

ORDINANCE NO. 19- 16

**AN ORDINANCE ADOPTING DENSITY MANAGEMENT PROVISIONS; AMENDING VARIOUS SECTIONS OF CHAPTER 14 OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Rogers, City Council finds it to be in the best interests of the City of Rogers to adopt density management provisions.

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

Section 1: Chapter 14, Article VI, Division 2, Section 14-737 of the City of Rogers, Code of Ordinances is adopted, and to read as shown in the attached Exhibit "A";

Section 2: Chapter 14, Article VI, Division 2, Section 14-699, Subsection (a) of the City of Rogers, Code of Ordinances is amended to repeal the language "If more than three units per acre are requested the developer must submit a density concept plan to the city Planning Commission outlining certain amenities to offset the density," and Municode Corporation is hereby instructed to make said amendment;

Section 3: Chapter 14, Article VI, Division 2, Section 14-699 of the City of Rogers, Code of Ordinances is amended to repeal Subsection (b) in its entirety, and Municode Corporation is hereby instructed to make said amendment;

Section 4: Chapter 14, Article VI, Division 2, Section 14-699 of the City of Rogers, Code of Ordinances is amended to repeal Subsection (c) in its entirety, and Municode Corporation is hereby instructed to make said amendment;

Section 5: Chapter 14, Article VI, Division 2, Section 14-699 of the City of Rogers, Code of Ordinances is amended to repeal Subsection (d) in its entirety, and Municode Corporation is hereby instructed to make said amendment;

Section 6: Chapter 14, Article VI, Division 2, Section 14-700, Subsection (a) of the City of Rogers, Code of Ordinances is amended to repeal the language "of approximately eight units per acre," and Municode Corporation is hereby instructed to make said amendment;

Section 7: Chapter 14, Article VI, Division 2, Section 14-703, Subsection (a) of the City of Rogers, Code of Ordinances is amended to repeal the language "at densities from six to 36 units per acre in increments of one-half units per acre," and "The base density will be six units per acre. If more than six units per acre are requested the developer must submit a density concept plan to the City Planning Commission outlining certain amenities to offset the density," and Municode Corporation is hereby instructed to make said amendment;

Section 8: Chapter 14, Article VI, Division 2, Section 14-703 of the City of Rogers, Code of Ordinances is amended to repeal Subsection (b) in its entirety, and Municode Corporation is hereby instructed to make said amendment;

Section 9: Chapter 14, Article VI, Division 2, Section 14-703 of the City of Rogers, Code of Ordinances is amended to repeal Subsection (c) in its entirety, and Municode Corporation is hereby instructed to make said amendment;

Section 10: Chapter 14, Article VI, Division 2, Section 14-703 of the City of Rogers, Code of Ordinances is amended to repeal Subsection (d) in its entirety, and Municode Corporation is hereby instructed to make said amendment;

Section 11: Chapter 14, Article VI, Division 2, Section 14-704, Subsection (a) of the City of Rogers, Code of Ordinances is amended to repeal the language “densities of approximately eight units per acre,” and Municode Corporation is hereby instructed to make said amendment;

Section 12: Chapter 14, Article VI, Division 2, Section 14-704, Subsection (f) of the City of Rogers, Code of Ordinances is amended to repeal the language “Maximum density and,” and “Maximum density in any manufactured housing development shall not exceed eight units per gross acre. For purposes of these regulations, gross acreage is to be computed as all area within the exterior boundaries of the property, including streets, common open space, lands occupied by management offices and community buildings, lands occupied by manufactured home lots, and lands occupied by utilities installations,” and Municode Corporation is hereby instructed to make said amendment;

Section 13: Chapter 14, Article VI, Division 2, Section 14-706 of the City of Rogers, Code of Ordinances is amended to repeal Subsection (c)(6) in its entirety, and Municode Corporation is hereby instructed to make said amendment;

Section 14: Chapter 14, Article VI, Division 2, Section 14-707 of the City of Rogers, Code of Ordinances is amended to repeal Subsection (c)(4) in its entirety, and Municode Corporation is hereby instructed to make said amendment;

Section 15: Chapter 14, Article VI, Division 2, Section 14-709 of the City of Rogers, Code of Ordinances is amended to repeal Subsection (d)(4) in its entirety, and Municode Corporation is hereby instructed to make said amendment;

Section 16: Chapter 14, Article VI, Division 2, Section 14-710 of the City of Rogers, Code of Ordinances is amended to repeal Subsection (d)(3) and Subsection (d)(4) in their entirety, and Municode Corporation is hereby instructed to make said amendment;

Section 17: Chapter 14, Article VI, Division 2, Section 14-711 of the City of Rogers, Code of Ordinances is amended to repeal Subsection (d)(4) in its entirety, and Municode Corporation is hereby instructed to make said amendment;

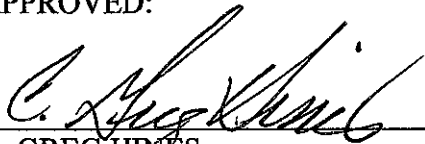
**Section 18 - Emergency Clause:** The need to amend said City Code chapter is immediate in order to protect the public peace, health, safety, and welfare an emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

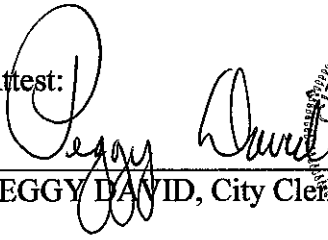
**Section 19 - Severability Provision:** If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and


**Section 20 - 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 26<sup>th</sup> day of February, 2019.

APPROVED:

  
\_\_\_\_\_  
C. GREG HINES,  
Mayor

Attest:   
\_\_\_\_\_  
PEGGY DAVID, City Clerk



Requested By: John McCurdy, Director of the Department of Community Development

**EXHIBIT "A"****Sec. 14-737. – Density Management.**

- (a) *Purpose and Intent.* These provisions are intended to provide a means for objective analysis of residential density in the City of Rogers. It is important for the City to responsibly facilitate growth by encouraging density where appropriate and restricting density where inappropriate. The City's Comprehensive Growth Map (CGM) provides the basis for the highest and best use of land and designates select areas for higher intensity development. The CGM sets density ranges and organizes them by Growth Designation in an effort to accommodate both administrative and discretionary approval processes for residential development proposals. Growth Designations are broad land use categories organized by purpose, character, and level of development intensity, with various zoning districts allowed within each designation.
- (b) *Density Concept Plan.* A Density Concept Plan (DCP) is the mechanism used to assess the impact of exceeding the base density of a given Growth Designation per the City's CGM. Impact is assessed by two primary considerations: the compatibility of a proposed density in terms of land use and building form, and the capacity of the transportation network to support the proposed density.
- (1) *Applicability.* A DCP is required when a development proposal involves a gross residential density above the base limit of the subject Growth Designation per the City's CGM.
- (A) *Calculating Density.* Gross density shall be calculated as the ratio of dwelling units to total site area including public rights-of-way, common open space, and non-buildable land. Net density shall be calculated as the ratio of dwelling units to residential area excluding public rights-of-way, common open space, and non-buildable land. In the Neighborhood Center Growth Designation, the land area used for gross density calculation shall include the entirety of the Neighborhood Center.
- (B) *Association with Rezone.* In order to ensure compliance with all conditions of acceptance, a rezone ordinance is the means by which a DCP becomes enforceable and assigned to a specific land area. An accepted DCP shall be filed with and attached to the subject rezone ordinance that reflects the density established in the DCP.
- (C) *Existing Zoning Designations.* In cases where a residential zoning designation is already in place, but the property has not developed, a DCP is required to accompany a development proposal that exceeds the base density of its Growth Designation subject to all procedural requirements of this Section.
- (D) *Modifications.* If a development proposal seeks to deviate from an accepted DCP, and the deviations are minor in that they are warranted due to site-specific constraints and do not substantially alter the overall density, layout, or design, the modification may be approved by staff. If the deviations are significant in that they are not warranted by site-specific constraints or substantially alter the overall density, layout, or design, the modification shall be required to obtain acceptance of a new DCP subject to all procedural requirements of this Section.

- (2) *Submittal and Review Procedure.* A DCP submittal shall be made subject to the following requirements:
- (A) Provide proof of a pre-submittal conference with staff.
  - (B) Submit a complete DCP application with any relevant supplemental materials including but not limited to site plans, elevation drawings, schematic drawings, written narratives, reports, or other materials requested by staff. All submittals shall, at a minimum, provide the following information:
    - (i) Site area;
    - (ii) Building setbacks;
    - (iii) Building height;
    - (iv) Building elevations;
    - (v) Building materials breakdown;
    - (vi) Lot coverage and open space calculations;
    - (vii) Impervious area calculations;
    - (viii) Physical constraints, easements, or other encumbrances;
    - (ix) Current and proposed zoning;
    - (x) Dwelling unit counts; and
    - (xi) Gross and net density calculations.
  - (C) Once a complete DCP application has been submitted it will be placed on the agenda for the next available Plans & Policy Committee meeting. Staff will conduct a technical analysis of the DCP in advance of said meeting and provide recommendations to the committee. The Plans & Policy Committee may take the following actions on the proposed DCP:
    - (i) Recommend for acceptance by the Planning Commission as presented;
    - (ii) Recommend for acceptance by the Planning Commission with conditions; or
    - (iii) Deny as presented or table for further consideration.
  - (D) If recommended for acceptance, the applicant may submit a rezone application per Sec. 14-727 to accompany Planning Commission action on the DCP. The rezone public hearing is the means by which the rezone and DCP are considered. The Planning Commission may take the following actions on the proposed DCP and rezone request:
    - (i) Accept DCP as presented and recommend rezone and/or DCP for City Council approval;
    - (ii) Accept DCP with conditions and recommend rezone and/or DCP for City Council approval; or
    - (iii) Deny DCP as presented or table for further consideration.
  - (E) Once accepted by Planning Commission, the DCP is considered approved upon the City Council's passage of the proposed rezone ordinance per Sec. 14-727. If the rezone request is approved by the City Council, the accepted DCP shall be attached to the rezone ordinance, establishing permanent rules specific to the new zoning district until amended or replaced.

(3) *Review Criteria.* The appropriateness of a proposed density shall be considered with regard to the following considerations:

(A) Compliance with the City's schedule of uses;

(B) Consistency with the purpose, character, and goals of the subject Growth Designation per the City's CGM. Growth Designation character is evaluated by the following:

- (i) Building form, i.e. scale, massing, placement, roof pitch, height, frontage type, and similar considerations;
- (ii) Architectural design, i.e. style, colors, materials, window shape, façade articulation, and similar considerations; and
- (iii) Site layout, i.e. access, open space, building disposition, landscape, sightlines, street design, and similar considerations.

(C) Capacity of the surrounding transportation network to adequately support an increase above base density. Capacity is generally assumed to be adequate in most situations if land use is in compliance with the CGM and all other official plans, policies, and standards. Nonetheless, it remains beneficial to consider additional factors on an as-needed basis determined by the context of a given development proposal, including but not limited to the following:

- (i) Trip generation estimates per ITE Trip Generation Manual (current edition);
- (ii) A current traffic study including average daily traffic (ADT) and peak hour volume data of impacted roadways;
- (iii) Roadway safety characteristics, pavement condition, and impact of existing and proposed nearby development;
- (iv) Traffic management characteristics such as internal circulation routes, access points, calming methods, and parking management techniques; and
- (v) Travel demand factors such as on-site amenities and mixed-use, proximity to essential goods and services, and the integration of non-vehicular infrastructure.