



Office of the City Clerk-Treasurer
301 W. Chestnut
Rogers, Arkansas 72756
479-621-1117
www.rogersar.gov

COMMITTEE SCHEDULE

DISCLAIMER: The City of Rogers makes no claims, promises, or guarantees regarding the participants ability to attend any public meeting virtually. Technology resources, virtual meeting platforms, and the Internet may occasionally be interrupted or made unavailable by causes beyond the City's reasonable control. The City cannot guarantee that participants will have the opportunity to participate virtually at all times. Public Forums, Public Hearings, and scheduled items of business will not be tabled or postponed due to technological issues. If you are representing a published item of business or wish to speak at a public hearing, in person attendance is required.

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: Jessica Rush, CITY CLERK-TREASURER

DATE: July 25, 2023

The following committee meetings will be held on **Tuesday, July 25, 2023** prior to the City Council Meeting:

05:20 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall)

Community Room #1 OR <https://us02web.zoom.us/j/84628406926> OR (312)626-6799 ID: 846 2840 6926

To Discuss: (a) RWU Monthly Report

05:30 p.m. - TRANSPORTATION COMMITTEE: (Surly*, Legere, Townzen)

Community Room #1 OR <https://us02web.zoom.us/j/84628406926> OR (312)626-6799 ID: 846 2840 6926

To Discuss: (a) Street Closure Request - Pinnacle Springs Retirement Charter Resident Event
Map Request

(b) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Contract For The Purchase Of Transportation Analytics Software; Amending The 2023 Budget To Appropriate \$46,578.00 From Street Fund Reserves Into Account #200-25-70268 Professional Services

05:40 p.m. - PUBLIC SAFETY COMMITTEE: (Wolf*, Surly, Legere)

Community Room #1 OR <https://us02web.zoom.us/j/84628406926> OR (312)626-6799 ID: 846 2840 6926

To Discuss: (a) A Resolution Declaring Obsolete A 2011 Chevrolet Tahoe From The Rogers Fire Department; Authorizing A Donation Of Said Vehicle To The City Of Pea Ridge For Use By The Pea Ridge Fire Department

(b) An Ordinance Amending Chapter 10 Of The City Of Rogers Code Of Ordinances

(c) An Ordinance Amending Chapter 20 Of The City Of Rogers Code Of Ordinances

05:45 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall)

Community Room #2 OR <https://us02web.zoom.us/j/89635388671> OR (312)626-6799 ID: 896 3538 8671

To Discuss: (a) An Ordinance Amending Reinspection Fees Found In Appendix B Of The

City Of Rogers Code Of Ordinances

- (b) A Resolution Authorizing The Mayor And City Clerk To Accept A 2023 Community Development Block Grant In The Amount Of \$503,572.00
 - (c) A Resolution Recognizing American Rescue Grant Funds Received In 2021 And 2022 In The Total Amount Of \$11,710,729.00
 - (d) A Resolution Amending The 2023 Budget To Appropriate \$2,400,000.00 From General Fund Reserves Into Account #100-01-80121 Victory Theater Renovation
-

05:45 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Legere*, Townzen, Hayes)
Community Room #1 OR <https://us02web.zoom.us/j/84628406926> OR (312)626-6799 ID: 846 2840 6926

To Discuss:

- (a) An Ordinance Amending The Comprehensive Growth Map And Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To U-COM And U-ENT (SW Corner of intersection of S Bellview Road and W Lazy L Street) [Pinnacle New Hope #1](#)
 - (b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To U-COM (south of the intersection of W Huntington Road and S 42nd Street) [Pinnacle New Hope #2](#)
 - (c) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From RMF-10B To RMF-9.5B; Accepting The Density Concept Plan (Intersection of W Linda Lane and S 9th Street) [Horton 9th Street](#)
 - (d) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From RMF-6A To RMF-6.5A; Accepting The Density Concept Plan (6553 South Bellview Road) [Saddle Ridge Townhomes](#)
 - (e) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (509 N. 3rd Street, & 515 N. 3rd Street) [Elsa & Williams](#)
 - (f) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From N-R To NBT (503 S. 5th Street) [Wood](#)
 - (g) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To R-SF (Near the northeast corner of East New Hope Road and South Cierra Drive) [Crossover Trails](#)
-



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ROGERS CITY COUNCIL **AGENDA**

JULY 25, 2023
6:30 PM

In Person Rogers City Council Chambers

OR via [ZOOM LINK](#) OR By Phone (312) 626-6799 ID: 852 6930 4208

DISCLAIMER: The City of Rogers makes no claims, promises, or guarantees regarding the participants ability to attend any public meeting virtually. Technology resources, virtual meeting platforms, and the Internet may occasionally be interrupted or made unavailable by causes beyond the City's reasonable control. The City cannot guarantee that participants will have the opportunity to participate virtually at all times. Public Forums, Public Hearings, and scheduled items of business will not be tabled or postponed due to technological issues. If you are representing a published item of business or wish to speak at a public hearing, in person attendance is required.

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. July 11, 2023

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | | |
|----|----------|---|--------------------------|
| 1. | RES. Re: | Declaring Obsolete A 2011 Chevrolet Tahoe From The Rogers Fire Department; Authorizing A Donation Of Said Vehicle To The City Of Pea Ridge For Use By The Pea Ridge Fire Department | PUBLIC SAFETY COMMITTEE |
| 2. | ORD. Re: | Amending Chapter 10 Of The City Of Rogers Code Of Ordinances | PUBLIC SAFETY COMMITTEE |
| 3. | ORD. Re: | Amending Chapter 20 Of The City Of Rogers Code Of Ordinances | PUBLIC SAFETY COMMITTEE |
| 4. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into A Contract For The Purchase Of Transportation Analytics | TRANSPORTATION COMMITTEE |

- Software; Amending The 2023 Budget To Appropriate \$46,578.00 From Street Fund Reserves Into Account #200-25-70268 Professional Services
5. ORD. Re: Amending Reinspection Fees Found In Appendix B Of The City Of Rogers Code Of Ordinances FINANCE COMMITTEE
 6. RES. Re: Authorizing The Mayor And City Clerk To Accept A 2023 Community Development Block Grant In The Amount Of \$503,572.00 FINANCE COMMITTEE
 7. RES. Re: Recognizing American Rescue Grant Funds Received In 2021 And 2022 In The Total Amount Of \$11,710,729.00 FINANCE COMMITTEE
 8. RES. Re: Amending The 2023 Budget To Appropriate \$2,400,000.00 From General Fund Reserves Into Account #100-01-80121 Victory Theater Renovation FINANCE COMMITTEE
 9. ORD. Re: Amending The Comprehensive Growth Map And Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To U-COM And U-ENT (SW Corner of intersection of S Bellview Road and W Lazy L Street) COMMUNITY ENVIRONMENT & WELFARE COMMITTEE
 10. ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To U-COM (Just south of the intersection of W Huntington Road and S 42nd Street) COMMUNITY ENVIRONMENT & WELFARE COMMITTEE
 11. ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From RMF-10B To RMF-9.5B; Accepting The Density Concept Plan (Intersection of W Linda Lane and S 9th Street) COMMUNITY ENVIRONMENT & WELFARE COMMITTEE
 12. ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From RMF-6A To RMF-6.5A; Accepting The Density Concept Plan (6553 South Bellview Road) COMMUNITY ENVIRONMENT & WELFARE COMMITTEE
 13. ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From R-DP To NBT (509 N. 3rd Street, & 515 N. 3rd Street) COMMUNITY ENVIRONMENT & WELFARE COMMITTEE
 14. ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From N-R To NBT (503 S. 5th Street) COMMUNITY ENVIRONMENT & WELFARE COMMITTEE
 15. ORD. Re: Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From A-1 To R-SF (Near the northeast corner of East New Hope Road and South Cierra Drive) COMMUNITY ENVIRONMENT & WELFARE COMMITTEE

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R23_____

A RESOLUTION DECLARING OBSOLETE A 2011 CHEVROLET TAHOE FROM THE ROGERS FIRE DEPARTMENT; AUTHORIZING A DONATION OF SAID VEHICLE TO THE CITY OF PEA RIDGE FOR USE BY THE PEA RIDGE FIRE DEPARTMENT; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Fire Department is in possession of a 2011 Chevrolet Tahoe that is obsolete as it is no longer used by the Department and the Department no longer has the ability to store the vehicle;

WHEREAS, the Pea Ridge Fire Department has a current need for the vehicle;

WHEREAS, it is the desire of both Cities to support and address the needs of each City and its respective fire response readiness; and

WHEREAS, this Resolution is in accordance with Ark. Code Ann. § 14-54-302, and Pea Ridge understands and acknowledges that should it no longer need or use the Chevrolet Tahoe for its intended purposes, it shall be immediately returned to the City of Rogers.

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

Section 1: The Rogers Fire Department will donate its 2011 Chevrolet Tahoe, Asset 172, VIN 1GNSK2E04BR289400 to the City of Pea Ridge for use by the Pea Ridge Fire Department;

Section 2: This Resolution is in accordance with Ark. Code Ann. § 14-54-302, and Pea Ridge understands and acknowledges that should it no longer need or use the vehicle for its intended purposes, it shall be immediately returned to Rogers;

Section 3: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Provisions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES,
Mayor

Attest:

JESSICA RUSH, City Clerk
Requested By Thomas Jenkins, Fire Chief
Prepared By: John M. Pesek, Senior Staff Attorney
For Consideration By: Public Safety Committee

ORDINANCE NO. 23-_____

AN ORDINANCE AMENDING CHAPTER 10 OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers City Council finds it to be in the best interest of the City to update the provisions governing buildings and buildings regulations found in Chapter 10 of its Code of Ordinances.

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

Section 1: Chapter 10, Article II, Sec. 10-36 of the City of Rogers, Code of Ordinances is hereby deleted and the Municode Corporation is hereby instructed to delete that section;

Section 2: Chapter 10 of the City of Rogers, Code of Ordinances is amended to read as shown in the attached Exhibit “A” and the Municode Corporation is hereby instructed to make those revisions;

Section 3: 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 4: 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 5: 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 _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk
Requested By: Tom Jenkins, Fire Chief
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Public Safety Committee

Chapter 10 BUILDINGS AND BUILDING REGULATIONS¹

ARTICLE I. IN GENERAL

Sec. 10-2. Numbering of buildings.

- (a) Each property containing a principal building, structure or residence within the corporate limits of the city shall bear numerals indicating the street number for each principal building, structure, or residence visible from the street upon which the property fronts. The numerals shall be posted in such a manner as to be visible from a distance of not less than 100 feet. (See Sec. 20-144, F505.1)
- (b) It shall be the duty of the owner of each principal building, structure, or residence to post numerals indicating the street number on his property.
- (c) Noncompliance with section 10-2 is a violation of the City Code.

(Code 1982, § 47-1; Code 1997, § 18-2; Ord. No. 15-95, § 1(Exh. A), 7-14-2015)

ARTICLE II. BUILDING CODE

Sec. 10-31. Building code adopted.

There is hereby adopted by reference, as fully as though set out herein verbatim, that certain published code known as the International Building Code, ~~2012 Edition most recently adopted within the Arkansas Fire Prevention Code~~, complete with appendices ~~B, C, D, E, F, G, H, and I, and K~~, including any accumulative supplements, also including state reference codes and/or standards as and when adopted and approved by the Arkansas State Fire Marshal, ~~three copies one copy~~ of which ~~are~~ **is** on file in the office of the Rogers Clerk-Treasurer.

(Code 1982, § 47-36; Code 1997, § 18-31; Ord. No. 98-19, § 1, 4-14-1998; Ord. No. 02-56, § 1(a), 7-23-2002; Ord. No. 02-47, § 1, 8-27-2002; Ord. No. 08-105, § 1, 8-26-2008; Ord. No. 14-14, § 1, 3-25-2014; Ord. No. 15-07, § 1, 1-13-2015; Ord. No. 15-95, § 1(Exh. A), 7-14-2015; Ord. No. 16-40, § 2(Exh. A), 5-10-2016)

State law reference(s)—Power of city to adopt technical codes by reference, A.C.A. § 14-55-207.

¹Editor's note(s)—Ord. No. 15-95, § 1(Exh. A), adopted July 14, 2015, amended Ch. 10 in its entirety to read as herein set out. The former Ch. 10 pertained to similar subject matter. See also the Code Comparative Table for a detailed analysis.

State law reference(s)—Authority of city to regulate construction, alteration and repair of buildings, A.C.A. § 14-56-201; contractors, A.C.A. § 17-25-101 et seq.

Sec. 10-32. Residential code adopted.

There is hereby adopted by reference, as fully as though set out herein verbatim, that certain published code known as the International Residential Code, ~~2012 Edition~~ most recently adopted within the Arkansas Fire Prevention Code, complete with appendices ~~D, E, H, J, K, and M~~, AE, AH, AJ, AO, and AQ, including any accumulative supplements, also including state reference codes and/or standards as and when adopted and approved by the Arkansas State Fire Marshal, ~~three copies~~ one copy of which ~~are~~ is on file in the office of the Rogers Clerk-Treasurer.

(Code 1997, § 18-31.5; Ord. No. 98-19, § 1, 4-14-1998; Ord. No. 02-47, § 1(b), 7-23-2002; Ord. No. 08-104, § 1, 8-26-2008; Ord. No. 14-15, § 1, 3-25-2014; Ord. No. 15-08, § 1, 1-13-2015; Ord. No. 15-95, § 1(Exh. A), 7-14-2015; Ord. No. 16-40, § 2(Exh. A), 5-10-2016)

State law reference(s)—Power of city to adopt technical codes by reference, A.C.A. § 14-55-207.

Sec. 10-33. Amendments; modified.

1. The following amendments are hereby adopted and incorporated within the ~~2012~~ most recently adopted version of the International Building Code within the Arkansas Fire Prevention Code:

[A] 101.4.4 Property Maintenance

Insert: The provisions of the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants, and occupancy of existing premises and structures.

(Ord. No. 16-91, § 1(Exh. A), 10-25-2016)

2. *[A] 101.4.7 Existing Buildings*

Insert: The provisions of the International Existing Building Code shall apply to existing structures and premises which are altered, as defined in the Code.

3. *[R] 3109.1 Swimming Pools and Spas*

Insert: The provisions of the International Swimming Pool and Spa Code shall apply to swimming pools and spas installed partly or wholly under grade.

ARTICLE III. ELECTRICITY²

DIVISION 2. ELECTRICAL CODE

²State law reference(s)—Electricians, A.C.A. § 17-28-101 et seq.; jurisdiction of cities over utilities, A.C.A. § 14-200-101 et seq.; Arkansas Electrical Code Authority Act, A.C.A. § 20-31-101 et seq.

Sec. 10-105. Adopted.

There is hereby adopted by reference as fully as though set out word-for-word verbatim that certain published technical code known as the National Electrical Code, as adopted and published by the National Fire Protection Association and as adopted in sections 10-31 and 10-32 of this Code. ~~Three copies~~ One copy of which ~~are is now and have been prior to the adoption of the ordinance from which this section is derived~~ on file in the office of the clerk-treasurer, ~~the availability of such code for inspection by the public having been published in a newspaper of general circulation within the city.~~

(Code 1982, § 47-116; Code 1997, § 18-126; Ord. No. 96-67, § 1, 11-12-1996; Ord. No. 00-41, § 3, 6-13-2000; Ord. No. 01-78, § 1, 12-11-2001; Ord. No. 06-01, § 1, 1-10-2006; Ord. No. 15-95, § 1(Exh. A), 7-14-2015; Ord. No. 16-40, § 2(Exh. A), 5-10-2016)

State law reference(s)—Power of city to adopt technical codes by reference, A.C.A. § 14-55-207.

ARTICLE V. PLUMBING CODE

DIVISION 2. PLUMBING³

Sec. 10-220. Adopted; amendments.

- (a) The Arkansas State Plumbing Code, as adopted in sections 10-31 and 10-32 of this Code, and as published by the International Code Council for the Arkansas State Health Department to include appendices B, C, D, E, F, G, H, I, J, and K, with amendments to section 106.6.1 in subsection (b) of this section. ~~Three copies~~ One copy of which ~~are is now and have been prior to the adoption of the ordinance from which this section is derived~~ on file in the office of the clerk-treasurer, ~~the availability of such code for inspection by the public having been published in a newspaper of general circulation within the city.~~

³State law reference(s)—Natural gas distribution systems, A.C.A. § 14-205-101 et seq.; plumbers, A.C.A. § 17-38-101 et seq.; training of plumbers, A.C.A. § 6-51-401 et seq.

ORDINANCE NO. 23-_____

AN ORDINANCE AMENDING CHAPTER 20 OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers City Council finds it to be in the best interest of the City to update the provisions governing buildings and buildings regulations found in Chapter 20 of its Code of Ordinances.

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

Section 1: Chapter 20 of the City of Rogers, Code of Ordinances is amended to read as shown in the attached Exhibit “A” and the Municode Corporation is hereby instructed to make those revisions;

Section 2: 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 3: 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 4: 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 _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Tom Jenkins, Fire Chief
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Public Safety Committee

Chapter 20 FIRE PREVENTION AND PROTECTION¹

ARTICLE III. CODES ADMINISTRATION²

DIVISION 2. ARKANSAS FIRE PREVENTION CODE

Sec. 20-141. Adopted.

There is hereby adopted by reference, as fully as though set out herein verbatim, that certain published code known as the International Fire Code, ~~2012 Edition most recently adopted within the Arkansas Fire Prevention Code~~, complete with appendices ~~B, C, D, E, F, G, H, I, and J~~, including any accumulative supplements and amendments as and when adopted and approved by the State of Arkansas, ~~three copies one copy of which are is~~ on file in the office of the city clerk-treasurer. The above referenced International Fire Code ~~2012 Edition~~, and all of its supplements and amendments, is hereby adopted as the ~~2013~~ Arkansas Fire Prevention Code for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storing, handling and use of hazardous substances, materials and devices, and conditions hazardous to life or property in the occupancy of buildings and premises in the city; and each and all of the regulations, provisions, conditions and terms of such International Fire Code, ~~2012 edition~~, published by the International Code Council, on file in the office of the clerk-treasurer are hereby referred to, adopted and made a part hereof as if fully set out in this division. Furthermore, the 2012 International Residential Code, Section R313 is adopted for the purposes of requiring automatic fire sprinkler systems in all residential dwellings meeting the classification of townhouses and duplexes.

(Code 1982, § 33-111; Code 1997, § 46-111; Ord. No. 02-48, § 1, 7-23-2002; Ord. No. 08-103, § 1, 8-26-2008; Ord. No. 15-15, § 1, 1-27-2015; Ord. No. 15-128, § 1(Exh. A), 8-25-2015; Ord. No. 16-40, § 2(Exh. A), 5-10-2016; Ord. No. 21-55, § 1(Exh. A), 8-10-2021)

Sec. 20-144. Amendments; modified.

The following amendments are hereby adopted and incorporated within the ~~new~~ fire prevention code:

¹Editor's note(s)—Ord. No. 15-128, § 1(Exh. A), adopted Aug. 25, 2015, amended Ch. 20 in its entirety to read as herein set out. The former Ch. 20 pertained to similar subject matter. See the Code Comparative Table for a detailed analysis.

State law reference(s)—Fire protection in newly annexed areas, A.C.A. §§ 14-40-1210, 14-40-1212; civil service for fire departments, A.C.A. § 14-51-101 et seq.; fire departments generally, A.C.A. § 14-53-101 et seq.; firemen's relief and pension fund, A.C.A. § 24-11-801 et seq.; fire prevention and protection generally, A.C.A. § 12-13-101 et seq.; ambulance services improvement districts, A.C.A. § 14-282-101 et seq.

²State law reference(s)—Power of city to adopt technical codes by reference, A.C.A. § 14-55-207; fire prevention commission, A.C.A. § 20-22-201 et seq.; fire prevention, A.C.A. § 12-13-101 et seq.

F101.1 Insert: City of Rogers

F102.7.1 Amend to read

F102.7.1 Conflicts. Where conflicts occur between provision of this code and referenced codes and standards, the most stringent shall apply.

F109.4 Insert: Class A Misdemeanor, \$2,500.00, 365 DAYS

F111.4 Insert: As provided for in Arkansas Fire Prevention Code, Volume I.

Add F403.4

F403.4 Ticket Sales. Ticket sales shall not exceed 100% of the maximum occupant load.

Revise F505.1

F505.1 Address numbers. New buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is legible from the street or road fronting the property. Numbers shall be in contrasting color from the exterior color scheme. Addressing shall be as followed:

Single Family Homes

Minimum 6" high 5/8" contrasting numbers

Multi-Family Communities (Apartments, condos, townhouses)

Building Numbers:

Minimum 18" high numbers with a 3" stroke with contrasting background.

- Buildings under 100' long only require one number per building
- Buildings over 100' long require a minimum of two numbers per building.

Apartment/Corridor Spread Numbers

- Apartment/Corridor spread numbers are to be a minimum 4" high number with a 5/8" brush stroke with contrasting background.
- Number example format.

301-310	3rd Floor
201-210	2nd Floor
101-110	1st Floor

Commercial/Industrial Buildings

Address sizing shall be determined by the distance from the street curb.

Distance from curb	Number Height	Brush Stroke
Up to 50'	6"	1"
51' to 100'	12"	2"
101' to 300'	12"	2"
301' to 400'	18"	3"
401' +	24"	4"

Marquee and Monument

Address installed on a marquee or monument located next to the street will require numbers measuring 12" high with a 2" brush stroke be located a minimum 3 feet above grade. Numbers shall contrast with the background.

Add: F505.3

F505.3 Permanent Street Signs. Permanent Street Signs shall meet the following criteria:

1. Street name sign shall be retro reflective or illuminated to show the same shape and similar color both day and night.
2. The letters and background shall be contrasting colors.
3. Lettering shall have a minimum height of 4 inches.
4. Lettering indicating type of street or the section of the City can be reduced to 3 inches.

Add: ~~F511~~

~~*F511 Firefighter Air Systems.* All buildings defined as a high rise structure shall be equipped with an approved rescue air replenishment system.~~

Add: F901.11

F901.2.2 Issues not addressed by this code. Any issues not addressed by this code shall be addressed by the applicable NFPA, ~~or other applicable safety~~, standard.

Add: F901.12

F901.1.1 Competent on-site person. Each fire protection system installation, modification, or inspection job shall receive direct supervision from a competent on-site person.

F903.4.2 Amend to read:

F903.4.2 Alarms. An approved fire alarm system meeting the requirements of NFPA 72 shall be installed and connected to all new automatic sprinkler systems and shall communicate an audible and visual alarm throughout the entire building. Such sprinkler water flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. A clear lens horn strobe tied to the water flow shall also be provided on the address side of the structure to indicate water flow in the sprinkler system.

Exception: NFPA 13D systems.

F905.3 Amend to read:

F905.3 Required installations. Automatic wet standpipe systems shall be provided in new buildings and structures in accordance with this section. Fire hose threads used in connection with standpipe systems shall be approved and shall be compatible with fire department hose threads. The location of fire department hose connections shall be approved. In buildings used for high-piled combustible storage, fire protection shall be in accordance with Chapter 32.

Add: F905.12

F905.12 Design. The design of standpipe systems shall be calculated to provide 100 psi. at the connection located at the highest elevation of the system. Hydraulic calculations shall be figured using the pressure provided by the water utility provider or from onsite storage.

Add: 907.2.1.3

F907.2.1.3 Electrical shunt for amplified sound conditions. Any occupancy address by this code shall provide an electrical shunt to de-energize amplified music or sound systems upon alarm activation as necessary to demonstrate compliance with the audibility requirements of NFPA 72.

Add: F907.2.8.4

F907.2.8.4 Fire detection system. When a fire detection system is installed it shall be connected to the fire alarm system by means other than a single-station smoke detector. All rooms shall sound a local alarm and transmit an alarm to a constantly attended location upon activation of a single smoke detector. All rooms shall be cross-zoned to activate a full general alarm upon the activation of two or more devices.

F912.3.1 Amend to read:

F912.3.1 Locking fire department connection caps. The fire code official is authorized to require locking caps on fire department connections that are often targets of vandalism or that are not being maintained.

F912.4 Amend to read:

F912.4 Signs. A metal sign with raised letters at least 1 inch (25 mm) in size shall be mounted on all fire department connections serving automatic sprinklers, standpipes or fire pump connections. Such signs shall read: AUTOMATIC SPRINKLERS or STANDPIPES or TEST CONNECTION or a combination thereof as applicable.

Exception: Exposed Fire Department Connection line can be painted with retro-reflective red paint in lieu of signage.

F912.5 Amend to read:

F912.5 Backflow protection. The potable water supply to automatic sprinkler and standpipe systems shall be protected against backflow as required by the International Plumbing Code and the Rogers Water Department.

Add F913.6:

F913.6 Supervisory Conditions. The following conditions shall be supervised by the fire alarm system.

1. Pump run.
2. Phase loss.
3. Phase reversal.
4. Pump in manual mode.

Add F3304.8:

F3304.8 Security for commercial wood frame construction. All wood frame construction over three stories in height shall provide a six foot chain linked fence around jobsite until such time that all walls are covered with approved materials according to construction documents.

Add FB105.3

FB105.3 Fire flow data. All fire flow data submitted to the Rogers Fire Department shall have been taken within the last six months.

FC105.1 Amend to read:

FC105.1 Hydrant spacing. The average hydrant spacing for commercial or industrial areas shall be 300 feet, residential spacing shall be 500 feet, hydrants should alternate every 250 feet on streets with

center medians, and undeveloped incorporated areas shall have an average spacing of 1000 feet. Areas without a water supply refer to NFPA 1142 or the International Wildland-Urban Interface Code.

~~Add FC105.2~~

~~FC105.2 Maximum Distance. The maximum distance from any point on the street or road frontage to a hydrant shall not exceed 200 feet.~~

~~Add FC105.3~~

~~FC105.3 Hydrant locations in reference to entrances. The first fire hydrant shall be located at the street intersection or at the main entrance(s) into a subdivision, apartment complex, or commercial development. Additional hydrants shall be spaced per Section FC105.1.~~

FD103.6.3 Amend to read:

FD103.6 Signs. Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING - FIRE LANE signs complying with Figure D103.6. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road as required by Section D103.6.1 or D103.6.2.

Exception: Striping of the curb shall be allowed instead of signage. Curbs shall be painted red with 4 inch white lettering reading NO PARKING - FIRE LANE. Lettering shall be on an average of 50 feet spacing.

Add Gated Access Control

The fire code official is authorized to require a method of fire department access through security gates and similar features. This may be in the form of a standardized padlock system in non-electrified applications and in the form of specialized equipment installed on electrified applications. This shall be applicable to new and existing security access points as determined by the official to be necessary for emergency access.

Add Keyed Access Control

Where key vaults are provided for emergency access into building(s), the fire code official is authorized to require a grand master key be provided when five or more different keys are necessary for access into different areas of the building(s).

Add Mulch Restrictions

The fire code official is authorized to restrict the installation, and cause the removal of, combustible materials installed within 18" of the exterior surface of any building which contains an exterior covering that allows for the propagation of fire to be concealed behind the visible surface.

Add Private Fire Hydrant Inspections

Where private fire hydrants are required to be inspected by a licensed service provider, upon inspection by the provider, such hydrants shall be equipped with an inspection tag indicating its status.

(Ord. No. 15-15, § 2, 1-27-2015; Ord. No. 15-128, § 1(Exh. A), 8-25-2

RESOLUTION NO. R23_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT FOR THE PURCHASE OF TRANSPORTATION ANALYTICS SOFTWARE; AMENDING THE 2023 BUDGET TO APPROPRIATE FORTY-SIX THOUSAND FIVE HUNDRED SEVENTY-EIGHT DOLLARS (\$46,578.00) FROM STREET FUND RESERVES INTO ACCOUNT #200-25-70268 PROFESSIONAL SERVICES; AND FOR OTHER PURPOSES.

WHEREAS, the City desires to purchase a subscription for transportation analytics software from StreetLight Data, Inc. of San Francisco, California; and

WHEREAS, the City is requesting that City Council waive the requirement of competitive bidding for this purchase due to the software's compatibility with CityWorks and the product's ease of use.

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

Section 1: The Mayor and City Clerk are hereby authorized to enter into a contract not to exceed forty six thousand five hundred seventy eight dollars (\$46,578.00) with StreetLight Data, Inc. of San Francisco, California for the purchase of transportation analytics software;

Section 2: The City of Rogers' 2023 budget is amended to appropriate forty-six thousand five hundred seventy-eight dollars (\$46,578.00) from Street Fund Reserves into Account #200-25-70268 Professional Services;

Section 3: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the purchase of transportation analytics software from StreetLight Data, Inc. for use by the Department of Community Development;

Section 4: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 5: Repeal of Conflicting Resolutions: All resolutions or orders of the City Council, or parts of resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director Community Development

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Transportation Committee

ORDINANCE NO. 23-_____

AN ORDINANCE AMENDING REINSPECTION FEES FOUND IN APPENDIX B OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Fire Department desires to update its reinspection fee schedule as found in Appendix B of the Code of Ordinances and;

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

Section 1: Reinspection fees as stated in the Rogers' Code of Ordinances Appendix B – Fee Schedule §10-68 is amended so that the reinspection fee is now one hundred dollars (\$100.00) and the Municode Corporation is hereby instructed to make said revisions;

Section 2: 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 3: 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 4: 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 _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Tom Jenkins, Fire Chief
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

RESOLUTION NO. R23 _____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK
TO ACCEPT A 2023 COMMUNITY DEVELOPMENT BLOCK GRANT
IN THE AMOUNT OF FIVE HUNDRED THREE THOUSAND FIVE HUNDRED
SEVENTY-TWO DOLLARS (\$503,572.00); AMENDING THE 2023 BUDGET TO
RECOGNIZE REVENUE IN THAT AMOUNT INTO ACCOUNT #342-42-45110
FEDERAL REVENUE; APPROPRIATING THE GRANT REVENUE TO VARIOUS
EXPENDITURE ACCOUNTS; AND FOR OTHER PURPOSES**

WHEREAS, the City has received federal funding to its Community Development Block Grant and needs to appropriate that money to the appropriate accounts.

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

Section 1: That the Mayor and City Clerk are hereby authorized to accept a 2023 Community Development Block Grant from the U.S. Department of Housing and Urban Development in the sum amount of five hundred three thousand five hundred seventy-two dollars (\$503,572.00);

Section 2: The 2023 Budget is hereby amended to recognize grant funds in the sum of five hundred three thousand five hundred seventy-two dollars (\$503,572.00) into Account #342-42-45110 Federal Revenue;

Section 3: The 2023 Budget is amended to appropriate sixty thousand dollars (\$60,000.00) from Account #342-42-45110 Federal Revenue into Account #342-42-70296 Public Service Projects;

Section 4: The 2023 Budget is amended to appropriate seventy thousand dollars (\$70,000.00) from Account #342-42-45110 Federal Revenue into Account #342-42-70969 Administration;

Section 5: The 2023 Budget is amended to appropriate two hundred ninety thousand dollars (\$290,000.00) from Account #342-42-45110 Federal Revenue into Account #342-42-70970 Housing Projects;

Section 6: The 2023 Budget is amended to appropriate ten thousand dollars (\$10,000.00) from Account #342-42-45110 Federal Revenue into Account #342-42-70971 Housing Administration;

Section 7: The 2023 Budget is amended to appropriate seventy-three thousand five hundred seventy-two dollars (\$73,572.00) from Account #342-42-45110 Federal Revenue into Account #342-42-79010 Public Facility Projects;

Section 8: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 9: Repeal of Conflicting Resolutions: All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2023.

C. GREG HINES, Mayor

ATTEST:

JESSICA RUSH, City Clerk

Requested by: Donna Johnston, CDBG Administrator
Prepared by: John M. Pesek, Senior Staff Attorney4
For Consideration By: Finance Committee

RESOLUTION NO. R-23-_____

A RESOLUTION RECOGNIZING AMERICAN RESCUE GRANT FUNDS RECEIVED IN 2021 AND 2022 IN THE TOTAL AMOUNT OF ELEVEN MILLION SEVEN HUNDRED TEN THOUSAND SEVEN HUNDRED TWENTY-NINE DOLLARS (\$11,710,729.00); AMENDING THE 2022 BUDGET TO APPROPRIATE EIGHT MILLION NINE HUNDRED NINETY-SIX THOUSAND SEVEN HUNDRED THREE DOLLARS AND TWELVE CENTS (\$8,996,703.12) FROM AMERICAN RESCUE GRANT FUND RESERVES INTO ACCOUNT #348-48-61139 SALARIES AND WAGES- ARPA; AND AUTHORIZING A TRANSFER OF FUNDS FROM THE AMERICAN RESCUE GRANT FUND TO THE GENERAL FUND; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers received \$11,710,729.00 from the American Rescue Act from the U.S. Treasury, one-half of the funds were received in 2021 and the other half in 2022;

WHEREAS, the use of this money is restricted to the following categories: 1) Replace lost public sector revenue (Revenue Replacement); 2) Respond to the far-reaching public health and negative economic impacts of the pandemic; 3) Provide premium pay for essential workers; and 4) Invest in water, sewer, and broadband infrastructure;

WHEREAS, the award terms and conditions mandated by the U.S. Department of the Treasury, Coronavirus State and Local Fiscal Recovery Funds Final Rule require all funds to be obligated by December 31, 2024 and spent by December 31, 2026;

WHEREAS, of the total monies received, \$10,000,000.00 was claimed as Revenue Replacement as allowed by the U.S. Department of the Treasury, Coronavirus State and Local Fiscal Recovery Funds Final Rule, of the \$10,000,000.00 allowed for Revenue Replacement,

WHEREAS, of the \$10,000,000.00, RES 21-64 allocated \$1,003,296.88 to additional compensation to all employees, therefore, \$8,996,703.12 remains and it is the best interest of the City of Rogers to allocate the \$8,996,703.12 toward fire and police regular wages for 2022, and

WHEREAS, payroll was processed as normal from the 2022 General Fund for the fire and police regular wages; therefore, the American Rescue Grant Fund will transfer \$8,996,703.12 from the American Rescue Grant Fund to the General Fund to reimburse the General Fund for a portion of the fire and police regular wages for 2022, and

WHEREAS, an appropriation and a transfer of funds is needed in the American Rescue Grant Fund in order to properly budget the expense in the American Rescue Grant Fund and transfer the funds.

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

Section 1: The 2022 budget is hereby amended to appropriate eight million nine hundred ninety-six thousand seven hundred three dollars and twelve cents (\$8,996,703.12) from American

Rescue Grant Fund Reserves into Account #348-48-61139 Salaries and Wages - ARPA for the purpose of appropriating the funds and making a transfer of funds from the American Rescue Grant Fund to the General Fund for the payment of a portion of the fire and police regular wages for 2022.

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Resolutions: All Resolutions or orders of the City Council, or parts of Resolutions or orders of the City Council, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Casey Wilhelm, Director of Finance

Prepared By: John Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. R23-_____

A RESOLUTION AMENDING THE 2023 BUDGET TO APPROPRIATE TWO MILLION FOUR HUNDRED THOUSAND DOLLARS (\$2,400,000.00) FROM GENERAL FUND RESERVES INTO ACCOUNT #100-01-80121 VICTORY THEATER RENOVATION; AND FOR OTHER PURPOSES.

WHEREAS, The Victory Theater is undergoing renovations after accepting grant money from the Walton Family Foundation as approved by the City Council in Resolution 22-86 and needs additional funds for construction; and

WHEREAS, the City continues to seek grant funding for this project and any receipt of grant funds will go towards offsetting the construction costs for this project.

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

Section 1: The City of Rogers' 2023 budget is hereby amended to appropriate two million four hundred thousand dollars (\$2,400,000.00) from General Fund Reserves into Account #100-01-80121 Victory Theater Renovation for theater construction and other overages;

Section 2: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 3: Repeal of Conflicting Provisions: All resolutions of the City Council, or part of resolutions of the City Council in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: David Hook, Facilities Manager
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

ORDINANCE NO. 23-__

**AN ORDINANCE AMENDING THE COMPREHENSIVE GROWTH MAP AND
ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM C-2 TO U-COM AND U-ENT; PROVIDING FOR
THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES**

WHEREAS, the City's Comprehensive Growth Map and Uptown Zoning Plan needs to be amended to classify the below described eastern 6.69 acres as the "Regional Center" Growth Designation, with an underlying zoning designation as "U-ENT" rather than "U-COM" zoning; and

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq., and upon consideration of the report and recommendations of the City of Rogers Planning Commission, the City Council finds it to be in the best interests of the City that certain lands hereinafter described are better suited for U-COM (Uptown Commercial Mixed Use) and U-ENT (Uptown Entertainment) zoning.

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

Section 1: Chapter 14, Article VI, Section 14-675—Zoning shall be amended in the City of Rogers Code of Ordinances as provided herein;

Section 2: That the land described herein shall be zoned as U-COM and U-ENT and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

U-COM

PART OF LOT 4D OF CREEKSIDE PHASE 3, AS PER PLAT RECORD 2008-468 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 4D;

Thence ALONG THE WEST LINE THEREOF N00°00'51"E 266.52 feet TO THE NOUTHWEST CORNER OF SAID LOT 4D;

Thence ALONG THE NORTH LINE THEREOF S89°11'51"E 662.62 feet;

THENCE ALONG SAID NORTH LINE 141.88 FEET ALONG A CURVE to the left WITH a radius of 89.50 feet and A long chord OF N45°23'13"E 127.49 feet;

Thence LEAVING SAID NORTH LINE S00°01'44"E 381.54 feet TO THE SOUTH LINE OF SAID LOT 4D;

thence ALONG SAID SOUTH LINE N87°21'31"W 754.37 feet to the POINT OF BEGINNING, CONTAINING 4.86 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

U-ENT

PART OF LOT 4D OF CREEKSIDE PHASE 3, AS PER PLAT RECORD 2008-468 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID LOT 4D;
Thence ALONG THE SOUTH LINE THEREOF N87°21'31"W 475.89 feet;
Thence LEAVING SAID SOUTH LINE N00°01'44"W 381.54 feet TO THE WEST LINE OF SAID LOT 4D;
THENCE ALONG SAID WEST LINE N00°01'44"W 169.54 feet TO THE NORTH LINE OF SAID LOT 4D;
THENCE ALONG SAID NORTH LINE THE FOLLOWING FIVE COURSES:
THENCE 82.43 FEET ALONG A CURVE to the right WITH a radius of 50.00 feet and A long chord OF N47°11'59"E 73.41 feet;
Thence S85°34'18"E 300.92 feet;
THENCE 33.53 FEET ALONG A CURVE to the left WITH a radius of 1030.00 feet and A long chord OF S86°30'15"E 33.53 feet;
Thence S87°26'12"E 99.96 feet;
THENCE 23.56 FEET ALONG A CURVE to the right WITH a radius of 15.00 feet and A long chord OF S42°26'12"E 21.21 feet TO THE EAST LINE OF SAID LOT 4D;
thence ALONG SAID EAST LINE S02°33'48"W 578.06 feet to the POINT OF BEGINNING, CONTAINING 6.69 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

LAYMAN'S DESCRIPTION:

SW Corner of intersection of S Bellview Road and W Lazy L Street
Parcel number: 02-20229-002

Section 3: Zoning: That the above described lands are better suited for U-COM and U-ENT than C-2 zoning and same should be and are hereby zoned U-COM and U-ENT;

Section 4: Comprehensive Growth Map: That the City's Comprehensive Growth Map and Uptown Zoning Plan is hereby amended to classify the above described eastern 6.69 acres as the "Regional Center" Growth Designation, with an underlying zoning designation as "U-ENT" rather than "U-COM" zoning.

Section 5: Emergency Clause: The need to bring the proposed use of the property into conformance with the Rogers City Zoning Ordinances 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 6: 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 7: 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 _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director of Community Development

Reviewed by: John M. Pesek, Senior Staff Attorney

Prepared by: Nicholas Little, Planner II

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 23 ____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM C-2 TO U-COM; PROVIDING FOR
THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq., and upon consideration of the report and recommendations of the City of Rogers Planning Commission, the City Council finds it to be in the best interests of the City that certain lands hereinafter described are better suited for U-COM (Uptown Commercial Mixed Use) zoning.

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

Section 1: Chapter 14, Article VI, Section 14-675—Zoning shall be amended in the City of Rogers Code of Ordinances as provided herein;

Section 2: That the land described herein shall be zoned as U-COM and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

LOT 4H OF CREEKSIDE PHASE 3, AS PER PLAT RECORD 2017-891 IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 4H;
THENCE ALONG THE OUTER BOUNDS THEREOF THE FOLLOWING ELEVEN COURSES:

Thence N00°01'16"E 624.86 feet;

Thence S73°07'02"E 332.68 feet;

Thence S89°57'46"E 299.69 feet;

THENCE 46.30 FEET ALONG A CURVE to the right WITH a radius of 29.50 feet and A long chord OF S44°59'45"E 41.70 feet;

Thence S00°01'44"E 477.71 feet;

THENCE 46.77 FEET ALONG A CURVE to the right WITH a radius of 29.50 feet and A long chord OF S45°23'13"W 42.02 feet;

Thence N89°11'51"W 167.52 feet;

Thence N00°01'16"E 419.72 feet;

Thence N89°58'44"W 260.39 feet;

Thence S00°01'16"W 416.17 feet;

thence N89°11'51"W 190.20 feet to the POINT OF BEGINNING, CONTAINING 5.77 ACRES, MORE OR LESS AND SUBJECT TO ANY AND ALL EASEMENTS OF RECORD OR FACT.

LAYMAN'S DESCRIPTION:

Just south of the intersection of W Huntington Road and S 42nd Street

Parcel number: 02-20229-004

Section 3: Zoning: That the above described lands are better suited for U-COM than C-2 zoning and same should be and are hereby zoned U-COM;

Section 4: Emergency Clause: The need to bring the proposed use of the property into conformance with the Rogers City Zoning Ordinances 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 5: 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 6: 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 _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director of Community Development

Reviewed by: John M. Pesek, Senior Staff Attorney

Prepared by: Nicholas Little, Planner II

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 23-_____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM RMF-10B TO RMF-9.5B; ACCEPTING THE DENSITY CONCEPT PLAN; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq., and upon consideration of the report and recommendations of the City of Rogers Planning Commission, the City Council finds it to be in the best interests of the City that certain lands hereinafter described are better suited for RMF-9.5B (Residential Multi-Family, 9.5 units/acre, to rent) zoning.

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

Section 1: Chapter 14, Article VI, Section 14-675—Zoning shall be amended in the City of Rogers Code of Ordinances as provided herein;

Section 2: That the land described herein shall be zoned as RMF-9.5B and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

PART OF THE NE 1/4 OF THE SW 1/4 OF SECTION 24, TOWNSHIP 19 NORTH, RANGE 30 WEST OF THE FIFTH PRINCIPAL MERIDIAN, CITY OF ROGERS, BENTON COUNTY, ARKANSAS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF THE NE 1/4 OF THE SW 1/4 OF SAID SECTION 24, THENCE ALONG THE EAST LINE OF SAID NE 1/4 OF THE SW 1/4, N02°29'17"E A DISTANCE OF 315.00 FEET TO A POINT; THENCE LEAVING SAID EAST LINE, N86°13'25"W A DISTANCE OF 317.91 FEET TO A SET IRON PIN WITH CAP "PLS 1156" AND THE POINT OF BEGINNING; THENCE CONTINUING N86°13'25"W A DISTANCE OF 1008.46 FEET TO A FOUND 5/8" REBAR ON THE WEST LINE OF THE NE 1/4 OF THE SW 1/4; THENCE ALONG THE WEST LINE OF SAID NE 1/4 OF THE SW 1/4, N02°36'28"E A DISTANCE OF 345.25 FEET TO A FOUND IRON PIN WITH CAP, "PLS 1156"; THENCE LEAVING SAID WEST LINE, S86°12'58"E A DISTANCE OF 1007.08 FEET TO A SET IRON PIN WITH CAP, "PLS 1156"; THENCE S02°22'44"W A DISTANCE OF 345.15 FEET TO A SET IRON PIN WITH CAP, "PLS 1156" AND THE POINT OF BEGINNING, CONTAINING 7.98 ACRES (347,795 SQUARE FEET), MORE OR LESS. SUBJECT TO ALL RIGHTS OF WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT

LAYMAN'S DESCRIPTION:

Intersection of W Linda Lane and S 9th Street
Parcel: 02-01987-001

Section 3: Zoning: That the above described lands are better suited for RMF-9.5B than RMF-10B zoning and same should be and are hereby zoned RMF-9.5B;

Section 4: Density Concept Plan: That the Density Concept Plan entered into by and between D.R. Horton – NW Arkansas LLC, Strand Engineering Systems, and the City of Rogers, as approved by the Rogers Planning Commission on July 18, 2023, is hereby approved and made binding upon future development of the property described above, unless otherwise modified or amended by this Council, and the Mayor of the City of Rogers is authorized and directed to execute same;

Section 5: Emergency Clause: The need to bring the proposed use of the property into conformance with the Rogers City Zoning Ordinances 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 6: 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 7: 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 _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director Community Development

Reviewed by: John M. Pesek, Senior Staff Attorney

Prepared by: Nicholas Little, Planner II

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 23-_____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM RMF-6A TO RMF-6.5A; ACCEPTING THE DENSITY CONCEPT PLAN; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq., and upon consideration of the report and recommendations of the City of Rogers Planning Commission, the City Council finds it to be in the best interests of the City that certain lands hereinafter described are better suited for RMF-6.5A (Residential Multi-Family, 6.5 units/acre, to own) zoning.

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

Section 1: Chapter 14, Article VI, Section 14-675—Zoning shall be amended in the City of Rogers Code of Ordinances as provided herein;

Section 2: That the land described herein shall be zoned as RMF-6.5A and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

Part of the NW1/4 of the NW1/4 of Section 3, Township 18 North, Range 30 West, Benton County, Arkansas, also known as Tract 4 of Pinkley Residential Subdivision to the City of Rogers, Benton County, Arkansas, as shown on Final Plat Record “2005” at Page 599 being more particularly described as follows:

Commencing at the SW Corner of the said NW1/4 of the NW1/4; thence along the Southerly line thereof South 86°50'09” East a distance of 31.93 feet to a Set 5/8” Rebar w/Cap (PS1002) on the East Right-of-Way of Bellview Road known as the Point of Beginning;

Thence along the before mentioned East Right of Way North 02°15'57” East a distance of 329.83 feet to a Set 5/8” Rebar w/Cap (PS1002); Thence leaving said East Right of Way South 86°40'35” East a distance of 369.92 feet to a Set 5/8” Rebar w/Cap (PS1002); Thence South 02°51'12” West a distance of 328.76 feet to a Set 5/8” Rebar w/Cap (PS1002) on the Southerly line of said NW1/4 of the NW1/4; Thence along the Southerly line of said NW1/4 of the NW1/4 North 86°50'24” West a distance of 366.54 feet to the Point of Beginning, containing 121,246 Square Feet or 2.78 Acres, more or less. Subject to any other easements of record or fact.

LAYMAN'S DESCRIPTION:

6553 South Bellview Road

Parcel: 02-14839-000

Section 3: Zoning: That the above described lands are better suited for RMF-6.5A than RMF-6A zoning and same should be and are hereby zoned RMF-6.5A;

Section 4: Density Concept Plan: That the Density Concept Plan entered into by and between Mardis Investments, Sand Creek Engineering, and the City of Rogers, as approved by the Rogers Planning Commission on July 18, 2023, with the condition that the proposed invasive tree

is removed from the planting list, is hereby approved and made binding upon future development of the property described above, unless otherwise modified or amended by this Council, and the Mayor of the City of Rogers is authorized and directed to execute same;

Section 5: Emergency Clause: The need to bring the proposed use of the property into conformance with the Rogers City Zoning Ordinances 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 6: 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 7: Repeal of Conflicting Ordinances and Resolutions. All ordinances, resolutions or orders of the City Council, or parts of ordinances, resolutions or orders of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

PASSED THIS _____ DAY OF _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director Community Development

Reviewed by: John M. Pesek, Senior Staff Attorney

Prepared by: Zachery Birdsong, Planner I

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 23-__

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM R-DP TO NBT; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq., and upon consideration of the report and recommendations of the City of Rogers Planning Commission, the City Council finds it to be in the best interests of the City that certain lands hereinafter described are better suited for NBT zoning.

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

Section 1: Chapter 14, Article VI, Section 14-67—Zoning shall be amended in the City of Rogers Code of Ordinances as provided herein;

Section 2: That the land described herein shall be zoned as NBT and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

PARCEL 02-02743-000

LOT 7, EXCEPT 10 FEET NORTH AND SOUTH, 50 FEET EAST AND WEST, BLOCK 4 OF BARNETT'S ADDITION, CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT BOOK "J", PAGE 421 OF THE BENTON COUNTY RECORDS.

PARCEL 02-02742-000

LOT 6, BLOCK 4 OF BARNETT'S ADDITION, CITY OF BENTONVILLE, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT BOOK "J", PAGE 421 OF THE BENTON COUNTY RECORDS.

LAYMAN'S DESCRIPTION:

509 N. 3rd Street, Rogers, AR 72756

515 N. 3rd Street, Rogers, AR 72756

Section 3: Zoning: That the above described lands are better suited for NBT than R-DP zoning and same should be and are hereby zoned NBT;

Section 4: Emergency Clause: The need to bring the proposed use of the property into conformance with the Rogers City Zoning Ordinances 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 5: 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 6: 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 _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director of Community Development

Reviewed by: John M. Pesek, Senior Staff Attorney

Prepared by: Christina Moore, Planner I

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 23 ____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM N-R TO NBT; PROVIDING FOR
THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq., and upon consideration of the report and recommendations of the City of Rogers Planning Commission, the City Council finds it to be in the best interests of the City that certain lands hereinafter described are better suited for NBT zoning.

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

Section 1: Chapter 14, Article VI, Section 14-67—Zoning shall be amended in the City of Rogers Code of Ordinances as provided herein;

Section 2: That the land described herein shall be zoned as NBT and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

PARCEL 02-05184-000

THE WEST 120 FEET OF LOT 1, BLOCK 4, J. WADE SIKES PARK ADDITION, TO THE CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AS SHOWN ON PLAT RECORDS “A” AT PAGE 116 AND “B” AT PAGE 20.

LAYMAN'S DESCRIPTION:

503 S. 5th Street, Rogers, AR 72756

Section 3: Zoning: That the above described lands are better suited for NBT than N-R zoning and same should be and are hereby zoned NBT;

Section 4: Emergency Clause: The need to bring the proposed use of the property into conformance with the Rogers City Zoning Ordinances 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 5: 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 6: 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 _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director of Community Development

Reviewed by: John M. Pesek, Senior Staff Attorney

Prepared by: Christina Moore, Planner I

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 23 ____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING CERTAIN LANDS FROM A-1 TO R-SF; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq., and upon consideration of the report and recommendations of the City of Rogers Planning Commission, the City Council finds it to be in the best interests of the City that certain lands hereinafter described are better suited for R-SF (Residential Single-Family) zoning.

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

Section 1: Chapter 14, Article VI, Section 14-675—Zoning shall be amended in the City of Rogers Code of Ordinances as provided herein;

Section 2: That the land described herein shall be zoned as R-SF and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

THE W1/2 OF THE SW1/4 OF THE SE1/4 AND THE E1/2 OF THE E1/2 OF THE SE1/4 OF THE SW1/4 OF SECTION 17, TOWNSHIP 19 NORTH OF RANGE 29 WEST, BENTON COUNTY, ARKANSAS

LESS AND EXCEPT: PART OF THE W1/2 OF THE SW1/4 OF THE SE1/4 OF SECTION 17, TOWNSHIP 19 NORTH, RANGE 29 WEST, BENTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT SOUTH 02°01'15" WEST 1166.67 FEET TO THE NORTHWEST CORNER OF SAID W1/2 SW1/4 SE1/4, THENCE SOUTH 88°18'15" EAST 144.70 FEET, THENCE SOUTH 02°01'15" WEST 150.52 FEET TO THE CENTERLINE OF EAST NEW HOPE ROAD, THENCE WITH SAID CENTERLINE NORTH 88°18'15" WEST 144.70 FEET, THENCE LEAVING SAID CENTERLINE NORTH 02°01'15" EAST 150.52 FEET TO THE POINT OF BEGINNING. SUBJECT TO THE RIGHT-OF-WAY OF EAST NEW HOPE AND EXISTING UTILITIES.

LAYMAN'S DESCRIPTION:

Near the northeast corner of East New Hope Road and South Cierra Drive.
Parcel number: 02-00404-000

Section 3: Zoning: That the above described lands are better suited for R-SF than A-1 zoning and same should be and are hereby zoned R-SF;

Section 4: Emergency Clause: The need to bring the proposed use of the property into conformance with the Rogers City Zoning Ordinances 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 5: 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 6: 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 _____ day of _____, 2023.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director of Community Development
Reviewed by: John M. Pesek, Senior Staff Attorney
Prepared by: Zachery Birdsong, Planner I
For Consideration By: Community Environment & Welfare Committee