



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 9, 2024

The following committee meetings will be held on **Tuesday, July 9, 2024** prior to the City Council Meeting:

05:45 p.m. - TRANSPORTATION COMMITTEE: (Surly*, Townzen)

Community Room OR <https://us02web.zoom.us/j/81619814066> OR (312)626-6799 ID: 816 1981 4066

To Discuss:

- (a) Street Closure Request - 2024 Oktoberfest
- (b) A Resolution Authorizing The Mayor And City Clerk To Accept And Enter Into A Grant Agreement With The Federal Aviation Administration For The Rogers Executive Airport
- (c) A Resolution Amending The 2024 Budget To Recognize Federal Grant Funds In The Amount Of \$705,768.00 Into Account #315-15-48050 Federal Grant Revenue; Appropriating \$766,139.00 From Airport Fund Reserves And Account #315-15-48050 Federal Grant Revenue Into Account #315-15-81144.002 Acquire Snow Removal Equipment; Authorizing The Mayor And City Clerk To Enter A Contract With M-B Companies, Inc Of New Holstein, Wisconsin In The Amount Of \$766,139.00
- (d) A Resolution Amending The 2024 Budget; Establishing Capital Project Account #315-15-81144.004 West Side Study; Appropriating \$99,900.00 From Airport Fund Reserves Into Account #315-15-81144.004 West Side Study; Authorizing The Mayor And City Clerk To Enter Into A Contract Amendment With Garver, LLC Of North Little Rock, Arkansas, For Planning And Engineering Services For The Rogers Executive Airport In An Amount Not To Exceed \$99,900.00
- (e) A Resolution Amending The 2024 Budget To Appropriate \$1,300,000.00 From Street Fund Reserves Into Account #200-16-80100 Capital Expenditures For The Purchase Of A Wood Chipper For Use By The Street Department

- (f) A Resolution Accepting The Lowest Qualified Bid For Concrete Services; Authorizing The Mayor And City Clerk To Enter Into An Agreement With J&L Concrete And Excavation, Inc. Of Rogers, Arkansas For Concrete Services
-

06:00 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Townzen, Hayes)

Community Room OR <https://us02web.zoom.us/j/81619814066> OR (312)626-6799 ID: 816 1981 4066

To Discuss:

- (a) An Ordinance Amending Chapter 22 Of The City Of Rogers Code Of Ordinances
 - (b) An Ordinance Adopting By Reference The Drainage Criteria Manual For The City Of Rogers
 - (c) An Ordinance Adopting By Reference The Engineering Manual For The City Of Rogers
 - (d) An Ordinance Adopting The Master Street Plan For The City Of Rogers
 - (e) 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 Ordinance
-



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ROGERS CITY COUNCIL

AGENDA

JULY 9, 2024

6:30 PM

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.

In Person Rogers City Council Chambers

OR via [ZOOM LINK](#) OR By Phone (312) 626-6799 ID: 874 1104 8687

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. June 25, 2024

REPORTS OF BOARDS AND STANDING COMMITTEES:

1. RES. Re: Authorizing The Mayor And City Clerk To Accept And Enter Into A Grant Agreement With The Federal Aviation Administration For The Rogers Executive Airport TRANSPORTATION COMMITTEE
2. RES. Re: Amending The 2024 Budget To Recognize Federal Grant Funds In The Amount Of \$705,768.00 Into Account #315-15-48050 Federal Grant Revenue; Appropriating \$766,139.00 From Airport Fund Reserves And Account #315-15-48050 Federal Grant Revenue Into Account #315-15-81144.002 Acquire Snow Removal Equipment; Authorizing The Mayor And City Clerk To Enter A Contract With M-B Companies, Inc Of New Holstein, Wisconsin In The Amount Of \$766,139.00 TRANSPORTATION COMMITTEE
3. RES. Re: Amending The 2024 Budget; Establishing Capital Project Account #315-15-81144.004 West Side Study; TRANSPORTATION COMMITTEE

Appropriating \$99,900.00 From Airport Fund Reserves Into Account #315-15-81144.004 West Side Study; Authorizing The Mayor And City Clerk To Enter Into A Contract Amendment With Garver, LLC Of North Little Rock, Arkansas, For Planning And Engineering Services For The Rogers Executive Airport In An Amount Not To Exceed \$99,900.00

- | | | | |
|-----|----------|--|---|
| 4. | RES. Re: | Amending The 2024 Budget To Appropriate \$1,300,000.00 From Street Fund Reserves Into Account #200-16-80100 Capital Expenditures For The Purchase Of A Wood Chipper For Use By The Street Department | TRANSPORTATION COMMITTEE |
| 5. | RES. Re: | Accepting The Lowest Qualified Bid For Concrete Services; Authorizing The Mayor And City Clerk To Enter Into An Agreement With J&L Concrete And Excavation, Inc. Of Rogers, Arkansas For Concrete Services | TRANSPORTATION COMMITTEE |
| 6. | ORD. Re: | Amending Chapter 22 Of The City Of Rogers Code Of Ordinances | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |
| 7. | ORD. Re: | Adopting By Reference The Drainage Criteria Manual For The City Of Rogers | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |
| 8. | ORD. Re: | Adopting By Reference The Engineering Manual For The City Of Rogers | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |
| 9. | ORD. Re: | Adopting The Master Street Plan For The City Of Rogers | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |
| 10. | ORD. Re: | 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 | COMMUNITY ENVIRONMENT & WELFARE COMMITTEE |

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R24-_____

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ACCEPT
AND ENTER INTO A GRANT AGREEMENT WITH THE FEDERAL AVIATION
ADMINISTRATION FOR THE ROGERS EXECUTIVE AIRPORT; AND FOR OTHER
PURPOSES.**

WHEREAS, the City of Rogers Executive Airport anticipates receipt of a grant from the Federal Aviation Administration (FAA) under the Airport Improvement Grant (AIG) program which includes a matching provision requiring the City to cover ten percent (10%) of the total cost;

WHEREAS, the anticipated amount of the grant will be seven hundred five thousand seven hundred sixty-eight dollars (\$705,768.00), with the exact amount of said grant based on available funding as determined by FAA; and

WHEREAS, the grant funds will help fund the acquisition of snow removal equipment for the Rogers Executive Airport.

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 accept and enter into a grant agreement with the Federal Aviation Administration (FAA) for the acquisition of snow removal equipment;

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 that are in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2024.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: David Krutsch, Airport Manager
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Transportation Committee

RESOLUTION NO. R24-_____

A RESOLUTION AMENDING THE 2024 BUDGET TO RECOGNIZE FEDERAL GRANT FUNDS IN THE AMOUNT OF SEVEN HUNDRED FIVE THOUSAND SEVEN HUNDRED SIXTY-EIGHT DOLLARS (\$705,768.00) INTO ACCOUNT #315-15-48050 FEDERAL GRANT REVENUE; APPROPRIATING SEVEN HUNDRED SIXTY-SIX THOUSAND ONE HUNDRED THIRTY-NINE DOLLARS (\$766,139.00) FROM AIRPORT FUND RESERVES AND ACCOUNT #315-15-48050 FEDERAL GRANT REVENUE INTO ACCOUNT #315-15-81144.002 ACQUIRE SNOW REMOVAL EQUIPMENT; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER A CONTRACT WITH M-B COMPANIES, INC OF NEW HOLSTEIN, WISCONSIN IN THE AMOUNT OF \$766,139.00; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Executive Airport anticipates receipt of a grant from the Federal Aviation Administration for the Acquire Snow Removal Equipment project at the Rogers Executive Airport which includes a matching provision requiring the City to cover ten percent (10%) of the total cost;

WHEREAS, bid package development and fabrication administration services were approved by this Council's Resolution No. R23-33 on March 28, 2023;

WHEREAS, bids were received and M-B Companies, Inc. was the lowest responsive bidder; and

WHEREAS, the Rogers Airport Commission has reviewed the bids and recommended approval by unanimous vote.

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

Section 1: The 2024 Budget is hereby amended to recognize federal grant revenue in the sum of seven hundred five thousand seven hundred sixty-eight dollars (\$705,768.00) into Account #315-15-48050 Federal Grant Revenue;

Section 2: The 2024 Budget is hereby amended to appropriate the sum of seven hundred sixty-six thousand one hundred thirty-nine dollars (\$766,139.00) from Airport Fund Reserves and Account #315-15-48050 Federal Grant Revenue into Account #315-15-81144.002 Acquire Snow Removal Equipment;

Section 3: That the Mayor and City Clerk are hereby authorized to enter into a contract with M-B Companies, Inc. of New Holstein, Wisconsin for the acquisition of snow removal equipment an amount not to exceed seven hundred sixty-six thousand one hundred thirty-nine dollars (\$766,139.00);

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 Provisions: 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 _____, 2024.

APPROVED:

C, GREG HINES,
Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: David Krutsch, Airport Manager
Prepared by: John M. Pesek, Senior Staff Attorney
For Consideration By: Transportation Committee

RESOLUTION NO. R24-_____

A RESOLUTION AMENDING THE 2024 BUDGET; ESTABLISHING CAPITAL PROJECT ACCOUNT #315-15-81144.004 WEST SIDE STUDY; APPROPRIATING NINETY-NINE THOUSAND NINE HUNDRED DOLLARS (\$99,900.00) FROM AIRPORT FUND RESERVES INTO ACCOUNT #315-15-81144.004 WEST SIDE STUDY; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT AMENDMENT WITH GARVER, LLC, OF NORTH LITTLE ROCK, ARKANSAS, FOR PLANNING AND ENGINEERING SERVICES FOR THE ROGERS EXECUTIVE AIRPORT IN AN AMOUNT NOT TO EXCEED NINETY-NINE THOUSAND NINE HUNDRED DOLLARS (\$99,900.00); AND FOR OTHER PURPOSES.

WHEREAS, The City desires to enter into a contract amendment with Garver, LLC., of North Little Rock, Arkansas, to include planning and engineering services for the West Side Study at the Rogers Executive Airport.

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

Section 1: The 2024 Budget is hereby amended to appropriate ninety-nine thousand nine hundred dollars (\$99,900.00) from Airport Fund Reserves into Account #315-15-81144.004 West Side Study;

Section 2: The Mayor and City Clerk are hereby authorized to enter into a contract amendment with Garver, LLC to include planning and engineering services associated with the West Side Study at the Rogers Executive Airport in an amount not to exceed ninety-nine thousand nine hundred dollars (\$99,900.00), plus applicable taxes, if any;

Section 3: The execution of said contract amendments with Garver, LLC shall be contingent upon the approval of the Federal Aviation Administration, as may be required;

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 of the City Council, or parts of resolutions of the City Council in conflict herewith are hereby repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2024.

APPROVED:

C, GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: David Krutsch, Airport Manager

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Transportation Committee

RESOLUTION NO. R24-_____

A RESOLUTION AMENDING THE 2024 BUDGET TO APPROPRIATE ONE MILLION THREE HUNDRED THOUSAND DOLLARS (\$1,300,000.00) FROM STREET FUND RESERVES INTO ACCOUNT #200-16-80100 CAPITAL EXPEDUTURES FOR THE PURCHASE OF A WOOD CHIPPER FOR USE BY THE STREET DEPARTMENT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Street Department desires to purchase a new wood chipper due to the massive increase in downed trees needing to be discarded as a result of the recent tornado and to replace an older one currently used by the Street Department; and

WHEREAS, the City estimates that one million three hundred thousand dollars (\$1,300,000.00) is needed to purchase a wood chipper, but a specific model has not been selected.

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

Section 1: The City of Rogers' 2024 budget is amended to appropriate one million three hundred thousand dollars (\$1,300,000.00) from Street Fund Reserves into Account #200-16-80100 Capital Expenditures for the purchase of a wood chipper for use by the Street Department;

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 _____, 2024.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Frankie Guyll, Street Department Superintendent

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Transportation Committee

RESOLUTION NO. R24-_____

A RESOLUTION ACCEPTING THE LOWEST QUALIFIED BID FOR CONCRETE SERVICES; AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH J&L CONCRETE AND EXCAVATION, INC. OF ROGERS, ARKANSAS FOR CONCRETE SERVICES; AND FOR OTHER PURPOSES.

WHEREAS, historically, the City may expend in excess of two million dollars (\$2,000,000.00) in a year on concrete services for its various departments and projects; therefore, the City is best served by utilizing the lowest qualified bidder in order to manage these costs;

WHEREAS, bids for continuing concrete and other services as needed were lawfully requested by and submitted to the City of Rogers; and

WHEREAS, bidders were asked to propose bids based upon historical usage data of the City, and J&L Concrete and Excavation, Inc. of Rogers, Arkansas is the lowest qualified bidder.

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

Section 1: The bid submitted by J&L Concrete and Excavation, Inc. of Rogers, Arkansas is hereby accepted;

Section 2: The Mayor and City Clerk may enter into a one-year contract with J&L Concrete and Excavation, Inc. of Rogers, Arkansas, for concrete and other services, with an option to renew said contract for an annual term for up to three (3) additional one-year terms;

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 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 _____, 2024.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: John McCurdy, Director of Community Development

Prepared by: John M. Pesek, Senior Staff Attorney

For Consideration By: Transportation Committee

ORDINANCE NO. 24-_____

AN ORDINANCE AMENDING CHAPTER 22 OF THE CITY OF ROGERS CODE OF ORDINANCES; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers desires to prevent adverse impacts from floodplain development activities and minimize public and private losses due to flooding events in and adjacent to identified special flood hazard areas and other high-risk areas; and

WHEREAS, the City desires to amend Chapter 22 of the City of Rogers Code of Ordinances to reflect the language and procedure used in the Unified Development Code.

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

Section 1: The definition of “Floodplain development permit” contained in Chapter 22 § 22-47 – Definitions of the City of Rogers Code of Ordinances is hereby amended to read as follows, and the Municode Corporation is hereby instructed to make said revision:

Floodplain development permit is a permit issued by the local floodplain administrator and is required before beginning any development in or adjacent to an area designated as a special flood hazard area on the community’s FIRM or other high risk areas. This permit is issued as a part of the Land Disturbance Permit.

Section 2: Chapter 22 § 22-105 – General Standards of the City of Rogers Code of Ordinances is hereby amended to replace all uses of the term “large scale development” with the term “site development” in this chapter, and the Municode Corporation is hereby instructed to make said revisions;

Section 3: Chapter 22 § 22-105 – General Standards of the City of Rogers Code of Ordinances is further amended to include the following additional paragraphs, and the Municode Corporation is hereby instructed to make said revision:

- (26) Improvements within floodways are limited to trails and recreation areas. Improvements within floodways must not impede the free flow of flood waters.
- (27) Special Flood Hazard Areas must be shown to be or remain at least 70% permeable with new development proposals. Floodways must be shown to be or remain at least 90% permeable.
- (28) Where a site contains Special Flood Hazard Area or other high risk areas, they must be clearly delineated on all plans and include the adjacent-to boundary delineation. 100-year WSEs or BFEs must be dedicated as drainage and recreation easements.

Section 4: Emergency Clause: The need to amend Chapter 22 of the City of Rogers Code of Ordinances as described in this Ordinance 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 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 _____, 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

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 24-_____

**AN ORDINANCE ADOPTING BY REFERENCE THE DRAINAGE CRITERIA
MANUAL FOR THE CITY OF ROGERS; PROVIDING FOR THE EMERGENCY
CLAUSE; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Rogers desires to adopt a new Drainage Criteria Manual to provide an efficient and reliable drainage system for its citizens in correlation with the Unified Development Code to promote and to protect the public health, safety, and general welfare; 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 Drainage Criteria Manual published on the Rogers City Clerk's website on June 23, 2024, in accordance with Ark. Code Ann. § 14-55-207;

Section 2: The Drainage Criteria Manual published on the Rogers City Clerk's website on June 23, 2024, hereby replaces all versions of the Drainage Criteria Manual previously in effect; and the Municode Corporation is hereby instructed to direct users from Chapter 14 to <https://codehub.gridics.com/us/ar/rogers-udo> where the Drainage Criteria Manual is housed;

Section 3: Emergency Clause: The need to adopt the Drainage Criteria Manual as described in Section 1 of this Ordinance 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 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 _____, 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
For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 24-_____

AN ORDINANCE ADOPTING BY REFERENCE THE ENGINEERING MANUAL FOR THE CITY OF ROGERS; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers desires to adopt a new Engineering Manual to provide updated policies, procedures, and standards for development and infrastructure projects in correlation with the Unified Development Code and to promote and protect the public health, safety, and general welfare; 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 Engineering Manual published on the Rogers City Clerk's website on June 23, 2024, in accordance with Ark. Code Ann. § 14-55-207;

Section 2: The Engineering Manual published on the Rogers City Clerk's website on June 23, 2024, hereby replaces all versions of the Engineering Manual previously in effect; and the Municode Corporation is hereby instructed to direct users from Chapter 14 to <https://codehub.gridics.com/us/ar/rogers-udo> where the Engineering Manual is housed;

Section 3: Emergency Clause: The need to adopt the Engineering Manual as described in Section 1 of this Ordinance 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 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 _____, 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

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 24-_____

AN ORDINANCE ADOPTING THE MASTER STREET PLAN FOR THE CITY OF ROGERS; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers desires to adopt the Master Street Plan to provide for adequate connectivity in rapidly developing areas in the city to better facilitate vehicular and pedestrian access in correlation with the Unified Development Code and Future Land Use Map and to promote and protect the public health, safety, and general welfare; and

WHEREAS, in regard to municipal planning, the adoption of plans, ordinances, and regulations may be executed in conformance with the procedure prescribed in Ark. Code Ann. § 14-56-422.

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 the updated Master Street Plan as shown as Exhibit "A";

Section 2: Emergency Clause: The need to adopt the Master Street Plan as described in Section 1 of this Ordinance 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 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 _____, 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
For Consideration By: Community Environment & Welfare Committee

EXHIBIT A

CITY OF ROGERS
MASTER STREET PLAN

DRAFT

The proposed street and trail plan is a draft. It is not intended to be used for construction purposes. The plan is subject to change. The plan is subject to change. The plan is subject to change.

- Adopted MSP**
- Express Freeway
 - Major Arterial
 - Future Major Arterial
 - Minor Arterial
 - Future Minor Arterial
 - Collector
 - Future Collector
- MSP - Proposed Edits**
- Major Arterial
 - Future Major Arterial
 - Collector
 - Future Collector
 - Future Minor Street
- Minor Streets**
- Recently Built or Under Construction
 - Future Street from adopted MSP
 - Roundabouts Existing/Under Construction
 - Roundabouts Proposed

- City of Rogers
- Floodplain
- Parcels
- Trails
- Existing
- Future



0 0.5 1
Miles
Web Date: 10/01/2014



ORDINANCE NO. 24-_____

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 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 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 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 _____ day of _____, 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

For Consideration By: Community Environment & Welfare Committee

Exhibit “A”

Chapter 2

Sec. 2-121. Neighborhood services unit duties and responsibilities.

- (a) The neighborhood services unit shall have responsibility for the investigation and enforcement of potential violations of the following Rogers City Code chapters:
- (1) ~~Chapter 14 (Development).~~ Uniform Development Code.
 - (2) Chapter 18 (Environment).
 - (3) Chapter 24 (Historic Protection and Preservation).
 - (4) Chapter 34 (Offenses), section 34-2 and section 34-5 only.
 - (5) Chapter 42 (Secondhand Goods).
 - ~~(6) Chapter 44 (Signs).~~
 - ~~(7)~~ Chapter 46 (Solid Waste).

Chapter 24

Sec. 24-2. Commission powers.

- (11) Periodically review the ~~city zoning ordinance (chapter 14, article VI)~~ Uniform Development Code and recommend to the planning commission and the city council any amendments appropriate for the protection and continued use of property within historic districts;

Chapter 50

Sec. 50-22. Uniform application requirements.

Cellular antenna towers for cellular telecommunications services or personal communications services may be allowed in the ~~A-1 agricultural district~~ T2 district, I-1 light industrial district and I-2 heavy industrial district with a ~~conditional use development~~ permit. Alternative cellular antenna towers may be allowed in any zone with the approval of a ~~conditional use development~~ permit. In either instance, the ~~conditional use development~~ permit must be approved prior to the submittal of the uniform cellular antenna tower application. The following regulations shall apply:

- (1) *Applicability.* Every entity, or a company that is engaged in the business of providing the required infrastructure to said entity, that proposes to construct a cellular antenna tower shall submit a completed uniform application to the planning commission. Where the planning commission finds that circumstances or conditions relating to the application of an alternative cellular antenna tower are such that one or more of the requirements of the uniform application listed below are not necessary or desirable for the protection of surrounding property or the

public health, safety, and general welfare, and that such special conditions or circumstances make one or more said requirements unreasonable, the planning commission, or its duly authorized representative, may modify or waive such requirement of the uniform application, either permanently or on a temporary basis. Any such modification or waiver shall be requested by the applicant, and the applicant shall submit a written justification for each requested modification or waiver. The planning commission shall not regulate the placement of antennas or related equipment on an existing structure. However, every entity choosing to locate an antenna or related equipment on an existing structure shall file with the city planning commission the name and address of the entity, the structures upon which the entity plans to place antennas or related equipment and the information set forth in subsections (2)e, f, r and t of this section.

(2) *Application requirements.* Applications for the construction of personal communications services shall include the following:

- a. The full name and address of the applicant.
- b. The applicant's articles of incorporation, if applicable.
- c. A geotechnical investigation report signed and sealed by a professional engineer registered in the state that includes boring logs and foundation design recommendations.
- d. A written report prepared by a professional engineer or land surveyor of findings as to the proximity of the proposed site to flood hazard areas.
- e. Latitude/longitude coordinates with associated reference datum, and clear directions to the proposed site, including highway numbers and street names, if applicable, with the telephone number of the person who prepared the directions.
- f. A copy of the lease or sale agreement for the property on which the tower is proposed to be located, including the portion of the agreement that specifies, in the case of abandonment, a method that the entity will follow in dismantling and removing the proposed cellular antenna tower, including a timetable for removal.
- g. The identity and qualifications of each person directly responsible for the design and construction of the proposed tower.
- h. A site development plan, signed and sealed by a professional engineer licensed in the state, that shows the proposed location of the tower and all easements and existing structures within 500 feet of the proposed site on the property on which the tower will be located, and all easements and existing structures within 200 feet of the access drive, including the intersection with the public street system. Additionally, the development plan shall show a survey, prepared by a surveyor licensed in the state. The survey shall be in accordance with all of the requirements of the city subdivision ordinance (~~chapter 14, article V~~ Unified Development Code) that shows lease lines or property lines, which upon approval, shall be recorded.

Sec. 50-23. Design Standards.

- 1) *Monopole, lattice and guyed towers.* Monopole, lattice, and guyed cellular antenna towers shall be permitted in the ~~A-1 agricultural district~~ **T2 district**, I-1 light industrial district, and I-2 heavy industrial district subject to the ~~conditional-use development~~ permit requirements of section 50-22.
- (2) *Minimum lot size.* Regardless of the minimum lot sizes listed in the specific zoning districts, or the city subdivision ordinance (~~chapter 14, article V~~ **Unified Development Code**), the lot size may be the minimum necessary to comply with the objectives and standards of this section.

Chapter 54

Sec. 54-233. Unlawful inflow connections, discharge of sewage and polluted waters generally.

- (i) *Storm sewers.* Stormwater and all other uncontaminated drainage may be discharged to such sewers as are specifically designated as storm sewers in accordance with other applicable provisions of this Code, including, without limitation, ~~chapter 14, article VII~~ **the Uniform Development Code**.

Appendix B

FEE SCHEDULE

~~Sec. 14-229, Large scale development fee.~~

~~Large scale development plan: \$200.00~~

~~Sec. 14-258(a), Nonresidential trailers requested pursuant to a large scale development plan.~~

~~Application for a nonresidential trailer: \$100.00~~

~~Sec. 14-582, Subdivision filing fees.~~

~~Preliminary plat: \$200.00~~

~~Final plat: \$200.00~~

~~Lot split: \$100.00~~

~~Lot line adjustment: \$100.00~~

~~Lot combination: \$100.00~~

~~Sec. 14-723(a)(1), Conditional use application fee.~~

~~Conditional use permit: \$100.00~~

~~Sec. 14-724(e)(4), Board of Adjustment appeals and variances.~~

~~Appeal: \$100.00~~

Variance: \$100.00

~~Sec. 14-727, Zoning or rezoning application.~~

~~Zoning or rezoning application: \$200.00~~

~~Sec. 14-796(n), Grading permit fees.~~

Total Project Area	Fee
1 acre or less	\$500.00
Greater than 1 acre	\$1,000.00

~~Sec. 44-3(2), Application for sign permit.~~

~~Application fee: \$10.00~~

~~Sec. 44-17(b), Alternative sign request fee: \$250.00~~

Uniform Development Code: Application Filing Fees

Preliminary Plat: \$500.00

Variance: \$500.00

Appeal: \$500.00

Administrative Adjustment: \$500.00

Vacation: \$500.00

Final Plat: \$500.00 per acre or fraction thereof, not to exceed \$5,000.00, plus \$10.00 per lot

Rezoning: \$500.00 per acre or fraction thereof, not to exceed \$5,000.00

Site Development Plan: \$500.00 per acre or fraction thereof, not to exceed \$5,000.00

Development Permit: \$250.00

Uniform Development Code: Resubmittal Fees

50% of the application filing fee, doubling with each subsequent resubmittal

Engineering Manual: Fees

Land Disturbance Permit (developments less than one acre): \$500.00

Land Disturbance Permit (developments greater than or equal to one acre): \$1,000.00

HECRAS Peer Review Fee: \$5,000.00