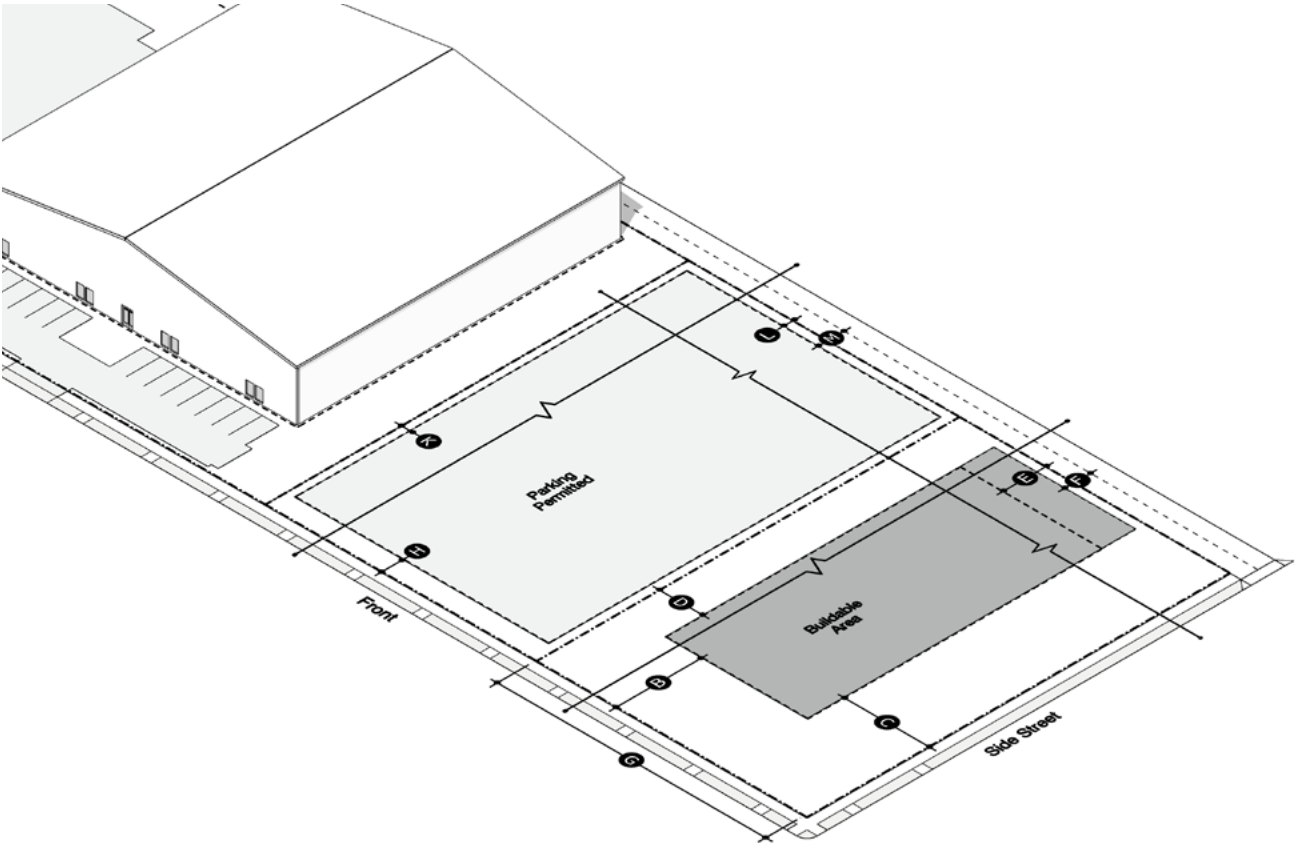
UsesSee [Table 4.7.1.A Zoning District Use Matrix](#)

* Standard where abutting HC, I-1, or I-2, and for uses on the site other than Industrial and Manufacturing.

** Applicant may choose height measurement by feet or stories.

*** Reduced setback where located within Mixed Use Highway Place Type.

TABLE 4.1.5.M I-2: LARGE FORMAT INDUSTRIAL



An industrial district with uses that are not particularly noxious or dangerous but tends to consist of very large buildings, storage, and significant movement of goods and materials.

Buildings				
Building Location			Building Height	
A	Building Footprint	40% max. / 80% max.*	Building Height	75 ft./6 stories max.**
B	Front Setback	100 ft. min. / 5 ft. min.*	Accessory Structure Height	24 ft. max.
C	Side Street Setback	100 ft. min. / 5 ft. min.*	Parking Structure Height	N/A
D	Side Setback	50 ft. min. / 5 ft. min.*	Ground Floor Ceiling Height	N/A
E	Rear Setback	50 ft. min. / 5 ft. min.*		
F	Rear (alley) Setback	15 ft. from centerline of alley		

TABLE 4.1.5.M I-2: LARGE FORMAT INDUSTRIAL**Building Elevations**

Required Entries		Required Glazing	
Entry Frequency	N/A	Ground Floor	N/A / 25% min.*
Required Active Interior Space		Upper Floor	N/A / 25% min.*
N/A			

Site Design

Lot Size Requirements		Parking Location	
G Lot Width	N/A	H Front Setback	15 ft. min. / 5 ft. min.***
Fencing and Walls		J Side Street Setback	15 ft. min. / 5 ft. min.***
See section 4.3.5 Fences and Walls		K Side Setback	5 ft. min.
Impervious Areas		L Rear Setback	5 ft. min.
Impervious Area	70% max. / 90% max.*	M Rear (alley) Setback	15 ft. from centerline of alley

UsesSee [Table 4.7.1.A Zoning District Use Matrix](#)

* Standard where abutting I-2, and for uses on the site other than Industrial and Manufacturing.

** Applicant may choose height measurement by feet or stories.

*** Reduced setback where located within Mixed Use Highway Place Type.

SECTION 4.2 BUILDING STANDARDS**4.2.1 Purpose**

The location and street-facing design of buildings are regulated to support safe and pedestrian friendly streets by locating buildings near to streets and main means of circulation within large sites, and by ensuring that building entries and windows provide access and visibility along pedestrian areas. Porches, stoops, balconies, and similar building elements are encouraged by allowing them to project into required setbacks. Parking is generally required to be located behind buildings relative to property lines, as detailed in the subsequent section, however exceptions are made for larger car-centric streets, and Highway Commercial and Industrial areas. Building height is generally limited by the number of stories to discourage short floor-to-floor heights while also protecting areas with lower buildings from abrupt transitions to significantly taller buildings.

4.2.2 Building Location**a. Flood hazard areas**

- i. New enclosed structures are prohibited in flood hazard areas. (This will require major changes to CH 22, if removed, mention the requirement for elevation certificates)
- ii. All open structures and expansion of open and enclosed structures are considered impermeable and are limited in flood hazard areas according to the minimum required permeable area specified in [Article 3, 3.2.1 Flood hazard areas](#).
- iii. A minimum of 20 feet must be maintained between any building foundation and a flood hazard area unless the foundation is specifically designed to withstand saturated soil conditions

b. Maximum building footprint

- i. Building footprints are limited according to a maximum percentage of the property, as specified in [Table 4.1.5.A Zone standards](#).

c. Minimum setbacks from property lines

- i. Buildings must be set back from property lines as specified in [Table 4.1.5.A Zone standards](#), illustrated in [Figure 4.2.2.A Setbacks](#), and as follows:
 - (1) Front specifies the setback from the property line associated with the address;
 - (2) Side street specifies the setback from any property line abutting a street other than the front property line;
 - (3) Side specifies the setback from side property lines other than side street property lines;
 - (4) Side setbacks of 0ft in T4 zones are only permitted to construct townhomes, the end units of each townhome grouping requires a minimum 5ft side setback.
 - (5) Rear specifies the setback from the rear property line, except where abutting an alley;
 - (6) Rear alley specifies the setback from the rear property line where it abuts an alley;
 - (7) Where streets or alleys are easements and where rights-of-way are within the property, setbacks are measured from the edge of the street or alley easement or right-of-way.
- ii. Structures such as pools and patios must be set back at least 6 feet from property lines.

d. Maximum front setback

- i. Maximum front setbacks establish a build-to area along the front property line where buildings must be located between the minimum and maximum setbacks, as illustrated in [Table 4.2.2.B Build-To Area Occupation Examples](#).
- ii. In T5 and T6, buildings must occupy 70% or more of the lot width within the build-to area along the front property line, excluding required side and side street setbacks, and driveways.

- iii. Buildings may exceed the maximum setback where a forecourt is provided along the front property line or the corner of corner properties, subject to the following:
 - (1) Forecourts are limited to a maximum of 1,600 sq.ft. in area;
 - (2) Forecourts are limited to a maximum of 40% of the property width;
 - (3) Glazing requirements, entry requirements, and active interior space requirements for front property line adjacent building elevations apply to all building elevations along the forecourt; and
 - (4) 60% of the forecourt surface must be paved.
- iv. Where utility easements conflict with maximum setbacks, the maximum setback distance is measured from the interior edge of the utility easement.
- v. Where front parking is permitted, the maximum setback distance is measured from the interior edge of the front parking area.
- vi. Flag lots are exempt from maximum setback requirements where the front lot line is less than 60 feet wide.
- vii. Maximum setbacks may be exceeded for institutions and places of assembly by administrative waiver.

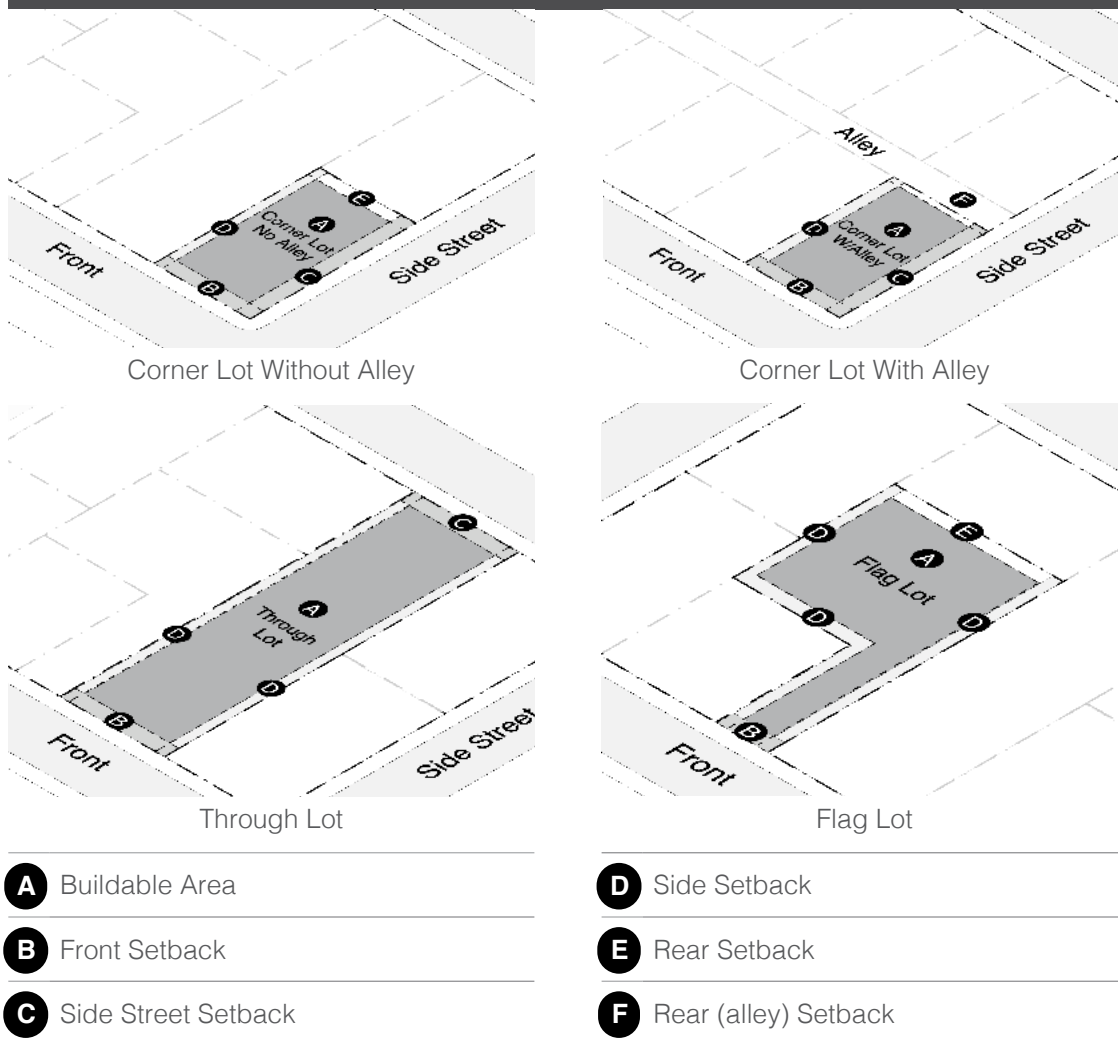
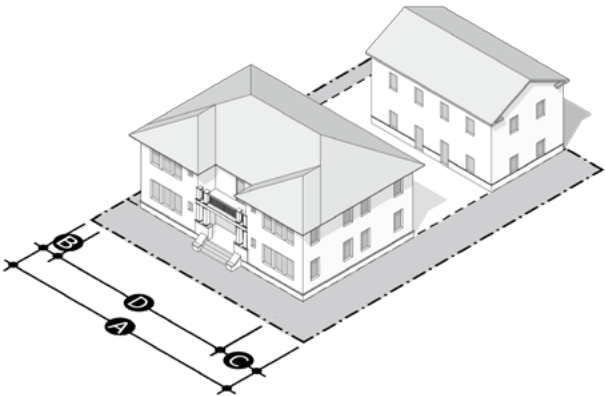
FIGURE 4.2.2.A SETBACKS

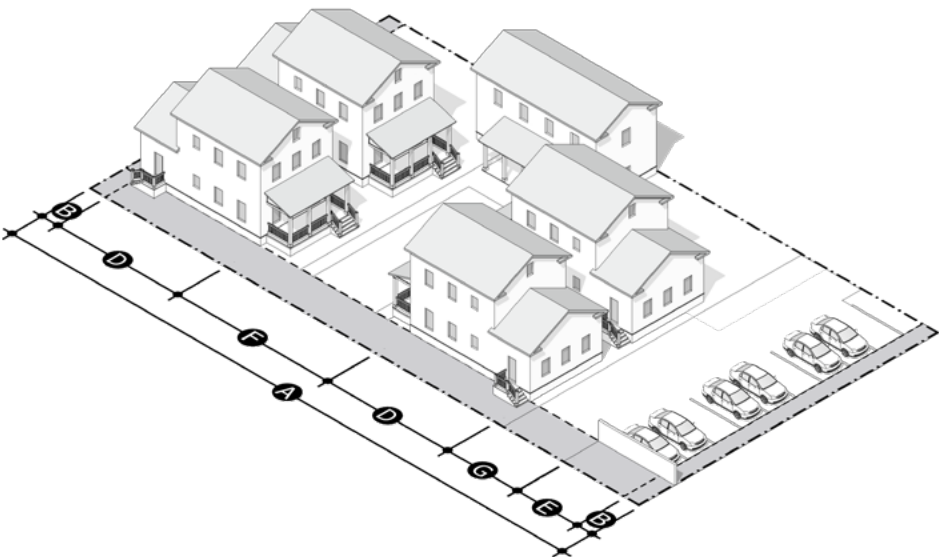
TABLE 4.2.2.B BUILD-TO AREA OCCUPATION EXAMPLES

Build-To Area Occupation: Corner Lot, Small Multi-unit Dwelling, Alley Parking Access



- A** Lot Width
 - B** Side Setback, excluded from required build-to area occupation
 - C** Side Street Setback, excluded from required build-to area occupation
 - D** Building facade along the front lot line
- Build-To Area Occupation = $D / (A - B - C)$

Build-To Area Occupation: Middle Lot, Cluster Court, Front Parking Access



- A** Lot Width
 - B** Side Setback, excluded from required build-to area occupation
 - C** Building facade along the front lot line
 - D** Front lot line without building facades, streetscreen required
 - E** Forecourt, excluded from required build-to area occupation
 - F** Driveway, excluded from required build-to area occupation
 - G** Building facade along the rear lot line
- Build-To Area Occupation = $D / (A - B - F - G)$

f. Encroachment into setbacks

- i. Building elements are permitted to encroach into minimum setbacks beyond the structure they are attached to as follows:
 - (1) Up to 2 feet for roof overhangs, cornices, window and door surrounds, and other facade decorations;
 - (2) Up to 4 feet for balconies, bay windows, and awnings over residential windows;
 - (3) Up to 6 feet for stoops, excluding steps which may encroach beyond, and for non-residential display windows at the ground floor;
 - (4) Up to 10 feet for porches where the depth is at least 5 feet, excluding steps which may encroach beyond;
 - (5) Up to the front or side street property line for galleries and awnings over non-residential windows, where the depth is at least 6 feet. Further encroachment into the right-of-way may be permitted as specified in the following section;

g. Encroachment into rights-of-way

- i. Galleries and awnings may encroach into rights-of-way provided:
 - (1) There is a minimum vertical clearance of 8 feet above the sidewalks;
 - (2) There is a minimum vertical clearance of 10 feet above trails; and
 - (3) An approved right-of-way encroachment permit, except for retractable awnings.
- ii. Balconies may encroach into rights-of-way up to 4 feet, provided there is a minimum vertical clearance of 13 feet above the sidewalk.

4.2.3 Structure Height**a. Maximum Structure Height**

- i. Building height is limited as specified for each zone in [Table 4.1.5.A Zone standards](#), measured as specified in [d. Height Measurement](#).
- ii. Garages, sheds, and other non-habitable structures are limited to 14 feet in height.
- iii. Structures containing accessory dwelling units, other than those integrated within the main dwelling structure, are limited in height to one story less than the maximum height for the zone.
- iv. The following building elements may extend above roofs:
 - (1) Chimneys, up to 4 feet above the roof at the roof ridge line or parapet;
 - (2) Rooftop equipment where shielded from view along sidewalks;
 - (3) Parapets, up to 4 feet above the flat roof or the eave of a sloped roof;
 - (4) Water tanks;
 - (5) Elevator bulkheads;
 - (6) Stairways providing access to the roof;
 - (7) Habitable space above sloped roofs no more than 200 square feet in area up to one floor above the maximum building height; and
 - (8) Habitable space above flat roofs no more than 400 square feet in area up to one floor above the maximum building height.
- v. Special architectural features such as clock or bell towers and decorative parapets may exceed these limits by **Warrant**.

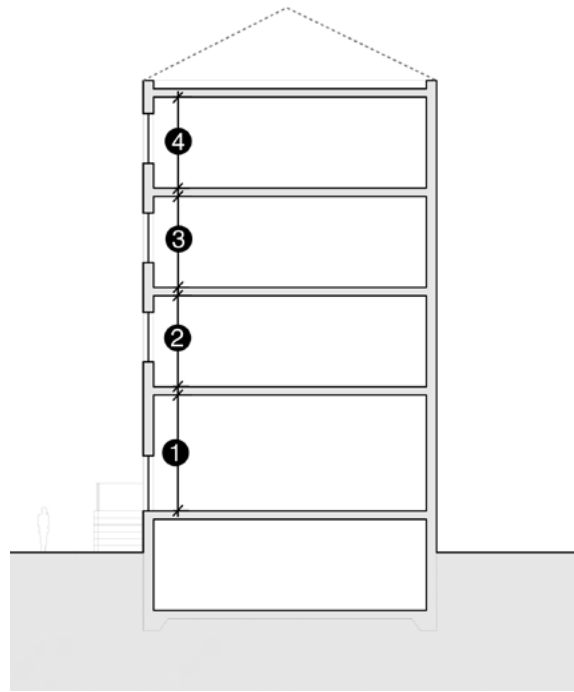
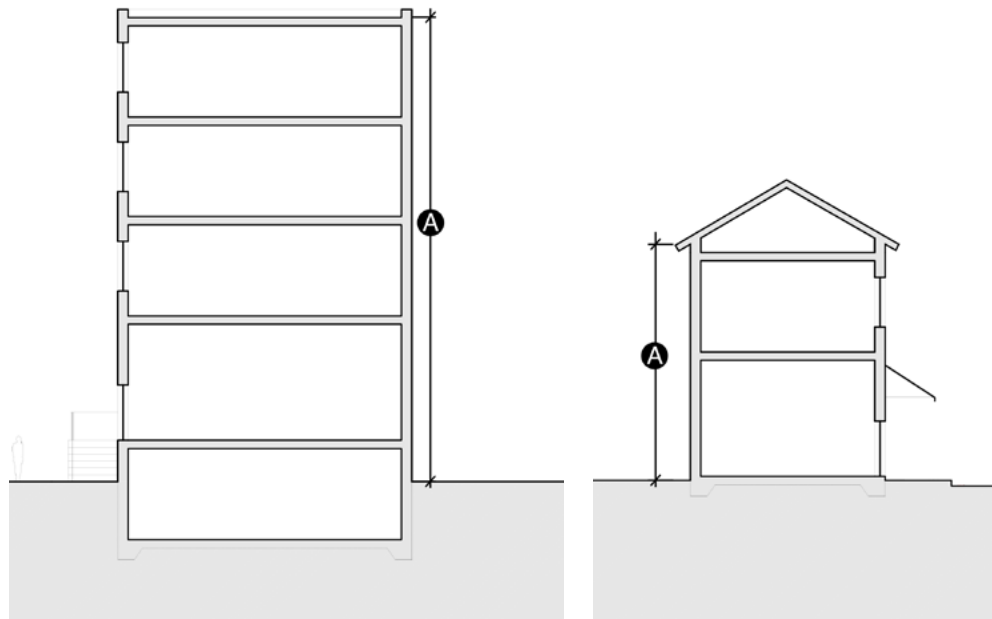
b.

c. **Maximum Parking Structure Height**

- i. Parking Structure is limited in height by feet as specified for each zone in [Table 4.1.5.A Zone standards](#).
- ii. Parking structures attached to habitable buildings along 70% or more of their street-facing perimeter may exceed the maximum height and extend to the lowest attached eave of sloped roofed building or top of roof structure of flat roofed building.

d. **Height Measurement**

- i. Building height is measured from:
 - (1) Finished sidewalk adjacent to the main building entrance where buildings are within 30 feet of a sidewalk. Buildings on through properties that are adjacent to two streets, are evaluated independently at each street, for a distance of half of the property;
 - (2) At the lowest elevation of adjacent grade at the building perimeter where buildings are further than 30 feet from a sidewalk; or
 - (3) At each 100 feet of building length along a sidewalk or lowest elevation of adjacent grade where the sidewalk or site slopes more than 10%, or at the applicant's discretion.
- ii. Building height regulated by story is subject to the following:
 - (1) Stories are measured from floor to floor, as illustrated in [Figure 4.2.3.A Height Measurement by Story](#);
 - (2) Stories are limited to 16 feet high;
 - (3) Stories exceeding 16 feet are counted as one story for every 16 feet, except where specifically permitted to be taller;
 - (4) Below ground stories do not count toward building height provided they do not extend more than 4 feet above grade; and
 - (5) Attics may not exceed 50% of the floor area of the story below.
- iii. Building height regulated by feet is measured as illustrated in [Figure 4.2.3.B Height Measurement by Feet](#) and subject to the following:
 - (1) Height is measured to the eave of sloped roofs; and
 - (2) Height is measured to the top of roof structure for flat roofs.
- iv. In T5, T6, HC, and for any non-residential use or mixed-use:
 - (1) Ground floor ceiling must be 11 feet in height or greater;
 - (2) Ground floor stories exceeding 25 feet are counted as one story for every 14 feet; and
 - (3) Mezzanines more than 40% of the ground floor area are counted as an additional story.

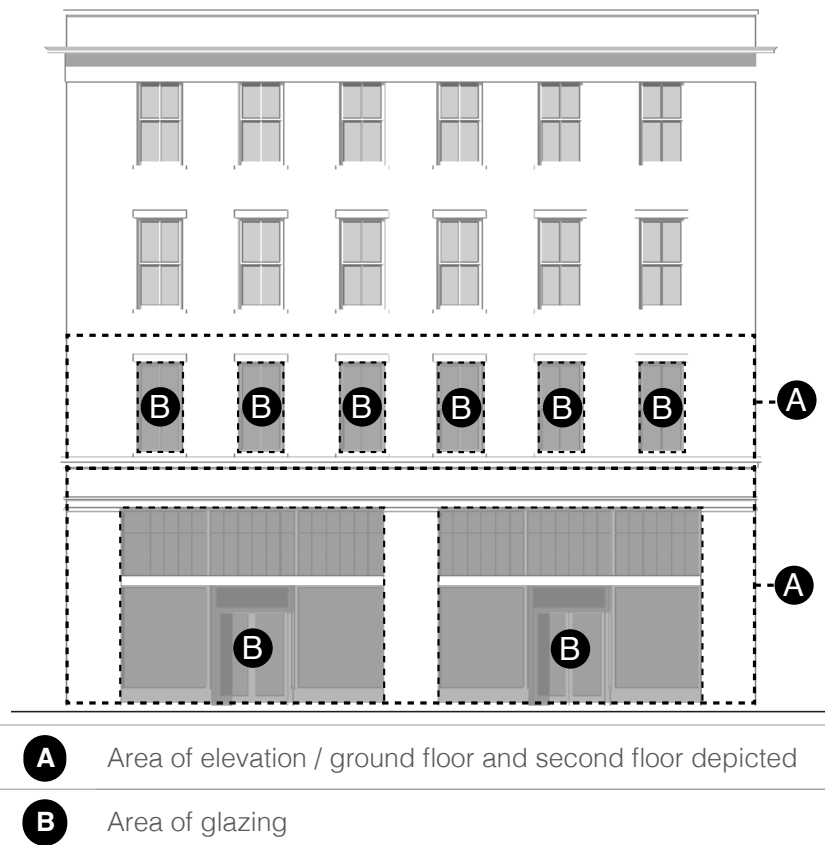
FIGURE 4.2.3.A HEIGHT MEASUREMENT BY STORY**FIGURE 4.2.3.B HEIGHT MEASUREMENT BY FEET**

4.2.4 Building Elevations**a. Required Entries**

- i. Buildings located within 30 feet of front and side street property lines must have entries providing interior access from sidewalks and parks at the minimum frequency specified in [Table 4.1.5.A Zone standards](#).
- ii. Buildings are exempt from required entries along side street property lines where the building elevation is less than 75 feet in length and entries are provided to the front property line.

b. Required Glazing

- i. Building elevations facing towards and within 50 feet of front and side street property lines must meet the minimum clear glass requirements of [Table 4.1.5.A Zone standards](#).
- ii. The clear glass area is measured as depicted in [Figure 4.2.4.A Glazing Calculations](#) and as follows:
 - (1) The clear glass area is calculated individually for each elevation and each floor;
 - (2) The rough opening for each window and storefront system is considered glass for this calculation, including $\frac{3}{4}$ or more glazed doors; and
 - (3) Tinted, mirrored or reflective glass, and glass covered by screening sheets, graphics, white, or UV protection film do not count towards required clear glass.
- iii. Blank walls within build-to areas along front property lines and side street property lines are limited to 40 feet in length.

FIGURE 4.2.4.A GLAZING CALCULATIONS

c. Required Active Interior Space

- i. In T5 and T6, buildings within build-to areas must have active interior space at the ground floor along front and side street property lines.
- ii. Active interior space must extend for a minimum of 12 feet into the depth of the ground floor.
- iii. Active interior space includes merchandise and display areas, dining areas, building entries and lobbies, common areas in multi-tenant buildings, production and preparation areas, performance areas, meeting areas, and other similar spaces intended for frequent occupation and active use.

SECTION 4.3 SITE DESIGN STANDARDS**4.3.1 Purpose**

Site design standards ensure that the elements such as buildings, parking, waste storage, fencing, walkways, landscaping, and stormwater areas are sufficiently provided and arranged to support pedestrian-oriented streets and minimize the impact of development on neighboring properties. The standards of [Article 3 Land Development and Subdivision](#) apply in addition to these for single site developments such as shopping centers and apartment complexes, where they address the primary site circulation and large open spaces. In the case of subdivisions, [Article 3 Land Development and Subdivision](#) applies to the streets and parks and these standards apply to individual lots.

4.3.2 Cave Springs Area

- a. Development in the Cave Springs Area Karst Resource Conservation boundary is subject to [Article 7, Section 7.1 Cave Springs Area Karst Resource Conservation Regulations](#).

4.3.3 Impervious surfaces

- a. Impervious surfaces are limited to a maximum percentage of the property, as specified in [Table 4.1.5.A Zone standards](#).
- b. Impervious surfaces are further limited within flood hazard areas, as specified in [3.2.1 Flood hazard areas](#).

4.3.4 Walkways

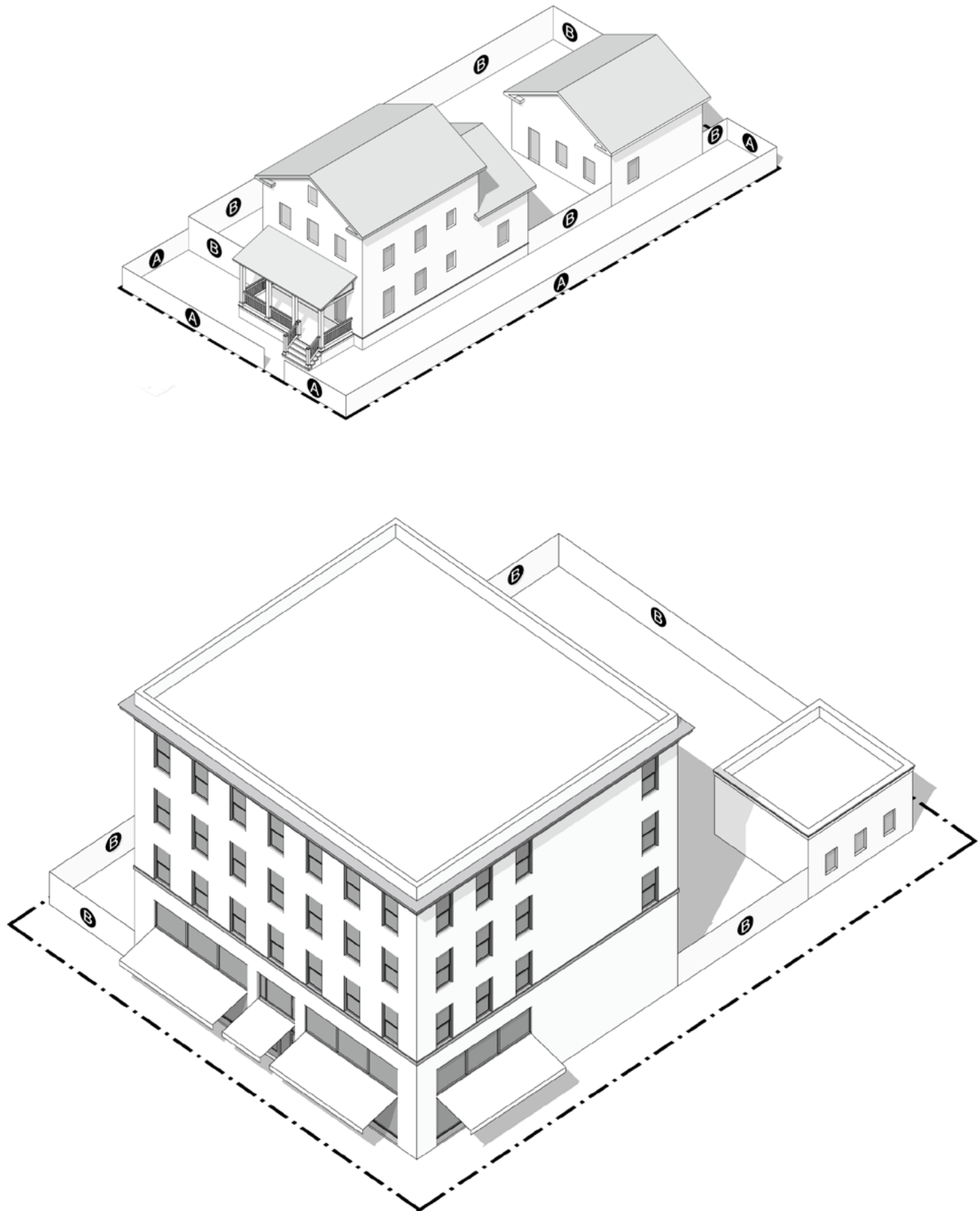
- a. Walkways must connect building entries with sidewalks along property lines, separate from driveways.
- b. Walkways must comply with ADA standards.
- c. Where multiple building entries face towards the site interior rather than towards property lines, walkways must provide access to sidewalks along property lines in as direct a manner as feasible.
- d. Walkways must connect dedicated on-site parking areas with building entries and sidewalks along property lines.
- e. Where parking lots have more than 2 trays, a dedicated walkway must be provided traversing aisles at least every 20 vehicle stalls.
- f. Walkways within parking lots must include a minimum 6 foot wide landscape area adjacent to the walkway, planted with trees spaced no more than 40 feet on center.

4.3.5 Fences and Walls

- a. Fence and wall requirements
 - i. Fences and walls are either frontage fencing or privacy and security fencing, as illustrated in [Figure 4.3.5.B Fence and wall location](#).
 - ii. Fences and walls are subject to the requirements of [Table 4.3.5.A Fence and wall requirements](#), and the following:
 - (1) Walls in T5, T6, HC, and I-1 are limited to retaining walls;
 - (2) Fencing above 4 feet in height must be at least 50% transparent; and
 - (3) Barbed wire, razor wire, and similar materials are prohibited, except in I-2 and T2.
- b. Streetscreens
 - i. Where buildings are not located in build-to areas, streetscreens are required as follows:
 - (1) A metal fence, masonry wall, or combination of both is required;
 - (2) The fence or wall must be aligned with building elevations;
 - (3) Vehicular openings are limited to 30 feet maximum;
 - (4) Pedestrian openings are limited to 8 feet maximum; and
 - (5) Where located on-site parking areas, loading areas, mechanical equipment, refuse areas, or material storage areas, the fence or wall must be opaque or include a row of hedges towards the lot interior to increase opacity.

TABLE 4.3.5.A FENCE AND WALL REQUIREMENTS

Zone	Frontage Fencing Height	Screening & Security Fencing Height	Streetscreens
T2	4 feet max. within 40 feet of property lines; 12 feet max. elsewhere		n/a
T3	4 feet max.	6 feet max. and 4 feet min.	n/a
T4			
T5	Not permitted, except as required for Alcohol Control	8 feet max. and 4 feet min.	Required
T6			n/a
HC			
I-1			
I-2	8 feet max., must be set back 10 feet min. from sidewalks	12 feet max. and 4 feet min.	n/a

FIGURE 4.3.5.B FENCE AND WALL LOCATION**A** Frontage Fencing**B** Privacy and Security Fencing

4.3.6 Parking Location

- a. Parking must be set back from property lines as specified in [Table 4.1.5.A Zone standards](#).
- b. Within Mixed Use Highway place type designation in the Comprehensive Growth Plan, parking is allowed between buildings and the arterial as follows:
 - i. Parking may be located between buildings and adjacent arterials, subject to the requirements of this section;
 - ii. The front parking area must be set back between 6 and 12 feet from the right-of-way. This space must be landscaped with trees spaced a maximum of 40 feet on center;
 - iii. The front parking area may be up to 60 feet in depth, consisting of:
 - (1) One or two rows of parking may be provided, head-in, angled, or parallel; and
 - (2) Drive aisles.
 - iv. Drive aisles must be stubbed to connect with adjacent properties other than T3 and T4;
 - v. A minimum 8 foot wide walkway must be provided along the inside edge of the parking area; and
 - vi. An optional area for trees may be provided between the required walkway and the parking area.
- c. In T3 and T4 parking location is restricted as follows:
 - i. For properties with alley access:
 - (1) Parking must be accessed from the alley;
 - (2) Parking must be located adjacent to the rear alley property line; and
 - (3) Parking must not extend beyond the rear elevation of the main building.
 - ii. For corner properties without alley access:
 - (1) Parking must be accessed from the side street;
 - (2) Parking must be located adjacent to the rear alley property line; and
 - (3) Parking must not extend beyond the rear elevation of the main building.
 - iii. All other properties in T4:
 - (1) Garages and parking areas must be located at least 20 feet further into the property than the main building front elevation; and
 - (2) Garages integrated into the main building must not exceed 30% of the width of the main building front elevation.
 - iv. All other properties in T3:
 - (1) Garages and parking areas must not extend forward of the main building front elevation; and
 - (2) Garages integrated into the main building must not exceed 40% of the width of the main building front elevation.

FIGURE 4.3.6.A FRONT PARKING LANE CONFIGURATION

4.3.7 Parking Lot Design

- a. This section does not apply to vehicle storage in I-1 and I-2.
- b. Connections to parking lot circulation must be provided between abutting properties, except T3 and T4 properties.
- c. Parking space and aisle dimensions must be as specified in [Table 4.3.7.B Parking Space and Aisle Dimensions](#).
- d. Parking lots providing more than 30 parking spaces must include the following:
 - i. Pedestrian walkways, as specified in [3.4.4 Transportation Standards](#);
 - ii. Lighting;
 - iii. Wheel stops where parking spaces abut walkways and landscape strips;
 - iv. Landscape strips every 4 aisles, a minimum of 8ft in width, planted with ground cover and trees spaced no more than 50 feet on center;
 - v. Landscape strips between every 12 vehicle spaces along an aisle, a minimum of 8ft in width and the length of the parking space, planted with ground cover and one canopy tree;
 - vi. Landscape strips at the end of each aisle, a minimum of 8ft in width and the length of adjacent parking spaces, planted with ground cover and 2 canopy trees;
 - vii. Landscape strips between parking lots and property lines, a minimum of 10ft in width, planted with ground cover and at least one tree for every 50 feet of length;
 - viii. Additional landscaping is required to shade at least 25% of paved parking areas within 5 years of planting; and
 - ix. Required landscape areas may be used for stormwater management.

TABLE 4.3.7.B PARKING SPACE AND AISLE DIMENSIONS

Angle of Parking	Aisle: One-Way, Single Loaded	Aisle: One-Way, Double Loaded	Aisle: Two-Way, Double Loaded
90 Degrees	20 ft. min.	22 ft. min.	22 ft. min.
60 Degrees	18 ft. min.	18 ft. min.	22 ft. min.
45 Degrees	14 ft. min.	14 ft. min.	20 ft. min.
Parallel	10 ft. min.	10 ft. min.	20 ft. min.
Standard Stall	8.5 ft. wide min. and 18 ft. long min.		
Compact Stall	7.5 ft. wide min. and 16 ft. long min.		
Parallel Stall	7 ft. wide min. and 22 ft. long min.		

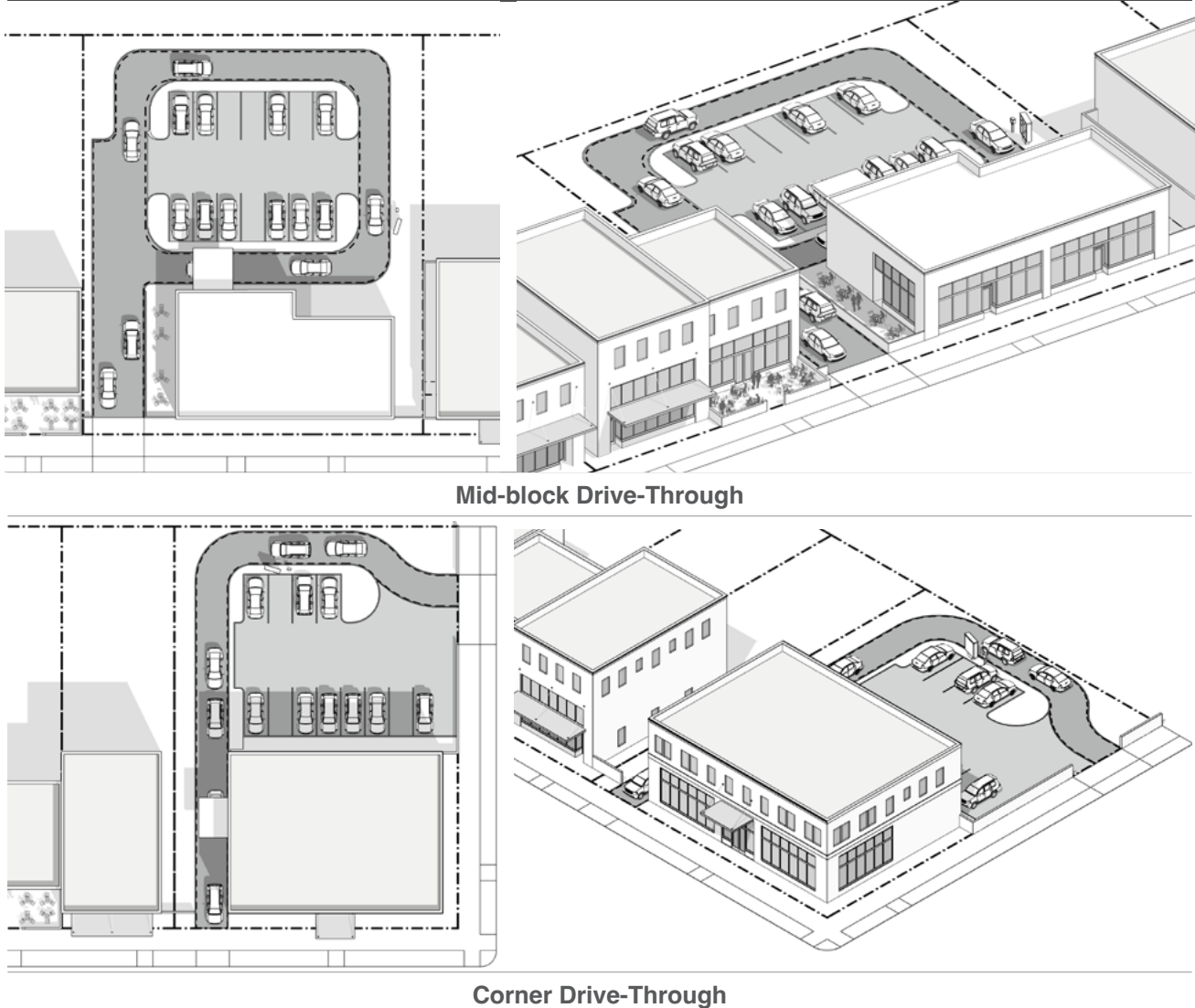
4.3.8 Loading Location

- a. Within T2, loading location is not restricted.
- b. In I-2, dedicated loading areas must be behind buildings relative to front property lines, set back a minimum of 20 feet from side street property lines, and screened from view by a fence or wall. I-2 properties are exempt from the remainder of this section.
- c. Dedicated loading areas must be located behind buildings in relation to streets and accessed from alleys or on-site parking areas.
- d. Dedicated loading areas may be located along side street property lines where alleys or on-site parking areas are not available, limited to a maximum of 30 feet in length.
- e. Dedicated loading areas may be located along front property lines where neither of the prior conditions are available, limited to a maximum of 20 feet in length.

4.3.9 Driveways and Drive-Throughs

- a. Driveways are limited in width as follows:
 - i. For properties greater than 5 acres, primary site circulation subject [Article 3, 3.3.5 Single Site Development](#) in lieu of this section. Circulation within hypothetical lots remains subject to this section.
 - ii. Driveways connecting to alleys are not limited in width;
 - iii. Driveways crossing side street property lines are limited to a maximum of 11 feet in width for one-way and 22 feet in width for two-way movement;
 - iv. Driveways crossing a front property line are limited to:
 - (1) Looped and circular driveways are limited to T2 and T3;
 - (2) In T3 and T4, 12ft in width maximum, within 12 feet of the property line;
 - (3) In T5, T6, and T2, 22ft in width maximum; and
 - (4) In HC, I-1, and I-2, 32ft in width maximum.
 - v. Additional driveway lanes may be approved by the **City Engineer** where necessary to accommodate high traffic generating uses, as identified by a traffic study.
- b. Driveway location is restricted as follows:
 - i. For properties with alley access, driveway access to parking areas must be provided from the alley;

- ii. For corner properties, driveway access to parking areas may be provided from the side street;
- iii. Driveways may be provided from front property lines in the following conditions:
 - (1) Properties without alley or side street access;
 - (2) Properties in HC, I-1, I-2, and T2;
 - (3) Properties in T5 and T6 within Mixed Use Highway place type designations; and
 - (4) Properties in T3 or T4 that are at least 60 feet wide.
- iv. Driveways along front and side street property lines are limited to:
 - (1) Primary site circulation, where required for sites 5 acres or larger; or
 - (2) One driveway for every 600 feet of front or side street property line length, or fraction thereof.
- v. One-way in and one-way out configurations may be permitted by **Warrant**.
- c. Drive-through facilities and lanes are restricted as follows:
 - i. Drive-through facilities and lanes are prohibited between the building they service and the front or side street property line, as illustrated in [Figure 4.3.9.A Drive-Through Configuration](#);
 - ii. Queuing lanes must not block pedestrian walkways; and
 - iii. Drive-through canopies and other structures incidental to the drive-through must be set back a minimum of 30 feet from the front building elevation.

FIGURE 4.3.9.A DRIVE-THROUGH CONFIGURATION**4.3.10 Equipment, Waste, and Storage**

- a. Mechanical equipment, waste, and storage areas are prohibited in setbacks.
- b. Mechanical equipment, waste, and storage areas are prohibited between buildings and the front or side street property line.
- c. Rooftop mechanical equipment must be screened from view.
- d. Mechanical equipment, waste, and storage areas must be screen from view from sidewalks and property lines abutting T2, T3, and T4 properties by:
 - i. Fencing or walls, subject to the requirements of [4.3.5 Fences and Walls](#); or
 - ii. A hedge of evergreen shrubs, a minimum of 6 feet high.
- e. Above ground utility equipment located within setbacks, other than rear setbacks, or between buildings and the front or side street property line must be screened by an evergreen hedge, or other alternative screening, as approved by the **TAC**.
- f. Exhaust and waste spaces within buildings are prohibited within build-to areas.

4.3.11 Required Landscape and Impervious Surface Limitations

- a. Landscape areas, including all pervious surfaces and plant materials, are subject to the requirements of [Section 4.6 Landscape Standards](#).
- b. Impervious surfaces are limited in the total area they may occupy as a percentage of the property, as specified in [Table 4.1.5.A Zone standards](#), except flood hazard, which are subject to [a. Flood hazard areas](#).
- c. The following regulations apply to flood hazard areas:
 - i. Lot improvements within floodways must not impede the free flow of flood waters;
 - ii. Flood hazard areas must be at least 70% permeable;
 - iii. Major flood hazard areas must be at least 90% permeable; and
 - iv. New structures and expansions of existing structures are restricted in flood hazard areas.
- d. Trees are required within front and side street setbacks as follows:
 - i. In T2, T5, and T6, no trees are required;
 - ii. In T3, 2 understory trees must be planted for every 60 feet of property line length, min;
 - iii. In T4, 1 understory tree must be planted for every 60 feet of property line length, min.; and
 - iv. 10 shrubs may be substituted for 1 required understory tree.
- e. In the HC, I-1, and I-2 15% of the gross lot area must be landscaped, including:
 - i. 2 shrubs for every 250 square feet of lot area;
 - ii. 2 trees for every 500 square feet of lot area; and
 - iii. Ground cover, mulch, or stone must cover 100% of pervious areas.

4.3.12 Use of Rights-of-Way

- a. Use of the public right-of-way requires a right-of-way use permit, including use of on-street parking spaces, the planting strip, and the sidewalk.
 - i. Placement of A-frame signs within the planting strip does not require a permit.
- b. Any use of the public right-of-way is subject to the following:
 - i. A 5 foot clear pedestrian path must be maintained at all times, along the trajectory of the sidewalk; and
 - ii. All retail furnishings must be stored inside between 12 AM and 6 AM.

SECTION 4.4 PUBLIC STREET IMPROVEMENTS**4.4.1 Purpose**

...

4.4.2 Section

- a. **Requirements**
 - (1) **From Article 3:** Existing streets along site boundaries must be modified to meet the requirements of [c. Street Design](#) or in accordance with National Association of City Transportation Officials (NACTO) guidelines, as specified by the **City Engineer**.
- b. Old, from first draft, to be replaced:
 - i. Streets along property lines must be brought into compliance with adopted street designs, active street improvement projects, and ADA standards as follows:

- (1) Properties greater than 5 acres, other than T2, must provide improvements up to a full half street;
- (2) T3 and T4 properties less than 5 acres must complete and repair sidewalks and add street trees along property lines;
- (3) T5, T6, HC, I-1, and I-2 properties must provide improvements up to and including curbs.

SECTION 4.5 ZONE TRANSITIONS

4.5.1 Purpose

To require that where new development is proposed to be more significant in height or activity than that allowed on adjacent properties, the new development provides a compatible transition to reduce the impact on surrounding properties.

4.5.2 Conditions Requiring Transitions

- a. Transitions are required in the following conditions:
 - i. T6, HC, I-1, and I-2 properties abutting T4.1 or T3; and
 - ii. T5 properties abutting T3.
- b. Required transitions are as specified in this Section.

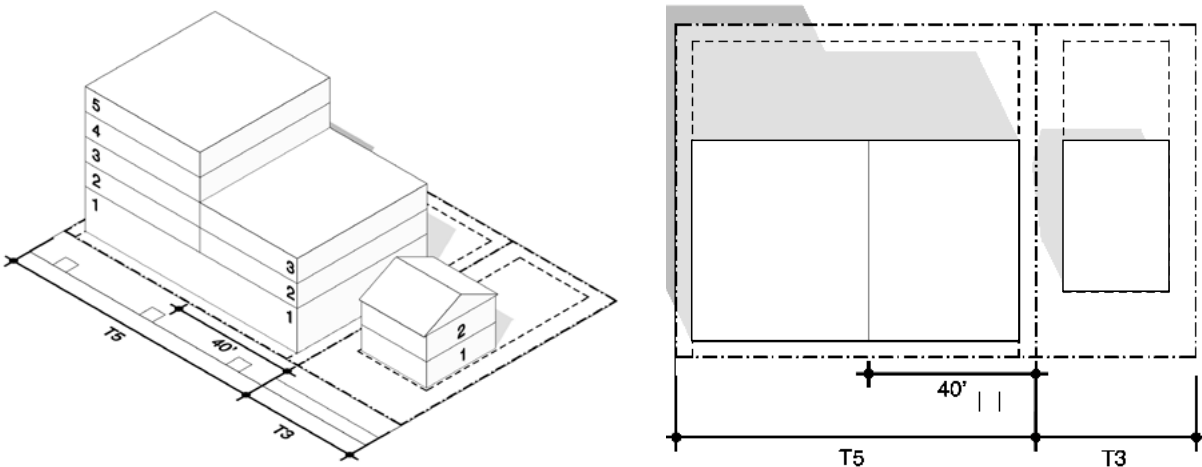
4.5.3 Transition in Height

- a. Building height is limited to one story above the maximum height allowed on the abutting property within 40 feet of the abutting property line.

4.5.4 Transition in Setback

- a. At abutting property lines, buildings must meet the minimum property line setback requirements of the abutting property.
- b. In HC and I-1 buildings must be set back 20 feet in addition to the minimum setback from property lines abutting T2, T3, and T4.
- c. In I-2, buildings must be set back 50 feet in addition to the minimum setback from property lines abutting T2, T3, and T4.

FIGURE 4.5.4.A TRANSITIONS IN HEIGHT AND SETBACK



4.5.5 Transition with Landscape Buffers

- a. Landscape buffers are required at abutting property lines that differ in zoning district, where indicated in [Table 4.5.5.A Buffer Requirement by Adjacency](#).
- b. Landscape buffers must be configured according to [Table 4.5.5.B Buffer Type Requirements](#), and as follows:
 - i. Landscape buffers must be located along the property line shared with the abutting property;
 - ii. 2 understory trees may be substituted for each required canopy tree, up to 30% of the required trees;
 - iii. Hedges must be continuous and evergreen, one row for every 5 feet of buffer width; and
 - iv. Ground cover plants are required to cover all exposed soil.
- c. Natural drainage ways and existing natural vegetation may be used in place of a landscape buffer, if approved in writing by the **Director of the Department of Community Development**. Natural drainage ways and existing vegetation used for this purpose must be a minimum of 20 feet wide.

TABLE 4.5.5.A BUFFER REQUIREMENT BY ADJACENCY

Proposed Development	Existing Adjacent Zoning							
	T2	T3	T4	T5	T6	HC	I-1	I-2
T2								
T3								A
T4								A
T5	A	B						A
T6	B	C	A					A
HC	C	C	B	A				A
I-1	B	B	A					A
I-2	C	C	C	C	C	C	A	

TABLE 4.5.5.B BUFFER TYPE REQUIREMENTS

Type	Width of Buffer	Hedge	Canopy Trees
A	6' minimum	6' high at maturity, planted 30 inches on center, minimum.	1 per each 50 linear ft.
B	10' minimum		1 per each 40 linear ft.
C	25' minimum		2 per each 50 linear ft.

4.5.6 Transition in Use

- a. For HC, I-1, and I-2, required landscape buffers and extended setbacks as required in this section are exempted for residential uses on the HC, I-1, or I-2 property.

SECTION 4.6 LANDSCAPE STANDARDS**4.6.1 Purpose**

To preserve and enhance the natural beauty of Rogers, support public health, implement environmental best practices, and reduce the negative impact between potentially incompatible uses through the regulation of the landscape.

4.6.2 General

- a. This section applies in full to new development and work within rights-of-way.
- b. The **Director of the Department of Community Development** may waive some or all of these requirements for building renovations, expansions, and modification of existing site work where these requirements cannot be reasonably achieved or where the cost would exceed a reasonable proportion of the overall work budget.
- c. Existing Landscape
 - i. Existing, native vegetation should be preserved.
 - ii. Existing, native trees that are preserved may be substituted for required trees provided that:
 - (1) They are 4 inches diameter at breast height (DBH) or greater;
 - (2) They possess a healthy and full canopy;
 - (3) They have an unmolested critical root zone (CRZ); and
 - (4) They have incurred no damage that would undermine its long-term vitality and quality.
 - iii. The **Director of the Department of Community Development** may waive some or all of these requirements where existing, native trees and vegetation are preserved.
- d. Maintenance on Private Property
 - i. The owner is responsible for the maintenance of all required landscaping.
 - ii. Landscaping that dies or is damaged must be removed and replaced by the owner within 60 days from the receipt of written notice.
 - iii. Trees severely damaged by storms or other accidental causes, where required pruning practices are impractical, are exempt from this chapter.
- e. Maintenance in Public Places
 - i. This section does not apply to the Rogers Airport.
 - ii. The owner of the abutting property must keep trees within rights-of-way and their property trimmed so that no branches, limbs or leaves overhang the sidewalk or street lower than 8 feet from the ground.
 - iii. Healthy, undamaged trees cannot be removed from a street right-of-way or other public grounds unless approval is received from the **Director of the Department of Community Development**, with the exception that city employees may remove trees when necessary to accomplish emergency repairs to sewer or water systems, or in order to alleviate flooding.
 - iv. It is prohibited to top or cutback to stubs the crown of any tree in street rights-of-way or on other public grounds, unless acting under the authority of a utility franchise agreement.
 - v. It is prohibited to damage, destroy, or mutilate trees in a rights-of-way or other public grounds.
 - vi. It is prohibited to attach or place any rope or wire (other than one to support a young or broken tree or limb), sign, poster, handbill, or any other item to a tree.

4.6.3 Materials**a. Limitations**

- i. Planting with spines, thorns, or needles that may present hazards is prohibited in rights-of-way and within 2 feet of front and side street property lines.

TABLE 4.6.3.A PROHIBITED PLANT SPECIES

Common Name	Scientific Name
Asian wisteria	Wisteria sinensis, wisteria floribunda
Bamboo	Pylostachys spp.
Bigleaf periwinkle	Vinca major
Bradford pear	Pyrus calleryana
Burning bush	Euonymus alatus
Bush honeysuckle	Lonicera maackii, Lonicera fragrantissima
Chinaberry	Melia azedarach
Chinese privet	Ligustrum sinense
Creeping euonymus	Euonymus fortunei
English ivy	Hedera helix
Heavenly bamboo	Nandina domestica
Japanese honeysuckle	Lonicera japonica
Kudzu	Pueraria montana
Littleleaf periwinkle	Vinca minor
Mimosa, silk tree	Albizia julibrissin
Multiflora rose	Rosa multiflora
Princess tree	Paulownia tomentosa
Sericea lespedeza	Lespedeza cuneata
Shrubby lespedeza	Lespedeza bicolor
Siberian elm	Ulmus pumila
Tree-of-heaven	Ailanthus altissima
White mulberry	Populus alba

b. **Trees**

i. Trees must meet the following standards

- (1) Deciduous ornamental trees must be balled-and-burlapped, at least 2 inch caliper, and at least 6 feet tall;
- (2) Deciduous shade trees must be balled-and-burlapped, at least 2-½ inch caliper and at least 6 feet tall;
- (3) Evergreen trees must be balled-and-burlapped and at least 8 feet in height above finished grade;
- (4) No more than 25% of new trees on one site may be ornamental trees; and
- (5) At least 10% of new trees must be evergreen.

ii. Trees required by this chapter must be selected from [Table 4.6.3.B Approved Tree Species](#). Trees other than those specified are subject to approval by **Warrant**.

TABLE 4.6.3.B APPROVED TREE SPECIES

Common Name	Scientific Name	Street Tree	Planter Type/Size
Large Species, 45' or above (Canopy trees)			
American beech	Fagus grandifolia		N/A
American linden	Tilia americana	P	Tree lawn ≥ 6' wide
Black oak	Quercus velutina	P	Tree lawn ≥ 6' wide
Black tupelo	Nyssa sylvatica	P	Tree lawn ≥ 6' wide
Hackberry	Celtis occidentalis	P	Any planter
Honey locust, thornless	Gleditsia triacanthos var. inermis	P	Any planter
Jefferson elm	Ulmus americana 'Jefferson'	P	Tree lawn ≥ 6' wide
Lewis & Clark elm	U.americana 'Lewis & Clark'	P	Tree lawn ≥ 6' wide
New harmony elm	U.americana 'New Harmony'	P	Tree lawn ≥ 6' wide
Princeton elm	U.americana 'Princeton'	P	Tree lawn ≥ 6' wide
Red maple	Acer rubrum		N/A
Southern magnolia	Magnolia grandiflora		N/A
Sugar maple	Acer saccharum		N/A
Sugarberry	Celtis laevigata	P	Any planter
Tulip tree	Liriodendron tulipifera	P	Tree lawn ≥ 6' wide
Valley Forge elm	U.americana 'Valley Forge'	P	Tree lawn ≥ 4' wide
White oak	Quercus alba		N/A
P: Permitted as a street tree			

TABLE 4.6.3.B APPROVED TREE SPECIES

Common Name	Scientific Name	Street Tree	Planter Type/Size
Medium Species, 30 - 45' (Canopy trees)			
Cockspur hawthorn, thornless	Crataegus crus-galli var. inermis	P	Any planter
Eastern arborvitae	Thuja occidentalis		N/A
Hedge maple	Acer campestre 'Queen Elizabeth'	P	Any planter
Hornbeam	Carpinus caroliniana	P	Any planter
Hophornbeam	Ostrya virginiana	P	Any planter
Yellowwood	Cladrastis kentuckea	P	Tree lawn ≥ 6' wide
Small Species, less than 30' (Understory trees)			
Alternate leaved dogwood	Cornus alternifolia	P	Any planter
American smoketree	Cotinus obovatus		N/A
Bracken's brown magnolia	Magnolia grandiflora 'Bracken's Brown Beauty'		N/A
Carolina buckthorn	Rhamnus caroliniana		N/A
Common witch hazel	Hamamelis virginiana		N/A
Deciduous holly	Ilex decidua		N/A
Eagleston holly	Ilex X attenuata 'Eagleston'		N/A
Flowering dogwood	Cornus florida	P	Any planter
Foster holly	Ilex X attenuata 'Fosteri'		N/A
Fringe tree	Chionanthus virginicus		N/A
Hazelnut	Corylus americana		N/A
Ozark witch hazel	Hamamelis vernalis		N/A
Pawpaw	Asimina triloba		N/A
Red buckeye	Aesculus pavia		N/A
Red chokeberry	Aronia arbutifolia		N/A
Redbud	Cercis canadensis		Any planter
Rusty blackhaw	Viburnum rufidulum		N/A
Serviceberry	Amelanchier arborea	P	Tree lawn, any
Sweet bay magnolia	Magnolia virginiana		N/A

P: Permitted as a street tree

c. Shrubs

- i. Shrubs must be 5 gallon size, minimum.

d. Ground Cover**i. Turf Grass**

- (1) Artificial plants or artificial turf are prohibited, excluding active recreation sports fields that are typically subject to intense use and soil compaction which prohibits the establishment of turf grass.

ii. Planting Beds

- (1) All landscaping must be planted within areas designated as planting beds.
- (2) Planting beds must have amended soil to insure the health of the plant materials.
- (3) All sod must be removed within the planting bed and mulch must cover the bare soil after installation is complete.
- (4) Sod is allowed in tree lawns and tree islands if no other plant material is included within these areas.

iii. Non-vegetative Materials

- (1) Stone, gravel, artificial turf and rock beds may be used as an accent, but are not considered permanent landscaping, and do not meet the intent of this code when a substantial portion of the landscape non-vegetative material.

4.6.4 Installation

- a. The spacing and placement of plants must be adequate for the typical size, shape, and habit of the plant species at maturity.
- b. Trees may be planted within street rights-of-way or on other public grounds subject to a right-of-way use permit.
- c. Trees must not be planted to conceal a fire hydrant from the street.
- d. Trees must not impede the line of sight on any street.
- e. Tree plantings must meet the following minimum clearances:
 - i. 2 feet from walkways, curbing, and other impervious pavements;
 - ii. 20 feet from street lights, underground utilities, utility meters and service lines, fences, walls, and other ground level obstructions;

SECTION 4.7 USE STANDARDS**4.7.1 General**

- a. Uses are limited according to [Table 4.7.1.A Zoning District Use Matrix](#) and the following:
 - i. P indicates that a use is permitted without additional restrictions; and
 - ii. R indicates that a use is permitted subject to additional restrictions as specified in [4.7.2 Specific Use Restrictions](#).
- b. All uses permitted within a zoning district may be combined within a property or building.
- c. Uses not listed in [Table 4.7.1.A Zoning District Use Matrix](#) and not otherwise prohibited by law are presumed to be permitted subject to the conditions and restrictions that apply to the most similar use, as determined by the Director of the Department of Community Development and as follows:
 - i. A use is prohibited only if the **Director of the Department of Community Development** determines that the use is not similar to any listed use; and
 - ii. In making the determination, the **Director of the Department of Community Development** will use as a guide the most recently published North American industry classification system as established by the United States Census Bureau.

TABLE 4.7.1.A ZONING DISTRICT USE MATRIX

Use	T2	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6.1	T6.2	HC	I-1	I-2
Agriculture												
Agricultural processing, packaging, and warehousing	R										P	P
Auction yard	P											P
Commercial dairy, poultry, and swine production												R
Farming and ranching	P											
Feedlot												
Grain storage	P										P	P
Commercial Greenhouse	P									P	P	
Stables	P											
Stockyard												
Vineyard	P											
Parks												
Parks	See Table 3.4.6.B Park Types for park correlation with zoning districts											
P: Permitted use												
R: Use subject to additional restrictions												

TABLE 4.7.1.A ZONING DISTRICT USE MATRIX

Use	T2	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6.1	T6.2	HC	I-1	I-2
Commercial												
Adult retail and services										P	P	P
Automobile sales							R	R	R	P	P	P
Automobile service										R	P	P
Commercial laundry				R	R	P	P	P	P	P	P	P
Crematorium												R
Day care		P	P	P	P	P	P	P	P	P	P	
Dry cleaners						P	P	P	P	P	P	P
Food and beverage					R	P	P	P	P	P	P	P
Funeral home				P	P	P	P	P	P	P	P	
Gas station						R	R	R	R	P	P	P
Hospital						P	P	P	P	P	P	P
Office					R	P	P	P	P	P	P	P
Retail, including Pharmacies					R	P	P	P	P	P	P	P
Self-storage							R	R	R	R	P	P
Service (personal or professional)					R	P	P	P	P	P	P	P
Entertainment												
Adult entertainment												P
Indoor entertainment facility						P	P	P	P	P	P	P
Outdoor entertainment facility									P	P	P	
Theater, excluding drive-in						P	P	P	P	P	P	
Industrial and Manufacturing												
Ground transportation terminal												P
Industrial, heavy												R
Industrial, light											P	P
Manufacturing, heavy												R
Manufacturing, light						R	R			R	P	P
Warehouse and distribution										R	P	P

P: Permitted use

R: Use subject to additional restrictions

TABLE 4.7.1.A ZONING DISTRICT USE MATRIX

Use	T2	T3.1	T3.2	T4.1	T4.2	T5.1	T5.2	T6.1	T6.2	HC	I-1	I-2
Institutional												
Convention or exhibition facilities						P	P	P	P	P		
Cultural (library, museum, gallery)						P	P	P	P	P		
Performing arts						P	P	P	P	P		
Meeting hall				P	P	P	P	P	P	P		
Religious assembly	P	P	P	P	P	P	P	P	P	P	P	P
School	P	P	P	P	P	P	P	P	P	P	P	P
School: post-secondary						P	P	P	P	P	P	
Lodging												
6 rooms or less	P			P	P	P	P					
12 rooms or less						P	P					
More than 12 rooms						P	P	P	P	P		
Residential												
Home occupation	P	R	R	R	R	P	P	P	P	P	P	
Accessory dwelling	P	R	R	R	R	P	P	P	P	P	P	
1 dwelling detached	P	P	P	P	P	P						
1 dwelling attached (townhomes)			P	P	P	P	P	P	P			
2 dwellings			P	P	P	P	P	P	P			
3 – 4 dwellings				P	P	P	P	P	P			
5 – 16 dwellings					P	P	P	P	P	P	P	
More than 16 dwellings							P	P	P	P	P	

P: Permitted use

R: Use subject to additional restrictions

4.7.2 Specific Use Restrictions**a. Accessory dwelling units**

- i. Accessory dwelling units in T3 and T4 may not exceed 720 square feet.

b. Agricultural processing, packaging, and warehousing

- i. In T2, subject to performance standards, see [4.7.3 Performance Standards](#).

c. Automobile sales

- i. In T5:
 - (1) Outdoor storage and sales of vehicles is prohibited between buildings and front and side street property lines; and
 - (2) Outdoor storage and sales of vehicles is subject to the location requirements for parking areas.
- ii. In T6:
 - (1) Outdoor storage and sales of vehicles is prohibited.

d. Automobile service

- i. Stand-alone car washes are prohibited on corner properties.

e. Commercial laundry

- i. In T4, in order to allow self-service laundromats, the square footage of commercial laundry facilities is limited to 2,000 sq.ft.

f. Crematorium

- i. Subject to performance standards, see [4.7.3 Performance Standards](#).

g. Food & beverage

- i. In T4.2, the tenant space is limited to 1,600 square feet maximum.

h. Gas station

- i. Pumps and canopies are prohibited between buildings and the front and side street property lines.
- ii. Canopies must not exceed the height of the main building.

i. Home occupations

- i. Home occupations are divided into two categories, as follows:
 - (1) Type A home occupations involve only the residents of the household; and
 - (2) Type B home occupations involve employees who do not reside on the premises and customers who visit the site.
- ii. Type A home occupations are limited as follows:
 - (1) Must not exceed 25% of the dwelling unit or 800 square feet, whichever is less;
 - (2) Customers and employees visiting the home are not allowed; and
 - (3) Business signage is prohibited.
- iii. Type B home occupations are limited as follows:
 - (1) Prohibited in T2 and T3;
 - (2) Hours of operation are limited to 7:00 AM through 7:00 PM;

- (3) Must not exceed 40% of the dwelling unit or 1,000 square feet, whichever is less;
 - (4) A maximum of 3 individuals not residing in the household, customers or employees, may visit the site at one time, except adult or child day care homes; and
 - (5) Business signage is limited to one non illuminated sign, no greater than 3 feet in area.
- iv. Prohibited uses in home occupations:
 - (1) Repair, commercial storage, or assembly of vehicles, equipment, and large appliances;
 - (2) Dispatch facilities;
 - (3) Labor pools;
 - (4) Employment agencies;
 - (5) Warehousing;
 - (6) Animal sales or kennels;
 - (7) Merchandise warehousing, packing, and shipping is prohibited in Type A home occupations; and
 - (8) Retail sales are restricted to drop-shipment only.
- v. Nuisances
 - (1) The dwelling and site must remain residential in appearance.
 - (2) No equipment, material, or process may be used that creates noise, vibration, glare, smoke, fumes, particulate matter, excessive heat or humidity, electrical interference, odors, or hazards.
 - (3) Explosives, highly flammable materials, and toxic or hazardous waste is prohibited.
 - (4) Outdoor equipment not typically found or used for domestic household use is prohibited.
 - (5) Residential trash and recycling volumes and facilities may not be materially exceeded.
 - (6) Commercial vehicles are prohibited unless stored within a garage.
- j. **Industrial**
 - i. Subject to performance standards, see [4.7.3 Performance Standards](#).
- k. **Manufacturing**
 - i. Subject to performance standards, see [4.7.3 Performance Standards](#).
- l. **Office**
 - i. Building area is limited to 6,000 square feet per floor, max.
- m. **Self-storage**
 - i. Self-storage is subject to all requirements specified in [Section 4.2 Building Standards](#) and [Section 4.3 Site Design Standards](#).
 - ii. Single story self storage
 - (1) Self-storage buildings must be set back from front and side street property lines a minimum of 100 feet.
 - (2) Multi-story self storage buildings and uses other than self-storage, may occupy the setback area.
 - iii. Multi-story self storage
 - (1) The ground floor must include an active use, such as the rental office, at the main pedestrian entry, no less than 500 square feet in area.

n. **Service**

i. In T4.2:

- (1) Tenant area is limited to 10,000 square feet, max.
- (2) Outdoor storage of materials is prohibited.

4.7.3 Performance Standards

a. Noise or vibration.

- i. Noise or vibration, other than related to transportation activities and temporary construction work that are discernible without instruments at any point on a lot line of the building site is prohibited.

b. Radioactivity.

- i. Emission of radioactivity in any amount is prohibited.

c. Electrical disturbance.

- i. Electrical disturbance adversely affecting the operation of any equipment is prohibited.

d. Inflammable or explosive materials.

- i. Inflammable or explosive materials production, use, storage, or handling are prohibited.

e. Air pollution.

- i. Air pollution or smoke in violation of the requirements of the Arkansas Division of Environmental Quality Office of Air Quality standards are prohibited.

f. Glare or heat.

- i. Direct or sky-reflected glare or heat discernible without instruments at any point on a property line of the building site is prohibited.

g. Odorous gasses.

- i. Emission of any odorous gasses or matter in quantities that are discernible without instruments at any point on a property line of the building site is prohibited.

h. Dust, dirt, or particulate matter.

- i. Discharge into the air of any dust, dirt or particulate matter from any activity or from any products stored on the building site that is discernible without instruments at any point on a property line of the building site is prohibited.

i. Liquid contaminants.

- i. Discharge into any public sewer, private sewage disposal system, stream, or into the ground of any liquid contaminants or materials of such nature or temperature which contaminates any water supply, interferes with bacterial processes and sewage treatment, or in any way causes the emission of dangerous or offensive materials is prohibited.

SECTION 4.8 SIGN STANDARDS**4.8.1 Purpose**

Sign regulations are intended to address the secondary effects that may adversely impact community aesthetics and traffic and pedestrian safety, and to provide for adequate identification, communication, and advertising for land uses. The sign regulations in this section are not intended to censor speech or to regulate viewpoints but are intended to regulate the adverse secondary effects of signs.

4.8.2 Nonconforming Signs

- a. Nonconforming signs are subject to the provisions of [Section 1.4 Nonconformities](#).
- b. Signs are considered abandoned where:
 - i. A sign displays or advertises information or any activity that is no longer current;
 - ii. A sign is in a state of needed repair; and
 - iii. A sign is left blank for a continuous period of 90 days.
- c. Abandoned signs must be removed 90 days of abandonment or the display must be replaced with a current message.
- d. Modifications of nonconforming signs that exceed 50% of the original sign value require full conformance with this code.
- e. The display on a nonconforming sign may be changed provided no structural alterations are made.
- f. Illumination may not be added to a nonconforming sign.
- g. A nonconforming sign may not be moved or replaced except to bring the sign into conformity with this section.

4.8.3 Signs Allowed Without a Permit

- a. Signs must conform with the standards specified in [Table 4.8.7.B Sign Standards](#), where applicable.
- b. Changing copy, maintaining, or repainting a sign, provided structural and electrical changes are not made without a permit and copy size complies with this section.
- c. Art. Wall art that does not constitute an advertisement.
- d. Banners.
 - i. A banner may be displayed if it is associated with an event;
 - ii. Banners must be erected on the address where the event is to take place;
 - iii. Banners may be displayed up to 14 days prior to the associated event;
 - iv. Banners must be removed within 48 hours of the conclusion of the event; and
 - v. Banners are limited to 4 a year per tenant.
- e. Building features. Generic, architectural features that are designed, integrated, and constructed as part of a building.
- f. Construction signs.
 - i. Construction site signs may be erected when a building permit is issued; and
 - ii. Construction site signs must be removed upon receipt of a certificate of occupancy.
- g. Directional and informational signs.

- h. Event signs.
 - i. Event signs may be erected at the location of the event, up to 14 days prior to the associated event; and
 - ii. Event signs must be removed within 48 hours of the conclusion of the event.
- i. Flags.
- j. Holiday signs.
- k. Identification signs.
- l. Memorial signs, gravestone, and commemorative plaques.
- m. Movable signs.
 - i. Movable signs must be removed from outdoor spaces during high winds or other weather conditions that might pose a hazard to public safety.
 - ii. A-frame signs are only permitted to be displayed during business hours.
- n. Official signs:
 - i. Signs erected by a government;
 - ii. Public utility signs; and
 - iii. Official traffic signs.
- o. Point of sale. Any sign which is integrated into or on a point of sale purchase display, including a coin-operated machine or other vending machine or gasoline pump.
- p. Political and election signs.
- q. Small signs, less than one square foot in area.
- r. Temporary signs:
 - i. Any sign carried by a person;
 - ii. A temporary, non-illuminated sign which does not exceed 8 square feet in copy area and 6 feet in height, displayed for no more than 7 days; and
 - iii. Any posters or bills, provided they are non-illuminated and do not exceed 15 square feet in copy area and 5 feet in height.
- s. Temporary construction site signs:
 - i. The sign may not be erected before a building permit is issued and must be removed before a certificate of occupancy is obtained.
 - ii. The sign is limited to a maximum sign area of 32 square feet.
- t. Vehicle-mounted signs.
 - i. Signs on buses, taxicabs, and other common carrier vehicles that are licensed or certified by a local government or the state public services commission.
 - ii. Signs on a truck, bus, car, boat, trailer or other motorized vehicle and equipment provided all the following conditions are adhered to:
 - (1) Primary purpose of the vehicle or equipment is not the display of signs;
 - (2) Such signs are magnetic, decals, or painted upon an integral part of the vehicle or equipment as originally designed by the manufacturer, and do not break the silhouette of the vehicle;
 - (3) Vehicles and equipment are in operating condition, currently registered and licensed to

operate on public streets when applicable, and actively used in the daily function of the business to which such signs relate;

- (4) Vehicles and equipment are not used primarily as static displays, advertising a product or service, nor utilized as storage or shelter; and
- (5) During periods of inactivity exceeding 48 hours the vehicle or equipment is not parked or placed with the signs displayed to the public. Vehicles and equipment engaged in active construction projects are not subjected to this condition.

u. Window Signs.

i. Window signs may be:

- (1) Letters painted directly on the window;
- (2) Hanging signs hung on the interior of the glass; or
- (3) Vinyl appliqué letters applied to the window. Appliqués must consist of individual letters or graphics with no visible background.

4.8.4 Prohibited Signs

a. Illuminated, animated, movable, or inflatable signs:

- i. Animated signs;
- ii. Inflatable signs, such as but not limited to balloons, gas inflated signs, or similar inflated signs;
- iii. Any sign which simulates emergency lights on emergency vehicles, which simulates traffic-control signals or devices, or which simulates signs erected by a government, railroad, public utility, or other authorized entity;
- iv. Any sign which uses intermittent illumination, such as flashing lights, beacon lights, strobe lights, rotating beacons, chasing lights, and zip lights; and
- v. A wind-operated device, such as a flag, banner, spinner, streamer, balloon, or pennant, except where not visible from a public right-of-way.

b. Public properties and rights-of-way:

- i. Any sign, including snipe signs, erected on public property by a private entity or individual, including on a public right-of-way, except for signs attached to buildings that project into a right-of-way; and
- ii. Any sign obstructing vertical and horizontal sight distances consistent with the Arkansas Department of Transportation Clear Zone Requirements.
- iii. Any sign placed in a railroad right-of-way, unless erected by the railroad company as needed for the operation of the railroad.

c. Vehicle-mounted signs.

- i. Except as provided elsewhere in this section, signs mounted upon, painted upon, or otherwise erected on trucks, cars, boats, trailers, and other motorized vehicles or equipment are regulated as ground signs.
- ii. Signs mounted upon a trailer chassis with or without wheels are prohibited.

4.8.5 Permitted Signs

- a. Signs must conform with [Table 4.8.7.B Sign Standards](#), specifying permitted zones, sign height, sign area, copy height, and the number of each sign type.
- b. A permit is required for all permitted signs, in accordance with [Article 5, Section 5.9 Permits](#).

- c. Exterior signs must be made of durable, weather resistant materials.
- d. Sign location is subject to the following:
 - i. Except where otherwise specified in this section, signs must be fully contained within private property and comply with the setback requirements of their zoning district;
 - ii. Sign height is measured from finished grade to the top of the sign, except for roof signs which are measured from the finished roof to the top of the sign;
 - iii. Signs must provide the following clearance:
 - (1) A minimum of 8 feet over pedestrian ways;
 - (2) A minimum of 13.5 feet over vehicular travel ways and parking aisles; and
 - (3) A minimum of 2 feet horizontal from trails and shared use paths.
 - iv. Signs located within a public right-of-way, private street, or circulation way must be a minimum of two feet from curbs, ramps, driveways, light poles, street signs, and bus stops.
- e. Sign illumination is subject to the following:
 - i. Internal sign illumination is limited to window and wall signs within storefronts, and individually illuminated characters in other sign types;
 - ii. Neon is only permitted for window signs, and marquee signs;
 - iii. Light sources must be mounted, shielded, and pointed toward the sign face to eliminate uplighting and glare on adjacent rights-of-way and properties;
 - iv. Exposed bulbs or lamps must not exceed 25 watts or equivalent;
 - v. Metal halide lights are limited to 75 watts;
 - vi. High- or low-pressure sodium lights and mercury vapor lights are prohibited; and
 - vii. All electric signs must conform to the Electrical Code of the City of Rogers.
- f. EMC signs are subject to the following:
 - i. EMC signs are permitted for use on ground signs, pole signs, and billboards;
 - ii. Each image must remain static for a minimum 8 seconds;
 - iii. Transitions must happen instantaneously, without intervening flashing, animation, or movement of any kind;
 - iv. Backgrounds may change only with the message;
 - v. EMC's on billboards are prohibited from chasing messages;
 - vi. EMC's must be equipped with automatic dimming technology; and
 - vii. EMC's must not exceed 0.3 foot candles above ambient light, measured at a preset distance determined by the square root of the sign area multiplied by 100.

4.8.6 Restrictions by Sign Type

- a. **Billboards**
 - i. Billboards are only permitted within 75 feet of Interstate 49.
 - ii. Billboards must be a minimum 2,640 feet from another billboard.
 - iii. Billboards must not be erected on a roof or railroad right-of-way;
 - iv. The sign structure must not extend beyond the sign face;
 - v. Billboards are limited to 2 faces visible from any one direction;

- vi. Each sign face must be fully covered, screened, or skirted to achieve conformity; and
- vii. Double faced billboards must meet the following requirements:
 - (1) The back of the faces may be separated up to 4 feet on average and 3 feet at the apex; and
 - (2) The maximum angle between the back of the faces is 45 degrees.
- b. **Corner Sign**
 - i. Corner signs are only permitted at building corners where each elevation is along a street or circulation way;
 - ii. Corner signs may project up to 4 feet from the wall of the building on which it is erected;
 - iii. Corner signs may not extend above the height of the structure they are attached to; and
 - iv. Corner signs that extend into the right-of-way require a right-of-way use permit.
- c. **Ground Sign**
 - i. The bottom of the sign must be within 2 vertical feet of sidewalk grade along the adjacent property line.
- d. **Marquee Sign**
 - i. Marquee signs are permitted for lodging and institutional uses, places of assembly, and movie theaters; and
 - ii. Existing marquee signs may be repurposed for other uses within the building they are attached to.
- e. **Pole Sign**
 - i. Pole signs are prohibited on vacant or unimproved property;
 - ii. Pole signs must be a minimum of 10 feet from rights-of-way; and
 - iii. Rotating Pole signs are prohibited.
- f. **Projecting Sign**
 - i. Projecting signs must be erected on a wall of a building;
 - ii. Projecting signs may project up to 4 feet from the wall; and
 - iii. Projecting signs that extend into the right-of-way require a right-of-way utilization permit.
- g. **Roof Sign**
 - i. Roof signs are only permitted on buildings over 4 stories;
 - ii. The structure must not be visible from site frontages; and
 - iii. No part of the sign or its structure may extend beyond the wall of the building on which it is erected.
- h. **Subdivision Sign**
 - i. Subdivision signs are limited to residential, mixed-use, and multi-unit developments greater than 10 acres; and
 - ii. Subdivision signs may be installed on the ground or on a wall along the subdivision's boundary.
- i. **Wall Sign**
 - i. Wall signs may be located above storefronts, below second story windows, and beneath the building cornice or coping;
 - ii. Wall signs may not extend beyond the roof line or parapet; and

- iii. Wall sign copy must be at least 6 inches from building corners.

4.8.7 Sign Maintenance

- a. Signs must be maintained to be safe, reasonably rust-free and termite-free, sightly, and free of debris.
- b. Upon written notice from a city official, defective or unsafe signs, or parts thereof, must be replaced or repaired within 10 business days of notice.
- c. City officials may remove defective, illegal, or unsafe signs at the owner's or lessee's expense.

TABLE 4.8.7.B SIGN STANDARDS

Type	T2	T3	T4	T5	T6	HC	I	Height (max.)	Number (max.)	Area (max.)	Copy Height (max.)
Permanent Signs											
Awning			P	P	P	P	P	N/A	1 per each ground floor window	30% of valence or sloping plane	10 in.
Canopy				P	P	P	P	N/A	1 per entry	2 sq. ft. per linear ft.	30 in.
Canopy (Gas)				P	P	P	P	N/A	1 per lot	25 sq. ft.	30 in.
Corner				P	P	P	P	6 ft. above eave or parapet	1 per corner building	40 sq. ft.	N/A
Ground			P	P	P	P	P	12 ft.	1 per frontage	120 sq. ft.	30 in.
Marquee (canopy)				P	P	P	P	N/A	1 per building	120% of face	N/A
Marquee (vertical)				P	P	P	P	6 ft. above eave or parapet	1 per building	120% of face	N/A
Pole					P	P	P	30 ft.	1 per facade	300 sq. ft.	N/A
Projecting			P	P	P	P	P	N/A	1 per ground floor tenant	6 sq. ft. per side	8 in.
Roof					P	P	P	15 ft.	1 per parcel	200 sq. ft.	30 in.
Wall			P	P	P	P	P	N/A	1 per tenant + 1 per frontage	1 sq. ft. per 1 linear ft. of frontage	18 in.
Window			P	P	P	P	P	N/A	1 per window	40% of window area	8 in.
Temporary Signs											
A-frame			P	P	P	P	P	42 in.	1 per ground floor tenant	30 in. wide and 42 in. high	N/A
Banner			P	P	P	P	P	20 ft.	1 per tenant	80 sq. ft.	18 in.
Construction	P	P	P	P	P	P	P	15 ft.	1 per lot	120 sq. ft.	30 in.
Event ground sign	P	P	P	P	P	P	P	4 ft.	4 per parcel	12 sq. ft.	N/A
Off-Premise Signs											
Billboard					R	R	R	40 ft.	1 per lot	800 sq. ft.	48 in.

P: Permitted

R: Subject to additional restrictions

SECTION 4.9 OVERLAY DISTRICTS**4.9.1 Purpose**

Overlay districts establish additional or alternative building and site design requirements within specific areas of the community. Each overlay district modifies or replaces standards within the base zoning district.

4.9.2 General

- a. Overlay districts may modify or exempt applicable sites from the standards of this code.
- b. Overlay districts may specify additional standards for applicable sites.
- c. In case of conflicts between the standards of an overlay district and other requirements of this code, the standards of the overlay district prevail.
- d. Overlay district standards apply only to sites within the district, as specified in the official zoning map.

4.9.3 Historic downtown neighborhood overlay district**a. Intent**

- i. To encourage compatibility between new and historic buildings within historic downtown neighborhoods by:
 - (1) Requiring that the location of new buildings on their sites is similar to the site location of historic buildings; and
 - (2) Allowing a wider variety of housing options and occasional non-residential uses, while retaining the historic neighborhood character.

b. Requirements

- i. The front and side street setbacks must match or be between the front setback of existing buildings on the same side of the block.
- ii. Non-residential uses permitted in the overlay district are restricted as follows:
 - (1) May only be on corner properties abutting, adjacent, or across a street from properties zoned T5; and
 - (2) Are limited to no more than 2,000 square feet per property.
- iii. Off-street parking is limited to no more than 4 spaces.

4.9.4 Downtown overlay district**a. Intent**

- i. To guide the form, scale, and design of development in historic Downtown Rogers to align with, respect, and protect its history and character, and to implement the vision for a more walkable, vibrant, mixed-use future by:
 - (1) Requiring that renovations of historic buildings retain key architectural elements of their origins and introduce only new elements that are compatible; and
 - (2) Establishing design standards for new buildings that ensure a cohesive district character is maintained by preserving the underlying materials, proportions, and rhythms.

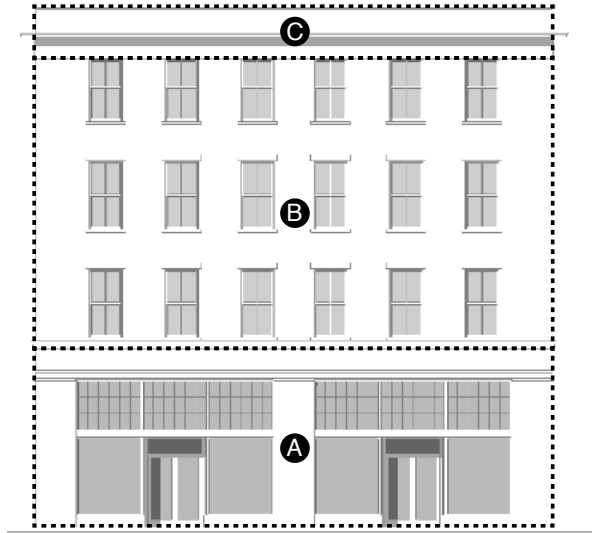
b. Applicability

- i. Properties with property lines along the following streets are subject to the standards of this section:
 - (1) S 1st St from Walnut St to Cherry St;
 - (2) 2nd St from W Chestnut St to W Poplar St;
 - (3) Walnut St from Arkansas St to N 3rd St;
 - (4) W Elm St from S Arkansas St to S 3rd St; and
 - (5) W Poplar St from S 1st St to S 2nd St.
- ii. The standards of this section apply in addition to the standards of Article 4. Zoning. In the case of conflict, the standards of this section prevail.
- iii. Original details of existing buildings are considered to be in conformity with this overlay district.

c. Requirements

- i. These requirements apply to building location and building elevations along the front property line and side street property line.
- ii. Material requirements apply as specified, including portions of a building not along the front or side street property lines.
- iii. Site design
 - (1) Property coverage by impervious surfaces is not limited.
- iv. Building location
 - (1) Maximum building footprint is unlimited.
 - (2) Maximum front setback is adjusted to 5 feet. Applicants are encouraged to match the front setback of adjacent buildings.
 - (3) Maximum side setback is adjusted to 10 feet.
 - (4) Build-to area requirements are adjusted to 90% of the front property line.
 - (5) The build-to area exemption for forecourts does not apply in the overlay district.
 - (6) Corner chamfers for building entries count towards the required build-to area.
- v. Building composition
 - (1) Buildings must express the divisions of base, middle, and top along the front property line, as illustrated in [Figure 4.9.4.A Tripartite Composition](#) and as follows:
 - (a) The building base may be expressed by a ground floor shopfront, bulkhead at shopfront windows, and pilaster bases;
 - (b) The building base may be expressed by a masonry water table, extending forward of the facade;
 - (c) The building top may be expressed by a projecting cornice, of similar scale and ornamentation to surrounding buildings. New buildings that exceed the height of existing buildings should have a larger cornice, at an additional 50% height for every additional story;
 - (d) The building top may be expressed by a symmetrically crenulated parapet, in combination with or absence of a cornice;

- (e) The building middle may be expressed by a symmetrical composition of regular and repeated window openings; and
- (f) The building middle may be expressed by a larger and central window opening, and optional, additional window openings that are smaller in scale.

FIGURE 4.9.4.A TRIPARTITE COMPOSITION

- A** Base
- B** Middle
- C** Top

- (2) Building attachments, such as bay windows and balconies, must be applied symmetrically along the front property line.
- (3) Building elevations less than 60 feet wide should be within a single vertical plane.
- (4) Along the front property line, wide buildings require divisions to maintain the historic rhythm of buildings as follows:
 - (a) Building elevations greater than 70 feet wide require one vertical division for every 30 feet of building width, however not to be construed as a vertical division every 30 feet.
 - (b) Vertical divisions may be achieved by:
 - (1) A change in vertical plane;
 - (2) A change in the height of the parapet; or
 - (3) An engaged pilaster.
 - (c) Building elevations are limited to a maximum of two vertical planes.
 - (d) Change in the vertical plane must be no more frequent than once for every 30 feet of elevation width.
 - (e) Change in the vertical plane may create no more than 3 divisions in the elevation.

vi. Roofs and parapets

- (1) Pitched roofs visible from sidewalks, including the roofing material, require approval of the **Director of the Department of Community Development**.
- (2) Flat roofs and hidden pitched roofs require a parapet.
- (3) Parapets along the front property line must be a single level, except symmetrical crenulations as specified in [4.9.4.c. Building composition](#).
- (4) Parapets along the side street property line may be a single level or stepped along the slope of the roof. Step frequently is limited to no more than one change in parapet level each 30ft.
- (5) Flat roofs must be white.

vii. Wall Materials

- (1) Walls materials are limited as follows:
 - (a) Walls are limited to a single primary material, brick or stone.
 - (b) Stone may be used on brick facades as:
 - (1) A water table at the base of the building;
 - (2) As coining at building corners;
 - (3) As pilasters defining vertical facade divisions; and
 - (4) As lintels to span openings up to 4 feet wide.
 - (c) The quality of masonry must be consistent along front and side street property lines.
- (2) Applied brick or stone must appear to be true masonry, including the following:
 - (a) Vertical and horizontal joints must be obscured through transitions to columns, sills, cornices, relieving bands, and other common facade transitions in true masonry buildings;
 - (b) At corners, the material must appear to be the full size of the masonry unit; and
 - (c) Openings must appear to be spanned by one of the following methods, true to load bearing orientation and proportions, in brick or stone (see the Brick Industry Association's "Technical Notes on Brick Construction" for more information):
 - (i) Lintel, with a height at least 1/5th the span;
 - (ii) Jack arch;
 - (iii) Segmented arch;
 - (iv) Semicircular arch;
 - (v) Multi-centered arch; or
 - (vi) Conventional means when covered by wooden pedimented surround, top casing only.
 - (d) Building elevations along alleys are not limited in material, provided the masonry along front and side street property lines continues at least 20 inches into the alley elevation.
 - (e) Wood may be used within storefronts, cornices, window and door surrounds, and for incidental facade elements.
 - (f) Metal may be used within storefronts, canopies, awnings, to span openings, and for incidental facade elements.

viii. Windows and doors other than shopfronts

- (1) Windows and doors must be set into the building from the plane of the elevation at least 2.25 inches, as illustrated in [Figure 4.9.4.A Window Recess](#).
- (2) Windows and doors must be vertical in proportion.
- (3) Windows in upper stories must be 2:1 in proportion or taller.
- (4) Windows on the ground floor must be 3:1 in proportion or taller.
- (5) Wall openings must match the proportion of doors and windows, except where multiple doors or windows are combined within a single opening.
- (6) Where doors or windows are combined, each unit must be separated by a minimum 4 inches, nominal.
- (7) Window sills must project forward of the facade.
- (8) Windows and doors must be trimmed with brickmould.
- (9) Head casings must be as specified in [4.9.4.c.Wall Materials](#).

FIGURE 4.9.4.A WINDOW RECESS

ix. Shopfronts

- (1) Shopfronts are required for all ground floor non-residential uses along the front property line.
- (2) Shopfronts are recommended for ground floor non-residential uses along the side street property line.
- (3) Shopfronts must be designed as a unified composition of doors, windows, bulkheads, transoms, signage, awnings, and lighting, as shown in [Figure 4.9.4.A Storefront Components](#).
- (4) Entries to upper floors should be integrated into the shopfront design.
- (5) Each tenant space must have an entry door along the building facade, except where multiple tenants share an unpartitioned space.
- (6) Shopfronts must have a continuous bulkhead 12 to 36 inches above the sidewalk.

- (7) Shopfronts may be made of the following materials: wood, composite board, brick, or metal.
- (8) Shopfront windows must be clear, non-reflective glass.
- (9) Shopfront doors must be $\frac{3}{4}$ glazed or greater.
- (10) Security devices, if installed, must be located to the interior of the glass.
- (11) Shopfronts must have a minimum of 60% clear glass.
- (12) Shopfront windows must be vertical in proportion, except where a transom is provided, in which case the windows may be square or vertical in proportion.
- (13) Transoms must be at least 2 feet in height.

FIGURE 4.9.4.A STOREFRONT COMPONENTS

Temporary illustration, to be replaced

- x. Awnings
 - (1) If transom windows exist, awnings must be installed between the transom and the windows below.
 - (2) Awnings must be fabric.
 - (3) Awnings must have a valence flap.
 - (4) Awnings must exclude side panels.
 - (5) Awnings must extend a minimum of 6 feet from the building facade.
 - (6) Awnings must be set back from the curb a minimum of 2 feet.
 - (7) A minimum of 8 foot clearance must be maintained above the sidewalk.

- (8) Awnings must span the shopfront area up to 80% of its width without gaps, except between tenants.

xi. Canopies

- (1) If transom windows exist, canopies must be installed between the transom and the windows below.
- (2) Canopies must be metal.
- (3) Canopies must be supported from above.
- (4) Canopies must have a minimum thickness of 6 inches.
- (5) Canopy ceilings should be wood.
- (6) Canopies must extend a minimum of 4 feet from the building facade.
- (7) Canopies must be set back from the curb a minimum of 2 feet.
- (8) A minimum of 8 foot clearance must be maintained above the sidewalk.
- (9) Canopies must span the shopfront area up to 80% of its width without gaps, except between tenants.

4.9.5 Industrial arts overlay district

a. **Intent**

- i. To preserve and enhance the existing character of the small-scale manufacturing and warehousing area adjacent to Downtown Rogers by:
 - (1) Adjusting zoning requirements to accommodate historic buildings and uses; and
 - (2) Permitting a compatible mix of uses, including artisanal manufacturing.

b. **Applicability**

- i. The standards of this section apply in addition to the standards of [Article 4 Zoning](#). In the case of conflict, the standards of this section prevail.
- ii. Original details of existing buildings are considered to be in conformity with this overlay district.

c. **Requirements**

- i. Buildings
 - (1) Ground floor commercial uses do not require a shopfront, except along N 2nd St from W Walnut St to W Cedar St.
 - (2) Buildings are exempt from minimum glazing and maximum blank walk requirements, except along N 2nd St from W Walnut St to W Cedar St.
 - (3) Buildings along N 2nd St from W Walnut St to W Cedar St. must provide a minimum of 20% glazing.
- ii. Uses
 - (1) T5.2 uses are expanded to include artisanal manufacturing, subject to the requirements of this section.
 - (2) Outdoor storage. Any activity storing materials outdoors must construct an opaque fence to screen the ground-level view from any public right-of-way or of any residential or retail use. Materials must not be piled or staked higher than the opaque fence.
 - (3) Loading docks. Where the site abuts a residential or retail use, the building wall facing such properties must not have any trash service or loading docks oriented toward the

residential or retail use.

- (4) Performance standards. All manufacturing uses must conform to the following performance standards:
- (a) Noise or vibration. No noise or vibration, other than related to transportation activities and temporary construction work, will be discernible without instruments at any point on a lot line of the building site.
 - (b) Radioactivity. No activity will result in the emission of radioactivity in any amounts.
 - (c) Electrical disturbance. No activity will cause electrical disturbance adversely affecting the operation of any equipment other than that of the creator of the disturbance.
 - (d) Inflammable or explosive materials. No inflammable or explosive materials will be produced, used, stored, or handled unless provided with adequate safety devices and procedures against hazards of explosion and all approved by the Rogers Fire Department.
 - (e) Air pollution. No air pollution or smoke will be produced which is in violation of the requirements of the Arkansas Division of Environmental Quality.
 - (f) Glare or heat. No direct or sky-reflected glare or heat will be produced which is discernible without instruments at any point on a lot line of the building site.
 - (g) Odors. No emission of any odors will occur in quantities that are discernible without instruments at any point on a lot line of the building site.
 - (h) Dust, dirt or particulate matter. No discharge into the air of any dust, dirt or particulate matter will occur from any activity or from any products stored on the building site that is discernible without instruments at any point on a lot line of the building site.
 - (i) Liquid contaminants. No discharge into any sewer, stream, or into the ground of any liquid contaminants, interferes with bacterial processes and sewage treatment, or in any way causes the emission of dangerous or offensive materials shall occur.
 - (j) Adjacency. Manufacturing uses in the downtown industrial arts overlay are subject to a 30 foot separation in place of the required setback. This does not apply to street frontages.

4.9.6 Airport area overlay district

a. Intent

- i. To reduce potential incompatibilities between the established airport and its' flight patterns and surrounding land uses by:
 - (1) Restricting residential uses in close proximity to runways; and
 - (2) Restricting the height of buildings within airport flight paths.

b. Requirements

- i. Maximum building height is the lesser of the maximum building height specified in [4.2.3 Structure Height](#) and the maximum according to the Federal Aviation Administration's airfield height restrictions, available from the Airport Manager.
- ii. Residential uses are prohibited within 1,000 feet of the runways and usable taxi or ramp surface specified in the adopted airport growth plan.

ARTICLE 5 ADMINISTRATION**SECTION 5.1 GENERAL****5.1.1 Purpose**

- a. The purpose of this article is to provide a predictable and consistent zoning and development review process, and ensure that proposed rezoning and development is consistent with the City of Rogers Code of Ordinances and the Rogers Future Land Use Plan.

5.1.2 Overview

- a. This article identifies the approval processes and requirements for all actions subject to this UDC.
- b. Approval Processes are described in **SECTION**.
- c. ...
- d. ...
- e. ...
- f. ...

SECTION 5.2 AUTHORITY**5.2.1 Approval authority**

- a. The chain of decision making and appeals for actions enabled by this UDC are outline in [Table 5.2.2.B Approval Authority](#).
- b. The **Director of the Department of Community Development** may designate approval authority to other members of their staff at their discretion.

5.2.2 Technical advisory committee

- a. The City of Rogers hereby creates a technical advisory committee (TAC) composed of a member from each regulatory agency having jurisdiction over the permitting of a project.
- b. The TAC voting membership includes:
 - i. Director of the Department of Community Development, chair of the committee;
 - ii. City Engineer;
 - iii. City Planner;
 - iv. Fire Chief;
 - v. Chief of Police;
 - vi. Parks & Recreation Director; and
 - vii. Rogers Water Utility.
- c. Any member of the TAC may delegate to a qualified alternate.

TABLE 5.2.2.B APPROVAL AUTHORITY

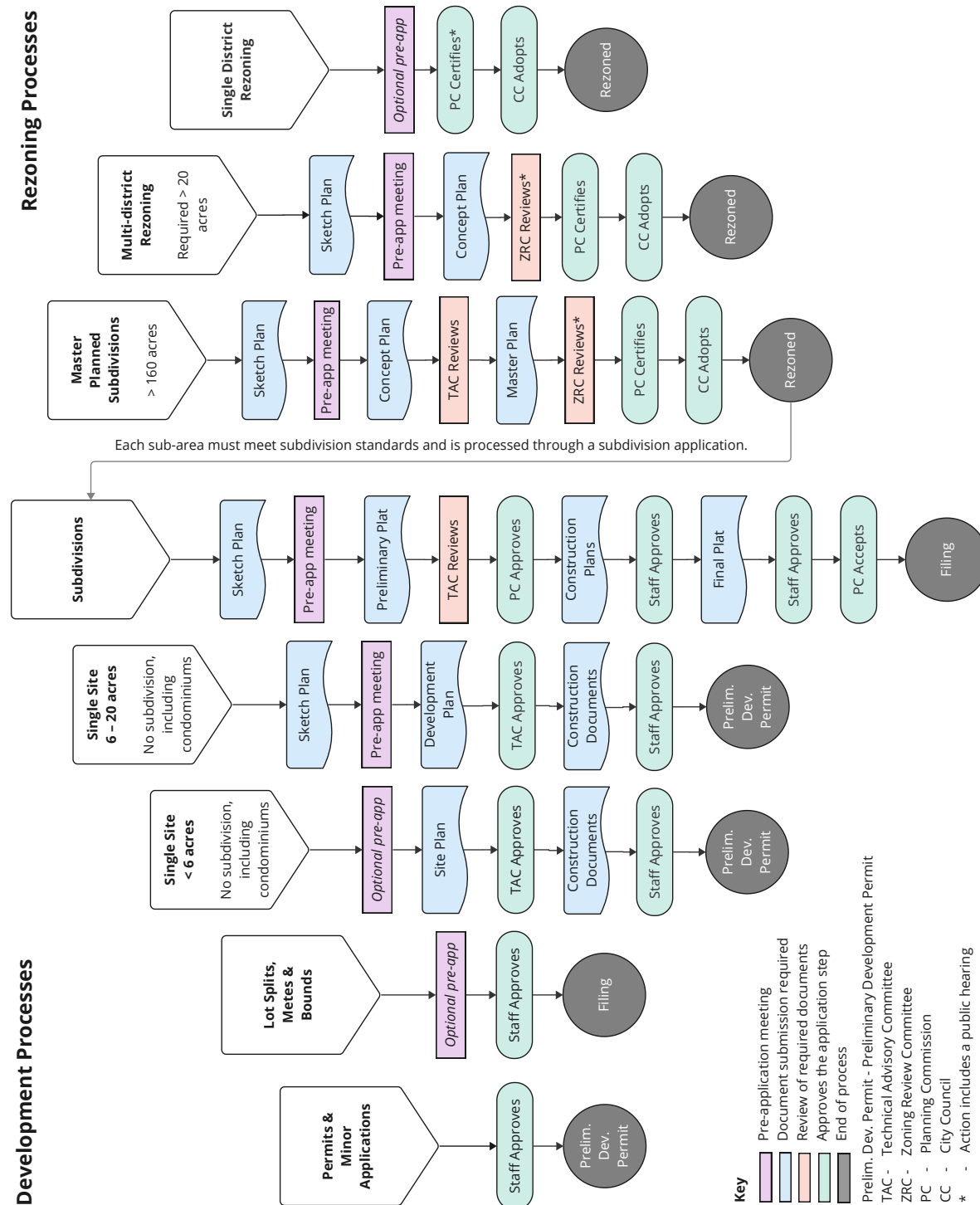
Application or Action	Director of Community Development	Technical Advisory Committee	Zoning Review Committee	Planning Commission	City Council	Board of Adjustments	Circuit Court
Administrative Actions							
Preliminary Development Permit	Approve					1st Appeal	2nd Appeal
Interpretation	Approve					1st Appeal	2nd Appeal
Single Site Development							
Site Plan		Approve				1st Appeal	2nd Appeal
Construction Documents	Approve					1st Appeal	2nd Appeal
Subdivision of Land							
Lot Split	Approve			1st Appeal			2nd Appeal
Preliminary Plat		Review		Approve	1st Appeal		2nd Appeal
Construction Documents	Approve					1st Appeal	2nd Appeal
Final Plat	Approve			Accept	1st Appeal		2nd Appeal
Map Amendments							
Rezone			Review	Certify	Adopt		1st Appeal
Master Plan			Review	Certify	Adopt		1st Appeal
Annexation			Review	Certify	Adopt		1st Appeal
Vacation		Review		Certify	Adopt		1st Appeal

SECTION 5.3 APPLICATION REVIEWS

5.3.1 Purpose

To provide a predictable and consistent zoning and development review process, and ensure that proposed rezoning and development is consistent with this UDC and the [Rogers Future Land Use Plan](#).

FIGURE 5.3.1.A APPLICATION REVIEW PROCESSES



5.3.2 General

- a. Permits required
 - i. All development and construction activities require a preliminary development permit from the **Department of Community Development**.
 - ii. Site Plan, Development Plan, or Subdivision Plan approval is required prior to securing a preliminary development permit, in accordance with the [Application review processes](#), except for those applications that qualify as minor applications, in accordance with [Article 3, 3.1.4 Minor Applications](#).
 - iii. Building permits are subject to [Chapter 10](#). A preliminary development permit is required prior to applying for a building permit.
 - iv. Other permits are subject to [Section 5.9 Permits](#).
- b. Application review processes
 - i. Lot splits, reconfigurations, and division by metes and bounds are subject to [5.3.4 Lot splits, reconfiguration, and division by metes and bounds](#).
 - ii. Rezoning and Development Review processes are as generally illustrated in [Figure 5.3.1.A Application Review Processes](#) and as follows:
 - (1) Rezoning applications for sites up to 160 acres are subject to [5.3.3 Zoning reviews](#);
 - (2) Development for sites up to 6 acres not seeking the subdivision of property are subject to [5.8.5 Site plan applications](#);
 - (3) Development for sites over 6 acres not seeking the subdivision of property are subject to [5.8.6 Development plan applications](#);
 - (4) Developments that seek the subdivision of property, up to 160 acres are subject to [5.3.6 Subdivision reviews](#);
 - (5) Rezoning and development applications for sites 160 acres or larger are subject to [5.3.7 Master planned subdivision reviews](#); and
 - (6) Applicants may elect to follow the [5.3.7 Master planned subdivision reviews](#) process for sites less than 160 acres.
- c. Application requirements
 - i. A property owner must submit the applicable form to the **Department of Community Development**;
 - ii. The applicant must pay any associated fees, as designated in the Rogers fee schedule;
 - iii. Additional application requirements are as specified in [5.3.3 Zoning reviews](#) and [5.3.5 Development reviews](#).
- d. Amending approved plans
 - i. Approved plans may be amended, as specified in [5.3.8 Plan Amendments](#).
- e. Concurrent applications and approvals
 - i. Applicants may apply for multiple approvals concurrently.
 - ii. Applicants seeking multiple approvals simultaneously assume all risk resulting from additional costs or expenditures associated with simultaneous submittals in the case that one or more of the approvals is denied or requires revisions.
 - iii. A pre-application meeting is required for concurrent applications, in accordance with [5.5.1 Pre-application meetings](#).

- iv. Staff will advise the applicant on concurrent processes, meetings, and submittal requirements.

5.3.3 Zoning reviews

a. Purpose

This section defines the process by which property owners may apply to change the zoning designation of their property to a different zoning district, and ensures that application review considerations are based upon clear and consistent criteria.

b. Rezoning review criteria

- i. The application must be consistent with the [Comprehensive Growth Plan](#) and [Article 2, Table 2.1.3.B Zoning Districts Allowed in Place Types](#).
- ii. The application must be in a location where adequate access to transportation and other services can be provided appropriate to the intensity of the proposed zoning district(s), as determined by the **City Engineer**.
- iii. Applications for sites over 40 acres must comply with the zone mix requirements specified in [Table 3.3.6.C Zoning Mix for subdivisions over 40 acres](#).
- iv. If rezoning to a transect district, the rezoning should not result in a difference of more than one full transect district between adjacent properties (e.g. T3 to T4), except:
 - (1) Where significant natural barriers separate the developable portions of adjacent properties;
 - (2) Existing roadways of 3 or more lanes separate adjacent properties; or
 - (3) The property is less than 400 feet in depth, abuts an arterial, and is rezoning to a T5 district.
- v. If rezoning to T3, HC, I-1, or I-2, the rezoning should:
 - (1) Be compatible with existing and proposed uses surrounding the site; and
 - (2) Be an appropriate use for the site.

c. Process

- i. Applications must include a proposed rezoning map as specified [5.8.2 Zoning applications](#).
- ii. Applications are subject to the rezoning review criteria specified in [Rezoning review criteria](#).
- iii. Rezoning applications require **Zoning Review Committee** review and statement of compliance, along with a public hearing, as specified in **SECTION NEEDED ON ZRC**.
- iv. Once the **Zoning Review Committee** provides a statement of compliance, rezoning applications require **Planning Commission** certification, as specified in [5.5.4 Planning commission review](#).
- v. Upon certification from the **Planning Commission**, rezoning applications are adopted by the **City Council**.
- vi. Upon adoption by the **City Council**, the zoning map will be amended.

d. Multi-district applications

- i. Applications rezoning to more than one zoning district are subject to the following:
 - (1) A pre-application meeting is required prior to submitting an application, as described in [5.5.1 Pre-application meetings](#).
 - (2) Following the pre-application meeting, the applicant must develop a Concept Plan as

specified in [5.8.4 Concept plan applications](#).

- (3) The Concept Plan must be submitted as part of the rezoning application.
 - (4) Applications up to 40 acres must include a minimum of 2 zones, except sites that are exclusively T3, HC, I-1, or I-2.
 - (5) Applications over 40 acres must include a minimum of 3 zones.
- e. Special exceptions
- i. Zones permitted by special exception require approval of the **Board of Adjustments (BOA)**.
 - ii. The **BOA** will review special exceptions requests, according to the following review criteria:
 - (1) The request must be consistent with the intent of this UDC;
 - (2) The request must be consistent with the intent of the site's future land use;
 - (3) The request must not negatively impact surrounding properties; and
 - (4) The request must be in keeping with the character and pattern of the surrounding area within 1,000 feet of the site, except where the surrounding area is not in compliance with the intent of this UDC.

5.3.4 Lot splits, reconfiguration, and division by metes and bounds

a. Purpose

This section defines the process by which property owners may divide their property into multiple properties or make adjustments to existing property lines,. Applications are reviewed for their impact on any existing structures, future ability to develop properties in compliance with this UDC, and impacts on the current and future transportation system of the City of Rogers.

b. Property division review criteria

- i. The proposal complies with the requirements of [Section 3.3 Site Development and Subdivision](#).
- ii. The applicant proves that each resultant property can be developed without a variance or rezoning;
- iii. The proposal does not locate new property lines that would cause an existing structure to be nonconforming;
- iv. The proposal provides reasonable access to utilities to each property by direct access or easement;
- v. Any existing utility easements that would prevent development have been vacated;
- vi. Each property has a legally recognized means of ingress and egress; and
- vii. The proposal does not conflict with neighboring land use patterns or any adopted City of Rogers plans.

c. Process

- i. Applications must include:
 - (1) A boundary survey, except divisions by metes and bounds; and
 - (2) A letter confirming the availability of utilities for future lots.
- ii. Upon receipt of a complete application and applicable fees, staff will:
 - (1) Verify whether the change in property lines complies with the provisions of this UDC;
 - (2) Verify whether the change in property lines complies with the property division review

criteria specified in [Property division review criteria](#);

- (3) Determine if wetlands or special flood hazard areas are present on site and if the proposal may result in undevelopable lots; and
- (4) Issue a determination either:
 - (a) Approving the application; or
 - (b) Denying the application, listing the reason for denial.
- iii. Upon approval, the approved survey must be filed by the applicant with the county clerk's office.
- iv. Denial may be appealed to the **Planning Commission**.
- v. Requests for appeal must be received by the **Department of Community Development** within 10 business days of the denial of the initial request.
- vi. If an application has been rejected or denied because it does not meet the approval criteria, the applicant may pursue property division through the subdivision process.

5.3.5 Development reviews

a. Purpose

This section defines the process by which property owners may apply for preliminary development permits for properties under 40 acres in order to ensure that development is in compliance with this UDC and the Comprehensive Growth Plan, and to ensure that the amount of review and oversight is commensurate with the scale and complexity of the application.

b. Development review criteria

- i. The application must be consistent with the [Comprehensive Growth Plan](#).
- ii. The application must be in a location where adequate access to transportation and other services can be provided appropriate to the intensity of the proposed development, as determined by the **City Engineer**, or the application includes the provision of such services.
- iii. The application must be consistent with any previously approved plan that includes the site, and any conditions of the previous approval, except where a Waiver or Variance has been approved permitting the specific deviation or inconsistency.
- iv. In the case the applicant intends inconsistency with an approved plan, it may be subject to additional review, as specified in [5.3.8 Plan Amendments](#). If an amendment is required, it may be reviewed concurrently with the development review application.
- v. The application must comply with any Variances that have been granted as part of the application, as detailed in [5.6.3 Variances](#).
- vi. The application must comply with any Waivers that have been granted as part of the application, as detailed in [5.6.2 Warrants](#).

c. Site plan

i. Applicability

- (1) Site Plan approval is required for development applications on sites less than 6 acres in area that are not seeking subdivision.

ii. Application requirements

- (1) Applications must include a Site Plan as specified in [5.8.5 Site plan applications](#).
- (2) Applications must include a record of any approvals and conditions of approval for any rezoning decision or adopted plan that includes the subject site.

- (3) Applications must include any requests for Waivers or Variances, as detailed in [Section 5.6 Variances and Warrants](#).
- iii. Process
 - (1) The applicant may request a pre-application meeting prior to an application submittal, as described in [5.5.1 Pre-application meetings](#).
 - (2) Applications require staff approval, as specified in [5.5.2 Staff review](#).
 - (3) Upon staff approval, staff will issue a preliminary development permit.
- d. Development plan
 - i. Applicability
 - (1) Development Plan approval is required for development applications on sites less between 6 and 40 acres in area that are not seeking subdivision.
 - ii. Application requirements
 - (1) Applications must include a Development Plan as specified in [5.8.6 Development plan applications](#).
 - (2) Applications must include a record of any approvals and conditions of approval for any rezoning decision, or adopted plan that includes the subject site.
 - (3) Applications must include any requests for Waivers or Variances, as detailed in [Section 5.6 Variances and Warrants](#).
 - iii. Process
 - (1) A pre-application meeting is required prior to submitting an application, including a Sketch Plan, as described in [5.5.1 Pre-application meetings](#).
 - (2) Following the pre-application meeting, the applicant must develop a Development Plan, as specified in [5.8.6 Development plan applications](#).
 - (3) Upon completion of a Development Plan, **TAC** approval is required, as specified in ref. TAC review.
 - (4) Upon **TAC** approval, staff will issue a preliminary development permit.

5.3.6 Subdivision reviews

- a. Purpose

This section defines the process by which property owners may subdivide property, to ensure that development is in compliance with this UDC and the Comprehensive Growth Plan, and to ensure that the subdivisions are reviewed and approved by the appropriate bodies.
- b. Applicability
 - i. Approval through the subdivision process is required for any sites that will be subdivided, except those that may be approved as specified in [5.3.4 Lot splits, reconfiguration, and division by metes and bounds](#).
 - ii. Final plat recording following a completed approval process is required before any lot is sold or before any preliminary development permit in a proposed subdivision will be granted.
- c. Application requirements
 - i. Applications are submitted in stages with each plan or stage requiring specific content and documentation:
 - (1) Sketch Plan, as described in [5.5.1 Pre-application meetings](#), except for applications with previous Master Planned Subdivision approval;

- (2) Preliminary Plat, as specified in [5.8.8 Preliminary plat applications](#);
- (3) Subdivision Construction Plans, as follows:
 - (a) Must include the information specified in [5.8.9 Subdivision construction plan applications](#);
 - (b) Preparation and review must be coordinated with the **Department of Community Development**;
 - (c) Must include the entire subdivision, or the entire phase or phases for which Final Plat approval will be sought;
 - (d) Must include phasing and construction traffic plans for the entire development, including for multi-phase developments;
 - (e) Must be prepared and submitted by an engineer licensed in the State of Arkansas; and
 - (f) Before Final Plats are submitted for approval, Final Inspections Acceptance must be complete.
- (4) Final Plat, as follows:
 - (a) Must include as-built files, and other information required by the **City Engineer**;
 - (b) Must include the information specified in [5.8.10 Final plat applications](#);
 - (c) Must include the entire subdivision, or phase, for which final approval is sought;
 - (d) Must substantially conform to the approved Preliminary Plat and any approved [5.3.8 Plan Amendments](#);
 - (e) Must include all relevant plat certificates, including an owner's certificate which includes the owner's dedication of all easements and rights-of-way, streets, alleys, walkways, parks, and other open space as noted on the plat;
 - (f) As a result of unforeseen conditions associated with a particular site, changes may be required in approved Final Plats. No change or associated construction may be initiated until a revised Final Plat and Subdivision Construction Plans have been approved in accordance with [5.3.8 Plan Amendments](#).
- ii. Applications must include any requests for Waivers or Variances, as detailed in [Section 5.6 Variances and Warrants](#).
- d. Process
 - i. Plan review for subdivisions no part of an approved Master Plan:
 - (1) A pre-application meeting is required prior to submitting an application, including a Sketch Plan, as described in [5.5.1 Pre-application meetings](#).
 - (2) Following the pre-application meeting, the applicant must develop a Concept Plan.
 - (3) Upon completion of a Concept Plan, a **TAC** feasibility review is required, as specified in [5.5.3 TAC review](#).
 - ii. Following Concept Plan review, or with previous Master Planned Subdivision approval, the applicant must develop a Preliminary Plat.
 - (1) The applicant may elect to develop Subdivision Construction Plans concurrently with the Preliminary Plat in which case their approval by the **TAC** is contingent upon **Planning Commission** approval of the Preliminary Plat.
 - iii. Upon completion of a Preliminary Plat, **TAC** review is required, as specified in [5.5.3 TAC review](#).

- iv. The applicant may elect to submit Preliminary Plan revisions for additional **TAC** review at their discretion.
- v. Following **TAC** review, the applicant will schedule a public hearing by the **Planning Commission**.
- vi. Preliminary Plats must be approved by the **Planning Commission**, as specified in [5.5.4 Planning commission review](#).
 - (1) **Planning Commission** approval is valid for one year within which construction must begin. The **Director of the Department of Community Development** may extend preliminary plat approvals with a subsequent review of compliance.
- vii. Upon approval of a Preliminary Plat, the applicant must develop Subdivision Construction Plans.
- viii. Subdivision Construction Plans require approval by the **TAC**, as specified in [5.5.3 TAC review](#).
- ix. Changes to the Preliminary Plat must be approved as specified in [5.3.8 Plan Amendments](#) prior to Final Plat approval.
- x. Final Plats require approval by the **Director of the Department of Community Development**.
- xi. Following final plat approval, the **Planning Commission** will accept the final plat, provided all improvements are completed or bonded as provided for in a Final Inspections Acceptance.
- xii. Upon **Planning Commission** acceptance, the Final Plat may be filed with the county clerk's office, upon confirmation, staff will issue a preliminary development permit.

5.3.7 Master planned subdivision reviews

a. Purpose

This section defines the process by which large property owners may apply for coordinated rezoning and development plans that by the nature of their size and complexity require certain details of development to be defined in order to proceed with rezoning decisions, and subsequent development plans that may occur in multiple phases. This replaces the planned unit development (PUD) process, utilizing the standards of [Article 3, Section 3.3 Site Development and Subdivision](#) to direct the form of large scale development, and the standards of [Article 4, Section 4.2 Building Standards](#) to direct the form of buildings, resulting in a consistent and predictable single set of standards across the city. This process requires only as much information as is necessary to establish zoning and overall development entitlements for the whole site, allowing for subsequent subdivision plan and development plan applications to further define development details.

b. Applicability

- i. Applications for sites 160 acres or larger require Master Planned Subdivision approval.
- ii. Applicants subdividing sites less than 160 acres may elect to submit for Master Planned Subdivision approval.

c. Application requirements

- i. Applications are submitted in stages, each plan or stage of approval requiring specific content and documentation:
 - (1) Sketch Plan, as described in [5.5.1 Pre-application meetings](#);
 - (2) Concept Plan, as specified in [5.8.4 Concept plan applications](#); and
 - (3) Master Plan, as specified in [5.8.7 Master plan applications](#).

d. Process

- i. A pre-application meeting is required prior to submitting an application, including a Sketch Plan, as described in [5.5.1 Pre-application meetings](#).
- ii. Following the pre-application meeting, the applicant must develop a Concept Plan.
- iii. Upon completion of a Concept Plan, **TAC** review is required, as specified in [5.5.3 TAC review](#).
- iv. Following **TAC** review, the applicant must develop a Master Plan.
- v. Upon completion of a Master Plan, **TAC** review is required, as specified in [5.5.3 TAC review](#).
- vi. The applicant may elect to submit Master Plan revisions for additional **TAC** review at their discretion.
- vii. Following **TAC** review, the applicant must schedule a public hearing by the **Planning Commission**.
- viii. After holding a public hearing, Master Plans must be certified by the **Planning Commission**, reviewed according to both Development Review Criteria and Zoning Review Criteria, as specified in [5.5.4 Planning commission review](#).
- ix. Master Plans must be adopted by the **City Council**.
- x. Upon adoption by the **City Council**:
 - (1) The zoning map will be amended to reflect “Approved Zoning Plan”, indicating that the site will be subdivided at a later date and the zoning map will be further amended to reflect zoning districts upon approval of future Subdivision Plans and Development Plans;
 - (2) The Master Plan is considered a previously approved plan and serves as both the Sketch Plan and Concept Plan for any subsequent reviews; and
 - (3) The applicant may proceed to submit Subdivision Plans and Development Plans for any portions of the approved Master Plan.

5.3.8 Plan Amendments

a. Purpose

To allow for changes to approved plans, in as expedient a manner as possible, based upon the extent of the variation proposed and its potential impact on surrounding properties.

b. General

- i. Changes to approved plans are determined to be a minor variation, non-substantial, or substantial based upon the scope, nature, intensity, and location of the change within the plan and as specified in [Table 5.3.8.A Review of Plan Changes](#) and as follows:
 - (1) Changes of multiple types are evaluated independently;
 - (2) New Waivers or modifications to those already approved are considered minor variations;
 - (3) New Variances or modifications to those already approved require **Planning Commission** approval and other changes caused as a result may require additional amendments;
 - (4) Changes to Final Plats that involve minor adjustments to the location of lot lines, easements, building lines, streets, open space, notes, or similar matters, are considered minor variations, provided that all changes remain in compliance with this UDC;
 - (5) Anything not specified in [Table 5.3.8.A Review of Plan Changes](#) is considered a substantial change, except within Development Plans which are considered non-substantial changes; and

- (6) Changes to conditions of approval are considered substantial changes.
- ii. All amendments must be compliant with the standards of this UDC except to the extent that a Variance or Waiver has been approved, or as specified in a previous condition of approval.
 - iii. Plan amendments must be submitted to the **Community Development Department**, accompanied by a justification statement describing the need for the change from previously approved plans and updates to plan materials reflecting the change.
- c. Minor variations
- i. Minor variations are subject to the approval of the **Director of the Department of Community Development** following a technical review of the request. The request may be referred to the **TAC**.
- d. Non-substantial changes
- i. Non-substantial changes to Preliminary Plats are subject to approval of the **TAC**, as specified in [5.5.3 TAC review](#).
 - ii. The **TAC** may refer non-substantial changes to **Planning Commission** review, accompanied by a recommendation for approval or denial, as specified in [5.5.4 Planning commission review](#).
- e. Substantial changes
- i. Substantial changes to Master Plans require approval by the **Planning Commission**, including a public hearing, as specified in [5.5.5 City council review](#).
 - ii. Substantial changes to Preliminary Plats require approval by the **Planning Commission**, as specified in [5.5.4 Planning commission review](#).
 - iii. Substantial changes that affect the location, assignment, or percentage allocation of zoning districts require a public hearing and certification by the **Planning Commission**, prior to adoption by the **City Council**.

TABLE 5.3.8.A REVIEW OF PLAN CHANGES

Type of Change	Extent of Change	
	Minor Variation	Non-substantial Change
Application boundary	Changes to the boundaries of the application up to 5% of the area of initial approval.	Changes to the boundaries of the application up to 15% of the area of initial approval.
Parks	Relocation not abutting a site boundary; and size change within 5% of the original.	Change in park type or relocation abutting a site boundary; and size change within 10% of the original.
Roadway alignment, except within Master Plans	Internal to the site; and block perimeters remain in compliance; and retains function for cyclists and pedestrians.	Internal to the site; and block perimeters remain in compliance; and reduction of cyclist or pedestrian connectivity.
Roadway alignment within Master Plans	Internal to the site; and retains external connections; and varies the trajectory of one or more primary circulation network road; and does not remove a road.	Internal to the site; and retains external connections; and removes a road.

Roadway cross-section	Change to the number of lanes or lane width for fire access as requested by the fire department; or adds on-street parking lanes; or change to the number of on-street parking spaces retaining compliance with required parking; or change to sidewalk or planter width remaining in compliance with this UDC.	Change to the number of lanes or lane width; or removes on-street parking lanes retaining compliance with required parking; or moves bicycle lanes to a parallel roadway; or change to planter type.
Stormwater ponds	Relocation not abutting a site boundary; and retains cyclist and pedestrian connectivity; and consistent with capacity and LID requirements.	
Lot lines and sizes	In compliance with minimum lot sizes; and no more than a 10% change in the width or depth of lots along abutting T3 properties.	In compliance with minimum lot sizes.
Zoning district boundaries	Minor adjustments to align master plan zoning district alignments to preliminary plat lots; and the percentage mix of transect districts remains within 3% of the original.	The percentage mix of transect districts remains within 5% of the original; and transect district boundaries remain within 100ft of the original assignment; including minor adjustments to align master plan zoning districts to preliminary plat lots.

5.3.9 Vacating a street or alley

- a. Upon finding that a road or alley has not been used as such for the previous 5 years, and with a request by a city official, officer, department, or division that a city street or alley be vacated in order to better provide for the public welfare, safety, comfort, and convenience of inhabitants of City of Rogers, the **City Council** has power to vacate the street, by proceeding in the manner set forth below:
 - i. The **Director of the Department of Community Development** will request that the **Senior Staff Attorney** draft a resolution directing the **City Clerk** to give notice by a publication one time a week for two weeks in a newspaper published in the county and having a general circulation in the city, advising of the day the **City Council** will hold a hearing to make a determination regarding vacating the proposed street or alley.
 - ii. Hearing notification signs will be erected by the **Department of Community Development** at least 30 days in advance of the **City Council's** hearing.
 - (1) Signs must be located at the beginning, middle, and end of the proposed closure. The notification sign must contain:
 - (a) The name of the street or alley, or the portion thereof, to be vacated; and
 - (b) The location, date and time of the hearing at which the ordinance to vacate will be heard; or
 - (c) By posting the resolution setting the public hearing.
 - iii. **City Council** may, by ordinance, after a finding that the closure is warranted, order the requested street or alley vacated.

- iv. Closure signs must be erected by the **Department of Community Development** for at least 30 days upon adoption of the ordinance to vacate the said street or alley.
 - (1) Signs must be located at the beginning, middle, and end of the closure. Closure notification signs must contain:
 - (a) The ordinance number,
 - (b) The date the ordinance was passed, and
 - (c) The date the ordinance will be recorded with the **Benton County Recorder**.
- v. On the 31st day after adoption of the ordinance, the **City Clerk** will record the ordinance with the **Benton County Recorder**.

SECTION 5.4 AMENDMENTS TO THIS ORDINANCE

5.4.1 Initiating authority

- a. The following entities may introduce amendments to this ordinance:
 - i. The **City Council** or any person with a legal interest in a property may initiate a City of Rogers Official Zoning Map amendment process.
 - ii. Proposed ordinance and map amendments must be consistent with the [Rogers Future Land Use Map](#) and must not have a negative impact on surrounding properties or the city as a whole.
 - iii. Map amendments determined to be an adjustment to this ordinance and that change area characteristics may require a [Future Land Use Map](#) amendment.

5.4.2 Planning Commission action

- a. The **Planning Commission** must hold a public hearing to review amendments.
- b. Public hearings must be as specified in [5.5.6 Public hearings](#).
- c. Following the public hearing, the **Planning Commission** may approve the amendment request as presented, approve a modified form, or deny the application.
 - i. If no action is taken by the **Planning Commission** within 45 days of the public hearing date, then the amendment request is considered approved and the applicant may request a hearing before the **City Council**.
 - ii. The 45-day period may be extended if the applicant agrees to the extension.
- d. An approved amendment request or an approved modified amendment request will be forwarded to the **City Council** for final ratification.
- e. A denied amendment request may be appealed by the applicant to the **City Council**.
 - i. The applicant may appeal a denied amendment request by filing a letter of appeal with the city clerk within 10 business days of the public hearing at which the amendment request was denied.
 - ii. The letter of appeal must state in detail the reason for the appeal and **XXXXXXXXXXXXX**.
 - iii. If an applicant chooses to appeal a denied amendment request to the **City Council**, the applicant must send written notification to all affected property owners prior to the **City Council** meeting in the same manner and with the same time considerations as contained in [5.5.6 Public hearings](#).
 - iv. The **City Clerk** will schedule the appeal for hearing before the **City Council** on the next regular **City Council** meeting date that will allow the applicant the ability to comply with the notice requirements.

- f. An application may be withdrawn by the applicant any time prior to the public notice being given to the newspaper.
 - i. After the agenda is published, only the **Planning Commission** may allow an application to be withdrawn.
- g. Any property involved in an application which was denied or withdrawn after public hearing must not be resubmitted for the same rezone for a period of one year from the date of last action on the amendment request.
- h. The **Planning Commission** may allow a previously denied application for an amendment request to be filed in less than one year if, by majority vote, it finds that a public benefit would result or that new information has been presented which was not available at the previous hearing.

SECTION 5.5 PROCEDURES

5.5.1 Pre-application meetings

- a. Requirements
 - i. Pre-application meetings are required for all applications, except:
 - (1) Rezoning for sites less than 20 acres;
 - (2) Minor reviews and permits;
 - (3) Lot splits;
 - (4) Division by metes and bounds;
 - (5) Site Plans; and
 - (6) Single Site Development less than 6 acres.
 - ii. In instances that a pre-application meeting is not required, applicants may apply for a pre-application meeting at their discretion.
- b. Process
 - i. The applicant must apply for a pre-application meeting to the **Department of Community Development**.
 - ii. Staff will schedule a pre-application meeting with the applicant at the next available time.
 - iii. The **Director of the Department of Community Development** will designate appropriate staff to conduct the pre-application meeting depending on the nature of the submission.
 - iv. A Sketch Plan must be submitted with the meeting application for required pre-application meetings.
 - v. The applicant may elect to submit a Sketch Plan for optional pre-application meetings.
 - vi. Sketch plan content requirements are as specified in [5.8.3 Sketch plan applications](#).

5.5.2 Staff review

- a. Upon receipt of a complete application and applicable fees, staff will:
 - i. Review the application in accordance with [Development review criteria](#) or [Rezoning review criteria](#), as applicable;
 - ii. Review any Waivers submitted with the application, as detailed in [5.6.2 Warrants](#);
 - iii. Review and forward any Variances to the **Board of Adjustments** as detailed in [5.6.3 Variances](#); and
 - iv. Return comments to the applicant specifying any missing information, lack of compliance,

recommended revisions to better support the intent of this UDC and the [Comprehensive Growth Plan](#), and details of Waiver and Variance determination and any associated stipulations.

- b. The applicant may appeal staff decisions to the **Board of Adjustments**.

5.5.3 TAC review

- a. Upon receipt of a complete application and applicable fees, staff will review the application for completeness and schedule an application review by the **TAC**.
- b. Staff will create a staff report, including recommendations based upon the [Development review criteria](#) or [Rezoning review criteria](#), as applicable.
- c. The **TAC** will:
 - i. Review the staff report;
 - ii. Review the application in accordance with [Development review criteria](#) or [Rezoning review criteria](#), as applicable;
 - iii. Review and approve or deny any Waivers submitted with the application, as detailed in [5.6.2 Warrants](#);
 - iv. Review and forward any Variances to the **Board of Adjustments** as detailed in [5.6.3 Variances](#); and
 - v. Return comments to the applicant specifying any missing information, lack of compliance, recommended revisions to better support the intent of this UDC and the [Comprehensive Growth Plan](#), and details of Waiver and Variance determination and any associated stipulations; or
 - vi. In the case of **TAC** approval, and if no new comments stipulating missing information or lack of compliance are returned, the **TAC** will approve or deny the application.
- d. The applicant may appeal **TAC** decisions to the **Board of Adjustments**.

5.5.4 Planning commission review

- a. Upon receipt of a complete application and applicable fees, staff will review the application for completeness and schedule an application review by the **Planning Commission**.
- b. Where a public hearing is required:
 - i. Staff will only schedule a **Planning Commission** review once any required public notice has been provided as specified in [5.5.6 Public hearings](#); and
 - ii. The **Planning Commission** will review the application after holding a public hearing, as specified in [5.5.6 Public hearings](#).
- c. Staff will create a staff report, including recommendations based upon the with [Development review criteria](#) or [Rezoning review criteria](#), as applicable.
- d. The **Planning Commission** will:
 - i. Review the staff report;
 - ii. Review the application in accordance with [Development review criteria](#) or [Rezoning review criteria](#), as applicable;
 - iii. Review any Waivers, Variances, and stipulations as part of the application;
 - iv. Review and approve, approve with stipulations, or deny any additional Variances not yet approved as detailed in ref. Variances; and
 - v. Approve, approve with stipulations, or deny the application.

- e. The applicant may appeal **Planning Commission** decisions to the **City Council**.

5.5.5 City council review

- a. Upon receipt of a complete application and applicable fees, staff will review the application for completeness and schedule an application review by the **City Council**.
- b. Staff will create a staff report, including recommendations based upon the with **Development review criteria** or **Rezoning review criteria**, as applicable.
- c. The **City Council** will review the application and staff report and take action as appropriate.

5.5.6 Public hearings

- a. Requirements
 - i. Public hearings are required for all Variances and zoning actions by the **Planning Commission** and **BOA**, prior to taking action.
 - ii. Public hearings may be required as provided by statute.
- b. Process
 - i. The chairperson will advise those present of the public hearing procedure, announce the name of the applicant, the location of the property involved, and the nature of the application or amendment.
 - ii. The chairperson will first call upon the applicant or proposer to present their case and all evidence supporting the application or amendment request.
 - iii. Members of the board or commission may question the applicant after the presentation.
 - iv. The chairperson will then invite members of the public to speak, as follows:
 - (1) Speakers who support the amendment request are invited to speak first;
 - (2) Speakers who oppose the request are invited to speak second;
 - (3) Speakers are limited to 5 minutes each in which to address the board or commission;
 - (4) Each side will proceed without interruption;
 - (5) All arguments and pleadings must be addressed to the board or commission; and
 - (6) No questioning or arguments between individuals will be permitted.
 - v. The applicant will be called back and given an opportunity to rebut arguments made in opposition to their request, and may answer additional questions that may be posed by the board or commission.
 - vi. The chairperson will close the public hearing after providing opportunity for the proposer, members of the public in support, and members of the public in opposition to state their positions, and after the board or commission has had the opportunity to ask questions and discuss the proposal.
 - vii. Once the public hearing is closed, the board or commission may proceed to debate and vote on the proposal.
- c. Public notice
 - i. Applicants must provide public notice of public hearings, as shown on Table ref. Public Hearings and Notices and as follows:
 - ii. Published public notices must meet the following:
 - (1) Must be in a newspaper having general circulation in the City at least 1 time, published at least 15 days prior to the day of a public hearing;

- (2) Must state the nature of the request and the time, date and location of the public hearing.
- iii. Mailed public notices must meet the following:
- (1) Must be a written notice of the public hearing, by first-class mail;
 - (2) Must be mailed to anyone who leases or owns property within 200 feet of the perimeter of the property subject to being rezoned, that a rezoning request is pending;
 - (3) Must be mailed 15 days prior to the public hearing.
- iv. Posted sign notices:
- (1) The **Department of Community Development** will place signs upon the property.
- v. The applicant must provide a copy of the published notification to the approval authority at or before the public hearing.
- vi. Public hearing must be scheduled at the next available **Planning Commission** or **BOA** meeting that allows for compliance with the public notice requirements.
- vii. Failure to provide proof of compliance with public notification requirements, voids the amendment request and the amendment request must be resubmitted.

TABLE 5.5.6.B PUBLIC HEARINGS

Application or Action	Public Notice Requirements			Public Hearing Requirements	
	Published	Mailed	Posted Sign	Planning Commission	BOA
Master Plan	R	R	R	R	
Preliminary Plat	R	R	R	R	
Final Plat	R*			R*	
Variance	R				
Rezoning	R	R	R	R	
Zoning Amendment	R	Where applicable	Where applicable	Quasi-judicial	
Map Amendment	R	Where applicable	Where applicable	R	
Appeal	R	Where applicable	Where applicable		BOA appeals
R: Required R*: Required when not consistent with the preliminary plant Other text: as specified					

SECTION 5.6 VARIANCES AND WARRANTS**5.6.1 Purpose**

To provide a means of accommodating atypical but anticipated property or development conditions - Warrants - as well as unanticipated and special property or development conditions - Variances. Warrants provide limited flexibility in specifically identified circumstances, allowing for expedient consideration and approval due to their anticipated nature. Specifically, they identify standards that may be permitted only for specific situations or atypical situations. Variances ensure that deviations from this UDC are justified by demonstrating a unique and undue hardship imposed by the regulations of this UDC, along with oversight and stringent review and approvals, ensuring that the deviation would not be contrary to the intent of this UDC or the public interest.

5.6.2 Warrants

- a. Applicants may apply for a Warrant, permitting a practice that is not consistent with a specific provision of this UDC but is anticipated and consistent with the intent, subject to the following:
- b. Warrants are only available where explicitly stated in this UDC;
 - i. Applications must demonstrate consistency with the [Table 5.6.2.B Warrant review criteria](#);
 - ii. The inability to achieve the maximum permitted development is not considered grounds for granting a Warrant;
 - iii. The **Director of the Department of Community Development** has the authority to approve or disapprove a request for a Warrant; and
 - iv. The **Director of the Department of Community Development** is additionally authorized to approve modifications of numeric standards up to 3 feet as a Warrant, not subject to the Warrant review criteria.
- c. Warrant review process
 - i. Warrant requests will be reviewed and approved or denied by:
 - (1) The **Director of the Department of Community Development** or their designee;
 - (2) The **TAG** at the request of the **Director of the Department of Community Development**.
- d. Submission requirements
 - i. The applicant must submit the applicable form to the **Community Development Department**.
 - ii. Warrants must be submitted along with a development review application.
 - iii. Submission requirements vary based on the nature of the Warrant requested, as determined by the **Director of the Department of Community Development**, and as follows:
 - (1) Submissions must include a narrative, detailing how the Warrant request complies with the Warrant review criteria;
 - (2) Warrant requests must include maps, plans, and elements associated with the required submissions that are pertinent to the Warrant being requested. The entirety of the review documents are not required to evaluate a Warrant.
 - iv. Warrants that are granted are only valid in conjunction with the associated review application.
- e. Warrant review criteria
 - i. Warrant are subject to the required findings and maximum allowable waiver specified in [Table 5.6.2.B Warrant review criteria](#).

- ii. The request must be consistent with the intent of this UDC and the zoning district in which it is located.
- iii. The request must not negatively impact surrounding properties.
- iv. The request must meet at least one of the following additional criteria:
 - (1) Improved design: The Warrant results in better design that achieves the intent of this UDC in an alternative but equally effective manner;
 - (2) Innovative solutions: The Warrant enables innovation in architecture, sustainability, or technological application;
 - (3) Environmental protection: The Warrant conserves or enhances environmental assets of the site or adjacent sites; or
 - (4) Site limitations: The Warrant responds to limitations related to the size, shape, pre-existing conditions on the site or adjacent sites, or natural features of the site.

TABLE 5.6.2.B WARRANT REVIEW CRITERIA

Standard	Required findings	Maximum allowable waiver
Article 3 Land Development and Subdivision		
Block perimeter	The block abuts an existing use district, rail corridor, major transportation or infrastructure corridor, floodway, or other natural feature which makes it impractical to comply with block size requirements.	Minimum required deviation to accommodate the barrier within the proposed block.
Culs-de-sac	Conditions where floodways, or infrastructure corridors prevent connections. Pedestrian and bicycle circulation must be provided.	Subject to site constraints
External connections	Conditions where: 1. Site boundaries abut use districts or T2; 2. Site boundaries abut existing arterials or highways and access spacing requirements exceed the maximum spacing required; 3. Site boundaries abut floodways, or other natural features that limit connectivity; 4. Site boundaries abut built out areas; and 5. Where the City Engineer determines that future connections are impractical or for other traffic safety concerns.	Subject to site constraints. Where minimum spacing is waived, the City Engineer may require pedestrian ways, bicycle ways, or shared-use paths in lieu of vehicular connections
Article 4 Zoning		
Building setback	Existing development on adjacent parcels on the same block face is more similar to the proposed setback than the required setback; The modulation will allow the proposed building to blend in with the adjacent buildings; Existing site features would be negatively impacted if buildings follow the required setback; or The constraint of existing site features would not allow for construction of habitable spaces within buildings.	5' or 25% max., whichever is greater
Building height	Demonstrated need to accommodate medical equipment or operational requirements for medical care which causes stories to exceed the maximum nonresidential story height for the applicable district.	Up to 10 feet per floor.
Build-to occupation	One of the following conditions must be demonstrated: 1. The property abuts an automobile-oriented arterial or collector; 2. The secondary frontage is longer than 150ft.; 3. The building size proposed is too small to reasonably meet the minimum frontage occupation; or 4. Vehicular access cannot be accommodated from secondary frontages or alleys and must be accommodated at the primary frontage.	50% max.

5.6.3 Variances

- a. Applicants may apply for a Variance from the **Board of Adjustments (BOA)**, permitting a deviation from the standards of this UDC, subject to the following:
 - i. Applications must demonstrate an undue and unique hardship imposed by the regulations of this UDC due to existing conditions of a site, existing conditions on adjacent properties, or the inability to apply professionally accepted standards that are consistent with the intent of this UDC;
 - ii. Applications must demonstrate consistency with the [d. Variance review criteria](#).
 - iii. Variances must not increase development intensity beyond that allowed in the applicable zoning district or the future land use plan;
 - iv. Inability to achieve the maximum permitted development is not considered grounds for granting a Variance;
 - v. Variances must not allow a prohibited use or a prohibited sign. Pre-existing conditions may continue in accordance with [Article 1, Section 1.4 Nonconformities](#) and do not require a Variance.
- b. Variance review process
 - i. Upon receipt of a complete application and applicable fees, staff will:
 - (1) Review the application to ensure the request is valid and complete;
 - (2) Schedule a hearing with the **BOA**; and
 - (3) Create a staff report, including recommendations based upon the variance review criteria, for consideration by the **BOA**.
 - ii. The **BOA** will review the application in a public hearing, as specified in [5.5.6 Public hearings](#), and approve, approve subject to additional conditions, or deny the request based on the Variance review criteria.
- c. Submission requirements
 - i. The applicant must submit the applicable form to the **Community Development Department**.
 - ii. The applicant must pay any associated fees, as designated in the City of Rogers fee schedule.
 - iii. Submission requirements vary based on the nature of the Variance requested, as determined by the **Director of the Department of Community Development** and as follows:
 - (1) Submissions must include a narrative, detailing:
 - (a) The existing standard from which a deviation is being requested;
 - (b) The proposed alternative and how it is consistent with the intent of this UDC; and
 - (c) A clear explanation of the exact conditions of the site or existing condition on abutting sites that cause a unique hardship.
 - (2) Variance requests related to zoning:
 - (a) Must include the proposed rezoning map, as required in [5.3.3 Zoning reviews](#); and
 - (b) May not vary from the allowable zones stipulated for the Comprehensive Growth Plan future land use category of the site.
 - (3) Variance requests related to development:
 - (a) Must include maps, plans, and elements associated with the required submission that

- are pertinent to the deviation requested;
- (b) Staff may request additional information in order to determine the full implication of the deviation requested; and
- (c) The entirety of the application documents are not required to evaluate a variance.
- iv. Variance requests may be submitted concurrently with a zoning or development review application, or prior to such application. Variances that are granted are only valid in conjunction with the associated application and do not establish a universally applicable precedent.
- d. Variance review criteria
 - i. The Variance request must demonstrate that:
 - (1) Special conditions and circumstances exist that are peculiar to the property and that are not applicable to other properties in the same zoning district;
 - (2) The special conditions and circumstances do not result from the actions of the applicant or property owner; and
 - (3) Literal interpretation of the provisions of this UDC deprives the applicant of rights commonly enjoyed by other properties in the same zoning district and results in unnecessary and undue hardship on the applicant.
 - ii. The Variance requested must:
 - (1) Be the minimum variance necessary to enable reasonable use of the property;
 - (2) Be consistent with the intent and purpose of this UDC and the zoning district assigned to the property;
 - (3) Not be injurious to the neighborhood, or otherwise detrimental to the public;
 - (4) Not confer on the applicant any special privilege that is denied by this UDC under similar conditions; and
 - (5) Not be based upon preexisting conditions of neighboring or nearby properties that do not conform to this UDC.

SECTION 5.7 APPEALS

5.7.1 Planning Commission decisions

- a. The developer or owner of any property adjacent to the proposed land development may appeal the decision of the **Planning Commission** to the **City Council** by filing a notice of appeal with the City clerk within 10 business days from the date of the decision.
- b. The **City Council** may affirm, modify, or reverse any findings or decision of the **Planning Commission** or may refer the proposed development back to the **Planning Commission** for additional study.
- c. The **City Council** may refuse to approve the proposed improvement.

5.7.2 Department of Community Development decisions

- a. The developer or owner or contractor of any proposed land development may appeal the decision of the **Department of Community Development** to the **Board of Adjustments (BOA)** by filing a notice of appeal with the **Director of the Department of Community Development** or their designee within 10 business days from the date of the decision.
- b. The **BOA** will hear all persons desiring to be heard on the question of whether the findings and decisions of the **Department of Community Development** were in error. Following the hearings and review, the **BOA** may affirm, modify, or reverse any finding or decision of the **Department of**

Community Development.**SECTION 5.8 APPLICATIONS****5.8.1 General to all applications**

- a. Applications must include drawings clearly indicating the information specified in [Table 5.8.1.A Application Requirements](#) and the following information:
 - i. The site location map must include all road names within its boundary;
 - ii. The site location map must be an aerial photograph; and
 - iii. The subject site boundary must be depicted with a bold line.
- b. If the applicant is not the owner, a letter from the owner, a signature on the application, or a power of attorney is required for the applicant to act as agent with full authority.
- c. The **Director of the Department of Community Development** may require a traffic study that addresses multi-modal access management and traffic control for the transportation network, except for Sketch Plans and Concept Plans.
- d. All maps and plans are subject to additional requirements as further specified in this section, by application type.

TABLE 5.8.1.A APPLICATION REQUIREMENTS

Requirement	Rezoning	Sketch Plan	Concept Plan	Site Plan	Master Plan	Development Plan	Preliminary Plat	Subdivision Construction Plan	Final Plat
General information									
Applicant's information, preparer's information, and the data are required for all applications.									
Legal description	R			R	R	R	R	R	R
Location map scale	1" = 2,000'	Within 1,000'	1" = 2,000'	1" = 1,000'	1" = 2,000'	1" = 2,000'		Within 1,000'	
Maximum drawing scale	1" = 400'	1" = 400'	1" = 400'	1" = 200'	1" = 400'	1" = 200'	1" = 100'	1" = 100'	1" = 100'
Title block, north arrow, and scale are required for all maps and drawings, except sketch plans.									
Existing site conditions									
Maximum contour	20'		5'	5'	5'	5'	1'	1', incl. within 50' of site	1'
Dimensioned property lines	R		R	R	R	R	R	Including bearings	
Street names and classification	Adjoining	Within 1,200'	Within 250'	Within 100'	Within 250'			Within 100'	
Existing structures	R		R	R	R	R	R	R	R
R: Required Other text: Required as specified									

TABLE 5.8.1.A APPLICATION REQUIREMENTS

Requirement	Rezoning	Sketch Plan	Concept Plan	Site Plan	Master Plan	Development Plan	Preliminary Plat	Subdivision Construction Plan	Final Plat
1% floodplain limits*	R	R	R	R	R	R	R	R	R
Floodway hazard area limits	R	R	R	R	R	R	R	R	R
Natural features to be preserved or removed				R	R	R	R	R	R
All prominent site features				R	R	R	R	R	R
Adjoining property information	R		R	R	R	R	Within 250'	R	R
Registered historic places must be identified on all applications.									
* mapped or predicted by BLE									
Proposal details									
Place type designations	R	R	R		R	R	R		
Zoning district designations	R	R	R	R	R	R	R	R	R
Dwelling unit count				R	R	R	R		
Non-residential square footage				R	R	R	R		
Land area calculations			R	R	R	R	R		
New lots			R		R		Dimensioned		
Hypothetical lots				Dime- sioned		Dime- sioned			
Parks		R	R		R	Dimensioned			
Utilities				R		R	R	R	R
Easements			R	R	R	R	R	R	R
Drainage plan and structures		Concept	Concept	R	Concept	R	R	R	
Parking location				R		R	Street parking and within parks		
R: Required Other text: Required as specified									

TABLE 5.8.1.A APPLICATION REQUIREMENTS

Requirement	Rezoning	Sketch Plan	Concept Plan	Site Plan	Master Plan	Development Plan	Preliminary Plat	Subdivision Construction Plan	Final Plat
Landscape plan				R		R		R	
Lighting in streets and parks								R	
Lighting plan				R		R			
Phasing					R		R	R	
Construction traffic								R	
Grading plan				R		R	Concept	R	
Monuments								R	
Sequencing and erosion control								R	
Subdivision name							R	R	R
Deed restrictions and covenants								R	R
R: Required Other text: Required as specified									

5.8.2 Zoning applications

- a. All rezoning applications are subject to the following:
 - i. Maps and information must be provided as specified in [Table 5.8.1.A Application Requirements](#);
 - (1) A proposed rezoning map depicting:
 - (2) The proposed zones and existing zones for the subject property; and
 - (3) The existing zones for all properties within 200ft.
 - ii. The site location map must include the area within 1/2 mile of the site; and
 - iii. A statement or narrative specifying how the rezoning request is consistent with the future land use plan.
- b. Applications over 20 acres are subject to the following:
 - i. A Concept Plan must be submitted as part of the application, subject to the requirements of [5.8.4 Concept plan applications](#);
 - ii. The Concept Plan must be submitted as separate maps from the required proposed rezoning map;
 - iii. The site location map must be provided, including the area within 1 mile of the site; and
 - iv. The proposed rezoning map must additionally include:
 - (1) The boundaries of each proposed zone; and

- (2) A table specifying the total site area in acres, the area of each proposed zone in acres, and the percentage of the total site that each proposed zone occupies.

5.8.3 Sketch plan applications

a. Purpose

Sketch plans provide enough information about development intentions and the subject site to allow staff to assist the applicant in navigating the standards of this UDC and the plan review process, and to identify development intentions that may not be compatible with this UDC prior to the application process and completion of costly and time consuming plan and document preparation.

b. Sketch Plans must comply with [5.8.1 General to all applications](#).

c. Sketch Plans must provide the information specified in [Table 5.8.1.A Application Requirements](#).

d. Sketch plans may be produced by hand drawing or computer aided design.

e. Sketch Plans submitted for Development Plan, Subdivision, and Master Plan applications must additionally include the following:

- i. A site location map, no scale required, depicting the site boundary with a bold line over an aerial photograph, including the area within ½ mile of the site boundary in all directions;
- ii. The approximate alignment of the primary circulation network within the site, including connections to adjacent sites; and
- iii. The anticipated extent and general types of non-residential uses.

f. Sketch Plans submitted for Large Scale Rezoning applications must additionally include the following:

- i. The approximate alignment of the primary circulation network within the site, including connections to adjacent sites; and
- ii. Identification of and approximate area calculation for each of the zoning districts to be proposed in the application.

g. Sketch Plans may include additional information pertinent to the application or future applications at the discretion of the applicant.

5.8.4 Concept plan applications

a. Purpose

Concept plans provide sufficient information about development intentions to evaluate the general structure of blocks, lots, parks, and the transportation network to evaluate compliance for Subdivision proposals and for Master Plan and Large Scale Rezoning proposals, to ensure proposed zoning district boundaries are able to be mapped onto future lots such that the transportation network and block standards are able to be complied with, and to evaluate zones being requested in terms of their appropriate location, extent, alignment with the future land use plan, and impact to adjacent properties.

b. Concept Plans must comply with [5.8.1 General to all applications](#).

c. Concept Plans must provide the information specified in [Table 5.8.1.A Application Requirements](#).

d. For Subdivision and Master Plans, boundary lines do not require a survey.

e. Concept Plans must be produced by computer aided design.

f. Concept Plans for Subdivision and Master Plan applications must include:

- i. Preliminary net developable land area calculations for the project site and for each of the zoning districts;

- ii. A statement specifying how pedestrian, bicycle, transit, and automobile ways coordinate with adjoining development;
- iii. A statement demonstrating availability of utilities, including water and sanitary sewer service (guarantee not required);
- iv. A statement demonstrating the presence of rare, threatened or endangered species, and the applicant's contact with the department of natural resources; and
- v. A proposed development program consisting of the estimated number of dwelling units and area of non-residential uses, specified by category in [Table 4.7.1.A Zoning District Use Matrix](#) and correlated with the proposed zoning districts.

5.8.5 Site plan applications

a. Purpose

To ensure that proposed development complies with this UDC prior to issuing a CD permit.

- b. Site Plans must comply with [5.8.1 General to all applications](#).
- c. Site Plans must provide the information specified in [Table 5.8.1.A Application Requirements](#).
- d. Site Plans for sites greater than 3 acres must include a hypothetical lotting plan as a separate exhibit, including:
 - i. Hypothetical lot lines;
 - ii. Hypothetical lot dimensions; and
 - iii. Building setbacks dimensioned from hypothetical lot lines.

5.8.6 Development plan applications

a. Purpose

To ensure that large sites being developed without subdivision comply with the block, lotting, parks, and transportation network requirements of this UDC prior to issuing a CD permit.

- b. Development Plans must comply with [5.8.1 General to all applications](#).
- c. Development Plans must provide the information specified in [Table 5.8.1.A Application Requirements](#).
- d. Development Plans are subject to the following:
 - i. Street specifications apply to any new streets as well as the primary circulation network within the site, as required in [Article 3, 3.3.5 Single Site Development](#);
 - ii. Street specifications must include the cross section of circulation ways within the primary circulation network;
 - iii. Alley details are not applicable within Development Plans other than the identification of hypothetical alleys in the hypothetical lotting plan;
 - iv. Bicycle facilities, if provided, must be identified on the Development Plan, including facility type and width;
 - v. Where open space is required to meet park standards, the Development Plan must identify each qualifying open space and specify its dimensions, type, paved and landscaped areas, and structures;
 - vi. Maintenance responsibility for landscaping and primary circulation ways; and
 - vii. A traffic study where required by the **Director of the Department of Community Development**.

- e. Development Plans must include a hypothetical lotting plan as a separate exhibit, including:
 - i. Hypothetical lot lines;
 - ii. Hypothetical lot dimensions; and
 - iii. Building setbacks dimensioned from hypothetical lot lines.

5.8.7 Master plan applications

- a. Purpose

Master plans require that certain details of development are defined in order to proceed with rezoning decisions, and subsequent development applications that may occur in multiple future phases and consist of a combination of Subdivisions and Development Plans. This application requires only as much information as is necessary to establish zoning and overall development entitlements for the whole site, allowing for subsequent development applications to define development details.

- b. Master Plans must comply with [5.8.1 General to all applications](#).
- c. Master Plans must provide the information specified in [Table 5.8.1.A Application Requirements](#).
- d. Master Plans are subject to the following:
 - i. Sub-areas must be defined, in accordance with [Article 3, 3.3.7 Master Planned Subdivisions](#);
 - ii. Streets and blocks must be specified and dimensioned;
 - iii. Parks must be specified by type and dimensioned;
 - iv. Typical lotting details must be specified for at least 25% of blocks within the Master Plan;
 - v. Minor streets and detailed block, park, and lotting details may be omitted on the plan, instead showing:
 - (1) A vignette demonstrating a typical block structure, park, and lot configuration on a sample area of at least 20 acres;
 - (2) The primary streets providing circulation throughout the site and connection to existing streets and abutting properties;
 - (3) Bicycle facilities associated with primary streets and connecting to existing streets, abutting properties, and adjacent bicycle facilities; and
 - (4) Proposed locations of community facilities (if any).
 - vi. Net developable land area for the project site and for each of the zoning districts, excluding rights-of-way, flood hazard areas, wetlands, and water bodies;
 - vii. Overall proposed community development program, including dwelling units and non-residential uses, collated by zoning district and [Table 4.7.1.A Zoning District Use Matrix](#); and
 - viii. A traffic study must be provided when required by the **Director of the Department of Community Development**.

5.8.8 Preliminary plat applications**a. Purpose**

Preliminary Plats establish the lotting, utility layout, street and intersection design, and park locations for a subdivision. The term “preliminary” indicates that it is the proposed design of the subdivision, prior to full construction engineering, and may be subject to various changes ahead of the Final Plat. This process ensures that property divisions, zoning assignments, and the details of construction for streets, utilities, grading, and other aspects of development are in compliance with this UDC and are reviewed in an order and manner that minimizes cost to the applicant while providing the **Planning Commission** with sufficient information to evaluate subdivision proposals.

b. Preliminary Plats must comply with [5.8.1 General to all applications](#).**c. Preliminary Plats must provide the information specified in [Table 5.8.1.A Application Requirements](#).****d. Preliminary Plat applications must be prepared and certified by a civil engineer licensed to practice in the state of Arkansas;****e. Surveys must be prepared in accordance with [5.8.11 Survey standards](#).****f. Preliminary Plats must specify the type, cross section, and name of each street;****g. Preliminary Plats must include a drainage plan specifying:**

i. Approximate volumes, direction of flows, and location of proposed detention and retention areas; and

ii. Culverts and associated drainage structure locations, sizes, and easements.

h. The following additional information must be provided to supplement the requirements of [Table 5.8.1.A Application Requirements](#):

i. A statement specifying the owner and entity responsible for care, operation, and maintenance of all streets and civic spaces; and

ii. A statement specifying how pedestrian, bicycle, transit, and automobile ways coordinate with bordering land development.

i. Preliminary Plats must be accompanied by a set of proposed property owners association (POA) covenants that, if approved, must be properly executed and recorded before approval of the final plat. The POA covenants must address the following:

i. Maintenance, including methods of maintenance, of streets, landscaping, and street lights for all streets and parks that are not dedicated to the City;

ii. The covenants must expressly provide that the City is a third party beneficiary to the covenants only for the limited purpose of enforcing and protecting any covenants related to the management and upkeep of the City’s easements; and

iii. The protective covenants must further grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other municipal function.

j. POA covenants may provide restrictions on the form and operation of specific uses, however they must not directly or indirectly disallow uses permitted by [Article 4, Section 4.7 Use Standards](#) or otherwise deviate from the intent of this UDC.

5.8.9 Subdivision construction plan applications**a. Purpose**

Subdivision Construction Plans are the technical engineering documents that are reviewed for compliance with technical construction specifications, construction means and methods, and other requirements to protect public health, safety, and welfare.

b. Subdivision Construction Plans must comply with [5.8.1 General to all applications](#).**c. Subdivision Construction Plans must provide the information specified in [Table 5.8.1.A Application Requirements](#).****d. Subdivision Construction Plans applications must be prepared and certified by a civil engineer licensed to practice in the state of Arkansas.****e. Surveys must be prepared in accordance with [5.8.11 Survey standards](#).****f. Subdivision Construction Plans must provide the following:**

- i. The date and substance of any revisions to the plat, indicated in a revision block drawn on the plat;
- ii. An original topographic map showing one-foot contour intervals, not relative elevations;
- iii. If applicable, design calculations, plans, profiles, and specifications must be provided for off-site improvements;
- iv. Utility plan.
 - (1) Location of all existing and proposed utility lines including street lights;
 - (2) Utility plans must specify proposed water supply, fire protection, sanitary waste, reclaimed water, storm drainage, stormwater management facilities, gas lines, electric and telecom lines, poles and equipment, and streetlights; and
 - (3) A copy of the detailed water and sewer plans, and profiles and specifications that were submitted to Rogers Water Utilities must be included.
- v. Lotting plan.
 - (1) Location and dimensions of all proposed lots; and
 - (2) Lot and block numbers, dedications, and reservations.
- vi. Street plan.
 - (1) Typical street sections;
 - (2) Pavement section of each street or street classification;
 - (3) Detailed street profiles and specifications;
 - (4) Soil analysis; and
 - (5) Design calculations.
- vii. Drainage plan.
 - (1) Location of all existing and proposed drainage systems;
 - (2) Storm drainage calculations including:
 - (a) Plan and profile and specifications;
 - (b) Soil analysis; and
 - (c) Design calculations.

- (3) Stormwater pollution prevention plans;
 - (4) Flood areas must be specified, including but not limited to:
 - (a) Special flood hazard areas;
 - (b) Base level engineering-defined 100 year inundation areas; and
 - (c) 100 year water surface elevations for all primary and secondary channels as well as the adjacent areas (as defined in [UDC 22-47](#)) for each of these and wetlands.
 - (5) The drainage plan must include all necessary calculations, design criteria, verification that changes to existing drainage patterns will not cause adverse impacts on neighboring properties.
 - (6) Drainage plans must include other necessary information required to meet City Code; and
 - (7) Drainage plans must be dated and signed by the engineer of record.
- viii. Grading plan.
- (1) The plan must be based on the preliminary plat sheets as described above;
 - (2) The plan must include all site grading and retaining walls, including individual lot grading for construction of structures;
 - (3) The plan must indicate drainage flows either to a drainage easement or public right-of-way;
 - (4) The plan must include existing and proposed contours for the site and extend the existing topography 50 feet beyond the property line. The city engineer may require additional information beyond 50 feet in areas as needed. Existing contours must be dashed lines and proposed contours must be solid lines; and
- ix. A plat or legal description of dedication of streets and other public property.
- x. As part of Subdivision Construction Plan review the applicant must obtain approvals from all affected outside agencies.
- (1) Copies of approval letters and plans must be provided to the City of Rogers as part of this application.
 - (2) The applicant may be required to submit an affidavit or other documentation stating that all required federal, state, and local agency coordination has been completed.

5.8.10 Final plat applications

a. Purpose

Final plats delineate property boundaries and describe and dedicate rights-of-way and easements within the area which is realistically designated for transfer or sale of lots. Review of final plats address conformance with Preliminary Plats and Subdivision Construction Plans which provide the detail for development.

- b. Final Plats must comply with [5.8.1 General to all applications](#).
- c. Final Plats must provide the information specified in [Table 5.8.1.A Application Requirements](#).
- d. Final Plat applications must be prepared and certified by a civil engineer licensed to practice in the state of Arkansas;
- e. Surveys must be prepared in accordance with [5.8.11 Survey standards](#).
- f. Final Plats are subject to the following:

- i. Assurances that the improvements indicated in the final plat and/or required by these regulations have been installed or assurances they will be installed. Such assurances shall consist of:
 - (1) A certification by the engineer of record that all improvements have been completed and accepted.
 - (2) Individual letters of intent from public utility agencies that they will or will not provide service through the developer for the development.
 - (3) For unfinished sidewalks, the developer must provide a surety bond for 100 percent of the engineer's estimate of total cost, expiring no sooner than 3 years from the acceptance of the final plat. The engineer's estimate of the total cost must be approved by the Director of the Department of Community Development. If the Department of Community Development does not agree with the engineer's estimate they may hire an independent consultant to review the cost estimate. The cost of the consultant will be paid by the developer of the project. Upon satisfactory completion of the improvements, the City will release the performance bond.
- ii. Legal description of the property with dimensions and angles sufficient to locate all lines on the ground;
- iii. The location of the corner markers of each lot within the subdivision;
- iv. Location of all street lights and signs;
- v. Certificate of survey accuracy;
- vi. Certificate of ownership and dedication;
- vii. Certificate of approval to be signed by the **Mayor** and the **Director of the Department of Community Development** prior to recordation;
- viii. If applicable, certification of acceptance of dedication to be signed by the **Director of the Department of Community Development** prior to recordation;
- ix. Minimum finished floor elevation for each lot, at or above curb level except as waived by the **Planning Commission**;
- x. Location of all proposed property lines, lot and block numbers, building setback lines, easements, dedications, reservations;
- xi. Special flood hazard areas and adjacent areas; and
- xii. Street rights-of-way dedication.
- g. The final plat must be submitted to the Department of Community Development with:
 - i. A letter verifying approval of the sewer and water systems by the state health department and the water and sewer superintendent; and
 - ii. Certification of drainage improvements including record drawings of the system.
- h. Guarantees in lieu of installed improvements. If the developer chooses to begin building construction or to sell lots within the land development prior to installing the required improvements, final plat will be referred to the **Planning Commission** and the **Planning Commission** may give conditional approval of the final plat under the procedures listed below, and then refer the final plat to the **City Council** for approval consideration. Drainage improvements are not eligible for guarantees in lieu of completion.
 - i. The terms of any such conditional final plat approval must be noted on the final plat and approved by the **Planning Commission** before the final plat is filed for record.
 - ii. An acceptable surety performance bond must be filed with the **Department of Community**

Development in an amount equal to 100 percent of the engineer's estimate of the total cost of the improvements for unfinished street work. The engineer's estimate of the total cost will be approved by the **Department of Community Development**. If the **Department of Community Development** does not agree with the engineer's estimate they may hire an independent consultant to review the cost estimate. The cost of the consultant will be paid by the developer of the project. Upon satisfactory completion of the improvements, the City will release the performance bond.

- iii. If the developer fails to complete improvements within one year from the date of final plat approval, the City has the option to utilize the performance bond to complete the improvements. In the event a bond is accepted and then forfeited, all accrued interest will revert to the City.
- iv. When the conditions have been met, a certificate of acceptance by the appropriate agencies will be filed with the circuit clerk and noted on the original recorded plat.
- i. Developer's final action. Upon acceptance by the **City Council**, the developer must:
 - i. Submit to the **Department of Community Development** the appropriate number of original copies of the final plat with appropriate signatures (use waterproof ink only).
 - ii. After all signatures are obtained the final plat, approved covenants, and certifications will be recorded with the county circuit clerk's office.
 - iii. Two recorded copies must be returned to the **Department of Community Development**.
 - iv. When the **City Council** accepts the improvements into the City street system, no maintenance will be performed by City forces until the maintenance bonds have expired.
- j. Signatures. The final plat must be signed by the **Mayor**, the **City Clerk**, and the **Director of the Department of Community Development** or their designee.
- k. Number of plats. The **Department of Community Development** may request additional copies of the final plat, if the quantity provided is not sufficient for the necessary distribution.
- l. All public streets, public rights-of-way, and easements must be dedicated to the public using the following language:
 - i. We, the undersigned owners of the real estate shown and described herein, do hereby acknowledge that we have the legal right and authority to make the property interest grants contained on and within this document. We, the undersigned owners of the real estate shown and described herein, do hereby establish, grant, and dedicate to the City of Rogers, Arkansas the rights-of-way, easements, streets, and alleys as shown on this plat for public use, benefit, and access. The City of Rogers is further granted the rights of ingress and egress to and from said rights-of-way, easements, streets, and alleys. The City of Rogers is also granted the right and authority to maintain, service, and improve said rights-of-way, easements, streets, and alleys and the improvements contained therein. Any right or authority granted above specifically regarding maintenance, service, or improvement shall be exercised in a manner chosen at the discretion of the City of Rogers. Said rights-of-way, easements, streets, and alleys shall be for the benefit of the City of Rogers and all of its franchised utility providers. The City of Rogers and its franchised utility providers shall have the right and authority to cut, trim, or remove trees, shrubs, and other vegetation within said rights-of-way, easements, streets, and alleys. The City of Rogers and all of its franchised utility providers shall also have the right and authority to prohibit the erection of building, structures, or fences within said rights-of-way, easements, streets, and alleys.
- m. All plats containing private streets and public easements must be dedicated using the following language:
 - i. We, the undersigned owners of the real estate shown and described herein, do hereby acknowledge that we have the legal right and authority to make the property interest

grants contained on and within this document. We, the undersigned owners of the real estate shown and described herein, do hereby establish, grant, and dedicate to the City of Rogers, Arkansas the easements as shown on this plat for public use and benefit. The City of Rogers is granted the rights of ingress and egress to and from said easements. The City of Rogers is granted unrestricted access to the platted private streets for purposes of access for emergency service personnel. The City of Rogers is granted the right and authority to maintain, service, and improve said easements and the improvements contained therein. Any right or authority granted above specifically regarding maintenance, service, or improvement shall be exercised in a manner chosen at the discretion of the City of Rogers. Said easements shall be for the benefit of the City of Rogers and all of its franchised utility providers. The City of Rogers and its franchised utility providers shall have the right and authority to cut, trim, or remove trees, shrubs, and other vegetation within said easements. The City of Rogers and all of its franchised utility providers shall also have the right and authority to prohibit the erection of building, structures, or fences within said easements.

5.8.11 Survey standards

- a. All boundary surveys performed for the purpose of subdividing properties within the jurisdiction of the City must conform to the State of Arkansas minimum standards for property boundary surveys and plats, except where the standards contained within this UDC exceed those established by the state.
- b. All surveys:
 - i. Must be in compliance with standards of the State of Arkansas;
 - ii. Must utilize the most current and widely accepted horizontal and vertical datums as determined by authoritative geospatial agencies such as the United States Geological Survey (USGS) or National Geodetic Survey (NGS);
 - iii. Must be compatible with the geospatial data systems used by the City of Rogers. Direct inquiries to the **City Engineer**.
- c. Documentation
 - i. Standard data control form. Position and reference information must be provided on a standard data control form for a minimum of two monuments which must be intervisible with each other and located on or within the boundary of the subject property.
 - ii. Each monument must be referenced to the City GPS Monument Network, and at least one of these monuments must be referenced to two separate existing monuments in the network.
 - iii. Standard data control forms may be obtained from the **Department of Community Development** and will be submitted with the final plat.
- d. Monumentation
 - i. Monument construction. City GPS Monument Network monuments may be cast in place or prefabricated concrete posts. They must be constructed of similar materials as described below:
 - (1) A minimum six-inch diameter steel reinforced concrete post set flush with ground. The concrete must be 3,000 psi minimum compressive strength premix concrete.
 - (2) Monument must be a minimum of 36 inches in depth.
 - (3) Steel reinforcement must consist of a minimum of two 34-inch long, one-half-inch diameter steel bars. Bars must be driven a minimum of six inches into undisturbed soil.
 - (4) A brass or aluminum survey cap (including a permanent magnet), a minimum of two inches in diameter, must be cast or grouted into the top of the concrete post. The following information must be stamped into the survey cap:

- (a) A stamped point to mark the precise location of the point being monumented;
 - (b) Registration number of the surveyor in charge; and
 - (c) Monument number as assigned by the City.
- ii. Lot and boundary corner monuments. All interior and exterior lot corners, boundary corners, street centerline control points, and any street right-of-way control points, other than those described in *subsection (2)a.* of this section, must be established and monumented according to the specifications outlined with the state minimum standards for property boundary surveys and plats and any amendments.

5.8.12 Landscape plan applications

- a. Construction requiring Site Plan, Development Plan, or Subdivision Construction Plan review is not permitted until a landscape plan consistent with this UDC has been approved by the community development department director. Landscape plans must be prepared, signed and sealed by a licensed Professional Landscape Architect. Accessory use structures such as dumpsters or similar features are excluded from this requirement. Landscape plans must be drawn at a scale of one inch equals ten feet, one inch equals 20 feet, or one inch equals 30 feet.
- b. The following information must be visually shown and labeled on the landscape plan sheets. All elements in this UDC and all requirements placed on the property by the **City Council, Planning Commission**, technical advisory committee or board of zoning appeals are required.
 - i. The “limit of work” or construction limit line for the subject project. This may include adjacent property landscapes affected by the project. The “limit of work” line for the subject property needs to include any adjacent property trees located up to ten feet beyond the property line.
 - ii. Title, north arrow, drawing scale, vicinity map, date of preparation.
 - iii. Name, email address, physical address, and phone number of landscape designer.
 - iv. Location and extent of the following:
 - (1) Existing buildings or structures including overhang(s);
 - (2) All wetlands and appropriate buffers;
 - (3) Overhead and underground utilities, and all easements, including but not limited to all permanent electrical, plumbing or mechanical infrastructure; and
 - (4) All paving, walls and ground plane structures.
 - v. Tree protection and removal plan in accordance with ref. Landscape Standards.
 - vi. Existing elevations and proposed site grading with finish floor elevations.
 - vii. Identification of on-site soils including spot elevations and contour lines at one-foot intervals.
 - viii. Location of any proposed removal of invasive plants.
 - ix. All proposed plant species (common name and scientific) and their location.
 - x. A plant schedule and landscape plan using graphics and symbols for individual trees (shrubs and groundcover can be graphically patterned) to describe the following:
 - (1) Size, spacing and quantity of plant materials;
 - (2) Tree planting detail must be included. The detail must include planting depth, spacing from impervious surfaces, soil volume, root ball, mulch/compost and soil amendments; and
 - (3) A certification from the Landscape Architect or other qualified professional that the landscape plan is designed in accordance with this UDC.

SECTION 5.9 PERMITS**5.9.1 General requirements**

- a. Applications for permits must:
 - i. Designate the location of the work;
 - ii. Indicate the purposes of the work; and
 - iii. Contain an agreement to comply with the provisions and requirements of this UDC.
- b. Application.
 - i. The applicant must file a form furnished by the **Department of Community Development**.
- c. Issuance.
 - i. The **Department of Community Development** will issue a permit if the applicant and the proposed work comply with all applicable provisions of this article.
- d. Building permits.
 - i. Building permit applications must comply with Chapter 10.
 - ii. A Preliminary Development Permit from the **Department of Community Development** is required prior to applying for a building permit.

5.9.2 Change of use

- a. **Requirements TBD**

5.9.3 Fence or wall

- i. Fence or wall permits are required for all applications to build fences or walls.
- ii. All applications must comply with the standards of [Article 4, 4.3.5 Fences and Walls](#).
- iii. The community development department will review the application and make a decision on the permit.
- iv. Review and decision criteria. The application will be approved if it complies with [Article 4, 4.3.5 Fences and Walls](#) as modified by the following:
 - (1) A wall or fence will not be approved unless the city engineer finds it will not be a hazard to traffic visibility;
 - (2) A wall or fence will not be approved unless the city engineer finds it does not block drainage and/or adversely affect adjoining, upstream, or downstream properties; and
 - (3) If the property is within an approved master plan, the site plan must meet any relevant standards in the master plan in addition to any standards applicable in the zoning district of the subject property.

5.9.4 Grading

- a. A grading permit plan must show all significant trees on site.
- b. The plan must show all roads, utilities, building footprints, driveways, and areas to be disturbed.

5.9.5 Home occupation

- a. Permit required. All home occupations are required to obtain a home occupation permit in accordance with the licensing and taxation requirements of the City and as provided in [UDC 48, taxation](#), of the Rogers City Code.
 - i. A home occupation permit will not be issued until a home occupation application has been completed by the applicant and approved by the **Department of Community Development**;

- ii. Home occupation permits expire on December 31 of each year;
 - iii. Home occupation permits issued are non-transferable; it is only valid for the applicant, occupation, and residence for which it is issued.
- b. Revocation or suspension.
 - i. In addition to any other criminal penalties that may be prescribed by state law and to any penalties set forth in the Rogers City Code, any home occupation permit issued under these regulations may be suspended or revoked by the **Director of the Department of Community Development** or his or her designee, or their designee, for any of the following reasons:
 - (1) Fraud, misrepresentation, or knowingly false statement contained in the application for the permit;
 - (2) Conducting the home occupation in any manner contrary to the conditions of the regulations contained in this UDC, or in violation of any other section contained this Code; or
 - (3) Conducting the home occupation in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare, or morals, or interfere with the rights of abutting property owners.
 - ii. Failure to pay applicable business permit tax.
 - iii. Appeals. If a home occupation permit is denied, suspended, or revoked by the City, the permit holder has ten days from the date of the denial, suspension or revocation to file their appeal for consideration by the **Board of Adjustments (BOA)**. The appeal must be filed by sending written notice to the City Clerk and will be heard at the next available **BOA** meeting. The timely filing of an appeal to the **BOA** will stay the suspension or revocation of the permit until the matter is heard by the **BOA**.
 - iv. Penalties. In addition to any other criminal penalties that may be prescribed by state law, any violation of this section is subject to the penalty provisions as outlined in [Rogers City Code Section 1-5](#).

5.9.6 Right-of-way utilization

- a. **Requirements TBD**

5.9.7 Signs

- a. Application requirements
 - i. A completed sign permit application, as provided by the **Department of Community Development**.
 - ii. A scaled drawing of the sign including sign height, area, design, copy area, and dimensions of the sign and the design and dimensions of any measures used to support the sign or used to affix the sign to the wall, window, or the ground.
 - iii. A scaled site plan showing the location of the sign on the property or building, including street rights-of-way and property lines. For wall signs, the dimensions of the building face must be provided.
 - iv. A list of materials used to construct the sign.
 - v. The applicant must pay the required fee.
- b. Permits
 - i. After a zoning compliance review of the application by the **Department of Community Development**, the applicant will receive a Preliminary Development Permit.

- ii. The Preliminary Development Permit will expire if sign installation is not completed within 6 months or the signs are not in conformance with the approved application.
- iii. The **Director of the Department of Community Development** may grant a one time extension to the permit.
- iv. The **Director of the Department of Community Development** may revoke a permit if a sign is found to be in violation of this UDC.
- v. Minor alterations in sign location resulting from unexpected conditions on site must be approved by the **Director of the Department of Community Development**.
- c. Temporary sign permits
 - i. Temporary sign permits are limited to a duration of 10 business days.
 - ii. A one time extension for 10 additional business days may be granted by the **Director of the Department of Community Development**.

5.9.8 Temporary use

- a. Temporary uses require a temporary use permit.
- b. The applicant must provide the following information:
 - i. Specify the location, duration, and potential impact of the temporary use.
 - (1) A sketch plan may be required for the purpose of understanding access and location.
 - (2) Provide written permission from the owner of the property, if different from the applicant, for the temporary use specifying the requested duration of the use.
 - (3) Provide proof of notification of the abutting property owners of the use and the intended duration of the use.
- c. Review and decision criteria. The use will be approved if it complies with the permitted uses in the zoning district and adequately mitigates negative impacts on surrounding properties for the duration of the use.

5.9.9 Trailers, nonresidential

- a. Upon the payment of the required application fee by the applicant, the **Director of the Department of Community Development**, may issue permits for the placement of nonresidential trailers.
 - i. For a permit to be granted by the **Department of Community Development**, the permit will be for a period of no greater than 6 months.
 - ii. The **Director of the Department of Community Development** may grant 6 month permit extensions.
 - iii. Mobile food trailer permits are issued for a period of one year and do not fall under this code.
- b. The **Director of the Department of Community Development** must make reference to the following factors in deciding whether or not to grant a permit:
 - i. The proposed use of the nonresidential trailer;
 - ii. The location of the nonresidential trailer;
 - iii. The length of time requested for the nonresidential trailer;
 - iv. The potential frequency of use of the nonresidential trailer;
 - v. Whether the applicant has been previously granted a nonresidential trailer permit for the same location, and the reasons for the extension; and

- vi. Whether health department approval has been obtained, if necessary to the operation of the nonresidential trailer.

5.9.10 Trench

- a. Prior to digging or construction of any trench deeper than four feet and seven-eighths inches (4' 7/8") within the corporate boundaries of the city, a person or other entity must first obtain a trench permit from the **Department of Risk Reduction**.
- b. Without regard to soil classification, all trenches must comply with Occupational and Safety Administration's Excavation Standards, 29 Code of Federal Regulations Part 1926, Subpart P.
- c. Any persons working, observing, or otherwise physically located in a trench must be protected by the following means:
 - i. Sloping must be no steeper than 1.5:1;
 - ii. Trench boxes must be approved by a registered professional engineer;
 - iii. The permit holder must provide a warning system when mobile equipment is operated adjacent to the trench;
 - iv. The permit holder must protect workers from loose rock or soil that could fall into trench;
 - v. The permit holder must provide a method for water removal or drainage from trenches;
 - vi. Trenches greater than 4 feet deep must be provided with a safe means of egress for workers. Approved means of egress include:
 - (1) Ladders;
 - (2) Steps;
 - (3) Ramps; or
 - (4) Other safe means of egress pre-approved by a fire official.
- vii. Heavy equipment must be kept away from the trench edges.
- d. Trench inspections must be conducted:
 - i. At the start of the shift;
 - ii. Following a rainstorm; and
 - iii. After any occurrence that could have changed conditions in the trench.
- e. Any persons working, observing, or otherwise physically located in a trench must wear high-visibility clothing or vest.
- f. Trenches must not impact any existing utilities.
- g. The permit holder must provide a bond for the work to be completed and penalties associated with non-compliance, including for directional boring.

ARTICLE 6 DEFINITIONS

Undefined words are accorded their common, dictionary definition.

Terms in red are in consideration for removal, based on whether they need to be defined at all or if they are used in a manner requiring a definition.

Abutting

- a. When used in the context of property lines, means having a property line or a district line in common at any point;
- b. When used in the context of structures, means sharing a wall at any point;
- c. When used in the context of zoning, means having a common boundary at any point;
- d. Since zoning district lines fall to the centerline of a street, alley, or waterway, lots which appear physically separated abut at the district line;
- e. When used in the context of Right-of-Ways, means having a common boundary at any point;
- f. When used in the context of subdivisions, means having a common boundary at any point; and
- g. When used in the context of easement, means having a common boundary at any point.

Access means the way or means by which a piece of property is approached or entered.

Accessory building means a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example a residential structure may have a detached garage, storage shed, or guest house.

Accessory dwelling unit (ADU) means a rental dwelling unit sharing ownership and utility connections with a principal building; it may be within an outbuilding or within the principal building.

Addition means any construction that increases the size of a building.

Adjacent

- a. When used in the context of property lines, means having a property line or a district line in common at any point;
- b. When used in the context of structures, means sharing a wall at any point;
- c. When used in the context of zoning, means having a common boundary at any point;
- d. Since zoning district lines fall to the centerline of a street, alley, or waterway, lots which appear physically separated are adjacent at the district line;
- e. When used in the context of Right-of-Ways, means having a common boundary at any point;
- f. When used in the context of subdivisions, means having a common boundary at any point; and
- g. When used in the context of easement, means having a common boundary at any point.

Adjoining

- a. When used in the context of property lines, means having a property line or a district line in common at any point;
- b. When used in the context of structures, means sharing a wall at any point;
- c. When used in the context of zoning, means having a common boundary at any point;
- d. Since zoning district lines fall to the centerline of a street, alley, or waterway, lots which appear physically separated adjoin at the district line;
- e. When used in the context of Right-of-Ways, means having a common boundary at any point;
- f. When used in the context of subdivisions, means having a common boundary at any point; and

- g. When used in the context of easement, means having a common boundary at any point.

Adult retail and services means any place where the sale of any materials show sexual activities or genitalia or any sexual services are provided.

Adult entertainment means a theater, nightclub, bar, restaurant, or similar commercial establishment which regularly features:

- a. Persons who appear in a state of nudity;
- b. Live performances which are characterized by the exposing of specified sexual activities or specified anatomical areas; or
- c. Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction of specified sexual activities or specified anatomical areas.

Alley means a permanent public service way, which affords a secondary rear access to abutting property.

Arterial means a street or road of high capacity which serves or is intended to serve as a principal traffic-way.

Attached building means a building which shares a continuous wall, roof, floor, or other structural element with another adjacent building.

Attached dwelling means adjoining dwelling units, each of which is separated from the others by one or more common walls extending from the ground to the roof.

Bicycle lane means a dedicated lane for cycling within a street, demarcated by striping.

Buffer means a strip of land reserved to protect or separate one type of land use, waterway, or geological feature from another.

Building height means the vertical extent of a building measured in stories or feet.

Building setback means the area of a lot measured from the lot line to a building facade or elevation that is maintained clear of permanent structures, with the exception of permitted encroachments.

Cave Springs direct recharge area means the areas designated zones 1 through 3 on the Cave Springs direct recharge area vulnerability zone map, as may be amended from time to time.

Cave Springs direct recharge area vulnerability zone map means the official map depicting vulnerability zones in the Cave Springs direct recharge area.

Cave Springs indirect recharge area means areas outside the Cave Springs direct recharge area. See the official Cave Springs recharge area map where a low volume of water that infiltrates the ground enters the Cave Springs recharge area.

Cave Springs recharge area means all land areas in which water that infiltrates the ground migrates to Cave Springs as depicted on the official Cave Springs recharge area map as may be amended from time to time.

Certificate of occupancy means the official certification that a premises conforms to provisions of the zoning ordinance, the building code, and all adopted codes, and may be used or occupied. Unless a certificate is issued, a structure cannot be occupied.

City engineer means a professional, licensed engineer employed by the City of Rogers for the purposes of construction, floodplain management, drainage, and land development review.

Collector means a street which, in addition to serving abutting properties, intercepts local streets, and carries traffic to arterial street systems.

Commercial means pertaining to any business, trade, industry, or other activity engaged in for profit. "Commercial" does not include multi-family development; "Commercial waste" means any wastes produced as a byproduct of any industrial, institutional, or commercial process or operation, other than domestic sewage.

Comprehensive Growth Map means the future growth plan of the City, as adopted by the City Planning Commission, approved by the City Council, and duly recorded in the office of the circuit clerk of the county.

Concept plan means a generalized sketch of a proposed development containing sufficient information to assist the developer in complying with these regulations.

Construction plans means detailed design plans and specifications to be used in the construction of streets, curb and gutter, sidewalks, drives, alleys, public utilities, building construction, addition or remodel, and other improvements.

Construction site means any location where construction activity occurs.

Corner lot means a lot located at the intersection of two streets not sharing the common centerline.

Note - trying to scrub the term “lot” in place of property, double check and adjust definitions.

Dedication means land and improvements offered to the city, county, or state and accepted by them for public use, control, and maintenance; “Defined channel or bed” means an area that demonstrates clear evidence of the passage of water.

Detached building means a building having no wall, roof, floor, or other structural element with another adjacent building.

Developer means a person, firm, or corporation undertaking to develop a parcel of land or any other type of land development as defined in the regulations.

Development means the process of:

- a. Converting land to a new purpose by constructing buildings and making use of its resources; or
- b. The construction of an addition to an existing improvement.

Development plan means a drawing showing all proposed improvements to a piece of property.

Disturbance permit means a permit which authorizes site development activity in a direct recharge area or a buffer area and includes a disturbance plan and mitigation plan for site development.

Disturbance plan means the plan for disturbance of lands in the Cave Springs direct recharge area and any associated buffer area, as required by the Cave Springs area karst resource conservation regulations.

Driveway means a travel-way installed, owned, and maintained by others and not part of the City street system intended to provide access to and from a lot, parcel, or tract of land.

Dwelling means any room or group of rooms located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and sanitation by one family.

Dwelling unit means any room or group of rooms located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and sanitation.

Easement means a grant by the property owner to the public, a corporation, or person of the use of land for specific purposes.

Encroach means to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback, into the public frontage, or above a height limit.

Encroachment means any structural element that encroaches.

Fence means a manmade barrier constructed to provide privacy or visual separation.

Façade means the exterior area of a building that faces a street.

Fertilizer means a substance or compound that contains an essential plant nutrient element in a form available to plants.

Final plat means a drawing which provides for data related to development of land for a subdivision which has been certified as to accuracy by land surveyor or civil engineer.

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the areas within the boundaries of special flood hazards have been designated as Zone A.

Flood Insurance Rate Map (FIRM) means an official map of a community on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones appli-

cable to the community.

Floodway means the channel of a river or other watercourse 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 foot.

Front lot line means the property boundary line that runs common with and adjacent to the frontage or right-of-way of the street to which it is addressed.

Front setback means the distance from the front lot line to the point where a building may be constructed. This area must be main-tained clear of permanent structures with the exception of encroachments.

Front yard means the portion of a lot between the front building setback line and the public right-of-way, access easement or property line, whichever is closest to the front of the building as determined by the main entry to which the lot is addressed.

Groundwater means any water residing below the surface of the ground or percolating into or out of the ground;

Groundwater trough means the groundwater trough depicted on the Cave Springs direct recharge area vulnerability zone map.

Hazardous substance means any substance listed in table 302.4 of 40 CFR 302;

Hazardous waste means any substance that meets one of the two criteria:

It has one of the following four characteristics:

- a. Ignitibility;
- b. Corrosivity;
- c. Reactivity; or
- d. Toxicity (according to the toxicity characteristic leaching procedure or TCLP); or
- e. It is listed as hazardous waste in 40 CFR 261.31 —261.33;

Health department means the county or state health department.

Home occupation means a business, profession, occupation, or trade conducted within a residential building, which is accessory to the dwelling purpose and which does not change the essential character of the residence.

Improvements means a permanent addition to or betterment of real property that enhances its capital value. Improvements includes but is not limited to streets, parking, grading, drainage structures, sidewalks, curbs, gutters, utility lines, bridges, landscaping, and buildings.

Landscaping means the location, arrangement, planting, and maintenance of:

- a. Trees;
- b. Shrubbery;
- c. Grass; and
- d. Other plant materials.

Large-scale development means the development of a land over 160 acres in area.

Loading space means an unobstructed, hard surface area no part of which is located in any street or public right-of-way and the principal use of which is for the standing, loading, or unloading of trucks and trailers

Losing stream means a stream that is depicted on the Cave Springs direct recharge area vulnerability zone map.

Lot means a parcel of land legally defined in a recorded deed or a recorded plat, fronting a public dedicated right-of-way, access easement, or other approved private street.

Lot area means the total horizontal area included within the lot.

Lot coverage means the percent of lot area occupied by the ground area of principal and accessory buildings

on such lot.

Check if we are using lot coverage or property...

Lot line means the property boundary line;

Lot width means the mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; measurements are made at the front building setback line.

Nonconforming structure means an existing building which fails to comply with the relevant City regulations.

Nonconforming use means any use being made of any land, building, or structure which does not comply with all of the regulations governing use for the zoning district.

Nonresidential means a building not intended for use as a dwelling.

Nonresidential trailer means a trailer that is used:

- a. In support of project development; As an office; or
- b. For storage of tools or materials.

Off-street parking means a space for the parking of a vehicle within a parking lot and having a permanent means of access to a street right-of-way.

Open space means an area within the site designated and intended for use and enjoyment of residents for other than common recreational or open space use.

Overlay district means a zone mapped onto one or more zones that modifies metrics and regulations of the underlying zones.

Parcel means an area of land under one ownership separated by property boundary lines;

Parking lot means any area subject to wheeled traffic including access areas used for which the primary intended use is parking;

Pesticide means a substance or mixture of substances intended to prevent, destroy, repel, or migrate any pest;

Petroleum product means a product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel or lubricant in a motor vehicle or aircraft.

Plan means a fully dimensioned drawing which illustrates in detail all elements of a development proposal.

Planned unit development (PUD) means a comprehensively planned land development project in which the standard requirements of the zoning ordinance and subdivision regulations may be varied. This zoning designation is not available for future use.

Plat means an engineering drawing which provides for all development of land and is certified as to accuracy by a land surveyor or engineer.

Pollution, when used in the context of stormwater, means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water that renders the water harmful, detrimental, or injurious to humans, animal life, plant life, property, or public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Preliminary plan means a drawing which provides for all required data, illustrating the details necessary to establish a development format with physical land features and usage.

Preliminary plat means an engineering drawing which provides for all data related to a subdivision of land certified as to accuracy by a land surveyor or civil engineer, illustrating the details as necessary to establish a development format.

Principal building means a building within which the main or primary use of the lot is conducted.

Private street means a travel-way installed, owned, and maintained by others and not part of the City street system intended to provide access to and from a lot, parcel, or tract of land.

Rear Setback means the distance from the rear lot line to the point where a building may be constructed. This area must be maintained clear of permanent structures with the exception of encroachments.

Rear yard means a portion of a lot between the rear building setback line and the public right-of-way, access easement, or rear property line, whichever is closest to the back of the building.

Residence means a building or part of a building containing one or more dwelling units or rooming units.

“Residence” does not include:

- a. Transient accommodations as hotels, motels, tourist homes, or similar establishments;
- b. Group Residential (and similar uses and establishments); or
- c. Nurses residences, sanitariums, nursing homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facility uses.

Sanitary sewer means the system of pipes, conduits, and other conveyances:

- a. Which carry industrial waste and domestic sewage, whether treated or untreated from buildings to the city sewage treatment plant; and
- b. To which stormwater, surface water, and groundwater are not intentionally admitted.

Site means the land or water area where any facility or activity is or will be physically located or conducted.

Site plan review means the process whereby the Planning Commission and Department of Community Development review the site plans and plats of the developer to ensure that they meet the stated purposes and standards of Chapter 14.

Shopfront means a private frontage conventional for retail use with substantial glazing wherein the facade is aligned close to the frontage line with the building entrance at sidewalk grade.

Spring when used in the context of stormwater, means any point or localized area where water naturally flows to the surface of the earth from underground with a perennial flow and with flow rates at least five gallons per minute.

Storm drainage means all surfaces, structures, and systems that contribute to or convey stormwater.

Stormwater means runoff resulting from precipitation.

Stormwater Pollution Prevention Plan (SWP3) means a document that describes the best management practices to be implemented at a site, to prevent or reduce the discharge of pollutants.

Stream means a flow of surface water sufficient to produce a defined channel or bed;

Street means the entire right-of-way, intended as a means of multimodal travel which is also be used to provide space for utilities, trees, sidewalks, planting strips, and sidepaths.

Street classification means a description of the types of roadways within the City as determined by the master street plan illustrating right-of-way widths.

Streetscreen means a freestanding wall built along the frontage line, or coplanar with a facade.

Through lot means a lot having frontage on two non-intersecting streets.

Transect means a cross-section of the environment showing a range of different habitats. The rural-urban transect of the human environment used in this Chapter is divided into six transect zones. These zones describe the physical form and character of a place, according to the intensity of its land use.

Transect District means one of several areas on a zoning map regulated by this Chapter.

Utility agency means private utility companies, city departments, or contractors working for private utility companies or city departments, engaged in the construction or maintenance of utility distribution lines and services.

Variance means an exception from the strict application of the zoning requirements.

“Wastewater” means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

“Wetland” means any area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation

typically adapted for life in saturated soil conditions.

Zoning district means a section of a city designated in the zoning ordinance text in which requirements for the use of land and building and development standards are prescribed.

Zoning district boundary means that boundary line which separates unlike zoning districts.

ARTICLE 7 APPENDICES**SECTION 7.1 CAVE SPRINGS AREA KARST RESOURCE CONSERVATION REGULATIONS****7.1.1 Intent**

- a. These regulations (“CSK regulations”) were enacted to protect the water quality of the Cave Springs recharge area and to protect the aquatic habitat of Cave Springs, including but not limited to the habitat for the Ozark cavefish. The CSK regulations apply within the boundaries of the direct recharge areas of the City of Rogers, City of Springdale, City of Lowell, and Town of Cave Springs, Arkansas.
 - i. The protection of Cave Springs’ aquatic habitat water quality is accomplished by regulating new development activities that may adversely affect the water quality and any threatened and/or endangered species in the Cave Springs direct recharge area.
 - ii. Critical elements of this regulation are to establish stormwater detention basins and buffer zones from losing stream channels and waterways and to establish best management practices (BMPs) for new development activities.
 - iii. A disturbance permit is required for certain development activities and prohibits certain development activities in designated areas.
 - iv. Where development activity is permitted, a disturbance permit requires best management practices.
 - v. These CSK regulations require the on-going maintenance of vegetation and/or stormwater structures when required with a disturbance permit.

7.1.2 Purpose

- a. The purpose of the CSK regulations is to permit the development of property in a manner which will not degrade or adversely affect the water quality of the Cave Springs direct recharge area which includes the following specific purposes:
 - i. Establish effective water quality regulations to protect the Cave Springs recharge area.
 - ii. Minimize the discharge of water into the Cave Springs recharge area with contaminants, low dissolved oxygen, or other constituents that may degrade the Cave Springs aquatic habitat water quality.
 - iii. Reduce the rate at which surface flows enter the shallow groundwater system that sustains the Ozark cavefish to promote natural cleansing and treatment.
 - iv. Establish procedures and criteria which allow flexibility in the application of best management practices and permitted land uses to prevent degradation of the Cave Springs recharge area which may result from new development.
 - v. Require the submission of relevant and accurate information for development activities in order to determine the applicability of these CSK regulations and review disturbance permits.

7.1.3 Applicability

- a. Effective date
 - i. The CSK regulations apply to development activities that occur in the Cave Springs direct recharge area after July 29, 2015.
- b. The CSK regulations apply to the following development activities:
 - i. Any development that exceeds one acre in disturbance or is part of a larger common development [any project that requires a permit for stormwater discharge from ADEQ - state stormwater - Arkansas Department of Environmental Quality];

- ii. New or expanded industrial use, gas stations, laundromats, commercial development, mining, or hazardous material storage regardless of the size of the disturbance; and,
- iii. Subdivisions of tracts of land which create three or more lots or subdivisions which subdivide tracts of land greater than one acre.
- c. More restrictive regulation applies.
 - i. In the interpretation and application of these regulations these provisions are held to be minimum requirements for the promotion of the public health, safety and welfare.
 - (1) Whenever the requirements of these regulations are more or less restrictive than the requirement of any other rules, regulations or ordinances, including any applicable state or federal regulations, the more restrictive regulation or the regulation imposing the higher standards shall govern.
- d. Exemptions
 - i. The following development activities are exempt from the application of these regulations.
 - (1) Development of single-family detached homes on a residential lot which was subdivided and developed with public infrastructure prior to the effective date of these CSK regulations.
 - (2) Residential or commercial development on a lot which existed prior to the effective date of these regulations does not cause the disturbance of one acre or more or which is not part of a larger common development.

7.1.4 Enforcement

- a. In addition to any other criminal penalties that may be prescribed by state law, any development activity which fails to obtain a permit required by CSK regulations is deemed a violation of CSK regulations.
- b. In addition to any other criminal penalties, any development activity which fails to abide by the terms and conditions of a disturbance permit is deemed a violation of these regulations.
- c. In addition to any criminal penalties that may be prescribed by state law, anyone violating CSK regulations is deemed to have committed a violation for each and every day or portion of a day during which any violation is committed, continued, or permitted and is subject to the penalties contained in Rogers City Code section 1-5.
- d. In addition to any other criminal penalties that may be prescribed by state law, and in addition to other fines and penalties established herein for violations of this CSK regulation, the City of Rogers, Arkansas may seek an injunction requiring complete restoration of any area disturbed in violation of CSK regulations, or payment in lieu of restoration, and may issue stop work orders, withhold any further permits for site development and cease the processing of any site development applications related to the property, project, or owner that violates the provisions of CSK regulations.

7.1.5 Best management practices

- a. Best management practices (BMPs) means economically feasible conservation, construction management, site improvements, on-going maintenance and/or treatment practices that prevent, reduce or minimize degradation of water quality or prevent, reduce or minimize the increase of discrete recharge to the Cave Springs recharge area.
- b. The following vulnerability zones are established as shown on the Cave Springs direct recharge area vulnerability zone map:
 - i. "Zone 1 extremely high vulnerability" means the area shown in red, adjacent to losing streams, or all lands within the Cave Springs groundwater trough.

- ii. “Zone 2 high vulnerability” means the area shown in orange outside the Cave Springs groundwater trough.
- iii. “Zone 3 moderate vulnerability” means the area shown in yellow outside the Cave Springs groundwater trough.
- c. The following vulnerability zones are in the Cave Springs indirect recharge area:
 - i. “Zone 4 low vulnerability with I-49 Corridor Highway BMPs” means the area shown in green including additional area that extends further east. Zone 4 includes the entire indirect recharge area.

7.1.6 Water quality protection zones

- a. The CSK regulations address three distinct water quality protection zones:
 - i. Vulnerability zones. Commercial and industrial uses are not allowed in zones 1 and 2.
 - ii. Losing stream.
 - iii. Groundwater trough.
- b. Amendment to vulnerability zone designation.
 - i. An owner may apply to change the vulnerability zone designation from vulnerability zone 2 or zone 3 to vulnerability zone 3 or zone 4 according to the procedures and review criteria below:
 - (1) Review procedures. The application must include all requirements listed in 14-x-x CSK Disturbance permit and:
 - (a) Additional information and peer review. The Director of the Department of Community Development or review authority may request additional information, studies or peer review, as deemed relevant to providing sufficient information to evaluate the application for compliance with the applicable review criteria.
 - (b) Burden of proof. The burden of proof is on the applicant to demonstrate that the existing vulnerability zone designation is not appropriate and that a new vulnerability zone designation is clearly warranted.
 - (2) Review authority.
 - (a) The Planning Commission will review and make a recommendation and the City Council will review and take final action to approve or disapprove an application to change the vulnerability zone designation on the subject property.
 - (3) Review criteria. The review authority will use the following review criteria as the basis for a decision:
 - (a) The application clearly demonstrates and provides convincing evidence that the soil and hydrogeologic conditions on the entire property warrant inclusion in the requested vulnerability zone district; and,
 - (b) The change of zone designation will not create a non-uniform vulnerability zone district map, or result in vulnerability zone designations that split a property that will complicate administration and implementation of these CSK regulations on a property by property basis.

7.1.7 Buffer

- a. Inner and outer buffers are areas extending from the centerline of losing streams. The width of the inner and outer buffer is determined by location within zones 1, 2 or 3, in accordance with [Cave Springs Direct Recharge Area Vulnerability Zone Map](#).
- i. Applicability. Buffer requirements apply to development activities within zones 1, 2 and 3.

- ii. Measurement. The buffer is measured outward on each side of the centerline of a losing stream on a horizontal scale perpendicular to the channel centerline.
 - iii. Inner buffer. The inner buffer is restrictive and cannot be reduced or adjusted except as approved in a disturbance permit.
 - iv. Outer buffer. The outer buffer establishes an additional buffer area that extends beyond the inner buffer. The outer buffer may be reduced based on site specific conditions, proposed BMPs and proposed activities.
- (1) Uses/activities. Certain uses and activities are permitted or prohibited in the buffer areas, as follows:
- (a) Permitted uses/activities. Permitted uses and activities in the inner buffer include:
 - (i) Open space;
 - (ii) Trails, biking/hiking paths;
 - (iii) Herbicide use in native landscaped areas should be limited to small spot treatments. No utility corridor spraying is permitted. Herbicides must not be used when there is ponded or flowing water on the surface, all labeled instructions must be followed.
 - (iv) Utilities;
 - (v) Road and bridge crossings;
 - (vi) Wetland mitigation, stream stabilization and stream restoration projects;
 - (vii) Projects to enhance or restore functions of buffer or stream;
 - (viii) Stormwater BMPs that are not economically feasible to locate in the outer buffer and must be located in the inner buffer to achieve desired function;
 - (ix) Maintenance activities associated with permitted uses and activities; and,
 - (x) Uses and activities that are determined by the Director of the Department of Community Development to be similar to the uses and activities described above.
 - (b) Prohibited and restricted uses/activities. Prohibited and restricted uses in the inner buffer include:
 - (i) Grading, stripping, or other soil disturbing practices not related to a permitted use or activity;
 - (ii) Filling, dumping or storage of material not related to a permitted use or activity;
 - (iii) Draining the buffer area by construction of ditches, installation of under drains or other systems, or any grading or excavation work which has the effect of draining the buffer area which is not related to a permitted use or activity;
 - (iv) Use, storage, or application of pesticides, herbicides (except as permitted above, fertilizers, hazardous materials or toxic materials;
 - (v) Fueling facilities and storage of fuel or petroleum products above or below ground;
 - (vi) Storage, repair or operation of motorized vehicles other than for maintenance of permitted activities and uses or for emergency response purposes;
 - (vii) Structures or other impervious surfaces, except paved trails and accessory outdoor recreational facilities including but not limited to: picnic tables, benches, sitting areas, subject to the requirements of a disturbance permit;
 - (viii) Land application of biosolids; and,

(ix) Other uses and activities that are determined by the Director of the Department of Community Development to pose an unacceptable risk to water quality.

- (2) Buffer table. [Cave Springs Outer Buffer Width Adjustment Worksheet](#) establishes the minimum inner buffer, the standard outer buffer, and adjustment factors which may decrease the outer buffer.

7.1.8 Water quality standard

- a. The water quality standard is the designation of a body or segment of surface water in the state of Arkansas for desirable uses and the narrative and numerical criteria deemed by state or federal regulatory standards to be necessary to protect those uses.

7.1.9 Appeals

- a. This section modifies the procedures to appeal a decision of the **Planning Commission** for CSK regulations. Only a final decision of the **Planning Commission** may be appealed. Recommendations to a decision making authority are not subject to appeal.
- b. Appeal procedures. An appeal may be submitted by an applicant for a disturbance permit.
- The appellant must provide a written request for appeal of a decision of the **Planning Commission** to the City clerk within 14 days after the date of the decision.
 - The city council must conduct a public hearing within 65 days of receipt of a written request for appeal.
 - Written notice of the public hearing date, time and location must be mailed to the appellant via first-class U.S. mail at least ten days prior to the public hearing, unless the appellant agrees to a shorter time frame and a different notification method.
- c. Review authority. The **City Council** reviews appeals of decisions of the **Director of the Department of Community Development** after conducting a public hearing. The **City Council** renders the final decision on an appeal.
- d. Review criteria. The **City Council** will use the applicable review criteria for a disturbance permit. The city council will review decisions de novo.
- e. Decision. The **City Council** will, in writing, confirm, modify, or reverse the decision within 35 days of holding the public hearing on the appeal.
- Any decision by the **City Council** that results in action modifying or reversing the decision must describe the specific reasons for the modification or reversal.
 - Action of the **City Council** will become final immediately.
 - Failure of the **City Council** to act within the 35 days of holding the public hearing on the appeal is deemed action confirming the decision unless the applicant consents to an additional time extension.
- f. **City Council** decision final. A decision of the **City Council** is final.
- An aggrieved person may appeal a decision of the **City Council** to the district court or to another Arkansas state court or federal court of competent jurisdiction.

7.1.10 Disturbance Permit

- a. Disturbance permit required. A disturbance permit must be approved prior to any grading or development activity in vulnerability zones 1, 2 or 3.
- Review officer or agency. The review officer is the **Director of the Department of Community Development** unless the proposed development activity requires review by the **Planning Commission** or **City Council**, in which case the disturbance permit may be reviewed concurrently with other development applications as is determined appropriate and

- efficient by the **Director of the Department of Community Development**.
- ii. Final permit in writing. The disturbance permit shall be in writing and shall include any conditions of approval.
 - iii. Appeal. The decision of the **Director of the Department of Community Development** or his or her designee or **Planning Commission** may be appealed to the **City Council**.
- b. Application submittal requirements. In addition to other submittal requirements for site development applications, an applicant must submit the information identified below for any site development that requires a disturbance permit according to CSK regulations.
- i. Proposed disturbance. A description of the proposed activity causing disturbance, including the amount, location and acreage of the area or wetland fill, removal or other alteration proposed, and location and extent of proposed disturbance in the inner and outer buffer zones.
 - ii. Boundary map. A map or diagram depicting the boundaries, if any, of the Cave Springs groundwater trough, the boundaries of zones 1, 2, and 3, and depicting the boundary of losing streams as defined on the Cave Springs direct recharge area vulnerability zone map relative to the development site.
 - iii. Site map. A map or diagram depicting the following features:
 - (1) Delineation of inner buffer and outer buffer;
 - (2) Slope study map indicating areas less than three percent grade and areas of three percent or greater grade in the inner buffer and outer buffer areas;
 - (3) Erosive soils;
 - (4) Poor vegetative cover and existing erosion;
 - (5) Unstable stream reaches;
 - (6) Storage areas for hazardous materials, fertilizers, or pesticides;
 - (7) Wetlands and waterbodies; and
 - (8) Sanitary wastewater collection, storage, treatment, pumping facilities.
 - iv. Proposed disturbance plan. A proposed disturbance plan that includes the following:
 - (1) Grading plan. A grading and erosion control plan, utilizing soil stabilization measures to minimize the impacts of the proposed disturbance including a time frame for installation of erosion control measures.
 - (2) Revegetation plan. Plan showing quantity and type of plant material to be used for revegetation, time frame for revegetation, and proposed soil stabilization measures.
 - (3) Best management practices (BMP) plan. A plan to minimize or reduce the degradation of water quality and the increase of recharge to the Cave Springs recharge area, including on-going maintenance requirements.
 - (4) Maintenance plan. Where applicable, plan for maintenance of structural elements of the disturbance plan.
 - v. Alternative analysis. An analysis of any development configuration alternatives which reduce or avoid disturbances, including reduction in the scale of the proposed development.
 - vi. Army Corps. For activities that involve the fill of wetland areas, evidence of acceptance of the plan by the U.S. Army Corp of Engineers.
- c. Review criteria. The reviewing entity will use the criteria in this section for review of disturbance permits. Disturbance permits must meet all the applicable criteria.

- i. The disturbance plan must comply with standards, criteria and best management practices of chapters 9 and 10 of the City of Rogers, Arkansas Drainage Criteria Manual, as may be amended.
 - (1) Any required on-going maintenance in the disturbance plan must be in a form that is enforceable by the City of Rogers against the property owner or legal entity and include provisions for recovery of costs for enforcement against the owner of record.
 - (2) The disturbance permit is for a development activity that is permitted in the vulnerability zone.
 - (3) The proposed disturbance must avoid any grading or disturbance in the inner buffer area and outer buffer areas except those activities explicitly permitted by the CSK standard. which cannot be avoided if the following additional criteria are met:
 - (a) The area of disturbance is minimized;
 - (b) Adequate mitigation and BMPs are proposed in the disturbance plan; and,
 - (c) Site restoration and revegetation is proposed.
- d. Variance. An applicant for a disturbance permit may apply for variance from compliance with the review criteria.
 - i. Review procedures. Applications must follow the same review procedures and provide the same minimum information as required for disturbance permits.
 - ii. The application for a variance must identify the review criteria from which a variance is sought and include a narrative and other appropriate descriptive material to describe why the requested variance or variances meet the review criteria set forth below.
 - iii. The application must include any information or soil studies demonstrating that the actual soil types on the subject property are different from the soil types indicated in the vulnerability zones.
 - iv. Review authority. The review authority is the planning commission. Decisions of the planning commission may be appealed to the **City Council**.
 - v. Review criteria. The review authority will use the following criteria as the basis for a decision on a variance application:
 - (1) Conditions or mitigation may be imposed upon a variance to minimize the adverse impacts on the goals and objectives of the CSK regulations or to ensure compliance with approved disturbance plans; and,
 - (2) At least one of the following criteria must be met:
 - (a) The variance is needed to relieve hardship caused by the literal interpretation of the disturbance permit review criteria due to unique characteristics, configuration, access, site conditions, or location of the property; or,
 - (b) The relief from the literal interpretation of a specified regulation, criteria or BMP is necessary to achieve compatibility and uniformity of treatment among sites in the vicinity or to attain the objectives of the CSK regulations without special privilege to the property; or,
 - (c) The relief from the literal interpretation and enforcement of a specified regulation, criteria or BMP is minimized to the extent practical and the goals of the CSK regulations are met; or,
 - (d) Soil studies are submitted that provide evidence the actual soils on the property are better than the types indicated in the vulnerability zone designation and that the actual soil types allow for variance from the literal interpretation of a specified

regulation while still meeting the goals of the CSK regulations.

- e. Required findings. The review authority must make the following written findings before granting a variance:
 - i. That the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same vulnerability zone;
 - ii. That the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity;
 - iii. That the variance is warranted for one or more of the following reasons:
 - (1) The literal interpretation of the regulation would result in unnecessary hardship inconsistent with the objectives of the development code;
 - (2) There are exceptional circumstances applicable to the site of the variance that do not apply to other properties in the same zone; or
 - (3) The literal interpretation of the regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone.
 - iv. Conditions. A variance may contain limitations as to time or disposition or use of the property in order to ensure that the stated purpose of the variance is realized.
 - v. Expiration. The variance approval expires two years after approval if the disturbance permit is not commenced, however the review authority may approve a longer time period for the variance approval, including a permanent variance approval, as determined appropriate due to the circumstances and nature of the variance application.

