

ARTICLE FOUR

SECTION 4.00 OVERLAY DISTRICT ESTABLISHMENT

An Overlay District is hereby established within the City of Rogers, Arkansas consistent with the objectives of the Land Use Plan adopted by the City of Rogers. The purpose of the Overlay District is to protect and enhance the scenic quality of the highway corridors, create design standards for developments, provide effective land use planning and facilitate traffic flow.

The Overlay District shall extend along West Walnut Street from 28th Street to U.S. Highway 71; along South 8th Street from Olrich Street to the South city limits; along Highway 62 from the East city limits to the West city limits; along State Highway 12 from 2nd Street to the East city limits; along New Hope Road (State Highway 94) from Dixieland Road to U.S. Highway 71; and along U.S. Highway 71 from the North city limits to the South city limits. Pleasant Grove Road from South 8th Street (U.S. 71B) to Bellview. The district encompasses all lands with highway frontage, including local streets, lying within three hundred thirty (330) feet of the right-of-way on both sides of the designated corridors within the city limits.

4.01 Design Standards, Regulations and Required Improvements For Developments within Overlay Districts

4.01.01 The regulations of the Overlay District shall be in addition to and shall overlay all other zoning districts and ordinance requirements regulating the development of land so that any parcel of land lying in the Overlay District shall also lie within one or more of the other underlying zoning districts. Design standards within the Overlay District shall be as follows:

4.01.01a Lot size for any development tract shall be a minimum of one (1) acre. Tracts of lesser size, existing at adoption of this Ordinance, shall be addressed on an individual basis under the exceptions clause of this Ordinance.

4.01.01b Front yards for all principal and accessory buildings or structures shall be no less than seventy-five (75) feet from the property line abutting the highway.

4.01.01c Rear yards for all principal and accessory buildings or structures shall be no less than thirty (30) feet.

- 4.01.01d Side yards for all principal and accessory buildings or structures shall be no less than thirty (30) feet.
- 4.01.01e Required landscape areas along the highway frontage shall be no less than twenty-five (25) feet deep exclusive of the right-of-way. Within this area the developer will plant trees at twenty (20) foot spacing for the full width of the frontage. All plant materials on the site must meet the requirements of Article Three of the Large Scale Development Ordinance. Trees provided as part of the Overlay District requirement apply toward the minimum plant requirement of Article Three. Developer should attempt to incorporate existing on-site trees into the landscaping plan and indicate on plan.
- If a developer demonstrates that this requirement will constitute an undue hardship, or where the requirements conflict with existing public utilities, the Planning Commission may vary from the Ordinance.
- 4.01.01f Required landscape areas along the rear and side yards shall be no less than ten (10) feet deep from the property line and locations are to be coordinated with the Planning Office. Where rear or side yards abut a street right-of-way, a fifteen (15) foot deep landscaped area shall be required when adjacent land is zoned office, residential or commercial.
- 4.01.01g Erosion retardant vegetation shall be used on all cuts and fills.
- 4.01.01h Tree species to be planted within these corridors should be consistent with the recommended plants list.
- 4.01.01i Signs identifying the commercial development shall not exceed ten (10) feet in height and one hundred (100) square feet in face area. All signs that are ground mounted shall be a monument-type design. These signs may be installed in the landscape area of the front and side yards. Signs shall not be located in the right-of-way.
- 4.01.01j Each separate commercial building will be allowed a single monument-type, ground-mounted sign located on the building site or in the landscaped front yard of the commercial development. The sign shall be a maximum of

six (6) feet in height and seventy-two (72) square feet in sign face area.

- 4.01.01k Tracts with one hundred (100) feet or less frontage on the highway shall be allowed one (1) curb cut. Two (2) curb cuts per tract are allowed along all highways provided the property exceeds one hundred (100) linear feet of frontage.
- 4.01.01m When a commercial development or other type of development involves multiple building sites, whether on one or more platted lots, the above-described regulations shall apply to the development as an entire tract rather than to each platted lot. Developments of this type shall be reviewed by the City through the Technical Review Schedule which illustrates compliance with this Ordinance.
- 4.01.01n Property which cannot be developed without violating the standards of this Ordinance shall be reviewed under the Large Scale Development Plan which is consistent with the purpose and intent of the overlay standards.

4.02 Development Conformity

The approved Large Scale Development Plan within an Overlay District must be put into effect before the Certificate of Occupancy is issued. The Plan is considered as having been put into effect for this purpose if the following has been done:

- 4.02.01 compliance with the Fire Code;
- 4.02.02 compliance with the NFTA 101, Life Safety Code;
- 4.02.03 compliance with the Building Code;
- 4.02.04 completion of all inspections of electrical, plumbing, mechanical and building drainage systems, the final building inspection, the fire and life safety inspections, and;
- 4.02.05 completion of signage and completion of parking and loading areas, driveways, streets, curbs, open spaces, water and sewer lines and any other improvements have been fully installed and completed with a three (3) year landscape replacement guarantee submitted to the Planning Authority and;

- 4.02.06 the developer submits certification by a registered professional engineer of compliance with the requirements of the Rogers Drainage Code and FEMA requirements as adopted by the City, and;
- 4.02.07 The developer has constructed all improvements required or has posted a letter of credit for completion of elements of the Large Scale Development Plan which are not required to be completed prior to a Certificate of Occupancy.
- 4.03 Enforcement
- 4.03.01 No building permit for development subject to the requirements of the Large Scale Development Plan Code and Overlay District shall be issued until the Large Scale Development has been approved. A building permit shall not be issued if application for issuance of a building permit is made more than six (6) months from the date of the Plan's approval.
- 4.03.02 All improvements shown on the approved Large Scale Development Plan and required by the Overlay District must be completed within six (6) months after the Certificate of Occupancy is issued.
- 4.03.03 Any revisions or changes in a submitted and accepted Large Scale Development Plan will require submission for approval.
- 4.03.04 Failure of any developer to comply with the requirements of the Large Scale Development Plan and Overlay District, or to implement the Large Scale Development Plan by completing and installing all improvements and landscaping as shown on the approved Large Scale Development Plan within six (6) months after the issuance of a Certificate of Occupancy shall be cause for revocation of the Certificate of Occupancy.
- 4.03.05 It shall be unlawful for any person, firm or corporation to occupy the improvements made pursuant to the approved Large Scale Development Plan without having first obtained a Certificate of Occupancy. Failure to obtain a Certificate of Occupancy shall be a misdemeanor punishable by a fine not to exceed two hundred fifty dollars (\$250.00) per day that said violation exists.