

ORDINANCE NO. 24-34

AN ORDINANCE ADOPTING THE UNIFIED DEVELOPMENT CODE, THE FUTURE LAND USE MAP, AND THE OFFICIAL ZONING MAP FOR THE CITY OF ROGERS; AMENDING THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers desires to adopt the Unified Development Code to promote and protect the public health, safety, and general welfare and to promote and regulate development in Rogers at a citywide and site-specific scale;

WHEREAS, the City of Rogers desires to adopt the Future Land Use Map to illustrate the desired projected growth in different types of development in accordance with the with the City's Comprehensive Growth Plan and Unified Development Code, thereby replacing the Comprehensive Growth Map previously adopted by this City Council;

WHEREAS, the City of Rogers desires to adopt and replace the Official Zoning Map dividing the City into zones, or districts in accordance with the Unified Development Code;

WHEREAS, the adoption of the Unified Development Code creates the need to amend the City of Rogers Code of Ordinances so as to not create conflicts between certain provisions of the Codes;

WHEREAS, the City of Rogers desires to promote a smooth transition to the Uniform Development Code and wishes to provide transitional provisions to facilitate this change; and

WHEREAS, in regard to municipal planning, pursuant to Ark. Code Ann. §14-55-207, the City is authorized to adopt by reference technical codes, regulations, or standards, without setting forth the provisions therein, if copies of the code and any related documents are filed either electronically or by hard copy in the office of the clerk of the municipality for inspection by the public before the passage of the ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROGERS, ARKANSAS, THAT:

Section 1: The City Council of the City of Rogers hereby adopts by reference the Unified Development Code published on the Rogers City Clerk's website on June 23, 2024 and that was passed by the Rogers Planning Commission on July 2, 2024, in accordance with Ark. Code Ann. § 14-55-207, and the Municode Corporation is hereby instructed to direct users from Chapter 14 to <https://codehub.gridics.com/us/ar/rogers-udo> where the Unified Development Code is housed;

Section 2: The City Council of the City of Rogers hereby adopts by reference the Future Land Use Map published on the Rogers City Clerk's website on June 23, 2024 and that was passed by the Rogers Planning Commission on July 2, 2024, in accordance with Ark. Code Ann. § 14-55-207, and replaces the Comprehensive Growth Map previously adopted by this City Council;

Section 3: The City Council of the City of Rogers hereby adopts by reference the Official Zoning Map published on the Rogers City Clerk's website on July 9, 2024 and that was passed by the Rogers Planning Commission on July 2, 2024, in accordance with Ark. Code Ann. § 14-55-207, and replaces all versions of the Official Zoning Map previously in effect;

Section 4: Chapter 14 of the City of Rogers Code of Ordinances is hereby repealed, excepting Chapter 14 § 14-715 to the extent that this section applies to the Downtown Neighborhood Transition Zone (D-NBT), and the Municode Corporation is hereby instructed to make said revision;

Section 5: Chapter 44 of the City of Rogers Code of Ordinances is hereby repealed, and the Municode Corporation is hereby instructed to make said revision;

Section 6: Chapter 2 § 2-121(a) of the City of Rogers Code of Ordinances is hereby amended to read as shown on the Attached Exhibit "A", and the Municode Corporation is hereby instructed to make said revision;

Section 7: Chapter 24 § 24-2(11) of the City of Rogers Code of Ordinances is hereby amended to read as shown on the attached Exhibit "A", and the Municode Corporation is hereby instructed to make said revision;

Section 8: Chapter 50 § 50-22 and § 50-23(1) and (2) of the City of Rogers Code of Ordinances is hereby amended to read as shown on the attached Exhibit "A", and the Municode Corporation is hereby instructed to make said revision;

Section 9: Chapter 54 § 54-233(i) of the City of Rogers Code of Ordinances is hereby amended to read as shown on the attached Exhibit "A", and the Municode Corporation is hereby instructed to make said revision;

Section 10: Appendix B of the City of Rogers Code of Ordinances is hereby amended to read as shown on the attached Exhibit "A", and the Municode Corporation is hereby instructed to make said revision;

Section 11: Regarding pending applications for Large Scale Development Plans, Small Scale Development Plans, Conditional Use Permits, Density Concept Plans, Planned Unit Developments, and minor or administrative applications authorized or required by Chapter 14: The applicant must submit final plans addressing any deficiencies previously noted by September 30, 2024, and must secure approval from the decision-maker authorized by Chapter 14 by December 31, 2024. Any pending application not meeting these terms shall be deemed withdrawn;

Section 12: Regarding unvested approved Large Scale Development Plans and Small Scale Development Plans: The applicant must commence work as authorized by the approved large scale development plan or small scale development plan within one year of the date of approval. If work in accordance with the approved plan does not commence within one year of the date of approval the plan shall be deemed expired and any development thereafter shall be in accordance with the

Unified Development Code, Engineering Manual, and Drainage Criteria Manual in effect at that time;

Section 13: Regarding unvested approved Conditional Use Permits, Density Concept Plans, and Planned Unit Developments: Any conditional use permit, density concept plan, or planned unit development which depicted development requiring subsequent plan approval under Chapter 14, and for which no complete subsequent plan application is currently pending, shall secure approval of a development plan as required by the Unified Development Code;

Section 14: Regarding approved Conditional Use Permits, Density Concept Plans, Planned Unit Developments: Any of these plans approved prior to the effective date of this Ordinance that do not require subsequent plan approval under Chapter 14, shall be governed by the code under which the plan was approved;

Section 15: Modifications in approved Conditional Use Permits, Density Concept Plans, Planned Unit Developments, Large Scale Development Plans, or Small Scale Development Plans: If the applicant proposes modifications to a previously approved plan, whether vested or unvested, the Community Development Director shall determine whether the modification is a major change to the approved plan. If the modification is deemed a major change the applicant may withdraw the modification or apply for a new approval under the Unified Development Code and forfeit the rights granted by the original plan. The Director shall determine whether the modification is a major change to the approved plan using the following criteria:

- a. If the plan proposes an increase in impervious surface by 10% or greater; or
- b. If the plan proposes an increase in building floor area by 10% or more; or
- c. If the plan proposes an expansion of the plan's boundaries; or
- d. If the plan proposes an increase in dwelling units by 10% or more; or
- e. If the plan proposes an increase in building height of one story or more; or
- f. A change in street or block layout is proposed; or
- g. If the Community Development Director determines that the arrangement of buildings, parking areas, roads, driveways or other features depicted on the approved plan are materially different from what was approved.

Section 16: The City of Rogers hereby waives the filing fee for rezoning applications submitted within one year following the enactment of this Official Zoning Map for all residents who believe their property was zoned improperly under the Zoning Map being approved by this Ordinance;

Section 17: Emergency Clause: The need to adopt the Unified Development Code, Future Land Use Map, and Official Zoning Map and amend the City of Rogers Code of Ordinances as described herein is immediate in order to protect the public peace, health, safety, and welfare. An emergency is declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

Section 18: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 19: Repeal of Conflicting Provisions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this 23rd day of July, 2024.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director, Department of Community Development
Prepared by: John M. Pesek, Senior Staff Attorney