ORDINANCE NO. 16-103

AN ORDINANCE AMENDING CHAPTER 14 OF THE ROGERS CITY CODE CONCERNING DEVELOPMENT; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, pursuant to A.C.A §14-56-423 after adoption of plans, ordinances, and regulations and proper filing in the offices of city clerk and county recorder, no alteration, amendment, extension, abridgement, or discontinuance of the plans, ordinances, or regulations may be made except in conformance with the procedure prescribed in §14-56-422, or by a majority vote of the city council; and

WHEREAS, the language in the Rogers City Code providing for Development needs to be amended to better clarify the intent of the City Council; and

WHEREAS, updates to the code are needed to reflect contemporary planning and business practices and set clear, but fair, criteria for new development with a streamlined approval process, which will boost economic development and ensure that we have balanced growth in the coming years; and

WHEREAS, it is beneficial to the citizens of the City of Rogers that the Rogers City Code is clear, unambiguous, and accurately reflects state and local laws.

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

Section 1: That Chapter 14, of the Code of Ordinances, City of Rogers, Arkansas, is hereby amended to read as follows: see Exhibit "A", attached hereto and incorporated by reference as if set out word for word herein.

Section 2: That the Standard Specifications for Street and Drainage Construction is hereby adopted in Chapter 14, of the Code of Ordinances, City of Rogers, Arkansas by reference, as shown in the attached Exhibit "B", attached hereto and incorporated by reference as if set out word for word herein, three copies of which are on file in the office of the Rogers City Clerk.

Section 3: That the need to amend said City Code chapter is immediate and 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 its passage and approval.

Section 4: Grandfather Clause. That projects initiated prior to the effective date of this ordinance shall be governed by the Code of Ordinances, City of Rogers, Arkansas, as it existed immediately before the effective date of this ordinance. If the project is a Planned Unit Development under § 14-717, the project is initiated when the application has been filed and the fees have been paid for the concept plan. If the project is a Large-Scale Development Plan under Chapter 14, Article III, or a Subdivision under Chapter 14, Article V, the project is initiated when the application has been filed and the fee has been paid. Nonconforming uses created by this ordinance will be governed by § 14-720.

Section 5: Severability Provision. In the event that any section, paragraph, subdivision, clause, phrase, or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance as a whole, or any part

or provision, other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance shall be construed as if such invalid, unenforceable or unconstitutional provision or provisions had never been contained herein.

Section 6: 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 22nd day of November, 2016.

APPROVED:

C, GREG HINES,
Mayor

Attest:

PEGGY DAVID, City Clerk

CITY OF ROGERS SEAL CITY CLERK

Prepared by: Jennifer A. Waymack, Senior Staff Attorney

Chapter 14 - DEVELOPMENT [1]

Footnotes:

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State Law reference— Municipal building and zoning regulations, planning, A.C.A. § 14-56-101 et seq.

ARTICLE I. - IN GENERAL

Sec. 14-1. Definitions.

(a) Rules of Construction.

(1) The following definitions are applicable to Chapter 14 of the Rogers Municipal Code.

(2) If a definition under this § 14-1 conflicts with a definition under another section of Chapter 14 of the Rogers Municipal Code, the definition within the other section is the definition to be used for purposes of that other section.

(b) As used in Chapter 14:

(1) "Abutting":

(A) When used in the context of property lines, means having a property line or a district line in common at any point;

(B) When used in the context of structures, means sharing a wall at any point;

(C)(1) When used in the context of zoning, means having a common boundary at any point;

(2) Since zoning district lines fall to the centerline of a street, alley, or waterway, lots which appear physically separated abut at said district line;

(D) When used in the context of Right-of-Ways, means having a common boundary at any point;

(E) When used in the context of subdivisions, means having a common boundary at any point; and

(F) When used in the context of easement, means having a common boundary at any point;

(2) "Access" means the way or means by which a piece of property is approached or entered;

(3) "Accessory building" means a building or structure which:

(A) Is located on the same lot as the principle building or structure;

(B) Is subordinate to and serves a principal building or structure; and

(C) Is subordinate in area, extent, and purpose to the principal building or structure served;

(4) "Acre "means 43,560 square feet;

(5) "Addition" means any construction that increases the size of a building;

(6) "Adjacent":

(A) When used in the context of property lines, means having a property line or a district line in common at any point;

(B) When used in the context of structures, means sharing a wall at any point;

(C)(1) When used in the context of zoning, means having a common boundary at any point;

(2) Since zoning district lines fall to the centerline of a street, alley, or waterway, lots which appear physically separated are adjacent at said district line;

(D) When used in the context of Right-of-Ways, means having a common boundary at any point;

(E) When used in the context of subdivisions, means having a common boundary at any point; and

(F) When used in the context of easement, means having a common boundary at any point;

(7) "Adjoining":

(A) When used in the context of property lines, means having a property line or a district line in common at any point;

(B) When used in the context of structures, means sharing a wall at any point;

(C)(1) When used in the context of zoning, means having a common boundary at any point;

(2) Since zoning district lines fall to the centerline of a street, alley, or waterway, lots which appear physically separated adjoin at said district line;

(D) When used in the context of Right-of-Ways, means having a common boundary at any point;

(E) When used in the context of subdivisions, means having a common boundary at any point; and
(F) When used in the context of easement, means having a common boundary at any point;

(8) "Adult arcade" means any place to which the public is permitted or invited wherein coin operated or slug-operated or electronically, electrically, or mechanically controlled image-producing devices are maintained to show images to five or fewer viewers at one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas;

(9) "Adult bookstore" means a commercial establishment for which the principal business purpose is to offer for sale or rental for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, photographs, films motion pictures, videocassettes, video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas;

(10) "Adult cabaret" means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:

(A) Persons who appear in a state of nudity;

(B) Live performances which are characterized by the exposing of specified sexual activities or specified anatomical areas; or

(C) Films, motion pictures, videocassettes, slides or other photographic reproductions which are characterized by the depiction of specified sexual activities or specified anatomical areas;

(11) "Adult motion picture theater" means a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides or similar photographic reproductions are regularly shown, excluding those which are rated by the Motion Picture Association of America, which emphasize specified sexual activities;

(12) "Adult theater" means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity in live performances which are characterized by the exposure of specified sexual activities or specified anatomical areas;

(13) "Adult video store" means a commercial establishment for which the principal business purpose is to offer for sale or rent for any form of consideration any one or more of the following: books, magazines, periodicals or other printed matter, photographs, films motion pictures, videocassettes, video reproductions, slides or other visual representations which depict or describe specified sexual activities or specified anatomical areas;

(14) "Alley" means a permanent public service way, which affords only a secondary means of access to abutting property;

(15) "Anatomical areas" means:

(A) Less than completely and opaquely covered human genitals, pubic region, buttocks, and female breast below a point immediately above the top of the areola; or

(B) Human male genitals in a discernibly turgid state, even if completely and opaquely covered;

(16) "Architect" means an architect registered in the State of Arkansas and engaged in the practice of general architecture;

(17) "Arterial" means a street or road of high capacity which serves or is intended to serve as a principal traffic-way;

(18) "Attached building" means a building which shares a continuous wall, roof, floor, or other structural element with another adjacent building;

(19) "Attached dwelling" means adjoining dwelling units, each of which is separated from the others by one or more unpierced common walls extending from the ground to the roof;

(20) “Basement” means a basement as defined in the International Building Code as adopted by the Rogers City Council;

(21) “Buffer” means a strip of land reserved to protect or separate one type of land use, waterway, or geological feature from another;

(22) “Bufferyard” means land area typically containing trees, shrubs and other plants, berms, fences or walls and used to visibly separate one use from another or to block noise, lights, or nuisances;

(23) “Buildable area” means the space remaining for construction on a lot after the minimum area requirements have been met;

(24) “Building” means anything constructed, erected, or installed by man, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including but not limited to buildings, towers, and smokestacks;

(25) “Building façade” means the exterior area of a single building elevation that encompasses all of such elevation from ground or grade level to the top, and from one side to another side of the building;

(26) “Building height” means the maximum vertical distance as measured from the elevation of the natural grade level to the highest point of the roofline or parapet wall;

(27) “Building setback line” means a line beyond which no buildings or structures may be erected and beyond which no portion of a building or structure or roof overhang shall extend;

(28) “Cave Springs direct recharge area” means the areas designated zones 1 through 3 on the Cave Springs direct recharge area vulnerability zone map, as may be amended from time to time, Exhibit 10-2 of § 14-3;

(29) “Cave Springs direct recharge area vulnerability zone map” means the official map depicting vulnerability zones in the Cave Springs direct recharge area;

(30) “Cave Springs indirect recharge area” means areas outside the Cave Springs direct recharge area. See the official Cave Springs recharge area map, Exhibit 10-1, of § 14-3 and zone 4 on Exhibit 10-2, of §14-3 where a low volume of water that infiltrates the ground enters the Cave Springs recharge area;

(31) “Cave Springs recharge area” means all land areas in which water that infiltrates the ground migrates to Cave Springs as depicted on the official Cave Springs recharge area map as may be amended from time to time;

(32)(A) “Certificate of occupancy” means the official certification that a premises conforms to provisions of the zoning ordinance, the building code, and all adopted codes, and may be used or occupied.

(B) A certificate of occupancy is granted for new construction or for alteration or additions to existing structures, and any change of occupancy in existing building. Unless a certificate is issued, a structure cannot be occupied;

(33) “City engineer” means a professional, licensed engineer employed by the City of Rogers for the purposes of construction, floodplain management, drainage, and land development review;

(34) “Clearing” means the act of cutting, removing from the ground, burning, damaging, scalping, grubbing, or destroying:

(A) trees;

(B) stumps;

(C) hedges;
(D) brush;

(E) roots;

(F) logs;

(G) existing vegetation;

(H) and other natural obstacles;

(35) "Collector" means a street which, in addition to serving abutting properties, intercepts minor streets, and carries traffic to arterial street systems;

(36)(A) “Commercial” means pertaining to any business, trade, industry, or other activity engaged in for profit;

(B) “Commercial” does not include multi-family development;

(37) “Commercial waste” means any wastes produced as a byproduct of any industrial, institutional, or commercial process or operation, other than domestic sewage;

(38)(A) “Common open space” means that portion of land or an area of water or a combination of land and water within the site designated and intended for use and enjoyment of residents and owners of a development, and easily accessible to all the residents.

(B) “Common open space” does not include parking lots, streets, and other areas designed primarily for other than common recreational or open space use;

(39) “Complete streets" means streets that are designed and operated to enable safe access for all users, in that pedestrians, bicyclists, motorists, and public transportation users of all ages and abilities are able to safely move along and across a street;

(40) “Comprehensive Growth Map” means the future zoning plan of the City, as adopted by the City Planning Commission, approved by the City Council, and duly recorded in the office of the circuit clerk of the county;

(41) “Concept plat” means a generalized sketch of a proposed development containing sufficient information to assist the developer in complying with these regulations;

(42) “Conditional use” means uses which are:

(A) Not allowed by right in the particular zone;

(B) Permitted in the zone in which they are not allowed by right, with the approval by the Planning Commission; and

(C) Subject to special conditions as determined by the Planning Commission;

(43) “Construction plans and specifications” means detailed design plans and specifications to be used in the construction of streets, curb and gutter, sidewalks, drives, alleys, public utilities, building construction, addition or remodel, and other improvements;

(44) “Construction site” means any location where construction activity occurs;

(45) “Contaminated” means containing harmful quantities of pollutants;

(46) “Contour intervals” means topographic map lines connecting points of equal elevations;

(47)(A) “Contractor” means any person or firm performing or managing construction work at a construction site;

(B) "Contractor" includes but is not limited any construction manager, general contractor, or subcontractor that does earthwork, paving, building, plumbing, mechanical, electrical, or landscaping contractors, and material suppliers delivering materials to the site;

(48) “Corner lot” means a lot located at the intersection of two streets not sharing the common centerline;

(49) "Dead-end street" means a street having one end open to traffic and the other end permanently terminated;

(50) “Dedication” means land and improvements offered to the city, county, or state and accepted by them for public use, control, and maintenance;

(51) “Defined channel or bed” means an area that demonstrates clear evidence of the passage of water;

(52) “Detached building” means a building having no wall, roof, floor, or other structural element with another adjacent building;

(53) “Developer” means a person, firm, or corporation undertaking to develop a parcel of land or any other type of land development as defined in the regulations;

(54)(A) “Development” means the process of:

(i) Converting land to a new purpose by constructing buildings and making use of its resources; or
(ii) The construction of an addition to an existing improvement;

(B) “Development” includes but is not limited to subdivisions, mobile home parks, mobile home subdivisions, large-scale developments, tract splits, lot splits, farm divisions, streets, roads, bridges, storm drainage systems, communication towers, water and sanitary sewer systems, off-site improvements, landfills, commercial farms, airports, and public utilities;

(55) “Development activity” means any construction development, earth movement, clearing, or other site disturbance activity which requires:

(A) A permit; or

(B) Authorization from the City;

(56) “Development plan” means a drawing showing all proposed improvements to a piece of property;

(57) “Diameter” means a straight line passing from side to side of any figure or body through its center;

(58) “Discharge” means any addition or release of any pollutant, stormwater, or any other substance into storm drainage system;

(59) “Discharger” means any person who causes, allows, permits, or is otherwise responsible for a discharge, including but not limited to any owner of a construction site or industrial facility;

(60) “Disturbance permit” means a permit which authorizes site development activity in a direct recharge area or a buffer area and includes a disturbance plan and mitigation plan for site development;

(61) “Disturbance plan” means the plan for disturbance of lands in the Cave Springs direct recharge area and any associated buffer area, as required by the Cave Springs area karst resource conservation regulations;

(62) “Domestic sewage” means sewage originating primarily from kitchen, bathroom, and laundry sources, including but not limited to waste from food preparation, dishwashing, garbage grinding, toilets, baths, showers and sinks;

(63) “Double bituminous surface treatment” means double chip-and-seal;

(64) “Double frontage lot” means a lot having frontage on two non-intersecting streets;

(65)(A) “Driveway" means a travel-way installed, owned, and maintained by others and not part of the City street system intended to provide access to and from a lot, parcel, or tract of land.

(B) “Driveway” does not include a public or private street;

(66) “Dwelling” means any room or group of rooms located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and sanitation by one family;

(67) “Dwelling unit” means any room or group of rooms located within a structure forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking, and sanitation by one family;

(68) “Earthwork” means the disturbance of soils on a site associated with clearing, grading, or excavation activities;

(69) “Easement” means a grant by the property owner to the public, a corporation, or person of the use of land for specific purposes;

(70) “Eave” means the weather protective overhanging lower edge of a roof;

(71) “Engineer” means a professional engineer licensed in the State of Arkansas and engaged in the practice of civil engineering;

(72) “Exterior side yard” means the space between a side building setback line and the edge of a right-of-way, access easement, or street;

(73) “Fence” means a manmade barrier constructed to provide privacy or visual separation;

(74) “Fertilizer” means a substance or compound that contains an essential plant nutrient element in a form available to plants and is used primarily for its essential plant nutrient element content in promoting or stimulating growth of a plant or improving the quality of a crop;

(75) “Final plat” means a drawing which provides for data related to development of land for a subdivision which has been certified as to accuracy by land surveyor or civil engineer;

(76) “Fire protection water” means any water, and any substances or materials contained within water, used by any person to control or extinguish a fire, or to inspect or test fire equipment;

(77) “Flood Hazard Boundary Map” (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the areas within the boundaries of special flood hazards have been designated as Zone A;

(78) “Flood Insurance Rate Map” (FIRM) means an official map of a community on which the Federal Insurance Administration has delineated both the areas as of special flood hazards and the risk premium zones applicable to the community;

(79)(A) “Flood insurance study” means the official report provided by the Federal Insurance Administration.

(B) The report contains flood profiles, the water surface evaluation of the base flood, as well as the flood hazard boundary floodway map;

(80) “Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot;

(81) “Floor area” means the total area of all floors or a building measured to the outside surfaces of exterior walls and including halls, stairways, elevator shafts, attached garages, porches, and balconies;

(82) “Front lot line” means the property boundary line that runs common with and adjacent to the frontage or right-of-way of the street to which it is addressed;

(83) “Front yard” means the portion of a lot between the front building setback line and the public right-of-way, access easement or property line, whichever is closest to the front of the building as determined by the main entry to which the lot is addressed;

(84)(A) “Garbage” means putrescible animal and vegetable waste materials from the handling, preparation, cooking, or consumption of food.

(B) “Garbage” includes but is not limited to waste materials from markets, storage facilities, and the handling and sale of produce and other food products;

(85) “Groundwater” means any water residing below the surface of the ground or percolating into or out of the ground;

(86) “Gross acreage” means the total acreage of development including areas designated for internal streets and other public facilities;

(87) “Gross leasable area” means revenue producing portion of a structure;

(88) “Groundwater trough” means the groundwater trough depicted on the Cave Springs direct recharge area vulnerability zone map, Exhibit 10-2 of § 14-3;

(89) “Harmful quantity” means the amount of any substance that the stormwater coordinator determines will cause an adverse impact to storm drainage system or will contribute to the failure of the City to meet the water quality based requirements of the NPDES permit for discharges from the MS4;

(90) “Hazardous substance” means any substance listed in table 302.4 of 40 CFR 302;

(91) “Hazardous waste” means any substance that meets one of the two criteria:

(A) It has one of the following four characteristics:

(i) Ignitibility;

(ii) Corrosivity;

(iii) Reactivity; or

(iv) Toxicity (according to the toxicity characteristic leaching procedure or TCLP); or

(B) It is listed as hazardous waste in 40 CFR 261.31—261.33;

(92) “Household hazardous waste” (HHW) means any material generated in a household that would be classified as hazardous;

(93) “Health department” means the county or state health department;

(94) “Home occupation” means a business, profession, occupation, or trade conducted for gain or support entirely within a residential building, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential character of such building;

(95) “Illegal discharge” means any discharge to the storm drainage system that is prohibited under Article VII of this chapter;

(96) “Illicit connection” means any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drainage system;

(97) “Illicit discharge” means any discharge to the storm drainage system that is prohibited under Article VII of this chapter;

(98)(A) “Improvements” means a permanent addition to or betterment of real property that enhances its capital value

(B) “Improvements” includes but is not limited to streets, parking, grading, drainage structures, sidewalks, curbs, gutters, utility lines, bridges, landscaping, and buildings;

(99) “Industrial waste” means any wastes produced as a byproduct of any industrial, institutional, or commercial process or operation, other than domestic sewage;

(100) “Interior lot” means any lot located between corner lots within the same block and is not a corner lot;

(101) “Interior side yard” means the portion of a lot between the side building setback line and the property line;

(102) “Kip” means a unit of measure equal to 1,000 pounds;

(103) “Land alteration” means the process of grading, clearing, filling, excavating, quarrying, tunneling, trenching, grubbing, construction, or similar activities;

(104)(A) “Land development” means the process of:

(i) Converting land to a new purpose by constructing buildings and making use of its resources;
(ii) The construction of an addition to an existing improvement;

(B) “Land development” includes but is not limited to subdivisions, mobile home parks, mobile home subdivisions, large-scale developments, tract splits, lot splits, farm divisions, streets, roads, bridges, storm drainage systems, communication towers, water and sanitary sewer systems, septic systems, off-site improvements, landfills, commercial farms, airports, and public utilities;

(105) “Landscaping” means the location, arrangement, planting, and maintenance of:

(A) Trees;

(B) Shrubbery;

(C) Grass; and

(D) Other plant materials;

(106) “Large-scale development” means the development of a tract, lot, or parcel developed as a single improvement for commercial or multi-family purposes;

(107) “Liquid limit” means the moisture content at which a soil passes from a plastic state to a liquid state;

(108) “Losing stream” means a stream that is depicted on the Cave Springs direct recharge area vulnerability zone map, Exhibit 10-2 of § 14-3;

(109) “Lot” means a parcel of land legally defined in a recorded deed or a recorded plat, fronting a public dedicated right-of-way, access easement, or other approved private street;

(110) “Lot area” means the total horizontal area included within the lot;

(111) “Lot coverage” means the percent of lot area occupied by the ground area of principal and accessory buildings on such lot;

(112) “Lot depth” means the mean horizontal distance between the front lot line and the rear lot line, or the distance between the midpoint of the front lot and the midpoint of the rear lot line, whichever is greater;

(113) “Lot line” means the property boundary line;

(114) “Lot of record” means a parcel of land that is a lot:

(A) That has met the subdivision or lot-split requirements, and that is recorded on the records of Benton County, Arkansas land recorder's office;

(B) Described by a metes and bounds description which has been so recorded prior to the subdivision regulations in effect; or

(C) Exempt from those regulations referenced in (116)(A) and (116)(B) of this section;

(115) “Lot width” means the mean horizontal distance between the side lot lines of a lot measured at right angles to the depth; measurements shall be made at the front building setback line;

(116)(A) “Mechanical fluid” means any fluid used in the operation and maintenance of machinery, vehicles, or any other equipment.

(B) “Mechanical fluid” includes but is not limited to lubricants, antifreeze, petroleum products, oil, and fuel;

(117) “Mitigation plan” means the plan for mitigation of stormwater discharges into the groundwater in the Cave Springs direct recharge area as required by the Cave Springs area karst resource conservation regulations;

(118) “Mobile home subdivision” means the development or division of land into lots or parcels intended for a mobile home park;

(119) “Mobile washing” means power washing, steam cleaning, and any other method of mobile cosmetic cleaning of vehicles or exterior surfaces, engaged in for commercial purposes or related to a commercial activity that operates from a nonpermanent location moving from one location to another to provide service;

(120) “Modified Proctor” means a laboratory determination of the maximum density to which a soil can be compacted using a 10-pound hammer and an 18-inch drop following the method approved by the American Society of Testing and Materials (ASTM D1557) or the American Association of State Highway and Transportation Officials (AASHTO T180);

(121) “Multiple-family dwelling” means a dwelling for or occupied by more than two families;

(122)(A) “Municipal Separate Storm Sewer System” (MS4) means the system of conveyances owned and operated by the City and designed or used for collecting or conveying stormwater, and not used for collecting or conveying sanitary sewage;

(B) “Municipal Separate Storm Sewer System” (MS4) includes but is not limited to roads, streets, curbs, gutters, ditches, inlets, drains, catchbasins, pipes, tunnels, culverts, channels, detention basins, and ponds;

(123) “Nonconforming building” means an existing building which fails to comply with the relevant city regulations;

(124) Nonconforming structure” means an existing building which fails to comply with the relevant City regulations;

(125) “Nonconforming use” means any use being made of any land, building, or structure which does not comply with all of the regulations governing use for the zoning district;

(126) “Nonresidential” means a building intended for nonhabitable use and not intended for use as a residence;

(127) “Nonresidential trailer” means a trailer that is used:

(A) In support of project development;

(B) As an office; or

(C) For storage of tools or materials;

(128) “NPDES permit” means a permit issued by the EPA that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis;

(129)(A) “Oil” means a thick, viscous liquid that is insoluble in water but soluble in organic solvents and derived from animals, plants, or petroleum.

(B) “Oil” includes but is not limited to petroleum, fuel oil, crude oil, synthetic oil, motor oil, cooking oil, grease, sludge, oil refuse, and oil mixed with waste;

(130) “Off-street loading space” means an unobstructed, hard surface area no part of which is located in any street or public right-of-way and the principal use of which is for the standing, loading, or unloading of trucks and trailers;

(131) “Off street parking space” means a space for the parking of a motor-driven vehicle within a parking lot and having a permanent means of access to a street right-of-way without requiring passage through another parking space;

(132) “Parcel” means an area of land under one ownership separated by property boundary lines;

(133) “Parking lot” means any area subject to wheeled traffic including access areas used for which the primary intended use is parking;

(134) “Person” means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, other legal entity, or their legal representatives, agents, or assigns;

(135) “Pesticide” means a substance or mixture of substances intended to prevent, destroy, repel, or migrate any pest;

(136) “Pet waste” means excrement and other waste from domestic animals;

(137)(A) “Petroleum product” means a product that is obtained from distilling and processing crude oil and that is capable of being used as a fuel or lubricant in a motor vehicle or aircraft.

(B) “Petroleum product” includes but is not limited to motor oil, motor gasoline, gasohol, other alcohol blended fuels, aviation gasoline, kerosene, distillate fuel oil, No. 1 diesel, and No. 2 diesel;

(138) “Plan” means a fully dimensioned drawing which illustrates in detail all elements of a development proposal;

(139) “Planned unit development” (PUD) means a comprehensively planned residential, commercial, office, or warehouse-office land development project in which the standard requirements of the zoning ordinance and subdivision regulations may be varied to permit design flexibility, building clustering, grouping of open space, increased density, and alternative to public facility improvements;

(140) “Plastic index” means the difference between the liquid limit and the plastic limit of a soil;

(141) “Plastic limit” means the lowest moisture content at which a soil passes from a dry loose state to a plastic cohesive state;

(142) “Plat” means an engineering drawing which provides for all development of land and is certified as to accuracy by a land surveyor or engineer;

(143)(A) “Pollutant”, when used in the context of stormwater, means any substance attributable to water pollution.

(B) “Pollutant” includes but is not limited to rubbish, garbage, solid waste, litter, debris, yard waste, pesticides, herbicides, fertilizers, pet waste, animal waste, domestic sewage, industrial waste, sanitary sewage, wastewater, septic tank waste, mechanical fluid, oil, motor oil, used oil, grease, petroleum products, antifreeze, surfactants, solvents, detergents, cleaning agents, paint, heavy metals, toxins, household hazardous waste, small quantity generator waste, hazardous substances, hazardous waste, soil, and sediment;

(144) “Pollution”, when used in the context of stormwater, means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water that renders the water harmful, detrimental, or injurious to humans, animal life, plant life, property, or public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose;

(145) “Potable water” means water that has been treated to drinking water standards, if required, and is safe for human consumption;

(146) “Preliminary plan” means a drawing which provides for all required data, illustrating the details necessary to establish a development format with physical land features and usage;

(147) “Preliminary plat” means an engineering drawing which provides for all data related to a subdivision of land certified as to accuracy by a land surveyor or civil engineer, illustrating the details as necessary to establish a development format;

(148) “Principal building” means a building within which the main or primary use of the lot is conducted;

(149) “Principal use” means the use that fulfills the primary function of an establishment, institution, household, or other entity;

(150)(A) “Private drainage system” means all privately or publicly owned ground, surfaces, structures or systems, excluding the MS4, that contribute to or convey stormwater.

(B) “Private drainage system” includes but is not limited to roofs, gutters, downspouts, lawns, driveways, pavement, roads, streets, curbs, gutters, ditches, inlets, drains, catchbasins, pipes, tunnels, culverts, channels, detention basins, ponds, draws, swales, streams and any ground surface;

(151)(A) "Private street" means a travel-way installed, owned, and maintained by others and not part of the City street system intended to provide access to and from a lot, parcel, or tract of land;

(B) "Private street" does not include a driveway.

(152) "Public improvement plans" means engineering drawings subject to approval by the Director of the Department of Community Development or his or her designee for the construction of facilities or structures intended for public use including but not limited to drainage, streets, parks, trails, and sidewalks;

(153) "PSI" means pounds per square inch;

(154) "Qualified person" means a person who possesses the required certification, license, or appropriate competence, skills, and ability as demonstrated by sufficient education, training, and/or experience to perform a specific activity in a timely and complete manner consistent with the regulatory requirements and generally accepted industry standards for such activity;

(155) "Rear lot line" means that property boundary line which is generally parallel to and most distant from the front lot line of the lot;

(156) "Rear yard" means a portion of a lot between the rear building setback line and the public right-of-way, access easement, or rear property line, whichever is closest to the back of the building;

(157) "Release", when used in the context of stormwater, means to dump, spill, leak, pump, pour, emit, empty, inject, leach, dispose, or otherwise introduce into the storm drainage system;

(158)(A) "Residence" means a building or part of a building containing one or more dwelling units or rooming units.

(B) "Residence" does not include:

(i) Such transient accommodations as hotels, motels, tourist homes, or similar establishments;

(ii) Dormitories, fraternity houses, sorority houses, monasteries, convents, or similar establishments containing group living or sleeping accommodations; or

(iii) Nurses residences, sanitariums, nursing homes, or other sleeping or living accommodations in community facility buildings or portions of buildings used for community facility uses;

(159) "Residential district" means any land within the City limits zoned as R-E, R-SF, R-AH, R-DP, N-R, R-MF, R-MHC, R-RV or R-O;

(160) "Rezone" means an amendment to or change in the zoning ordinance reflecting a change or revision or modification of the zoning district boundary map;

(161) "Right-of-way" means an area of land granted, reserved by plat, or otherwise accepted and maintained for use for:

(A) Transportation;

(B) Utilities to, from, and over the land;

(C) Safety;

(D) Beautification; or

(E) Construction, maintenance, or removal of streets, sidewalks, trails, grading, and drainage;

(162) "Rubbish" means nonputrescible solid waste, excluding ashes, which consist of:

(A) Combustible waste materials, including paper, rags, cartons, wood, excelsior, furniture, rubber, plastics, yard trimmings, leaves, and similar materials; or

(B) Noncombustible waste materials, including glass, crockery, tin cans, aluminum cans, metal furniture, and similar materials that do not burn at ordinary incinerator temperatures (1,600 to 1,800 degrees Fahrenheit);

(163) "Sanitary sewage" means the domestic sewage, industrial waste, or combination of domestic sewage and industrial waste that is discharged into the City sanitary sewer system and passes through the sanitary sewer system to the city sewage treatment plant for treatment;

(164) "Sanitary sewer" means the system of pipes, conduits, and other conveyances:

(A) Which carry industrial waste and domestic sewage, whether treated or untreated from residential dwellings, commercial buildings, industrial facilities, manufacturing facilities, and institutions to the city sewage treatment plant; and

(B) To which stormwater, surface water, and groundwater are not intentionally admitted;

(165) "Sediment" means soil or mud that has been:

(A) Intentionally disturbed or naturally eroded; and

(B) Transported by water, wind, or gravity;

(166) "Septic tank waste" means any domestic sewage from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and aerated tanks;

(167) "Setback" means the distance which a building or other structure is set back from a right-of-way, access easement, or property line;

(168) "Sexually oriented business" means an adult arcade, adult bookstore, adult video store, adult cabaret, adult motion picture theater, or adult theater;

(169) "Side lot line" means a lot line other than a front or rear lot line;

(170) "Side yard" means the portion of a lot between the side building setback line and the public right-of-way, access easement, or side property line, whichever is closest to the side of the building;

(171) "Single-family detached dwelling" means a dwelling designed for and occupied by not more than one family;

(172) "Sinkhole" means a cavity in the ground, especially in limestone bedrock, caused by water erosion and providing a route for surface water to disappear underground;

(173) "Site" means the land or water area where any facility or activity is or will be physically located or conducted;

(174) "Site plan review" means the process whereby the Planning Commission and Department of Community Development review the site plans and plats of the developer to ensure that they meet the stated purposes and standards of Chapter 14, Article VI, Division 1;

(175)(A) "Solid waste" means any garbage, rubbish, refuse or other discarded material.

(B) "Solid waste" includes but is not limited to solid material, liquid material, semisolid material, or contained gaseous material, resulting from industrial operations, municipal operations, commercial operations, construction operations, mining operations, agricultural operations, residential activities, community activities, and institutional activities;

(176) "Specified Nudity" means:

(A) The appearance of the bare human buttocks, anus, male genitals, female genitals, or female breast; or

(B) A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast;

(177) "Specified sexual activities" means:

(A) Human genitals in a state of sexual simulation or arousal;

(B) Acts of human masturbation, sexual intercourse, or sodomy; or

(C) Fondling or other erotic touching of human genitals, pubic region, buttocks or female breast;

(178) "Spring" when used in the context of stormwater, means any point or localized area where water naturally flows to the surface of the earth from underground with a perennial flow and with flow rates at least five gallons per minute;

(179) "State of nudity" means:

(A) The appearance of the bare human buttocks, anus, male genitals, female genitals, or female breast; or

(B) A state of dress which fails to opaquely cover a human buttock, anus, male genitals, female genitals, or areola of the female breast; 14-718

(180) "Standard Proctor" means a laboratory determination of the maximum density to which a soil can be compacted using a 5½-pound hammer and a 12-inch drop following the method approved by the American Society of Testing and Materials (ASTM D698) and the American Association of State Highway and Transportation Officials (AASHTO T99);

(181)(A) "Storm drainage system" means all surfaces, structures, and systems that contribute to or convey stormwater.

(B) "Storm drainage system" includes but is not limited to private drainage systems, the MS4, surface water, groundwater, waters of the state, and waters of the United States;

(182) "Stormwater" means runoff resulting from precipitation;

(183) "Stormwater Pollution Prevention Plan" (SWP3) means a document that describes the best management practices to be implemented at a site, to prevent or reduce the discharge of pollutants;

(184) "Stream" means a flow of surface water sufficient to produce a defined channel or bed;

(185) "Street" means a strip of land, including the entire right-of-way, intended primarily as a means of vehicular and pedestrian travel which may also be used to provide space for sewers, utilities, trees, sidewalks, and sidepaths;

(186) "Street classification" means a description of the types of roadways within the City as determined by the master street plan illustrating right-of-way widths;

(187) "Street Superintendent" means the person designated by the Mayor to have overall responsibility of the City streets;

(188) "Structure" means anything constructed, erected, or installed by man, the use of which requires more or less permanent location on the ground or attached to something having a permanent location on the ground, including but not limited to buildings, towers, and smokestacks;

(189) "Structure Height" means the maximum vertical distance as measured from the elevation of the grade level to the highest point of the roofline or parapet wall;

(190)(A) "Surface water" means water bodies and any water temporarily residing on the surface of the ground;

(191) "Tree" is any self-supporting woody plant together with its root system, growing upon the earth with one trunk of at least two inches in diameter at a height of six inches above natural grade or a multi-stemmed trunk system with a definitely formed crown;

(192) "Two-family dwelling" means a dwelling designed for and occupied by not more than two families;

(193) "Uncontaminated" means not containing harmful quantities of pollutants;

(194) "Used oil" means any oil that as a result of use, storage, or handling, has become unsuitable for its original purpose because of impurities or the loss of original properties;

(195) "Utility agency" means private utility companies, city departments, or contractors working for private utility companies or city departments, engaged in the construction or maintenance of utility distribution lines and services;

(196) “Variance” means an exception from the strict application of the zoning requirements;

(197) “Wastewater” means any water or other liquid, other than uncontaminated stormwater, discharged from a facility;

(198) “Waters of the United States” means all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and the flow of the tide; all interstate waters, including interstate wetlands; all other waters the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce; all impoundments of waters otherwise defined as waters of the United States under this definition; all tributaries of waters identified in this definition; all wetlands adjacent to waters identified in this definition; and any waters within the federal definition of waters of the United States at 40 CFR 122.2, but not including any waste treatment systems, treatment ponds, or lagoons designed to meet the requirements of the Federal Clean Water Act;

(199) “Wetland” means any area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions;

(200) “Yard waste” means leaves, grass clippings, tree limbs, brush, soil, rocks, or debris that result from landscaping, gardening, yard maintenance, or land clearing operations;

(201) “Zoning district” means a section of a city designated in the zoning ordinance text in which requirements for the use of land and building and development standards are prescribed; and

(202) “Zoning district boundary” means that boundary line which separates unlike zoning districts.

Sec. 14-2. - Digging or construction of trenches.

(a) Prior to digging or construction of any trench deeper than four feet and seven-eighths inches (4’ 7/8”) within the corporate boundaries of the city, a person or other entity must first obtain a trench permit from the Rogers Fire Department.
(b) Without regard to soil classification, all trenches shall comply with Occupational and Safety Administration’s Excavation standards, 29 Code of Federal Regulations Part 1926, Subpart P.
(c) Any persons working, observing, or otherwise physically located in a trench shall be protected by the following means:
    1. Sloping shall be no steeper than 1.5:1
    2. Trench boxes shall be approved by a registered professional engineer
(d) The permit holder shall provide a warning system when mobile equipment is operated adjacent to the trench.
(e) The permit holder shall protect workers from loose rock or soil that could fall into trench.
(f) The permit holder shall provide a method for water removal or drainage from trenches.
(g) Trenches greater than four feet or deeper shall be provided with a safe means of egress for workers. Approved means of egress include:
    1. Ladders;
    2. Steps;
    3. Ramps; or
    4. Other safe means of egress pre-approved by a fire official.
(h) Heavy equipment shall be kept away from the trench edges.
(i) Trench inspections shall be conducted:
    1. At the start of the shift;
    2. Following a rainstorm; and
    3. After any occurrence that could have changed conditions in the trench.

(j) Any persons working, observing, or otherwise physically located in a trench shall wear high-visibility clothing or vest.

Sec. 14-3. - Cave Springs area karst resource conservation regulations.

(a) *Intent.* These Cave Springs area karst resource conservation regulations ("CSK regulations") are enacted to protect the water quality of the Cave Springs recharge area and to protect the aquatic habitat of Cave Springs, including but not limited to the habitat for the Ozark cavefish. The CSK regulations apply within the boundaries of the direct recharge areas of the City of Rogers, City of Springdale, City of Lowell, and Town of Cave Springs, Arkansas.

The protection of Cave Springs' aquatic habitat water quality shall be accomplished by managing and/or regulating certain new development activities that may adversely affect the water quality of the Cave Springs recharge area and any threatened and/or endangered species in the Cave Springs direct recharge area. The Cave Springs direct recharge area is characterized by variable soil conditions and losing stream segments which allow localized and concentrated discrete recharge. Discrete recharge waters rapidly enter the groundwater system and pose a significant threat to groundwater contamination with low dissolved oxygen.

Critical elements of this regulation are to establish stormwater detention basins and buffer zones from losing stream channels and water ways and to establish best management practices (BMPs) for new development activities. These CSK regulations require a disturbance permit for certain development activities and prohibit certain development activities in designated areas. Where development activity is permitted, a disturbance permit shall require best management practices which shall depend upon the type of development activity and the location of the activity. These CSK regulations also require the on-going maintenance of vegetation and/or stormwater structures when required with a disturbance permit. The presumptive habitat of the Ozark cavefish shown on Exhibit 10-1 is not a part of these CSK regulations.

(b) *Purpose.* The purpose of these CSK regulations is to permit the development of property in a manner which will not degrade or adversely affect the water quality of the Cave Springs direct recharge area which includes the following specific purposes:

(1) Establish effective water quality regulations to protect the Cave Springs recharge area through the use of stream buffers, runoff reduction practices, filtration, source controls, construction practices and control measures, waste water policies and practices, requirements for buried facilities that are potential pollutant sources, and spill prevention and control practices to protect the quality of water that enters the groundwater system.

(2) Minimize the discharge of water into the Cave Springs recharge area with contaminants, low dissolved oxygen, or other constituents that may degrade the Cave Springs aquatic habitat water quality.

(3) Reduce the rate at which surface flows enter the shallow groundwater system that sustains the Ozark cavefish to promote natural cleansing and treatment.

(4) Establish procedures and criteria which allow flexibility in the application of best management practices and permitted land uses to prevent degradation of the Cave Springs recharge area which may result from new development.

(5) Require the submittal of relevant and accurate information for development activities in order to determine the applicability of these CSK regulations and review disturbance permits.

(c)(1) As used in this section, best management practices (BMPs) means economically feasible conservation, construction management, site improvements, on-going maintenance and/or treatment practices that prevent, reduce or minimize degradation of water quality or prevent, reduce or minimize the increase of discrete recharge to the Cave Springs recharge area. "BMPs" may include a wide range of structural and nonstructural practices to be implemented in association with land disturbance, development and construction activities.

(2) The following vulnerability zones are established as shown on the Cave Springs direct recharge area vulnerability zone map, attached as Exhibit 10-2:

Zone 1 extremely high vulnerability means the area shown in red, adjacent to losing streams, or all lands within the Cave Springs groundwater trough.

Zone 2 high vulnerability means the area shown in orange outside the Cave Springs groundwater trough.

Zone 3 moderate vulnerability means the area shown in yellow outside the Cave Springs groundwater trough.

The following vulnerability zones are in the Cave Springs indirect recharge area:

Zone 4 low vulnerability with I-49 Corridor Highway BMPs means the area shown in green on Exhibit 10-2 and includes additional area that extends further east. Zone 4 includes the entire indirect recharge area as depicted on Exhibit 10-2.

(d) *Applicability.*

(1) *Effective date.* The CSK regulations shall apply only to development activities that occur in the Cave Springs direct recharge area after July 29, 2015 within the Cave Springs direct recharge area.

(2) *Applicability.* The CSK regulations shall apply to the following development activities:

a. Any development, including but not limited to residential, commercial, industrial, construction of public infrastructure, or other grading activity, that exceeds one acre in disturbance or is part of a larger common development [any project that requires a permit for stormwater discharge from ADEQ - state stormwater - Arkansas Department of Environmental Quality];

b. New or expanded industrial use, gas stations, laundromats, commercial development, mining, or hazardous material storage regardless of the size of the disturbance; and,

c. Subdivisions of tracts of land which create three or more lots or subdivisions which subdivide tracts of land greater than one acre.

(3) *Exemptions.* The following development activities shall be exempt from the application of these CSK regulations.

a. Pending applications that have received preliminary plat approval prior to the effective date of these CSK regulations, provided that such applications shall not be exempt if the final plat is denied or if the preliminary plat approval expires.

b. Development of single-family detached home on a residential lot which was subdivided and developed with public infrastructure prior to the effective date of these CSK regulations.

c. Residential or commercial development on a lot which existed prior to the effective date of these CSK regulations which does not cause the disturbance of one acre or more or which is not part of a larger common development.

(4) *More restrictive regulation applies.* In the interpretation and application of these CSK regulations the provisions herein shall be held to be minimum requirements for the promotion of the public health, safety and welfare. Whenever the requirements of these CSK regulations are more or less restrictive than the requirement of any other lawfully adopted rules, regulations or ordinances, including any applicable state or federal regulations, the more restrictive regulation or the regulation imposing the higher standards shall govern.

(e) *Disturbance permit.*

(1) *Disturbance permit required.* A disturbance permit shall be approved prior to any grading or development activity in vulnerability zones 1, 2 or 3.

(2) *Review officer or agency.* The review officer shall be the Director of the Department of Community Development or his or her designee unless the proposed development activity requires review by the Planning Commission and/or City Council, in which case the disturbance permit may be reviewed concurrently with other development applications as is determined appropriate and efficient by the Director of the Department of Community Development or his or her designee.

(3) *Final permit in writing.* The disturbance permit shall be in writing and shall include any conditions of approval.

(4) *Appeal.* The decision of the Director of the Department of Community Development or his or her designee or Planning Commission may be appealed to the ` in accordance with subsection (k).

(f) *Application submittal requirements.* In addition to other submittal requirements for site development applications, an applicant shall submit the information identified below for any site development that requires a disturbance permit pursuant to these CSK regulations.

(1) *Proposed disturbance.* A description of the proposed activity causing disturbance, including the amount, location and acreage of the area or wetland fill, removal or other alteration proposed, and location and extent of proposed disturbance in the inner and outer buffer zones.

(2) *Boundary map.* A map or diagram separately depicting the boundaries, if any, of the Cave Springs groundwater trough, the boundaries of zone 1, zone 2, and zone 3 vulnerability areas, and depicting the boundary of losing streams as defined on the Cave Springs direct recharge area vulnerability zone map as it affects the proposed development site.

(3) *Site map.* A map or diagram depicting the following features:

a. Delineation of inner buffer and outer buffer as determined by these CSK regulations.

b. Slope study map that indicates areas of less than three percent grade and areas of three percent or greater grade in the inner buffer and outer buffer areas.

c. Areas of erosive soils.

d. Areas with poor vegetative cover and areas of existing erosion.

e. Unstable stream reaches.

f. Storage areas for hazardous materials, fertilizers, or pesticides.

g. Wetlands and waterbodies.

h. Sanitary wastewater collection, storage, treatment, pumping facilities.

(4) *Proposed disturbance plan.* A proposed draft disturbance plan that includes the following elements:

a. *Grading plan.* A grading and erosion control plan, utilizing soil stabilization measures and practices to minimize the impacts of the proposed disturbance including a time frame for installation of erosion control measures.

b. *Revegetation plan.* Plan showing quantity and type of plant material to be used for revegetation, time frame for revegetation and proposed soil stabilization measures.

c. *Best management practices ("BMP") plan.* A plan to minimize or reduce the degradation of water quality and the increase of discrete recharge to the Cave Springs recharge area, including on-going maintenance requirements, through utilization of best management practices.

d. *Maintenance plan.* Where applicable, an enforceable plan for maintenance of structural elements of the disturbance plan.

(5) *Alternative analysis.* A statement and analysis of any practicable on-site development configuration alternatives to the proposed development activity causing disturbance which reduce or avoid such disturbances, including reduction in the scale of the proposed development.

(6) *Army Corps.* For activities that involve the fill of wetland areas, evidence of acceptance of the plan by the U.S. Army Corp of Engineers.

(g) *Review criteria.* The reviewing entity shall use the review criteria in this section for review of disturbance permits for site development in the direct recharge area. Disturbance permits shall meet all the applicable review criteria. In all cases where an application for a disturbance permit meets the applicable review criteria, an acceptable disturbance plan is required as a condition of issuance of disturbance permit.

(1) The disturbance plan shall comply with standards, criteria and best management practices of chapters 9 and 10 of the City of Rogers, Arkansas Drainage Criteria Manual, as may be amended from time to time.

(2) The disturbance plan shall meet the minimum requirements set forth in subsection (f)(4). Any required on-going maintenance in the disturbance plan shall be in a legal form that is enforceable by the City of Rogers, Arkansas against the property owner or legal entity and shall include provisions for recovery of costs for enforcement against the property owner of record.

(3) The disturbance permit is for a development activity that is permitted in the vulnerability zone.

(4) The proposed disturbance shall avoid any grading or disturbance in the inner buffer area and outer buffer areas (if applicable) except those permitted activities and uses as defined in subsection (j)(5)(a) which cannot be practically avoided if the following additional criteria are met:

a. The area of disturbance is minimized;

b. Adequate mitigation and best management practices are proposed in the disturbance plan; and,

c. Site restoration and re-vegetation is proposed.

(h) *Variance.* An applicant for a disturbance permit may apply for variance from compliance with the review criteria set forth in subsection (g) pursuant the review procedures and review criteria established in this subsection (h).

(1) *Review procedures.* Applications shall follow the same review procedures and shall provide the same minimum information as required for disturbance permits. In addition, the application for a variance shall identify those review criteria in subsection (g) from which a variance is sought and shall include a narrative and other appropriate descriptive material to describe why the requested variance or variances meet the review criteria set forth below. The application shall include any information or soil studies demonstrating that the actual soil types on the subject property are different than the soil types indicated in the vulnerability zones described in chapter 10 of the "Drainage Criteria Manual".

(2) *Review authority.* The review authority shall be the Planning Commission. Decisions of the Planning Commission may be appealed to the City Council in accordance with subsection (k).

(3) *Review criteria.* The review authority shall use the following review criteria as the basis for a decision on an application for a variance:

a. In all cases, conditions or mitigation may be imposed upon a variance to minimize the adverse impacts of the requested variance on the goals and objectives of the CSK regulations or to ensure compliance with approved disturbance plans; and,

b. At least one of the following criteria must be met:

1. The variance is needed to relieve hardship caused by the strict and literal interpretation of the disturbance permit review criteria which hardship is unique to the subject property due to unique characteristics, configuration, access, site conditions, or location of the subject property; or,

2. The relief from the strict or literal interpretation and enforcement of a specified regulation, criteria or best management practice is necessary to achieve compatibility and uniformity of treatment among sites in the vicinity or to attain the objectives of these CSK regulations without the grant of special privilege to the subject property; or,

3. The relief from the strict or literal interpretation and enforcement of a specified regulation, criteria or best management practice is minimized to the extent practical and the goals and objectives of these CSK regulations are otherwise met; or,

4. Soil studies are submitted that provide evidence the actual soils on the subject property are better than the soil types indicated in the vulnerability zone district designation and that the actual soil types allow for variance from the strict or literal interpretation and enforcement of a specified regulation, criteria or best management practice while still meeting the goals and objectives of these CSK regulations.

(4) *Required findings.* The review authority shall make the following written findings before granting a variance:

a. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same vulnerability zone;

b. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity;

c. That the variance is warranted for one or more of the following reasons:

1. The strict, literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the development code;

2. There are exceptional or extraordinary circumstances or conditions applicable to the site of the variance that do not apply generally to other properties in the same zone; or

3. The strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone district.

d. *Conditions.* A variance granted by the review authority may contain limitations as to time or disposition or use of the subject property in order to ensure that the stated purpose of the variance request is realized.

e. *Expiration.* The variance approval expires two years after approval if the disturbance permit is not commenced, provided that the review authority may approve a longer time period for the variance approval, including a permanent variance approval, as determined appropriate due to the circumstances and nature of the variance application.

(i) *Water quality protection zones.* The CSK regulations address three distinct water quality protection zones, including vulnerability zones, losing streams and associated inner and outer buffer zones, and the ground water trough.

(1) *Vulnerability zones.* Commercial and industrial are not allowed in zones 1 and 2 under City of Rogers, Arkansas Code of Ordinances Zoning Districts C-2, C-3, C-4, I-1, and I-2.

(2) *Losing stream.*

(3) *Groundwater trough.*

(4) *Amendment to vulnerability zone designation.* A property owner may apply to change the vulnerability zone designation from vulnerability zone 2 or zone 3 to vulnerability zone 3 or zone 4 pursuant to the procedures and review criteria set forth herein.

a. *Review procedures.* The application shall include the following minimum information:

1. *Site map.* A map or diagram depicting the following features:

i. Delineation of inner buffer and outer buffer as determined by these CSK regulations.

ii. Slope study map that indicates areas of less than three percent grade and areas of three percent or greater grade in the inner buffer and outer buffer areas.

iii. Areas of erosive soils.

iv. Areas with poor vegetative cover and areas of existing erosion.

v. Unstable stream reaches.

vi. Storage areas for hazardous materials, fertilizers, or pesticides.

vii. Wetlands and waterbodies.

viii. Sanitary wastewater collection, storage, treatment, pumping facilities.

2. *Boundary map.* A map or diagram separately depicting the boundaries of the Cave Springs groundwater trough, the boundaries of zone 1, zone 2, and zone 3 vulnerability areas, depicting the boundary of losing streams, and depicting the boundary of losing streams as defined on the Cave Springs direct recharge area vulnerability zone map as it affects the proposed development site.

3. *Soils and hydrogeologic conditions analysis.* A detailed analysis that accurately depicts the soil and hydrogeologic conditions on the subject property.

4. *Additional information and peer review.* The Director of the Department of Community Development or his or her designee or review authority may request additional information, studies or peer review, as deemed appropriate and relevant to providing sufficient information to evaluate the application for compliance with the applicable review criteria.

5. *Burden of proof.* The burden of proof shall be on the applicant to demonstrate that the existing vulnerability zone designation is not appropriate and that a new vulnerability zone designation is clearly warranted.

b. *Review authority.* The Planning Commission shall review and make a recommendation and the City Council shall review and take final action to approve or disapprove an application to change the vulnerability zone designation on the subject property.

c. *Review criteria.* The review authority shall use the following review criteria as the basis for a decision on an application to change the vulnerability zone designation:

1. The application clearly demonstrates and provides convincing evidence that the soil and hydrogeologic conditions on the entire subject property warrant inclusion in the requested vulnerability zone district; and,

2. The change of vulnerability zone district designation will not create a non-uniform or haphazard vulnerability zone district map, or result in vulnerability zone designations that split a property that will complicate administration and implementation of these CSK regulations on a property by property basis.

(j) *Buffer.* Inner and outer buffers are areas extending from the centerline of losing streams. The width of inner and outer buffer shall be determined by location within zones 1, 2 or 3, in accordance with Table 1-A below.

(1) *Applicability.* Buffer requirements apply to development activities within zones 1, 2 and 3.

(2) *Measurement.* The buffer shall be measured outward on each side of the centerline of a losing stream on a horizontal scale perpendicular to the channel centerline.

(3) *Inner buffer*. The inner buffer is restrictive and cannot be reduced or adjusted except as may be approved in a disturbance permit.

(4) *Outer buffer*. The outer buffer establishes an additional buffer area that extends beyond the inner buffer. The outer buffer may be reduced based on site specific conditions, proposed BMPs and proposed activities.

(5) *Uses/activities.* Certain uses and activities are permitted or prohibited in the buffer areas, which are described as follows:

a. *Permitted uses/activities.* Permitted uses and activities in the inner buffer include:

1. Open space;
2. Trails, biking/hiking paths;
3. Herbicide use in native landscaped areas should be as limited as possible within the buffer zone to small spot treatments. No utility corridor spraying is allowed. Herbicides must not be used when there is ponded or flowing water on the surface, all labeled instructions must be followed.
4. Utilities;
5. Road and bridge crossings;
6. Wetland mitigation, stream stabilization and stream restoration projects;
7. Projects to enhance or restore functions of buffer or stream;
8. Stormwater BMPs that are not economically feasible to locate in the outer buffer and must be located in the inner buffer to achieve desired function;
9. Maintenance activities associated with permitted uses and activities; and,
10. Uses and activities that are determined by the Director of the Department of Community Development or his or her designee to be similar to the uses and activities described above.

b. *Prohibited and restricted uses/activities.* Prohibited and restricted uses in the inner buffer include:

1. Grading, stripping, or other soil disturbing practices not related to a permitted use or activity;
2. Filling, dumping or storage of material not related to a permitted use or activity;
3. Draining the buffer area by construction of ditches, installation of under drains or other systems, or any grading or excavation work which has the effect of draining the buffer area which is not related to a permitted use or activity;
4. Use, storage, or application of pesticides, herbicides (except as permitted in subsection (j)(5)(a)(3) above), fertilizers, hazardous materials or toxic materials;
5. Fueling facilities and storage of fuel or petroleum products above or below ground;
6. Storage, repair or operation of motorized vehicles other than for maintenance of permitted activities and uses or for emergency response purposes;
7. Structures or other impervious surfaces, except paved trails and accessory outdoor recreational facilities including but not limited to: picnic tables, benches, sitting areas, subject to the requirements of a disturbance permit;
8. Land application of biosolids; and,

9. Other uses and activities that are determined by the Director of the Department of Community Development or his or her designee to pose an unacceptable risk to water quality of the receiving waters and the Cave Springs cave system.

(6) *Buffer table*. Table 1-A Buffer Width Determination sets forth the minimum inner buffer, the standard outer buffer, and adjustment factors which may decrease the outer buffer.

(k) As used in this section, the water quality standard is the designation of a body or segment of surface water in the state of Arkansas for desirable uses and the narrative and numerical criteria deemed by state or federal regulatory standards to be necessary to protect those uses.

Table 1-A - Buffer Width Determination

Cave Springs Outer Buffer Width Adjustment Worksheet

Note: Buffers apply to losing stream and other sensitive features that directly recharge the Cave Springs aquifer. Most losing streams are included in Zone 1; however, there may be losing stream segments and other sensitive features in Zones 2 and 3. Determination of reductions to outer buffer zone should be based on the section(s) of land that are directly affected by the considered reduction(s), rather than applied to the entire area of development. One or more of the reduction considerations can be applied to different areas of the development. Each side of the channel should be considered separately.

Buffer Condition	Zone 1 – Extremely High Vulnerability	Zone 2 – High Vulnerability	Zone 3 – Moderate Vulnerability
Maximum outer buffer width both sides of centerline of channel (feet)	300	200	100
Minimum inner buffer width both sides of centerline of channel (feet)	100	50	50
Eligible outer buffer width adjustment both sides of centerline of channel (feet)	200	150	50
Describe the portion and side of channel being considered (banks identified left to right looking downstream)	Ex. Clear Creek, Right Bank Buffer, 2000 feet through Green Acres Development (see attached map).		

Adjustment Factors	Buffer Adjustment (feet)	*Place "X" if applicable*	Buffer Adjustment (feet)	*Place "X" if applicable*	Buffer Adjustment (feet)	*Place "X" if applicable*
1 – Land Use						
1a – Parks and open space	-50		-40		-30	
1b – Large lot residential (>0.5 acre) or low-density (<2 units/acre)	-25		-20		-15	
1c – Residential high-density (>2 units/acre)	0		0		0	
1d – Office land use	0		0		0	
1e – Commercial land use	Not allowed per zoning without variance process		Not allowed per zoning without variance process		0	
1f – Industrial land use					0	
1g – Agricultural land use	0		0		0	
Total Land Use Width Adjustment (feet)	Sum of X's =		Sum of X's =		Sum of X's =	
2 – Average Ground Slope within 50 feet of edge of inner buffer (choose one)						
2a – 0-3% toward waterway	-10		-10		-10	
2b –Greater than 3% toward waterway	0		0		0	
Total Ground Slope Width Adjustment (feet)	Sum of X's =		Sum of X's =		Sum of X's =	
3 – Outer Buffer Zone Vegetation Characteristics within 50 ft of inner buffer (choose one)						
3a –Good dense, healthy vegetative cover (>80%)	-25		-20		-15	
3b – Existing fair cover (30-70%) to be restored to good (>80%)	-35		-30		-20	
3c –Existing poor cover (<30%) to be restored to good (>80%)	-50		-40		-30	
Total Filtration Characteristics Width Adjustment (feet)	Sum of X's =		Sum of X's =		Sum of X's =	
4 – Implementing Best Management practices (BMPs)						
4a – No below-surface disturbance within inner buffer	-20		-15		-10	
4b – No direct overland or piped discharge to inner buffer or losing stream	-25		-20		-15	
4c - Minimize directly connected impervious surfaces	-20	X	-15		-10	
4d – Stormwater pond designed in accordance with Karst Provisions of City Drainage Manual with additional media filtration layer	-100		-75		-50	
4e– Other stormwater quality BMPs from City Drainage Manual that provide the WQCV and media filtration of runoff (raingardens, media filters, and similar)	-100		-75		-50	
Total Best Management Practices Adjustment (feet)	Sum of X's =		Sum of X's =		Sum of X's =	
5 – Wastewater Disposal Quantities & Quality						
5a – City Gravity Sewer System	0		-25		-25	
5b – Pumped Effluent Sewer System	0		0		-25	
5c– Septic Tank & Leaching Fields	Not allowed without variance process		Not allowed without variance process		Not allowed without variance process	
5d–Utility trenches constructed with cutoffs in trench to minimize preferential flow through trench bedding	-25	X	-20		-15	
Total Wastewater Disposal Width Adjustment (feet)	Sum of X's =		Sum of X's =		Sum of X's =	
TOTALS						
Outer Buffer Adjustment Total (feet) - Total of adjustments for items with "X" =						
Eligible Outer Buffer Width Adjustment from Centerline of Channel	200		150		50	
Adjusted Outer Buffer 200 feet - Total of Adjustments, Minimum of zero (0) =						
Total Buffer Width required From Centerline of Channel after adjustments) (feet) Inner Buffer + Adjusted Outer Buffer =						

(l) *Appeals.* This section sets forth the procedures to appeal a decision of the Planning Commission which is made pursuant to these CSK regulations. Only a final decision of the Planning Commission may be appealed. Recommendations to a decision making authority are not subject to appeal.

(1) *Appeal procedures.* An appeal may be submitted by an applicant for a disturbance permit or by any other party with standing. The appellant must provide a written request for appeal of a decision of the Planning Commission to the City clerk within 14 days after the date of the decision. The City Council shall conduct a public hearing within 65 days of receipt of a written request for appeal. Written notice of the public hearing date, time and location shall be mailed to the appellant via first-class U.S. mail at least ten days prior to the public hearing, unless the appellant agrees to a shorter time frame and a different notification method.

(2) *Review authority.* The City Council shall review appeals of decisions of the Director of the Department of Community Development or his or her designee after conducting a public hearing. The City Council shall render the final decision on an appeal.

(3) *Review criteria.* The City Council shall use the applicable review criteria for a disturbance permit set forth in subsection (g). The City Council shall review decisions de novo.

(4) *Decision.* The City Council shall, in writing, confirm, modify or reverse the decision within 35 days of holding the public hearing on the appeal. Any decision by the City Council that results in action modifying or reversing the decision of a city body or officer shall describe the specific reasons for the modification or reversal. Action of the City Council shall become final immediately. Failure of the City Council to act within the 35 days of holding the public hearing on the appeal shall be deemed action confirming the decision unless the applicant consents to an additional time extension.

(5) *City Council decision final.* A decision of the City Council is final. An aggrieved person may appeal a decision of the City Council to the district court or to another Arkansas state court or federal court of competent jurisdiction.

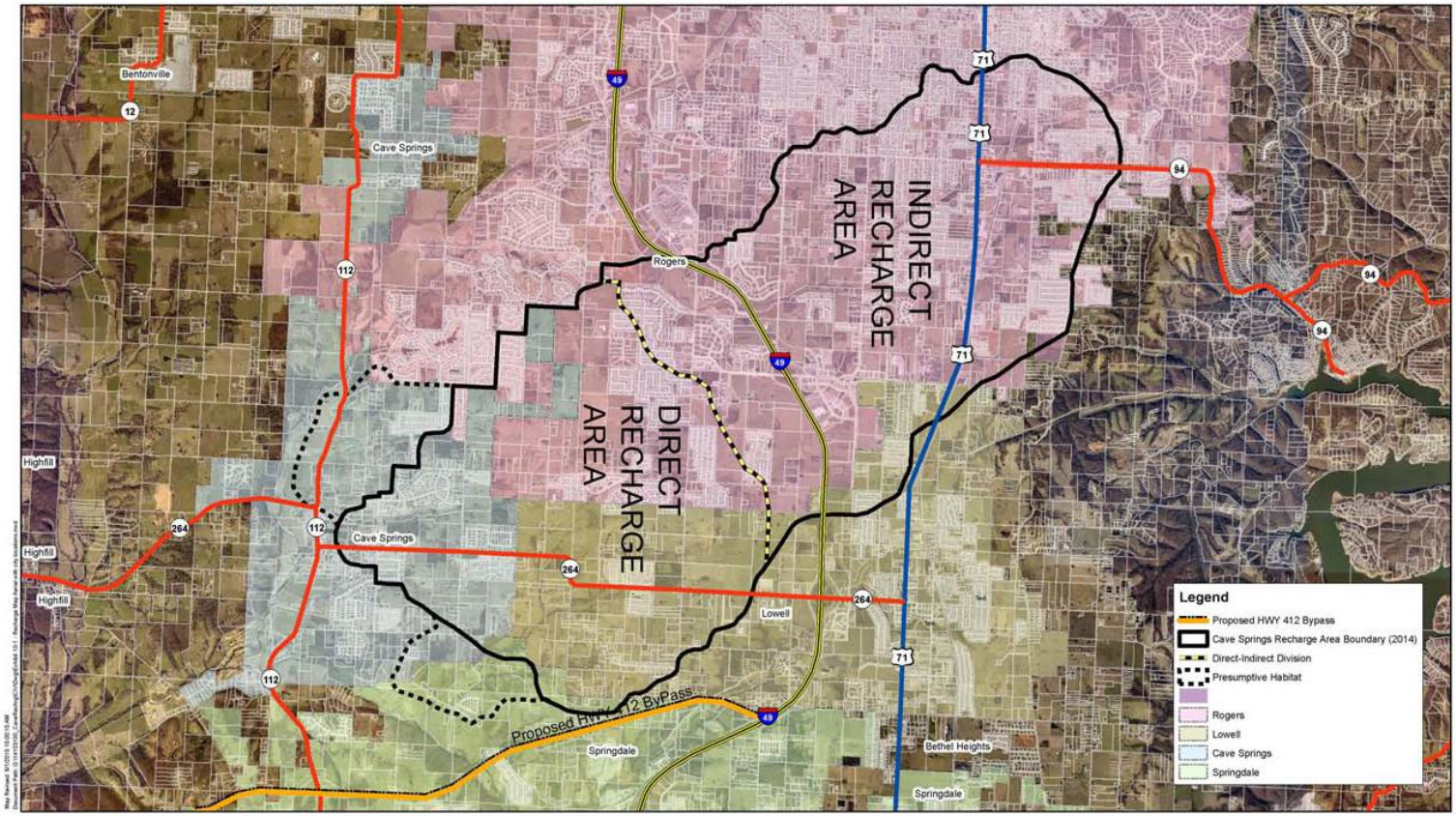
(m) *Enforcement.*

(1) In addition to any other criminal penalties that may be prescribed by state law, any development activity which fails to obtain a permit required by these CSK regulations shall be deemed a violation of these CSK regulations.

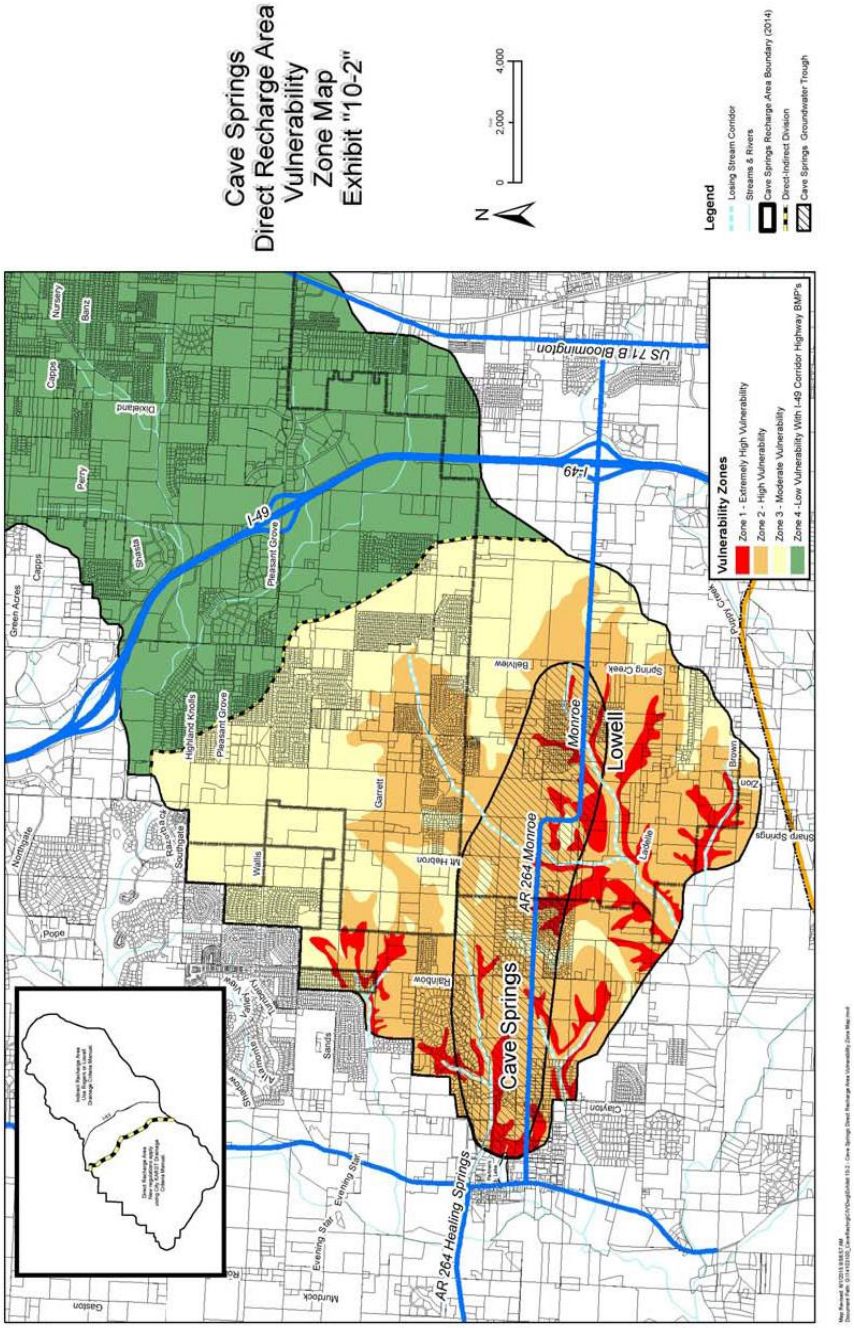
(2) In addition to any other criminal penalties that may be prescribed by state law, any development activity which fails to abide by the terms and conditions of a disturbance permit issued pursuant to these CSK regulations shall be deemed a violation of these regulations.

(3) In addition to any criminal penalties that may be prescribed by state law, every person violating any provision of these CSK regulations shall be deemed to have committed a violation for each and every day or portion of a day during which any violation is committed, continued or permitted and shall be subject to the penalties contained in Rogers City Code section 1-5.

(4) In addition to any other criminal penalties that may be prescribed by state law, and in addition to other fines and penalties established herein for violations of this CSK regulation, the City of Rogers, Arkansas may seek an injunction requiring complete restoration of any area disturbed in violation of this CSK regulation, or payment in lieu of restoration, and may issue stop work orders, withhold any further permits for site development and cease the processing of any site development applications related to the property, project or owner that violates the provisions of this CSK regulation.



Cave Springs Area Karst Resource Conservation Study
Rogers, Lowell, Cave Springs, Springdale
Direct & Indirect Recharge Area Location
Exhibit "10-1"



(Ord. No. 15-98, § 1(Exh. A), 7-28-2015)

Secs. 14-4—14-18. - Reserved.

ARTICLE II. - DESIGN CRITERIA AND CONSTRUCTION SPECIFICATIONS FOR DIVISION, DEVELOPMENT AND IMPROVEMENT OF LAND

DIVISION 1. - GENERALLY

Sec. 14-19. - Purpose and application of chapter.

(a) *Purpose.* The purpose of these regulations is to set forth the procedures, criteria and specifications for development of streets, sidewalks, sidepaths, and drainage including inspection, sampling and acceptance of same.

(b) *Authority.* This chapter is adopted in accordance with the authority granted by the laws of the state.

(c) *Jurisdiction.* This chapter applies to all lands in the City and its planning area jurisdiction where the subdivision of land is being regulated.

(Code 1997, § 111-1; Ord. No. 04-56, § 5, 5-25-2004; Ord. No. 15-100, § 1(Exh. A), 7-28-2015)

Sec. 14-20. – Abbreviations.

The following abbreviations when used in this chapter, shall represent the following descriptions:

AASHTO means American Association of State Highway and Transportation Officials.

AASHTO T 99 (standard proctor) means a laboratory determination of the maximum density to which a soil can be compacted using a 5½-pound hammer and a 12-inch drop.

AASHTO T 180 (modified proctor) means a laboratory determination of the maximum density to which a soil can be compacted using a ten-pound hammer and an 18-inch drop.

ACHM means asphaltic concrete hot mix.

ADT means average daily traffic.

AHTD means Arkansas State Highway Transportation Department.

ASTM means American Society for Testing and Materials.

CS base means crushed stone base.

CT base means cement treated base.

DBS means double bituminous surface treatment

EAL means equivalent axle load, usually 18 kip EALs.

FHWA means Federal Highway Administration.

LL means liquid limit.

MUTCD means Manual on Uniform Traffic Control Devices

PI means plastic index.

PL means plastic limit.

PROWAG means the 2011 proposed Guidelines for Pedestrian Facilities in the Public Right of Way until such time as the final rule is adopted at which time the adopted Guidelines shall be used.

PSI means pounds per square inch.

(Code 1997, § 111-2; Ord. No. 04-56, § 5, 5-25-2004)

Secs. 14-21—14-43. - Reserved.

DIVISION 2. - CONSTRUCTION

Sec. 14-44. - Street geometry.

Requirements	Minor	Collector	Minor Arterial	Major Arterial
Minimum greenspace widths	4.5 feet*	6 feet	6 feet	6 feet
Minimum row width	50 feet	70 feet	80 feet	100 feet
Minimum fore/back slope	3:1/2:1	3:1/2:1	3:1/2:1	3:1/2:1
Pavement width	30/31 feet B-B*	42 feet B-B	48 feet B-B	68 feet B-B
Pavement thickness	3” Asphalt/ 6”Base 8” Concrete/4”Base	See Note 1	See Note 1	See Note 1
Parking	One side*	No parking	No parking	No parking
Sidewalks	5 feet both sides	6 feet	NA	NA
Sidepaths	NA	10 feet	10 feet both sides	10 feet both sides
Design speed	25 mph	30-35 mph	35-40 mph	40-45 mph
Sight distance	250 feet	275 feet	300 feet	350 feet
Intersection to curb cut/drive (CL drive to ROW of intersecting street)	40 feet	100 feet	250 feet	250 feet
Minimum horizontal radius at centerline	150 feet	500 feet	800 feet	800 feet (use 2% super)
Minimum curb radius	30 feet	30 feet	40 feet	50 feet
Minimum street jog	See Note 2			

Minimum horizontal tangent between reverse curves	100 feet	300 feet	400 feet	400 feet
Vertical curves	Required at any grade change ≥1%, per AASHTO "A Policy on Geometric Design of Highways and Streets", current edition			
Vertical grade	8% maximum (10% with special justification)			
Minimum intersection angle	75 degrees for all classes			
Maximum residential driveway width	36 feet for all classes			
Maximum commercial/industrial drive width	40 feet for all classes			
Bridge/culvert design	HL-93 loading for all classes, LRFD			

*Varies, see typical section details.

Note 1: The structure of all pavement sections collector and greater shall be designed by a licensed engineer based on a geotechnical investigation. For minor streets, see section 14-45.

Note 2: Normally the distance shall be 150 feet, however this distance may be varied in unusual terrain and topography.

Note 3: In hilly terrain the approach speed may be reduced to 20 mph; the sight distance reduced to 70 feet. If the intersection is signalized, the approach speed will be the posted speed of the road.

General Requirements:

Any street or roadway construction involving federal and/or state highway department funds shall meet the federal/state requirements.

Any sidewalk or crosswalk within public right of way shall be designed to meet PROWAG requirements.

Intersection right of way control shall follow MUTCD guidelines including but not limited to Chapter 2B Section 2B.01 through 2B.10. Four-way stop conditions should be avoided on low volume streets because there will be a tendency for the stop to be ignored and that has potential to train drivers that 4-way stops don't really mean "stop." Any proposal for four-way stops must be reviewed and approved by the Department of Community Development.

Any street stubbed out for future connection by others shall be labeled as such on the plan set. A MUTCD Type III barricade shall be erected at the end and a sign affixed to it which states "Future Road Extension". When adjacent property is developed, it shall connect to the stubbed out street.

Streets in a proposed subdivision must connect, where feasible, to existing streets in abutting platted subdivisions. Any subdivision which abuts a similar use per the Comprehensive Growth Plan shall stub out a minimum of one street to that adjacent property. Additional connections may be required by the Director of the Department of Community Development or his or her designee based on size of adjacent property.

Traffic calming methods are required in the design of subdivision streets. Tangent lengths shall not exceed 500 feet for Minor Streets. Studies indicate that operating speeds were 30 mph or less when the tangent sections were no longer than 500 feet. Long tangent sections can be segmented by conditions that require a complete stop, such as T intersection or by conditions that require reduced speeds such as a traffic calming device. Devices that are suggested for new subdivisions include roundabouts, traffic circles, chicanes, and curb extensions (bulbouts). Provisions shall be made to accommodate bike lanes if proposed. Curb extensions and chicanes shall be designed with minimum 20-foot internal radii and 10-foot external radii on all transitions to accommodate street sweepers.

All public streets and public rights-of-way/easements shall be dedicated to the public using the following language:

We, the undersigned owners of the real estate shown and described herein, do hereby acknowledge that we have the legal right and authority to make the property interest grants contained on and within this document. We, the undersigned owners of the real estate shown and described herein, do hereby establish, grant, and dedicate to the City of Rogers, Arkansas the rights-of-way, easements, streets, and alleys as shown on this plat for public use, benefit, and access. The City of Rogers is further granted the rights of ingress and egress to and from said rights-of-way, easements, streets, and alleys. The City of Rogers is also granted the right and authority to maintain, service, and improve said rights-of-way, easements, streets, and alleys and the improvements contained therein. Any right or authority granted above specifically regarding maintenance, service, or improvement shall be exercised in a manner chosen at the discretion of the City of Rogers. Said rights-of-way, easements, streets, and alleys shall be for the benefit of the City of Rogers and all of its franchised utility providers. The City of Rogers and its franchised utility providers shall have the right and authority to cut, trim, or remove trees, shrubs, and other vegetation within said rights-of-way, easements, streets, and alleys. The City of Rogers and all of its franchised utility providers shall also have the right and authority to prohibit the erection of building, structures, or fences within said rights-of-way, easements, streets, and alleys.

All plats containing private streets and public easements shall be dedicated using the following language:

We, the undersigned owners of the real estate shown and described herein, do hereby acknowledge that we have the legal right and authority to make the property interest grants contained on and within this document. We, the undersigned owners of the real estate shown and described herein, do hereby establish, grant, and dedicate to the City of Rogers, Arkansas the easements as shown on this plat for public use and benefit. The City of Rogers is granted the rights of ingress and egress to and from said easements. The City of Rogers is granted unrestricted access to the platted private streets for purposes of access for emergency service personnel. The City of Rogers is granted the right and authority to maintain, service, and improve said easements and the improvements contained therein. Any right or authority granted above specifically regarding maintenance, service, or improvement shall be exercised in a manner chosen at the discretion of the City of Rogers. Said easements shall be for the benefit of the City of Rogers and all of its franchised utility providers. The City of Rogers and its franchised utility providers shall have the right and authority to cut, trim, or remove trees, shrubs, and other vegetation within said easements. The City of Rogers and all of its franchised utility providers shall also have the right and authority to prohibit the erection of building, structures, or fences within said easements.

(Code 1997, § 111-10; Ord. No. 04-56, § 5, 5-25-2004; Ord. No. 05-75, 5-24-2005; Ord. No. 12-27, § 1(Exh. A), 2-28-2012; Ord. No. 15-100, § 1(Exh. B), 7-28-2015)

Sec. 14-45. - Minimum pavement section by street and soil classification.

(a) For a minor street, the street shall have either a three-inch surface course and a six-inch Class 7 aggregate base or an eight-inch Portland cement unreinforced concrete surface course (with contraction joint spacing at a maximum of 15-feet) over four-inches of Class 7 aggregate base paving section. If the street is greater than a minor street, the engineer must submit a formal design, using PCA, The Asphalt Institute, AASHTO, or other higher formal pavement design procedures and be tested by a certified laboratory.

(b) For a minor street, the street will have six-inch Class 7 base and three-inch surface course. If the street is greater than a minor street, the engineer must submit a formal design only, using PCA, The Asphalt Institute, AASHTO or other higher formal pavement design procedures and be tested by a certified laboratory.

(c) Unless otherwise approved by the Street Superintendent or Director of the Department of Community Development or his or her designee, all PCC pavements shall have a minimum of two inches of Class 7 base unless the Street Superintendent or the Director of the Department of Community Development or his or her designee specifies a thicker depth, but in no case shall the depth of the Class 7 base exceed four inches.

(Code 1997, § 111-11; Ord. No. 04-56, § 5, 5-25-2004; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

Sec. 14-46. - Complete streets.

(a) *Policy.* The City shall develop a safe, reliable, efficient, integrated and connected multimodal transportation system that will promote access, mobility and health for all users, and will promote the safety and convenience of all users of the public transit, people of all ages and abilities, motorists, emergency responders, freight providers and adjacent land users.

(b) *Scope of applicability.*

(1) All city-owned transportation facilities in the public right-of-way including, but not limited to, streets, bridges and all other connecting pathways shall be designed, constructed, operated, and maintained so that users of all ages and abilities can travel efficiently and in an independent manner.

(2) Privately constructed streets and parking lots shall adhere to this policy.

(3) The City shall foster partnerships with the State of Arkansas, Benton County, Northwest Arkansas Regional Planning Commission, Northwest Arkansas Council, neighboring communities, business and school districts to develop facilities and accommodations that further the City's complete streets policy and continue such infrastructure beyond the City's borders as allowed by law.

(4) The City shall approach every transportation improvement and project phase as an opportunity to create safer, more accessible streets for all users. These phases include, but are not limited to: planning, programming, design, right-of-way acquisition, construction, construction engineering, reconstruction, operation and maintenance. Other changes to transportation facilities on streets and rights-of-way, including capital improvements, re-channelization projects and major maintenance, must also be included.

(c) *Exceptions.*

(1) Any exception to this policy, including for private projects, must be reviewed and approved by the Rogers Planning Commission, or their designee, and be documented with supporting data that indicates the basis for the decision. Such documentation shall be publicly available.

(2) A request for an exception that is denied under subsection (d)(1) above may be appealed to the Planning Commission by filing with the City clerk within ten days' time.

(3) Exceptions may be considered for approval when:

a. An affected roadway prohibits, by law, use by specified users (such as interstate freeways or pedestrian malls), in which case reasonable attempts shall be made to accommodate those specified users elsewhere, including on roadways that cross or otherwise intersect with the affected roadway;

b. The activities are ordinary maintenance activities designed to keep assets in serviceable condition (e.g., mowing, cleaning, sweeping, spot repair and surface treatments such as chip seal or interim measures);

c. The Rogers Planning Commission, or their designee, issues a documented exception concluding that the application of complete streets principles is unnecessary, unduly cost prohibitive, or inappropriate because it would be contrary to public safety; or

d. Other available means or factors indicate an absence of need, including future need.

(d) *Design standards.* The City shall follow nationally recognized design standards and use the best and latest design standards available. These standards include, but are not limited to: ITE Designing Walkable Urban Thoroughfares: A Context Sensitive Approach; AASHTO Guide for Development of Bicycle Facilities, AASHTO Guide for Planning, Designing and Operating Pedestrian Facilities, NACTO Urban Street Design Guide, and the NACTO Urban Bikeway Design Guide.

In recognition of context sensitivity, public input and the needs of many users, a flexible, innovative and balanced approach that follows other appropriate design standards may be considered, provided that a comparable level of safety for all users is present.

(e) *Performance measures and reporting.*

(1) The City shall measure the success of this complete streets policy using, but not limited to, the following performance measures:

a. Total miles of bike lanes.

b. Linear feet of new pedestrian accommodation.

c. Number of new curb ramps installed along City streets.

d. Crosswalk and intersection improvements.

(2) An annual report will be made to the Rogers Mayor and City Council by the Department of Community Development showing progress made in implementing this policy. The annual report on the annual increase or decrease for each performance measure contained in this section compared to the previous year(s) shall be posted on-line for each of the above measures.

(f) *Implementation.*

(1) The City of Rogers shall view complete streets as integral to everyday transportation decision-making practices and processes. To this end:

a. The Department of Community Development, and other relevant departments, agencies, or committees will incorporate complete streets principles into all existing plans, manuals, checklists, rules, regulations, and programs as appropriate (including, but not limited to the downtown revitalization effort, the comprehensive growth plan, bond election programming, and other appropriate plans);

b. The Department of Community Development, and other relevant departments, agencies, or committees will review current design standards, including subdivision regulations which apply to new roadway construction, to ensure that they reflect the best available design standards and guidelines, and will implement complete streets, where feasible;

c. When available, the City shall encourage staff professional development and training on non-motorized transportation issues;

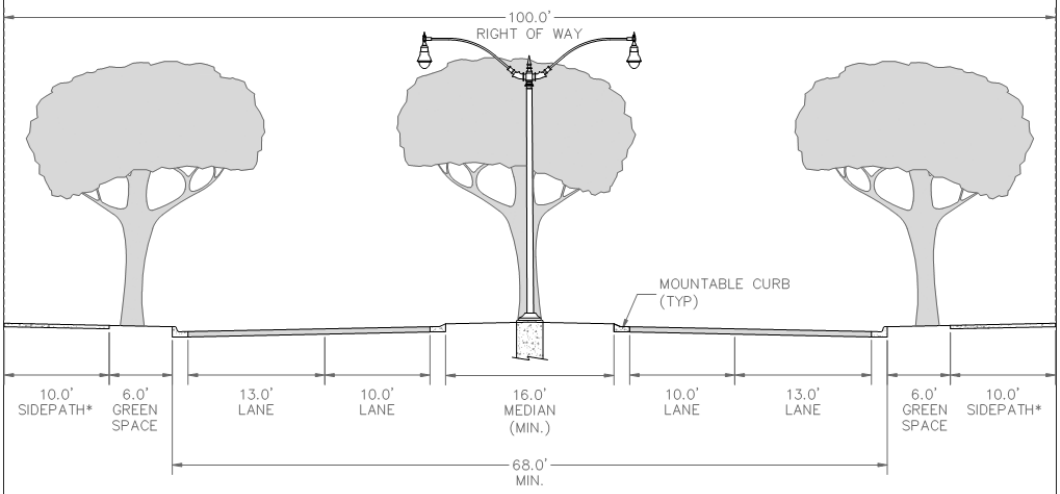
d. City staff shall identify all current and potential future sources of funding for street improvements and recommend improvements to the project selection criteria to support complete streets projects;

e. The City shall promote inter-departmental project coordination among City departments with an interest in the activities that occur within the public right-of-way in order to better use fiscal resources;

f. Complete streets project shall include signage and striping to ensure that all users of the transportation system understand and can safely utilize complete streets project elements as appropriate.

(g) *Typical sections.* See [following graphics] 1—6 for detail.

MAJOR ARTERIAL STREET



* SIDEPATHS SHALL BE CONCRETE AND MATCH THE TRAIL DETAIL FOR JOINTING AND BASE EXCEPT EXPANSION JOINTS SHALL BE SPACED EVERY 100'.

1. STANDARD HEIGHT TO THE STREET LIGHT HEAD SHALL BE 30 FEET (TYP).
2. STREET LIGHTS SHALL BE PELCO MAJESTIC SERIES ROADWAY POLES WITH HARRISBURG SERIES LED LUMINAIRES, HOLOPHANE FLUTED POLE WITH COLUMBIA CLAMSHELL BASE AND MEMPHIS UTILITY TEARDROP LED 2 WITH WEST LIBERTY FITTER, OR STAFF APPROVED EQUAL. LIGHTS SHALL BE SPACED A MAXIMUM OF 200 FEET APART AND AT INTERSECTIONS. POLES AND LUMINAIRES SHALL BE POWDER COATED BRONZE FEDERAL STANDARD COLOR 20062. SEE CITY WEBSITE FOR DETAILED SPECIFICATIONS.
3. PAVING SECTION DETERMINED BY GEOTECHNICAL ENGINEER. BASE COURSE TO EXTEND 1' BEYOND CURB.
4. ALL CURB IS 1.5' WIDE.
5. THE OUTSIDE LANE EACH DIRECTION SHALL BE STRIPED WITH A SHARROW CENTERED 3' OFF THE FACE OF CURB AND SPACED EVERY 250'.
6. RAMP DRIVEWAYS UP TO MEET SIDEWALKS AND SIDEPATHS.
7. IF A MAJOR ARTERIAL IS APPROVED WITHOUT THE MEDIAN, STREET LIGHTS SHALL BE PLACED ON BOTH SIDES OF THE STREET AND CENTERED IN THE GREENSPACE.

40-45 MPH
100' ROW

CITY OF ROGERS
301 WEST CHESTNUT STREET
ROGERS, ARKANSAS 72756
(479) 621-1186

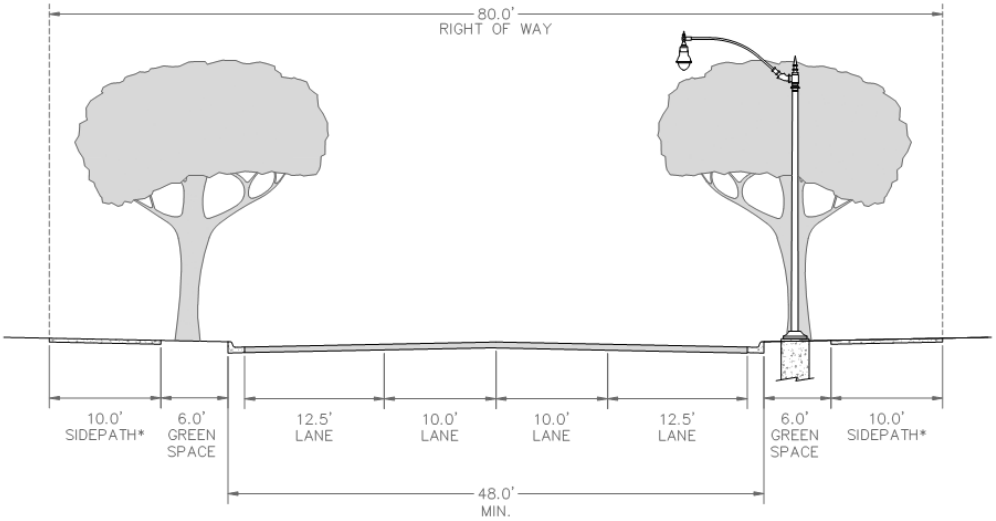
TYPICAL STREET SECTIONS

1 OF 6

NOT TO SCALE

OCTOBER 12, 2016

MINOR ARTERIAL STREET



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2. STREET LIGHTS SHALL BE PELCO MAJESTIC SERIES ROADWAY POLES WITH HARRISBURG SERIES LED LUMINAIRES, HOLOPHANE FLUTED POLE WITH COLUMBIA CLAMSHELL BASE AND MEMPHIS UTILITY TEARDROP LED 2 WITH WEST LIBERTY FITTER, OR STAFF APPROVED EQUAL. LIGHTS SHALL BE SPACED A MAXIMUM OF 200 FEET APART AND AT INTERSECTIONS. POLES AND LUMINAIRES SHALL BE POWDER COATED BRONZE FEDERAL STANDARD COLOR 20062. SEE CITY WEBSITE FOR DETAILED SPECIFICATIONS.
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4. ALL CURB IS 1.5' WIDE.
5. THE OUTSIDE LANE EACH DIRECTION SHALL BE STRIPED WITH A SHARROW CENTERED 3' OFF THE FACE OF CURB AND SPACED EVERY 250'.
6. RAMP DRIVEWAYS UP TO MEET SIDEWALKS AND SIDEPATHS.

35-40 MPH
80' ROW

CITY OF ROGERS
301 WEST CHESTNUT STREET
ROGERS, ARKANSAS 72756
(479) 621-1186

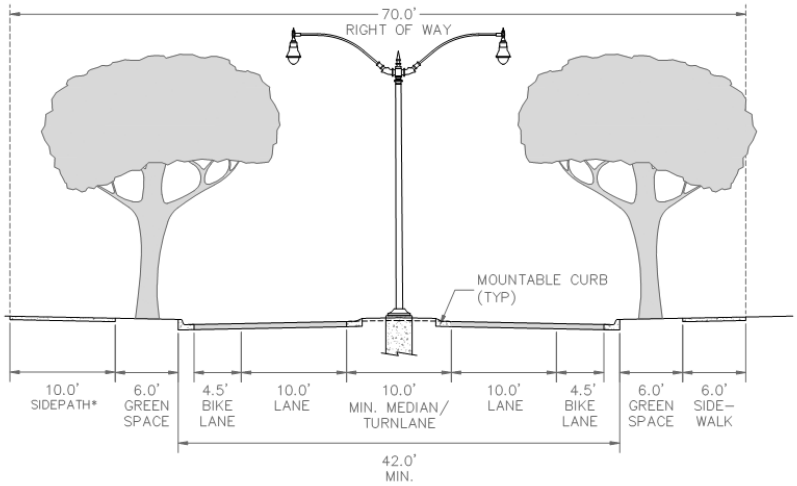
TYPICAL STREET SECTIONS

2 OF 6

NOT TO SCALE

OCTOBER 12, 2016

COLLECTOR STREET



*MAY BE ON EITHER SIDE OF THE ROAD BUT SHALL MATCH EXISTING SIDEPATH IF THERE IS ONE ALONG THE CORRIDOR ALREADY. COORDINATE LOCATION WITH PLANNING AND TRANSPORTATION DEPARTMENT. SIDEPATHS SHALL BE CONCRETE AND MATCH THE TRAIL DETAIL FOR JOINTING AND BASE EXCEPT EXPANSION JOINTS SHALL BE SPACED EVERY 100'.

1. STANDARD HEIGHT TO THE STREET LIGHT HEAD SHALL BE 30 FEET (TYP).
2. STREET LIGHTS SHALL BE PELCO MAJESTIC SERIES ROADWAY POLES WITH HARRISBURG SERIES LED LUMINAIRES, HOLOPHANE FLUTED POLE WITH COLUMBIA CLAMSHELL BASE AND MEMPHIS UTILITY TEARDROP LED 2 WITH WEST LIBERTY FITTER, OR STAFF APPROVED EQUAL. LIGHTS SHALL BE SPACED A MAXIMUM OF 200 FEET APART AND AT INTERSECTIONS. POLES AND LUMINAIRES SHALL BE POWDER COATED BRONZE FEDERAL STANDARD COLOR 20062. SEE CITY WEBSITE FOR DETAILED SPECIFICATIONS.
3.
4. PAVING SECTION DETERMINED BY GEOTECHNICAL ENGINEER. BASE COURSE TO EXTEND 1' BEYOND CURB.
5. ALL CURB IS 1.5' WIDE.
6. IF A THREE LANE WITHOUT MEDIAN IS APPROVED, THE STREET LIGHTS SHALL BE ON ONE SIDE OF THE ROAD ONLY AND CENTERED IN THE GREENSPACE.
7. BIKE LANE STRIPING SHALL CONSIST OF A SOLID WHITE LINE TO DELINEATE THE LANE AND THE BIKE SYMBOL SHALL BE PLACED EVERY 250'.
8. RAMP DRIVEWAYS UP TO MEET SIDEWALKS AND SIDEPATHS.

30-35 MPH
70' ROW

CITY OF ROGERS
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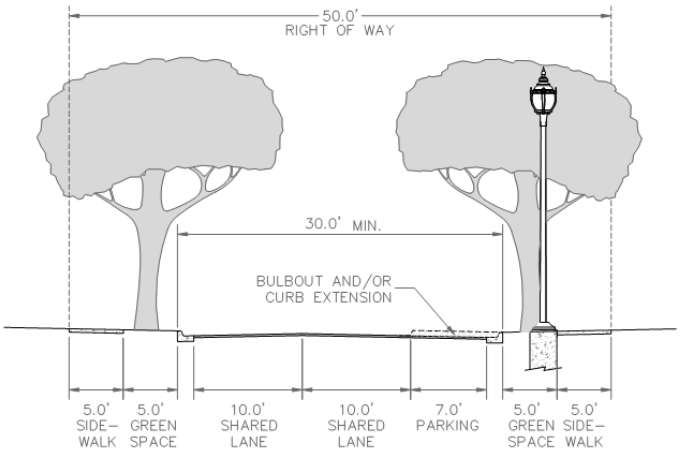
TYPICAL STREET SECTIONS
3 OF 6

NOT TO SCALE

OCTOBER 12, 2016

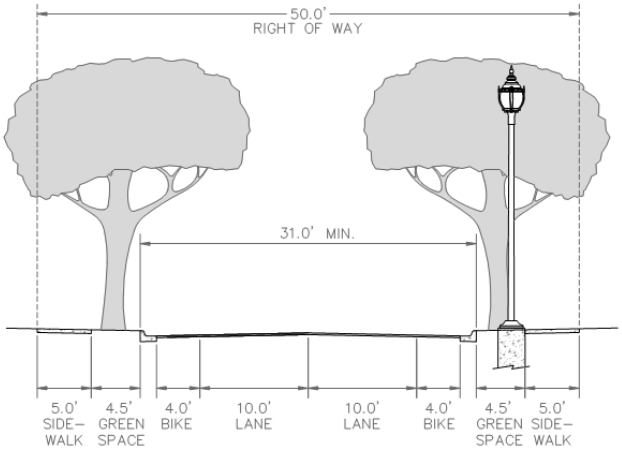
*** Median cannot exceed 200 feet in length without a cut, if 201 feet or greater without a break cut, then drivable space must be 20 feet on both sides.

MINOR STREET



*ROAD CENTERLINE DOES NOT MATCH CENTERLINE OF RIGHT OF WAY.

- OR -



1. STANDARD HEIGHT TO THE STREET LIGHT HEAD SHALL BE 15 FEET (TYP).
2. STREET LIGHTS SHALL BE PELCO POST TOP LUMINAIRE POLES WITH BRISTOL SERIES, DARK SKY LED LUMINAIRES, HOLOPHANE WASHINGTON UTILITY LED LUMINAIRE WITH FLUTED POSTS AND HAMILTON BASES, OR STAFF APPROVED EQUAL, SPACED A MAXIMUM OF 200 FEET AND AT INTERSECTIONS. POLES AND LUMINAIRES SHALL BE POWDER COATED BRONZE FEDERAL STANDARD COLOR 20062. DIRECT BURIAL POLES NOT ALLOWED. SEE WEBSITE FOR DETAILED SPECIFICATIONS.
3. PAVING SECTION SHALL BE A MINIMUM OF 3-INCH HOT MIX ASPHALT AND 6-INCHES OF CLASS 7 AGGREGATE BASE (TO 1' BEYOND CURB) ON A STABLE SUBGRADE.
4. INCORPORATE BULBOUTS AND CURB EXTENSIONS AT INTERSECTIONS.
3. SEE SHEET 6 OF THE TYPICAL STREET SECTIONS FOR TREE SPACING. DO NOT PLACE TREES WITHIN 20' OF STREET LIGHTS. TREES SHALL BE CENTERED IN THE GREENSPACE.
4. ALL CURB IS 1.5' WIDE.
5. RAMP DRIVEWAYS UP TO SIDEWALK.

25 MPH
50' ROW

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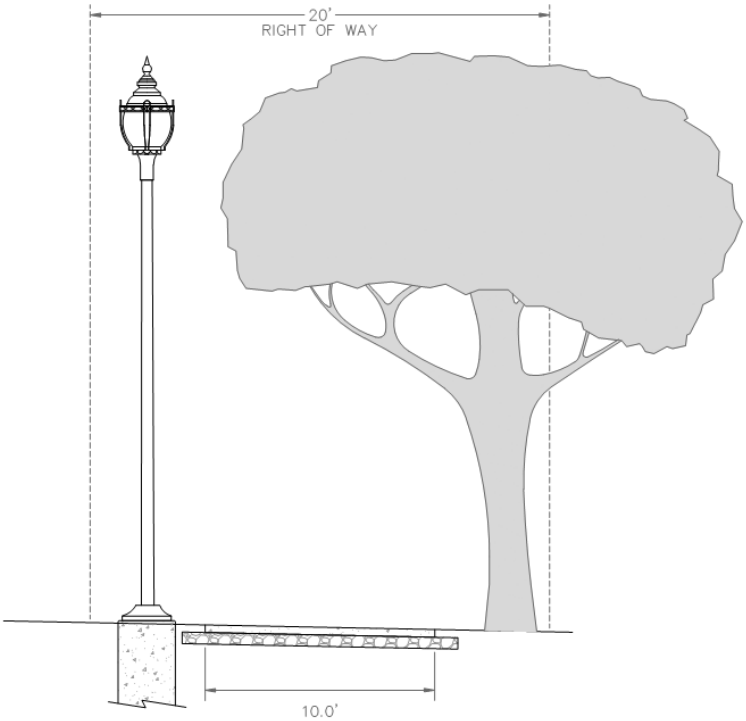
TYPICAL STREET SECTIONS

4 OF 6

NOT TO SCALE

OCTOBER 12, 2016

MULTIUSE TRAIL



1. STANDARD HEIGHT TO THE STREET LIGHT HEAD SHALL BE 14 FEET (TYP).
2. STREET LIGHTS SHALL BE PELCO POST TOP LUMINAIRE POLES WITH BRISTOL SERIES, DARK SKY LED LUMINAIRES, HOLOPHANE WASHINGTON UTILITY LED LUMINAIRE WITH FLUTED POSTS AND HAMILTON BASES, OR STAFF APPROVED EQUAL, SPACED A MAXIMUM OF 200 FEET AND AT INTERSECTIONS. POLES AND LUMINAIRES SHALL BE POWDER COATED BRONZE FEDERAL STANDARD COLOR 20062. DIRECT BURIAL POLES NOT ALLOWED. SEE WEBSITE FOR DETAILED SPECIFICATIONS.
3. SEE SHEET 6 OF THE TYPICAL STREET SECTIONS FOR TREE SPACING.
4. MULTI–USE TRAILS SHALL MATCH SIDEWALK DETAILS OTHER THAN AS CALLED OUT HEREIN.
5. CONTRACTION JOINTS SHALL BE PLACED EVERY 10'. THESE JOINTS SHALL BE SAW–CUT, TOOLED JOINTS WILL NOT BE ALLOWED.
6. EXPANSION JOINTS SHALL BE PLACED EVERY 100'.
7. CENTERSTRIPE SHALL BE SINGLE YELLOW SOLID OR DASHED PAINT (NOT THERMOPLASTIC).
8. CONCRETE SHALL BE THICKENED TO 6" IN ALL DRIVEWAYS.

20 MPH
20' ROW

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TYPICAL STREET SECTIONS

5 OF 6

NOT TO SCALE

OCTOBER 12, 2016

APPROVED STREET TREES

50' tall ≥4' from curb or sidewalk	30-50' tall ≥3' from curb or sidewalk	<20' tall ≥2' from curb or sidewalk
* Fruitless Kentucky Coffee Tree	* American Hophornbeam	* American Smoketree
Gingko (male only)	American Holly	Amur Maple
* Hackberry	Chinese Pistache	Crabapple
Japanese Zelkova (Green Vase)	English Oak	Hedge Maple
Lacebark Elm (Allee)	Hawthorns	Magnolia (Little Gem)
Littleleaf Linden (Greenspire)	Kousa Dogwood	Nellie Stevens holly
London planetree	Persian Ironwood	Possumhaw
Oak	* Scarlet Oak	* Redbud
* Black	Thornless Honeylocust (Shademaster)	Shadlow serviceberry
* Northern Red	* Yellowwood	Yaupon Holly
Shingle		
* Shumard		
* Southern Red		
* Swamp White		
White		
* Willow		
* River Birch		
* Shortleaf Pine		
Silver Linden		
* Sugarberry (Sugar Hackberry)		
Turkish Filbert		

* – DENOTES A NATIVE SPECIES
( ) – DENOTES A RECOMMENDED VARIETY

1. SHALLOW ROOTED TREES SUCH AS MAPLE, ASH, SWEETGUM, TULIP TREE, PIN OAK AND POPLAR SHALL NOT BE PLANTED WITHIN 10' OF A CURB OR SIDEWALK.
2. USE OF ANY TREE NOT SHOWN ON THIS LIST REQUIRES APPROVAL BY CITY STAFF.
3. CRITERIA FOR TREES SHALL MATCH THOSE SHOWN IN THE LARGE SCALE DEVELOPMENT ORDINANCE SECTION 14–256.
4. TREE SPACING SHALL BE 30' FOR TREES LESS THAN 20' TALL, 40' FOR TREES 30–50' TALL AND 50' FOR TREES 50' OR TALLER OR AS REQUIRED BY ORDINANCE 18–259. TREE HEIGHTS ARE MATURE TREE HEIGHTS.
5. ONLY TREES ON THE <20' TALL LIST MAY BE USED WITHIN 20' OF OVERHEAD UTILITIES OR WITHIN 10' OF UNDERGROUND UTILITIES.
6. TREES SHALL NOT BE PLANTED WITHIN 20' OF LIGHT POLE.
7. TREES SHALL BE CENTERED IN THE GREENSPACE.

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TYPICAL STREET SECTIONS
6 OF 6

NOT TO SCALE

OCTOBER 18, 2016

(Ord. No. 15-99, § 1(Exh. A), 7-28-2015)

Secs. 14-47—14-69. - Reserved.

DIVISION 3. - STREETS AND ROADWAYS

Sec. 14-70. - Roadway, base and pavement plans and specifications for land development.

The roadway, base, drainage and pavement plans, and specifications for proposed streets and roads shall follow the City of Rogers Standard Street and Drainage Construction Specifications adopted by the Rogers City Council. Any conditions or items not covered shall be in accordance with the current state highway and transportation department's standard specifications.

(Code 1997, § 111-20; Ord. No. 04-56, § 5, 5-25-2004)

Sec. 14-71. - Clearing and grubbing.

(a) All trees, stumps, roots, and other obstructions not designated to remain shall be cleared and/or grubbed in such a manner so as to not cause injury to other items designated to remain. Stump holes shall be filled with suitable material and compacted.

(b) Burning of material shall comply with all applicable laws and ordinances, and shall be under the constant care of competent watchmen.

(Code 1997, § 111-21; Ord. No. 04-56, § 5, 5-25-2004)

Sec. 14-72. - Roadway excavation and embankment.

(a) Suitable material shall consist of soil or a mixture of soil, stone or gravel. It shall be free of sod, logs, stumps, roots and other deleterious matter; and it shall be capable of forming a stable embankment when compacted, and shall be recommended for use by an Arkansas licensed Geotechnical Engineer and be approved by the City.

(b) All suitable material as determined by the Street Superintendent, the Director of the Department of Community Development, or his or her designee obtained during the excavating operations shall be used in the construction of the roadway embankments and subgrade; and all unsuitable material shall be used behind the curb or hauled to an approved waste area.

(c) All roadway cuts and grades shall conform to those shown on the approved plans or approved plan changes.

(d) Sod and vegetable matter shall be removed from the surface upon which embankment of less than four feet is to be placed.

(e) Roadway embankment shall be constructed in layers not to exceed eight inches (loose measurement). Each layer shall be compacted at or near optimum moisture for that particular soil to at least 95 percent of the maximum density, as determined by AASHTO T 99 (standard proctor).

(f) In areas where solid rock is encountered, it shall be excavated to a depth of eight inches below subgrade elevation and replaced with approved material.

(g) Embankment which is adjacent to structures and inaccessible to normal compaction equipment shall be placed in four-inch (loose measurement) layers and compacted to at least 95 percent of maximum density as obtained by AASHTO T 99. The material shall be compacted with mechanical equipment where it is inaccessible to the normal compaction equipment.

(Code 1997, § 111-22; Ord. No. 04-56, § 5, 5-25-2004; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

Sec. 14-73. - Subgrade.

Subgrade stabilization/recommendations shall be provided by a licensed geotechnical engineer.

(Code 1997, § 111-23; Ord. No. 04-56, § 5, 5-25-2004; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

Sec. 14-74. - Curb and gutter.

(a) The subgrade shall be shaped and compacted to the required grade and section as shown on the plans. All unsuitable material, including soft and yielding material, shall be removed and replaced with suitable material and compacted to the proper density.

(b) For flexible pavements, the appropriate depth of base material shall be carried at least one foot beyond the back of the curb for drainage. This requirement only applies when the total flexible pavement structure is ten inches or more. This will require a minimum of four inches of Class 7, asphalt stabilized base, or cement treated base between the subgrade and the curb and gutter. In efforts not to produce a trench section, the base material should be daylighted where possible and feasible. If the flexible pavement structure is less than ten inches it is not required to carry the base material under the curb and gutter.

(c) For concrete pavement, the Class 7 base shall be carried at least one foot beyond the back of the curb and gutter. The slope of the subgrade shall be maintained under the curb and gutter and for at least one foot behind. Any buildup for the curb and gutter shall be with the Class 7 base. In efforts not to produce a trench section, the Class 7 base should be daylighted where possible and feasible.

(d) All utility lines, including service lines, shall be laid, backfilled and compacted with Class 7 base or other material suitable to the Street Superintendent or the Director of the Department of Community Development or his or her designee before the curb and gutter is constructed.

(e) Any service or utility line crossing not placed before the pavement and curb and gutter are constructed shall be installed by boring, and the procedures shall be approved by the Street Superintendent or the Director of the Department of Community Development or his or her designee. A permit and a cash deposit or bond shall be required. Cutting of the pavement will not be permitted, except in extreme and unusual conditions. Such exceptions shall be approved by the Street Superintendent or the Director of the Department of Community Development or his or her designee in writing.

(f) All curb and gutter shall be constructed of Portland cement concrete. The concrete shall meet the AHTD requirements for Class S (AE) air entrained concrete, and have a minimum 28-day compressive strength of 3,500 PSI when tested in accordance with AASHTO T 23 in compliance with City standard specifications.

(g) Where flexible pavements are used, concrete curb and gutter contraction joints shall be provided at 15-foot intervals. Expansion joints shall be provided at 75-foot intervals and at all stationary structures, such as drop inlets and at curb returns. They are to be constructed at right angles to the curbline. Where rigid pavements are used, sawed joints shall be provided to match the transverse joints in the concrete pavement and expansion joints shall be provided at stationary structures such as drop inlets, and at curb returns.

(h) If the subgrade, subbase, or base is dry, it shall be wetted just prior to placing the concrete so the moisture will not be pulled from the concrete.

(i) After the concrete curb and gutter has set, the area behind the curb shall be partially backfilled before the base material is placed and compacted.

(j) Curb modifications for driveways shall be in accordance with the standards for the City detail. The driveway shall slope up to a minimum elevation at the roadway right-of-way equal to the height of the curb. As an alternate, back of the curb and gutter section for the driveway may be sawed vertically for the full depth and removed. The curb and gutter shall then be constructed as a part of the driveway. The modified curb and gutter must have the shape shown in the standard detail, and have one-quarter inch filled construction joints at each end of the driveway.

(k) Sidewalks and sidepaths shall be required to be constructed within the right-of-way or easement.

(l) At all roadway intersections and where necessary at driveways, the curb and gutter, sidewalk and/or sidepath shall be modified to meet ADA requirements.

(m) Temperature shall be at least 35° and rising, but can't be 40° and falling when placing concrete.

(n) Green concrete that has been rained on will require re-inspection by City.

(Code 1997, § 111-24; Ord. No. 04-56, § 5, 5-25-2004; Ord. No. 12-27, § 1(Exh. A), 2-28-2012; Ord. No. 13-86, § 1(Exh. A), 10-22-2013; Ord. No. 15-100, § 1(Exh. C), 7-28-2015)

Cross reference— Design details, § 14-1001 et seq.

Sec. 14-75. - Base.

The base shall be Class 7 base meeting AHTD requirements and shall be compacted to 95% Modified Proctor.

(Code 1997, § 111-25; Ord. No. 04-56, § 5, 5-25-2004; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

Sec. 14-76. - Reserved.

Editor's note— Ord. No. 13-86, § 1(Exh. A), adopted Oct. 22, 2013, repealed § 14-76, which pertained to prime and tack coats and derived from Code 1997, § 111-26; Ord. No. 04-56, § 5, 5-25-2004; Ord. No. 07-01, § 1, 1-9-2007.

Sec. 14-77. - Asphalt hot mix binder and asphalt hot mix surface courses.

The asphalt hot mix binder and surface courses for the construction of collector or larger streets (three lanes or more) shall meet the AHTD Standard Specification for Highway Construction (2003) for hot mix binder and surface courses. A formal pavement design shall be submitted to the Street Superintendent or the Director of the Department of Community Development or his or her designee. Testing must be done by a certified testing laboratory.

(1) The binder course shall meet the requirements AHTD sections 403, 404, 406, 409, 410, and other applicable.

(2) Mix designs shall be established and approved by the engineer for both the binder course and the surface course in accordance with AHTD (2003) standards.

(3) The supplier shall submit a materials certification giving the stability, gradation, asphalt type and content, flow, voids, and maximum theoretical density of both the binder and surface course mixes used.

(4) Both binder course and surface course shall be compacted within a range of 90 percent to 96 percent of maximum theoretical density.

(5) If the nuclear gauge is used to determine density, it must be correlated with cores taken from the roadway.

(6) The minimum thickness of binder or surface course shall be two inches. The maximum thickness that can be placed is four inches provided the contractor can demonstrate that he can obtain the required density.

(7) Construction requirements for acceptance shall meet AHTD (2003) standards.

(8) Engineered to support 75,000 pounds or three inch layers of asphalt.

(Code 1997, § 111-27; Ord. No. 04-56, § 5, 5-25-2004; Ord. No. 07-01, § 1, 1-9-2007)

Sec. 14-78. - Portland cement concrete pavement.

Portland cement concrete pavement shall meet the AHTD standard specification requirements for Portland cement concrete pavement, with the following requirements:

(1) The concrete shall have a minimum 28-day compressive strength of 3,500 PSI. The concrete shall contain an air entraining agent which produces five percent plus or minus two percent air entrainment in the concrete. The slump shall be two to four inches if conventional paving equipment is used, and one to two inches if slip form paving equipment is used.

(2) The concrete shall be placed on the Class 7 base or an approved subgrade which shall be wetted just prior to placing the concrete.

(3) Unless otherwise specified by the Street Superintendent or the Director of the Department of Community Development or his or her designee, after the concrete has been placed, consolidated and struck off with a transverse screed or slip form paver, it shall be checked for surface smoothness with a ten-foot straightedge parallel to the centerline for surface compliance. The straightedge shall be lifted and placed on the centerline and pulled to the edge of the pavement. Each time the straightedge is moved forward, it shall overlap the preceding area by at least one-half of the straightedge length. Any surface irregularities shall be corrected at this time while the concrete is still in a plastic condition. Care shall be taken in a slip form operation not to pull down the pavement edge during the straightedge operation. Completed concrete pavement shall have a broom or tined texture.

(4) Unless otherwise specified by the Street Superintendent or the Director of the Department of Community Development or his or her designee, the pavement lane pours shall be tied together with a 30-inch long No. 4 deformed reinforcing bars on 36-inch centers.

(5) The concrete pavement shall be cured with a curing compound meeting the AHTD standard specifications for curing compound.

(6) Unless otherwise specified by the Street Superintendent or the Director of the Department of Community Development or his or her designee, the transverse joints shall be sawed in the concrete pavement perpendicular to the centerline and on 15-foot centers. The depth of the joint shall not be less than one-fourth the slab thickness (T) plus one-half inch. The joint width shall be approximately one-fourth inch. The longitudinal centerline joint and the longitudinal joint between lanes of a four-lane roadway shall be sawed to the same joint depth and width dimensions, or the new lane may be keyed to the adjacent lane.

(7) All joints shall be filled with a joint material meeting the AHTD requirements for PCC pavement contraction and warping joint material. The joint preparation and installation of the joint material shall be in accordance with the manufacturers recommendations.

(Code 1997, § 111-28; Ord. No. 04-56, § 5, 5-25-2004; Ord. No. 13-86, § 1(Exh. A), 10-22-2013)

Sec. 14-79. - Surface tests.

(a) The contractor shall check the surface of each material with a ten-foot straightedge, or other method approved by the City, and any correction to the surface shall be made to the flexible layers prior to final compaction or to the concrete surface while the concrete is still plastic.

(b) The finished surface, when checked with a ten-foot straightedge parallel to the centerline, shall show no deviation more than one-fourth inch for ACHM surfaces or PC concrete surfaces.

(c) Skin patching and feather edging of the final surface course will not be permitted, except at the beginning or ending of the project. Surface deviations in excess of one-fourth inch shall be corrected by grinding or overlaying, or as directed by the Street Superintendent and/or the Director of the Department of Community Development or his or her designee.

(Code 1997, § 111-29; Ord. No. 04-56, § 5, 5-25-2004)

Sec. 14-80. - Structural concrete.

(a) All structural concrete for traffic-bearing structures and any structures in which the surface may be exposed to de-icing chemicals, such as curbs, gutters, sidewalks, steps, pavement, driveways, bridge decks, parapet walls, drop inlets, etc., shall meet the AHTD requirements for Class S (AE) air entrained concrete with a minimum 28-day compressive strength of 3,500 PSI.

(b) The concrete for all other non-traffic-bearing structures and structures not exposed to de-icing chemicals shall meet the AHTD requirements for Class A concrete with a minimum 28-day compressive strength of 3,000 PSI.

(Code 1997, § 111-30; Ord. No. 04-56, § 5, 5-25-2004; Ord. No. 13-86, § 1(Exh. A), 10-22-2013)

Secs. 14-81—14-103. - Reserved.

DIVISION 4. - STORM SEWERS

Sec. 14-104. - Purpose.

The plans and specifications for proposed storm drainage systems shall be equal to the minimum standards found in this division.

(Code 1997, § 111-50; Ord. No. 04-56, § 5, 5-25-2004)

Sec. 14-105. - Pipe.

Reinforced concrete pipe shall be used for culverts and storm sewer systems under roadways and running parallel to the roadway and in the street right-of-way. Otherwise, corrugated metal pipe or HDPE may be used. All pipe shall have a minimum cover at subgrade elevation of one foot at the shoulder or curbline unless or per manufacturer's recommendations otherwise approved by the Street Superintendent and/or the the Director of the Department of Community Development or his or her designee.

(1) *Reinforced concrete pipe.*

a. Reinforced concrete pipe shall conform to the latest applicable AASHTO designation for circular pipe and for arch shaped pipe. Class III shall be the minimum class of pipe used. The joint seal shall be either cement mortar, three parts sand and one part cement, or cold applied performed plastic gaskets conforming to the latest applicable AASHTO designation.

b. The reinforced concrete flared end section for circular and arch concrete pipe shall meet the applicable requirements for Class II or higher class of pipe.

(2) *Corrugated metal pipe.*

a. Corrugated metal pipe shall conform to the latest applicable AASHTO designation. Each end of individual metal pipe sections of 18-inch or equivalent diameter and larger shall be reformed so as to have not less than two annular corrugations.

b. Flared end sections shall be of the same material as the culvert pipe for a given installation, and shall be fabricated from steel sheets having a thickness of 0.064 inches or more.

c. Coupling bands and other hardware for corrugated metal pipe shall conform to the latest applicable AASHTO designation and shall be made of the same base metal and coating as the pipe. Band widths shall be as specified in the latest applicable AASHTO designation.

(3) *High density polyethylene pipe (HDPE).*

a. High density polyethylene pipe (HDPE) up to 30 inches can be used in areas outside the right-of-way and outside city drainage easements.

b. HDPE may be used under commercial parking lots as long as they are installed per the manufacturer's instructions. HDPE may not be used in the following conditions:

1. In City right-of-way.
2. In City drainage easements where pipe is to be maintained by the City.
3. To convey water through a development from properties upstream.
4. On properties where drainage structures are maintained by a residential POA.

c. Specifications for HDPE pipe shall conform to AHTD standards.

(Code 1997, § 111-51; Ord. No. 04-56, § 5, 5-25-2004; Ord. No. 08-79, § 1, 7-8-2008)

Sec. 14-106. - Excavation, trench preparation and installation.

(a) Where the pipe is laid below ground line, the trench shall be excavated to the required depth and width to allow sufficient room for tamping of backfill. The bottom of the trench shall be shaped to conform to the bottom of the pipe with recesses excavated to receive the bells and where bell and spigot pipe are used. Where pipe is not laid in a trench, a uniform firm bed shall be made as specified above.

(b) When rock is encountered in the trench, it shall be removed to minimum depth of six inches below the pipe, and the excess depth shall be filled with aggregate base course Class 7, section 3.03 AHTD standards specification and compacted.

(c) All unsuitable material, including soft and yielding material, shall be removed and replaced with Class 7 material and compacted to ensure a firm support.

(d) The pipe shall not be laid in water or in unsuitable weather or trench conditions, unless approved by the Street Superintendent and/or the Director of the Department of Community Development or his or her designee

(e) After each joint of pipe has been graded, aligned and placed in final position, the bedding material shall be deposited and compacted under and around each side of the pipe and back of the bell, or the end thereof, to firmly hold and maintain the pipe in proper position and alignment for backfilling operations.

(f) No debris creating a clogging action shall be allowed to remain in the storm drainage system.

(g) All storm drainage pipe, under any roadway improvement, shall be backfilled with Class 7 base or other material approved by Street Superintendent and/or the Director of the Department of Community Development or his or her designee and compacted before the base and curb and gutter are constructed. The backfill base material shall be brought up evenly on each side of the pipes to avoid displacement. Special care shall be taken to compact the material under the haunches of the pipe. The base material shall be compacted with mechanical equipment to at least 95 percent of the maximum density as determined by AASHTO T 180.

(h) When culvert pipe is to be relayed, the construction procedures shall be in accordance with the AHTD standard specifications requirements for relaying culvert pipe.

(Code 1997, § 111-52; Ord. No. 04-56, § 5, 5-25-2004)

Sec. 14-107. - Headwalls, drop inlets and junction boxes.

(a) All drainage structures shall be constructed of reinforced concrete. Precast structures will be allowed only with specific approval of the Street Superintendent or the Director of the Department of Community Development or his or her designee.

(b) The minimum thickness of reinforced concrete walls shall be six inches.

(c) Concrete drainage structures shall be constructed with reinforcing steel having a maximum spacing of 12 inches on centers and a minimum size of number four bar, unless directed otherwise by the Street Superintendent or the the Director of the Department of Community Development or his or her designee. Proper engineering designs shall be submitted for nonstandard applications.

(d) Concrete bottoms for structures shall be poured at least 24 hours prior to beginning construction of the vertical walls.

(e) Junction boxes shall have a minimum interior dimension of four feet.

(f) Walls shall be constructed to form a tight joint with the floor and around the inlet and outlet pipes. The pipes shall be flush with the inside surface of the wall.

(g) Unless otherwise directed by the Street Superintendent or the Director of the Department of Community Development or his or her designee, all drop inlets, box culverts and junction boxes shall have two-inch to three-inch weep holes at the subgrade elevation.

(h) Headwalls shall be constructed on the upstream and downstream ends of the storm drainage system where no other drainage structures are required, or flared end sections may be used when approved by the Street Superintendent or the Director of the Department of Community Development or his or her designee.

(i) Drop inlets and junction boxes constructed with adjoining sidewalk shall be constructed with a notch in the sidewall to prevent the sidewalk from settling below the top inlet elevation.

(Code 1997, § 111-53; Ord. No. 04-56, § 5, 5-25-2004)

Sec. 14-108. - Rings, covers, grates and frames.

(a) Iron castings shall conform to ASTM A 48 Class 30A for gray iron castings.

(b) The combined weight of the ring and lid for sidewalk type shall be a minimum of 125 pounds and for the street type shall be a minimum of 300 pounds.

(Code 1997, § 111-54; Ord. No. 04-56, § 5, 5-25-2004)

Sec. 14-109. - Pipe underdrain.

(a) Pipe underdrain shall be installed in all sidehill cut section areas where subsurface water is encountered and other areas as determined by the Street Superintendent or the Director of the Department of Community Development or his or her designee.

(b) The underdrain shall be located just behind the curb and below subgrade elevation.

(c) Outlets shall be provided on at least 300-foot intervals, or as approved by the Street Superintendent or the Director of the Department of Community Development or his or her designee. To the extent possible, the underdrain pipe should be connected to the drop inlets or box culverts of the storm drainage system.

(d) The underdrain material and construction procedures shall be in accordance with the AHTD standard specifications for pipe underdrain, with the following exceptions:

    (1) Only corrugated polyethylene tubing and acrylonitrile-butadiene-styrene pipe shall be used in the construction of pipe underdrain.

    (2) Granular filter material shall meet the requirements of the AHTD standard specifications for coarse aggregate for Class A concrete.

    (3) The nonwoven geotextile fabric having the following properties shall be used as a liner for filter material and the pipe underdrain:

Properties	Test Procedure	Value
Weight, oz/sq. yd.	ASTM D—1910	4.1 min.
Thickness, mils	ASTM D—1777	40 min.
Tensile strength, lbs	ASTM D—1682	115 min.
Elongation, percent	ASTM D—1682	55 min.
Puncture strength, lbs	ASTM D—751 (Modified)	70 min.
Mullen burst strength, PSI	ASTM D—751	260 min.
Coefficient of permeability, constant head cm./sec.		0.10 min.

(4) Trenches shall be excavated to a minimum depth of 26 inches below the top of the curb or as directed by the Street Superintendent or the Director of the Department of Community Development or his or her designee.

(5) Following excavation of the trench, the nonwoven geotextile fabric liner shall be placed in the trench. The liner shall be of sufficient width to cover the bottom and sides of the trench and lap a minimum of one foot across the top of the granular filter material used to backfill above the top of the pipe.

(Code 1997, § 111-55; Ord. No. 04-56, § 5, 5-25-2004)

Secs. 14-110—14-131. - Reserved.

DIVISION 5. - INSPECTION, SAMPLING, AND TESTING

Sec. 14-132. - Purpose.

The procedures in this division will be used in the inspection, sampling and testing of improvements in the development process.

(Code 1997, § 111-70; Ord. No. 04-56, § 5, 5-25-2004)

Sec. 14-133. - Inspection.

(a) The following three types of inspections will be made during the progress of the project:

(1) Intermediate progress inspections, which can be made at any time.

(2) Phase inspections which are required at the completion of a major phase of work.

(3) Final acceptance inspection which will be made upon completion of all work and approval of the final plat.

(b) All inspections will be made by the Street Superintendent or the Director of the Department of Community Development or his or her designee or his designated representative. The phase inspections and the final inspection will be made with the contractor and the engineer.

(c) The Street Superintendent or the Director of the Department of Community Development or his or her designee has the authority to increase the amount of inspections and/or sampling and testing.

(d) A phase inspection is required upon the completion of the following phases of work.

(1) Completion of the subgrade.

(2) Completion of the base course and curb and gutter.

(3) Completion of the paving.

(e) Any work performed on a phase prior to the approval of the previous phase shall be removed and replaced with satisfactory materials and workmanship.

(f) If the project is long, the phase inspections may be made on a smaller portion of the project, but not less than 1,000 feet in length.

(g) The engineer is responsible for contacting the Street Superintendent or the Director of the Department of Community Development or his or her designee at least 24 hours prior to the need of a major phase inspection.

(Code 1997, § 111-71; Ord. No. 04-56, § 5, 5-25-2004)

Sec. 14-134. - Testing.

(a) The developer shall, with the approval of the Street Superintendent or the Director of the Department of Community Development or his or her designee, retain the services of a testing laboratory or licensed professional engineer, practicing in the materials and testing field, hereafter referred to as the lab engineer, to perform all sampling and testing. The developer will be responsible for the costs of all sampling and testing performed on the project, including any additional sampling and testing as a result of failing tests and/or poor workmanship.

(b) The lab engineer will report all test results to the Street Superintendent or the Director of the Department of Community Development or his or her designee.

(c) In the case of failing tests or poor workmanship, the Street Superintendent or the Director of the Department of Community Development or his or her designee may direct the lab engineer to perform additional sampling and testing. The developer will be responsible for the costs of any additional sampling and testing resulting from failing tests and/or poor workmanship.

(d) The following is the minimum sampling and testing frequency:

(1) *Cross drain backfill.* Minimum of one density test per pipe or box culvert location.

(2) *Storm drain backfill.* Minimum of one density test per 500 lineal feet of pipe when the storm drain is located in the street or under the curb and gutter.

(3) *Embankment.* Minimum of one density test per layer per 500 lineal feet of roadway.

(4) *Subgrade.* Minimum of one density test, one liquid limit (LL) and one plastic index (PI) per 500 lineal feet of roadway with a minimum of three density tests and three depth measurements per project. Also, there will be a minimum of one gradation test and one PI test per project.

(5) *Lime treated subgrade.* Minimum of one density test, one depth measurement, one liquid limit (LL) and one plastic index (PI) per 500 lineal feet of roadway with a minimum of three density and three depth measurements per project.

(6) *Base course.* Minimum of one density test and one depth measurement (depth sounding) per 500 lineal feet of roadway, with a minimum of three density tests and three depth measurements per project. Also, there will be a minimum of one gradation test and one PI test per project.

(7) *Asphalt stabilized base (black base), ACHM binder, and ACHM surface courses.* For each material, a minimum of one density test and one depth measurement per 500 lineal feet of roadway, with a minimum of three density tests and three depth measurements per project. Also, there will be a minimum of one extraction to determine the asphalt content and aggregate gradation for each material for the project.

(8) *Structural concrete for drainage structures.* A minimum of one set of three concrete cylinders per 50 cubic yards of concrete or portion thereof. One cylinder will be broken at seven days and the other two will be broken at 28 days.

(9) *Structural concrete for curb and gutter.* A minimum of one set of three concrete cylinders per 1,000 lineal feet of curb and gutter. One cylinder will be broken at seven days and the other two will be broken at 28 days.

(10) *Concrete pavement.* A minimum of one set of three concrete test beams per 500 lineal feet of pavement, with a minimum of one set per project. One beam shall be broken in seven days and the second beam will be broken in 28 days. Also, one core and depth measurement per 500 feet of completed pavement with a minimum of one per project.

(Code 1997, § 111-72; Ord. No. 04-56, § 5, 5-25-2004)

Secs. 14-135—14-151. - Reserved.

DIVISION 6. - CORRECTIVE ACTIONS

Sec. 14-152. - Provisions for acceptance of nonspecification material and workmanship for land development.

This section provides for corrective actions to be taken and/or provisions for accepting a street or road into the City system when test results indicate nonspecification materials or workmanship have been incorporated into the street project. Any penalties which are assessed shall be paid to the City street department fund by the owner/developer before a street or road will be accepted by the City. The penalties paid shall be used at the discretion of the Street Superintendent or the Director of the Department of Community Development or his or her designee to maintain and/or construct roads and streets in the City. The following corrective actions shall apply:

(1) *Density for embankment, subgrade, pipe backfill and crushed stone base course.* Recompact until the minimum density is obtained.

(2) *Depth of lime treated subgrade.* The depth of the lime treated subgrade shall be at least 5½ inches. If the depth is less than 5½ inches, additional lime shall be added to the section represented by the test and the section reprocessed.

(3) *Depth of crushed stone base course.* The compacted base course shall be tested for depth and any deficiencies corrected by scarifying, placing additional material, mixing, reshaping, and recompacting to the specified depth and density.

(4) *Density of ACHM binder and surface.* No individual density shall be lower than 90 percent of maximum theoretical density. Any section with a density below that value shall be removed and replaced. The average of all densities for the project shall be not less than 92 percent of maximum theoretical density. If this average is less than 92 percent, the following penalties shall be assessed:

91.5 to 91.9 percent	3 percent of the cost of in place material
91.0 to 91.4 percent	5 percent of the cost of in place material
90.5 to 90.9 percent	15 percent of the cost of in place material
90.0 to 90.4 percent	30 percent of the cost of in place material
Below 90.0 percent	Remove and replace

(5) *Depth of ACHM binder.* The depth of the binder shall be as indicated in section 111-27. The average of all binder course depth measurements shall not be less than the depth shown in table 2, and any depth in excess of plus three-eighths inch will not be used in computing the binder course average depth. If the depth is less than shown in table 2, the deficient depth will be added to the required depth of the surface course or concrete pavement.

(6) *Depth of ACHM surface.* The depth of the asphalt hot mix surface course shall be as indicated in section 111-27. The average of all surface course depth measurements shall not be less than the depth shown in table 2, and any depth in excess of plus one-fourth inch will not be used in computing the surface course average depth. If the total average depth of all courses above subgrade is less than indicated in table 2, it will be corrected by overlaying with additional ACHM surface, or as directed by the Street Superintendent or the Director of the Department of Community Development or his or her designee.

(7) *Surface tolerance of ACHM surface.* If the surface deviation is greater than plus or minus one-fourth inch when checked with a ten-foot straightedge, the surface smoothness will be corrected as directed by the Street Superintendent or the Director of the Department of Community Development or his or her designee.

(8) *Class A structural concrete strength.* The average 28-day compressive strength of the two cylinders of a set shall be at least 3,000 PSI. If the average strength is lower, the following penalties shall be assessed:

2,750 to 2,999 PSI	5 percent of the cost of in-place material
2,500 to 2,749 PSI	10 percent of the cost of in-place material
2,250 to 2,499 PSI	20 percent of the cost of in-place material
2,000 to 2,249 PSI	40 percent of the cost of in-place material
Below 2,000 PSI	Remove and replace

(9) *Class S (AE) air entrained structural concrete strength.* The average 28-day compressive strength of the two cylinders of a set shall be at least 4,000 PSI. If the average strength is lower, the following penalties shall be assessed:

3,750 to 3,999 PSI	5 percent of the cost of in-place material
3,500 to 3,749 PSI	10 percent of the cost of in-place material
3,250 to 3,499 PSI	20 percent of the cost of in-place material
3,000 to 3,249 PSI	40 percent of the cost of in-place material
Below 3,000 PSI	Remove and replace

(10) *Concrete pavement strength.* The average 28-day compressive strength of the two cylinders of a set shall be at least 4,000 PSI. If the average strength is lower, the following penalties shall be assessed:

3,750 to 3,999 PSI	3 percent of the cost of in-place material
3,500 to 3,749 PSI	7 percent of the cost of in-place material
3,250 to 3,499 PSI	15 percent of the cost of in-place material
3,000 to 3,249 PSI	30 percent of the cost of in-place material
Below 3,000 PSI	Remove and replace

(11) *Concrete pavement depth.* The concrete pavement depths shall be within plus or minus one-fourth inch of the required depth plus any additional depth required as a result of deficient base preparation. The average of all concrete depth measurements shall not be less than the required depth, and any depth in excess of plus or minus one-fourth inch will not be used in computing the average depth. If the average depth is less, the following penalties shall be assessed:

Regular depth to -1/8 inch	3 percent of the cost of in-place material
Minus 1/8 to -¼ inch	7 percent of the cost of in-place material
Minus ¼ to -3/8 inch	15 percent of the cost of in-place material

Minus 3/8 to -½ inch	30 percent of the cost of in-place material
More than -½ inch	Remove and replace

(12) *Surface tolerance of concrete pavement.* The concrete surface shall not show any deviation greater than one-fourth inch when checked with a ten-foot straightedge. Any deviation greater than this shall be corrected by grinding, removing and replacing, or as directed by the Street Superintendent or the Director of the Department of Community Development or his or her designee

(Code 1997, § 111-80; Ord. No. 04-56, § 5, 5-25-2004)

Secs. 14-153—14-172. - Reserved.

DIVISION 7. - ADMINISTRATION AND ENFORCEMENT

Sec. 14-173. - Administration, enforcement and amendment.

(a) The Street Superintendent and/or the Director of the Department of Community Development or his or her designee shall be responsible for the approval of proposed street and storm drainage plans and specifications, and the inspection, testing and acceptance of said improvements, including off-site improvements.

(b) The City Council shall be responsible for maintaining, amending, modifying and updating this chapter with assistance from the Planning Commission and the Street Superintendent or the Director of the Department of Community Development or his or her designee.

(Code 1997, § 111-90; Ord. No. 04-56, § 5, 5-25-2004)

Sec. 14-174. - Appeal.

Appeals of a decision of the Street Superintendent and/or the Director of the Department of Community Development or his or her designee shall be to the Planning Commission, which shall make a recommendation to the City Council. The developer or engineer shall file a letter of appeal with the Planning Commission within 15 days of a decision by the Street Superintendent and/or the Director of the Department of Community Development or his or her designee. The letter shall state the decision of the Street Superintendent and/or the Director of the Department of Community Development or his or her designee and the reasons for the appeal.

(Code 1997, § 111-91; Ord. No. 04-56, § 5, 5-25-2004)

Sec. 14-175. - Variations.

(a) If the provisions of this article are shown by the developer to cause undue hardships as they apply to the proposed land development, a variance request may be made to the Planning Commission. The Planning Commission shall review the variance request and make a recommendation to the City Council.

(b) The City Council may grant a variance, deny a variance or return the request to the Planning Commission for further study and recommendation. The granting of a variance shall not have the effect of nullifying the intent and purpose of this chapter. In granting a variance the City Council may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

(Code 1997, § 111-92; Ord. No. 04-56, § 5, 5-25-2004)

Sec. 14-176. – Conflicts of law.

If any conflict exists between a provision of Divisions 3, 4, 5, 6, or 7 of this Article and the Standard Specifications for Street and Drainage Construction, the provision within the Standard Specifications for Street and Drainage Construction controls.

Secs. 14-177—14-203. - Reserved.

ARTICLE III. - LARGE-SCALE DEVELOPMENT PLAN REGULATIONS

DIVISION 1. GENERALLY

Sec. 14-204. - Purpose.

The purpose of the regulations in this article is to set forth the procedures, requirements, and minimum standards governing the development of land under the jurisdiction of the City Planning Commission.

(Code 1997, § 60-1; Ord. No. 04-56, § 7(1.01), 5-25-2004)

Sec. 14-205. - Authority.

These large-scale development plan regulations are adopted in accordance with the authority granted by Act 186 of the 1957 General Assembly of the state as amended (A.C.A. § 14-56-401 et seq.).

(Code 1997, § 60-2; Ord. No. 04-56, § 7(1.02), 5-25-2004)

Sec. 14-206. - Jurisdiction.

This article shall apply to all lands within the corporate limits of the City of Rogers.

(Code 1997, § 60-3; Ord. No. 04-56, § 7(1.03), 5-25-2004)

Sec. 14-207. - Application of regulations.

(a) The following shall require a large-scale development plan:

(1) New commercial construction or commercial additions exceeding 2,500 square feet of new floor space;

(2) New construction of multifamily housing (exceeding four units);

(3) Additions to existing multifamily housing (where existing housing exceeds four units);

(4) Changes from the residential use of a property to any non-residential use of a property;

(5) Parking lots or additions to existing parking lots exceeding 15 parking spaces; and

(6) Any new cell tower construction.

(b) If a development meets the following requirements, then Director of the Department of Community Development or his or her designee may review and, if applicable, approve the development without Planning Commission review:

(1) The development does not meet the requirements of subsection (a) of this section;

(2) If it is a new commercial construction or commercial addition, the new commercial construction or commercial addition is less than 2,500 square feet of new floor space and greater than 150 square feet of new floor space;

(3) If it is an accessory structure, the accessory structure is less than 500 square feet of new floor space and greater than 150 square feet of new floor space;

(4) If it is a cell tower improvement, the cell tower improvement does not increase the then existing height or increase the then existing footprint by more than 150 square feet of new floor space;

(5) If it is a parking lot, the parking lot will have 15 parking spaces or less;

(6) The total area proposed for development is less than ½ acre;

(7) Any conditional use permit or variances have been acquired; and

(8) If the site is governed by Section 14-715 of the Rogers City Code (Downtown Rogers Development Code):

(A) The addition is an "allowable addition" as illustrated in the Downtown Rogers Development Code; and

(B) All other applicable standards contained in Subsections 3, 4, and 5 of the Downtown Rogers Development Code regulations are met.

(c)(1) If a person is proceeding under subsection (b) of this section, the following shall be submitted to Director of the Department of Community Development or his or her designee or designee for consideration:

(A) A site plan which includes the following:

(i) Lot area;

(ii) Existing buildings and structures;

(iii) Proposed additions and structures with building heights labeled;

(iv) Existing and proposed parking areas and driveways with material types listed;

(v) Existing and proposed landscaping meeting 50% of the requirements of the large scale development code;

(vi) Proposed grading;

(vii) Existing and proposed utilities;

(viii) Existing and proposed easements;

(ix) Existing and proposed drainage patterns;

(x) Existing floodplain and floodway;

(xi) Any right of way dedication that may be required by the Master Street Plan;

(xii) Building setbacks as required by zone and/or Overlay District; and

(xiii) Owner and developer identification and contact information as requested by the Department of Community Development; and

(B) Unless waived by the Director of the Department of Community Development or his or her designee, a drainage letter from a civil engineer stating that there are no negative impacts to the neighbors' property.

(2) Appeal of staff decisions regarding a development submitted under subsection (b) of this section shall be made to the Planning Commission by filing a letter of appeal with the City Clerk-

Treasurer no later than ten (10) days after receipt of notice of the Director of the Department of Community Development's or his or her designee denial.

(d) A project is exempt from Chapter 14, Article 3 if the following conditions are met:

(1) The development is an accessory structure less than 150 square feet of new floor space and not on a permanent foundation; or

(2) The development is a commercial building addition less than 150 square feet of new floor space and does not intrude into a building setback or easement.

(Code 1997, § 60-4; Ord. No. 04-56, § 7(1.04), 5-25-2004)

Sec. 14-208. - Conformance to official plans.

All development in the City of Rogers shall conform to the official plans, standards, requirements, and regulations that are in effect.

(Code 1997, § 60-5; Ord. No. 04-56, § 7(1.05), 5-25-2004)

Secs. 14-209—14-226. - Reserved.

DIVISION 2. - APPROVAL PROCEDURES FOR LARGE-SCALE DEVELOPMENT PLANS

Sec. 14-227. - Plan submission.

The developer shall submit large-scale development plans to the Department of Community Development for distribution to the affected agencies. The Director of the Department of Community Development or his or her designee will determine the number of plans required for distribution. Agencies notified will include, but not be limited to, the Planning Commission, Risk Reduction Division, Fire Department, Police Department, Water and Sewer Department, Street Department, Telephone Company, Electric Company, Gas Company, Television/Cable Company, School Board, Airport Manager, and the Arkansas State Highway and Transportation Department.

(Code 1997, § 60-20; Ord. No. 04-56, § 7(2.01), 5-25-2004)

Sec. 14-228. - Plan data.

The large-scale development plan shall include the following data:

(1) Receipt for filing fee paid to the City.

(2) A copy of the large-scale development plan submittal checklist with all items checked or status noted is required on all submissions.

(3) Drawings to scale not smaller than one inch equals 100 feet indicating all required information. The number of copies required by staff along with a digital copy must be submitted according to the Technical Advisory Committee review schedule provided by the Department of Community Development.

(4) Owner name and address and building usage for verification with zoning requirements.

(5) An architect's or engineer's stamp is required on the drawings when the building cost is such that state law would require or on multifamily housing including five or more units.

(6) If project costs exceed $20,000.00, a state contractor's license is required.

(7) Storm drainage design must meet the minimum drainage requirements as defined by City ordinance. Drainage improvements must be indicated on the plans and a drainage report must accompany plans. An engineer's certified calculations must be provided for all improvements. Improvements must be completed and certified by the engineer of record prior to the issuance of a certificate of occupancy.

(8) Developments within a floodplain or floodway must provide floodplain data certified by an engineer and must meet all FEMA requirements for new construction in floodplains or floodways.

(9) Where applicable, verify impact of development with the airport zoning and hazard map. Notification of the FAA may be necessary prior to construction.

(10) Provide a designated area for the official City of Rogers stamp, signature, or acknowledgement that measures 2 inches x 3 inches.

(11) Obtain a new address from the county 911 office. Verify an existing address with the building inspection division. Address must be shown on the plan prior to Planning Commission approval and be indicated on the building before a certificate of occupancy will be issued.

(12) Provide a legal description of the property with exact dimensions indicated. Attach survey when possible.

(13) Provide a vicinity map indicating major streets and landmarks.

(14) List the zoning designation of the subject property and all adjacent properties, and provide a setback chart for the subject property.

(15) Indicate the location of all existing and proposed buildings. Provide dimensions for all buildings and dimensions from the building roof overhangs to property lines and to adjacent buildings.

(16) For residential buildings, provide the number of units and the number of bedrooms per unit.

(17) For nonresidential buildings, provide the gross floor area; if there are multiple uses, provide the floor area devoted to each type of use.

(18) Indicate the location, typical dimensions and arrangement of parking and loading areas. Indicate traffic flow patterns, if applicable.

(19) Indicate the number of required and provided parking spaces. Accessible spaces provided must meet local, state and ADA requirements including truncated domes at all ramps.

(20) Dimension of the widths of all curb cuts and the distances from the property line and intersections.

(21) Any existing or proposed signage should be indicated on the plan with dimensions from the property line and/or Right-of-Way line. The height and sign face area will be governed by the zoning classification of the property and should be indicated on the plan. A separate sign permit is required for any signage. If proposed signage is to be located within any easement, the property owner/developer must have prior approval from the easement holder.

(22) Indicate the location of existing and proposed utility lines, septic fields, fire hydrants and utility easements.

(23) Indicate the location and type of trash removal service. Screening is required on all sides for any trash dumpster locations. Screening should be of a solid-type construction and consistent with the architectural style of the building. Any screening wall with a concrete foundation shall not be allowed within a utility easement.

(24) Indicate the location of new sidewalks as required by this article. Sidewalks must be installed or a performance bond posted prior to issuance of a certificate of occupancy.

(25) Indicate the location of all nonresidential trailers to be used on or for a project. Trailers must be removed prior to the issuance of a certificate of occupancy or at the expiration of the temporary trailer permit issued by the Planning Commission.

(26) Indicate all other site improvements, if any.

(27) Provide a plan indicating proposed landscaping and site grading. Indicate the type, number and location for all plants. Landscaping and green space provisions are required per this article. Landscaping must be installed or a performance bond posted prior to issuance of a certificate of occupancy. A three-year guarantee on all plant materials will be required once installation is complete. Indicate number of plants required and the calculations used to determine required landscaping.

(28) Locate all significant trees as defined in section 14-754 that will be removed as a result of development. Existing trees that will remain without damage after development may qualify as part of the landscape requirement. Qualification must be verified with the Department of Community Development.

(29) Location and dimension of all landscape buffer zones, indicating screening fences or walls where required. Satisfaction of the requirement should be verified with the Department of Community Development.

(30) Developer may be required to upgrade existing City streets bordering or dissecting the property to meet current City standards. For any street with less than the right-of-way required by the Master Street Plan, additional right-of-way will be required to be dedicated to bring the street into compliance with the Master Street Plan. When determining the amount of and necessity of a dedication or upgrade the City shall consider whether the upgrade or dedication has a reasonable nexus to the legitimate interest of the City; and whether the details of the upgrade or dedication are reasonably proportional to the impacts of the project as required by state and federal law. A minimum of twenty (20) feet of right-of-way shall be dedicated for any future trail as shown on the Master Street Plan. Street improvements and/or right-of-way dedication must be completed or a bond posted prior to issuance of the Certificate of Occupancy.

(31) New construction, drives, and curb cuts on state and federal highways will require written approval of the Arkansas State Highway and Transportation Department. Copies of the approval must be provided to the Department of Community Development prior to the issuance of a building permit.

(32) Building plans shall be submitted to the Risk Reduction Division at least four weeks prior to a request for a building permit.

(33) The large-scale development plan approval letter issued by the Department of Community Development must be signed by the owner and the Director of the Department of Community Development or his or her designee or designee or his or her designee and submitted to the Risk Reduction Division prior to issuance of a building permit.

(34) All commercial developments, developments that include plumbing exceeding 15 fixture-units (two bathroom groups), and all public food service establishments require the review and approval of the Arkansas State Health Department. The Arkansas State Health Department approval letter is required prior to issuance of a building permit.

(35) Large-scale development plans are valid for one year following approval by the Planning Commission.

(Code 1997, § 60-21; Ord. No. 04-56, § 7(2.02), 5-25-2004; Ord. No. 09-18, § 1, 2-24-2009)

Sec. 14-229. - Fees.

To initiate Department of Community Development review, a large-scale development plan submission will require a fee in accordance with the current fee schedule approved by the Planning Commission and adopted by resolution of the City Council.

(Code 1997, § 60-22; Ord. No. 04-56, § 7(2.03), 5-25-2004)

Sec. 14-230. - Large-scale development plan approval.

(a) Upon receipt of the large-scale development plan by the Department of Community Development, the Director of the Department of Community Development or his or her designee shall determine whether the submitted plan complies with the requirements for submission in this division. Upon a determination that the requirements for submission have been complied with, the Department of Community Development shall accept the plan for consideration.

(b)(1) The Department of Community Development annually shall establish a calendar scheduling two dates each month that will be a deadline for large-scale development projects to be submitted. After submittal and acceptance of the large-scale development plan by the Department of Community Development, the Department of Community Development may:

(A) Submit the large-scale development plan to the Technical Advisory Committee for review; and

(B) Require the person submitting the large-scale development plan to revise his or her development plan to meet the requirements of law.

(2) A large-scale development plan shall be placed on the agenda for the Planning Commission when all revisions to the plans and drainage report have been addressed to the satisfaction of Director of the Department of Community Development or his or her designee and in accordance with code requirements for large-scale development no less than 10 days prior to a meeting of the Planning Commission.

(3) An applicant for large-scale development approval, who disagrees with Director of the Department of Community Development or his or her designee or designee regarding the requested revisions to the plan, may file a letter to the Director of the Department of Community Development or his or her designee requesting an appeal. Such appeal will be placed on the next appropriate Planning Commission agenda.

(c) The Department of Community Development may refuse to accept a large-scale development plan for any of the following reasons:

(1) The development plan is not submitted in accordance with the requirements of this division;

(2) The development plan is of insufficient scale to depict detail of the proposed development;

(3) The proposed development would violate a City ordinance, a state or federal law;

(4) The developer refuses to dedicate the street right-of-way, utility easements or drainage easements requested in compliance with Section 14-228.

(5) The proposed development would create or compound a dangerous traffic condition. For the purpose of this section, a "dangerous traffic condition" shall be construed to mean a traffic condition in which the risk of accidents involving motor vehicles is significant due to factors such as, but not limited to, high traffic volume, topography, or the nature of the traffic pattern;

(6) City water and sewer services are not readily available to the property within the large-scale development and the developer has made no provision for extending such service to the development; or

(7) Negative impact of the development on existing services, including utilities, streets, drainage systems or other municipal services, when taking into account density, scale of proposed development, the comprehensive growth plan, the master street plan, location and other qualities of the development.

(d) The approval of a large-scale development plan shall be effective for one year from the date of approval by the Planning Commission unless a building permit is obtained and construction has commenced.

(Code 1997, § 60-23; Ord. No. 04-56, § 7(2.04), 5-25-2004)

Secs. 14-231—14-255. - Reserved.

DIVISION 3. - LARGE-SCALE DEVELOPMENT PLAN REGULATIONS

Sec. 14-256. - Design standards, regulations and required improvements.

The proposed large-scale development shall meet the following regulations and required improvements. Also, it shall meet the state health department requirements. Unless specified, the following standards, regulations and required improvements apply to all developments:

(1) Storm drainage design must meet the minimum drainage requirements as defined by City ordinance. An engineer's certified calculations must be provided for all improvements. Improvements must be completed and certified by the engineer of record before a certificate of occupancy is issued.

(2) Developments within a floodplain or floodway must meet all City and FEMA requirements for new construction in floodplains or floodways.

(3) Where applicable, verify impact of development with the airport zoning and hazard map. Notification of the FAA may be necessary prior to construction.

(4) Developments will require the approval of the Planning Commission and all affected service providers.

(5) Proposed buildings must meet the setback requirements of the zoning ordinance or have been approved for a variance.

(6) Parking must meet the requirements of the zoning ordinance and must be paved. Handicap spaces provided must meet local, state and ADA requirements, including truncated domes at all handicap ramps. A parking space shall be at least 9 feet x 18 feet in size.

(7) Proposed streets or drives connecting to public streets must meet requirements of the City and/or the Arkansas State Highway and Transportation Department.

(8) Proposed signage must meet the requirements specified in the City zoning ordinance. A supplemental permit is required for any signage.

(9) Proposed connections to City water or sewer systems must be approved by Rogers Water Utilities prior to the issuance of the Certificate of Occupancy.

(10) Proposed trash dumpster locations must be enclosed with a six-foot high vision-blocking screen on all four sides.

(11) Sidewalks (see typical sidewalk and street details and sections 14-44 through 14-46).

A. Sidewalks shall be installed according to City standards and specifications. Sidewalks within public rights of way shall meet PROWAG requirements. For the purposes of this section, sidepaths shall be considered sidewalks except as specifically called out below.

B. All sidewalks shall be constructed to the following specifications:

i. Sidewalks shall be placed as shown on the street typical sections.

ii. Accessible curb ramps shall be provided wherever a sidewalk crosses a curb at crosswalks, driveways and street intersections.

iii. Sidewalks shall be constructed on a compacted base which is free from dust pockets, ruts, topsoil, organics and other defects.

iv. Sidewalks shall be constructed of Portland cement concrete with a minimum 28-day compressive strength of 3,500 pounds per square inch.

v. Sidewalks shall be constructed with a maximum transverse slope of one-fourth inch per foot, and a minimum transverse slope to allow proper drainage.

vi. The concrete shall be four inches thick with four inches compacted base over suitable compacted subgrade except at driveways where the concrete shall be six inches thick.

vii. Expansion joints shall be a maximum of 100 feet apart for sidewalks and sidepaths.

viii. Transverse joints between expansion joints for a sidewalk shall be scored or sawcut at intervals equal to the width of the sidewalk. Transverse joints between expansion joints for a sidepath shall be sawcut at intervals equal to the width of the sidepath.

ix. Sidewalks shall be finished to a smooth broom finish.

x. Sidewalk subgrade shall be inspected prior to pouring the sidewalk. All requests for inspections shall require a minimum 24-hour notice.

xi. The Planning Commission or street authority shall have the discretion and authority to grant exceptions in order to accomplish reasonable continuity in sidewalks.

xii. The property owner shall be responsible for repair and maintenance of the sidewalk, and this requirement shall be included in the protective covenants and on the face of the plat.

xiii. In existing subdivisions that are covered by this section, the developer shall submit suggestions pertaining to sidewalk location to the Director of the Department of Community Development or his or her designee. The developer and Director of the Department of Community Development or his or her designee shall make the final decision on the location.

xiv. In new subdivisions, sidewalks shall be laid out by the developer on the plat and presented to the Planning Commission for approval at the same time as the streets. The developer will have the flexibility to choose where the sidewalks are located and to design his sidewalk system based on the terrain, necessity, functional utility, etc. Final approval location cannot be changed without the approval of the Planning Commission.

C. In addition to any other criminal penalties that may be prescribed by state law, if the sidewalk is not installed per the large-scale development plan as required above, the record owner of the land shall be subject to a fine and each day that the violation exists shall constitute a separate offense. In addition, the City shall have the right to install the sidewalk and charge the cost thereof to the owner; and the City shall have a lien against the land for such costs. The Director of the Department of Community Development may allow a bond or payment in lieu of construction at their discretion at a value determined by the design engineer and agreed by the Director of the Department of Community Development.

(12) A percentage of the total land area then currently under development will be devoted to landscaping.

A. If the total current development area is two acres or more, the developer must provide either a minimum of 20 percent green space with at least one new tree or shrub meeting the plant criteria herein for each 1,000 square feet of the total current development area; or, a minimum of 15 percent green space with one tree or shrub for every 500 square feet of total current development area. If the developer opts to use the 15 percent green space option, tree size must be increased from two and one-half-inch ball and burlap to four-inch ball and burlap.

B. If the total current development area is less than two acres, at least one new tree or shrub meeting the plant criteria herein must be provided for each 1,000 square feet of the total land area for developments up to two acres.

(13) Drainage detention basins, if solid sodded may be included as a portion of the required landscape areas up to a maximum of five percent of the required landscape area. Street right-of-way, public access easements for streets, or private streets shall not be included as part of the required landscape area.

(14) Criteria for plant materials:

A. A minimum of 25 percent of the plant materials required under this code shall consist of trees.

B. Parking lots containing ten (10) or more spaces shall be landscaped with one of the following options:

(a) Option 1. Narrow tree lawn. A continuous landscape strip between rows of parking. The minimum width of a tree lawn shall be ten feet (10'); the minimum area shall be 300 square feet. One tree every 15 parking spaces or one tree every thirty linear feet, whichever provides more canopy, shall be planted with this option. Trees may be grouped or spaced within the lawn area.

(b) Option 2. Tree island. If the parking area is a single bay parking area, the tree island shall be a minimum width of eighteen feet (18') and a minimum length of eighteen feet (18'), or an area of not less than three hundred twenty-four square feet (324 sf). If the parking area is a double bay parking area, the tree island shall be a minimum width of eighteen feet (18') and a minimum length of thirty-six feet (36'), or an area of not less than six hundred forty-eight square feet (648 sf). One tree shall be planted for every 15 parking spaces with this option, with a maximum run of 15 parking spaces permitted without a tree island.

Interior trees shall be placed on either side of points of access (entrance drives, exit drives) within tree islands. All trees planted to meet these requirements shall be deciduous shade trees.

C. New plants may be selected from the recommended plants list provided by the Department of Community Development. Plants should be selected for hardiness in local zones. Plants should be arranged to facilitate growth and avoid damage by development. The following trees shall not be used in a landscape plan:

(i) Black locust (Robinia pseqdoacacia);

(ii) Cottonwood (Populous trichocarps);

(iii) Red cedar (Juniperus virginiana);

(iv) Bradford pear (Pyrus calleryana "Bradford"); and

(v) Southern live oak (Quercus virginiana).

D. Deciduous ornamental trees must be balled-and-burlapped, at least 2 inch caliper, and at least 6 feet tall. Deciduous shade trees must be balled-and-burlapped, at least two and one-half-inch caliper by at least six feet tall. Evergreen trees must be balled-and-burlapped and at least 8 feet in height above natural grade.

No more than 25 percent of the total number of trees may be ornamental trees, and at least 10% of the trees shall be evergreen. Shrubs are to be five gallon size, minimum.

E. Perennials from the recommended plants list qualify as a plant selection to meet minimum requirements in the ratio of 20:1. Twenty perennials, six-inch pot size, equal one tree or shrub. Perennials qualify as plant selections to a maximum of 25 percent of the required number of plants.

F. Credit to the plant requirement will be considered for existing trees provided they are of a desirable type, are healthy specimens, they contribute to the compatibility of the development and they are not threatened by the construction or placement of the proposed development. Qualification or placement of the proposed plant material must be verified with the Department of Community Development.

G. Street trees are in addition to other landscaping requirements.

(15) Landscape buffer zones, screening fences, or walls will be required where nonresidential zones abut residential zones. Landscape buffer zones, screening fences, or screening walls may also be required where zones R-MF (multifamily), R-MHC (manufactured home community), and R-O (residential office) abut low density residential zones R-E (residential estate) and R-SF (residential single-family). The width

of the required buffer should be verified with the Department of Community Development. If plants are to be used for screening, they must be evergreen and planted to provide a solid screen within three (3) years.

(16) Except as provided in § 14-715, bicycle parking shall be provided for any development or redevelopment requiring at least fifteen (15) or more off-street automobile parking spaces. Bicycle parking shall be provided at the following ratio:

A. Non-residential development shall provide at least one (1) bicycle parking rack per twenty (20) automobile parking spaces. The development shall provide at least one (1) bike rack.

B. Multi-family Residential Development. Residential development shall provide at least one (1) bicycle rack per thirty (30) dwelling units. The development shall provide at least one (1) bike rack.

C. Bicycle parking shall conform to the Association of Pedestrian and Bicycle Professionals guidelines.

(Code 1997, § 60-40; Ord. No. 04-56, § 7(3.01), 5-25-2004; Ord. No. 05-33, § 1, 2-22-2005; Ord. No. 12-27, § 1(Exh. A), 2-28-2012; Ord. No. 13-86, § 1(Exh. A), 10-22-2013; Ord. No. 15-100, § 1(Exh. D), 7-28-2015)

Sec. 14-257. - Development conformity.

The approved large-scale development plan must be put into effect before the certificate of occupancy is issued. The plan is considered as having been put into effect for this purpose if the following have been done:

(1) Compliance with the Arkansas Fire Prevention Code Volumes I, II, and III; and

(2) Completion of the following inspections:

(A) Electrical;

(B) Plumbing;

(C) Mechanical;

(D) Building drainage systems;

(E) Final building; and

(F) Fire and life safety.

(3) Completion of installation of signs and completion of parking requirements, all parking and loading areas, driveways, streets, curbs, open spaces, water and sewer lines and any other improvements that have been fully installed and completed with a three-year landscape replacement guarantee to the Department of Community Development;

(4) The developer submits a certification by a licensed professional engineer of compliance with the requirements of the City drainage code and FEMA requirements as adopted by the City; and

(5) The developer has constructed all improvements required or has posted a performance bond for completion of elements of the large-scale development plan which are not required to be completed prior to issuance of a certificate of occupancy.

(6) Compliance with all requirements set out in the large scale development approval letter issued by the City of Rogers.

(Code 1997, § 60-41; Ord. No. 04-56, § 7(3.02), 5-25-2004)

Sec. 14-258. - Nonresidential trailers.

(a) Upon the payment of an application fee as currently established and found in appendix B to this Code or as hereafter adopted by resolution of the City Council from time to time, by an applicant, the Director of the Department of Community Development or his or her designee, may issue permits for the placement of nonresidential trailers. For a permit to be granted by the Director of the Department of Community Development or his or her designee, the permit shall be for a period of no greater than six months. Mobile food trailer permits are issued for a period of one year and do not fall under this code.

(b) The Director of the Department of Community Development or his or her designee must make reference to the following factors in deciding whether or not to grant a permit:

(1) The proposed use of the nonresidential trailer;

(2) The location of the nonresidential trailer;

(3) The length of time requested for the nonresidential trailer;

(4) The potential frequency of use of the nonresidential trailer;

(5) Whether the applicant has been previously granted a nonresidential trailer permit for the same location, and the reasons for the extension;

(6) Whether health department approval has been obtained, if necessary to the operation of the nonresidential trailer.

(c) The denial of a nonresidential trailer permit by the Director of the Department of Community Development or his or her designee may be appealed to the Planning Commission for consideration in the manner provided in section 14-340(2).

(Code 1997, § 60-42; Ord. No. 04-56, § 7(3.03), 5-25-2004; Ord. No. 05-61, § 2, 4-26-2005)

Sec. 14-259. - Enforcement.

(a) No building permit for development subject to the requirements of the large-scale development plan code shall be issued until the large-scale development plan has been approved. A building permit shall not be issued if application for issuance of a building permit is made more than one year from the date of approval of the large-scale development plan.

(b) All bonded improvements shown on the approved large-scale development plan must be completed within six month after the certificate of occupancy is issued or the certificate of occupancy may be revoked.

(c) Any revisions or changes in a submitted and accepted large-scale development plan will require submission for approval.

(d) In addition to any other criminal penalties that may be prescribed by state law, failure of any developer to comply with the requirements of the large-scale development plan by completing and installing all improvements and landscaping requirements as shown on the approved large-scale development plan within six months after the issuance of a certificate of occupancy shall be a violation of this code and subject to the penalty provisions contained in Section 1-5 of the Rogers City Code and may be cause for forfeiture of any bond posted in accordance with section (b) above.

(e) It shall be unlawful for any person, firm, or corporation to occupy the improvements made pursuant to the approved large-scale development plan without first obtaining a certificate of occupancy. In addition to any other criminal penalties that may be prescribed by state law, failure to obtain a certificate of occupancy, prior to occupancy, shall be a violation of this code and subject to the penalty provisions contained in Section 1-5 of the Rogers City Code.

(Code 1997, § 60-43; Ord. No. 04-56, § 7(3.04), 5-25-2004)

Sec. 14-260. - Access management standards.

This section is intended to implement access management standards of the City as set forth in the City master street plan and growth comprehensive plan. In addition, this section conforms with policies and objectives of the NWARPC metropolitan planning organization's long-range transportation plan, the authority to control access to property as derived from state statutes, the policy and planning directives of the Federal Intermodal Surface Transportation Efficiency Act of 1991, and the Transportation Equity Act for the 21st Century. These regulations apply to all new development and construction:

(1) *Curb cuts.*

A. *City approval.* Property owners desiring curb cuts off of City streets or the state highway and transportation department (AHTD) highways, not associated with an approved large-scale development plan or subdivision, must obtain a letter of approval from the Department of Community Development or Arkansas State Highway and Transportation Department prior to installation of said curb cut/driveway.

B. *Width.* Ingress/egress opening in concrete, asphalt, rock or other street curbing, commonly referred to as "curb cuts," shall be not less than 70 feet nor more than 100 feet in width (Including radii) for nonresidential uses unless approved by the Department of Community Development

C. *Distance from intersections.* Curb cuts or access points shall be no closer than 100 feet measured from the right-of-way intersecting collector streets to the centerline of the drive, and no closer than 250 feet measured from the right-of-way of an intersection involving a major or minor arterial street to the centerline of the drive.

D. *Offset.* Either the centerline of opposing nonresidential driveways shall align, or shall be offset no less than 75 feet. This condition shall not apply where a permanent median exists without break for these driveways.

E. *Number of curb cuts permitted.* Unless otherwise specified by this section, the maximum number of curb cuts for each property shall be determined by length of road frontage and the maximum speed limit of the road (as determined by the City master street plan).

NUMBER OF CURB CUTS

Length of Street Frontage	Maximum Number of Curb Cuts*
600 feet or less	1
601—1,000 feet	2
1,001—1,500 feet	2
More than 1,500 feet	3

*Where lots are contiguous, a common ingress/egress drive is encouraged to minimize curb cuts and better facilitate traffic.

F. *Distance between curb cuts.*

Travel Speed Permitted	Minimum Distance Between Curb Cuts
30 mph	100 feet
35 mph	150 feet
40 mph	200 feet
45 mph	250 feet
50 mph	300 feet
55 mph	350 feet

G. *Curb radius.* To ensure safe turn movements, turning radii for commercial drive curb cuts should be at least 30 feet for curb cuts along streets designated by the City master street plan. Minor street curb radii shall be a minimum of 15 feet. Exceptions may be granted through a waiver from the Planning Commission for shorter radii in the downtown area and for larger radii needed where there may be a need to accommodate truck traffic.

H. *Barriers.* Entrance/exit and parking design landscaping, curbing, or other approved barriers shall be provided along boundaries to control entrance and exit of vehicles or pedestrians. All parking facilities, except those serving single-family detached and two-family dwellings shall be designed so that all existing movements onto a public street are in a forward motion.

I. *Right turn only.* Right turn only site plans for all commercial development and multifamily dwellings on minor arterial and major arterial streets will be required to have exit points that are designated right turn only exiting movements onto a public street.

J. *Acceleration and deceleration lanes.* Site plans for all commercial development, residential subdivisions, and multifamily dwellings on collector, minor arterial, and major arterial streets will be analyzed by the Director of the Department of Community Development or his or her designee for critical traffic conditions for both the initial opening and full development of the site. AHTD deceleration lanes are required for single and combined uses that generate driveway volumes (trip ends) of 300 or more vehicles in the peak hour, as determined using standard Institute of Transportation Engineers (ITE) trip generation rates for the subject land use(s). Additional development requiring a building permit, which would generate driveway volumes (trip ends) of 300 or more vehicles in the peak hour, shall require the installation of an AHTD-approved deceleration lane. Four hundred feet minimum spacing between drives, measured centerline to centerline or from the right-of-way intersecting lines of public streets to the centerline of a curb cut, is required when deceleration lanes designed in accordance with AHTD are required.

(2) *Joint and cross access.*

A. *Major traffic generators.* Adjacent commercial or office properties classified as major traffic generators (i.e., shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites. Major traffic generators are defined as all restaurants and any other commercial development with a total area under roof of 5,000 square feet or greater.

B. *Techniques.* A system of joint use driveways and cross access easements shall be established wherever feasible in commercial zoning districts along streets designated on the City Master Street Plan, and the building site shall incorporate the following:

i. A continuous service drive or cross access corridor extending the entire length of each property served to provide for driveway separation consistent with the curb cut standards;

ii A design speed of ten mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles;

iii. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive; and

iv. A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.

C. *Shared parking.* Shared parking areas shall be permitted to reduce required parking if peak demand periods for proposed land uses do not occur at the same time periods (i.e., bank and movie theater).

D. *Documentation.* Pursuant to this section, property owners shall record the following:

i. *Access easement.* Record an easement with the deed allowing cross access to and from other properties served by the joint-use driveways and cross access or service drive.

ii. *Access agreement.* Record an agreement with the deed that remaining access rights along the thoroughfare will be dedicated to the City and preexisting driveways will be closed and eliminated after construction of the joint-use driveway.

iii *Maintenance agreement.* Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

E. *Reduction in separation distance.* The City Planning Commission may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:

i. Joint access driveways and cross access easements are provided wherever feasible in accordance with this section;

ii. The site plan incorporates a unified access and circulation system in accordance with this section; and

iii The property owner shall enter a written agreement with the City, recorded with the deed, that preexisting connections on the site will be closed and eliminated after construction of each side of the joint-use driveway.

(3) *Waivers.* The City Planning Commission may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.

(4) *Nonconforming access features.*

A. *Existing.* Permitted access connections in place as of the date of the adoption of this section that do not conform with the standards herein shall be designated as nonconforming features and shall be brought into compliance with applicable standards when one of the following conditions occurs:

i. New access connection permits are requested;

ii. Substantial enlargements or improvements are made;

iii As roadway improvements allow; or

iv Significant change in trip generation.

B. *Discontinued use.* If the principal activity on a property with nonconforming access features is discontinued for a consecutive period of 180 days then that property must thereafter be brought into conformity with all applicable connection spacing and design requirements, unless otherwise exempted by the City Planning Commission. For uses that are vacant or discontinued upon the effective date of the ordinance from which this section is derived, the 180-day period begins on the effective date of the ordinance from which this section is derived.

(Code 1997, § 60-45; Ord. No. 04-24, § 1, 3-9-2004)

Secs. 14-261—14-283. - Reserved.

DIVISION 4. - OVERLAY DISTRICT STANDARDS

Sec. 14-284. - Established.

(a) An overlay district is hereby established within the City consistent with the objectives of the land use plan adopted by the City. The purpose of the overlay district is to protect and enhance the scenic quality of the City's highways and primary corridors designated below, create design standards for developments, and provide effective land use planning and facilitate traffic flow.

(b) The overlay district shall extend along West Walnut Street from Interstate I-49 east to South 8th Street (U.S. 71B); along South 8th Street from West Walnut Street to the south City limits; along Highway 62 from the east City limits to the west City limits; along State Highway 12 from 2nd Street to the east City limits; along New Hope Road from Dixieland Road to Interstate I-540; and along New Hope Road from South 8th Street to a point 1500 feet west and along Interstate I-540 from the north City limits to the south City limits; Pleasant Grove Road from South 8th Street (U.S. 71B) to Bellview. The district encompasses all lands with highway or primary corridor frontage, lying within 330 feet of the right-of-way on both sides of the designated highways and corridors within the City limits.

(Code 1997, § 60-60; Ord. No. 14-01, § 1, 1-14-2014)

Sec. 14-285. - Design standards, regulations and required improvements for developments within overlay districts.

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

(1) Lot size for any development shall be a minimum of one acre.

(2) Front yards for all principal and accessory buildings or structures shall be no less than 75 feet from the property line abutting the highways and primary corridors designated in 14-284 (b). All other setbacks for the underlying zone shall apply.

(3) Required landscape areas along the frontage of the highways and primary corridors designated in 14-284 (b) shall be no less than 25 feet deep exclusive of the right-of-way. Within this area the developer will plant trees at 20-foot spacing for the full width of the frontage. All plant materials on the site must meet

the requirements of division 3 of this article. Trees provided as part of the overlay district requirement apply toward the minimum plant requirement of division 3 of this article. Developer should attempt to incorporate existing on-site trees into the landscaping plan and indicate on plan. If a developer demonstrates that this requirement will constitute an undue hardship, or where the requirements conflict with existing public utilities, the Planning Commission may vary from the ordinance.

(4) Required landscape areas along the rear and side yards shall be no less than ten feet deep from the property line and locations are to be coordinated with the Department of Community Development. Where rear or side yards abut a street right-of-way, a 15-foot deep landscaped area shall be required when adjacent land is zoned office, residential or commercial.

(5) Erosion retardant vegetation shall be used on all cuts and fills.

(6) Tree species to be planted within these corridors should be consistent with the recommended plants list.

(7) Buildings within a commercial development with three or more tenants shall be allowed one sign, no more than ten feet in height and with no more than 100 square feet in face area.

(8) A commercial development with two or less tenants shall be allowed a single monument-type, ground-mounted sign located on the building site or in the landscaped front yard. The sign shall be a maximum of six feet in height and 72 square feet in sign face area.

(9) When a development involves multiple building sites, whether on one or more platted lots, the above-described regulations regarding yard setbacks, landscaping, and signage shall apply to the development as an entire tract rather than to each platted lot.

(10) Property which cannot be developed without violating the standards of this article may be allowed variances by the Planning Commission during the large-scale development plan consideration process as long as the variance requests are consistent with the purpose and intent of the overlay standards.

(Code 1997, § 60-60; Ord. No. 04-56, § 7(4.01), 5-25-2004; Ord. No. 07-134, § 1, 10-9-2007)

Sec. 14-286. - Development conformity.

The approved large-scale development plan within an overlay district must be put into effect before the certificate of occupancy is issued. The plan is considered as having been put into effect for this purpose if the following has been done:

(1) Compliance with the Arkansas Fire Prevention Code Volumes I, II, and III; and

(2) Completion of the following inspections:

(A) Electrical;

(B) Plumbing;

(C) Mechanical;

(D) Building drainage systems;

(E) Final building; and

(F) Fire and life safety.

(3) Completion of signage and completion of parking and loading areas, driveways, streets, curbs, open spaces, water and sewer lines and any other improvements have been fully installed and completed with a three-year landscape replacement guarantee submitted to the Department of Community Development;

(4) The developer submits certification by a licensed professional engineer of compliance with the requirements of the City drainage code and FEMA requirements as adopted by the City; and

(5) The developer has constructed all improvements required or has posted a performance bond for completion of elements of the large-scale development plan which are not required to be completed prior to a certificate of occupancy.

(Code 1997, § 60-61; Ord. No. 04-56, § 7(4.02), 5-25-2004)

Sec. 14-287. - Enforcement.

(a) No building permit for development subject to the requirements of this article shall be issued until the large-scale development has been approved. A building permit shall not be issued if application for issuance of a building permit is made more than one year from the date of the plan's approval.

(b) All improvements shown on the approved large-scale development plan and required by the overlay district must be completed before a certificate of occupancy will be issued, or the City may allow the developer to post a bond sufficient to cover the expense of those improvements not completed prior to the issuance of the certificate of occupancy.

(c) Any revisions or changes in a submitted and accepted large-scale development plan will require submission for approval.

(d) In addition to any other criminal penalties that may be prescribed by state law, failure of any developer to comply with the requirements of this article or to implement the large-scale development plan by completing and installing all improvements and landscaping as shown on the approved large-scale development plan within six months after the issuance of a certificate of occupancy shall be a violation of this code and subject to the penalty provisions contained in Section 1-5 of the Rogers City Code. Said failure of the developer to comply shall further be cause for forfeiture of any bond posted in accordance with section (b) above.

(e) It shall be unlawful for any person, firm, or corporation to occupy the improvements made pursuant to the approved large-scale development plan without first obtaining a certificate of occupancy. In addition to any other criminal penalties that may be prescribed by state law, failure to obtain a certificate of occupancy, prior to occupancy, shall be a violation punishable in accordance with Section 1-5 of the Rogers City Code.

(f) In addition to any other criminal penalties that may be prescribed by state law, failure of any property owner to maintain the standards of the overlay district required above, after the issuance of the certificate of occupancy, shall be a violation punishable in accordance with Section 1-5 of the Rogers City Code.

(Code 1997, § 60-62; Ord. No. 04-56, § 7(4.03), 5-25-2004)

Secs. 14-288—14-307. - Reserved.

DIVISION 5. - INTERSTATE SIGN DISTRICT

Sec. 14-308. - Established.

The interstate sign district shall extend from the south side of West Olive Street to the north side of Perry Road and 500 feet to the east and west of the centerline of Interstate I-49.

(Code 1997, § 60-70)

Sec. 14-309. - Design standards and regulations for signage in the interstate sign district.

(a) The interstate sign district shall apply only to property zoned C-2 and C-4.

(b) In addition to the signage presently allowed in the C-2 and C-4 zones, the following shall be permitted:

(1) One additional freestanding on-premises sign with a maximum height of 70 feet and a minimum height of 35 feet.

(2) The additional sign shall be no greater than 150 square feet in total sign face area.

(3) No part of the sign may be closer than five feet to any property line.

(4) The additional sign shall be installed in the landscaped area of the rear or side yards in a location approved by the Planning Commission.

(c) Signage authorized by this article must be submitted to and approved by the Planning Commission, or their designee, and a sign permit obtained prior to construction.

(Code 1997, § 60-70; Ord. No. 04-56, § 7(5.01), 5-25-2004)

Secs. 14-310—14-338. - Reserved.

DIVISION 6. - ADMINISTRATION AND ENFORCEMENT

Sec. 14-339. - Adoption, administration and enforcement.

It is the intent of these rules and regulations that the public interest be protected by a thorough review of all proposed large-scale development plans without undue delay to the developer. The primary responsibility for the adoption, amendment, interpretation, administration, review approval and enforcement of these regulations shall be as follows:

(1) The City Planning Commission shall be responsible for the planning requirements and proposed development activities contained in this chapter with assistance from the Department of Community Development.

(2) The Director of the Department of Community Development or his or her designee or designee shall:

(A) Ensure that construction of the large-scale development is consistent with the approved plans; and

(B) Notify the City of Rogers Risk Reduction division of their approval or disapproval of the issuance of the certificate of occupancy.

(3) The Planning Commission shall be responsible for maintaining, amending, modifying, and updating these regulations with assistance from the Department of Community Development.

(Code 1997, § 60-80; Ord. No. 04-56, § 7(6.01), 5-25-2004)

Sec. 14-340. - Appeal procedures.

The following appeal procedures have been established:

(1) Planning Commission decisions.

A. The developer or owner of any property adjacent to the proposed land development may appeal the decision of the Planning Commission to the City Council by filing such a notice of appeal with the City clerk within ten days from the date of such decision.

B. The City Council shall hear all persons desiring to be heard on the question of whether the findings and decisions of the Planning Commission were in error. Following such hearings, the City Council may affirm, modify, or reverse any findings or decision of the Planning Commission or may refer the proposed development back to the Planning Commission for additional study. The City Council may refuse to approve the proposed improvement for any of the reasons specified in this chapter.

(2) Department of Community Development decisions.

A. The developer, owner or contractor of any proposed land development may appeal the decision of the Department of Community Development to the Planning Commission by filing such a notice of appeal with the Department of Community Development within ten days from the date of such decision.

B. The Planning Commission shall hear all persons desiring to be heard on the question of whether the findings and decisions of the Department of Community Development were in error. Following such hearings and review, the Planning Commission may affirm, modify or reverse any finding or decision of the Department of Community Development.

(3) The Planning Commission's decision may be appealed to the City Council by filing such a notice of appeal with the City clerk within ten days from the date of such decision.

(Code 1997, § 60-81; Ord. No. 04-56, § 7(6.02), 5-25-2004)

Sec. 14-341. - Variations.

The Director of the Department of Community Development or his or her designee may authorize minor adjustments in the approved development plan, after approval, provided the adjustment conforms to the meaning and intent of the original approval. The approval "effective" date of a large-scale development plan will not be extended based on staff approval of adjustments.

(Code 1997, § 60-82; Ord. No. 04-56, § 7(6.03), 5-25-2004)

Sec. 14-342. - Amendment.

These regulations may be amended by the affirmative vote of a majority of the full membership of the Planning Commission, following the same procedures used in the original adoption. The Planning Commission may from time to time add to, delete or modify the information.

(Code 1997, § 60-84; Ord. No. 04-56, § 7(6.05), 5-25-2004)

Sec. 14-343. - Legal approval.

Prior to its consideration by the Planning Commission, the proposed amendment may be referred to the legal counsel for review and recommendations.

(Code 1997, § 60-85; Ord. No. 04-56, § 7(6.06), 5-25-2004)

Sec. 14-344. - Inspection.

The Mayor, members of the City Council, members of the Planning Commission, the Director of the Department of Community Development, or any of their authorized representatives may at any time review the records or enter the development to review and inspect the improvements and work for compliance with these regulations.

(Code 1997, § 60-86; Ord. No. 04-56, § 7(6.07), 5-25-2004)

Sec. 14-345. - Penalties.

In addition to any other criminal penalties that may be prescribed by state law, a violation of these regulations or failure to comply with the provisions in this article specified shall subject the person, firm or corporation to the following penalties:

(1) *Violations.* Violations shall be subject to the penalty provision contained in Section 1-5 of this Code.

(2) *Civil action.* The Planning Commission or any affected person may institute a civil suit to prevent or remove a violation of these regulations.

(Code 1997, § 60-87; Ord. No. 04-56, § 7(6.08), 5-25-2004)

Secs. 14-346—14-363. - Reserved.

ARTICLE IV. - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES [2]

Footnotes:

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State Law reference— Streets and public property, A.C.A. § 14-301-101 et seq.; street revenue bonds, A.C.A. § 14-302-101 et seq.; Arkansas Highway, Road, and Street Systems Classification Law, A.C.A. § 27-66-301 et seq.; highway revenues for local aid, A.C.A. § 27-72-301 et seq.

DIVISION 1. - GENERALLY

Sec. 14-364. - Distance from curbs and sidewalks.

(a) The distance a tree may be planted from curbs, curblines, and sidewalks will be in accordance with the tree species classes referred to in section 18-258. No trees may be planted closer to any curb or sidewalk than the following:

(1) Trees 20 feet tall or less (smaller trees) shall be at least two feet from any curb or sidewalk.

(2) Trees 30 to 50 feet tall (medium trees) shall be at least three feet from any curb or sidewalk.

(3) Trees 50 feet tall or taller shall be at least four feet from any curb or sidewalk.

(b) The owner of the abutting lot shall keep the trees trimmed so that no branches, limbs, or leaves shall overhang the sidewalk or street lower than ten feet from the ground.

(Code 1982, § 51-169; Code 1997, § 122-6)

Sec. 14-365. - Distance from street corners and fire hydrants.

(a) No street tree shall be planted within 25 feet of any street corner. A street corner shall be defined as the point where the curbs or curblines intersect.

(b) No tree shall be planted within ten feet of any fire hydrant.

(Code 1982, § 51-170; Code 1997, § 122-7)

Sec. 14-366. - Proximity to utility equipment and facilities.

No street trees or park trees other than those of a maximum 20 feet tall may be planted under or within ten lateral feet of any overhead utility wire or over or within ten lateral feet of any underground waterline, sewer line, transmission line or other utility.

(Code 1982, § 51-171; Code 1997, § 122-8)

Sec. 14-367. - Buildings creating obstruction.

No person shall erect, place, own, or occupy any permanent structure or any unpermitted temporary structure of any description in or on any of the streets, alleys, or street parking areas within the City.

(Code 1982, § 51-3; Code 1997, § 106-3)

State Law reference— Power of city to prevent obstructions on streets, A.C.A. §§ 14-54-104, 14-301-101.

Secs. 14-368—14-461. - Reserved.

DIVISION 2. - DRAINAGE

Sec. 14-462. - Plans for proposed changes required.

The Street Superintendent or the Director of the Department of Community Development or his or her designee shall require any person desiring to install, alter or otherwise change any drain or drainage ditch, or any other form of water outlet, from any property where the drainage thereof shall flow or otherwise enter upon any lands lying within the City, to submit to him a detailed diagram showing the present status of the drainage provisions of said property, and the proposed installation, alteration or other change in such drainage provision.

(Code 1982, § 51-78; Code 1997, § 106-156)

Sec. 14-463. - Examination of plans.

The Street Superintendent or the Director of the Department of Community Development or his or her designee shall examine the drainage diagrams and premises purported to be affected thereby to ascertain the effect that the proposed changes will have in the drainage of the lands.

(Code 1982, § 51-79; Code 1997, § 106-157)

Sec. 14-464. - Certificate of approval.

If the Street Superintendent or the Director of the Department of Community Development or his or her designee determines that a proposed plan under this division provides for adequate drainage, he shall thereupon issue to the applicant a certificate of approval to install, alter or otherwise change such drainage provisions in conformity to the plans and specifications submitted to him.

(Code 1982, § 51-80; Code 1997, § 106-158)

Secs. 14-465—14-481. - Reserved.

DIVISION 3. - SIDEWALKS AND SIDEPATHS [3]

Footnotes:

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Editor's note—Ord. No. 15-100, § 1(Exh. E), adopted July 28, 2015, changed the title of Div. 3 from "Sidewalks" to "Sidewalks and Sidepaths."

State Law reference— Sidewalk defined, A.C.A. § 27-49-212; additional powers, A.C.A. § 14-54-104.

Sec. 14-482. - Subdivisions and new development generally.

(a) Sidewalks shall be installed according to City standards and specifications, as adopted by the City Council, along both sides of all streets in all subdivisions platted after January 1, 1990, and along one or both sides of all streets, as is applicable. For the purposes of this section, sidepaths shall be considered sidewalks except as specifically called out below.

(b) All sidewalks shall be constructed to the following specifications (see typical sidewalk detail, section 14-1002):

(1) Sidewalks shall be placed as shown on the street typical sections.

(2) Handicapped curb ramps shall be provided wherever a sidewalk crosses a curb at crosswalks, commercial driveways and street intersections.

(3) Sidewalks shall be constructed on ~~a~~ compacted base which is free from dust pockets, ruts, topsoil, organics and other defects.

(4) Sidewalks shall be constructed of Portland cement concrete with a minimum 28-day compressive strength of 3,500 pounds per square inch.

(5) Sidewalks shall be constructed with a maximum transverse slope of one-fourth inch per foot, and a minimum transverse slope to allow proper drainage.

(6) Sidewalks on minor streets shall be five feet wide. Sidewalks on collector streets shall be six feet wide. Sidepaths on collector streets and above shall be ten feet wide.

(7) The concrete shall be four inches thick except at driveways where it shall be six inches thick.

(8) Expansion joints shall be a maximum of 25 feet apart for sidewalks and 50 feet for sidepaths.

(9) Transverse joints between expansion joints for a sidewalk shall be scored or sawcut at intervals equal to the width of the sidewalk. Transverse joints between expansion joints for a sidepath shall be sawcut at intervals equal to the width of the sidepath.

(10) Sidewalks shall be finished to a smooth broom finish.

(11) Sidewalk subgrade shall be inspected prior to pouring the sidewalk. All requests for inspections shall require a minimum 24-hour notice.

(12) The Director of the Department of Community Development or his or her designee or the street authority may grant exceptions in order to accomplish reasonable continuity in sidewalks.

(13) The property owner shall be responsible for repair and maintenance of the sidewalk, and this requirement shall be included in the protective covenants and on the face of the plat.

(14) In existing subdivisions that are covered by this section, the developer shall submit suggestions pertaining to sidewalk location to the Director of the Department of Community Development or his or her designee. The developer, the Director of the Department of Community Development, and City Council committee chairman shall make the final decision on the location.

(15) In new subdivisions, sidewalks shall be laid out by the developer on the plat and presented to the Planning Commission for approval at the same time as the streets. The developer will have the flexibility to choose where the sidewalks are located and to design his sidewalk system based on the terrain, necessity, functional utility, etc. Final approval location cannot be changed without the approval of the Planning Commission.

(c) Sidewalks and sidepaths within a subdivision that front public spaces shall be constructed as part of the development. The construction of sidewalks and sidepaths that front individual lots may be deferred until the individual lot is developed. In addition to any other criminal penalties that may be prescribed by state law, if the sidewalk is not installed per the subdivision plan within three years as required above, the record owner of the land shall be subject to a fine, and each day that the violation exists shall constitute a separate offense. In addition, the City shall have the right to install the sidewalk and charge the cost thereof to the owner; and the City shall have a lien against the land for such costs. The Director of the Department of Community Development or his or her designee may allow a bond or payment in lieu of construction at their discretion at a value determined by the design engineer and agreed by the Director of the Department of Community Development or his or her designee.

(Code 1982, § 51-13; Code 1997, § 106-201; Ord. No. 12-27, § 1(Exh. A), 2-28-2012; Ord. No. 13-86, § 1(Exh. A), 10-22-2013; Ord. No. 15-100, § 1(Exh. F), 7-28-2015)

Sec. 14-483. - Reserved.

Editor's note— Ord. No. 13-86, § 1(Exh. A), adopted Oct. 22, 2013, repealed § 14-483, which pertained to residential subdivisions and derived from Code 1982, § 51-14; Code 1997, § 106-202.

Sec. 14-484. - Installation prior to issuance of certificate of occupancy.

In all other development, the sidewalk shall be installed prior to issuance of a certificate of occupancy; provided, however bond may be posted with the City for the estimated cost of construction of the sidewalk.

(Code 1982, § 51-15; Code 1997, § 106-203)

Sec. 14-485. - Grass strip.

If there is a strip between the sidewalk and the curbing, it shall be set in grass and be graded to a level with both the sidewalk and the curb.

(Code 1982, § 51-21; Code 1997, § 106-204)

Sec. 14-486. - Trees.

(a) *Location.* If a grass strip exists between the sidewalk and curb and shade trees are planted in the grass strip, they shall be set in rows in the center of the strip.

(b) *Trimming.* The owner of the abutting lot shall keep the trees trimmed so that no branches, limbs or leaves shall overhang the sidewalk or street lower than eight feet from the ground.

(Code 1982, §§ 51-22, 51-23; Code 1997, § 106-205)

Sec. 14-487. - Additional requirements.

In addition to the requirements of this division, sidewalks shall be constructed in accordance with the American National Standards Institute's accessibility requirements (ANSIA 117.1).

(Code 1982, § 51-24; Code 1997, § 106-206)

Secs. 14-488—14-511. - Reserved.

DIVISION 4. - STREETS, STREET CUTS, STREET BORES AND SIDEWALKS

Sec. 14-512. - Damage to existing lines.

Any person breaking or damaging any cables, pipes, or lines of the City shall be liable for the cost of repairing the break.

(Code 1982, § 51-96; Code 1997, § 106-111)

Sec. 14-513. - Cuts or breaks without permit unlawful.

Hereafter it shall be unlawful for any person to bore or break the surface of any street or alley in the City for the purposes of installing service or utility lines or for any other purpose except in the case of an emergency, until a permit for such breaking has been issued by the Department of Community Development. Copies of such permit are to be filed with the City police department and City fire department. Getting a permit does not relieve the contractor from being responsible for any damages to the street or ROW. If a curb cut is part of a project with a building permit, the building permit will serve as a street cut permit, but shall not release the builder from the responsibility of contacting the City and coordinating with the City regarding the street cut. The street cut shall be repaired in conformance with the then current City street standards.

(Code 1997, § 106-220; Ord. No. 07-93, § 2, 6-26-2007; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

Sec. 14-514. - Permits; deposits.

The Department of Community Development shall and is hereby authorized and directed to issue permits, upon proper application, to bore, cut, or break streets or alleys within the City for the purposes of installing utility or service lines or for such other purposes as may be approved by the Street Superintendent and the Department of Community Development.

(Code 1997, § 106-221; Ord. No. 07-93, § 3, 6-26-2007)

Sec. 14-515. - Enforcement officers.

(a) Except as specifically provided otherwise in this division, the Department of Community Development shall enforce the provisions of this section.

(b) The Street Superintendent or Director of the Department of Community Development or his or her designee shall first approve all construction placed upon all public streets, alleys, easements, or other public rights-of-way, or any area contained in a preliminary plat which has been approved by the Planning Commission for dedication as public rights-of-way.

(c) The Director may prescribe procedures and technical specifications not in conflict with this Code and which may be found necessary to maintain a proper condition or repairs to the pavement on any street, alley, sidewalks, street and alley crossings and other public grounds.

(d) No person shall willfully or wantonly and without authority cut, break, or remove, or in any manner displace, any curbing, guttering, street crossing, paved street, or any part thereof.

(e) No person shall recklessly or intentionally drive any car, truck, tractor, or wagon into or on the curbing or concrete guttering of any paved street.

(Code 1997, § 106-222; Ord. No. 07-93, § 4, 6-26-2007)

Sec. 14-516. - Traffic safety.

Any person making any cut in any pavement, curbing, or sidewalk or repairing or constructing any pavement, sewers, public utility lines or other works, or making any excavation in, upon, under, or adjoining a street, alley, sidewalk or other public ground, whether paved or unpaved, shall at all times while such work is being done, comply with the provisions of the Uniform Traffic Safety Manual, latest edition. Any road closures require notification as required by Section 52-4 of the Rogers City Code.

(Code 1997, § 106-223; Ord. No. 07-93, § 5, 6-26-2007)

Sec. 14-517. - Bored crossings.

(a) The intent of this article is that all street and alley crossings by utilities and other parties shall be required to be bored unless an open cut is approved by the Street Superintendent or Director of the Department of Community Development or his or her designee.

(b) Open cut approvals shall not be withheld unreasonably and if required, shall meet the following requirements:

(1) *Handling of excavated material.* In making excavations or making improvements in or to any street, sidewalk, alley or other public grounds, all material or earth removed and new material necessary for repairs or for new work shall be handled in a safe manner and placed where it will cause the least possible inconvenience to the public. In no case shall any of such material or earth be scattered over the surface of the pavement. All excavated material shall be properly handled and stored so as to prevent excessive tracking onto streets and prevent mud and debris from entering the storm sewer system.

(2) *Failure to make repairs promptly.* No trench or opening made on any of the paved streets, alleys, sidewalks or other public grounds of this City shall remain open longer than is absolutely necessary, and in no event more than three days, except by special written permission of the Street Superintendent or Director of the Department of Community Development or his or her designee. If a cut remains open for longer than three days and the party making it failed to secure the necessary extension of time, and having been notified to refill the same, failed to do so, then such refilling shall be made under the direction of the Street Superintendent or Director of the Department of Community Development or his or her designee. Failure to do this will result in forfeiture of bond.

(3) *Maintenance of cuts, removal of debris.* The party making the cut shall remove all of the surface materials and earth excavated and leave the surface of the street and parking in a neat, sightly and clean condition.

(4) *Backfilling generally.*

A. Immediately upon the completion of any job, the backfilling of cuts made into the earth beneath any street, alley, sidewalk, street or alley crossing, or other public ground under permit from the Department of Community Development shall be made up to the original street surface in layers of Class 7 base.

B. The layers shall not exceed six inches in thickness and each layer shall be thoroughly rammed and tamped to a density of 95 percent modified proctor density according the AASHTO T-180. Such tamping procedure shall continue until the excavation is filled up to the proper line.

C If the refilling of any excavation is not done in accordance with the provisions of this article and the rules and regulations of the City and in a manner satisfactory to the Street Superintendent or Director of the Department of Community Development or his or her designee, then the Street Superintendent or Director of the Department of Community Development or his or her designee shall have the right to cause all the materials to be removed from the excavation and have the same refilled in a proper manner at the expense of the party originally making the excavation. Failure to comply will result in forfeiture of bond.

D. Refilling of any excavation not done in accordance with the provisions of this article and the rules and regulations of the City and in a manner satisfactory to the Street Superintendent or Director of the Department of Community Development or his or her designee will result in forfeiture of bond.

(5) *Length of excavation.* No excavation shall be made in any street, sidewalk, alley, or other public ground more than 400 feet in length at any one time, except by special written permission of the Street Superintendent or Director of the Department of Community Development or his or her designee.

(6) *Bridges walks and passages through excavation.* In all cases where excavations are made entirely across a street, alley, sidewalk or any other public grounds, whether paved or unpaved, a substantial walk or driveway bridge shall be maintained across the trench or opening by the person making the excavation. Such walk or driveway bridge at all times shall be subject to the approval of the Department of Community Development.

(7) *Driveways.* A curb cut for a driveway purpose shall be permitted only in connection with the issuance of a driveway permit extending no less than five feet from the curbline.

(8) *Emergency cuts and excavations.*

A. Nothing in this division shall prevent any person from opening any pipeline, conduit, or public utility in any street, alley, sidewalk, driveway, or other public ground as may be necessary for the emergency preservation of life or property when necessity may arise during the hours the offices of this City are closed.

B. The person making such excavation shall make application to and receive from the Department of Community Development a permit therefore within 24 hours after the offices of the City are first opened subsequent to the making of such excavation.

(9) *Repairs generally.*

A. An applicant for the permit required by the provisions of this division shall be responsible for making repairs to paving and curb cuts and said repairs shall be made in accordance with the provisions of this section.

B. In all instances the applicant making the cut or excavation shall backfill to grade immediately and, if not permanently repaired at the time, the cut shall be patched temporarily. The permanent repair will be made as soon as practicable after the excavation backfill is stable.

C. In addition to the procedure described in subsection (9)b. of this section, all cuts and excavations made in streets paved with hot mix shall be repaired by the applicant. In every instance, the applicant responsible for making repairs to newly cut streets shall pay all costs encountered for repair and/or relocation of all existing utilities. Failure to do this will result in forfeiture of bond. All work performed pursuant to the provisions of this division shall be done in accordance with established standards of the City.

(10) *Cave-ins.*

A. The applicant responsible for excavation shall ensure that all necessary OSHA standards are being followed with respect to the work being done and shall also be responsible for notifying the City of Rogers Fire Department of an excavation. If the sides or walls of an excavation cave in at any time during the process of the work, leaving the foundation of the pavement surrounding the cut

insufficient to fully support the pavement, all of the pavement so undermined by the cave-in shall be broken down and the opening in the surface of the pavement increased until the extreme edge of the insufficient foundation is reached.

B. Such additional repairs to the pavement shall be immediately covered by an additional permit issued pursuant to the provisions of this division.

C. The permit deposit charged in such cases shall be based on the scale of a continuous cut.

(11) *Base under pavement.* No person shall tunnel under any portion of the pavement unless approval is first obtained from the Department of Community Development.

(12) *Cuts by City employees.* If it becomes necessary for any of the departments or employees of the City to open cut any part of the pavement on any of the streets, sidewalks, alleys or other public grounds in the scope of their employment, they shall obtain approval from the Street Superintendent or Director of the Department of Community Development or his or her designee to do so. No permit shall be required provided that all other portions of this article shall be fully complied with by the City employees as by other persons.

(Code 1997, § 106-224; Ord. No. 07-93, § 6, 6-26-2007; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

Sec. 14-518. - Applications for permits.

(a) *Required information.* Applications for permits must:

(1) Show the applicant to be over the age of 21 years;

(2) Designate the street or alley and approximately the location thereon of the proposed cut or break;

(3) Indicate the purposes of the cut or break;

(4) State the nature of the street or alley surface; and

(5) Contain an agreement to comply in all things with the provisions and requirements of this article.

(b) *Application.* A person who is required by the provisions of this division to obtain a permit shall make written application to the director upon a form furnished by the Department of Community Development. The application shall state the exact location of the work and such other information as the Department of Community Development may require.

(c) *Issuance.* The Department of Community Development shall approve a permit pursuant to the provisions of this division if the applicant and the proposed work comply with all applicable provisions of this article.

(Code 1997, § 106-225; Ord. No. 07-93, § 7, 6-26-2007)

Sec. 14-519. - Deposit.

(a) A person who is required by the provisions of this division to obtain a permit shall pay to the City a deposit as currently established or as hereafter adopted by resolution of the City Council from time to time. Deposit shall be in the form of a check or bond. The bond shall be executed by a surety company authorized to transact business in the state. A deposit shall not apply to utility companies operating under franchise or under congressional grant in the City. If the work is sublet to a contractor, either the contractor will be required to deposit a check or bond or the utility company shall deposit check or bond.

(b) The permit deposit charged in cases where a cut is made larger than that contemplated in the permit shall be based on the scale of a continuous cut.

(Code 1997, § 106-226; Ord. No. 07-93, § 8, 6-26-2007)

Sec. 14-520. - Violations.

(a) In addition to any other criminal penalties that may be prescribed by state law, noncompliance with the provisions of this division shall constitute a violation.

(b) The following acts shall be treated as offenses separate and apart from any other violations of this article:

(1) Cutting or breaking the surface of any street or alley without a permit therefor;

(2) Falsification of the application for a permit to cut or break a street or alley;

(3) Failure to post a bond as required in section 14-519 or posting a fraudulent bond thereunder;

(4) Failure to comply with the specifications and requirements imposed herein for backfilling and tamping of cut or break trenches.

(Code 1997, § 106-227; Ord. No. 07-93, § 9, 6-26-2007)

Sec. 14-521. - Vacating a street or alley by request of the City.

With a request by a City official, officer, department, or division that a City street or alley be vacated in order to better provide for the public welfare, safety, comfort, and convenience of inhabitants of City of Rogers, the City Council shall have power to vacate the street, by proceeding in the manner set forth below:

(1) The Director of the Department of Community Development or his or her designee shall cause a resolution to be drafted which shall direct the City clerk to give notice by a publication one time a week for two weeks in a newspaper published in the county and having a general circulation in the City, advising of the day the City Council will hold a hearing to make a determination regarding vacating the proposed street or alley.

(2) Hearing notification signs shall be erected by the Department of Community Development at least 30 days in advance of the City Council hearing regarding vacating the street or alley. Signs shall be located at the beginning, middle, and end of the proposed closure. The notification sign shall contain:

A. The name of the street or alley, or the portion thereof, to be vacated,

B The location, date and time of the hearing at which the ordinance to vacate will be heard.

(3) City Council may, by ordinance, after a finding that the closure is being vacated in order to better provide for the public welfare, safety, comfort, and convenience of inhabitants, order the requested street or alley vacated.

(4) Closure signs shall be erected by the Department of Community Development for at least 30 days upon adoption of the ordinance to vacate the said street or alley. Signs shall be located at the beginning, middle, and end of the closure. Closure notification signs shall contain:

A. The ordinance number,

B. The date the ordinance was passed, and

C. The date the ordinance will be recorded with the Benton County Recorder.

(5) On the 31st day after adoption of the ordinance, the City clerk shall record the said ordinance with the Benton County Recorder.

(6) Said vacated land shall be used or devoted to other proper public or corporate purposes or sold by order of the City Council and the proceeds applied for public or corporate purposes.

(Ord. No. 15-40, § 1(Exh. A), 3-24-2015)

State Law reference— A.C.A. § 14-54-104.

Sec. 14-522. - Straightening or abandoning a street or an unnecessary alley.

(a) *Straightening or abandoning a street.* When a city street which contains offsets and sufficient property is dedicated to the offsets, is requested to be abandoned, the City Council shall have the power to abandon the street, by proceeding in the manner set forth below:

(1) Any person owning property abutting any part of the property proposed to be abandoned shall notify the City Council by forwarding a written petition to the Department of Community Development requesting to abandon the street.

(2) The Department of Community Development shall cause a resolution to be drafted which shall direct the City clerk to give notice by a publication one time a week for two weeks in a newspaper published in the county and having a general circulation in the City, advising property owners affected of the day the City Council will hold a hearing of determination of abandonment.

(3) Hearing notification signs shall be erected by the Department of Community Development at least 30 days in advance of the City Council hearing of determination of abandonment. Signs shall be located at the beginning, middle, and end of the proposed closure. The notification sign shall contain:

A. The name of the street or alley, or the portion thereof, to be vacated,

B. The location, date and time of the hearing at which the ordinance to abandon will be heard.

(4) Written consent of the owners of all lots abutting on the street, or the portion thereof, to be abandoned shall be presented to the City Council on or before the date of the council's consideration of the ordinance to abandon the street. In determining whether all abutting property owners have consented to the abandonment, the council shall be limited by the record of deeds in the office of the Benton County Recorder, and shall not consider unrecorded instruments. Utility providers holding any form of easement related to the street proposed for abandonment shall be considered abutting property owners for the purposes of section 14-522.

(5) The City Council may, after a finding that the street should be abandoned, in agreement with owners of all the real estate of the block, and those with any utility interest, order the requested street abandoned.

(6) Closure signs shall be erected by the Department of Community Development for at least 30 days upon adoption by ordinance to abandon said street. Signs shall be located at the beginning, middle, and end of the closure. Closure notification signs shall contain:

A. The ordinance number,

B. The date the ordinance was passed, and

C. The date the ordinance will be recorded with the Benton County Recorder.

(7) On the 31st day after adoption of the ordinance, the City clerk shall record the said ordinance with the Benton County Recorder.

(8) Absolute ownership shall vest in the owners of the fee simple title to the property free from the former easement of the City therein for public use as a street.

(b) *Abandoning an unnecessary alley.* With a request that a City alley or other passage across a particular block within the City that is not needed for highway purposes, and that the welfare of the City will be enhanced or promoted by closing and abandoning of the alley, the City Council, acting by and through the Mayor and City clerk, shall have power to abandon the unnecessary alley, by proceeding in the manner set forth below:

(1) The requestor shall provide sufficient information to the Department of Community Development so that the Director of the Department of Community Development or his or her designee shall cause an ordinance to be drafted. Said ordinance shall include the reason or purpose for the closure, and shall authorize the Mayor and City Clerk to enter into a written agreement with the owners of all the real estate of the block to close and abandon the alley or passageways.

(2) Any person, firm, or corporation which has erected or installed any conduit, pipe, cable, pole, or overhead wire along or across the alley or passageway shall be considered a property owner whose consent to closing the alley or passage way must be secured.

(3) The City Council may, after a finding that the alley is being abandoned in order to better provide for the public welfare, safety, comfort, and convenience of inhabitants, in agreement with owners of all the real estate of the block, and those with any utility interest, authorize the Mayor and City clerk, via ordinance, to enter into said agreement abandoning the alley or passageway.

(4) Title to the alley or passageway so abandoned shall vest in the owners of the real estate adjacent thereto, each adjacent owner taking title to the middle of the alley or passageway.

(5) Closure signs shall be erected by the Department of Community Development for at least 30 days after passage of the ordinance, providing notice of the closure, before any permanent closure activity begins. Signs shall be located at the beginning, middle, and end of the closure. Closure notification signs shall contain:

A. The ordinance number,

B. The date the ordinance was passed, and

C. The date the agreement will be recorded with the Benton County Recorder.

(6) Any instrument of agreement, upon proper execution and acknowledgement, shall be filed with the Benton County Recorder. Said agreement shall not be filed with the Benton County Recorder earlier than 31 days after passage of the ordinance authorizing the execution of the agreement.

(Ord. No. 15-40, § 1(Exh. B), 3-24-2015)

State Law reference— A.C.A. §§ 14-301-110, 14-301-112.

Sec. 14-523. - Requests for vacating a street or alley by an adjoining property owner.

An adjoining property owner may request the closure of a street or an alley if the street or alley shall not have been actually used by the public as a street or alley for a period of five years and in all cases where all property abutting any street or alley, or section thereof, is owned by any educational institution or college, whether the property shall have been actually used by the public as a street or alley for a period of five years or not, the City Council shall have power to vacate and abandon the street or alley, or any portion thereof, by proceeding in the manner set forth in this section.

(1) The owners of any property abutting upon a street or alley shall petition the City Council, by a written request to the Department of Community Development, to vacate the street or alley, or a portion thereof.

(2) The petition shall designate the street or alley, or a portion thereof, to be vacated, and there shall be filed with the petition a certified or photostatic copy of the portion of the plat filed in the office of the county recorder which shows the street or alley to be vacated, together with the lot and block numbers of each lot which abuts upon the street or alley to be vacated.

(3) At the next regular or special meeting of the City Council, the council shall, by resolution, fix a day for the hearing of the petition and shall direct the City clerk to give notice of the hearing meeting by

publication once a week for two consecutive weeks in some newspaper published in the county and having a general circulation in the City.

(4) The notice shall:

A. State the names of the persons who sign the petition;

B. State the name of the street or alley, or the portion thereof, to be vacated. If the street or alley is not named on the plat, the notice shall identify the street or alley by the abutting lot or block numbers; and

C. Advise all persons that on a certain day named in the notice, the council will hear and determine whether the street or alley shall be vacated.

(5) Hearing notification signs shall be erected by the Department of Community Development at least 30 days in advance of the City Council hearing at which said ordinance will be presented. Signs shall be located at the beginning, middle, and end of the proposed closure. The hearing notification signs shall contain:

A. The name of the street or alley, or the portion thereof, to be vacated,

B. The location, date and time of the hearing at which the ordinance to vacate will be heard.

(6) Written consent of the owners of all lots abutting on the street or alley, or the portion thereof, to be vacated shall be presented to the City Council on or before the date of the council's consideration of the ordinance to vacate the street or alley. In determining whether all abutting property owners have consented to the abandonment, the council shall be limited by the record of deeds in the office of the Benton County Recorder, and shall not consider unrecorded instruments.

(7) At the final hearing of the ordinance by the council, as designated in the hearing notice, any property owner affected by the petition shall be heard. The council shall then determine whether, from the standpoint of public interest and welfare, the street or alley should be vacated as proposed in the petition.

(8) The City Council shall make a finding based on evidence presented at the final hearing whether said street or alley has been or has not been actually used by the public as a street or alley for the previous five-year period.

(9) Upon adoption of the ordinance to vacate said street or alley, closure notification signs shall be erected by the Department of Community Development for a time period of 30 days. Signs shall be located at the beginning, middle, and end of the closure providing notice of the closure. Closure notification signs shall contain:

A. The ordinance number,

B. The date the ordinance was passed, and

C. The date the ordinance will be recorded with the Benton County Recorder.

(10) On the 31st day after passage of the ordinance, the City clerk shall record said ordinance with the Benton County Recorder.

(11) Each abutting owner shall take title to the center line of the street or alley so abandoned, and the ownership shall be free from easement of the City for public use as a street or alley.

(Ord. No. 15-40, § 1(Exh. C), 3-24-2015)

State Law reference— A.C.A. § 14-301-301 et seq.

Sec. 14-524. - Renaming an existing street.

Whenever road construction, public safety concerns, or changes to the master street plan create the need to rename an already "named" existing street, the following procedure shall be followed:

(a) The fire chief, police chief, or the Director of the Department of Community Development or his or her designee shall cause an ordinance to be drafted and presented to the City Council for the council to consider the renaming of the street in question for the purposes listed above.

(b) After consideration by the council, if the name change is approved, the fire chief, police chief, and the Director of the Department of Community Development or his or her designee shall coordinate their efforts to ensure that all appropriate and necessary parties, including affected property owners, shall be notified of the name change to the street.

(c) Further, the Director of the Department of Community Development or his or her designee shall keep a record of any such name changes and make sure those changes are reflected on the master street plan at the next revision or update of the master street plan.

(Ord. No. 16-06, § 1(Exh. A), 1-12-2016)

Note— See section 14-606 for issues concerning the naming of "new" streets.

Secs. 14-525—14-548. - Reserved.

ARTICLE V. - SUBDIVISIONS

DIVISION 1. - GENERALLY

Sec. 14-549. - Purpose.

The purpose of the regulations contained in this Article is to set forth the procedures, requirements and minimum standards governing the subdivision of land under the jurisdiction of the City Planning Commission.

(Code 1997, § 110-1; Ord. No. 04-56, § 4, 5-25-2004)

Sec. 14-550. - Authority.

These subdivision regulations are adopted in accordance with the authority granted by Act 186 of the 1957 General Assembly of the State of Arkansas as amended (A.C.A. § 14-56-401 et seq.).

(Code 1997, § 110-2; Ord. No. 04-56, § 4, 5-25-2004)

Sec. 14-551. - Jurisdiction.

This article shall apply to all lands within the corporate limits of the City of Rogers and the surrounding areas designated on the most recent Territorial Jurisdiction Map recommended by the City Planning Commission and adopted by the City Council.

(Code 1997, § 110-3; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 05-146, § 1, 11-8-2005)

Sec. 14-552. - Application of regulations.

These regulations apply to the division of land into two or more lots, tracts or parcels of any size for the purpose of transferring interest in the land by sale or by contract.

(Code 1997, § 110-4; Ord. No. 04-56, § 4, 5-25-2004)

Sec. 14-553. –Reserved.

(Code 1997, § 110-5; Ord. No. 04-56, § 4, 5-25-2004)

Sec. 14-554. - Lot, tract or parcel size.

Individual lots, tracts, or parcels that require both a septic system and water well shall be of sufficient size to satisfy state health department requirements. A minimum frontage shall be 120 feet with a minimum lot, tract, or parcel size of 1½ acres.

(Code 1997, § 110-6; Ord. No. 04-56, § 4, 5-25-2004)

Sec. 14-555. - Metes and bounds.

No conveyance by metes and bounds of parcels, tracts or lots coming under the definition of a subdivision without compliance with the applicable provisions of these regulations or amendments thereto shall be permitted. This provision is aimed at preventing an attempt to circumvent these regulations by conveying by metes and bounds without taking the necessary steps for filing an approved plat.

(Code 1997, § 110-7; Ord. No. 04-56, § 4, 5-25-2004)

Sec. 14-556. - Flood hazard areas.

A flood hazard area is one subject to a base flood as determined by the Federal Emergency Management Agency (FEMA) identified on its flood insurance rate map (FIRM).

(Code 1997, § 110-8; Ord. No. 04-56, § 4, 5-25-2004)

Secs. 14-557—14-577. - Reserved.

DIVISION 2. - APPROVAL PROCEDURES FOR LAND DEVELOPMENT PLANS AND PLATS

Sec. 14-578. – Procedure for subdivision and lot-split.

(a)(1) A land owner may split his or her tract or lot into two (2) tracts or lots by following the lot-split procedure in subsection (b) of this section, if the tract or lot has not been split in the ten (10) years immediately preceding the request for lot-split;

(2) A land owner may split his or her tract or lot into three (3) or more tracts or lots by following the lot-split procedure in subsection (b) of this section if:

(A) Each of the lots resulting from the lot-split procedure will be ten (10) acres or larger in size; and

(B) All of the lots have a legally recognized means of ingress and egress.

(b) A land owner who requests a subdivision or lot-split shall do so by providing to the Department of Community Development:

(1) A copy of the survey reflecting the proposed change to the lot and which includes:

(A) Name and address of developer;

(B) Title, date, graphic scale, north arrow, and acreage;

(C) Legal description of the property with dimensions and angles sufficient to locate all lines on the ground;

(D) Vicinity map showing zoning;

(E) Location of all existing and proposed utility lines;

(F) Certificate of survey accuracy;

(G) Certificate of ownership and dedication;

(H) Certificate of approval to be signed by the Director of the Department of Community Development or his or her designee prior to recordation;

(I) If applicable, certification of acceptance of dedication to be signed by the Director of the Department of Community Development or his or her designee prior to recordation;

(J) Location of existing streets, utility easements, and drainage abutting the property;

(K) Location of all prominent physical features, such as buildings, railroads, and creeks;

(L) Location of all proposed property lines, lot and block numbers, building setback lines, easements, dedications, and reservations;

(M) Flood areas;

(N) Illustration of the right-of-way lines;

(2) The filing fee established and found in Appendix B of this Code or as hereafter adopted by resolution of the City Council; and

(3) If the application is for a lot-split, the history of the lot proposed to be split that includes a list of all changes to the metes and bounds of the lot in the ten (10) years immediately preceding the application and the dates of those changes to the metes and bounds;

(c)(1) A requested lot-split may be approved by the Director of the Department of Community Development or his or her designee without Planning Commission approval, if:

(A) The lot-split meets the requirements of this Code;

(B) No variances are necessary for the lot-split to be approved;

(C) Any affected utility easements have been vacated;

(D) Any lot involved in the lot-split has a legally recognized means of ingress and egress;

(E) There have been no lot-splits in the ten (10) years immediately preceding the proposed application; and

(F) The newly created lots are each ten (10) acres or more in size.

(2) Denial of a lot split by the Director of the Department of Community Development or his or her designee may be forwarded to the Planning Commission for further consideration upon request of the applicant within ten days of the denial of the initial request. Failure to forward a denied request within the time allotted will operate as if the Planning Commission had denied the request.

(3)(A) The survey reflecting any lot-split which has been approved by the Department of Community Development shall be:

(i) Signed by the Director of the Department of Community Development, or his or her designee, prior to recordation; and

(ii) Filed by the applicant with the appropriate county clerk's office.

(B) The applicant shall provide two (2) copies of the file marked survey required under subdivision (c)(2) of this section to the Department of Community Development.

(d) If a lot-split has been denied under subsection (c) of this section and the landowner still wishes to divide his or her tract or lot, he or she may do so by following the procedure of preliminary plat submission, preliminary plat approval, and final plat submission, approval, and filing that is required under §§ 14-580 – 583.

(e) If a landowner wishes to create a subdivision without utilizing the lot-split process under subsection (b) of this section, he or she may do so by following the procedure of preliminary plat submission, preliminary plat approval, and final plat submission, approval, and filing that is required under §§ 14-580 – 583.

Sec. 14-579. – Optional concept plat submittal.

(a) When a developer intends to develop a parcel of land within the City or its planning area, a concept plat may first be submitted to the Director of the Department of Community Development or his or her designee or designee for review applicable to the planning requirements. This may be of assistance to the developer through the prevention of unnecessary expense in the plat preparation. If a concept plat is submitted, the following information shall be provided:

(1) Name, address and telephone number of the owner, developer, engineer and/or surveyor;

(2) Development name, date, north arrow, and approximate acreage;

(3) Topography, using available City of Rogers topography maps or better;

(4) Proposed street pattern;

(5) Proposed storm drainage, on-site and off-site, to an existing major channel;

(6) Existing watercourses and floodplains, if any;

(7) Existing adjoining or abutting streets, roads and developments;

(8) Existing water and sanitary sewer systems;

(9) Zoning of subject land along with zoning of surrounding area.

(10) Any additional information the developer considers pertinent.

(b) While in concept form, the developer and/or engineer may consult with the Department of Community Development to get acquainted with the planning requirements. During this consultation, the general features of the land development, including off-site required improvements, shall be determined to the extent possible and necessary for preparation of the preliminary plat.

(Code 1997, § 110-31; Ord. No. 04-56, § 4, 5-25-2004)

Sec. 14-580. - Preliminary plat submission and approval.

When a land development is proposed, the first formal application for approval shall be the preliminary plat directed to the Planning Commission and submitted to the Department of Community Development, subject to the following regulations:

(1) *Contents.* The preliminary plat submission shall consist of the following:

A. Payment of the preliminary plat fee;

B. Hard copies required by staff along with a digital copy of the preliminary plat;

C. The preliminary plat shall include:

i. Detailed street plans and profiles and specifications which are accompanied by:

a. Soil analysis

b. Design calculations;

c. Typical street sections; and

d. Pavement section of each street or street classification;

ii. Storm drainage calculations which include:

a. Plan and profile and specifications;

b. Soil analysis; and

c. Design calculations;

iii. As appropriate, design calculations for off-site improvements;

iv. As appropriate, plan and profile and specifications for required off-site improvements;

v. Stormwater pollution prevention plans;

vi. A copy of the detailed water and sewer plans and profiles and specifications that were submitted to Rogers Water Utilities;

vii. Parcel lines;

viii. Easement lines;

ix. Building setback lines;

x. Contour lines with actual elevations as opposed to relative elevations;

xi. Finished floor elevations;

xii. A legend;

xiii. Name and address of developer;

xiv. Subdivision name, date, graphic scale, north arrow, and acreage;

xv. Legal description of the property with dimensions and angles sufficient to locate all lines on the ground;

xvi. Vicinity map showing zoning and surrounding zoning in proposed development;

xvii. Location of all existing and proposed utility lines and drainage systems including street lights;

xviii. Original topographic map showing two-foot contour intervals where slope is less than ten percent or five-foot where slope exceeds ten percent based on actual elevations, not relative elevations;

xix. Location of existing streets, utility easements, and drainage abutting the development;

xx. Location of all prominent physical features, such as buildings, railroads, and creeks;

xxi. Minimum finish floor elevation for each lot, at or above curb level except as waived by the Planning Commission;

xxii. Drainage plan with all necessary calculations, design criteria, dated and signed by the P.E. and other necessary information required to meet City code;

xxiii. Location of all proposed property lines, lot and block numbers, building setback lines, easements, dedications, reservations;

xxiv. Flood areas; and

xxv. Street requirements included in plan and profile, cross section, right-of-way dedication, design criteria, and other information to meet City code.

(2) *Submission time and review schedule.*

A. The submission required by subsection (1) of this section shall be received according to the Technical Advisory Committee review schedule provided by the Department of Community Development. Prior to the scheduled meeting of the Subdivision Committee of the Planning Commission in which the preliminary plat is to be considered. The Department of Community Development may refuse to accept a preliminary plat for any of the following reasons:

i. The preliminary plat is not submitted in accordance with the requirements of this division;

ii. The preliminary plat is not of the appropriate and sufficient scale to depict detail of the proposed development;

iii. The proposed development would violate a City ordinance, a state law, or federal law;

iv. Except as provided in subdivision (2) (d) of this section, the developer refuses to dedicate the street right-of-way or easements which may be required; or

v. City water and sewer services are not readily available to the property within the development, and the developer has made no provision to extend such service to the development or to provide appropriate alternate services for the development.

B. Following submittal of the preliminary plat, the Department of Community Development shall distribute the plat to the Technical Advisory Committee review committee for its review and comments.

C. The Planning Commission shall consider the preliminary plat along with all reports and comments by the Technical Advisory Committee review committee, Department of Community Development, other City departments, officials, utility companies and others that have received copies of the preliminary plat and have been asked to review and comment. Within 30 days after the Planning

Commission meeting described in subsection (2)a of this section, the Planning Commission shall indicate its approval, disapproval, or approval with conditions. Such approval, disapproval, or approval with conditions shall be conveyed to the developer's representatives at a regular Planning Commission meeting.

D. The Developer may be required to upgrade existing City streets bordering or dissecting the property to meet current City standards. For any street with less right-of-way than what is required by the Master Street Plan, additional right-of-way will be required to be dedicated to bring the street into compliance with the Master Street Plan. When determining the amount of and necessity of a dedication or upgrade the City shall consider whether the upgrade or dedication has a reasonable nexus to the legitimate interest of the City and whether the details of the upgrade or dedication are reasonably proportional to the impacts of the project as required by state and federal law. A minimum of twenty (20) feet of right-of-way shall be dedicated for any future trail as shown on the Master Street Plan. Street improvements and/or right-of-way dedication must be completed or a bond posted prior to final plat submittal.

(3) *Preliminary plat approval.* Approval of the preliminary plat shall be subject to the following stipulations:

A. Such approval does not constitute authorization to proceed with the construction until the construction plans and specifications have been approved by the Director of the Department of Community Development or his or her designee, nor authorization to sell lots until the necessary improvements have been made, and the final plat is approved and filed in the required clerk's office.

B. Receipt by the developer of the Planning Commission's written approval of the preliminary plat authorizes the developer to proceed with the following:

i. The installation of the site improvements after the construction plans and specifications have been approved by the Department of Community Development and written approval of the water and sewer plans have been received from the state department of health and Rogers Water Utilities. (Developer must obtain Grading Permit and attend a preconstruction meeting prior to commencement of work.)

ii. Preparation of the final plat in accordance with the final plat procedures.

C. The preliminary plat shall be effective for one year from date of approval to implement the following items:

i. Construction plans and specifications;

ii. Construction of improvements; and

iii. Preparation of final plat upon completion of necessary improvements.

D. Any preliminary plat not activated per subsection (3)c of this section within 12 months from date of approval shall be null and void.

(4) *Construction plans and specifications approval submission requirements and procedures.*

A. Two sets of the water and sanitary sewer plans and specifications shall be submitted to the state department of health and Rogers Water Utilities for approval.

B. Review and approval by the Director of the Department of Community Development or his or her designee. Within 30 days, of acceptance of submittal, the Department of Community Development shall approve, disapprove, or approve with conditions the construction plans and specifications in writing and return one copy to the developer. However, any approval action of the plans and specifications does not constitute approval of the final plat.

C. Inspections by the Department of Community Development. All street and storm drainage and utility construction within the road right-of-way shall be inspected by the Department of

Community Development. The required phase inspections are contained in the latest revision of Design Criteria and Construction Specifications for the Division, Development and Improvement of Land in the City of Rogers.

D. Time limitations and staged construction. After approval of the detailed plans and specifications of proposed improvements, construction work shall begin after a mandatory preconstruction conference and obtaining a grading permit from the City. Construction must begin within one year and the construction completed within three years thereafter. If not, the original plans and specifications shall be subject to review and updating by the appropriate agencies. Any changes resulting from this review and updating shall be made at the developer's expense.

E. Staged construction. The following applies to land developments approved for staged construction:

i. If the construction plans and specifications for the future stages are submitted and approved as part of the original plans and specifications and construction has not started within three years after the approval date, or if construction work ceases for any 12-month period thereafter, the plans and specifications shall be re-submitted to the appropriate agencies for review and updating to meet the current standards and specifications. Any changes resulting from this review and updating shall be made at the developer's expense.

ii. If the construction plans and specifications for any future stage are developed at a later date, they shall be submitted to the appropriate agencies. The plans and specifications shall meet the current standards, regulations and specifications at that time.

F. Maintenance bond requirements. Upon completion of the work and final inspection by the appropriate agency, the developer shall furnish the following maintenance bonds:

i. Street and storm drainage improvements. An acceptable maintenance bond shall be provided in the amount of 50 percent of the actual construction cost against defects in workmanship and materials for a period of one year from the date of the final inspection. The bond shall be filed with the City clerk's office after the final inspection and prior to acceptance by the City.

ii. Water and sanitary sewer improvements, if applicable. All water and sanitary sewer work shall be done in accordance with Rogers Water Utilities.

iii. Staged construction. When staged construction is approved prior to future stage development, an inspection of the condition of the existing street system shall be made by the Street Superintendent or Director of the Department of Community Development or his or her designee, developer, contractor, and engineer to document the existing condition of the streets. The contractor shall make repairs to street damages as they occur during the construction of the next stage of development. An inspection of the existing street system shall be made as a part of the final inspection of the new stage of street improvements. All damages noted by the street superintendent and/or Director of the Department of Community Development or his or her designee shall be satisfactorily corrected prior to acceptance of the new stage of improvement. Repair of all damage will be at the developer's expense.

iv. Water, sanitary sewer, street and storm drainage in a new stage of construction shall carry the same maintenance bond as specified for the initial construction of improvements, as outlined in subsection (4)i of this section.

G. Conditions of acceptance. The City shall not have any responsibility with respect to any street, road, or other improvements, notwithstanding the use of the same by the public, unless the street, road, or improvement has been accepted by the City.

H. The City shall, within 30 days after the improvements have passed inspection and improvements have been offered for dedication to the City, accept the improvements provided the improvements have been constructed in accordance with the conditions and requirements of the City. City maintenance will begin when the required one-year maintenance bond has expired.

I. Prior to requesting final acceptance of the improvements into the City system, the developer shall submit the following:

i. A digital copy of the record drawing for street and storm drainage submitted to the Department of Community Development.

ii. Record drawing for water and sanitary sewer shall be submitted as required to the RWU.

iii. The appropriately executed maintenance bonds shall be submitted to the City clerk.

iv. Certified proof that all improvements are free of liens and debts shall be submitted to the Department of Community Development.

(Code 1997, § 110-32; Ord. No. 04-56, § 4, 5-25-2004)

Sec. 14-581. - Final plat submission, approval, and filing.

After the Planning Commission approves the preliminary plat and all improvements have been approved by the appropriate agencies, the developer shall submit to the Department of Community Development an application for approval of the final plat. If the developer wishes to submit the application for approval of the final plat before the improvements have been completed, subsection (2) of this section shall apply.

(1)(A) *Requirements.* The approval process for the final plat shall consist of the following:

i. Application for approval of final plat.

ii.. Payment of the final plat fee contained in section 14-582.

iii. A submission that meets the submittal requirements requested by Director of the Department of Community Development or his or her designee concerning reproductions or copies of the final plat which shall require the information for final plats contained in subdivision (1)(B) of this section.

iv. Assurances that the improvements indicated in the final plat and/or required by these regulations have been installed or assurances they will be installed. Such assurances shall consist of:

1. A certification by the engineer of record that all improvements have been completed and accepted.

2. Individual letters of intent from public utility agencies that they shall or shall not provide service through the developer for the development.

3. For unfinished sidewalks, the developer shall provide a surety bond for twenty-five (25) percent of the engineer's estimate of total cost for a period of three (3) years. The engineer's estimate of the total cost shall be approved by the Director of the Department of Community Development or his or her designee. If the Department of Community Development does not agree with the engineer's estimate they may hire an independent consultant to review the cost estimate. The cost of the consultant shall be paid by the developer of the project. Upon satisfactory completion of the improvements, the City shall release the performance bond.

(B) The final plat shall include:

i. Name and address of developer;

ii. Subdivision name, date, graphic scale, north arrow, and acreage;

iii. Legal description of the property with dimensions and angles sufficient to locate all lines on the ground;

iv. The location of the corner markers of each lot within the subdivision;

v. Vicinity map showing zoning and surrounding zoning in proposed development;

vi. Location of all street lights and signs;

vii. Certificate of survey accuracy;

viii. Certificate of ownership and dedication;

ix. Certificate of approval to be signed by the Mayor, City Clerk, and Planning Department prior to recordation;

x. If applicable, certification of acceptance of dedication to be signed by the Planning Department prior to recordation;

xi. Location of existing streets, utility easements and drainage abutting the development;

xii. Minimum finished floor elevation for each lot, at or above curb level except as waived by the Planning Commission;

xiii. Location of all proposed property lines, lot and block numbers, building setback lines, easements, dedications, reservations;

xiv. Flood areas;

xv. Street rights-of-way dedication; and

xvi. An acknowledgement of approval to be signed by the appropriate representative of each utility with an interest in any easement within the subdivision at the time of submission of the final plat.

(C) The final plat shall be submitted to the Department of Community Development with:

i. A letter verifying approval of the sewer and water systems by the state health department and the water and sewer superintendent; and

ii. Certification of drainage improvements including record drawings of the system.

(2) *Guarantees in lieu of installed improvements.* If the developer chooses to begin building construction or to sell lots within the land development prior to installing the required improvements, final plat shall be referred to the Planning Commission and the Planning Commission may give conditional approval of the final plat under the procedures listed below, and then refer the final plat to the City Council for approval consideration. Drainage improvements are not eligible for guarantees in lieu of completion.

A. The terms of any such conditional final plat approval shall be noted on the final plat and approved by the Planning Commission before the final plat is filed for record.

B. An acceptable surety performance bond shall be filed with the Department of Community Development in an amount equal to 100 percent of the engineer's estimate of the total cost of the improvements for unfinished street work. The engineer's estimate of the total cost shall be approved by the Department of Community Development. If the Department of Community Development

does not agree with the engineer's estimate they may hire an independent consultant to review the cost estimate. The cost of the consultant shall be paid by the developer of the project. Upon satisfactory completion of the improvements, the City shall release the performance bond.

C. If the developer fails to complete improvements within one year from the date of final plat approval, the City has the option to utilize the performance bond to complete the improvements. In the event a bond is accepted and then forfeited, all accrued interest shall revert to the City.

D. When the conditions have been met, a certificate of acceptance by the appropriate agencies shall be filed with the circuit clerk and noted on the original recorded plat.

(3) *City Council action.* Not more than 60 days after receipt of the final plat and other required information and certifications, the City Council shall approve or disapprove the final plat. The approval or disapproval shall be provided to the developer in writing.

(4) *Developer's final action.* Upon approval by the City Council, the developer shall:

A. Submit to the Department of Community Development the appropriate number of original copies of the final plat with appropriate signatures (use waterproof ink only).

B. After all signatures are obtained the final plat, approved covenants, and certifications shall be recorded with the county circuit clerk's office.

C. Two recorded copies must be returned to the Department of Community Development.

D. When the City Council accepts the improvements into the City street system, no maintenance will be performed by City forces until the maintenance bonds have expired.

(5) *Signatures.* The final plat shall be signed by the Mayor, the City Clerk, the Director of the Department of Community Development or his or her designee, and representatives of the public utilities that will serve the subdivision.

(6) *Number of plats.* The Department of Community Development may request additional copies of the final plat, if the quantity required by subsection (1)(c) of this section is not sufficient for the necessary distribution.

(Code 1997, § 110-33; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 06-153, § 1, 9-12-2006)

Sec. 14-582. - Fees payable to Department of Community Development.

(a) To initiate Department of Community Development services, the developer shall remit the fees as currently established and found in appendix B to this Code or as hereafter adopted by resolution of the City Council from time to time.

(b) Review, approval and inspection fees for water and sanitary sewer improvements shall be fixed by the Arkansas Department of Health and the City water utilities.

(Code 1997, § 110-34; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 06-153, § 1, 9-12-2006)

Sec. 14-583. - Plat requirements for land development.

(a) *Size and nature of drawn plats.* The original plat shall be drawn in waterproof ink on reproducible, stable base material at a scale which best suits the size of the property being platted. Preferably, the sheets should be standard print size and the scale should be one inch=100 feet.

(b) *Information required.* Plats submitted to the Department of Community Development shall have the following information shown or made reference to and attached thereto. The Department of Community Development

shall deliver the information to the Planning Commission for review and consideration of concept, preliminary and final plats.

(c) *Covenants required*. Preliminary Plats shall be accompanied by a set of proposed POA covenants that, if approved, shall be properly executed and recorded before approval of the Final Plat. The POA covenants shall address the following: Maintenance of streets, greenspaces and street lights shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance of streets, greenspaces, and street lights, and a maintenance fund for those purposes, shall be established by the covenants. The covenants shall expressly provide that the City is a third party beneficiary to the covenants only for the limited purpose of enforcing and protecting any covenants related to the management and upkeep of the City's easements. The protective covenants shall further grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other municipal function.

(Code 1997, § 110-35; Ord. No. 04-56, § 4, 5-25-2004)

Sec. 14-584. - Lot line adjustments and lot combinations.

(a) An applicant for lot line adjustment or lot combination shall request the lot line adjustment or lot combination by providing:

(1) A copy of the survey reflecting the proposed change to the lot; and

(2) The filing fee established and found in appendix B of this Code or as hereafter adopted by resolution of the City Council.

(b) Notwithstanding any provision of this Code to the contrary, the requested lot line adjustment or lot combination may be approved by the Director of the Department of Community Development or his or her designee without the formality of Planning Commission approval, if:

(1) The lot line adjustment or lot combination meets the requirements of this Code;

(2) No variances are necessary for the lot line adjustment or lot combination to make the new lot(s) compliant with the Zoning Code, inclusive of existing structures;

(3) Any affected utility easements have been vacated; and

(4) Any lot involved in the lot line adjustment or lot combination has a legally recognized means of ingress and egress.

(c) Denial of a lot line adjustment or lot combination by the Director of the Department of Community Development or his or her designee may be forwarded to the Planning Commission for further consideration upon request of the applicant, within ten days of the denial of the initial request. Failure to forward a denied request within the time allotted will operate as if the Planning Commission had denied the request.

(d)(1) The survey reflecting any lot line adjustment or lot combination which has been approved by the Department of Community Development shall be:

(A) Signed by the Director of the Department of Community Development, or his or her designee, prior to recordation; and

(B) Filed by the applicant with the appropriate county clerk's office.

(2) The applicant shall provide two (2) copies of the file marked survey required under subdivision (d)(1) of this section to the Department of Community Development.

(Code 1997, § 110-36; Ord. No. 05-61, § 2, 4-26-2005)

Secs. 14-585—14-601. - Reserved.

DIVISION 3. - DESIGN STANDARDS, REGULATIONS AND REQUIRED IMPROVEMENTS FOR LAND DEVELOPMENT

Sec. 14-602. - Conformity.

The proposed land development shall meet the regulations and required improvements for land development in this division. Also, they shall meet the state health department requirements. Unless specified, the standards, regulations and required improvements in this division apply to all land development and new extensions.

(Code 1997, § 110-50; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

Sec. 14-603. - Fitness for development.

(a) *Flood hazard areas.* A flood hazard area is one subject to a base flood as defined by the Federal Insurance Administration and as identified on its flood hazard boundary map as provided by FEMA. A copy of the map shall be displayed in the Department of Community Development. The following regulations apply to flood hazard areas:

(1) No plat of a land development shall be approved that contains lots or building sites in a flood hazard area unless the finished floor elevation of the lowest livable floor is at least two feet above the level of the base flood.

(2) When a portion of a land development contains portions of flood hazard area, they shall be clearly delineated on the preliminary and final plats. No structures shall be constructed in the areas designated as floodway.

(b) *Steep grades, unstable soil and floodplains.* Based on topographic maps, soil surveys prepared by the U.S. Department of Agriculture and drainage information, the Planning Commission may require that steep grades, unstable soil and floodplains be set aside and not subdivided until corrections are made to protect life, health, and property.

(Code 1997, § 110-51; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

Sec. 14-604. - Residential lot and block standards for subdivisions.

(a) *Residential lot size and shape.* The size and shape of the lots shall not be required to conform to any stipulated pattern, but insofar as practical, side lot lines should be at right angles to straight street lines or radial to curved street lines.

(b) *Easements.* Where required for drainage and utilities, easements shall be at least 15 feet in width. If there is an adjoining easement, the total combined width of both easements shall be at least 15 feet. Easements of adequate width in accordance with engineering or open space standards shall be provided for open drainage channels or scenic streambeds, where required.

(Code 1997, § 110-52; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

Sec. 14-605. - Lot and block standards for mobile home parks.

(a) *Lot size and density.* All standards contained in Rules and Regulations Pertaining to Mobile Homes and Travel Trailer Parks adopted by the State Board of Health shall apply.

(b) *Boundary and buffer areas.* Depending upon location, density of proposed mobile home park and other factors, the Planning Commission may require buffers where deemed necessary.

(c) *Road and street maintenance.* All roads and streets within the mobile home park or providing access to the mobile home park that will be dedicated to the City shall be designed and constructed in accordance with the design requirements and specifications contained in this division.

(d) *Parking.* At least two off-street designated parking spaces shall be provided for each mobile home.

(e) *Tiedowns.* Tiedowns, in accordance with state and federal regulations, shall be constructed and made available to the mobile home park tenants.

(f) *Easements.* Easements at least 15 feet wide shall be provided, where needed, for utilities. Easements of adequate width in accordance with engineering or open space standards shall be provided for open drainage channels or scenic streambeds, where required.

(Code 1997, § 110-53; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

Sec. 14-606. - Street design criteria for land development.

Standard Specifications for Street and Drainage Construction adopted.

There is hereby adopted by reference, as fully as though set out herein verbatim, that certain published volume known as the City of Rogers Standard Street and Drainage Construction Specifications, including any subsequent revisions as and when adopted and approved by the Rogers City Council, three copies of which are on file in the office of the Rogers City Clerk.

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

All design criteria for streets and roads in land developments are contained in the latest revision of the City of Rogers Standard Street and Drainage Construction Specifications. The traffic classification and soil types described in this division shall be used to determine the minimum pavement structure for each proposed street or road:

(1) *Extensions.* All street and road extensions shall meet all current design standards.

(2) *Substandard widths.* Land developments that adjoin substandard existing streets shall be required to make substandard adjacent streets meet the requirements of the master street plan currently in use.

(3) *Street names and numbers.* Names and numbers of streets and roads shall be consistent with natural alignment and extensions of existing streets or roads. New street or road names must be used which will not duplicate or be easily confused with existing names and must be approved by the City fire department.

(4) *Tangents.* A straight tangent at least 100 feet long shall separate reverse curves.

(5) *Temporary cul-de-sac.* Temporary cul-de-sacs designed to provide future connections with adjoining undeveloped areas shall provide a temporary turnaround easement and shall be designed in a manner which will prevent excessive accumulations of runoff water at the dead end. Temporary cul-de-sacs shall meet the requirements of Appendix D, of the Arkansas Fire Prevention Code, Volume I.

(6) *Permanent cul-de-sac.* Streets with permanent cul-de-sacs shall not exceed 660 feet in length, measured to the outer edge of the turnaround. All turnarounds shall have radii as follows:

A. Hard surface pavements. Paving radius with curb and gutter shall be 50 feet; without curb and gutter shall be 60 feet.

B. Right-of-way with curb and gutter shall be 60 feet; without curb and gutter shall be 70 feet.

(7) *Intersections.* Streets shall be designed to intersect as nearly as possible at right angles, provided that no street shall intersect with any other street at less than 75 degrees.

A. Intersections of local streets shall have a minimum driving surface radius of 30 feet.

B. Intersections of collector or higher classification streets shall have a minimum driving surface radius of 40 feet.

C. Variations of the minimum listed radii may be required by Director of the Department of Community Development or his or her designee based on context of intersection use.

D. All corner radii must be shown on the street improvement plan.

E. The lesser street classification shall be used to determine the curb radius at the intersection.

(8) *Street grades.* Street grades shall conform to the following:

A. Street grades for arterial highways and collector streets shall not exceed eight percent; grades for all other classifications of streets shall not exceed ten percent.

B. All changes in grade exceeding 1% shall be connected by a vertical curve meeting the AASHTO Policy on Geometric Design of Highways and Streets (most current edition) for the design speed.

C. In approaching intersections, there shall be a suitable leveling of the street grade, generally not exceeding five percent, for a distance of not less than 50 feet from the nearest line of the intersecting street, or a percentage and distance approved by the Director of the Department of Community Development or his or her designee.

D. To the extent possible and practical, all minor streets and driveways should be sloped away from the major street or county road to prevent water and debris from being deposited on the major street or road.

E. The grade within the intersection should be as level as possible, and consistent with proper provisions for drainage.

(9) *Abutting federal, state or other arterial trafficway.* In platting lands abutting federal and state highway or other arterial trafficways, every effort shall be made to:

A. Cushion the adverse impact of heavy or high speed traffic on such lands, especially where used for residential purposes; and

B. Minimize interference with through traffic operations, and to reduce vehicular and pedestrian accident hazards.

(Code 1997, § 110-54; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

Sec. 14-607. - Pavement section design for land developments.

(a) *Street classifications for pavement design.* The street classifications contained in this section shall be used to select the street geometries contained in Table 1 of the Design Criteria and Construction Specifications. The following street classifications by traffic and 18 kip equivalent axle loads are used primarily to determine the pavement structural sections. Pavement structural design based on equivalent axle loads (EALs) for each street shall be classified by function and/or traffic in one of the following classes:

(1) *Minor—Residential subdivision and light commercial streets.* These streets have an average of 50 to 150 vehicles per day and not more than ten average 18 kip EALs per day, or not more than 73,000 total 18 kip EALs during the 20 year design period.

(2) *Collector—Residential collector and commercial streets.* These streets have an average of 150 to 400 vehicles per day and not more than 40 average 18 kip EALs during the 20 year design period.

(3) *Minor arterial—Residential arterial, heavy, commercial, and light industrial streets.* These streets include:

A. Arterials in residential subdivisions, Heavy commercial streets; and light industrial streets;

B. They have an average of 400 to 850 vehicles per day and not more than 80 average 18 kip EALs per day, or not more than 584,000 total 18 kip EALs during the 20 year design period.

(4) *Major arterials and boulevards—All higher class streets and highways.*

A. Average daily traffic (ADT) may be estimated at the rate of five to six round trips per resident or dwelling unit per day.

B. For collector and minor arterials, the EALs are based on 100 percent of the one-way ADT times a load factor of 0.09 for single unit trucks, plus ten percent of the one-way ADT times a load factor of 1.00 for multiple unit trucks.

(b) *Pavement section.* For a minor street, the street will have six-inch Class 7 base and three-inch surface course. If the street is greater than a minor street, the engineer must submit a formal design only, using PCA, The Asphalt Institute, AASHTO or other higher formal pavement design procedures and be tested by a certified laboratory.

(Code 1997, § 110-55; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

Sec. 14-608. - Requirements for improving substandard streets.

When a proposed land development has direct access to or fronts on an existing substandard street, the developer shall be responsible for the following:

(1) In all cases, for the entire length of the proposed land development, the developer shall dedicate a minimum of 25 feet of right-of-way measured from the centerline of the existing street. The right-of-way shall be determined by the master street plan. For unusual alignment or terrain conditions, the Planning Commission and/or City Council may require a greater width of right-of-way dedication. The required width of right-of-way dedication shall be determined during the preliminary plat review and approval stage. When the proposed development is of a size and magnitude to show cause for additional street development, such access street shall have standard right-of-way easements and road construction that comply with appropriate City standards.

(2) If an off-site substandard street serves a proposed development the developer shall be responsible for the entire cost of improving the off-site section of street to the current City standards. The upgrading of said off-site section of street shall be included as a part of the development plan.

(3) The street improvement cost shall include, but not be limited to, the costs of right-of-way clearing, roadway excavation and embankment, bridges, pipe and box culverts, roadway shaping, drainage blankets, base paving, utility adjustments, and miscellaneous items. The developer's proportionate share of the street improvement costs shall be 50 percent when the development abuts one side of the street, and 100 percent when the development abuts both sides of the street.

(4) The type of street improvement shall be based on the City master street plan and design standards. The developer's proportionate share of the cost of improving the street shall be determined by the Department of Community Development.

(5) Depending on the road classification, surface type, surface width and condition, traffic, terrain, alignment, drainage, and budget one of the following types of improvements shall be made:

A. Patching and hot mix overlay within existing right-of-way with some possible drainage and alignment work.

B. Reconstruction involving right-of-way clearing, drainage structures, shaping roadway, drainage blankets, base paving and miscellaneous items. The paving shall consist of asphalt hot mix surface course.

(6) The required off-site improvements and the developer's proportionate share of the cost shall be determined at the preliminary plat review and approval stage.

(7) Any monies paid into the City street fund may be used by the City for any purpose determined to be in the public interest of the City. The City may use the funds to improve said street, improve other streets, or for maintenance of City streets.

(Code 1997, § 110-56; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

Sec. 14-609. - Dedication of land for public park and greenway master trail sites.

In all land development, the developer must dedicate areas for parks, playgrounds, recreational areas, trails, and/or green spaces as shown on the parks plan and the master greenways and trails plan. Said dedication shall be in proportion to and reasonably related to the impact created by the development. All areas dedicated to the City must be consistent with the parks plan and master greenways and trails plan and they must have the approval of the Department of Community Development at the preliminary plat review and approval stage.

(Code 1997, § 110-57; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 05-140, § 1, 10-25-2005; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

Sec. 14-610. - Minimum survey standards for subdivision developments.

This section shall apply to all developments requiring the submittal of a preliminary or final plat to the Planning Commission or Department of Community Development for review and approval. All boundary surveys performed for the purpose of subdividing properties within the jurisdiction of the City shall conform to the state minimum standards for property boundary surveys and plats, except where the standards contained within this chapter exceed those established by the state.

(1) *Documentation; standard data control form.* Position and reference information shall be provided on a standard data control form for a minimum of two monuments which shall be intervisible with each other and located on or within the boundary of the subject property. Each monument shall be referenced to the City GPS Monument Network, and at least one of these monuments shall be referenced to two separate existing monuments in the network. Standard data control forms may be obtained from the Department of Community Development and will be submitted with the final plat. These monuments may be included in the City GPS Monument Network if, after their review by the City, they are determined to be suitable for inclusion into the network.

(2) *Monumentation.*

A. *Monument construction.* City GPS Monument Network monuments may be cast in place or prefabricated concrete posts. They shall be constructed of similar materials as described below:

i. A minimum six-inch diameter steel reinforced concrete post set flush with ground. The concrete shall be 3,000 psi minimum compressive strength premix concrete.

ii. Monument shall be a minimum of 36 inches in depth.

iii. Steel reinforcement shall consist of a minimum of two 34-inch long, one-half-inch diameter steel bars. Bars shall be driven a minimum of six inches into undisturbed soil.

iv. A brass or aluminum survey cap (including a permanent magnet), a minimum of two inches in diameter, shall be cast or grouted into the top of the concrete post. The following information shall be stamped into the survey cap:

(a) A stamped point to mark the precise location of the point being monumented.

(b) Registration number of the surveyor in charge.

(c) Monument number as assigned by the City.

B. *Lot and boundary corner monuments.* All interior and exterior lot corners, boundary corners, street centerline control points, and any street right-of-way control points, other than those described in subsection (2)a. of this section, shall be established and monumented according to the specifications outlined with the state minimum standards for property boundary surveys and plats and any amendments made thereto.

(3) *Horizontal control standards.*

A. *Horizontal datum.* The horizontal datum for all survey work performed shall be the State Plane Coordinate System—North Zone—NAD 83. All horizontal control work shall commence and end at a City GPS Monument Network monument or City GPS Monument Network first generation monument.

B. *Accuracy standard.* Horizontal positions for all City GPS Monument Network monuments shall be determined to an accuracy standard equal to Urban Type A classification as defined by the state minimum standards for property boundary surveys and plats. All field techniques and procedures shall be completed with equipment required to ensure that a true Urban Type A accuracy level is achieved.

(4) *Vertical control standards.*

A. *Vertical datum.* The vertical datum for all survey work performed shall be the North American Vertical Datum 1988 (NAVD88). All vertical control work shall commence and end at a City GPS Monument Network monument or City GPS Monument Network first generation monument.

B. *Accuracy standard.* Elevations for all concrete monuments shall be determined to an accuracy standard equal to third order classification as defined by the Federal Geodetic Control Committee. All field techniques and procedures shall be compatible with the equipment utilized to ensure that a true third order accuracy level is achieved.

(Code 1997, § 110-58; Ord. No. 05-131, 9-27-2005; Ord. No. 07-109, § 1, 7-24-2007; Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

Sec. 14-611. - Access management standards.

The access management standards codified in section 14-260 are applicable to the development of subdivisions and are hereby incorporated into this division by reference.

(Code 1997, § 110-59; Ord. No. 04-24, § 2, 3-9-2004)

Secs. 14-612—14-640. - Reserved.

DIVISION 4. - ADMINISTRATION AND ENFORCEMENT

Sec. 14-641. - Adoption, administration and enforcement.

It is the intent of these rules and regulations that the public interest be protected by a thorough review of all proposed plats and construction plans and specifications without undue delay to the developer. The primary responsibility for the adoption, amendment, interpretation, administration, review, approval and enforcement of these regulations shall be as follows:

(1) The City Planning Commission shall be responsible for the planning requirements and proposed development activities contained in this chapter with assistance from the Department of Community Development.

(2) The Director of the Department of Community Development or his or her designee shall be responsible for the approval of proposed street and storm drainage plans and specifications; and the inspection, testing and acceptance of said improvements, including offsite improvements.

(3) The Planning Commission shall be responsible for maintaining, amending, modifying, and updating these regulations with assistance from the Department of Community Development.

(4) A property owners association shall be created by the developer and said property owners association shall be responsible for the maintenance and care of any and all detention ponds within the subdivision, as well as the maintenance of public spaces.

(Code 1997, § 110-70; Ord. No. 04-56, § 4, 5-25-2004; Ord. No. 05-121, § 1, 9-13-2005)

Sec. 14-642. - Appeal procedures.

The following appeal procedures have been established:

(1) *Planning Commission decisions.*

A. The developer or owner of any property adjacent to the proposed land development may appeal the decision of the Planning Commission to the City Council by filing such a notice of appeal with the City clerk within ten days from the date of such decision.

B. The City Council shall hear all persons desiring to be heard on the question of whether the findings and decisions of the Planning Commission were in error. Following such hearing, the City Council may affirm, modify, or reverse any findings or decision of the Planning Commission or may refer the proposed development back to the Planning Commission for additional study. The City Council may refuse to approve the proposed improvement for any of the reasons specified in this chapter.

(2) *Department of Community Development decisions.*

A. The developer or owner or contractor of any proposed land development may appeal the decision of the Department of Community Development to the Planning Commission by filing such a notice of appeal with the Director of the Department of Community Development or his or her designee within ten days from the date of such decision.

B. The Planning Commission shall hear all persons desiring to be heard on the question of whether the findings and decisions of the Department of Community Development were in error. Following such hearings and review, the Planning Commission may affirm, modify, or reverse any finding or decision of the Department of Community Development.

(3) The Planning Commission's decision may be appealed to the City Council following the process in subsection (1)A of this section.

(Code 1997, § 110-71; Ord. No. 04-56, § 4, 5-25-2004)

Sec. 14-643. - Variations.

(a) If the provisions of these standards are shown by the developer (by plan or written statement) to cause undue hardships as they apply to the proposed land development, depending on the nature of the hardship a variance from such provisions may be made by the Planning Commission so that substantial justice may be done and the public interest secured; provided that the variation will not have the effect of nullifying the intent and purpose of these regulations.

(b) In granting a variance and modifications, the Planning Commission may impose such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

(Code 1997, § 110-72; Ord. No. 04-56, § 4, 5-25-2004)

Sec. 14-644. - Amendment.

The regulations in this division may be amended by the affirmative vote of a majority of the full membership of the Planning Commission, following the same procedures used in the original adoption. The Planning Commission may from time to time add to, delete, or modify the plat format information.

(Code 1997, § 110-74; Ord. No. 04-56, § 4, 5-25-2004)

Sec. 14-645. - Legal approval.

Prior to its consideration by the Planning Commission, the proposed amendment may be referred to the legal counsel for review and recommendations.

(Code 1997, § 110-75; Ord. No. 04-56, § 4, 5-25-2004)

Sec. 14-646. - Enforcement.

In order to carry out the purpose of this division and to ensure orderly program of land development after the effective date of the ordinance from which this division is derived:

(1) No plat of any tract or parcel of land within the planning area jurisdiction of the City shall be accepted by the county recorder for filing unless the plat has been approved by the Planning Commission.

(2) No conveyance by metes and bounds of tracts or parcels coming under the definition of land development without compliance with the applicable provisions of these regulations or amendments thereto shall be permitted. This provision is aimed at preventing any attempt to circumvent these regulations by conveying by metes and bounds without taking the necessary steps for filing an approved plat.

(3) No dedication of roads or streets shall be accepted by the City unless the use of the adjoining affected land is shown. If the purpose of opening the road or street is to make the affected land available for sale as a subdivision or mobile home park, the road or street shall not be accepted unless accompanied by the required plat.

(4) Suburban development in the planned growth area of the City shall be under the jurisdiction of these regulations. However, no dedications of land or streets to the county shall be accepted by the county until

the City has approved the final plat and construction of improvements; and the county has received the appropriate maintenance bonds for the street and storm sewer improvement work.

(Code 1997, § 110-76; Ord. No. 04-56, § 4, 5-25-2004)

Sec. 14-647. - Inspection.

The Mayor, members of the City Council, members of the Planning Commission, or Department of Community Development may at any time review the records or enter the development to review and inspect the improvements and work for compliance with these regulations.

(Code 1997, § 110-77; Ord. No. 04-56, § 4, 5-25-2004)

Sec. 14-648. - Penalties.

In addition to any other criminal penalties that may be prescribed by state law, a violation of these regulations or failure to comply with the provisions of this division shall subject the person to the following penalties:

(1) *Violations.* Violations shall be subject to a fine in the maximum amount. Each day in which a violation continues, prior to instigation of appeal, shall constitute a separate offense.

(2) *Civil action.* The Planning Commission or any affected person may institute a civil suit to prevent or remove a violation of these regulations.

(Code 1997, § 110-78; Ord. No. 04-56, § 4, 5-25-2004)

Secs. 14-649—14-669. - Reserved.

ARTICLE VI. - ZONING [4]

Footnotes:

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State Law reference— Municipal building and zoning regulations, planning, A.C.A. § 14-56-101 et seq.; zoning ordinances, A.C.A. §§ 14-56-301 et seq., 14-56-416.

DIVISION 1. - GENERALLY

ARTICLE VI. - ZONING[4]

Footnotes:

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State Law reference— Municipal building and zoning regulations, planning, A.C.A. § 14-56-101 et seq.; zoning ordinances, A.C.A. §§ 14-56-301 et seq., 14-56-416.

DIVISION 1. - GENERALLY

Sec. 14-670. - Preamble.

This article is enacted for the purpose of promotion the public health, safety, peace, and general welfare, to lessen congestion of travel, to secure safety from fire and other dangers, to prevent overcrowding of land, to avoid undue concentration of population and in an economical manner to provide for necessary public facilities and services, all in accordance with the Comprehensive Growth Map for the desirable future development of the City.

(Code 1997, § 130-1; Ord. No. 04-56, § 2(1), 5-25-2004)

Sec. 14-671. - Authority.

The provisions set forth in this article have been prepared in accordance with the authority granted by the state legislature as provided by Act 186 of 1957, as amended (A.C.A. § 14-56-401 et seq.).

(Code 1997, § 130-2; Ord. No. 04-56, § 2(2), 5-25-2004)

Sec. 14-672. - Title.

This article shall be known as the Rogers, Arkansas, Zoning Ordinance.

(Code 1997, § 130-3; Ord. No. 04-56, § 2(3), 5-25-2004)

Sec. 14-673. - Jurisdiction.

This article shall apply to all lands within the corporate limits of the City of Rogers and all lands subsequently annexed by the City of Rogers.

(Code 1997, § 130-4; Ord. No. 04-56, § 2(4), 5-25-2004; Ord. No. 05-146, § 2, 11-8-2005; Ord. No. 15-122, § 1(Exh. A), 8-25-2015)

Sec. 14-674. - Interpretation.

The interpretation of the provisions of this article shall be held to be the minimum requirements except where specifically noted as being otherwise.

(Code 1997, § 130-5; Ord. No. 04-56, § 2(5), 5-25-2004)

Sec. 14-675. - Official zoning map.

(a) The City is hereby divided into zones, or districts, as identified in section 14-696. These zones, or districts, shall be shown on the “City of Rogers Official Zoning Map”.

(b) The City of Rogers Official Zoning Map shall be identified by the signature of the Mayor attested by the City clerk, and bearing the seal of the City along with the following words: "This is to certify that this is the City of Rogers Official Zoning Map referred to in the Rogers Code of Ordinances, Chapter 14."

(c) In keeping with the law, when changes are made to the official zoning map, such changes shall be entered promptly after the amendment is approved by the City Council. The official zoning map(s) shall provide a place for the entry of the ordinance number and the date of each amendment.

(d) No changes of any nature shall be made to the City of Rogers Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter. Any unauthorized change by any person shall be considered a violation of this chapter and punishable as provided in section 14-731.

(e) The City of Rogers Official Zoning Map shall be maintained by the Department of Community Development and shall be the final authority as to the current zoning status of land in the City.

(f) If the City of Rogers Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret, the City Council may by resolution adopt a new official zoning map. The new official zoning map(s) may correct errors or omissions in the previous map it replaces. When available, all replaced maps shall be retained for reference purposes.

(Code 1997, § 130-6; Ord. No. 04-56, § 2(6), 5-25-2004)

Secs. 14-676—14-692. - Reserved.

DIVISION 2. - DISTRICT REGULATIONS

Sec. 14-693. – Districts.

The City is hereby divided into the following zoning districts:

A-1 agricultural.

R-E residential estate.

R-SF residential single-family.

R-AH residential affordable housing.

R-DP residential duplex and patio home.

N-R neighborhood residential.

R-MF residential multifamily.

R-MHC residential manufactured home community.

R-RV residential recreational vehicle.

R-O residential office.

O office.

C-2 highway commercial.

C-3 neighborhood commercial.

C-4 open display commercial.

W-O warehouse office.

I-1 light industrial.

I-2 heavy industrial.

CU condominium unit.

PUD planned unit development.

Downtown Rogers Development Code ("DRDC") shall include the following four zones:

COR (Core Mixed Use)

COM (Commercial Mixed Use).

IA (Industrial Arts)

NBT (Neighborhood Transition Unit)

Sec.14-694. General rules of interpretation for use classifications.

(a)(1) There are three (3) categories of use classifications:

(A) Primary use classifications;

(B) Secondary use classifications; and
(C) Tertiary use classifications.
(2) The Primary use classifications are:
(A) Residential;
(B) Public and Semipublic;
(C) Commercial;
(D) Industrial; and
(E) Agricultural.
(b)(1) Each primary use classification includes secondary use classifications as subcategories of the primary use classification.
(2) Each secondary use classification may include tertiary use classifications as subcategories of the secondary use classification.
(3) For guidance on application of tertiary use classifications, see § 14-696.
(c) Purpose and Applicability. Use classifications describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the classification.

Sec. 14-695. Primary, secondary, and tertiary use classifications.

(a) The use classifications in this section describe one or more uses having similar characteristics, but do not list every use or activity that may appropriately be within the particular use classification.

(b) As used in Chapter 14, Article 6, the secondary and tertiary use classifications listed within each primary use classification of this section encompass the description contained in this section.

(1) The secondary use classifications within the Residential Use Classification are:

(A) Day Care, Limited is a secondary use classification encompassing non-medical care and supervision of children and adults on a less than 24-hour basis within a licensee's home;

(B) Duplex is a secondary use classification encompassing principal residential buildings:
(i) Occupied by two (2) dwelling units;
(ii) With both dwelling units located on a single lot that is not occupied by other principal residential buildings; and

(iii) Both dwelling units attached, whether located on separate floors or side-by-side;

(C)(i) Group Residential is a secondary use classification encompassing shared living quarters without separate kitchen or bathroom facilities for each room or unit.

(ii)(a) Group Residential includes but is not limited to the following tertiary use classifications:

(1) Rooming house;
(2) Boardinghouse;
(3) Dormitories;
(4) Fraternities;
(5) Sororities;
(6) Monasteries;
(7) Convents; and
(8) Private residential clubs.

(b) Group Residential does not include residential hotels;

(D) Home Occupation is a secondary use classification encompassing a business, profession, occupation, or trade which meets the following criteria:

(i) The business, profession, occupation, or trade is engaged in for gain or support and conducted entirely within a residential building;

(ii) The use as a business, profession, occupation, or trade is incidental or secondary to the use of the residential building for dwelling purposes; and

(iii) The use as a business, profession, occupation, or trade does not change the essential character of the residential building;

(E) Live/Work Quarters is a secondary use classification encompassing the use of all or part of a building originally designed for custom industry uses, industrial occupancy, or commercial occupy as living quarters;

(F) Manufactured Housing Subdivision is a secondary use classification encompassing a subdivision primarily comprised of home sites for manufactured housing units on individual lots;

(G) Manufactured Housing Unit is a secondary use classification encompassing a principal residential building that complies with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. §5401, et seq.);

(H) Mobile Home is a secondary use classification encompassing a principal residential building that is built on a permanent chassis and that complies with Standard for Mobile Homes, National Fire Protection Association (NFPA) 501, and the American National Standards Institute (ANSI) 119.1, in effect at the time that the unit was manufactured;

(I) Multifamily Residential is a secondary use classification encompassing buildings that have three (3) or more dwelling units that share common walls, floors, ceilings, or open space on a site;

(J) Residential Care, Limited is a secondary use classification encompassing twenty-four (24) hour nonmedical care for six (6) or fewer persons;

(K) Single-Family Residential is a secondary use classification encompassing buildings containing one dwelling unit located on a single lot.

(2) The secondary use classifications within the Public and Semipublic Use Classification are:

(A)(i) Airport or Ground Transportation Terminal is a secondary use classification encompassing facilities from which aircraft, buses, trains, or other modes of transportation designed for land or air travel arrive and depart;

(ii) Airport or Ground Transportation Terminal does not include taxi services.

(B)(i) Burial Services is a secondary use classification encompassing death and funeral services.

(ii) Burial services includes but is not limited to the following tertiary use classifications:

(a) Columbariums;
(b) Crematoriums; and
(c) Mortuaries.

(B)(i) Cemetery is a secondary use classification encompassing Land used or intended to be used for the burial of human remains and dedicated for cemetery purposes.

(ii) Cemetery includes but is not limited to the following tertiary use classifications:

(a) Columbariums operated in conjunction with the cemetery;
(b) Crematoriums operated in conjunction with the cemetery;
(c) Mausoleums operated in conjunction with the cemetery; and
(d) Mortuaries operated in conjunction with the cemetery;

(C)(i) Clubs and Lodges is a secondary use classification encompassing meeting, recreational, or social facilities of a private or nonprofit organization primarily for use by members or guests, and where the primary activity is a service not carried on as a business enterprise.

(ii) Clubs and Lodges includes but is not limited to the following tertiary use classifications:

(a) Union halls;
(b) Social clubs;
(c) Youth centers; and
(d) Senior centers;

(D) College or University is a secondary use classification encompassing institutions of higher learning that offer courses of general or specialized study and are authorized to grant academic degrees.

(E)(i) Convalescent Facilities is a secondary use classification encompassing establishments providing care on a 24-hour basis for persons requiring regular medical attention.

(ii) Convalescent Facilities does not include facilities providing surgical or emergency medical services;

(F)(i) Cultural Institutions is a secondary use classification encompassing nonprofit institutions displaying or preserving objects of interest in one or more of the arts or sciences.

(ii) Cultural Institutions includes but is not limited to the following tertiary use classifications:

(a) Libraries;
(b) Museums; and
(c) Art galleries;

(G) Day Care, General is a secondary use classification encompassing non-medical care and supervision of children and adults on a less than 24-hour basis not within a licensee's home.

(H) Detention Facilities is a secondary use classification encompassing publicly owned and operated facilities that provide housing, care, and supervision for persons confined by law;

(I) Emergency Health Care is a secondary use classification encompassing Facilities that provide emergency medical service with no provision for continuing care on an inpatient basis;

(J) Emergency Shelter is a secondary use classification encompassing overnight sleeping accommodations that:

(i) Are intended to provide temporary housing to homeless families or individuals; and

(ii) May include basic supportive services such as food, shower, rest room facilities, laundry room, storage areas, and limited administrative or intake offices;

(K) Government Offices is a secondary use classification encompassing administrative, clerical, or contact offices of a government agency;

(L) Heliports is a secondary use classification encompassing pads and facilities enabling takeoffs and landings by helicopters;

(M)(i) Hospitals is a secondary use classification encompassing facilities providing medical, surgical, psychiatric, or emergency medical services to sick or injured persons, primarily on an inpatient basis.

(ii) Hospitals includes without limitation the following tertiary use categories:

(a) Facilities for outpatient treatment; and

(b) Facilities for training, research, and administrative services for patients and employees;

(N)(i) Maintenance and Service Facilities is a secondary use classification encompassing facilities providing:

(a) Maintenance and repair services for vehicles and equipment; and

(b) Materials storage areas.

(ii) Maintenance and Service Facilities includes without limitation the following tertiary use classifications:

(a) Corporation yards; and

(b) Equipment service centers;

(O) Marina is a secondary use classification encompassing facilities that provide moorage, launching, storage, fueling, supplies, maintenance, and other non-repair services for recreational and commercial watercraft;

(P)(i) Park and Recreation Facilities is a secondary use classification encompassing noncommercial parks, playgrounds, recreation facilities, and open spaces used for recreational or social purposes.

(ii) Park and Recreation Facilities includes but is not limited to the following tertiary use classifications:

(a) Playgrounds;

(b) Playfields;

(c) Play courts; and

(d) Community centers;

(Q)(i) Public Safety Facilities is a secondary use classification encompassing facilities for public safety and emergency services.

(ii) Public Safety Facilities includes but is not limited to the following tertiary use classifications:

(a) Fire stations;

(b) Police stations;

(c) Ambulance services;

(d) Storm shelters; or

(e) Civil defense shelters;

(R)(i) Religious Assembly is a secondary use classification encompassing facilities for religious worship, incidental religious education, and other religious facility related supportive and social services.

(ii) Religious Assembly does not include private schools associated with a particular religion;

(S) Residential Care, General is a secondary use classification encompassing twenty-four (24) hour non-medical care for seven (7) or more persons;

(T) Resource Centers is a secondary use classification encompassing neighborhood facilities that are sponsored by the City or under the control of the City and are used for neighborhood safety, enhancement, education, health care, and other similar neighborhood programs;

(U) Schools, Public or Private is a secondary use classification encompassing educational institutions for pre-kindergarten through twelfth (12th) grade;

(V) Transitional Housing is a secondary use classification encompassing housing and appropriate supportive services for homeless persons designed to enable them to move to independent living within a twenty-four (24) month period;

(W)(i) Transportation Services is a secondary use classification encompassing businesses that provide transportation of people for profit.

(ii) Transportation Services includes but is not limited to the following tertiary use classifications:

(a) Taxis; and

(b) Businesses that transport people for medical care.

(iii) Transportation Services does not include vehicle rental services.

(X)(i) Utilities, Major is a secondary use classification encompassing sites containing facilities, equipment, and other infrastructure above ground that are used to provide utility services to the public.

(ii) Utilities, Major includes but is not limited to the following tertiary use classifications:

(a) Generating plants;

(b) Electrical substations;

(c) Above ground electrical transmission lines;

(d) Lone switching buildings;

(e) Refuse collection, transfer, recycling, or disposal facilities;

(f) Water reservoirs, flood control facilities, drainage facilities, water treatment plants, and waste water treatment plants;

(g) Transportation utilities; and

(h) Communications utilities.

(Y) Utilities, Minor is a secondary use classification encompassing utility facilities that are necessary to support legally established uses and involve only minor structures that are generally included in a utility easement;

(Z) (i) Freestanding Towers is a secondary use classification encompassing structures that are:

(a) Intended to support equipment used to transmit or receive telecommunications signals; and

(b) Used to provide wireless communication services.

(ii) Freestanding Towers includes but is not limited to the following tertiary use classifications:

(a) Monopoles; and

(b) Guyed and lattice construction steel structures.

(AA) Building or Tower-Mounted Antennas is a secondary use classification encompassing a device:

(i) That is attached to a freestanding tower, building, or other structure;

(ii) Through which telecommunications signals authorized by the Federal Communications Commission are transmitted or received; and

(iii) Which is used to provide wireless communication services.

(BB) Other Wireless Communication Facility is a secondary use classification encompassing towers, antennas, equipment, equipment buildings, and other facilities used in the provision of wireless communication services that are not:

(i) Freestanding Towers; or

(ii) Building or Tower-Mounted Antennas.

(3) The secondary use categories within the Commercial Use Classifications are:

(A) Adult Businesses is a secondary use classification encompassing establishments based primarily on materials or performances that depict, describe, or relate to "specified sexual activities", as defined in Sec. 14-718 of the Rogers Municipal Code of Ordinances;

(B) Animal Boarding is a secondary use classification encompassing establishments that provide shelter for animals on a commercial basis. Animal boarding may include activities such as feeding, exercising, grooming, and incidental medical care when those activities are attendant to the primary purpose of providing shelter;

(C) Animal Grooming is a secondary use classification encompassing establishments that provide bathing and trimming services for animals on a commercial basis. Animal Grooming may also include the boarding of domestic animals for no more than forty-eight (48) hours;

(D) Animal Hospitals is a secondary use classification encompassing establishments that provide medical or surgical treatment to animals. Animal Hospitals may also include grooming or boarding of animals for less than thirty (30) days, if the grooming or boarding is attendant to the primary purpose of providing medical or surgical treatment;

(E) Animals, Retail Sales is a secondary use classification encompassing the retail sales of animals. Animal, Retail Sales may also include:

(i) Boarding of animals that are offered for sale, if the animals are boarded within an entirely enclosed building;

(ii) Grooming of animals, if the grooming is incidental to the primary purpose of retail sale of the animal; or

(iii) Boarding of animals not offered for sale for less than forty-eight (48) hours;

(F) Animal Sales or Services is a secondary use classification encompassing animal sale or service use that is not Animal Boarding, Animal Grooming, Animal Hospital, or Animal, Retail Sales;

(G) Artists' Studios is a secondary use classification encompassing Work and display space for artists to perform or display their art or craft;

(H) Bail Bond is a secondary use classification encompassing providing surety and pledged money or property as bail for the appearance of persons accused in court;

(I) Bar or Cocktail Lounge is a secondary use classification encompassing any establishment serving an alcoholic beverage that is not a bona fide restaurant;

(J)(i) Building Materials is a secondary use classification encompassing retail, wholesale, or rental of building supplies, equipment, or services.

(ii) Building Materials includes but is not limited to the following tertiary use classifications:

(a) Lumber yards;
(b) Tool and equipment sales;
(c) Tool and equipment rental; and
(d) Building contractors' yards.

(iii) This category does not include:

(a) Establishments devoted exclusively to retail sales of paint and hardware; or
(b) Activities classified under Vehicle/Equipment Sales and Services such as vehicle towing services;

(K)(i) Home Improvement is a secondary use classification encompassing businesses that retail or wholesale home improvement or home furnishing goods.

(ii) Home Improvement does not include a comprehensive home improvement retail store.

(L)(i) Building Service is a secondary use classification encompassing businesses that provide maintenance and repair services for structures, mechanical elements of structures, the exterior spaces of premises, or large equipment whether the maintenance is performed in the customer's home or at the location of the business;

(ii) Business Service includes but is not limited to the following tertiary use classifications:

(a) Janitorial;
(b) Landscape maintenance;
(c) Carpet cleaning;
(d) Chimney cleaning;
(e) Extermination;
(f) Plumbing;
(g) Electrical;
(h) HVAC;
(i) Roofing; and
(j) Window cleaning;

(M)(i) Business Support Service is a secondary use classification encompassing businesses that provide personnel services, printing, copying, package drop-off, package delivery, photographic services, or communication services to businesses or consumers.

(ii) Business Support Service includes but is not limited to the following tertiary use classifications:

(a) Employment agencies;
(b) Day labor hiring services;
(c) Armored car services;
(d) Copy and print shops;
(e) Delivery or courier service drop-off location for consumers;
(f) Caterers;
(g) Telephone answering services; and
(h) Photo developing labs;

(N)(i) Personal Services is a secondary use classification encompassing uses that provide services of a personal nature.

(ii) Personal Services includes but is not limited to the following tertiary use classifications:

(a) Barber shops;
(b) Beauty shops;
(c) Seamstresses;
(d) Tailors;
(e) Shoe repair shops;
(f) Laundry and dry cleaning;
(g) Photo-copying;
(h) Word processing;
(i) Packaging;
(j) Private postal facilities;
(k) Office supply support facilities; and
(l) Self-service laundries.

(iii) Personal Services does not include uses included in Linen Supply and Heavy Laundry;

(O)(i) Maintenance and Repair Services is a secondary use classification encompassing businesses that provide maintenance, cleaning, and repair services for consumer goods on a site that is not the property of the customer

(ii) Maintenance and Repair Services includes but is not limited to the following tertiary use classifications:

(a) Taxidermists;
(b) Picture framing shops;
(c) Gunsmiths;
(d) Locksmiths;
(e) Vacuum repair shops; and
(f) Electronics repair shops.

(iii) Maintenance and Repair Services does not include uses included in Vehicle/Equipment Repair or Marine Sales and Services;

(P)(i) Commercial Assembly, Recreation, and Entertainment is a secondary use classification encompassing facilities that provide participant or spectator recreation or entertainment.

(ii) Commercial Assembly, Recreation, and Entertainment includes but is not limited to the following tertiary use classifications:

(a) Theaters;
(b) Sports stadiums and arenas;
(c) Riding stables;
(d) Riding academies;

(e) Banquet halls;
(f) Amusement parks;
(g) Bowling alleys;
(h) Billiard parlors;
(i) Pool rooms;
(j) Dance halls;
(k) Ice skating rinks;
(l) Roller skating rinks;
(m) Golf courses;
(n) Miniature golf courses;
(o) Scale-model courses;
(p) Shooting galleries;
(q) Tennis courts;
(r) Racquetball courts;
(s) Laser tag facilities;
(t) Paintball facilities and grounds;
(u) Race tracks;
(v) Fairgrounds;
(q) Rodeo grounds;
(r) Water parks;
(s) Amusement parks;
(t) Arcades;
(u) Games centers having five or more coin-operated game machines;
(v) Card rooms;
(w) Gun clubs;
(x) Shooting ranges;
(y) Health clubs;
(z) Gymnasiums;
(aa) Bowling alley;
(bb) Cinemas;
(cc) Go-cart tracks;
(dd) Stadiums; and
(ee) Arenas;

(Q)(i) Communications Facilities is a secondary use classification encompassing broadcasting, recording, and other communication services that are accomplished through electronic or telephonic mechanisms.

(ii) Communications Facilities includes but is not limited to the following tertiary use classifications:

(a) Radio studios;
(b) Television studios;
(c) Recording studios;
(d) Telephone switching centers; and
(e) Telegraph offices.

(iii) Communications Facilities does not include uses included in Utilities, Major;

(R)(i) Food and Beverage Sales is a secondary use classification encompassing retail sales of food and beverages for off-site preparation and consumption;

(ii) Food and Beverage Sales includes but is not limited to the following tertiary use classifications:

(a) Grocery stores;
(b) Liquor stores; and
(c) Delicatessens;

(S) Convenience Stores with Gas Sales is a secondary use classification encompassing retail sales of food, beverage, and small convenience items typically found in establishments with long or late hours of operation that also sell gasoline;

(T) Convenience Stores without Gas Sales is a secondary use classification encompassing retail sales of food, beverage, and small convenience items typically found in establishments with long or late hours of operation that do not sell gasoline;

(U)(i) Financial Services is a secondary use classification encompassing Financial institutions that:

(a) Provide retail banking services to individuals and businesses; and

(b) Engage in the on-site circulation of cash money

(ii) Financial Services does not include pawnshops.

(V)(i) Horticulture, Limited is a secondary use classification encompassing raising fruits, vegetables, flowers, ornamental trees, and shrubs on sites of two (2) acres or less as a wholesale commercial enterprise with nursery equipment and materials necessary for the cultivation stored on-site within structures.

(iii) Horticulture, Limited does not include wholesale commercial horticulture activities that are an accessory to a dwelling unit;

(W) Laboratories is a secondary use classification encompassing establishments that:

(i) Provide medical or dental laboratory services; or

(ii) That are less than 3,000 square feet in size and provide photographic, analytical, or testing services.

(X) Marine Sales, Rentals, and Services is a secondary use classification encompassing establishments providing supplies and equipment for shipping services or pleasure boating and recreation.

(i) Marine Sales, Rentals, and Services includes but is not limited to the tertiary use classifications of:

(a) Boat sales;

(b) Boat yards; and

(c) Boat docks.

(Y)(i) Nurseries is a secondary use classification encompassing wholesale or retail establishments that sell plants, shrubs, trees, and related products in which all merchandise other than plants is kept within an enclosed building or a fully screened enclosure, and fertilizer or chemicals of any type are stored and sold in package form only.

(ii) Nurseries may include the use of growing and propagation of plants, if the growing and propagation is attendant to the use as a Nursery.

(Z)(i) Business and Professional Office is a secondary use classification encompassing office uses for companies and non-governmental organizations.

(ii) Business and Professional Office includes but is not limited to the following tertiary use classifications:

(a) Corporate offices;

(b) Law offices;

(c) Architectural firms;

(d) Insurance companies;

(e) Travel agencies; and

(f) Insurance claims adjusters or estimators with no more than one vehicle inspection bay and no on-site repair facilities.

(AA)(i) Medical, Dental, and Health Practitioner Office is a secondary use classification encompassing office or clinic uses related to diagnosis and treatment of human patients' illnesses, injuries and physical maladies that can be performed in an office setting with no overnight care.

(ii) Medical, Dental, and Health Practitioner Office includes but is not limited to the following tertiary use classifications:

(a) Blood and plasma donation centers;

(b) Offices or clinics of physicians, dentists, psychiatrists, psychologists, chiropractors, and practitioners of massage therapy;
(c) Surgical, rehabilitation, and other medical centers that do not involve overnight patient;
(d) Medical and dental laboratories; and
(e) Ancillary sales of medications and medical that are attendant to the use as a medical, dental, or health practitioner office.

(BB)(i) Pawn Shops is a secondary use classification encompassing establishments that are engaged in any of the following business or activities:

a. The purchase of personal property either from an individual, another pawn business or any other business with an expressed or implied agreement or understanding to offer the property for sale to the public, and if that sale is unsuccessful, then to sell it back to the previous owner at a subsequent time at a stipulated price or negotiated price; or
b. The purchase of precious metals with the intent to melt down, provided that such activity is not clearly incidental to the principal use of the establishment.

(ii) Pawn Shops does not include Financial Services.

(CC)(i) Personal Improvement and Instructional Services is a secondary use classification encompassing businesses that provide instructional services or facilities.

(ii) Personal Improvement and Instructional Services includes but is not limited to the following tertiary use classifications:

(a) Photography classes;
(b) Fine arts;
(c) Crafting classes;
(d) Dance studios;
(e) Music studios;
(f) Driving classes;
(g) Business school;
(h) Trade school;
(i) Diet centers;
(j) Reducing salons;
(k) Massage instruction;
(l) Health or fitness studios; and
(m) Spas;

(DD)(i) Research and Development Services is a secondary use classification encompassing establishments primarily engaged in industrial or scientific research, including but not limited to limited product testing.

(ii) Research and Development Services includes but is not limited to the following tertiary use classifications:

(a) Electronic research firms;
(b) Pharmaceutical research laboratories; and
(c) Medical testing and analysis.

(iii) Research and Development Services does not include manufacturing unless the manufacturing is only of prototypes;

(EE)(i) Restaurants, Fast Food is a secondary use classification encompassing a bona fide restaurant establishment where the principal business is the sale of prepared or rapidly prepared food and beverages to guests via counter, walk up, or window service for consumption on or off the premises.

(ii) As used in this definition, a “bona fide” restaurant shall have suitable kitchen facilities for cooking or preparation of meals.

(iii) Restaurants, Fast Food does not include mobile food vendors;

(FF) Restaurant Full Service. A bona fide restaurant establishment where the principal business is the sale of food and beverages to guests via table service for consumption on the premises. As used in this

definition, a "bona fide" full service restaurant shall have suitable kitchen facilities for cooking of complete meals;

(GG)(i) Retail Sales is a secondary use classification encompassing the retail sale of merchandise not specifically listed under another use category.

(ii) Retail Sales includes but is not limited to the following tertiary use classifications:

(a) Department stores;
(b) Clothing stores;
(c) Comprehensive home improvement stores; and
(d) Furniture stores;

(HH) Swap Meets is a secondary use classification encompassing recurring retail sale or exchange of handcrafted or secondhand during no more than a forty-eight (48) hour period conducted by a sponsor on a more than twice yearly basis;

(II) Vehicle Washing is a secondary use classification encompassing washing, waxing, or cleaning of automobiles or similar light vehicles;

(JJ) Vehicle Commercial Parking Facility is a secondary use classification encompassing lots offering short-term or long-term parking to the public for a fee;

(KK)(i) Service Stations is a secondary use classification encompassing establishments engaged in the retail sale of gas, diesel fuel, lubricants, parts, and accessories, and that do not engage in the retail sale of food, beverage, and small convenience items, including but not limited to incidental maintenance and repair of automobiles and light trucks,

(ii) Service Stations does not include uses for body and fender work or repair of heavy trucks or vehicles;

(LL)(i) Vehicle/Equipment Repair and Installation is a secondary use classification encompassing repairs of automobiles, trucks, motorcycles, mobile homes, recreational vehicles, or boats, including the sale, installation, and servicing of related equipment and parts.

(ii) Vehicle/Equipment Repair and Installation includes but is not limited to the following tertiary use classifications:

(a) Auto repair shops;
(b) Body and fender shops;
(c) Audio, visual, and electronic sales and installation shops;
(d) Wheel and brake shops; and
(e) Tire sales and installation.

(iii) Vehicle/Equipment Repair and Installation does not include uses of:

(a) Vehicle dismantling;
(b) Salvage; and
(c) Tire retreading or recapping;

(MM)(i) Vehicle/Equipment Sales and Rentals is a secondary use classification encompassing the sale or rental of automobiles, motorcycles, trucks, tractors, construction equipment, agricultural equipment, mobile homes, and similar equipment.

(ii) Vehicle/Equipment Sales and Rentals may include storage and incidental maintenance, if the storage and incidental maintenance is attendant to the primary purpose of sale or rental;

(NN)(i) Vehicle Storage is a secondary use classification encompassing exclusive storage of operative or inoperative vehicles;

(iii) Vehicle Storage includes without limitation the tertiary use classifications of:

(a) Storage of parking tow-aways;
(b) Impound yards; and
(c) Storage lots for automobiles, trucks, buses, and recreational vehicles.

(iv) Vehicle storage does not include vehicle dismantling.

(OO)(i) Vehicle Salvage Yard is a secondary use classification encompassing any establishment or place of business which is:

(a) Maintained, used, or operated by an "automobile dismantler," as-defined in the Arkansas State Vehicle Code, for the buying, selling, or dealing in vehicles of a type required to be registered under the Vehicle Code for the purpose of dismantling such vehicles and for the buying or selling of the integral parts and component materials of such vehicles; or

(b) Used for temporary storage of automobile bodies and parts awaiting disposal as a normal part of a business operation when the business will continually have like materials located on the premises.

(ii) Vehicle Salvage Yard includes but is not limited to the following tertiary uses:

(a) Scrap auto wrecking yards;
(b) Salvage yards;
(c) Scrap yards;
(d) Auto recycling yards; and
(e) Used auto parts yards;

(FF)(i) Bed and Breakfast Inns is a secondary use classification encompassing establishments that offer lodging on a less than weekly basis in a converted single-family or multi-family dwelling.

(ii) Eating and drinking service for lodgers may be included, if the eating and drinking service is attendant to the primary purpose of lodging;

(GG)(i) Hotels, Motels, and Retreats is a secondary use classification encompassing establishments offering commercial lodging on a less than monthly basis.

(ii) Hotels, Motels, and Retreats may include eating, drinking, and banquet services intended for the convenience of guests if the eating, drinking, and banquet services are attendant to the commercial lodging.

(HH) Recreational Vehicle Park is a secondary use classification encompassing facilities renting or leasing space on a short-term or long-term basis to owners or users of recreational vehicles;

(II)(i) Campgrounds is a secondary use classification encompassing open pieces of ground where a camper can pitch a tent or park a camper.

(ii) Campgrounds may include utility hookups for use by trailers or recreational vehicles as well as other uses and amenities for campers; and

(JJ)(i) Warehousing and Storage, Limited is a secondary use classification encompassing businesses that provide storage space for household or commercial goods within an enclosed building and for which the individual storage units are accessed via an interior access way or exterior entry to individual units.

(ii) Warehousing and Storage, Limited includes facilities with a maximum of five thousand (5,000) square feet of gross floor area.

(4) The secondary use classifications within the Industrial Use Classifications are:

(A) Food Processing is a secondary use classification encompassing establishments primarily engaged in the manufacturing or processing and packaging of food or non-alcoholic beverages for human consumption and wholesale distribution;

(B) Microbrewery or Microdistillery is a secondary use classification encompassing establishments authorized by Arkansas Alcoholic Beverage Control to operate as a microbrewery or microdistillery;

(C) Beer Manufacturing is a secondary use classification encompassing establishments authorized by Arkansas Alcoholic Beverage Control to operate as a beer manufacturer;

(D)(i) Industry, Custom is a secondary use classification encompassing establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment.

(ii) Industry, Custom may include uses as office facilities, support facilities, showrooms, and retail sales areas, if the use as an office facility, support facility, showroom, or retail sales area is attendant to the primary purpose of the on-site production of goods.

(E)(i) Industry, General is a secondary use classification encompassing the manufacturing of products, primarily from extracted or raw materials, or bulk storage and handling of such products and materials that typically involves a high incidence of truck or rail traffic, and/or outdoor storage of products, materials, equipment, or bulk fuel.

(ii) Industry, General includes but is not limited to the following tertiary use classifications:

(a) Chemical manufacture or processing;
(b) Auto dismantling within an enclosed building;
(c) Oil and gas refining;
(d) Stonework or concrete products manufacturing;
(e) Small animal production;
(f) Processing within an enclosed building; and
(g) Power generation;

(F)(i) Industry, Limited is a secondary use classification encompassing manufacturing of finished parts or products, primarily from previously prepared materials and providing industrial services, both within an enclosed building.

(ii) Industry, Limited may include processing, fabrication, assembly, treatment, packaging, affiliated offices, support facilities, showroom, or retail sales, if the processing, fabrication, assembly, treatment, packaging, affiliated offices, support facilities, showroom, or retail sales is attendant to the primary purpose of manufacturing finished parts or products;

(iii) Industry, Limited does not include:

(a) Basic industrial processing from raw materials; or
(b) Vehicle/Equipment Services;

(G)(i) Industry, Research, and Development is a secondary use classification encompassing establishments primarily engaged in the research, development, and controlled production of high-technology electronic, industrial, or scientific products or commodities for sale,

(ii) Industry, Research, and Development includes but is not limited to the following tertiary use classifications:

(a) Biotechnology;
(b) Films; and
(c) Non-toxic computer component manufacturers.

(ii) Industry, Research, and Development may include use as an affiliated office, support facility, showroom, or retail sales area, if the use as an affiliated office, support facility, showroom, or retail sales area is attendant to the primary purpose of research, development, and controlled production of high-technology electronic, industrial, or scientific products or commodities for sale; and

(H)(i) Wholesaling, Distribution, and Storage is a secondary use classification encompassing storage and distribution facilities.

(ii) Affiliated offices, support facilities, limited showroom, or retail sales areas may be included, if use as an affiliated office, support facility, limited showroom, or retail sales area is attendant to the primary purpose of storage and distribution.

(iii) Wholesaling, Distribution, and Storage includes but is not limited to the following tertiary use classification: trucking terminals that have more than six heavy trucks on the premises at a time.

(5) The secondary use classifications within the Agricultural and Extractive Use Classifications are:

(A)(i) Animal Husbandry is a secondary use classification encompassing the raising of animals or production of animal products, such as eggs or dairy products, on an agricultural or wholesale commercial basis.

(ii) Animal Husband includes but is not limited to the following tertiary use classifications:

(a) Commercial stables;
(b) Grazing;
(c) Ranching;
(d) Animal breeding;
(e) Dairy farming; and
(f) Poultry farming;

(B) Community Garden is a secondary use classification encompassing an area less than one acre in area that is managed and maintained by a group of individuals to grow and harvest food crops or non-food crops, whether divided into separate plots or managed in one plot, and whether cultivated by one person or a collective of people;

(C) Crop Production is a secondary use classification encompassing raising and harvesting of tree crops, row crops, greenhouse crops, or field crops on sites of greater than 2 acres on an agricultural or wholesale commercial basis;

(D) Greenhouse is a secondary use classification encompassing a building used for propagation and growth of trees or plants for wholesale or retail sales and distribution;

(E) Animal, Horse Training, Dog Training, and Shows is a secondary use classification encompassing uses which involve training, exhibition, and schooling of domestic and certain large animals.

(ii) Animal, Horse Training, Dog Training, and Shows includes but is not limited to the following tertiary use classifications:

(a) Animal training;
(b) Holistic natural animal health care; and
(c) Dog shows;

(F)(i) Horticulture Nursery is a secondary use classification encompassing a propagation and growth of trees or plants in containers or in the ground for wholesale or retail sales and distribution and primarily conducted outdoors.

(ii) Horticulture Nursery does not include onsite retail sales unless such sales are otherwise allowed in the subject zoning district.

(G) Junk or Salvage Yard is a secondary use classification encompassing a building or open area where waste, scrap, used or second-hand materials such as scrap iron and other metals, paper, rags, rubber tires, and bottles are bought, sold, exchanged, stored, baled, packed, disassembled, crushed, processed, or handled for reclamation, disposal or other similar purposes;

(H)(i) Mining and Processing is a secondary use classification encompassing that includes facilities primarily devoted to surface or subsurface mining of metallic and nonmetallic minerals, oil, or gas, together with essential on-site processing and production of only nonmetallic mineral products;

(ii) Mining and Processing includes but is not limited to the following tertiary use classifications:

(a) Borrow pits;
(b) Quarries;
(c) Oil and gas drilling rigs; or
(d) Concrete batch plants.

(I)(i) Wineries is a secondary use classification encompassing an agricultural processing facility used for the fermenting and processing of fruit juice into wine or the re-fermenting of still wine into sparkling wine.

(ii) Wineries may include tours, tastings, and retail sales if the tours, tastings, and retail sales are attendant to the primary purpose of agricultural processing and permitted by state and federal law;

(J)(i) Assembly, Ceremonies, and Weddings is a secondary use classification encompassing an activity involving assembly or the intention of attracting people for ceremonial, educational, and celebratory purposes at one specific location.

(ii) Assembly, Ceremonies, and Weddings includes but is not limited to the following tertiary use classifications:

(a) Receptions;
(b) Weddings;
(c) Recitals;
(d) Exhibits;
(e) Private parties; and
(f) Social gatherings; and

(K) Zoo is a secondary use classification encompassing any lot, building, structure, enclosure, or premises two or more wild animals are kept, whether they are kept for pleasure, profit, breeding, exhibiting, boarding, sale, or for hire.

Sec. 14-696. Permitted, conditional, or prohibited use classifications — Rules of construction — Appeal.

(a) The rules of construction in this section apply to the tables describing use classifications contained within §§ 14-697-714.
(b)(1) Uses identified with a "P" are permitted as of right in the designated zone, subject to compliance with all other applicable regulations.
(2) Uses identified with a "C" may be allowed in the designated zone if reviewed and approved in accordance with § 14-723.
(3) A use is prohibited in the designated zone if it is not identified with a "P" or "C".
(c)(1) If the allowance or prohibition of a secondary use classification conflicts with the allowance or prohibition of the corresponding primary use classification, the allowance or prohibition for the secondary use classification controls.
(2) If the allowance or prohibition for a tertiary use classification conflicts with the allowance or prohibition for the corresponding secondary use classification, the allowance or prohibition for the tertiary use classification controls.
(d) A decision by the Director of the Department of Community Development or his or her designee concerning whether a specific use is prohibited, permitted, or conditional may be appealed by the person who is using the business, building, structure, land, or other area in a manner that has been determined to be prohibited, permitted, or conditional and as provided for in Sec. 14-724 of the Rogers City Code.

Sec. 14-697. - A-1 agricultural district.

(a) *Purpose and intent.* This district shall consist of areas for agricultural uses, related uses, and low-density residential uses.

(b) Table A-1.

Agriculture	**Use Regulations**
Residential Use Classifications	
Day Care, Limited	C
Group Residential	
Convent or Monastery	P
Home Occupation	P
Manufactured Housing Unit	C
Mobile Home	C
Single-Family Residential	P

Public / Semipublic Use Classifications	
Cemetery	P
Clubs and Lodges	C
Child Care	C
Detention Facilities	P
Government Offices	C
Heliports	C
Park and Recreation Facilities	P
Public Gymnasium	C
Religious Assembly	P
Residential Care, General	P
Resource Centers	C
Schools, Public or Private	P
Utilities, Major	C
Utilities, Minor	P
Freestanding Communication Towers	C
Building or Tower-Mounted Antennas	C
Commercial Use Classifications	
Animal Boarding	P
Animal Hospitals	C
Artists Studios	C
Building Materials and Services	C
Commercial Assembly, Recreation and Entertainment	
Day Camp	P
Fairgrounds	P
Go-cart Track	C
Golf Course	C
Golf Driving Range	C
Outdoor Gun Range	C
Business and Professional Office	
Real Estate Office	C
Retail Sales	
Farm Equipment and Supplies	C

Garden Supplies	C
Secondhand Stores	P
Bed and Breakfast Inns	C
Hotels, Motels, and Retreats	
Guest Ranch	C
Campgrounds	C
Warehousing and Storage, Limited	C
Industrial Use Classifications	
Food Processing	C
Agricultural and Extractive Use Classifications	
Animal Husbandry	P
Community Garden	P
Crop Production	P
Greenhouse	P
Animal, Horse Training, Dog Training and Shows	P
Horticultural Nursery	P
Wineries	C
Assembly, Ceremonies, and Weddings.	C
Zoo	C

(c) *Lot size requirements.*

(1) Minimum lot area: 1½ acres.

(2) *Minimum lot width: 200 feet.*

(d) *Bulk and open space requirements.*

(1) *Maximum structure height:*

a. *When side yards are less than 15 feet in width:* 35 feet or 2½ stories above the finished grade.

b. *When side yards are 15 feet in width or greater:* 45 feet or three stories above the finished grade.

c. *Accessory structures:* 16 feet on lots less than one acre, except storage buildings which shall not exceed ten feet or 25 feet on lots one acre or greater.

(2) *Minimum yard requirements:*

a. *Front yard:* 40 feet.

b. *Interior side yard:* 20 feet.

c. *Exterior side yard:* 40 feet.

d. *Rear yard:* 35 feet.

(3) *Maximum building coverage (including accessory buildings):* 30 percent.

(4) *Minimum open space:* Not less than 30 percent of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

(5) *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 70 percent of the total lot.

(e) *Off-street parking.*

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
OFFICE AND INSTITUTIONAL USES	
Auditoriums, arenas, theatres (and similar places of public assembly)	1 space for each 4 seats
Church sanctuary	1 space for each 4 seats based on maximum seating capacity in the principal assembly room; provided, however, that churches may establish joint parking facilities not to exceed 50 percent of the required spaces, with businesses, institutions and agencies that do not have a time conflict in parking demand
Lodge halls, exhibition halls, clubs (and similar places of public assembly)	1 space per 200 square feet of net floor area
Nursery, kindergarten and day care centers	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary school (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom

Business and professional office (and similar use or establishment)	1 space per 300 square feet of net floor area. For structures larger than 10,000 square feet, the above parking requirement shall be provided and the following percent shall be taken of the remaining net floor area:
	10,001—20,000 square feet: 95 percent of requirement
	20,001—30,000 square feet: 90 percent of requirement
	30,001—40,000 square feet: 85 percent of requirement
	40,001 square feet and up: 80 percent of requirement
COMMERCIAL USES	
General business and retail sales (except as otherwise provided herein)	1 space per 250 square feet of net floor area up to 10,000 square feet, the above parking requirement shall be proved and the following percent shall be taken off the remaining net floor area:
	10,001—20,000 square feet: 95 percent of requirement
	20,001—30,000 square feet: 90 percent of requirement
	30,001—40,000 square feet: 85 percent of requirement
	40,001 square feet and up: 80 percent of requirement
Drive-through commercial facilities	In addition to the other parking space requirements, holding or stacking spaces for each service window. Each stacking space shall be no less than 10 feet wide by 20 feet long
Manufacturing, processing and wholesaling (and similar uses or establishments)	1 space per 600 square feet of net floor area
Warehouse and storage	5 spaces plus 1 space per 2,000 square feet of net floor area up to 50,000 square feet; then, in addition to the above requirement, 1 space per 10,000 square feet above 50,000 square feet or portion thereof.

(f) *Loading space standards.*

Floor area (square feet)	Loading spaces required
5,000—25,000	1
25,000—40,000	2
40,000—100,000	3
100,000—160,000	4
160,000—240,000	5
240,000—320,000	6
For each additional 90,000	1 added space

(Code 1997, § 130-21; Ord. No. 04-56, § 2(9), 5-25-2004; Ord. No. 09-03, § 1, 2-2-2009; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012; Ord. No. 14-04, § 1(Exh. A), 1-28-2014; Ord. No. 15-09, § 1(Exh. A), 1-13-2015)

Sec. 14-698. - R-E residential estate district.

(a) *Purpose and intent.* This district is intended primarily for large estate size lots with single-family homes buffered from other incompatible uses. Certain other structures and uses necessary to serve governmental, educational, religious, recreational, and other needs of neighborhood areas are allowed as permitted or conditional uses subject to restrictions intended to preserve and protect the estate character of the district. This district shall allow the ownership of horses without a conditional use permit, provided that each horse shall have a minimum of one acre of land per horse.

(b) Table RE-1.

Residential Estate Use Regulations	
Residential Use Classifications	
Day Care, Limited	C
Home Occupation	P
Single-Family Residential	P

Public / Semipublic Use Classifications	
Clubs and Lodges	C
Park and Recreation Facilities	P
Public Safety Facilities	P
Religious Assembly	C
Residential Care, General	C
Resource Centers	C
Schools, Public, or Private	P
Utilities, Major	
Water Reservoir,	P
Detention Basins	P
Water Treatment Facility	P
Flood Control or Drainage Facilities	P
Utilities, Minor	P
Commercial Use Classifications	
Commercial Assembly, Recreation and Entertainment	
Golf Course	P
Business and Professional Office	
Real Estate Office	C
Agricultural and Extractive Use Classifications	
Animal, Horse Training, Dog Training and Shows	P

(c) *Bulk and open space requirements.*

(1) *Maximum structure height:*

a. *When side yards are less than 15 feet in width:* 35 feet or 2½ stories above the finished grade.

b. *When side yards are 15 feet in width or greater:* 45 feet or three stories above the finished grade.

c. *Accessory structures:* 24 feet, except storage buildings which shall not exceed ten feet.

(2) *Minimum yard requirements:*

a. *Front yard:* 50 feet.

b. *Interior side yard:* 20 feet

c. *Exterior side yard:* 50 feet.

d. *Rear yard:* 50 feet.

(d) *Density and lot size requirements.*

(1) *Minimum lot area:* 43,560 square feet. (1 acre).

(2) *Minimum lot width:* 150 feet.

(3) *Minimum lot depth:* 150 feet.

(4) *Maximum building coverage:* 30 percent.

(5) *Minimum open space:* Not less than 40 percent of the total lot area shall be devoted to open space. Open space shall not include areas covered by building, structures, parking areas, driveways, and internal streets. Open space shall contain living ground cover and other landscaping materials.

(6) *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways, and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 70 percent of the total lot area.

(e) *Off-street parking.*

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
Roominghouses, dormitories, fraternities, sororities (and similar uses and establishments)	1 space per sleeping accommodation
OFFICE AND INSTITUTIONAL USES	
Nursing or convalescent homes	1 space for each bed
Church sanctuary	1 parking space for each 4 seats based on maximum seating capacity in the principal assembly room; provided however, that churches may establish joint parking facilities not to exceed 50 percent of the required spaces, with businesses, institutions and agencies that do not have a time conflict in parking demand.
Lodge halls, clubs	1 space per 200 square feet of net floor area
SCHOOLS AND INSTITUTIONS	
Day nursery or child care center	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated.

Elementary (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every five fulltime students plus 1.5 spaces per classroom
Real estate sales office	1 space per 250 square feet of net floor area up to 10,000 square feet

(Code 1997, § 130-22; Ord. No. 04-56, § 2(10), 5-25-2004; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012)

Sec. 14-699. - R-SF residential single-family district.

(a) *Purpose and intent.* This district is intended primarily for single-family detached dwellings at low residential densities. If more than three units per acre are requested the developer must submit a density concept plan to the city Planning Commission outlining certain amenities to offset the density. Certain other structures and uses necessary to serve governmental, educational, religious, recreational, and other needs of neighborhood areas are allowed as permitted or conditional uses subject to restrictions intended to preserve and protect the single-family residential character of the district. Internal stability, harmony, attractiveness, order and efficiency are encouraged by providing for adequate light, air and open space for dwellings and related facilities and by consideration of proper functional relationship and arrangement of the different uses permitted in this district. This zoning district replaces the former R-1, R-1A and R-1B zoning districts.

(b) *Amenities considered for increased density.* Greenspace, preserving existing trees and natural areas, parks, trails, common areas, schools, boulevard streets, curvilinear streets, screening, public facilities, and other amenities decided by the City Planning Commission. For the developer providing additional amenities the City may allow increased density up to eight units per acre, smaller minor streets, and reduced setbacks.

(c) *Open space considerations.*

Percent Open Space (Gross Land Area)	Density (Units Per Acre)
30	3
35	3.5
40	4
45	4.5

50	5

Greenspace will be considered preserving existing old growth trees and natural areas, common areas and the open space in boulevard streets. The use of curvilinear streets throughout the development shall entitle the developer to an increase in density of one unit per acre (not to exceed a total of eight units per acre).

(d) *Schools and public facilities.* For developments providing areas of five acres or a minimum of five percent of the property for public buildings, public parks, and schools an increase of two units per acre will be permitted not to exceed a total of eight units per acre).

(e) Table RSF-1.

Residential Single Family	**Use Regulations**
Residential Use Classifications	
Day Care, Limited	C
Group Residential	
Convent or Monastery	P
Home Occupation	P
Residential Care, Limited	
Single-Family Residential	P
Public / Semipublic Use Classifications	
Clubs and Lodges	C
Convalescent Facilities	C
Cultural Institutions	C
Child Care	C
Park and Recreation Facilities	P
Public Safety Facilities	P
Religious Assembly	C
Residential Care, General	C
Resource Centers	C

Schools, Public or Private	P
Utilities, Major	
Water Reservoir	P
Detention Basins	P
Water Treatment Facility	P
Flood Control or Drainage Facilities	P
Utilities, Minor	P
Commercial Use Classifications	
Personal Services	
Beauty shop/barbershop, Limt 2 stylist chairs	C
Commercial Assembly, Recreation and Entertainment	
Golf Course	C
Business and Professional Office	
Real Estate Office	C
Bed and Breakfast Inns	C
Agricultural and Extractive Use Classifications	
Animal, Horse Training, Dog Training and Shows	C

(f) *Bulk and open space requirements.*

(1) *Maximum structure height:*

a. *When side yards are less than 15 feet in width:* 35 feet or 2½ stories above the finished grade.

b. *When side yards are 15 feet in width or greater:* 45 feet or three stories above the finished grade.

c. *Accessory structures:* 16 feet, except storage buildings which shall not exceed ten feet.

(2) *Minimum yard requirements:*

a. *Front yard:* 30 feet or as required by amenity agreement. *

b. *Side yard:* 10 feet or as required by amenity agreement. **

c. *Exterior side yard:* 30 feet or as required amenity agreement *

d. *Rear yard:* 20 feet.

* If the density is five or greater, the front setback will be reduced to 25 feet.
** If the density is five to 6.5, the side setback will be reduced to 7½ feet. If the density is 6.5 to eight, the side setback will be reduced to five feet.

(g) *Maximum building coverage.*

(1) *The maximum building coverage (including accessory buildings):* 40 percent.

(2) *Minimum open space:* Not less than 30 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified by the amenity agreement. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

(3) *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 70 percent of the total lot area unless modified in accordance with the amenity agreement.

(h) *Density requirements.* The minimum density shall be 8,000 square feet per dwelling unit or in accordance with the amenity agreement.

(i) *Off-street parking.*

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
Roominghouses, dormitories, fraternities, sororities (and similar uses and establishments)	1 space per sleeping accommodation
OFFICE AND INSTITUTIONAL USES	
Church sanctuary	1 parking space for each four seats based on maximum seating capacity in the principal assembly room; provided however, that churches may establish joint parking facilities not to exceed 50 percent of the required spaces, with businesses, institutions and agencies that do not have a time conflict in parking demand
Lodge halls, clubs	1 space per 200 square feet of net floor area
SCHOOLS AND INSTITUTIONS	
Day nursery or child care center	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required

	on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
Real estate sales office	1 space per 250 square feet of net floor area up to 10,000 square feet

(j) *Bufferyard requirements.* Whenever any nonresidential development in an R-SF district is located adjacent to a residential use in the R-SF district or a different zoning district, screening and a bufferyard shall be provided in accordance with the amenity agreement.

(Code 1997, § 130-23; Ord. No. 04-56, § 2(11), 5-25-2004; Ord. No. 04-106, § 1, 9-28-2004; Ord. No. 09-03, § 1, 2-2-2009; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012; Ord. No. 15-09, § 1(Exh. A), 1-13-2015)

Sec. 14-700. - R-AH residential affordable housing.

(a) *Purpose and intent.* This district is established to provide for locations of affordable housing on smaller lots that allow for both traditional stick built homes and manufactured homes at low residential densities of approximately eight units per acre. The zoning is designed to provide a desirable residential environment and provide protection from potentially adverse neighboring influence. It should be located for principal access for vehicular traffic to collector or higher classification streets. This zoning district replaces the R-1B district.

(b) Table RAH-1.

Residential Affordable Housing Use Regulations	
Residential Use Classifications	
Day Care, Limited	C
Home Occupation	P
Manufactured Housing Unit	P
Mobile Home	P

Single-Family Residential	P
Public / Semipublic Use Classifications	
Clubs and Lodges	C
Child Care	C
Park and Recreation Facilities	P
Public Safety Facilities	P
Religious Assembly	C
Resource Centers	C
Schools, Public or Private	P
Utilities, Major	
Water Reservoir	P
Detention Basins	P
Water Treatment Facility	P
Flood Control or Drainage Facilities	P
Utilities, Minor	P

(c) *Bulk and open space regulations on individual lots.*

(1) *Maximum structure height:*

a. 35 feet or 2½ stories above the finished grade.

b. Accessory structure: 16 feet, except storage buildings which shall not exceed ten feet.

(2) *Minimum yard requirements:*

a. *Front yard:* 25 feet.

b. *Interior side yard:* 5 feet.

c. *Exterior side yard:* 25 feet.

d. *Rear yard:* 20 feet.

(d) *Density and lot size requirements on individual lots.*

(1) *Minimum lot area:* 5,000 square feet.

(2) *Minimum lot width:* 50 feet.

(3) *Minimum lot depth:* 100 feet.

(4) *Maximum building coverage:* 40 percent

(5) *Minimum open space:* Not less than 30 percent of the total lot area shall be devoted to open space. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

(e) *Manufactured housing appearance standards.* No manufactured home shall be placed in the City unless said home bears a Department of Housing and Urban Development label issued by the United States Department of Housing and Urban Development or its central agent. Manufactured homes located in the R-AH zone shall:

(1) Be compatible and similar in appearance with site-constructed residences.

(2) Have more than 936 square feet of occupied space.

(3) Have a minimum width of 28 feet and length of at least 36 feet.

(4) Be placed onto a permanent foundation system, (piers, bearing walls, etc.) in accordance with applicable building codes.

(5) Be anchored to the permanent foundation system in accordance with the applicable building code and to the manufacturer's specifications.

(6) Be set onto an excavated area with permanent perimeter walls constructed of block, brick or stone with foundations, footings or a crawl space or basement walls constructed in accordance with the applicable building codes. The space between the floor joist or the home and the excavated underfloor grade shall be completely enclosed with the permanent perimeter enclosure (except for required openings).

(7) Have wheels, axles and hitch mechanisms removed.

(8) Have utilities connected in accordance with applicable City codes or manufacturers.

(9) Have siding material of a type customarily used on site-constructed residences, excluding smooth, ribbed, or corrugated metal or plastic panels.

(10) Have pitched roofs and roofing material of a type customarily used on site constructed homes.

(f) *Off-street parking.*

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
OFFICE AND INSTITUTIONAL USES	
Church sanctuary	1 parking space for each four seats based on maximum seating capacity in the principal assembly room; provided however, that churches may establish joint parking facilities not to exceed 50 percent of the required spaces, with businesses, institutions and agencies that do not have a time conflict in parking demand
Lodge halls, clubs	1 space per 200 square feet of net floor area
SCHOOLS AND INSTITUTIONS	
Day nursery or child care center	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated

Elementary (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
Real estate sales office	1 space per 250 square feet of net floor area up to 10,000 square feet

(Code 1997, § 130-24; Ord. No. 04-56, § 2(12), 5-25-2004; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012)

Sec. 14-701. - R-DP residential duplex and patio home district.

(a) *Purpose and intent.* This district is intended to provide areas for the development of one- or two-family residential structures. The district may be located in developed areas or undeveloped areas of the City where an environment compatible with moderate density residential development can also be established. This zoning district replaces the former R-2, RMF 6A and 6B zoning districts.

(b) Table RDP-1.

Residential Duplex and Patio Home Use Classifications	
Residential Use Classifications	
Day Care, Limited	C
Duplex	P
Home Occupation	P
Single-Family Residential	P

Public / Semipublic Use Classifications	
Convalescent Facilities	C
Child Care	C
Park and Recreation Facilities	P
Public Safety Facilities	P
Religious Assembly	P
Residential Care, General	C
Resource Centers	C
Schools, Public or Private	P
Utilities, Major	
Water Reservoir	P
Detention Basins	P
Water Treatment Facility	P
Flood Control or Drainage Facilities	P
Utilities, Minor	P
Commercial Use Classifications	
Animal Boarding	C
Personal Services	
Beauty and Barber Shops (2-chair limit)	C
Business and Professional Office	
Real Estate Office	C
Bed and Breakfast Inns	C

(c) *Bulk and open space regulations.*

(1) Maximum structure height for both single-family and two-family residences:

a. *When side yards are less than 15 feet in width:* 35 feet or 2½ stories above the finished grade.

b. *When side yards are 15 feet in width or greater:* 45 feet or three stories above the finished grade.

c. *Accessory structures:* 16 feet, except storage buildings which shall not exceed ten feet.

(2) Minimum yard requirements for single-family residences:

a. *Front yard:* 20 feet.

b. *Interior side yard:* 6 feet.

c. *Exterior side yard:* 20 feet.

d. *Rear yard:* 20 feet.

(3) Minimum yard requirements for two-family residences:

a. *Front yard:* 25 feet.

b. *Interior side yard:* 7½ feet.

c. *Exterior side yard:* 25 feet.

d. *Rear yard:* 20 feet.

(d) *Density and lot size requirements.*

(1) Minimum lot area:

a. *Single-family residence:* 6,000 square feet.

b. *Two-family residence:* 12,000 square feet.

(2) Minimum lot width:

a. *Single-family residence:* 60 square feet.

b. *Two-family residence:* 85 feet.

(3) Minimum lot depth for both single-family and two-family residences: 100 feet.

(4) Maximum building coverage for both single-family and two-family residences: 30 percent.

(5) Minimum open space for both single-family and two-family residences: Not less than 40 percent of the total lot area shall be devoted to open space. Open space shall not include areas covered by building, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

(e) *Off-street parking for single-family and two-family residences.*

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
Patio home dwelling	2 spaces per dwelling unit
Two-family dwelling	2 spaces per dwelling unit
Roominghouses, dormitories, fraternities, sororities (and similar uses and establishments	1 space per sleeping accommodation
OFFICE AND INSTITUTIONAL USES	
Nursing or convalescent homes	1 space for each bed
Church sanctuary	1 parking space for each 4 seats based on maximum seating capacity in the principal assembly room; provided however, that churches may establish joint

	parking facilities not to exceed 50 percent of the required spaces, with businesses, institutions and agencies that do not have a time conflict in parking demand
Lodge halls, clubs	1 space per 200 square feet of net floor area
SCHOOLS AND INSTITUTIONS	
Day nursery or child care center	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
Real estate sales office	1 space per 250 square feet of net floor area up to 10,000 square feet.

(Code 1997, § 130-25; Ord. No. 04-56, § 2(13), 5-25-2004; Ord. No. 06-125, § 1(13), 7-25-2006; Ord. No. 10-17, § 1(Exh. A), 2-9-2010; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012)

Sec. 14-702. - N-R neighborhood residential district.

(a) *Purpose and intent.* The N-R neighborhood residential district is created to encourage the continuation and revitalization of existing single-family detached housing at subdivision densities which are compatible with the comprehensive plan's goals for residential developments. Goals of the N-R district can be: Make more efficient use of existing infrastructure such as streets, and water and sewer lines, provide affordable housing opportunities within the City, minimize traffic congestion by reducing commuting distances, and relieve some of the pressure from suburban sprawl by promoting new development in more established areas.

(b) Table NR-1.

Neighborhood Residential Use Classifications	
Residential Use Classifications	

Day Care, Limited	C
Home Occupation	P
Manufactured Housing Unit	C
Mobile Home	C
Single-Family Residential	P
Public / Semipublic Use Classifications	
Child Care	C
Park and Recreation Facilities	P
Public Safety Facilities	P
Religious Assembly	P
Resource Centers	C
Schools, Public or Private	P
Utilities, Major	
Water Reservoir	P
Detention Basins	P
Water Treatment Facility	P
Flood Control or Drainage Facilities	P
Utilities, Minor	P
Commercial Use Classifications	
Business and Professional Office	C
Bed and Breakfast Inns	C

(c) *Bulk and open space regulations.*

(1) *Maximum structure height:*

a. *When side yards are less than 15 feet in width:* 35 feet or 2½ stories above the finished grade.

b. *When side yards are 15 feet in width or greater:* 45 feet or three stories above the finished grade.

c. *Accessory structures:* 16 feet, except storage buildings which shall not exceed ten feet.

(2) *Minimum yard requirements:*

a. *Front yard:* 20 feet.

b. *Interior side yard:* Six feet.

c. *Exterior side yard:* 20 feet.

d. *Rear yard:* 20 feet.

(d) *Density and lot size requirements.*

(1) *Minimum lot area:* 6,000 square feet.

(2) *Minimum lot width:* 60 feet.

(3) *Minimum lot depth:* 100 feet.

(4) *Maximum building coverage:* 30 percent.

(5) *Minimum open space:* Not less than 40 percent of the total lot area shall be devoted to open space. Open space shall not include areas covered by building, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

(e) *Off-street parking.*

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
OFFICE AND INSTITUTIONAL USES	
Church sanctuary	1 parking space for each four seats based on maximum seating capacity in the principal assembly room; provided however, that churches may establish joint parking facilities not to exceed 50 percent of the required spaces, with businesses, institutions and agencies that do not have a time conflict in parking demand
SCHOOLS AND INSTITUTIONS	
Day nursery or child care center	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
Real estate sales	1 space per 250 square feet of net floor area up to 10,000 square feet

office	

(Code 1997, § 130-27; Ord. No. 04-56, § 2(15), 5-25-2004; Ord. No. 09-03, § 1, 2-2-2009; Ord. No. 10-17, § 1(Exh. A), 2-9-2010; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012; Ord. No. 16-04, § 1(Exh. A), 1-12-2016)

Sec. 14-703. - R-MF residential multifamily district.

(a) *Purpose and intent.* This district is intended to provide suitable areas within the City for attached and detached residential development at densities from six to 36 units per acre in increments of one-half units per acre. The zoning shall be designated as R-MF followed by the specific density per acre in increments of one-half units per acre. The letter "A" or "B" will follow unit density to designate rental or individual ownership with "A" being individual ownership and "B" being rental. The base density will be six units per acre. If more than six units per acre are requested the developer must submit a density concept plan to the City Planning Commission outlining certain amenities to offset the density. The district is intended for areas that have access for vehicular traffic from collector or higher classification streets without traversing minor streets in adjoining residential neighborhoods. New single-family dwellings are not permitted to ensure that vacant land set aside for multifamily development is not preempted by less intense development. The zero-lot-line concept, which permits construction with no side yard setback on one side, may be used within such districts. Horizontal property regimes shall be permitted in this district. This zoning district replaces the former R-3 and all former RMF zoning districts.

(b) *Amenities considered for increased density.* Greenspace, preserving existing trees and natural areas, parks, trails, common areas, schools, boulevard streets, curvilinear streets, screening, public facilities, and other amenities decided by the City Planning Commission. For the developer providing additional amenities the City may allow increased density up to 36 units per acre, smaller minor streets, and reduced setbacks.

(c) *Open space considerations.*

Percent Open Space (Gross Land Area)	Density (Units Per Acre)
20	6
25	9
30	12
35	15
40	18
45	21

50	24

Greenspace will be considered preserving existing old growth trees and natural areas, common areas, and the open space in boulevard streets. The use of curvilinear streets throughout the development shall entitle the developer to an increase in density of one unit per acre (not to exceed a total of 36 units per acre).

(d) *Schools and public facilities.* For developments providing areas of five acres or a minimum of five percent of the property to public schools and facilities, an increase of 3½ units per acre will be permitted (not to exceed a total of 36 units per acre).

(e) Table RMF-1.

Residential Multifamily Use Regulations	
Residential Use Classifications	
Group Residential	C
Home Occupation	C
Single-Family Residential	P
Multifamily Residential	P
Public / Semipublic Use Classifications	
Clubs and Lodges	C
Convalescent Facilities	P
Child Care	C
Park and Recreation Facilities	P
Public Safety Facilities	P
Religious Assembly	P
Residential Care, General	C
Resource Centers	C
Schools, Public or Private	P
Utilities, Major	

Water Reservoir	P
Detention Basins	P
Water Treatment Facility	P
Flood Control or Drainage Facilities	P
Utilities, Minor	P
Commercial Use Classifications	
Commercial Assembly, Recreation and Entertainment	
Golf Course	C
Business and Professional Office	
Real Estate Office	C

(f) *Bulk and open space requirements.*

(1) *Maximum structure height:*

a. 35 feet plus one additional foot for each additional two feet of setback provided on each side of the structure up to 75 feet.

b. Accessory structures: 16 feet, except storage buildings which shall not exceed ten feet.

(2) *Minimum yard requirements:*

a. *Front yard:* 30 feet.

b. *Interior side yard:* Ten feet.*

c. *Exterior side yard:* 30 feet.

d. *Rear yard:* 30 feet.

*Interior side setback along one side may be zero provided there is a minimum of 20 feet of separation along the other interior side lot line.

(g) *Density and lot size requirements.*

(1) *Minimum lot area:* 43,560 square feet.

(2) *Minimum lot width:* 100 feet.

(3) *The maximum building coverage (including accessory buildings):* 40 percent.

(4) *Minimum open space:* Not less than 20 percent of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by building structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

(5) *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 70 percent of the total lot area.

(h) *Protective covenants.*

(1) *Development with common property.* The developer shall submit protective covenants and restrictions, which shall be a means for financing the maintenance of any common areas and buildings, and which shall promote the aesthetic value of the development. Said covenants as reviewed by the City Planning Commission, shall be properly recorded prior to the issuance of any building permit for construction of the proposed development, and shall be applicable to the entire development.

The covenants shall expressly provide that the City is a third party beneficiary to the covenants and shall provide that no encroachment on, reduction of, modification or termination of the covenants shall be made without prior approval of the City Council, irrespective of the vote of the other parties to the covenants.

(2) *Development without common property.* If the proposed development does not encompass any common areas or buildings, no protective covenants are required to be submitted.

(i) *Off-street parking.*

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
Multifamily dwelling	3 spaces for each 2 dwelling units
Roominghouses, dormitories, fraternities, sororities (and similar uses and establishments)	1 space per sleeping accommodation
OFFICE AND INSTITUTIONAL USES	
Nursing or convalescent homes	1 space for each bed
Church sanctuary	1 parking space for each 4 seats based on maximum seating capacity in the principal assembly room; provided however, that churches may establish joint parking facilities not to exceed 50 percent of the required spaces, with businesses, institutions and agencies that do not have a time conflict in parking demand
Lodge halls, clubs	1 space per 200 square feet of net floor area
SCHOOLS AND INSTITUTIONS	
Day nursery or child care center	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required

	on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
College, university	1 space for each 300 square feet of net floor area, or 1 space per 4 students, whichever is greater
Real estate sales office	1 space per 250 square feet of net floor area up to 10,000 square feet

(j) *Landscaping requirement.* All development in the R-MF district shall be subject to the same requirements as large-scale developments.

(k) *Bufferyard requirements.* Whenever any development in an R-MF district is located adjacent to another zoning district or a nonresidential use in an R-MF district is located adjacent to a residential use in an R-MF district, screening and a bufferyard shall be provided.

(Code 1997, § 130-26; Ord. No. 04-56, § 2(14), 5-25-2004; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012)

Sec. 14-704. - R-MHC manufactured home community district.

(a) *Purpose and intent.* The R-MHC manufactured home community district is established for manufactured homes in manufactured housing communities, which include manufactured housing developments and manufactured housing subdivisions, at low residential densities of approximately eight units per acre. This zoning district replaces the MCR and the MCP zoning districts. It is intended that such manufactured housing communities shall be so located, designed and improved as to provide:

(1) A desirable residential environment;

(2) Protection from potentially adverse neighboring influences;

(3) Protection for adjacent residential properties;

(4) Principal access for vehicular traffic to collector or higher classification streets; and

(5) Accessibility equivalent to that for other forms of permitted residential development to public facilities, places of employment and facilities for meeting commercial and service needs not met within the manufactured housing community. Other residential and supporting uses may also be permitted in such district.

(b) Table RMHC-1.

Residential Manufactured Home Community Regulations	Use
Residential Use Classifications	
Day Care, Limited	C
Home Occupation	P
Manufactured Housing Unit	P
Manufactured Housing Subdivision	P
Public / Semipublic Use Classifications	
Clubs and Lodges	C
Park and Recreation Facilities	C
Public Safety Facilities	P
Religious Assembly	P
Residential Care, General	P
Resource Centers	C
Schools, Public or Private	P
Utilities, Major	P
Water Reservoir	
Detention Basins	P
Water Treatment Facility	P
Flood Control or Drainage Facilities	P
Utilities, Minor	P
	P
Commercial Use Classifications	
Vehicle/Equipment Sales and Rentals	
Mobile Homes	
	C

(c) *Use limitations.* In manufactured housing communities, recreational vehicles shall not be occupied as dwellings and manufactured home sales lots shall not be permitted.

(d) *Minimum area requirements.* For R-MHC districts and for individual manufactured home communities; minimum number of lots or spaces to be available in manufactured housing development at time of opening. Where the district is established, the minimum area shall be five acres. In manufactured housing development, the minimum number of lots or spaces completed and ready for occupancy before first occupancy is permitted shall be 15. For manufactured housing developments, the tract shall comprise a single plot except where the site is divided by public streets or alleys or where the total property includes separate parcels for necessary utility plants, maintenance or storage facilities, or the like, with appropriate access from the manufactured housing development, provided that all lands involved shall be so dimensioned as to facilitate efficient design and management.

(e) *Lot size requirements on individual lots.*

(1) *Minimum lot area:* 5,000 square feet.

(2) *Minimum lot width:* 45 feet.

(3) *Minimum lot depth:* 75 feet.

(f) *Maximum density and lot size requirements in manufactured housing development.* Maximum density in any manufactured housing development shall not exceed eight units per gross acre. For purposes of these regulations, gross acreage is to be computed as all area within the exterior boundaries of the property, including streets, common open space, lands occupied by management offices and community buildings, lands occupied by manufactured home lots, and lands occupied by utilities installations. Lots for placement of manufactured homes in manufactured housing developments shall be at least 4,000 square feet in area with no dimension less than 40 feet. The limits of each manufactured home lot shall be shown on the site plan and shall be clearly marked on the ground by permanent flush stakes, markers, or other suitable means.

(g) *Bulk and open space regulations on individual lots.*

(1) *Maximum structure height:*

a. *When side yards do not exceed 15 feet in width:* 24 feet above finished grade.

b. *When side yards exceed 15 feet in width:* 35 feet or 2½ stories above the finished grade.

c. *Accessory structures:* 16 feet, except storage buildings which shall not exceed ten feet.

(2) *Minimum yard requirements:*

a. *Front yard:* 25 feet.

b. *Interior side yards:* 7½ feet.

c. *Exterior side yard:* 20 feet.

d. *Rear yard:* 20 feet.

(3) *Maximum building coverage (including accessory buildings):* 40 percent.

(4) *Minimum open space:* Not less than 30 percent of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

(5) *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways, and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 70 percent of the total lot area.

(h) *Bulk and open space requirements in manufactured housing developments.*

(1) Maximum structure height: 35 feet or 2½ stories above the finished grade.

(2) Minimum yard along exterior boundaries (additional bufferyard may be required by the City Planning Commission): 25 feet. Where a manufactured housing development adjoins a public street or a residential district, including a R-MHC district, without an alley or other permanent open space at least 25 feet in width, the required yard shall not contain garages, carports, recreational shelters, storage structures, or any other structure generally prohibited in yard adjacent to streets or in residential districts. No direct vehicular access to individual lots shall be permitted through such yards and no group parking facilities or active recreation areas shall be allowed therein. Where the adjoining district is nonresidential, such yards may be used for group or individual parking; active recreation facilities; or carports, recreational shelters, or storage structures.

(3) However, in no event may a structure be erected closer to the existing or planned street than as prescribed by the right-of-way on the street master plan.

(4) Minimum open space: Not less than 20 percent of the total area of the manufactured housing development shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

(5) Maximum impervious area: The combined area occupied by all main and accessory buildings or structures, parking areas, driveways and any other surfaces which reduce and prevent absorption of water shall not exceed 80 percent of the total area of the manufactured housing development.

(i) *Design requirements in manufactured housing developments.*

(1) A site plan meeting the requirements of the city large-scale development ordinance (article III of this chapter) shall be submitted and approved.

(2) A landscaping plan meeting the requirements of article III of this chapter shall be submitted and approved.

(3) There shall not be less than 15 feet between manufactured homes or any other buildings located in a manufactured housing development, and location on the lot shall be suitable for the type of manufactured home proposed, considering size, and manner of support, and any improvements necessary on the lot for the support or anchoring of the type of manufactured home proposed shall be proved to the manufactured home so supported and/or anchored before occupancy.

(4) Storage of maintenance of other equipment incidental to any permitted or conditional use shall be screened from view in accordance with article III of this chapter.

(5) Refuse storage areas shall be screened from view in accordance with article III of this chapter.

(6) Lighting shall be designed to reflect away from any adjacent residential areas.

(7) Mechanical and electrical equipment, including air conditioning units, shall be screened from view.

(8) Skirting shall be placed around manufactured homes that are not placed on a permanent foundation. Such skirting shall be similar in appearance to materials used for permanent foundations or the siding of the manufactured home to which it is to be attached.

(j) *Bufferyard requirements.* Whenever any development in an R-MHC district is located adjacent to a different zoning district or a nonresidential use in an R-MHC district is located adjacent to a residential use in an R-MHC district, screening and a bufferyard shall be provided.

(k) *Off-street parking.*

RESIDENTIAL

	2 spaces per unit
OFFICE AND INSTITUTIONAL USES	
Lodge halls, clubs	1 space per 200 square feet of net floor area
Roominghouses, dormitories, fraternities and sororities, boardinghouses (and similar uses and establishments)	1 space per sleeping accommodation
Elementary School (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom

(Code 1997, § 130-28; Ord. No. 04-56, § 2(16), 5-25-2004; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012)

Sec. 14-705. - R-RV recreational vehicle district.

(a) *Purpose and intent.* This district is intended to provide convenient overnight parking for motor homes and travel trailers along major arterial streets while providing access to convenience goods and services for vacationing travelers with access to water and sewer services. This zoning district replaces the former TP district.

(b) Table RRV-1.

Residential Recreational Vehicle Use Regulations	
Public / Semipublic Use Classifications	

Clubs and Lodges	P
Park and Recreation Facilities	P
Public Safety Facilities	P
Resource Centers	C
Utilities, Major	
Water Reservoir	P
Detention Basins	P
Water Treatment Facility	P
Flood Control or Drainage Facilities	P
Utilities, Minor	P
Commercial Use Classifications	
Vehicle/Equipment Sales and Rentals	
Mobile Homes	P
Trailer Campers	P
Recreational Vehicles	P
RV Parks	P
Campgrounds	P

(c) *Minimum area requirements.* Where the district is established, the minimum area shall be five acres.

(d) *Bulk and open space regulations.*

(1) *Maximum structure height:*

a. The maximum shall be 16 feet.

b. Accessory structures: 16 feet except storage buildings, which shall not exceed ten feet.

(2) *Minimum yard requirements:*

a. *Front yard:* 45 feet unless parking is provided in the front then the front shall be extended to 60 feet.

b. *Interior side yard:* 7½ feet.

c. *Exterior side yard:* 15 feet.

d. *Rear yard:* 20 feet.

(3) *Maximum building coverage (including accessory buildings):* 40 percent.

(4) *Minimum open space:* Not less than 30 percent of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

(5) *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways, and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 70 percent of the total lot area.

(e) *Additional district requirements.*

(1) All motor homes and travel trailers shall be connected to the City sewer system or sewer connections for dump station shall be provided.

(2) City water connections shall be provided to service travel trailers or motor homes.

(3) Recreation areas shall not be allowed in the required setbacks and shall be for recreational purposes only.

(4) Any R-RV development, including development and additions to existing developments shall be subject to the large-scale development ordinance (article III of this chapter).

(5) An R-RV development having double frontage shall access only an arterial street and all trailer spaces shall access only interior trailer park drives.

(f) *Bufferyard requirements.* Whenever any development in an R-RV district is located adjacent to a different zoning district or a nonresidential use in an R-RV district is located adjacent to a residential use in an R-RV district, screening and a bufferyard shall be provided.

(g) *Off-street parking.*

RESIDENTIAL	
	2 spaces per unit
OFFICE AND INSTITUTIONAL USES	
Lodge halls, clubs	1 space per 200 square feet of new floor area
Elementary school (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
COMMERCIAL USES	
General business and retail sales (except as otherwise provided herein)	1 space per 250 square feet of net floor area up to 10,000 square feet, the above parking requirement shall be proved and the following percent shall be taken off the remaining net floor area:
	10,001—20,000 square feet: 95 percent of requirement

	20,001—30,000 square feet: 90 percent of requirement
	30,001—40,000 square feet: 85 percent of requirement
	40,001 square feet and up: 80 percent of requirement

(Code 1997, § 130-29; Ord. No. 04-56, § 2(17), 5-25-2004; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012)

Sec. 14-706. - RO residential office district.

(a) *Purpose and intent.* This district is established to provide for the conversion of existing structures to office use or the construction of offices in areas where the continuation of residential activity is no longer practical or to establish a transition between residential and nonresidential uses. It is further the intent of this district to encourage mixed residential and office uses.

(b) Table RO-1.

Residential Office Use Regulations	
Residential Use Classifications	
Group Residential	
Dormitory	C
Fraternity Housing	C
Sorority Housing	C
Residential Care, Limited	P
Single-Family Residential.	P
Public / Semipublic Use Classifications	
Clubs and Lodges	C
Convalescent Facilities	C
Child Care	C

Day Care, General	C
Emergency Health Care	P
Government Offices.	C
Public / Semipublic Use Classifications	
Park and Recreation Facilities	P
Public Safety Facilities.	P
Religious Assembly.	P
Residential Care, General.	P
Resource Centers.	C
Schools, Public or Private.	P
Utilities, Major.	
Water Reservoir	P
Detention Basins	P
Water Treatment Facility	P
Flood Control or Drainage Facilities	P
Utilities, Minor.	P
Commercial Use Classifications	
Animal Grooming.	C
Animal Hospitals.	C
Artists Studios.	P
Building Materials and Services	C
Personal Services.	P
Maintenance and Repair Services.	C
Communications Facilities	C
Food and Beverage Sales.	C
Financial Services	C
Business and Professional Office	P
Medical, Dental and Health Practitioner Office.	P
Personal Improvement and Instructional Services	C
Research and Development Services.	C
Retail Sales.	C

Pharmacies and Medical Supplies.	C
Vehicle Commercial Parking Facility.	C
Bed and Breakfast Inns.	C

(c) *Bulk and intensity of use restrictions.*

(1) *Maximum structure height:*

a. *When the building is adjacent to residential districts:* 35 feet.

b. *When the building is adjacent to commercial, industrial, or office district:* 60 feet.

c. *Accessory structures:* 16 feet.

(2) *Minimum yard requirements:*

a. *Front yard:* 30 feet. If parking is provided in the front yard area, then the front yard setback shall be 50 feet.

b. *Interior side yard:* Ten feet.

c. *Exterior side yard:* 25 feet.

d. *Rear yard:* 25 feet.

(3) *Maximum building coverage (including accessory buildings):* 50 percent.

(4) *Minimum open space:* Not less than 30 percent of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings, structures, parking areas, driveways and internal streets. Open space shall contain living ground cover and other landscaping materials.

(5) *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking areas, driveways, and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 70 percent of the total lot area.

(d) *Off-street parking.*

OFFICE AND INSTITUTIONAL USES	
Lodge halls, exhibition halls, clubs (and similar places of public assembly)	1 space per 200 square feet of net floor area
Nursery, kindergarten and day care centers	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary school (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site

Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
Business and professional office (and similar use or establishment)	1 space per 300 square feet of net floor area. For structures larger than 10,000 square feet, the above parking requirement shall be provided and the following percent shall be taken off the remaining net floor area:
	10,001—20,000 square feet: 95 percent of requirement
	20,001—30,000 square feet: 90 percent of requirement
	30,001—40,000 square feet: 85 percent of requirement
	40,001 square feet and up: 80 percent of requirement
COMMERCIAL USES	
General business and retail sales (except as otherwise provided herein)	1 space per 250 square feet of net floor area up to 10,000 square feet, the above parking requirement shall be proved and the following percent shall be taken off the remaining net floor area:
	10,001—20,000 square feet: 95 percent of requirement
	20,001—30,000 square feet: 90 percent of requirement
	30,001—40,000 square feet: 85 percent of requirement
	40,001 square feet and up: 80 percent of requirement
Drive-through commercial facilities	In addition to the other parking space requirements, holding or stacking spaces for each service window. Each stacking space shall be no less than 10 feet wide by 20 feet long
Personal service establishments (barber, beauty Shops and similar uses)	1 space per each employee plus 1 space per each station

(e) *Loading space standards.*

Floor Area (square feet)	Loading Spaces Required
5,000—25,000	1
25,000—40,000	2
40,000—100,000	3
100,000—160,000	4
160,000—240,000	5
240,000—320,000	6
For each additional 90,000	1 added space

(Code 1997, § 130-30; Ord. No. 04-56, § 2(18), 5-25-2004; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012; Ord. No. 14-04, § 1(Exh. A), 1-28-2014; Ord. No. 15-09, § 1(Exh. A), 1-13-2015)

Sec. 14-707. - O office district.

(a) *Purpose and intent.* This district is established to provide for the conservation of structure or the construction of new structures for office purposes in or around commercial areas. It is further the intent of this district to encourage mixed office-commercial uses.

(b) Table O-1.

Office Use Regulations	
Public / Semipublic Use Classifications	
Clubs and Lodges	C
Emergency Health Care	P
Government Offices	P

Park and Recreation Facilities	P
Public Safety Facilities	P
Religious Assembly	P
Schools, Public or Private	P
Utilities, Major	
Water Reservoir	P
Detention Basins	P
Water Treatment Facility	P
Flood Control or Drainage Facilities	P
Utilities, Minor	P
Commercial Use Classifications	
Artists' Studios	P
Business Support Service	P
Personal Services	P
Maintenance and Repair Services	P
Communications Facilities	P
Food and Beverage Sales	C
Business and Professional Office	P
Medical, Dental and Health Practitioner Office.	P
Personal Improvement and Instructional Services	P
Retail Sales	C
Pharmacies and Medical Supplies	C

(c) *Bulk and open space requirements.*

(1) *Maximum structure height:*

a. *Principal buildings and parking garages:* 35 feet.

b. *Accessory structures:* 15 feet.

(2) *Minimum yard requirements:*

a. *Front yard:* 25 feet.

b. *Interior side yard:* Ten feet.

c. *Exterior side yard:* 25 feet.

d. *Rear yard:* Ten feet.

(3) *Maximum building coverage (including accessory buildings):* 50 percent.

(d) *Open space requirements.*

(1) *Minimum open space.* Not less than 20 percent of the total lot area shall be devoted to open space including required yards and bufferyards. Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.

(2) *Maximum impervious surface.* The combined area occupied by all main and accessory buildings or structures, parking, loading and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent.

(e) *Bufferyard requirements.* Whenever any development in an O district is located adjacent to a different zoning district, screening and a bufferyard shall be provided as required by the City Planning Commission.

(f) *Off-street parking.*

OFFICE AND INSTITUTIONAL USES	
Lodge halls, exhibition halls, clubs (and similar places of public assembly)	1 space per 200 square feet of net floor area
Nursery, kindergarten and day care centers	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary school (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
Business and professional office (and similar use or establishment)	1 space per 300 square feet of net floor area. For structures larger than 10,000 square feet, the above parking requirement shall be provided and the following percent shall be taken of the remaining net floor area:
	10,001—20,000 square feet: 95 percent of requirement
	20,001—30,000 square feet: 90 percent of requirement
	30,001—40,000 square feet: 85 percent of requirement

	40,001 square feet and up: 80 percent of requirement
COMMERCIAL USES	
General business and retail sales (except as otherwise provided herein)	1 space per 250 square feet of net floor area up to 10,000 square feet, the above parking requirement shall be proved and the following percent shall be taken off the remaining net floor area:
	10,001—20,000 square feet: 95 percent of requirement
	20,001—30,000 square feet: 90 percent of requirement
	30,001—40,000 square feet: 85 percent of requirement
	40,001 square feet and up: 80 percent of requirement
Restaurants (and similar establishments serving food and beverages)	1 space per each 4 occupants at the maximum permitted occupancy allowed under building code and 1 space per employee based on the largest shift
Drive-through commercial facilities	In addition to the other parking space requirements, holding or stacking spaces for each service window. Each stacking space shall be no less than 10 feet wide by 20 feet long
Food stores, supermarkets and convenience-type grocery stores	1 space for each 200 square feet of net building area; or use the reduction permitted under general business and retail sales
Personal service establishments (barbershops, beauty shops and similar uses)	1 space per each employee plus 1 space per each station

(g) *Loading space standards.*

Floor Area (square feet)	Loading Spaces Required
5,000—25,000	1
25,000—40,000	2

40,000—100,000	3
100,000—160,000	4
160,000—240,000	5
240,000—320,000	6
For each additional 90,000	1 added space

(Code 1997, § 130-31; Ord. No. 04-56, § 2(19), 5-25-2004; Ord. No. 10-17, § 1(Exh. A), 2-9-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012)

Sec. 14-708. Reserved.

Sec. 14-709. - C-2 highway commercial district.

(a) *Purpose and intent.* This district is intended for commercial uses, which depend upon high visibility, generate high traffic volumes or cater to the traveling public. These characteristics dictate that this district be located along or at the intersections of arterial classification streets or along frontage roads adjacent to the interstate or other limited-access streets.

(b) Table C2-1.

Highway Commercial Use Regulations	
Residential Use Classifications	
Live/Work Quarters	C
Public / Semipublic Use Classifications	
Airport or Ground Transportation Terminal Facilities	P

Burial Services	P
Cemetery	P
Clubs and Lodges	C
Convalescent Facilities	C
Cultural Institutions	P
Child Care	P
Emergency Health Care	P
Government Offices	P
Heliports	C
Hospitals	P
Park and Recreation Facilities	P
Public Safety Facilities	P
Religious Assembly	P
Residential Care, General	P
Resource Centers	P
Schools, Public or Private	P
Transportation Services	C
Utilities, Major	
Water Reservoir	P
Detention Basins	P
Water Treatment Facility	P
Flood Control or Drainage Facilities	P
Utilities, Minor	P
Commercial Use Classifications	
Adult Businesses	C
Animal Boarding	C
Animal Grooming	C
Animal Hospitals	P
Animals: Retail Sales	P
Artists' Studios	P
Bar or Cocktail Lounge	P
Building Materials and Services	P
Home Improvement	P
Building Service	P
Business Support Service	P

Personal Services	P
Maintenance and Repair Services	P
Commercial Assembly, Recreation and Entertainment	C
Communications Facilities	P
Food and Beverage Sales.	P
Convenience Store without Gas	C
Convenience Store with Gas	C
Financial Services	P
Marine Sales, Rentals, and Services	C
Business and Professional Office	P
Medical, Dental and Health Practitioner Office	P
Pawn Shops	P
Personal Improvement and Instructional Services	P
Research and Development Services	C
Restaurants, Fast Food	P
Restaurant Full Service	P
Retail Sales	P
Pharmacies and Medical Supplies	P
Auction Houses	P
Vehicle Washing	C
Vehicle Commercial Parking Facility	P
Service Stations	C
Vehicle/Equipment Repair and Installation	C
Vehicle/Equipment Sales and Rentals	C
Vehicle Storage	C
Bed and Breakfast Inns	P
Hotels, Motels, and Retreats	P
Warehousing and Storage, Limited	C
Industrial Use Classifications	
Food Processing	C
Microbrewery or Microdistillery	C
Beer Manufacturing	C
Industry General	

Linen Supply/Heavy Laundry	P
Wholesaling, Distribution and Storage	C

(c) *Use limitations.*

(1) All principal access shall be from an arterial highway or street and no truck traffic shall be routed through any adjacent residential areas.

(2) No motor vehicle repair or maintenance work shall take place outdoors within 150 feet of the boundary of any residential district.

(3) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved with a hard surface paving.

(d) *Bulk and intensity of use restrictions.*

(1) *Maximum structure height:* 150 feet, except accessory buildings which are 16 feet, or in accordance with Arkansas Fire Prevention Code, Volume II. However, no building in excess of 65 feet shall be built within 300 feet of any residential zone.

(2) *Minimum yard requirements:*

a. *Front yard:* 65 feet.

b. *Interior side yard:* 15 feet.

c. *Exterior side yard:* 45 feet.

d. *Rear yard:* 15 feet.

(3) *Maximum building coverage (including accessory buildings):* 60 percent.

(e) *Open space requirements.*

(1) *Minimum open space:* Not less than 20 percent of the gross site area shall be devoted to open space including required yards and bufferyards unless modified by the City Planning Commission. Open space shall not include areas covered by buildings, structures, parking, storage, loading and other paved areas and internal streets or areas containing plants for display and sale. Open space shall contain living ground cover and other landscaping materials.

(2) *Maximum impervious surface:* The combined area occupied by all main and accessory buildings or structures, parking, loading, and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total area.

(f) *Design requirements.*

(1) A site plan meeting the requirements of the City large-scale development ordinance (article III of this chapter) shall be submitted and approved by the City Planning Commission.

(2) A landscape plan meeting the requirements of article III of this chapter shall be submitted and approved by the City Planning Commission.

(3) Off-street parking and vehicular use areas shall be screened from all residential uses.

(4) Refuse storage areas shall be screened from view.

(5) Mechanical and electrical equipment, including air conditioning units shall be screened from view.

(6) Lighting shall be designed to reflect away from adjacent residential areas.

(g) *Bufferyard requirements.* Whenever any development in the C-2 district is located adjacent to a different zoning district, screening and bufferyard shall be provided.

(h) *Off-street parking.*

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
Hotels and motels	1 space is required per guestroom. For developments larger than 20 rooms, 11 parking spaces must be provided for each 10 rooms or fraction thereof for employees and nonguest users patronizing meeting rooms, and other facilities, but not including restaurants
Hospitals, sanitariums, convalescent homes (and similar uses or establishments)	1 space for each bed
OFFICE AND INSTITUTIONAL USES	
Auditoriums, arenas, theatres (and similar places of public assembly)	1 space for each four seats
Church sanctuary	1 space for each four seats based on maximum seating capacity in the principal assembly room; provided, however, that churches may establish joint parking facilities no to exceed 50 percent of the required spaces, with businesses, institutions and agencies that do not have a time conflict in parking demand
Lodge halls, exhibition halls, clubs (and similar places of public assembly)	1 space per 200 square feet of net floor area
Nursery, kindergarten and day care centers	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary school (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site

Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
Business and professional office (and similar use or establishment)	1 space per 300 square feet of net floor area. For structures larger than 10,000 square feet, the above parking requirement shall be provided and the following percent shall be taken of the remaining net floor area:
	10,001—20,000 square feet: 95 percent of requirement
	20,001—30,000 square feet: 90 percent of requirement
	30,001—40,000 square feet: 85 percent of requirement
	40,001 square feet and up: 80 percent of requirement
COMMERCIAL USES	
General business and retail sales (except as otherwise provided herein)	1 space per 250 square feet of net floor area up to 10,000 square feet, the above parking requirement shall be proved and the following percent shall be taken off the remaining net floor area:
	10,001—20,000 square feet: 95 percent of requirement
	20,001—30,000 square feet: 90 percent of requirement
	30,001—40,000 square feet: 85 percent of requirement
	40,001 square feet and up: 80 percent of requirement
Bowling alleys	6 spaces for each lane
Restaurants (and similar establishments serving food and beverages)	1 space per each 4 occupants at the maximum permitted occupancy allowed under building code and 1 space per employee based on the largest shift
Drive-through commercial facilities	In addition to the other parking space requirements, holding or stacking spaces for each service window. Each stacking space shall be no less than 10 feet wide by 20 feet long
Food stores, supermarkets and convenience type grocery stores	1 space for each 200 square feet of net building area; or use the reduction permitted under general business and retail sales

Personal service establishments (barbershop, beauty shops and similar uses)	1 space per each employee plus 1 space per each station
Automotive services (service stations, garages, automobile washing facilities and similar uses)	5 spaces plus 1 space for each 200 square feet of net building area

(i) *Loading space standards.*

Floor Area (square feet)	Loading Spaces Required
5,000—25,000	1
25,000—40,000	2
40,000—100,000	3
100,000—160,000	4
160,000—240,000	5
240,000—320,000	6
For each additional 90,000	1 added space

(Code 1997, § 130-33; Ord. No. 04-56, § 2(21), 5-25-2004; Ord. No. 08-134, § 1, 11-25-2008; Ord. No. 09-03, § 1, 2-2-2009; Ord. No. 10-17, § 1(Exh. A), 2-9-2010; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012; Ord. No. 12-126, § 1(Exh. A), 12-11-2012; Ord. No. 14-04, § 1(Exh. A), 1-28-2014; Ord. No. 15-09, § 1(Exh. A), 1-13-2015)

Sec. 14-710. - C-3 neighborhood commercial district.

(a) *Purpose and intent.* This district is intended for uses that provide convenience goods or personal services primarily to people residing in adjacent residential areas. It also includes selected retail and service uses that are similar in land use intensity and physical impact to neighborhood sales and service uses permitted in this district. This district is designed to accommodate compact, freestanding commercial centers or to function as a transition between more intense commercial uses and residential neighborhoods. Because the permitted retail

and personal service uses may be an integral part of the neighborhood, more restrictive requirements for light, air, open space, building design and landscaping are made than are provided in other commercial districts. This district should be located along or at the intersections of major collector or higher classification streets.

(b) Table C3-1.

Neighborhood Commercial	**Use Regulations**
Public / Semipublic Use Classifications	
Burial Services	C
Clubs and Lodges	C
Convalescent Facilities	C
Cultural Institutions	P
Child Care	C
Emergency Health Care	P
Government Offices	C
Heliports	C
Park and Recreation Facilities	P
Public Safety Facilities	P
Religious Assembly	P
Residential Care, General	P
Resource Centers	C
Schools, Public or Private	P
Utilities, Major	
Water Reservoir	P
Detention Basins	P
Water Treatment Facility	P
Flood Control or Drainage Facilities	P
Utilities, Minor	P
Commercial Use Classifications	

Animal Hospitals	C
Animals: Retail Sales	C
Artists' Studios	P
Building Materials and Services	C
Business Support Service	P
Personal Services	P
Laundromat Self Service	C
Maintenance and Repair Services	C
Communications Facilities	C
Food and Beverage Sales	C
Convenience Store without Gas	C
Convenience Store with Gas	C
Financial Services	P
Nurseries	C
Business and Professional Office	P
Medical, Dental and Health Practitioner Office	P
Pawn Shops	C
Personal Improvement and Instructional Services	P
Restaurants, Fast Food	P
Restaurant Full Service	P
Retail Sales	P
Pharmacies and Medical Supplies	P
Vehicle Washing	C
Vehicle Commercial Parking Facility	P
Bed and Breakfast Inns	P
Industrial Use Classifications	
Food Processing	C
Microbrewery or Microdistillery	C
Beer Manufacturing	C
Industry General	
Linen Supply/Heavy laundry	C

(c) *Bulk and intensity of use restrictions.*

(1) *Maximum structure height:*

a. *Principal building:* 35 feet.

b. *Accessory structures:* 16 feet.

(2) *Minimum yard requirements (additional bufferyard may be required by the City Planning Commission):*

a. *Front yard:* 50 feet.

b. *Interior side yard:* 25 feet.

c. *Exterior side yard:* 35 feet.

d. *Rear yard:* 25 feet.

(3) *Maximum building coverage (including accessory buildings):* 35 percent.

(d) *Open space requirements.*

(1) *Minimum open space:* Not less than 30 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified by the City Planning Commission. Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.

(2) *Maximum impervious surface:* The combined area occupied by all main and accessory buildings or structures, parking, loading and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 75 percent of the total area.

(e) *Design requirements.*

(1) A site plan meeting the requirements of the city large-scale development ordinance (article III of this chapter) shall be submitted and approved.

(2) A landscape plan meeting the requirements of article III of this chapter shall be submitted and approved.

(3) All structures in the C-3 district shall be constructed using materials, surface textures and colors similar in nature to surrounding residential development. Consideration shall also be given to the scale, orientation and proportion of surrounding development. Design review shall be performed as part of the site plan review required by article III of this chapter.

(4) All off-street parking lots and vehicular use areas that are zoned commercial, multifamily, industrial, or office shall be screened from all adjacent residential uses.

(5) Refuse storage areas shall be screened from view.

(6) Mechanical and electrical equipment, including air conditioning units, shall be screened from view.

(7) Lighting shall be designed to reflect away from any adjacent residential area.

(f) *Bufferyard regulations.* Whenever any development in a C-3 district is located adjacent to a different zoning district, screening and a bufferyard shall be provided.

(g) *Off-street parking.*

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
Hotels and motels	1 space is required per guestroom. For developments larger than 20 rooms, 11 parking spaces must be provided for each 10 rooms or fraction thereof for

	employees and nonguest users patronizing meeting rooms, and other facilities, but not including restaurants
Hospitals, sanitariums, convalescent homes (and similar uses or establishments)	1 space for each bed
OFFICE AND INSTITUTIONAL USES	
Auditoriums, arenas, theatres (and similar places of public assembly)	1 space for each four seats
Church sanctuary	1 space for each four seats based on maximum seating capacity in the principal assembly room; provided, however, that churches may establish joint parking facilities no to exceed 50 percent of the required spaces, with businesses, institutions and agencies that do not have a time conflict in parking demand
Lodge halls, exhibition halls, clubs (and similar places of public assembly)	1 space per 200 square feet of net floor area
Nursery, kindergarten and day care centers	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary school (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
Business and professional office (and similar use or establishment)	1 space per 300 square feet of net floor area. For structures larger than 10,000 square feet, the above parking requirement shall be provided and the following percentage shall be taken of the remaining net floor area:
	10,001—20,000 square feet: 95 percent of requirement
	20,001—30,000 square feet: 90 percent of requirement

	30,001—40,000 square feet: 85 percent of requirement
	40,001 square feet and up: 80 percent of requirement
COMMERCIAL USES	
General business and retail sales (except as otherwise provided herein)	1 space per 250 square feet of net floor area up to 10,000 square feet, the above parking requirement shall be proved and the following percentage shall be taken off the remaining net floor area:
	10,001—20,000 square feet: 95 percent of requirement
	20,001—30,000 square feet: 90 percent of requirement
	30,001—40,000 square feet: 85 percent of requirement
	40,001 square feet and up: 80 percent of requirement
Bowling alleys	6 spaces for each lane
Restaurants (and similar establishments serving food and beverages)	1 space per each 4 occupants at the maximum permitted occupancy allowed under building code and 1 space per employee based on the largest shift
Drive-through commercial facilities	In addition to the other parking space requirements, holding or stacking spaces for each service window. Each stacking space shall be no less than 10 feet wide by 20 feet long
Food stores, supermarkets and convenience type grocery stores	1 space for each 200 square feet of net building area; or use the reduction permitted under general business and retail sales
Personal service establishments (barbershop, beauty shops and similar uses)	1 space per each employee plus 1 space per each station
Automotive services (service stations, garages, automobile washing facilities and similar uses)	5 spaces plus 1 space for each 200 square feet of net building area

(h) *Loading space standards.*

Floor Area (square feet)	Loading Spaces Required
5,000—25,000	1
25,000—40,000	2
40,000—100,000	3
100,000—160,000	4
160,000—240,000	5
240,000—320,000	6
For each additional 90,000	1 added space

(Code 1997, § 130-34; Ord. No. 04-56, § 2(22), 5-25-2004; Ord. No. 11-05, § 1(Exh. A), 1-11-2011; Ord. No. 12-01, § 1(Exh. A), 1-10-2012; Ord. No. 14-04, § 1(Exh. A), 1-28-2014; Ord. No. 15-09, § 1(Exh. A), 1-13-2015)

Sec. 14-711. - C-4 open display commercial district.

(a) *Purpose and intent.* This district is intended for business uses which provide essential commercial services and support activities and may have higher environmental impacts in terms of noise, dust, glare, etc., which make them incompatible with the office or retail character of the other business districts. This district is intended for on-site production of handcrafted items in conjunction with retail sales. This district is also intended for businesses that combine wholesale and retail sales and that conduct extensive outdoor activities. This district is intended to function as a transition between industrial development and commercial development.

(b) Table C4-1.

Open Display Commercial	**Use Regulations**
Residential Use Classifications	

Group Residential	C
Public / Semipublic Use Classifications	
Airport or Ground Transportation Terminal Facilities	P
Burial Services	P
Cemetery	P
Clubs and Lodges	C
Convalescent Facilities	C
Cultural Institutions	P
Child Care	P
Day Care, General	P
Detention Facilities	P
Emergency Health Care	P
Government Offices	P
Heliports	C
Hospitals	P
Park and Recreation Facilities	P
Public Safety Facilities	P
Religious Assembly	P
Resource Centers	C
Schools, Public or Private	P
Transportation Services	P
Utilities, Major	
Water Reservoir	P
Detention Basins	P
Water Treatment Facility	P
Flood Control or Drainage Facilities	P
Utilities, Minor	P
Commercial Use Classifications	
Animal Boarding	C
Animal Grooming	C
Animal Hospitals	C
Animals: Retail Sales	P

Artists' Studios	P
Bar or Cocktail Lounge	P
Building Materials and Services	P
Home Improvement	P
Building Service	P
Business Support Service	P
Personal Services	P
Maintenance and Repair Services	P
Commercial Assembly, Recreation and Entertainment	C
Communications Facilities	P
Food and Beverage Sales	P
Convenience Store without Gas	C
Convenience Store with Gas	C
Financial Services	P
Marine Sales, Rentals, and Services	P
Business and Professional Office	P
Medical, Dental and Health Practitioner Office	P
Pawn Shops	P
Personal Improvement and Instructional Services	P
Research and Development Services	C
Restaurants, Fast Food	P
Restaurant Full Service	P
Retail Sales	P
Pharmacies and Medical Supplies	P
Vehicle Washing	P
Vehicle Commercial Parking Facility	P
Service Stations	P
Vehicle/Equipment Repair and Installation	P
Vehicle/Equipment Sales and Rentals	P
Vehicle Storage	C
Vehicle Salvage Yard	C
Bed and Breakfast Inns	P
Hotels, Motels, and Retreats	P
Warehousing and Storage, Limited	C

Industrial Use Classifications	
Food Processing	C
Microbrewery or Microdistillery	C
Beer Manufacturing	C
Industry General	
Linen Supply/Heavy Laundry	P
Wholesaling, Distribution and Storage	C

(c) *Use limitations.*

(1) No motor vehicle repair or maintenance work shall take place outdoors within 200 feet of the boundary of any residential district.

(2) All sales, display or outdoor storage areas that would be routinely disturbed because of the nature of the activity being conducted or because of vehicular traffic, except those areas of nurseries and garden centers where living plants are located, shall be paved with a solid type surface.

(3) No vibration, glare or heat shall be detectable at the district boundary line.

(4) All uses shall operate in accordance with the noise standards contained in chapter 18, article II, pertaining to noise.

(d) *Bulk and intensity of use regulations.*

(1) *Maximum structure height:* 85 feet, or in accordance with Arkansas Fire Prevention Code, Volume II.

(2) *Minimum yard requirements:*

a. *Front yard:* 65 feet.

b. *Interior side yard:* 15 feet.

c. *Exterior side yard:* 45 feet.

d. *Rear yard:* 15 feet.

(3) *Maximum building coverage (including accessory buildings):* 40 percent.

(e) *Open space requirements.*

(1) *Minimum open space:* Not less than 20 percent of the gross site area shall be devoted to open space including required yards and bufferyards unless modified by the city Planning Commission. Open space shall not include areas covered by buildings, structures, parking, storage, loading and other paved areas and internal streets or areas containing plants for display and sale. Open space shall contain living ground cover and other landscaping materials.

(2) *Maximum impervious area:* The combined area occupied by all main and accessory buildings or structures, parking, loading and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total area unless modified by the City Planning Commission.

(f) *Design requirements.*

(1) A site plan meeting the requirements of the City large-scale development ordinance (article III of this chapter) shall be submitted and approved.

(2) A landscape plan meeting the requirements of article III of this chapter shall be submitted and approved.

(3) All off-street parking and vehicular use areas shall be screened from all residential uses.

(4) Refuse storage areas shall be screened from view.

(5) Mechanical and electrical equipment, including air conditioning units, shall be screened from view.

(6) Lighting shall be designed to reflect away from any adjacent residential areas.

(g) *Bufferyard requirement.* Whenever any development in the C-4 district is located adjacent to a different zoning district, screening and a bufferyard shall be provided as required by the City Planning Commission.

(h) *Off-street parking.*

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
Hotels and motels	1 space is required per guestroom. For developments larger than 20 rooms, 11 parking spaces must be provided for each 10 rooms or fraction thereof for employees and nonguest users patronizing meeting rooms, and other facilities, but not including restaurants
OFFICE AND INSTITUTIONAL USES	
Hospitals, sanitariums, convalescent homes (and similar uses or establishments)	1 space for each bed
Auditoriums, arenas, theatres (and similar places of public assembly)	1 space for each four seats
Church sanctuary	1 space for each four seats based on maximum seating capacity in the principal assembly room; provided, however, that churches may establish joint parking facilities not to exceed 50 percent of the required spaces, with businesses, institutions and agencies that do not have a time conflict in parking demand
Lodge halls, exhibition halls, clubs (and similar places of public assembly)	1 space per 200 square feet of net floor area
Nursery, kindergarten and day care centers	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated

Elementary school (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
Business and professional office (and similar use or establishment)	1 space per 300 square feet of net floor area. For structures larger than 10,000 square feet, the above parking requirement shall be provided and the following percent shall be taken of the remaining net floor area:
	10,001—20,000 square feet: 95 percent of requirement
	20,001—30,000 square feet: 90 percent of requirement
	30,001—40,000 square feet: 85 percent of requirement
	40,001 square feet and up: 80 percent of requirement
COMMERCIAL USES	
General business and retail sales (except as otherwise provided herein)	1 space per 250 square feet of net floor area up to 10,000 square feet, the above parking requirement shall be proved and the following percent shall be taken off the remaining net floor area:
	10,001—20,000 square feet: 95 percent of requirement
	20,001—30,000 square feet: 90 percent of requirement
	30,001—40,000 square feet: 85 percent of requirement
	40,001 square feet and up: 80 percent of requirement
Bowling alleys	6 spaces for each lane
Restaurants (and similar establishments serving food and beverages)	1 space per each 4 occupants at the maximum permitted occupancy allowed under building code and 1 space per employee based on the largest shift

Drive-through commercial facilities	In addition to the other parking space requirements, holding or stacking spaces for each service window. Each stacking space shall be no less than 10 feet wide by 20 feet long
Food stores, supermarkets and convenience type grocery stores	1 space for each 200 square feet of net building area; or use the reduction permitted under general business and retail sales
Personal service establishments (barbershops, beauty shops and similar uses)	1 space per each employee plus 1 space per each station
Automotive services (service stations, garages, automobile washing facilities and similar uses)	5 spaces plus 1 space for each 200 square feet of net building area

(m) *Loading space standards.*

Floor Area (square feet)	Loading Spaces Required
5,000—25,000	1
25,000—40,000	2
40,000—100,000	3
100,000—160,000	4
160,000—240,000	5
240,000—320,000	6
For each additional 90,000	1 added space

(Code 1997, § 130-35; Ord. No. 04-56, § 2(23), 5-25-2004; Ord. No. 09-03, § 1, 2-2-2009; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012; Ord. No. 12-126, § 1(Exh. A), 12-11-2012; Ord. No. 14-04, § 1(Exh. A), 1-28-2014; Ord. No. 15-09, § 1(Exh. A), 1-13-2015)

Sec. 14-712. - W-O warehouse-office district.

(a) *Purpose and intent.* This district is established to provide areas within the City for a wide range of business that require an area for display of goods as well as a warehouse area for storage of these goods. The office functions may be independent of or within the display area. This district is situated close to other industrial and commercial areas and is intended to be located along arterial and collector streets as identified by the street master plan.

(b) Table WO-1.

Warehouse Office Use Regulations	
Residential Use Classifications	
Group Residential	C
Live/Work Quarters	C
Public / Semipublic Use Classifications	
Airport or Ground Transportation Terminal Facilities	C
Clubs and Lodges	C
Park and Recreation Facilities	P
Public Safety Facilities	P
Schools, Public or Private	P
Utilities, Major	
Water Reservoir	P
Detention Basins	P
Water Treatment Facility	P
Flood Control or Drainage Facilities	P
Utilities, Minor	P
Commercial Use Classifications	
Animal Hospitals	P
Artists Studios	P

Building Materials and Services	P
Home Improvement	P
Building Service	C
Business Support Service	P
Maintenance and Repair Services	P
Laboratories	P
Marine Sales, Rentals, and Services	C
Pharmacies and Medical Supplies	P
Retail Sales	
Auction Houses	C
Vehicle Commercial Parking Facility	C
Service Stations	C
Vehicle/Equipment Repair and Installation	C
Vehicle/Equipment Sales and Rentals	C
Warehousing and Storage, Limited	P
Industrial Use Classifications	
Food Processing	C
Industry, Custom	P
Industry, Limited	P
Industry, Research and Development	P
Wholesaling, Distribution and Storage	P

(c) *Use limitations.*

(1) All activities and permitted uses, except off-street parking and loading facilities, shall be conducted entirely within a completely enclosed building.

(2) No outdoor storage of products, materials or supplies, except refuse disposal areas, shall be permitted.

(3) No building shall be used for residential purposes, except for a guard, caretaker or other person employed on the premises.

(d) *Bulk regulations.*

(1) *Maximum height:* 40 feet.

(2) *Minimum yard requirements (additional bufferyard may be required by the City Planning Commission):*

a. *Front yard:* 60 feet.

b. *Interior side yard:* 25 feet.

c. *Exterior side yard:* 45 feet.

d. *Rear yard:* 25 feet. Rear setback will be adequate for semitruck maneuvering on site without using public streets, if loading docks are located at the rear of the building. Truck access to warehouse loading or unloading areas may be independent of customer or visitor parking areas.

(3) *Maximum lot coverage:* 40 percent.

(e) *Open space requirements.*

(1) *Minimum open space:* Not less than 20 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified by the city Planning Commission. Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.

(2) *Maximum impervious surface:* The combined area occupied by all main and accessory buildings or structures, parking, loading and other paved areas and any other surfaces which reduce and prevent absorption of stormwater shall not exceed 80 percent of the total lot area unless modified by the City Planning Commission.

(f) *Design requirements.*

(1) A site plan meeting the requirements of the City large-scale development ordinance (article III of this chapter) shall be submitted and approved.

(2) A landscape plan meeting the requirements of article III of this chapter shall be submitted and approved.

(3) All off-street parking and vehicular use areas shall be screened from all residential uses.

(4) Refuse storage areas shall be screened from view.

(5) Mechanical and electrical equipment, including air conditioning units, shall be screened from view.

(6) Lighting shall be designed to reflect away from any adjacent residential area.

(g) *Bufferyard regulations.* Whenever any development in the W-O district is located adjacent to a different zoning district, screening and a bufferyard shall be provided as determined by the City Planning Commission.

(h) *Off-street parking.*

RESIDENTIAL	
Roominghouses, dormitories, fraternities, and sororities, boardinghouses (and similar uses and establishments)	1 space per sleeping accommodation
OFFICE AND INSTITUTIONAL USES	
Lodge halls, exhibition halls, clubs (and similar places of public assembly)	1 space per 200 square feet of net floor area
Nursery, kindergarten and day care centers	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be

	required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
College, university	1 space for each 300 square feet of net floor area, or 1 space per 4 students, whichever is greater
Business and professional office (and similar use or establishment)	1 space per 300 square feet of net floor area. For structures larger than 10,000 square feet, the above parking requirement shall be provided and the following percent shall be taken of the remaining net floor area:
	10,001—20,000 square feet: 95 percent of requirement
	20,001—30,000 square feet: 90 percent of requirement
	30,001—40,000 square feet: 85 percent of requirement
	40,001 square feet and up: 80 percent of requirement
COMMERCIAL USES	
General business and retail sales (except as otherwise provided herein)	1 space per 250 square feet of net floor area up to 10,000 square feet, the above parking requirement shall be proved and the following percent shall be taken off the remaining net floor area:
	10,001—20,000 square feet: 95 percent of requirement
	20,001—30,000 square feet: 90 percent of requirement
	30,001—40,000 square feet: 85 percent of requirement
	40,001 square feet and up: 80 percent of requirement
Automotive services (service stations, garages, automobile washing facilities and similar uses)	5 spaces plus 1 space for each 200 square feet of net building area
Manufacturing, processing and	1 space per 600 square feet of net floor area

wholesaling (and similar uses or establishments)	
Warehouse and storage	5 spaces plus 1 space per 2,000 square feet of net floor area up to 50,000 square feet; then, in addition to the above requirement, 1 space per 10,000 square feet above 50,000 square feet or portion thereof

(i) *Loading space standards.*

Floor Area (square feet)	Loading Spaces Required
5,000—25,000	1
25,000—40,000	2
40,000—100,000	3
100,000—160,000	4
160,000—240,000	5
240,000—320,000	6
For each additional 90,000	1 added space

(Code 1997, § 130-36; Ord. No. 04-56, § 2(24), 5-25-2004; Ord. No. 10-17, § 1(Exh. A), 2-9-2010; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012)

Sec. 14-713. - I-1 light industrial district.

(a) *Purpose and intent.* The I-1 light industrial district is intended to allow industrial operations and activities that do not create appreciable nuisances or hazards. It also is to provide areas within the City for the storage and transfer of goods. All industrial operations and activities are permitted provided they are conducted inside a building, although related outdoor storage and display are permitted. This district is situated close to heavy commercial and industrial areas and is intended to be located along rail lines and arterial and collector streets as identified by the master street plan.

(b) Table IL-1.

Light Industrial Use Regulations	
Residential Use Classifications	
Group Residential	C
Public / Semipublic Use Classifications	
Airport or Ground Transportation Terminal Facilities	P
Burial Services	P
Cemetery	P
Clubs and Lodges	C
Child Care	C
Day Care, General	C
Detention Facilities	P
Heliports	C
Park and Recreation Facilities	P
Public Safety Facilities	P
Religious Assembly	C
Residential Care, General	P
Resource Centers	C
Schools, Public or Private	P
Transportation Services	P
Utilities, Major	
Generating Plant	C
Recycling Facilities	C
Water Reservoir	P
Detention Basins	P
Water Treatment Facility	P
Flood Control or Drainage Facilities	P
Utilities, Minor	P
Freestanding Communication Towers	C

Building or Tower-Mounted Antennas	C
Commercial Use Classifications	
Animal Boarding	P
Animal Grooming	P
Animal Hospitals	P
Artists' Studios	P
Bar or Cocktail Lounge	P
Building Materials and Services	P
Septic tank service	C
Home Improvement.	P
Building Service	P
Business Support Service	P
Personal Services	P
Maintenance and Repair Services	P
Commercial Assembly, Recreation and Entertainment	C
Communications Facilities	P
Food and Beverage Sales	P
Convenience Store without Gas	C
Convenience Store with Gas	C
Marine Sales, Rentals, and Services	P
Business and Professional Office	P
Personal Improvement and Instructional Services	C
Research and Development Services	P
Retail Sales	C
Pharmacies and Medical Supplies	P
Vehicle Washing	P
Vehicle Commercial Parking Facility	P
Service Stations	P
Vehicle/Equipment Repair and Installation	P
Vehicle/Equipment Sales and Rentals	P
Vehicle Storage	P
Vehicle Salvage Yard	C
Bed and Breakfast Inns	P

Warehousing and Storage, Limited	P
Industrial Use Classifications	
Food Processing	C
Microbrewery or Microdistillery	P
Beer Manufacturing	P
Industry, Custom	P
Industry General	C
Industry, Limited	P
Industry, Research and Development	P
Wholesaling, Distribution and Storage	P

(c) *Use limitations.*

(1) Storage may be maintained outside a building in side yards or rear yards if such storage area is screened from public streets, designated arterials or greater street classifications, and from other property except property located in the I-1 and I-2 district.

(2) All outdoor storage shall be at least 100 feet from any residential district boundary.

(3) No use shall emit an odor that creates a nuisance.

(4) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises may reside on the premises.

(d) *Bulk regulations.*

(1) *Maximum structure height:* 50 feet.

(2) *Minimum yard requirements (additional bufferyard may be required by the City Planning Commission):*

a. *Front yard:* 50 feet.

b. *Interior side yard:* 25 feet.

c. *Exterior side yard:* 50 feet.

d. *Rear yard:* 25 feet.

(3) *Maximum lot coverage:* 50 percent.

(e) *Open space requirements.*

(1) *Minimum open space:* Not less than 20 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified by the City Planning Commission. Open space shall not include areas covered by buildings, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.

(2) *Maximum impervious surface:* The combined area occupied by all main and accessory buildings and structures, parking, storage, loading and other paved areas shall not exceed 80 percent of the total lot area unless modified by the City Planning Commission.

(f) *Design requirements.*

(1) A site plan meeting the requirements of the City large-scale development ordinance (article III of this chapter) shall be submitted and approved.

(2) A landscape plan meeting the requirements of article III of this chapter shall be submitted and approved.

(3) All off-street parking and vehicular use areas shall be screened from all residential uses.

(4) Refuse storage areas shall be screened from view.

(5) Mechanical and electrical equipment, including air conditioning units, shall be screened from view.

(6) Lighting shall be designed to reflect away from any adjacent residential area.

(g) *Bufferyard regulations.* Whenever any development in the I-1 light industrial district is located adjacent to a different zoning district, screening and a bufferyard shall be provided as required by the City Planning Commission.

(h) *Off-street parking.*

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
Roominghouses, dormitories, fraternities, and sororities, boardinghouses (and similar uses and establishments)	1 space per sleeping accommodation
OFFICE AND INSTITUTIONAL USES	
Lodge halls, exhibition halls, clubs	1 space per 200 square feet of net floor area
Nursery, kindergarten and day care centers	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary school (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
College, university	1 space for each 300 square feet of net floor area, or 1 space per 4 students, whichever is greater
Business and professional office (and	1 space per 300 square feet of net floor area. For structures larger than 10,000 square feet, the above parking requirement shall be provided

similar use or establishment)	and the following percent shall be taken of the remaining net floor area:
	10,001—20,000 square feet: 95 percent of requirement
	20,001—30,000 square feet: 90 percent of requirement
	30,001—40,000 square feet: 85 percent of requirement
	40,001 square feet and up: 80 percent of requirement
COMMERCIAL USES	
General business and retail sales (except as otherwise provided herein)	1 space per 250 square feet of net floor area up to 10,000 square feet, the above parking requirement shall be proved and the following percent shall be taken off the remaining net floor area:
	10,001—20,000 square feet: 95 percent of requirement
	20,001—30,000 square feet: 90 percent of requirement
	30,001—40,000 square feet: 85 percent of requirement
	40,001 square feet and up: 80 percent of requirement
Drive-through commercial facilities	In addition to the other parking space requirements, holding or stacking spaces for each service window. Each stacking space shall be no less than 10 feet wide by 20 feet long
Personal service establishments (barbershop, beauty shops and similar uses)	1 space per each employee plus 1 space per each station
Automotive services (service stations, garages, automobile washing facilities and similar uses)	5 spaces plus 1 space for each 200 square feet of net building area
Manufacturing, processing and wholesaling (and similar uses or establishments)	1 space per 600 square feet of net floor area
Warehouse and storage	5 spaces plus 1 space per 2,000 square feet of net floor area up to 50,000 square feet; then, in addition to the above requirement, 1 space

	per 10,000 square feet above 50,000 square feet or portion thereof

(i) *Loading space standards.*

Floor Area (square feet)	Loading Spaces Required
5,000—25,000	1
25,000—40,000	2
40,000—100,000	3
100,000—160,000	4
160,000—240,000	5
240,000—320,000	6
For each additional 90,000	1 added space

(Code 1997, § 130-37; Ord. No. 04-56, § 2(25), 5-25-2004; Ord. No. 09-03, § 1, 2-2-2009; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012; Ord. No. 12-126, § 1(Exh. A), 12-11-2012; Ord. No. 14-04, § 1(Exh. A), 1-28-2014; Ord. No. 15-09, § 1(Exh. A), 1-13-2015)

Sec. 14-714. - I-2 heavy industrial district.

(a) *Purpose and intent.* This district is intended for heavy industrial uses and other uses not otherwise provided for in the other industrial districts. The intensity of uses permitted in this district makes it necessary to separate it from all residential districts wherever possible with good accessibility provided to major rail, air facilities and highways, areas zoned I-2 are intended to be at least five acres in size.

(b) Table IH-1.

Heavy Industrial Use Regulations	

Residential Use Classifications	
Group Residential	C
Public / Semipublic Use Classifications	
Airport or Ground Transportation Terminal Facilities	P
Clubs and Lodges	C
Government Offices	P
Heliports	C
Park and Recreation Facilities	P
Public Safety Facilities	P
Religious Assembly	C
Resource Centers	C
Schools, Public or Private	P
Transportation Services	P
Utilities, Major	
Incinerators	C
Landfill	C
Generating Plant	C
Recycling Facilities	C
Water Reservoir	P
Detention Basins	P
Water Treatment Facility	P
Flood Control or Drainage Facilities	P
Utilities, Minor	P
Freestanding CommunicationTowers	C
Building or Tower-Mounted Antennas	C
Commercial Use Classifications	
Animal Boarding	P
Animal Grooming	P
Animal Hospitals	P
Bar or Cocktail Lounge	P
Building Materials and Services	P

Maintenance and Repair Services	P
Commercial Assembly, Recreation and Entertainment	C
Convenience Store without Gas	C
Convenience Store with Gas	C
Business and Professional Office	P
Personal Improvement and Instructional Services	C
Research and Development Services	P
Vehicle Washing	P
Vehicle Commercial Parking Facility	P
Service Stations	C
Vehicle/Equipment Repair and Installation	P
Vehicle/Equipment Sales and Rentals	P
Vehicle Storage	P
Vehicle Salvage Yard	P
Warehousing and Storage, Limited	P
Food Processing	P
Microbrewery or Microdistillery	P
Beer Manufacturing	P
Industry, Custom	P
Industry General	P
Industry, Limited	P
Industry, Research and Development	P
Wholesaling, Distribution and Storage	P
Agricultural and Extractive Use Classifications	
Junk or Salvage Yard	C
Mining and Processing	C
Zoo	C

(c) *Use limitations.*

(1) No building shall be used for residential purposes, except that a guard, caretaker or other person employed on the premises may reside on the premises.

(2) No junkyard, scrapyard, salvage yard, or automobile wrecking yard shall be located within 500 feet of any residential district.

(3) All uses shall operate in accordance with the noise standards contained in the City noise ordinance.

(4) No use shall emit an odor that creates a nuisance.

(d) *Bulk regulations.*

(1) *Maximum height:* 75 feet, or in accordance with Arkansas Fire Prevention Code, Volume II

(2) *Minimum yard requirements (additional bufferyard may be required by the City Planning Commission):*

a. *Front yard:* 100 feet.

b. *Interior side yard:* 50 feet.

c. *Exterior side yard:* 100 feet.

d. *Rear yard:* 50 feet.

(3) *Maximum building coverage:* 50 percent.

(e) *Open space requirements.*

(1) *Minimum open space:* Not less than 15 percent of the total lot area shall be devoted to open space including required yards and bufferyards unless modified by the City Planning Commission. Open space shall not include areas covered by building, structures, parking, loading and other paved areas and internal streets. Open space shall contain living ground cover and other landscaping materials.

(2) *Maximum impervious surface:* The combined area occupied by all main and accessory buildings or structures, parking storage, loading and other paved areas shall not exceed 85 percent of the total lot area unless modified by the City Planning Commission.

(f) *Design requirements.*

(1) A site plan meeting the requirements of the City large-scale development ordinance (article III of this chapter) shall be approved.

(2) A landscape plan meeting the requirements of article III of this chapter shall be approved.

(3) All off-street parking and vehicular use areas shall be screened from all residential uses.

(4) Refuse storage areas shall be screened from view.

(5) Mechanical and electrical equipment, including air conditioning units, shall be screened from view.

(6) Lighting shall be designed to reflect away from any adjacent or nearby residential areas.

(g) *Bufferyard regulations.* Whenever any development in an I-2 district is located adjacent to any other district, screening and a bufferyard shall be provided as required by the City Planning Commission.

(h) *Off-street parking.* Ample space must be provided for trucks to load and maneuver off the public right-of-way.

RESIDENTIAL	
Single-family dwelling	2 spaces per dwelling unit
Roominghouses, dormitories, fraternities, and sororities, boardinghouses (and similar uses and establishments)	1 space per sleeping accommodation

OFFICE AND INSTITUTIONAL USES	
Lodge halls, exhibition halls, clubs (and similar places of public assembly)	1 space per 200 square feet of net floor area
Nursery, kindergarten and day care centers	1 space per 500 square feet of net floor area and 1 space per employee. Loading and unloading spaces shall be required at a rate of 1 for each 10 children accommodated
Elementary school (grades 1—6)	1 space per classroom. Stacking space for drop-off and pick-up shall be required on the site
Junior high school (grades 7—9)	4 spaces per classroom. Stacking spaces for buses and automobiles shall be required on the site
Senior high school (grades 10—12)	1 space for every 5 fulltime students plus 1.5 spaces per classroom
College, university	1 space for each 300 square feet of net floor area, or 1 space per 4 students, whichever is greater
Business and professional office (and similar use or establishment)	1 space per 300 square feet of net floor area. For structures larger than 10,000 square feet, the above parking requirement shall be provided and the following percent shall be taken of the remaining net floor area:
	10,001—20,000 square feet: 95 percent of requirement
	20,001—30,000 square feet: 90 percent of requirement
	30,001—40,000 square feet: 85 percent of requirement
	40,001 square feet and up: 80 percent of requirement
COMMERCIAL USES	
General business and retail sales (except as otherwise provided herein)	1 space per 250 square feet of net floor area up to 10,000 square feet, the above parking requirement shall be proved and the following percent shall be taken off the remaining net floor area:
	10,001—20,000 square feet: 95 percent of requirement
	20,001—30,000 square feet: 90 percent of requirement

	30,001—40,000 square feet: 85 percent of requirement
	40,001 square feet and up: 80 percent of requirement
Drive-through commercial facilities	In addition to the other parking space requirements, holding or stacking spaces for each service window. Each stacking space shall be no less than 10 feet wide by 20 feet long
Automotive services (service stations, garages, automobile washing facilities and similar uses)	5 spaces plus 1 space for each 200 square feet of net building area
Manufacturing, processing and wholesaling (and similar uses or establishments)	1 space per 600 square feet of net floor area
Warehouse and storage	5 spaces plus 1 space per 2,000 square feet of net floor area up to 50,000 square feet; then, in addition to the above requirement, 1 space per 10,000 square feet above 50,000 square feet or portion thereof

(i) *Loading space standards.*

Floor Area (square feet)	Loading Spaces Required
5,000—25,000	1
25,000—40,000	2
40,000—100,000	3
100,000—160,000	4
160,000—240,000	5
240,000—320,000	6
For each additional 90,000	1 added space

(Code 1997, § 130-38; Ord. No. 04-56, § 2(26), 5-25-2004; Ord. No. 09-03, § 1, 2-2-2009; Ord. No. 10-66, § 1(Exh. A), 7-27-2010; Ord. No. 12-01, § 1(Exh. A), 1-10-2012; Ord. No. 12-126, § 1(Exh. A), 12-11-2012; Ord. No. 14-04, § 1(Exh. A), 1-28-2014; Ord. No. 15-09, § 1(Exh. A), 1-13-2015)

Sec. 14-715. - Downtown Rogers Development Code (DRDC).[5]

1.0 Purpose and Intent

The purpose of the Downtown Rogers Development Code (DRDC) is to guide redevelopment in the Downtown Rogers area by building on the success of the historic core to implement the vision for a more walkable, vibrant, mixed use neighborhood by:

a) Preserving and enhancing the existing development character of downtown and adjoining neighborhoods through a comprehensive form-based approach to achieve mixed use, transitions, and pedestrian-oriented design.

b) Creating appropriate Zones to implement the vision for different areas of downtown - Core Mixed Use, Commercial Mixed Use, Industrial Arts and Neighborhood Transition, which implements the Downtown Rogers Initiative Plan, adopted July 2015.

c) Establishing appropriate urban design standards associated with each Zone including building form, use, and public open space standards with a focus on implementing pedestrian-oriented design.

d) Establishing a clear review, approval, and appeals process for all development.

1.1 DRDC Zoning Map

Within any area subject to the approved area of the DRDC zone, City Code Section 14-715 becomes the mandatory regulations, unless specified in Subsection 2.2 (Relationship to other City ordinances). It shall establish the following development standards for all properties within the DRDC area:

a) **Establishment of DRDC Zones:** The DRDC area is distinguished into different zones. Each zone is intended to respond to distinct urban aspects within Downtown Rogers and is based on the illustrative vision for the different zones within the DRDC area. Each zone shall establish use and building form standards including standards for building height, mass, placement, functional design and parking. The DRDC Zoning Map classifies all lots within the DRDC area into one of the following four zones:

i. Core Mixed Use (COR) - The purpose of the Core Mixed Use Zone is to highlight the historic core of Downtown Rogers and expand the core to include key locations for mixed-use development, compatible with the downtown core. The intent is to mix commercial uses with some residential and public uses. Focusing on pedestrian facilities and unique experience destinations will be a key to establishing Downtown Rogers as a place for public interaction.

ii. Commercial Mixed Use (COM) - The purpose of the Commercial Mixed Use Zone is to be compatible with the Core Mixed Use through flexibility of uses, continuing to allow retail, education and commercial as primary uses, but also including residential as a core use to be located within Downtown Rogers. The focus is to transition this area as a more livable location, by upgrading infrastructure for development while also making this area friendlier to residential uses.

iii. Industrial Arts (IA) - The purpose of the Industrial Arts Zone is to focus this area on the goal to establish local artisanal manufacturing, light industrial and businesses close by downtown. These developments will take advantage of being accessible to rail, trails and Arkansas Street. The intent is to mix manufacturing, residential, and retail in a walkable yet flexible format.

iv. Neighborhood Transition (NBT) - The purpose of the Neighborhood Transition Zone is to support appropriate transition between existing residential neighborhoods and open space and the more active commercial and urban residential areas. The intent is to support the character of the neighborhoods around downtown. Additional transition requirements will also be included in the regulations for the other three Zones.

b) **Street Designations:** The streets within the DRDC area shall be classified by their street type in coordination with the context of the surrounding development and their use. Street cross sections shall address vehicular lane widths, number of lanes, pedestrian accommodation, street tree requirements, on-street parking, and parkway and median standards. These standards are laid out in Subsection 6 (Street Design Standards). The streets sections complement the Complete Streets Plan for the City of Rogers. Construction and composition requirements for streets are located in Chapter 14, Article II Design Criteria and Construction Specifications for Division, Development and Improvement of Land, Division 3 Streets and Roadways.

c) **Building Frontage Standards:** Building Frontage designations shall classify different block frontages based on the pedestrian priority goals of the vision and are labeled on the DRDC Zoning Map (Attachment 1). Building frontages are categorized into one of the three types:

i. Pedestrian Priority Frontage has the highest quality standard for pedestrian-oriented building design. Focus is on wider sidewalks, ample clear space, appropriate street furniture, adequate lighting and limited vehicular conflict points within the streetscape area. Buildings will be required to address the pedestrian area and provide a higher quality of commercial design standards.

ii. Pedestrian-Friendly Frontage has a middle quality standard for pedestrian-oriented building design. Focus is on adequate sidewalks, ample clear space, appropriate street furniture, adequate lighting and limited vehicular conflict points within the streetscape area. Pedestrian-Friendly Frontages lead to Pedestrian Priority Frontages and expand connections to these areas into adjacent neighborhoods.

iii. General Frontage has a basic quality standard for pedestrian-oriented building design. Any frontage not labeled as a Pedestrian Priority or Pedestrian-Friendly is considered a General Frontage. Focus is on required pedestrian access, adequate clear space, select locations for street furniture, adequate lighting and safe vehicular-pedestrian interactions within the streetscape area.

d) **Public Open Space Designation:** Public Open Space within the DRDC is denoted on the DRDC Zoning Map (Attachment 1). Detailed standards for any additional Public Open Space or improvements to existing Public Open Space are included in Subsection 7 (Open Space Standards). These standards include general character, typical size, frontage requirements and typical uses within these public open spaces.

2.0 Administration and Development Phasing

2.1 Applicability

a) The uses and buildings on all properties within the DRDC zoning classification shall conform exclusively to this section. Where this section is silent, the other appropriate sections of the City Code shall apply.

b) Table 2-1 (Applicability Matrix) shall determine which Subsections of the DRDC might apply to any proposed development. Not all Subsections will apply to every circumstance, but review each Subsection to determine need to adhere to those Subsections as necessary and to understand all required conditions of the DRDC.

c) Terms used throughout this Chapter are defined in Subsection 9 (Definitions). For those terms not defined in this Section, definitions within the general City Code shall apply. In the event of conflict with definitions within the general City Code, the definitions of this Section shall take precedence.

d) Where in conflict, numerical metrics shall take precedence over graphic metrics.

2.2 Relationship to other City Ordinances

The development and subdivision standards under Chapter 14, Articles 3 and 5, as amended, shall not apply to projects within the DRDC except as specifically referenced herein.

Building and Fire Code, Drainage, Utility, Stormwater and other related technical requirements shall be applicable to the extent that it does not directly disrupt the intent of the code.

Table 2-1: Applicability Matrix

DRDC Section	*Subsection 3: Schedule of Uses*	*Subsection 4: Building Form and Development Standards*				*Subsection 5: Building Design Standards*	*Subsection 6: Street Design Standards*	*Subsection 7: Open Space Standards*	*Subsection 8: Streetscape and Landscape Standards*			
		Build to Zones and Setbacks	*Building Frontage*	*Building Height*	*Parking and Service Access*				*Sidewalk, Street Trees and Streetscape*	*Street Screen*	*Street Lighting and Furniture*	*Utilities*
Type of Development												
Commercial, Mixed-Use, Lodging and Multi-Family												
New Construction	•	•	•	•	•	•	•	•	•	•	•	•
Change of Use (without expansion of conditioned building area)	•				•					•		•

Expansion of Existing Buildings (see Attachment 3)		•	•	•	•	•		•	•	•	•	•
Existing Building Remodel (without expansion of conditioned building area)	•											
Expansion of Parking Area		•	•		•	•	•	•	•	•		
Single-Family Residential												
New Construction	•	•	•	•	•	•	•	•	•	•	•	•
Change of Use (without expansion of conditioned building area)	•				•							
Expansion of Existing Buildings	•	•	•	•	•	•		•	•	•		

(see Attachment 3)												
Existing Building Remodel (without expansion of conditioned building area)	•					•						

• = required to meet the requirements of the Subsection

2.3 Development Review Process

a) The plan review process shall be required and administered in the same manner as required for the large scale development plans under Chapter 14, Article 3, Division 1, and subject to the provisions of 14-207 (b).

b) Allowable Adjustments: The Director of the Department of Community Development or his or her designee or designee may approve allowable adjustments within the limits and per the criteria listed in Table 2-2 (Allowable Adjustments Table). All allowable adjustments shall be considered "meeting the requirements of the DRDC" in accordance with City and State legislative requirements. In no circumstance shall the Director of the Department of Community Development or his or her designee or designee approve an allowable adjustment that results in:

i) An increase in overall project intensity or density;

ii) A change in permitted uses or mix of uses;

iii) A change in the required frontage designation; or

iv) A change in any required element of the DRDC Zoning Map and the DRDC beyond the thresholds established in Table 2-2 below.

Table 2-2: Allowable Adjustments Table		
DRDC Standard	**Extent of Allowable Adjustment Permitted**	**Criteria for Adjustment**
DRDC Zoning Map		
Area/Boundary of	No more than a 20% change (increase	Lots being changed shall be a part of a larger

DRDC Zones	or decrease) in the area of any DRDC Zone (aggregate).	development needing common zoning for the project.
Building Form and Development Standards		
Build to Zones and Setbacks	No more than a 20% change in the maximum or minimum setback applicable or 5 feet whichever is greater.	Changes to the Build to Zones and setbacks may only occur when they are caused by one or more of the following: 1. Need to accommodate existing buildings and structures on the lot that meet the overall intent and vision for redevelopment in the DRDC area; or 2. Need to accommodate other required modes of transportation (transit, bike, pedestrian), stormwater drainage, water quality, or low impact development (LID) elements on the site; or 3. Need to accommodate overhead or underground utilities and/or easements; or 4. Need to preserve existing trees on the property. This adjustment is not mandatory for tree preservation, but for the allowance for preservation; or 5. Need to provide public amenities along the sidewalk (outdoor dining/seating, larger sidewalk, or other similar public amenities).
Building Frontage	No more than a 15% reduction in the required building frontage along each subject lot with Pedestrian-Friendly or General Frontage designation.	Any reduction in the required building frontage shall be to address one or more of the following to accommodate: 1. Existing buildings and site elements; or 2. Other required transit, bike and pedestrian, stormwater drainage, or water quality elements on the site.
Building Heights	Increase in height of building for providing a public amenity.	Height may be increased by one additional story in COM and IA Zones if a public open space is provided on-site. The public open space must meet the standards of the Public Open Space Types in Attachment 4 of this Section. Public Open Space may be privately owned and maintained.
Sidewalk and Streetscape Standards	Sidewalks, Street Trees, Street Lighting, and other streetscape standards may be adjusted based on the development context, street cross section or larger public infrastructure	Any changes to the streetscape standards shall be based on specific development context such as existing vegetation, natural features, drainage and fire safety.

	plan.	
Required Parking Spaces	Reduction in the number of required parking spaces.	Reduction in the number of parking spaces shall be based on one or more of the following: 1. A shared parking plan for parking within 1,000 feet of the subject property; or 2. A parking study for the uses proposed on the site; or 3. A combination of the above.
Other		
Any other numerical standard in the Section	An adjustment up to 10% (increase or decrease).	An adjustment of a numerical standard is needed to accommodate existing conditions. The proposed development still meets the intent of the DRDC Zone.
Phased Developments	Deferment of building frontage standards.	Phased developments may defer building frontage requirements as long as they meet the Build to Zone and parking setback requirements.

c) Modifications:

i) The Rogers Board of Adjustments (BOA) shall first review projects that request a modification beyond the standards in the DRDC authorized above in Table 2-2 (Allowable Adjustments Table).

ii) The BOA shall review only the modification that exceeds the allowable adjustment within the DRDC and shall rule only in the case that this modification meets the following criteria:

1. The goals, intent and vision of the adopted Downtown Initiative Plan;
2. The extent to which the proposal fits the adjoining design context by providing appropriate building scale and use transitions;
3. The extent to which the proposal provides public benefits such as usable public open space, livable streets, affordable housing, structures and/or shared parking, and linkages to transit;
4. The extent to which the proposal does not hinder future opportunities for high intensity development; and
5. Consideration of health and welfare of the general public.

iii) If BOA denies the requested modification, applicant must perform a redesign of the plan in order to meet the standards or request other modifications through BOA.

iv) If BOA approves the requested modification, application is passed to the Planning Commission (PC) for review of the remainder of the plan. During review of the plan, PC must review the plan for its merits with the consideration that the modification has been approved.

v) Review Considerations for Planning Commission - In reviewing any plans after a modification request to standards in this Section, the Planning Commission shall use the following criteria:

1. The goals, intent and vision of the adopted Downtown Initiative Plan;
2. The extent to which the proposal fits the adjoining design context by providing appropriate building scale and use transitions;
3. The extent to which the proposal provides public benefits such as usable public open space, livable streets, affordable housing, structured and/or shared parking, and linkages to transit;
4. The extent to which the proposal does not hinder future opportunities for higher intensity development; and
5. Consideration of health and welfare of the general public.

2.4 Plat Approval Process

The applicant shall follow the process for the plat approval subject to the requirements for Subdivision in Chapter 14, Article 5.

2.5 Nonconforming Uses

Shall meet standards in Section 14-720, Nonconforming lots, uses of land, structures, and uses of structures and premises.

2.6 Noncomplying Structures and Sites

A noncomplying structure or site may be altered or enlarged, provided that such alteration or enlargement shall neither create any new nonconformity, nor shall increase the degree of the existing nonconformity of all or any part of such structure or site. Attachment 3 shall provide examples of acceptable additions to noncomplying structures in the DRDC area.

2.7 Amendments to the DRDC

Amendments and changes to the DRDC Zoning Map, text and property boundaries beyond those expressly permitted under this Section shall be in accordance with the procedure set out in the City Code.

3.0 Schedule of Permitted Uses

3.1 Applicability

Due to the emphasis on urban form over land uses in the DRDC, general use categories have been identified by zone (Table 3-1: Schedule of Uses).

a) Use Determination: The Director of the Department of Community Development or his or her designee or designee is responsible for categorizing all uses. If a proposed use is not listed in a use category, but is similar to a listed use, the Director of the Department of Community Development or his or her designee or designee shall place the proposed use under that use category. A use not specifically listed shall be prohibited unless it is found to be similar to another listed use as described using the criteria below. The Director of the Department of Community Development or his or her designee or designee 's decision may be appealed to the PC for final determination. When

determining whether a proposed use is similar to a listed use, the Director of the Department of Community Development or his or her designee or designee may consider any other following relevant criteria, especially as it relates to any direct impacts on adjoining roadways and/or neighborhoods:

i) The actual or projected characteristics of the proposed use;

ii) The relative number of employees;

iii) Hours of operation;

iv) Buildings and site arrangement;

v) The relative amount of site area or floor area and equipment devoted to the proposed use or uses;

vi) Types of vehicles used and their parking requirements;

vii) Relative amounts of sales;

viii) Transportation demand by all modes, including the number of vehicle, transit, and bike/walk trips generated and whether existing or proposed infrastructure is adequate to serve those trips;

ix) The likely impact on surrounding properties; or

x) Whether the activity is likely to be found independent of the other activities on the site.

3.2 Uses Permitted with Criteria

Certain uses are permitted with criteria established in Table 3-2. These uses will only be permitted to documented adherence to the design criteria and by approval of the Director of the Department of Community Development or his or her designee or designee.

Table 3-1: Schedule of Uses				
P = Permitted — = Not Permitted P/C = Permitted with criteria A = Accessory Use				
DRDC Zone	**Core Mixed Use (COR)**	**Industrial Arts (IA)**	**Commercial Mixed Use (COM)**	**Neighborhood Transition (NBT)**
Land Use				
Commercial Uses (Office, Retail, Sales and Service Uses)				
Art, antique, museum, furniture or galleries (retail, repair or fabrication; excludes auto or electronics sales or service)	P	P	P	P
Auto-related sales establishments	—	—	—	—
Finance, insurance, and real estate establishments including	P	P	P	P

banks, credit unions, real estate, and property management services, with no drive through facility				
Fitness, recreational sports, gym, athletic club, dance or yoga studio	P	P	P	—
Food service uses such as full-service restaurants, cafeterias, bakeries catering and snack bars with no drive through facilities. Included in this category is café seating within a public or private sidewalk area with no obstruction of pedestrian circulation. Also included in this category is the sale of alcoholic beverages.	P	P	P	—
Offices for business, professional, administrative, and technical services such as accountants, architects, lawyers, doctors, etc.	P	P	P	P
Pet and animal sales or service, with no outside kennels	P	P	P	—
Retail sales or service with no drive through facility (includes alcohol sales)	P	P	P	—
Retail sales or service with drive through facility (includes retail with associated fuel sales and alcohol sales)	—	—	—	—
Theater, cinema, or music venue	P	P	P	—
Educational, Public Administration, Health Care and Other Institutional Uses				
Business associations and professional membership organizations	P	P	P	P
Child day care and preschools	P	P	P	P
Funeral homes	P	P	P	—
Hospitals and nursing establishments	P	P	P	—
Public administration uses (including local, state, and federal government uses, public safety, health and human	P	P	P	P

services)				
Schools, libraries, community/civic facilities and religious institutions	P	P	P	P
Social, fraternal and philanthropic organizations	P	P	P	—
Universities and colleges and technical, trade, and specialty schools	P	P	P	—
Residential and Lodging Uses				
Accessory building residential unit (garage apt.)	—	P	—	P
Bed and breakfast (10 or fewer rooms and owner managed)	P	P	P	P
Hotel	P	P	P	—
Manufactured housing	—	—	—	—
Multi-family residential ground floor *See Subsection 5.4 - Commercial Ready Standards	P*	P	P	P
Multi-family residential upper floors	P	P	P	P
Multi-unit home	P	P	P	P
Single-family residential, attached dwelling unit (townhomes)/patio home, duplex	P	P	P	P
Single-family residential, detached	—	—	—	P
Manufacturing, Transportation, Communication, and Utility Uses				
Auto service establishment	—	—	—	—
Brewery, distillery and winery	P/C	P/C	P/C	—
Commercial food, textile and product manufacturing	—	P	—	—

Heavy manufacturing that may produce hazardous waste	—	—	—	—
Mini-storage	—	—	—	—
Miscellaneous light manufacturing (manufacturing processes that do not create hazardous waste)	P	P	—	—
Transportation services (air, rail, road, truck and freight)	P	P	—	—
Telecommunications and broadcasting (radio, TV, cable, wireless communications, telephone, etc.)	P	P	P	—
Utilities and utility services (electric, natural gas, alternative)	P/C	P/C	P/C	P/C
Wholesale trade establishment/warehouse and storage services	A	A	—	—
Other Uses				
Food trucks, food truck parks (See City of Rogers Code of Ordinances for standards on food trucks and food truck parks)	P	P	P	—
Home occupations	A	A	A	A
Parking, structured	P	P	P	—
Temporary use, other	P/C	P/C	P/C	P/C
Temporary use, surface parking lot	P/C	P/C	P/C	—
Veterinary clinic with outdoor services	—	—	—	—

Table 3-2: Use Criteria Table

Use	DRDC Zone	Use Criteria
Manufacturing, transportation, communication, and utility uses		
Brewery, Distillery and Winery	Core Mixed Use Commercial Mixed Use Industrial Arts	All brewing, distillery or winery equipment and process shall be conducted indoors at all times.
Utilities and utility services (electric, natural gas, alternative)	All DRDC Zones	i) Outdoor storage of fleet vehicles, service areas, utility boxes and equipment shall NOT be permitted located along Pedestrian Priority Streets. ii) All such areas along other streets shall be screened with a required street screen (at least as high as the equipment being screened) (see Subsection 8.3 for standards).
Other Uses		
Temporary Use, Other	All DRDC Zones	Any temporary use shall require a time limit not to exceed two years and be approved by Planning Commission. After the two-year time limit, the applicant may receive a renewal of the temporary use.
Temporary Use, Surface Parking Lot	Core Mixed Use Commercial Mixed Use Industrial Arts	i) New surface parking lots shall be permitted as an interim use of property if they are the primary use of property. ii) Applications for new surface lots shall include in-fill building concepts on the lot with a site plan that meets the build-to-zone and building frontage standards of the specific character zone. iii) New surface parking shall be set back a minimum of 30' from the edge of the right-of-way of Pedestrian Priority Streets. iv) New surface parking shall not be located at a street intersection (of any Pedestrian Priority and Pedestrian-Friendly Streets only) for minimum of 30' from the intersection along each street.

4.0 Building Form and Development Standards

Building form and development standards applicable to each DRDC zone are described in this Subsection. The images and graphics through this Subsection are provided as illustrative of intent and are advisory only. Refer to the standards on the following pages for the specific standards.

In addition, the graphics used to illustrate the standards in each DRDC zone are NOT intended to indicate exact conditions within each DRDC zone. Rather, illustrations are conceptual and standards are to be applied based on the

specific frontage types designated along the subject property or site. Also, the illustrations may depict other site elements to establish context and only the standards regulated by the specific Subsection shall apply.

Building form graphics in this Subsection are NOT TO SCALE.

4.1 General to All DRDC Zones

a) **Building Frontage Designations:** The Building Frontage designations are applied as depicted on the DRDC Zoning Map to specify certain building form and site development standards. Building frontages are classified into one of the following three categories:

i) Pedestrian Priority:

1. Pedestrian Priority Frontages are intended to provide the most pedestrian-friendly and contiguous development context. Buildings and sites along Pedestrian Priority Frontages shall be held to the highest standard of pedestrian-oriented design and few, if any, gaps shall be permitted in the "street wall." Breaks in the street wall may be permitted for courtyards, forecourts, sidewalk cafés, and pedestrian connections between the individual sites and the public sidewalk. These street frontages are the main retail, restaurant, and entertainment streets or are important neighborhood connectors as identified in the DRDC Zoning Map.

2. The area between the building façade and property line or edge of any existing sidewalk along any street with Pedestrian Priority Frontage shall be designed such that the sidewalk width shall be the minimum of the designated street cross section and the remainder of any setback area shall be paved flush with the public sidewalk. Sidewalk cafés, public art, landscaping within tree-wells, or planters may be incorporated within this area.

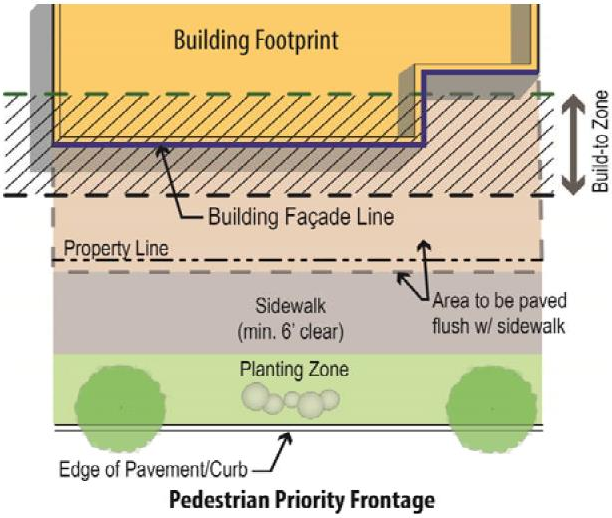


Illustration showing requirements along Pedestrian Priority Frontages

ii) Pedestrian-Friendly - Pedestrian-Friendly Frontages are also intended to be pedestrian-oriented with a mostly contiguous development context. However, in some locations, where access to a General Frontage street or Alley is not available, Pedestrian-Friendly Frontages may need to accommodate driveways, parking, service/utility functions, and loading and unloading. In such

cases, Pedestrian-Friendly Frontages may balance pedestrian orientation with automobile accommodation. Typically, they shall establish a hybrid development context that has a more pedestrian-supportive development context at street intersections and accommodates auto-related functions and surface parking in the middle of the block. Surface parking shall be screened from the roadway per Subsection 8.3 of this Section. Pedestrian-Friendly Frontages are designated on the DRDC Zoning Map.

iii) General - General Frontages are intended to accommodate more auto-oriented uses, surface parking, and service functions on a site with a more suburban/automobile orientation. The General Frontages shall be any frontage not designated as either a Pedestrian Priority or Pedestrian-Friendly Frontage on the DRDC Zoning Map.

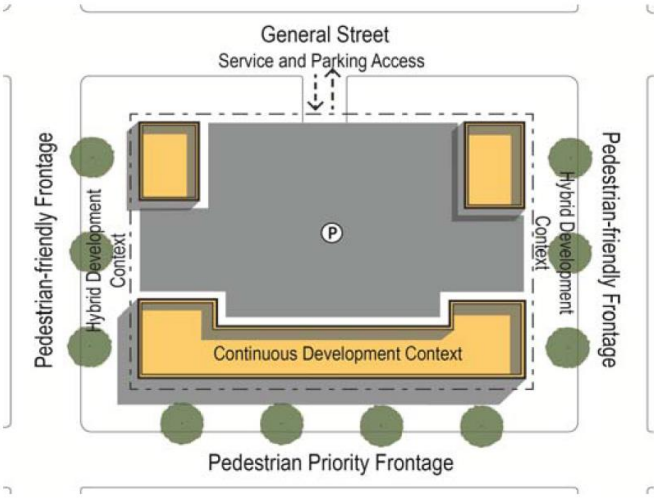


Illustration showing the application of Frontage Types and their related development context

b) **Treatment of Street Intersections:**

i) At the intersections of Pedestrian Priority and Pedestrian-Friendly Frontages, corner building street façades shall be built within the Build-to-Zone (BTZ) for a minimum of 30 feet from the intersection, along each street, or the width of the lot, whichever is less.

ii) Corners of buildings are permitted to have curved or chamfered forms, recessed entries, or public open space at these corners.

iii) In the case of public open space at the corner, the building shall wrap along the public open space.

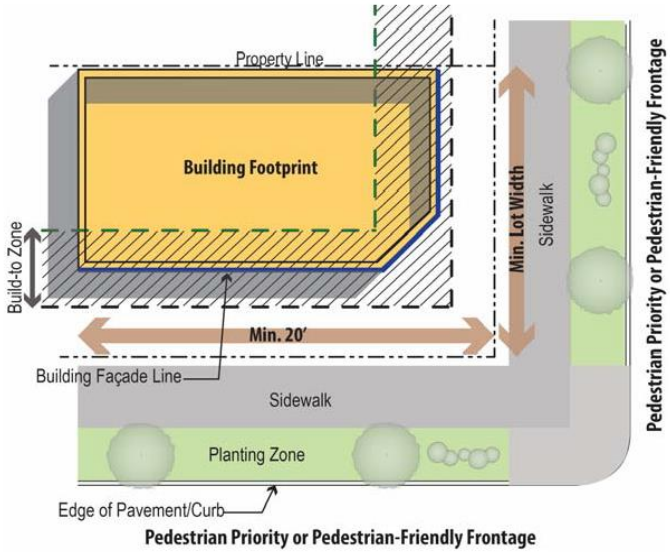


Illustration showing minimum frontage requirements at an intersection of Pedestrian Priority and Pedestrian-Friendly Frontages

iv) Corner buildings may exceed the maximum building height by 25% along no more than 20% of the building frontage along each corresponding street façade.

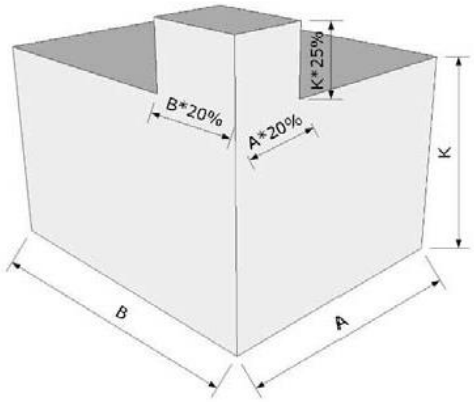


Illustration showing Corner Building Height Allowance

c) **Parking and Service Access:**

i) Location of parking (structured and surface lots) shall be per DRDC zone form standards, Subsections 4.2 through 4.5.

ii) Required off-street parking spaces shall be calculated per Table 4-1 below.

Table 4-1: Parking Ratios

DRDC Zone	COR, COM, IA	NBT	Additional Criteria
Minimum Off-Street Vehicular Parking Requirements			
All non-residential uses and ground floor commercial spaces	No requirement	1 space per 300 square feet of building area	1. Landscaping within surface parking lots shall meet standards in Subsection 8 of this Section. 2. A shared parking plan or alternative parking plan may be approved by the Director of the Department of Community Development or his or her designee or designee as an Allowable Adjustment (Subsection 2).
Residential Uses	1.0 spaces per dwelling unit	1.5 spaces per dwelling unit	
Lodging Uses (bed and breakfast and hotels)	0.5 spaces per guest room; all other areas shall be parked at the non-residential rate above.	1.0 spaces per guest room; all other areas shall be parked at the non-residential rate above.	
Minimum Bicycle Parking Requirements (in addition to vehicular parking)			
All non-residential uses and ground floor commercial spaces	2 spaces for up to 3,000 square feet and 1 space for every 1,000 square feet additional	N/A	1. Bicycle Parking may be accommodated with design appeal and within key locations on site. 2. Bicycle parking located on-street counts towards bicycle parking requirement.
Multi-Family Residential	15% of all required vehicular parking	20% of all required vehicular parking	

iii) Driveways, Alleys and Service Access:

1. Unless otherwise specified in the specific DRDC zone standards in Subsections 4.2 through 4.5, driveways and off-street loading and unloading may be located with access along a Pedestrian-Friendly Frontage street only if the property has no access to either an alley, General Frontage street or joint use easement to an adjoining property with direct driveway access to any other street.

2. Unless otherwise specified in the specific DRDC zone standards in Subsections 4.2 through 4.5, driveways and off-street loading and unloading may be located with access along a Pedestrian Priority Frontage street only if the property has no access to either an alley, Pedestrian-Friendly or General Frontage Street or joint use easement to an adjoining property with direct access to any other Street.

3. Along Pedestrian Priority and Pedestrian-Friendly Frontages, driveway spacing shall be limited to one driveway per each block face or per 200 feet of block face for blocks greater than 400 feet in length.

4. Shared driveways, joint use easements or joint access easements shall be required for adjoining properties when driveway and service access is off a Pedestrian Priority Frontage or Pedestrian-Friendly Frontage.

5. Service and loading/unloading areas shall be screened per standards in Subsection 8.3.

6. Unless required to meet minimum fire access or service access standards all commercial and mixed use driveways/alleys shall be a maximum of 20 feet in width. Service driveways/alleys shall be a maximum of 30 feet in width. Driveways wider than 24 feet in width shall only be located off of General Frontage streets. Driveways/alleys along State controlled roadways shall meet Arkansas State Highway and Transportation Department (AHTD) Standards or the City's adopted ordinances and regulations.

7. Residential Driveways:

   a. Unless required to meet minimum fire access or service access standards, driveways for Residential Use Buildings shall be a maximum of 12 feet in width.

   b. Garages for Residential Buildings shall be located on streets with General Frontage, Alleys or at the rear of residential buildings with pull-through garages where the garage door is set back behind the rear façade of the main structure. If front-loaded garages or carports are utilized on residential uses, the garages and carports shall be no greater than to fit two cars and set back at least 20 feet measured from the Building Façade Line of the primary structure. This restriction does not apply for J-swing garages.

   c. Front-loaded garages on residential lots less than 40 feet wide shall not be allowed. Townhomes and courtyard apartments shall utilize garages with access from streets with General Frontage, Alleys, or joint use easement to an adjoining property with direct access to any other Street.

d) **Measuring heights:**

i) Chimneys, vents, elevator and stair enclosures, screened HVAC equipment, other mechanical enclosures, tanks, solar energy systems and similar elements are exempt from the height limit.

ii) Internal building height shall be measured from finished floor to the bottom of the structural members of the ceiling.

iii) Floor-to-floor heights shall not apply to parking structures or civic buildings.

iv) Permitted corner tower elements are exempt from the height limit, except to the extent of the permitted tower height as denoted in Subsection 4.1(b)iv of this Section.

e) **Encroachments:**

i) Encroachments into R-O-W:

1. Maximum of 50% of the depth of the sidewalk when there is no vertical support for the object (except blade signs which shall encroach no more than 6 feet from the building façade line).

2. Maximum of 100% of the depth of the sidewalk when using a gallery, arcade or colonnade system.

3. Minimum vertical clearance from the finished sidewalk shall be 8 feet.

4. In no case shall an encroachment be located over an on-street parking area, travel lane or landscaping/street trees.

5. Encroachments over AHTD roadways shall adhere to AHTD policy.

ii) Overhangs within Required Setbacks: Canopies, awnings, galleries, and balconies may overhang within any required setback area per standards established in each DRDC zone as long as the vertical clearance is a minimum of 8 feet from the finished sidewalk elevation.

f) **Phased Developments**: Due to the infill nature of development within the DRDC, certain building form and site development standards may be deferred for phased development projects meeting the following criteria:

i) Submission of a site plan that illustrates how development and any related private improvements will be phased over time. Each phase of the site plan shall independently comply with all applicable standards of the DRDC unless an Allowable Adjustment is granted.

ii) Required private landscaping and open space amenities may also be phased with the building to permit final landscaping when adjacent buildings are finished.

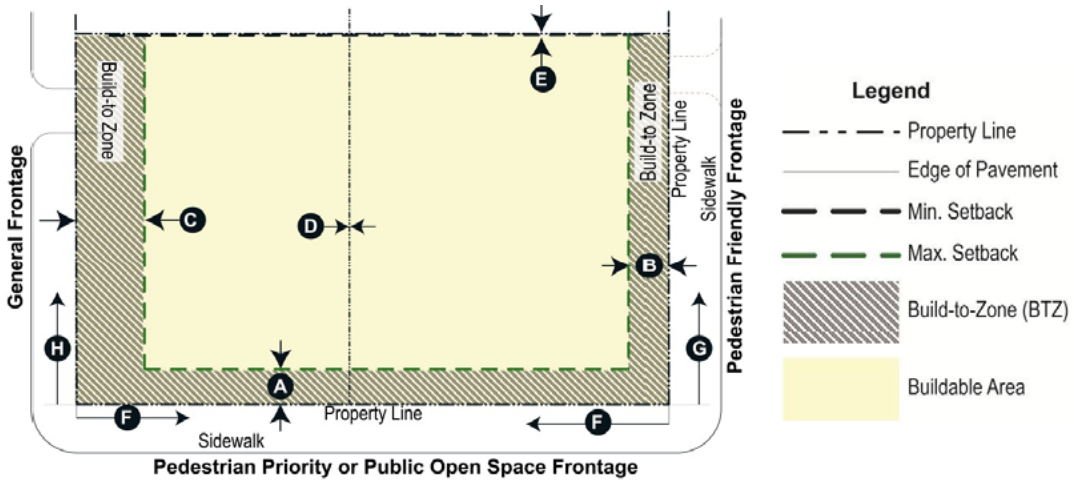
iii) A letter of credit will be required for any phased development.

4.2 Core Mixed Use (COR)

a) **Illustrations and Intent:** The purpose of the Core Mixed Use Zone is to highlight the historic core of Downtown Rogers and to expand the core to include key locations for mixed-use development that are compatible with the downtown core. The intent is to mix commercial uses with some residential and public uses. Focusing on pedestrian facilities and unique experience destinations will be a key to establishing Downtown Rogers as a place for public interaction.

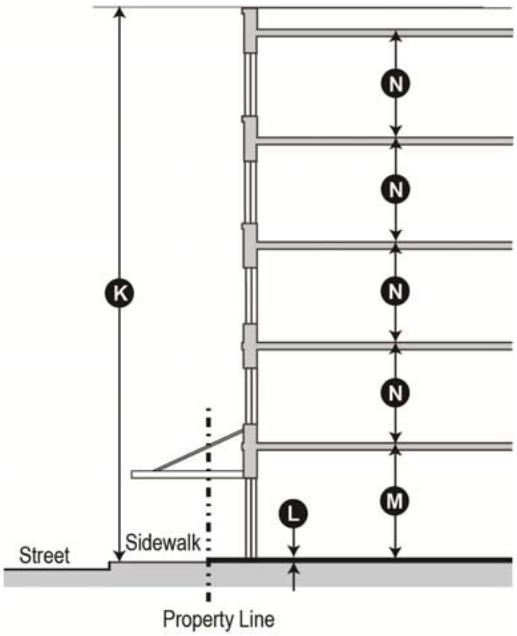
Development Standards within this DRDC zone specifically address the unique aspects of redevelopment in this area by retaining the existing development pattern while allowing higher density, pedestrian-oriented development to occur. In addition, the standards allow phasing of redevelopment and encourage the use of existing buildings and parking lots to the extent possible.

b) **Building Placement:**



(i) Build-to Zones (BTZs) and Setbacks (Distance from property line to edge of the zone)		
Pedestrian Priority Frontage /Open Space (BTZ)	0' min. setback – 15' max. setback	**A**
Pedestrian-Friendly Frontage (BTZ)	0' min. setback – 25' max. setback	**B**
General Frontage	0' min. setback – 30' max. setback	**C**
Side	0' min. setback; no max. setback	**D**
Rear	0' min. setback; no max. setback	**E**
(ii) Building Frontage		
Pedestrian Priority /Open Space Frontage	90% min.	**F**
Pedestrian-Friendly Frontage	70% min.	**G**
General Frontage	30% min.	**H**

c) **Building Height:**



(i) Principal Building Standards		
Building height	▪ Maximum height limited by the Airport Hazard Zone ▪ Transition requirement if adjacent to detached single-family zoned residential (Subsection 4.2 (d))	K
First floor to ceiling height (fin. floor to structure of ceiling)	▪ 12' min. for all frontages	M
Ground floor finish level	▪ Maximum 12" rise for commercial ground floor.	L
Upper floor(s) height (fin. floor to structure of ceiling)	▪ 9' min.	N

(ii) Accessory Building Standards

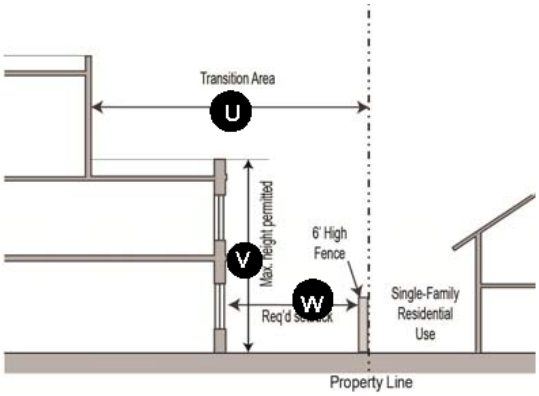
Accessory buildings shall meet the standards for Principal Building standards in the Core Mixed Use Zone.

d) Residential Transition Standards:

The following transition standards shall apply to all new building construction and all upper story additions to existing buildings located adjacent to any existing single-family detached residentially zoned lots. This requirement shall NOT apply if an alley or other similar R-O-W separates the subject lot and the existing single-family detached residential lot.

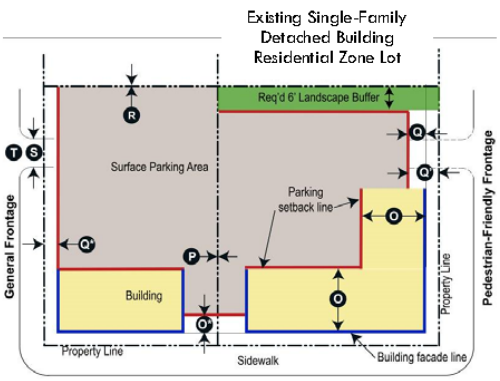
i.	Transition Area	30 feet min.	U
ii.	Max. Building Height at/within Transition Area	35 feet max.	V
iii.	Required setback	10 feet min.	W

A Residential Transition Area fence (minimum 6 feet and maximum 8 feet high) shall be required when adjacent to any existing single-family detached residentially zoned lot and shall be optional for all other adjacencies. The required fence shall be constructed of masonry or block. A 6-foot wide landscape buffer with evergreen shrubs planted at 3' on center and 6' min. in height at maturity shall also be required to be planted within the landscape buffer parallel to any single-family residential lot line. (see surface parking setbacks illustration; Subsection 4.2 (e) i)



e) Parking & Service Access:

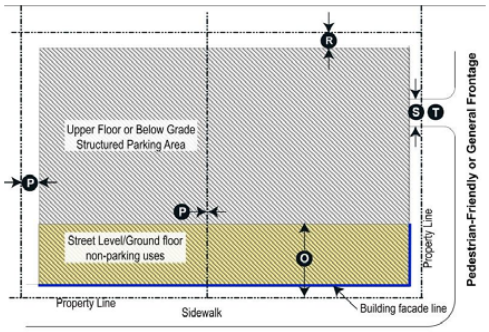
(i) Surface Parking Setbacks



Pedestrian Priority or Civic/Open Space Frontage

Pedestrian Priority or Civic/Open Space Frontage	▪ Shall be located behind the principal building along that street frontage; or ▪ Min. 3' behind the building façade line along that street	O O*
Pedestrian-Friendly Frontage	▪ Min. 3' behind the building façade line along that street or ▪ Min. 6' behind the property line along that street (if no buildings along the street frontage)	Q Q'
General Frontage	▪ Min. 3' behind the property line along that street	Q*
Side	▪ 6' (min) only if adjacent to any single-family detached residential zoned lot; ▪ 0' for all other adjacencies	P
Rear	▪ 6' (min) only if adjacent to any single-family detached residentially zoned lot; ▪ 0' for all other adjacencies	R

(ii) Structured Parking or Below Grade Parking Setbacks



Pedestrian Priority or Civic/Open Space Frontage

Standards for **S** and **T** in the illustrations above are referenced in standards for Driveways, Alleys and Service Access in Subsection 4.1 (c) iii.

Pedestrian Priority / Civic/Open Space Frontage	▪ Ground floor - Shall be min. of 30' from the property line ▪ Upper Floors – may be built to the façade line along that street	O
Pedestrian-Friendly Frontage or General Frontage	▪ May be built up to the building façade line along that street; or ▪ If no building is located along the street frontage; then the structured parking shall meet the setback standards along that specific frontage.	
Side	▪ 10' (adjacent to any single-family detached residential zoned lots) ▪ 0' (all other adjacencies)	P
Rear	▪ 10' (adjacent to any single-family detached residential zoned lots) ▪ 0' (all other adjacencies)	R

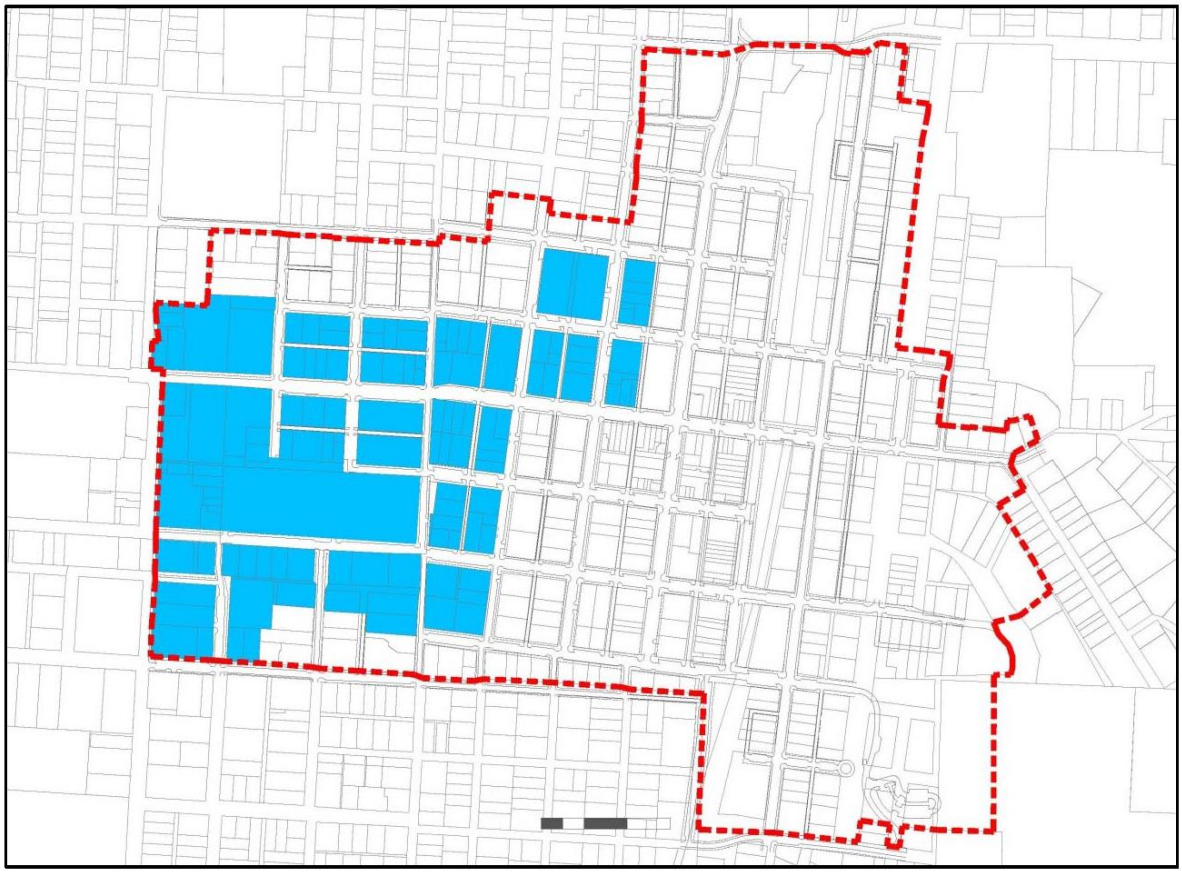
(iii) Partially Below Grade Parking

May be built up to the Building Façade Line along all Pedestrian-Friendly Frontages and General Frontages.

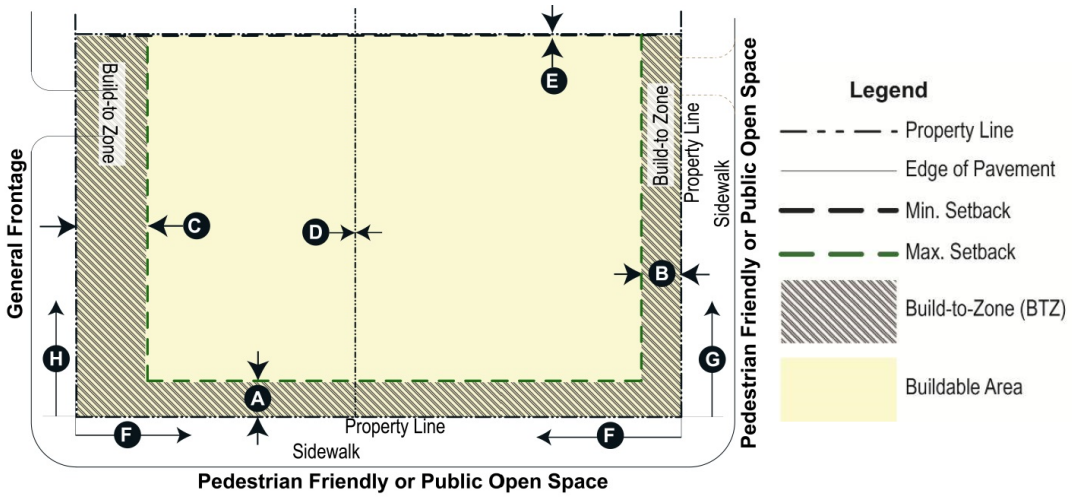
4.3 Commercial Mixed Use (COM)

a) **Illustrations and Intent:** The purpose of the Commercial Mixed Use Zone is to be compatible with the Core Mixed Use through flexibility of uses, continuing to allow retail, education and commercial as primary uses, but also including residential as a core use to be located within Downtown Rogers. The focus is to transition this area as a more livable location, by upgrading infrastructure for development while also making this area friendlier to residential uses.

Development Standards within this DRDC zone specifically address the unique aspects of redevelopment in this area by retaining the existing development pattern while allowing higher density, pedestrian-oriented development to occur. In addition, the standards allow phasing of redevelopment and encourage the use of existing buildings and parking lots to the extent possible.

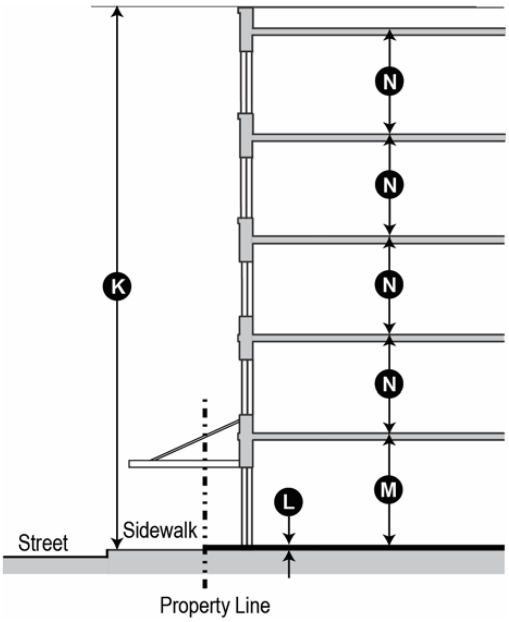


b) **Building Placement:**



(i) Build-to Zones (BTZs) and Setbacks (Distance from property line to edge of the zone)		
Pedestrian-Friendly Frontage / Public Open Space	0' min. setback – 25' max. setback	**A / B**
General Frontage	10' min. setback – 45' max. setback	**C**
Side	0' min. setback; no max. setback	**D**
Rear	0' min. setback; no max. setback	**E**
(ii) Building Frontage		
Pedestrian-Friendly Frontage / Public Open Space Frontage	70% min.	**F / G**
General Frontage	60% min.	**H**

c) **Building Height:**



(i) Principal Building Standards		
Building height	▪ 5 stories maximum by right ▪ Additional floor per Allowable Adjustments (Subsection 2) ▪ Transition requirement if adjacent to detached single-family zoned residential (Subsection 4.2 (e))	* K
First floor to ceiling height (fin. floor to structure of ceiling)	▪ 12' min. for all frontages	M
Ground floor finish level	▪ Maximum 12" rise for commercial ground floor.	L
Upper floor(s) height (fin. floor to structure of ceiling)	▪ 9' min.	N
(ii) Accessory Building Standards		
Accessory buildings shall meet the standards for Principal Building standards in the Commercial Mixed Use Zone.		

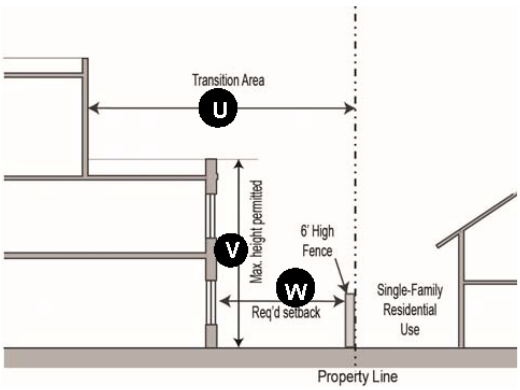
* Principal Building Standard building height is subject to the limitations imposed by the Airport Hazard Zone

d) Residential Transition Standards:

The following transition standards shall apply to all new building construction and all upper story additions to existing buildings located adjacent to any existing single-family detached residentially zoned lots. This requirement shall NOT apply if an alley or other similar R-O-W separates the subject lot and the existing single-family detached residential lot.

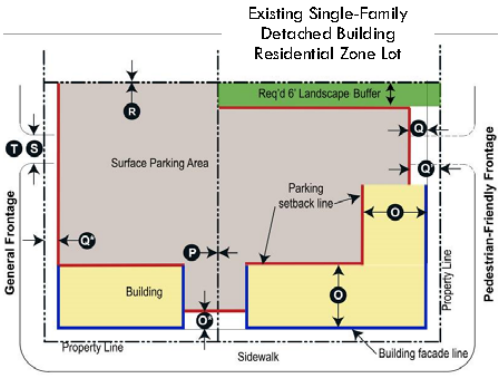
i.	Transition Area	30 feet min.	U
ii.	Max. Building Height at/within Transition Area	35 feet max.	V
iii.	Required setback	10 feet min.	W

A Residential Transition Area fence (minimum 6 feet and maximum 8 feet high) shall be required when adjacent to an existing single-family detached residentially zoned lot and shall be optional for all other adjacencies. The required fence shall be constructed of masonry or block. A 6-foot wide landscape buffer with evergreen shrubs planted at 3' on center and 6' min. in height at maturity shall also be required to be planted within the landscape buffer parallel to any single-family residential lot line. (see surface parking setbacks illustration; Subsection 4.3 (e) i)



e) Parking & Service Access:

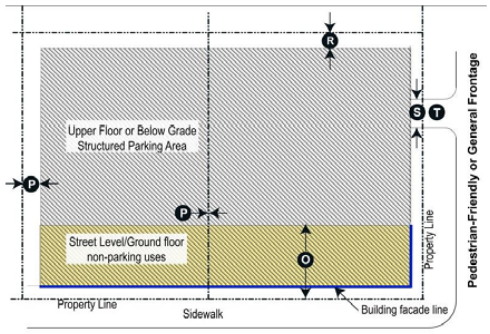
(i) Surface Parking Setbacks



Pedestrian Priority or Civic/Open Space Frontage

Pedestrian Priority or Civic/Open Space Frontage	▪ Shall be located behind the principal building along that street frontage; or ▪ Min. 3' behind the building façade line along that street	O O*
Pedestrian-Friendly Frontage	▪ Min. 3' behind the building façade line along that street or ▪ Min. 6' behind the property line along that street (if no buildings along the street frontage)	Q Q'
General Frontage	▪ Min. 3' behind the property line along that street	Q*
Side	▪ 6' (min) only if adjacent to any single-family detached residential zoned lot; ▪ 0' for all other adjacencies	P
Rear	▪ 6' (min) only if adjacent to any single-family detached residentially zoned lot; ▪ 0' for all other adjacencies	R

(ii) Structured Parking or Below Grade Parking Setbacks



Pedestrian Priority or Civic/Open Space Frontage

Standards for **S** and **T** in the illustrations above are referenced in standards for Driveways, Alleys and Service Access in Subsection 4.1 (c) iii.

Pedestrian Priority / Civic/Open Space Frontage	▪ Ground floor - Shall be min. of 30' from the property line ▪ Upper Floors – may be built to the façade line along that street	O
Pedestrian-Friendly Frontage or General Frontage	▪ May be built up to the building façade line along that street; or ▪ If no building is located along the street frontage; then the structured parking shall meet the setback standards along that specific frontage.	
Side	▪ 10' (adjacent to any single-family detached residential zoned lots) ▪ 0' (all other adjacencies)	P
Rear	▪ 10' (adjacent to any single-family detached residential zoned lots) ▪ 0' (all other adjacencies)	R

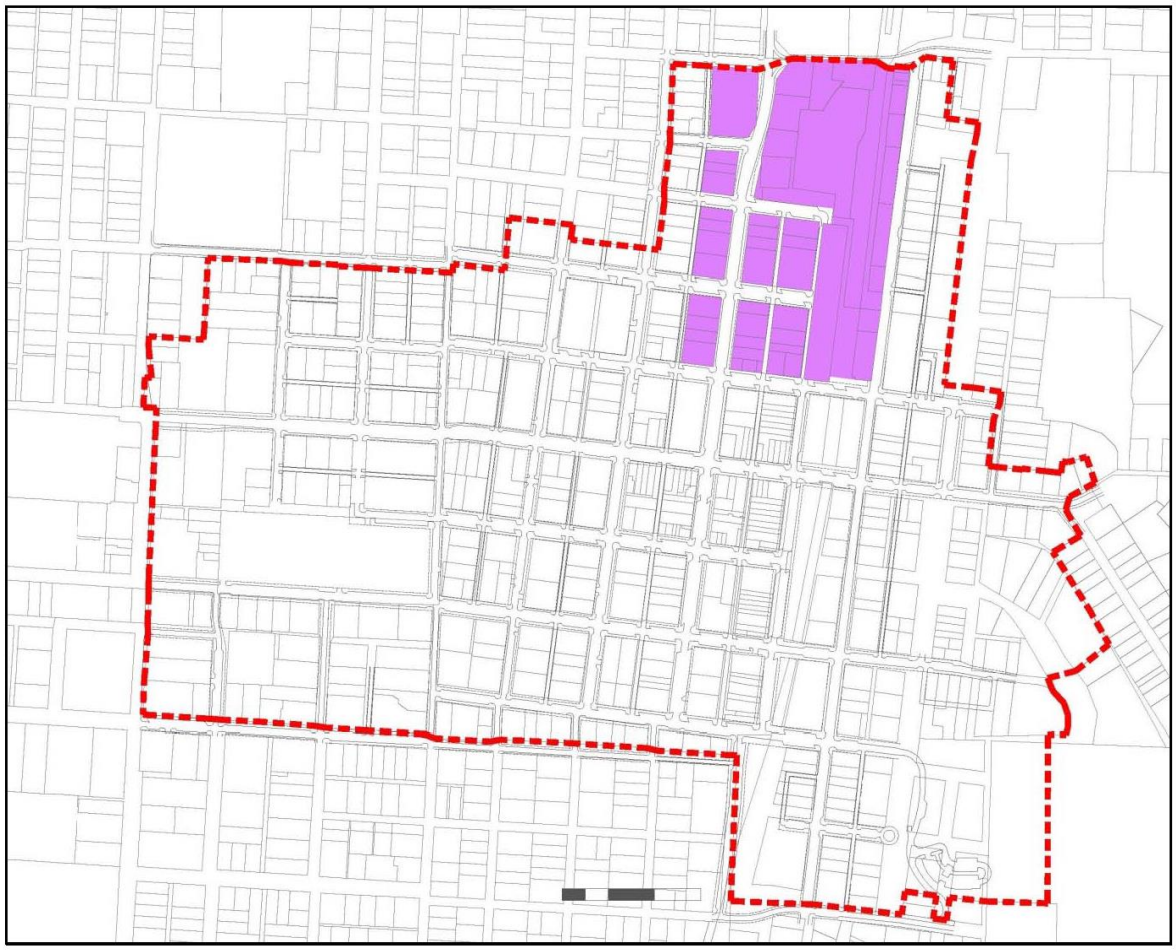
(iii) Partially Below Grade Parking

May be built up to the Building Façade Line along all Pedestrian-Friendly Frontages and General Frontages.

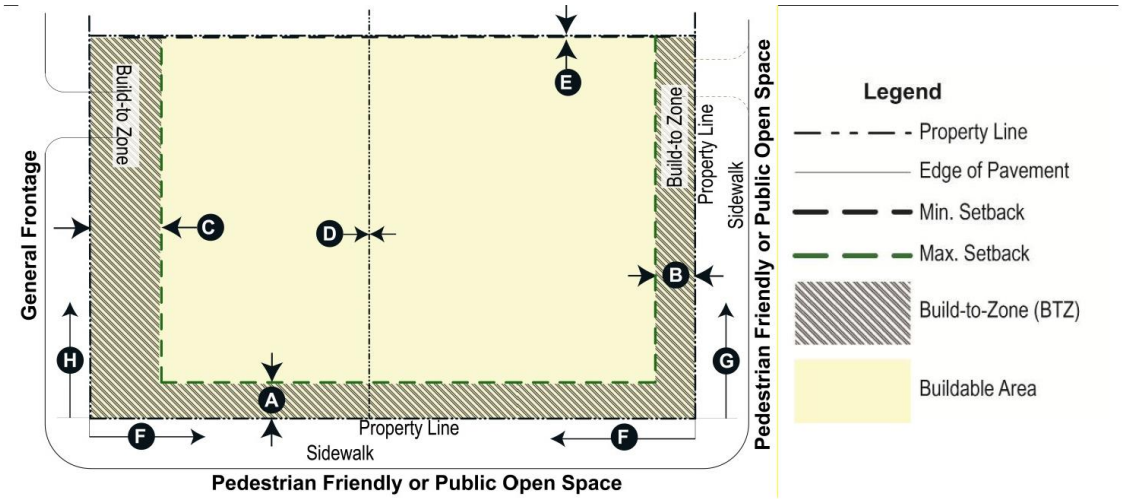
4.4 Industrial Arts (IA)

a) **Illustrations and Intent:** The purpose of the Industrial Arts Zone is to focus on the goal to establish local artisanal manufacturing, light industrial and businesses close to Downtown. These developments will take advantage of being accessible to rail, trails and Arkansas Street. The intent is to mix manufacturing, residential, and retail in a walkable yet flexible format.

Development Standards within this DRDC zone specifically address the unique aspects of redevelopment in this area by introducing a new development pattern while allowing higher quality, pedestrian-oriented development to occur. In addition, the standards allow phasing of redevelopment and emphasized connectivity to Downtown Rogers.

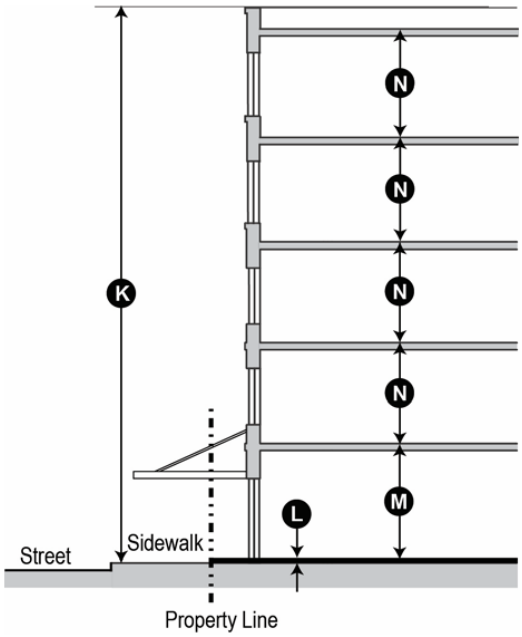


b) **Building Placement:**



(i) Build-to Zones (BTZs) and Setbacks (Distance from property line to edge of the zone)		
Pedestrian Priority Frontage /Open Space (BTZ)	0' min. setback – 15' max. setback	A
Pedestrian-Friendly Frontage (BTZ)	0' min. setback – 25' max. setback	B
General Frontage	0' min. setback – 30' max. setback	C
Side	0' min. setback; no max. setback	D
Rear	0' min. setback; no max. setback	E
(ii) Building Frontage		
Pedestrian Priority /Open Space Frontage	70% min.	F
Pedestrian-Friendly Frontage	50% min.	G
General Frontage	30% min.	H

c) **Building Height:**



(i) Principal Building Standards			
Building height	▪ 5 stories maximum by right ▪ Additional floor per Allowable Adjustments (Subsection 2) ▪ Transition requirement if adjacent to detached single-family zoned residential (Subsection 4.2 (e))	*	K
First floor to ceiling height (fin. floor to structure of ceiling)	▪ 12' min. for all frontages		M
Ground floor finish level	▪ Maximum 12" rise for commercial ground floor.		L
Upper floor(s) height (fin. floor to structure of ceiling)	▪ 9' min.		N

(ii) Accessory Building Standards

Accessory buildings shall meet the standards for Principal Building standards in the Industrial Arts Zone.

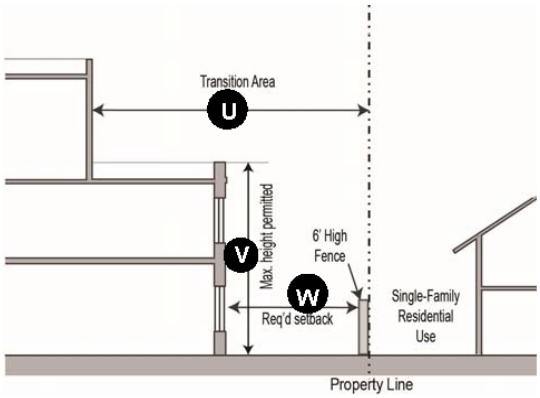
* Principal Building Standard building height is subject to the limitations imposed by the Airport Hazard Zone

d) Residential Transition Standards:

The following transition standards shall apply to all new building construction and all upper story additions to existing buildings located adjacent to any existing single-family detached residentially zoned lots. This requirement shall NOT apply if an alley or other similar R-O-W separates the subject lot and the existing single-family detached residential lot.

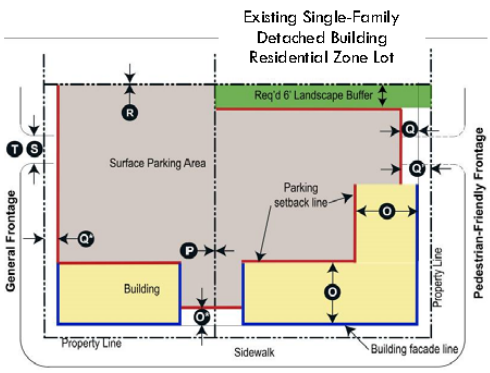
i.	Transition Area	30 feet min.	U
ii.	Max. Building Height at/within Transition Area	35 feet max.	V
iii.	Required setback	10 feet min.	W

A Residential Transition Area fence (minimum 6 feet and maximum 8 feet high) shall be required when adjacent to an existing single-family detached residentially zoned lot and shall be optional for all other adjacencies. The required fence shall be constructed of masonry or block. A 6-foot wide landscape buffer with evergreen shrubs planted at 3' on center and 6' min. in height at maturity shall also be required to be planted within the landscape buffer parallel to any single-family residential lot line. (see surface parking setbacks illustration; Subsection 4.4 (e) i)



e) Parking & Service Access:

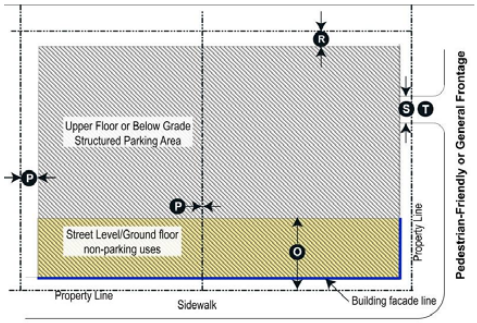
(i) Surface Parking Setbacks



Pedestrian Priority or Civic/Open Space Frontage

Pedestrian Priority or Civic/Open Space Frontage	▪ Shall be located behind the principal building along that street frontage; or ▪ Min. 3' behind the building façade line along that street	O O*
Pedestrian-Friendly Frontage	▪ Min. 3' behind the building façade line along that street or ▪ Min. 6' behind the property line along that street (if no buildings along the street frontage)	Q Q'
General Frontage	▪ Min. 3' behind the property line along that street	Q*
Side	▪ 6' (min) only if adjacent to any single-family detached residential zoned lot; ▪ 0' for all other adjacencies	P
Rear	▪ 6' (min) only if adjacent to any single-family detached residentially zoned lot; ▪ 0' for all other adjacencies	R

(ii) Structured Parking or Below Grade Parking Setbacks



Pedestrian Priority or Civic/Open Space Frontage

Standards for **S** and **T** in the illustrations above are referenced in standards for Driveways, Alleys and Service Access in Subsection 4.1 (c) iii.

Pedestrian Priority / Civic/Open Space Frontage	▪ Ground floor - Shall be min. of 30' from the property line ▪ Upper Floors – may be built to the façade line along that street	O
Pedestrian-Friendly Frontage or General Frontage	▪ May be built up to the building façade line along that street; or ▪ If no building is located along the street frontage; then the structured parking shall meet the setback standards along that specific frontage.	
Side	▪ 10' (adjacent to any single-family detached residential zoned lots) ▪ 0' (all other adjacencies)	P
Rear	▪ 10' (adjacent to any single-family detached residential zoned lots) ▪ 0' (all other adjacencies)	R

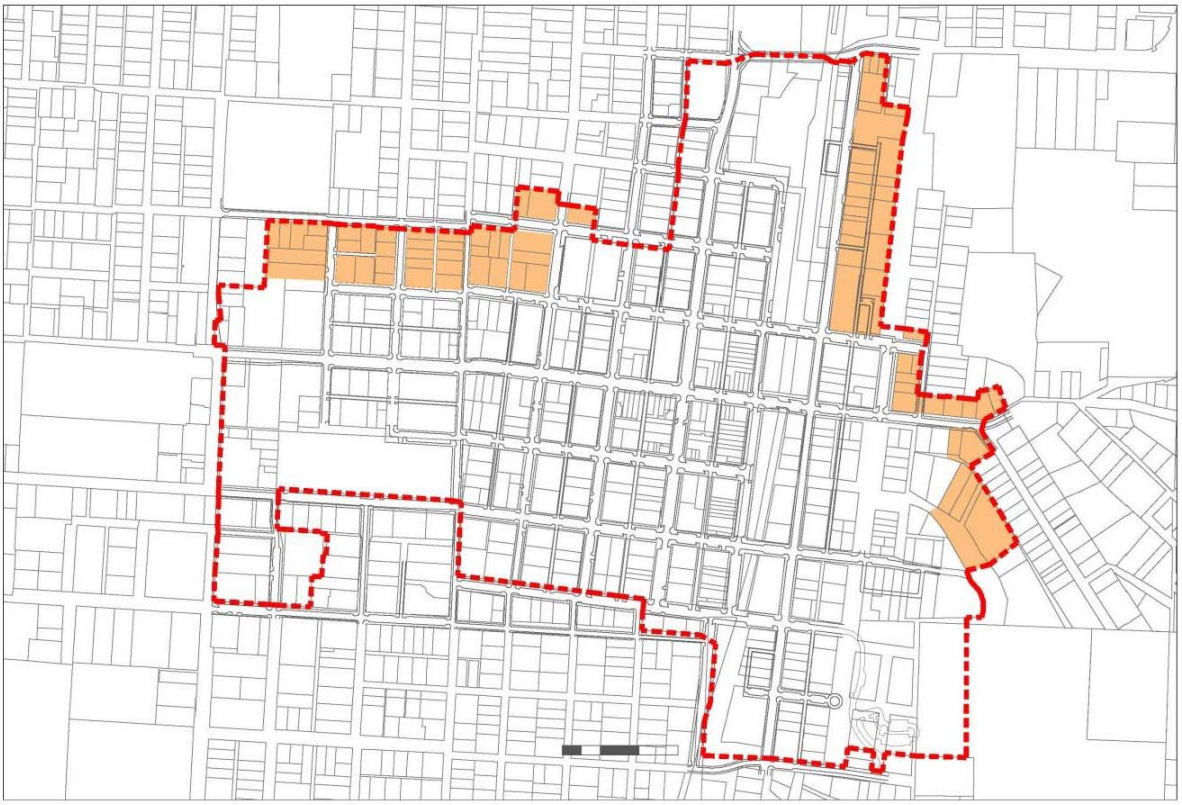
(iii) Partially Below Grade Parking

May be built up to the Building Façade Line along all Pedestrian-Friendly Frontages and General Frontages.

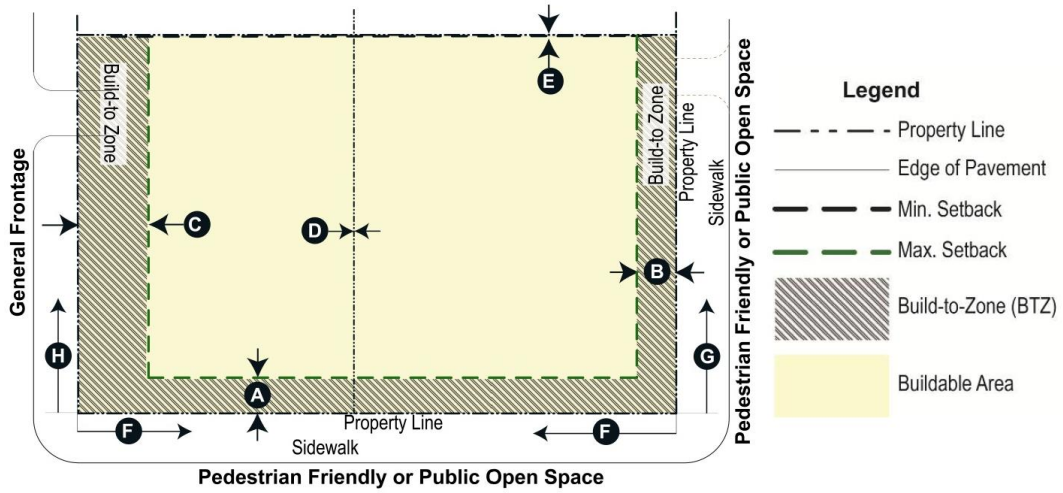
4.5 Neighborhood Transition (NBT)

a) **Illustrations and Intent:** The purpose of the Neighborhood Transition Zone is to support appropriate transition between existing residential neighborhoods and open space and the more active commercial and urban residential areas. The intent is to support the character of the neighborhoods around downtown.

Development Standards within this DRDC zone specifically address the unique aspects of redevelopment in this area by retaining the existing development pattern while allowing higher density, pedestrian-oriented development to occur. In addition, the standards allow phasing of redevelopment and encourage the use of existing buildings and parking lots to the extent possible.

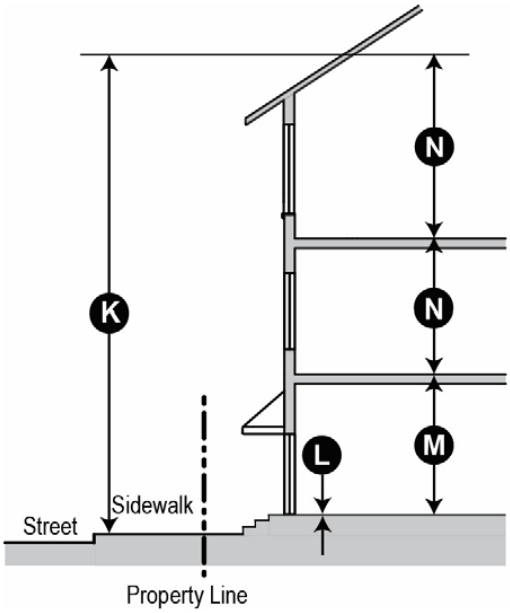


b) **Building Placement:**



(i) Build-to Zones (BTZs) and Setbacks (Distance from property line to edge of the zone)		
Pedestrian-Friendly Frontage / Public Open Space	0' min. setback – 20' max. setback	**A / B**
General Frontage	0' min. setback – 30' max. setback	**C**
Side	0' min. setback; no max. setback	**D**
Rear	See Parking Standards Subsection 4.5 (e)	**E**
(ii) Building Frontage		
Pedestrian-Friendly Frontage	50% min.	**F / G**
General Frontage	30%	**H**

c) **Building Height:**



(i) Principal Building Standards		
Building height	▪ 3 stories maximum by right ▪ Transition requirement if adjacent to detached single-family zoned residential (Subsection 4.2 (e))	* K
First floor to ceiling height (fin. floor to structure of ceiling)	▪ 12' min. for all frontages	M
Ground floor finish level	▪ Maximum 12" rise for commercial ground floor.	L
Upper floor(s) height (fin. floor to structure of ceiling)	▪ 9' min.	N
(ii) Accessory Building Standards		
Accessory buildings shall meet the standards for Principal Building standards in the Neighborhood Transition Zone.		

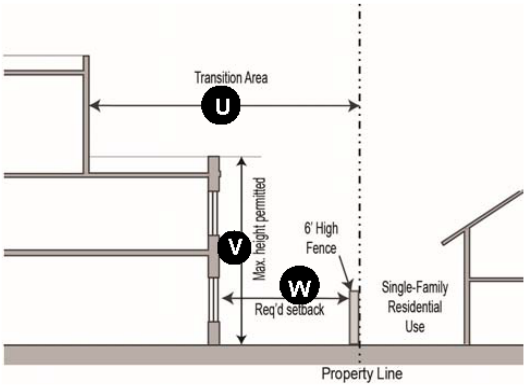
* Principal Building Standard building height is subject to the limitations imposed by the Airport Hazard Zone

d) **Residential Transition Standards:**

The following transition standards shall apply to all new building construction and all upper story additions to existing buildings located adjacent to any existing single-family detached residentially zoned lots. This requirement shall NOT apply if an alley or other similar R-O-W separates the subject lot and the existing single-family detached residential lot.

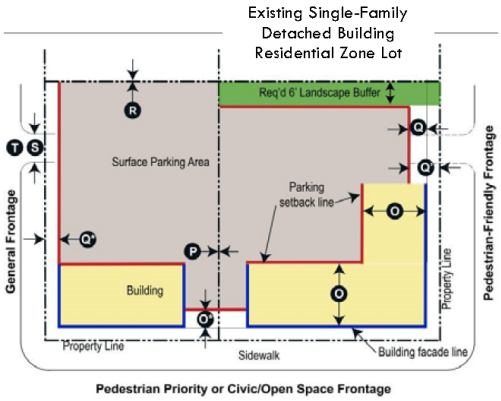
i.	Transition Area	30 feet min.	U
ii.	Max. Building Height at/within Transition Area	35 feet max.	V
iii.	Required setback	10 feet min.	W

A Residential Transition Area fence (minimum 6 feet and maximum 8 feet high) shall be required when adjacent to an existing single-family detached residentially zoned lot and shall be optional for all other adjacencies. The required fence shall be constructed of masonry or block. A 6-foot wide landscape buffer with evergreen shrubs planted at 3' on center and 6' min. in height at maturity shall also be required to be planted within the landscape buffer parallel to any single-family residential lot line. (see surface parking setbacks illustration; Subsection 4.5 (e) i)



e) **Parking & Service Access:**

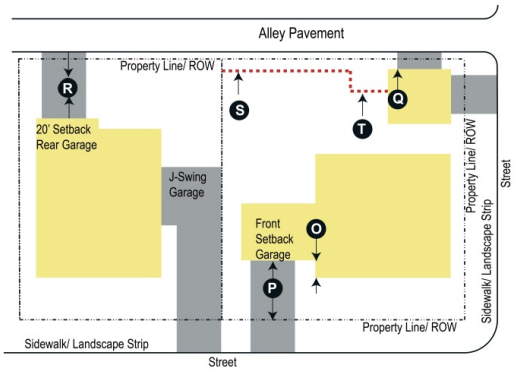
(i) Surface Parking Setbacks for Non-Residential



Standards for **S** and **T** in the illustrations above are referenced in standards for Driveways, Alleys and Service Access in Subsection 4.1 (c) iii.

Pedestrian Priority or Civic/Open Space Frontage	▪ Shall be located behind the principal building along that street frontage; or ▪ Min. 3' behind the building façade line along that street	**O** **O***
Pedestrian-Friendly Frontage	▪ Min. 3' behind the building façade line along that street or ▪ Min. 6' behind the property line along that street (if no buildings along the street frontage)	**Q** **Q'**
General Frontage	▪ Min. 3' behind the property line along that street	**Q***
Side	▪ 6' (min) only if adjacent to any single-family detached residential zoned lot; ▪ 0' for all other adjacencies	**P**
Rear	▪ 6' (min) only if adjacent to any single-family detached residentially zoned lot; ▪ 0' for all other adjacencies	**R**

(ii) Single-Family Residential Parking



Public Open Space Frontage	▪ Min. 3' behind the building façade line along that frontage; or ▪ Shall be located behind the principal building along that street frontage	**O** **P**
General Frontage	▪ Min. 6' behind the property line along that street; or ▪ At or behind the building façade line along that frontage	**O** **P**
Side / Rear	▪ 4' min; no parking permitted on driveway, OR ▪ 20' min; parking permitted on driveway ▪ On corner lots where alleys are not available or not feasible, rear garages may be entered from the side street.	**Q** **R**
Alley Fence	▪ 4' min from edge of typical pavement or ▪ 8' min from edge of typical paving where above ground franchise equipment exists	**S** **T**

5.0 Building Design Standards

5.1 Purpose and Intent

The Building Design Standards for the DRDC establish a coherent urban character to encourage an enduring and attractive redevelopment area. Site and/or building plans shall be reviewed by the Director of the Department of Community Development or his or her designee or designee for compliance with the standards in this Subsection. Table 5-1 details which elements of this Subsection are reviewed at Site Plan Review and/or Building Permit Review.

Table 5-1: Review Process for Building Design Standards						
Applicable Subsection	***5.2 Building Orientation & Entrances***	***5.3 Façade Composition***	***5.4 Commercial Ready Standards***	***5.5 Shading Requirements***	***5.6 Building Materials***	***5.7 Design of Parking Structures***
Site Plan Review	•	•	•	•		•
Building Permit Review	•	•	•	•	•	•

The key design principles establish essential goals for the redevelopment within the DRDC area to be consistent with the vision for Downtown Rogers to become a vibrant, walkable city center that serves a range of commercial, civic, educational and residential uses that benefit the neighborhood and the region. Buildings shall be located and designed so that they provide visual interest and create enjoyable, human-scale spaces. The key design principles are:

a) New and redeveloped buildings and sites shall utilize building and site elements and details to achieve a pedestrian-oriented public realm with appropriate glazing, shading and shelter;

b) Design compatibility is not meant to be achieved through uniformity, but through the use of variations in building elements to achieve individual building identity;

c) Strengthen and celebrate the history of Downtown Rogers;

d) Building façades shall include appropriate architectural details and ornament to create variety and interest;

e) Open space(s) shall be incorporated to provide usable public areas integral to the urban environment; and

f) Increase the quality, variety, adaptability, and sustainability in Rogers' building stock.

5.2 Building Orientation and Entrances

a) Buildings shall be oriented towards Pedestrian Priority Frontages, where the lot has frontage along Pedestrian Priority Frontages. If a building has no frontage along a Pedestrian Priority Frontage, then it should front a Pedestrian-Friendly Frontage. All other buildings may be oriented towards General Streets or Public Open Spaces.

b) Primary entrances to buildings shall be located on the street along which the building is oriented (see figure below). At intersections, corner buildings may have their primary entrances oriented at an angle to the intersection. Building entrances shall be provided for all separate ground floor commercial use tenant spaces that are located along Pedestrian Priority or Pedestrian-Friendly Frontage.

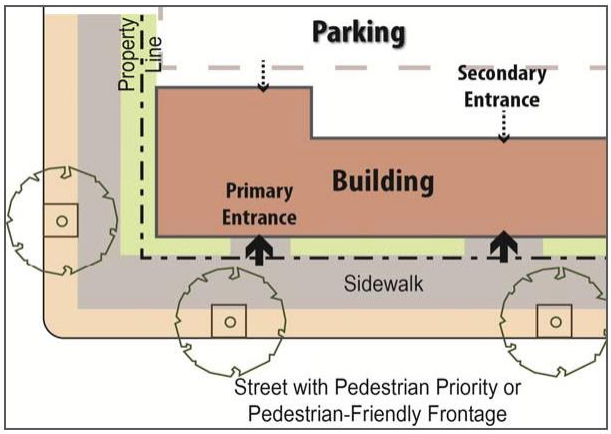


Figure showing required building orientation and location of primary entrances

c) All primary entrances shall be oriented to the public sidewalk for ease of pedestrian access. Secondary and service entrances may be located from parking areas or alleys.

d) Primary Entrance Design: Primary building entrances along Pedestrian Priority and Pedestrian-Friendly Frontages shall consist of at least two of the following design elements so that the main entrance is architecturally prominent and clearly visible from that street, see figures below:

   i) Architectural details such as arches, friezes, awnings, canopies, arcades, tile work, murals, or moldings; or

   ii) Integral planters or wing walls that incorporate landscape or seating elements; or

   iii) Prominent three-dimensional, vertical features, such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets; or

   iv) A repeating pattern of pilasters projecting from the façade wall by a minimum of eight inches or architectural or decorative columns.

Images showing appropriate transparency required along Pedestrian Priority and Pedestrian-Friendly Frontages

5.3 Façade Composition

a) Commercial, Mixed Use and Multi-Family Use Buildings:

i) Façades greater than 60 feet in length along all Pedestrian Priority Frontage, Pedestrian-Friendly Frontages and Public Open Spaces shall meet the following façade articulation standards:

1. Include façade modules so that a portion of the façade steps back or extends forward with a depth of at least 24 inches (see figure below).

2. The distance from the inside edge of a building projection to the nearest inside edge of an adjacent projection shall not be less than 20 feet and not greater than 60 feet (see figure below).

ii) All other façades shall be articulated by at least one discernable architectural element every 20 feet. Such architectural elements include, but are limited to:

1. Changes in material, color, and/or texture either horizontally or vertically at intervals not less than 20 feet and not more than 40 feet (see figure below); or

2. The construction of building entrances, bay windows, display windows, storefronts, arcades, façade relief, panels, balconies, cornices, bases, pilasters or columns.

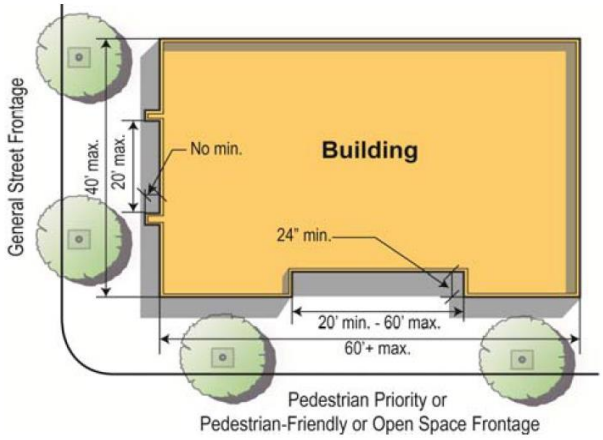


Illustration showing building articulation requirement

Images showing examples of appropriate building articulation

iii) Façade Transparency Required:

1. All façades shall meet the minimum requirement for façade glazing (percentage of glass doors and windows) as established in Table 5-2 below. Glazing for ground floor commercial uses shall be transparent enough for the public to view inside.

Table 5-2: Required Minimum Façade Glazing by Façade Frontage Type

Façade Frontage Type	Pedestrian Priority or Pedestrian-Friendly Frontage	Public Open Space Frontage	General Frontage or Other Façades
Commercial Use or Mixed Use Buildings			
Ground Floor	70% minimum	60% minimum	None
Upper Floor(s)	40% minimum	40% minimum	None
Multi-Family Residential Use Buildings			
Ground Floor	40% minimum	40% minimum	None
Upper Floor(s)	20% minimum	20% minimum	None

Images showing appropriate transparency required along Pedestrian Priority and Pedestrian-Friendly Frontages

b) Single-Family Detached Residential Buildings:

i) At least one of the following shall be added along single-family residential building façades to add pedestrian interest along the street:

1. Porches;
2. Forecourts;
3. Courtyards;
4. Stoops;
5. Eaves; or
6. Balconies.

ii) If a single-family residential use building is setback less than 10 feet from the front property line, the grade of the slab or first floor elevation shall be elevated at least 18 inches above the grade of the sidewalk.

Residential buildings with porches, fencing, balconies, and stoops to add interest along the street

5.4 Commercial-Ready Standards

a) Ground floors of all buildings with Pedestrian Priority Frontage designation per the DRDC Zoning Map shall be built to Commercial-Ready standards. In addition, the following standards shall apply (see figure below):

i) An entrance that opens directly onto the sidewalk according to Subsection 5.0;

ii) A height of not less than 12 feet measured from the entry level finished floor to the bottom of the structural members of the ceiling;

iii) Minimum leasable width of 20 feet;

iv) A front façade that meets the window glazing requirements in Subsection 5.0; and

v) Off street-surface parking shall be prohibited between the sidewalk and the building.

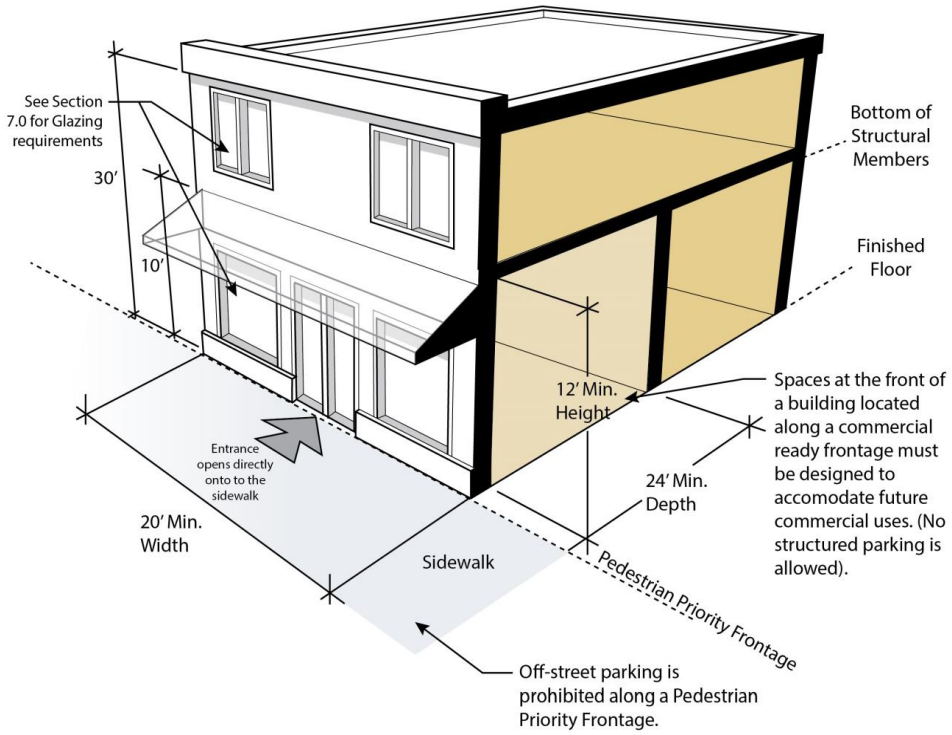


Illustration showing application of Commercial-Ready Frontage Requirements

5.5 Shading Requirement

Shading of public sidewalks, especially, sidewalks located along Pedestrian Priority and Pedestrian-Friendly Frontages is important to implementing the vision for walkable mixed-use along the Corridor. Shading may be achieved through any combination of canopies, awnings, street trees, and other similar devices. To this end, the following standards shall apply (see figures below):

a) Shaded sidewalk shall be provided alongside at least 50% of all building façades with Pedestrian Priority Frontage designation per the DRDC Zoning Map.

b) A shaded sidewalk must meet the following requirements:

i) Along a street, a shaded sidewalk shall comply with the applicable sidewalk standards for its designated street type. If not otherwise required, the shaded sidewalk shall provide trees planted no more than 60 feet on center. Exception can be made for the preservation of existing mature trees that provide shading over the sidewalk.

ii) Building entrances along Pedestrian Priority and Pedestrian-Friendly Frontages shall be located under a shade device, such as an awning, portico, or other artificial shade structure, as approved by the Department of Community Development.

iii) Shading devices shall adhere to Streetscape clearance standards in Subsection 8 (Streetscaping and Landscaping Standards).

Images showing examples of shading along sidewalks

5.6 Exterior Building Materials

a) Commercial and Mixed Use Buildings:

i) At least 70% of each Primary and Secondary street facing façade (not including alleys) of all new buildings (excluding doors and windows) shall be externally finished with:

1. Masonry, including brick, stone, marble, granite, cast stone, or other durable material as approved by the Director of the Department of Community Development or his or her designee or designee.

2. Architectural metal may be used in the Industrial Arts Zone.

ii) Additions to existing buildings, to the extent possible, shall match the existing external finish materials and corresponding proportions of such building.

iii) Other materials will be considered as primary building materials on a case-by-case basis and may only be approved by the Director of the Department of Community Development or his or her designee or designee.

iv) No more than 30% of each Primary and Secondary street fronting façades (except alleys) shall use accent materials such as:

1. Wood;

2. Split-face concrete block;

3. Tile;

4. Stucco (3-step application process);
5. Cementitious-fiber clapboard (not sheet) with at least a 50-year warranty;
6. Exterior Insulating Finishing System (EIFS) on upper floors only; or
7. Architectural metal.

b) Residential Use Buildings: At least 70% of all Primary and Secondary street fronting façades (except alleys) of residential buildings shall be finished with one or more of the following materials. No more than three different materials shall be used on any single façade:

i) Cementitious-fiber clapboard (not sheet) with at least a 50-year warranty;

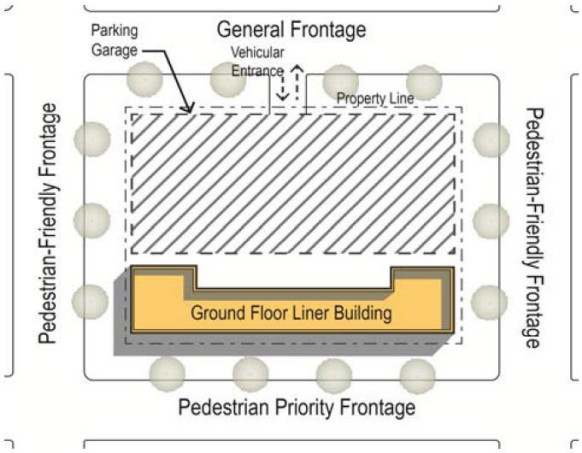
ii) Lap-sided wood; or

iii) Masonry (brick, stone, cast stone, or other durable material as approved by the Director of the Department of Community Development or his or her designee or designee).

5.7 Design of Parking Structures

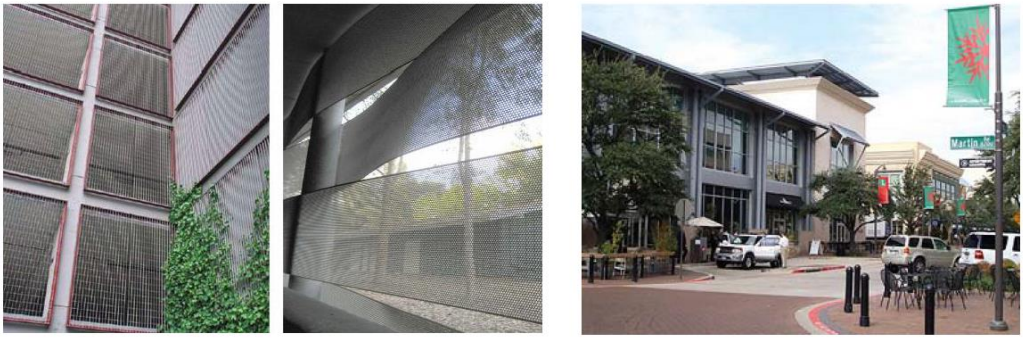
a) All ground floors of parking garages located on Pedestrian Priority Frontages shall be built to Commercial Ready standards to a minimum depth of 24 feet.

b) To the extent possible, the amount of Pedestrian Priority Frontage devoted to a parking structure shall be minimized by placing the shortest dimension(s) of the parking structure along the Pedestrian Priority edge(s), see figure below.



Allowed Parking Garage Configurations

c) Where above ground structured parking is located at the perimeter of a building with Pedestrian Priority Frontage, it shall be screened in such a way that cars on all parking levels are completely screened from view (see figures below). Architectural screening shall be used to articulate the façade, hide parked vehicles, and shield lighting. Parking garage ramps shall not be visible from any Pedestrian Priority Frontages. Ramps shall not be located along the exterior perimeter of the parking structure.



Illustrative Examples of Parking Garage Screening

d) Ground floor façade treatment (building material, windows and architectural detailing) shall be continued to the second floor of a parking structure along all Pedestrian Priority Frontages (see figure below).

e) When parking structures are located at street intersections, corner emphasizing elements shall be incorporated. These include towers, pedestrian entrances, signage, glazing, etc.

f) Parking structures and adjacent sidewalks shall be designed so pedestrians and bicyclists are clearly visible to entering and exiting automobiles. These may include sight distance clearance, signage, and other warning signs.

Images showing appropriate design of Parking Structures

6.0 Street Design Standards

6.1 Purpose and Intent

The vision for Downtown Rogers recognizes the importance of providing adequate public infrastructure, which includes an ultimate street network of multi-modal streets, and other needed infrastructure to serve the vision for redevelopment within the DRDC area.

Street design and connectivity is envisioned to support and balance automobile, bicycle, and walking trips in addition to becoming the "civic" space for development. The civic nature of streets will not only serve private redevelopment, but the community at large and the people who live in and use it. This Subsection

establishes Context Sensitive Solutions for street design and connectivity and is intended to complement the City of Rogers Complete Streets Plan.

6.2 Street Designation Classification

In order to service multiple modes of transportation within an appropriate redevelopment context, streets within the DRDC area are designated by its classification. The Street Classification designation establishes standards for the actual cross section of the street. The Street Classification includes information on automobile, bicycle, pedestrian, and parking accommodation. It typically addresses the space allocation within the public right-of-way and its emphasis towards different modes of transportation. Table 6-1 identifies the Street Classification designations within the DRDC area and provides cross sections for the different Street Classifications.

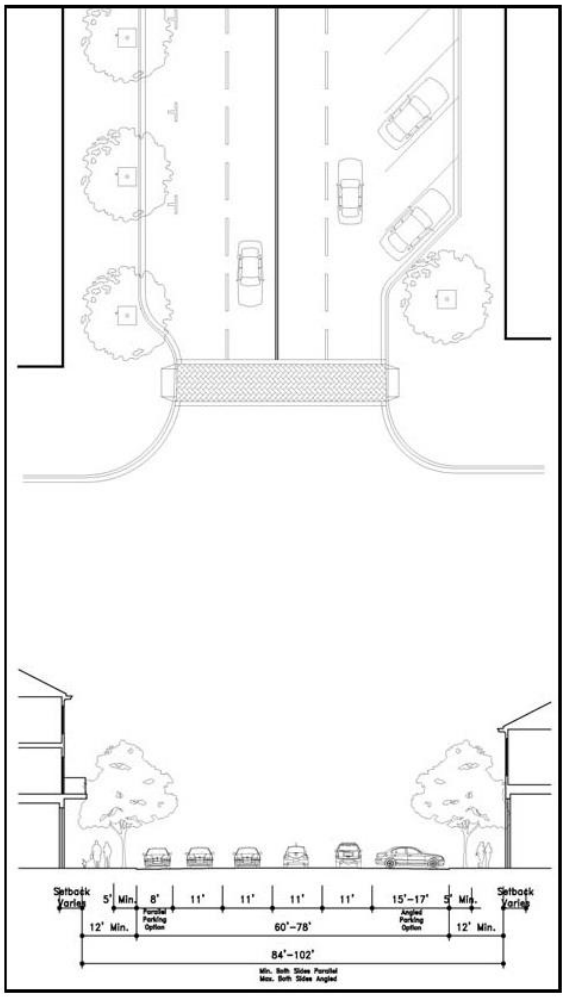
6.3 Street Standards

Table 6-1 and associated cross sections shall establish standards for all elements within the public right-of-way including travel lanes, on street parking, bicycle accommodation, streetscape, street landscape, and sidewalks. The standards in the City's Subdivision Ordinance shall apply to the extent that they do not conflict with the standards in this Subsection and the vision for Downtown Rogers.

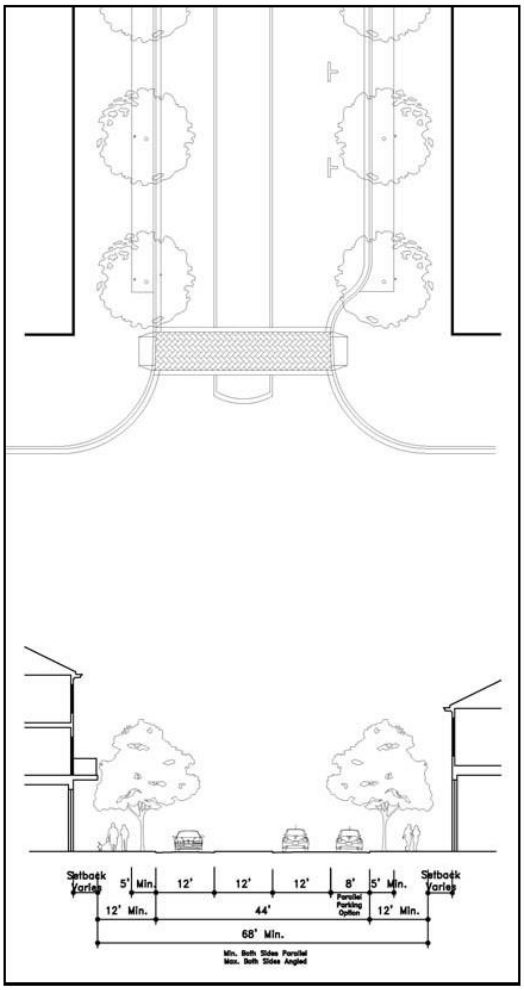
Table 6-1: Street Classification Table

Street Classification	**Standards**			
	Minimum Streetscape Zone	***Minimum Furnishing Zone***	***Street Trees Required?***	***Recommended Development Frontage***
Walnut Street	12 feet	5 feet	Yes (COM only)	Pedestrian Priority, Pedestrian-Friendly and General
Poplar Street	12 feet	5 feet	Yes	Pedestrian-Friendly and General
Arkansas Street	12 feet	5 feet	Yes	Pedestrian-Friendly and General
Mixed Use Street Along Public Space	10 feet	3 feet	No	Pedestrian Priority
Mixed Use General Street	9 feet	2 feet	No	Pedestrian-Friendly and General
Neighborhood General Street	10 feet	6 feet	No	General
Alley/Mews	N/A	N/A	N/A	N/A

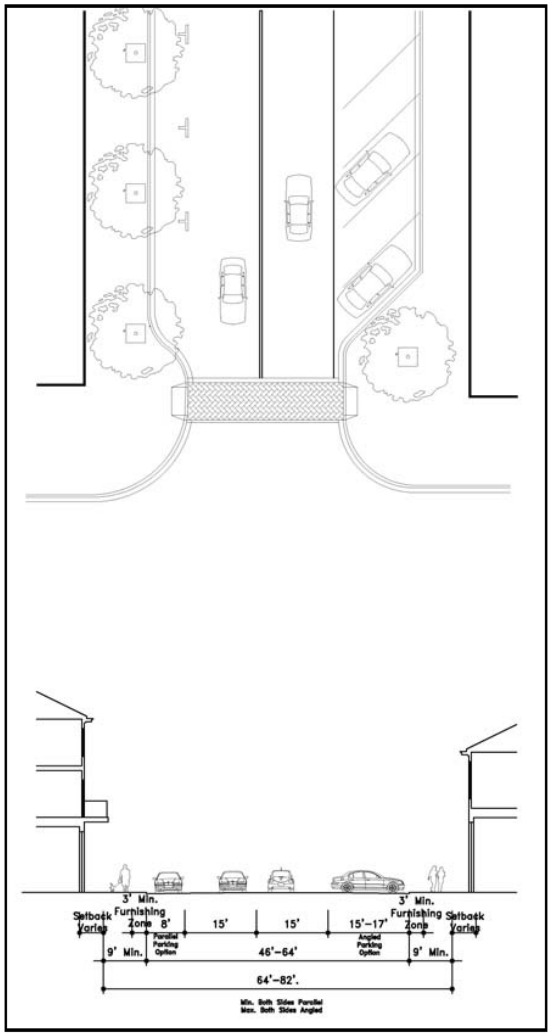
1. **Walnut Street**



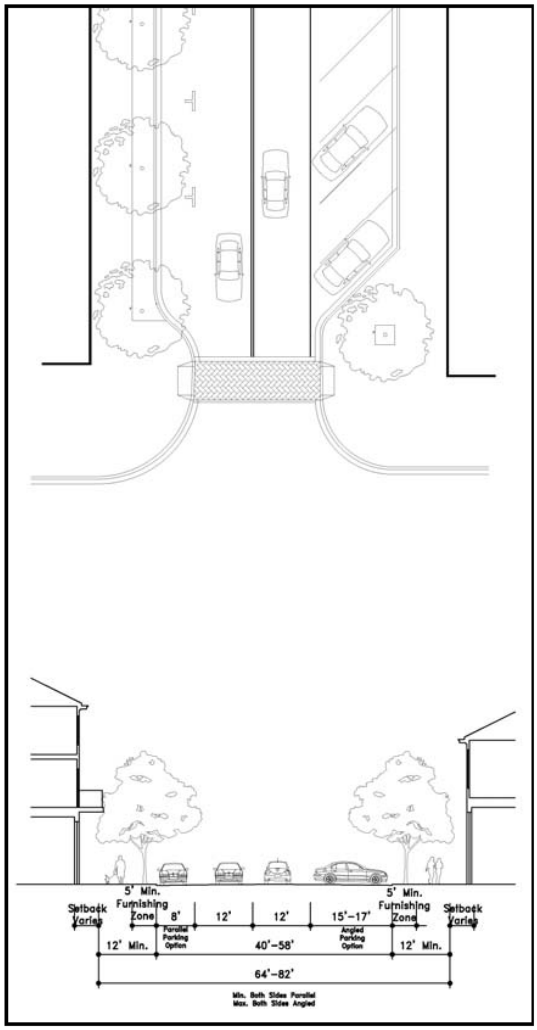
2. **Arkansas Street**



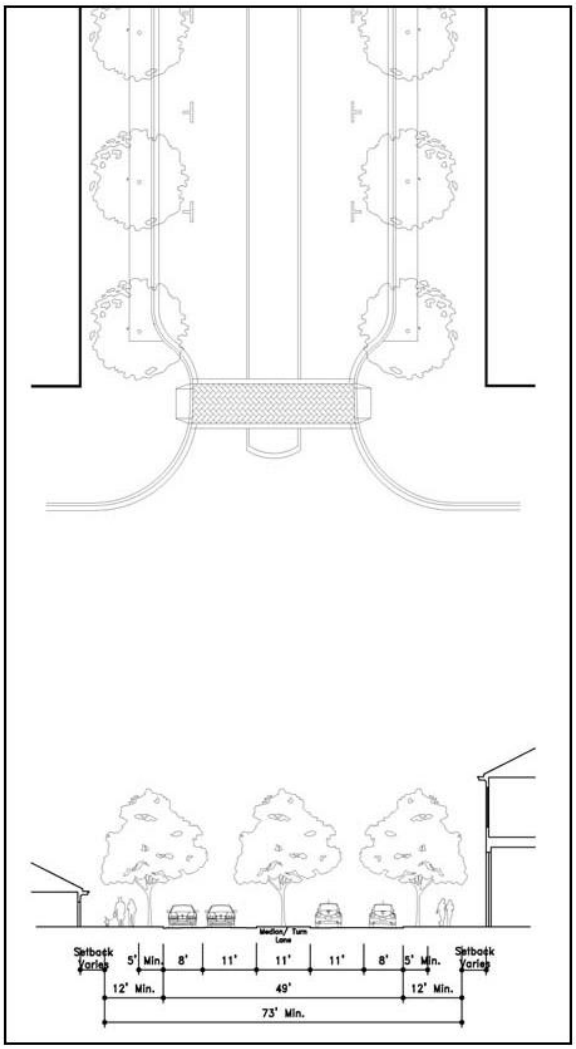
3. Downtown Street



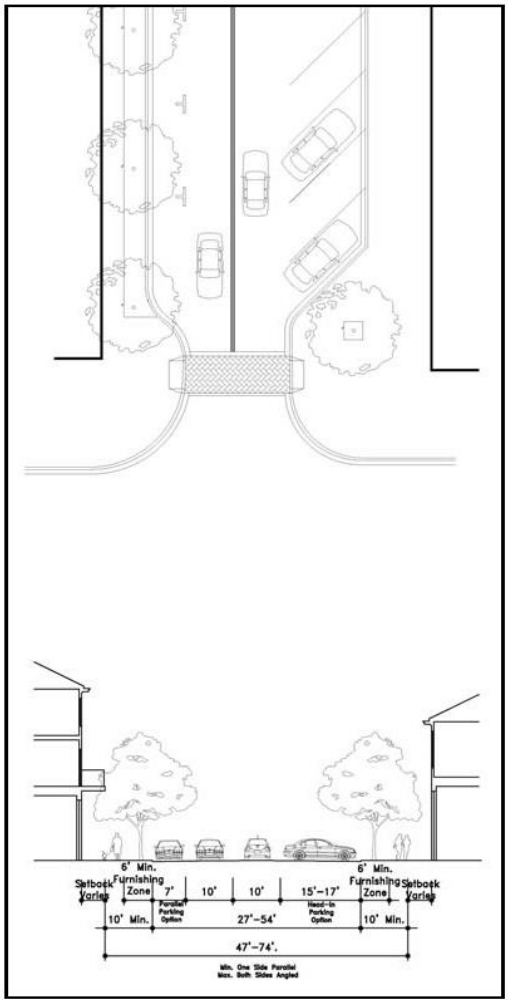
4. Mixed Use Street



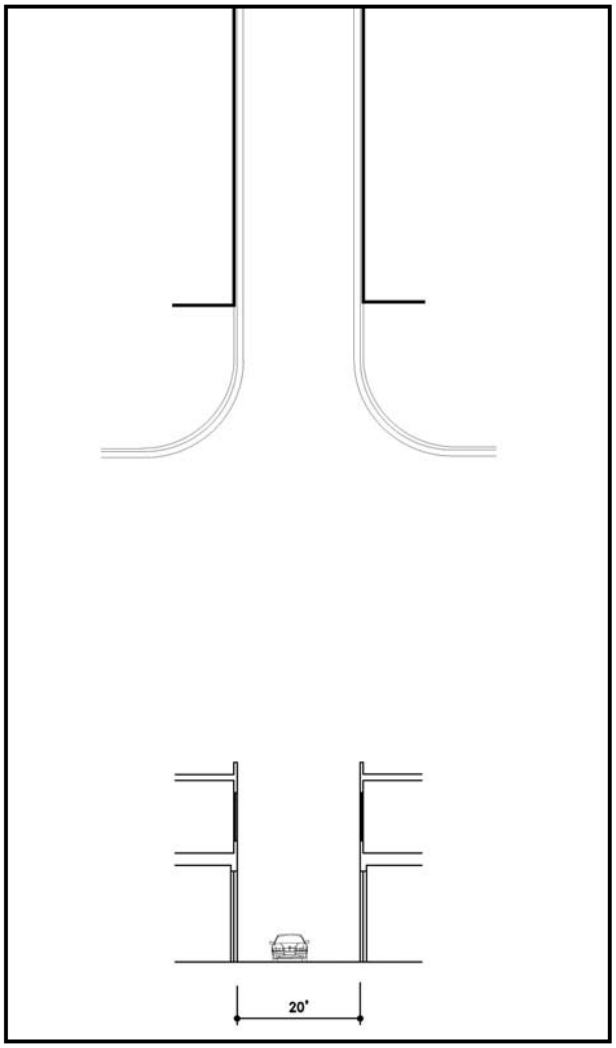
5. Connector Street



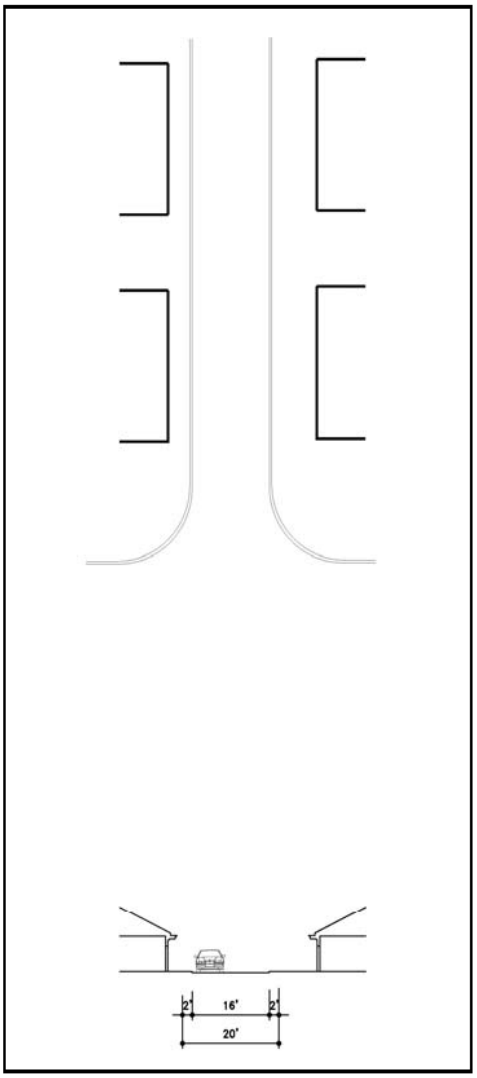
6. Neighborhood Street



7. Commercial Alley



8. Residential Alley



7.0 Open Space Standards

7.1 Purpose and Intent

The illustrative vision for Downtown Rogers recognizes the importance of providing a network of open spaces with passive and active recreation opportunities. The open space network will be serviced by an interconnected network of sidewalks, trails and paths for pedestrians and bicyclists alike, providing desired amenities and facilities for residents and visitors to Downtown Rogers.

Much of the publicly owned and maintained open space already exists in Downtown Rogers, with the Frisco Park in the center of Downtown, connectivity to ancillary public open space is essential for the

public open space to be activated in conjunction with redevelopment. Ideal connections through sidewalks, trails and paths are identified in the Downtown Rogers Implementation Plan. The Open Space Standards identifies the variety of public open space types that are available and appropriate in Downtown Rogers and serve as a means to categorize the various public open space types that will be used in the area.

7.2 Open Space Classification

Within the DRDC area, all Open Space shall fall into one of the following classifications:

a) Public Open Space: Open air or unenclosed to semi-unenclosed areas intended for public access and use. These areas range in size and development and serve to complement and connect surrounding land uses and code requirements. Public Open Space may be publicly or privately owned and maintained.

b) Private Common Open Space: Privately owned and maintained outdoor, unenclosed or semi-unenclosed area located on the ground or on a terrace, deck, porch or roof. This open space is designed and accessible for outdoor gathering, recreation and landscaping and is intended for use by the residents, employees, and/or visitors to the development.

7.3 Open Space Requirements

a) All non-residential development in the Commercial Mixed Use or Civic Mixed Use Zone shall provide four square feet of Public Open Space or Private Common Open Space for every 100 square feet of non-residential space or fraction thereof. This standard shall only apply to all site plans two acres in size or larger.

b) All residential development in the DRDC area shall meet the Private Common Open Space standards established in this Subsection. Table 7-1 establishes the Private Common Open Space requirement based on the proposed intensity of residential development. Residential projects numbering less than eight dwelling units per acre are not required to provide Private Common Open Space.

c) Any Public Open Space provided in a development shall identify and program the Public Open Space per the palette of open space types in Attachment 4 of this Subsection.

Table 7-1: Private Common Open Space Requirements

Residential Density (dwelling units per acre)	Private Common Open Space Standard (area of private common open space per dwelling unit)
0 - 8 DU/acre	Not required
8 - 20 DU/acre	Provide a minimum of 160 sf per dwelling unit
20 - 30 DU/acre	Provide a minimum of 120 sf per dwelling unit
30 - 40 DU/acre	Provide a minimum of 80 sf per dwelling unit
More than 40 DU/acre	Provide a minimum of 60 sf per dwelling unit

8.0 Streetscape and Landscaping Standards

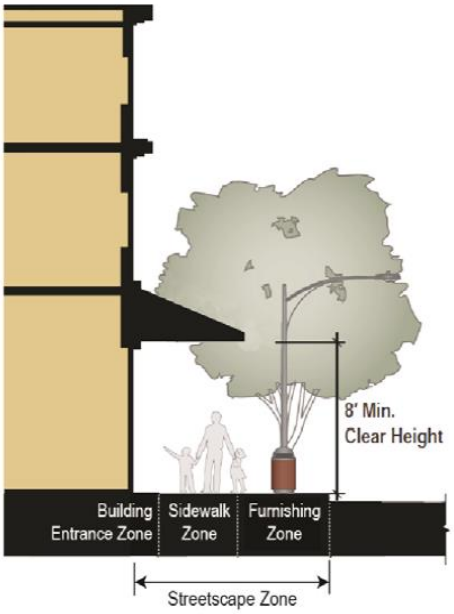
8.1 Streetscape Zone

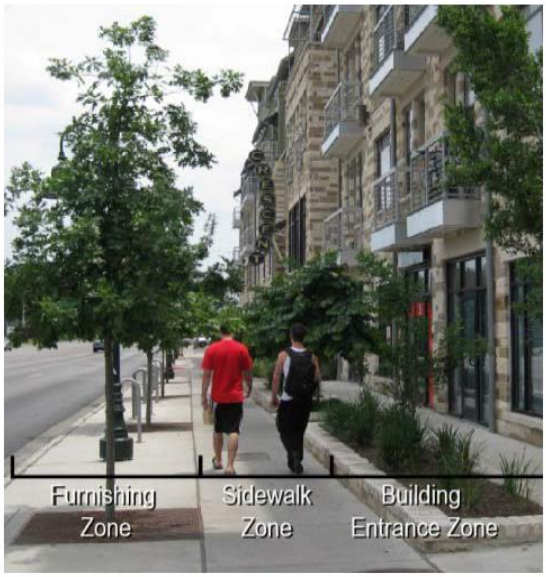
a) Streetscapes are required for all development in the DRDC area and shall meet the standards of this Subsection. All streetscape zones are based on the Street Classification per Table 6-1 (Street Classification Table) and the associated cross sections. The minimum streetscape width may vary depending on available right-of-way, but in all instances the minimum sidewalk zone width requirement shall apply. Variations in the streetscape width may be approved by the Director of the Department of Community Development or his or her designee or designee with appeals of the planner's decision heard by the Board of Adjustments. The Streetscape Zone shall consist of the following, see figures below:

i) Furnishing Zone: The furnishing zone is intended for the placement of function street items. These items include street trees, street furniture, lighting, waste receptacles, fire equipment, signage, vending boxes, bus shelters, bicycle racks, public utility equipment and other elements that may disrupt pedestrian activity. In residential areas, the furnishing zone may be fully landscaped, whereas in mixed use or commercial areas, the furnishing zone may be fully paved. These items may be placed in a manner that does not obstruct pedestrian access or motorist visibility.

ii) Sidewalk Zone: The sidewalk zone shall be hardscape and shall be located adjacent to the furnishing zone. The sidewalk zone shall comply with ADA and local accessibility standards and shall be unobstructed by any permanent or non-permanent element for the required minimum width and a minimum height of eight feet. Accessibility is required to connect sidewalk zones on adjacent sites.

iii) Building Entrance Zone: The building entrance zone is an area adjacent to the building frontage along the sidewalk zone. The building entrance zone shall be a minimum of two feet in width.





Illustrations delineating the Streetscape Zone elements

8.2 Street Trees and Streetscape

a) Street trees shall be required within the Furnishing Zone.

b) Street trees shall be centered within the Furnishing Zone and be planted a minimum of two feet from the face of curb.

c) Spacing shall be an average of 40 to 50 feet on center (measured per block face) but may not exceed 60 feet on center along all streets.

d) Each tree shall be planted in a planting area or tree well no less than 25 square feet.

e) The planting area for trees shall be covered with either landscape, groundcover or tree grates.

8.3 Screening Standards

a) Street Screen Requirement:

i) Along all Pedestrian Priority and Pedestrian-Friendly Frontages with surface parking within the BTZ shall be defined by a Street Screen. The street screen shall be a minimum of three feet high and not exceed four feet in height (see figure below).

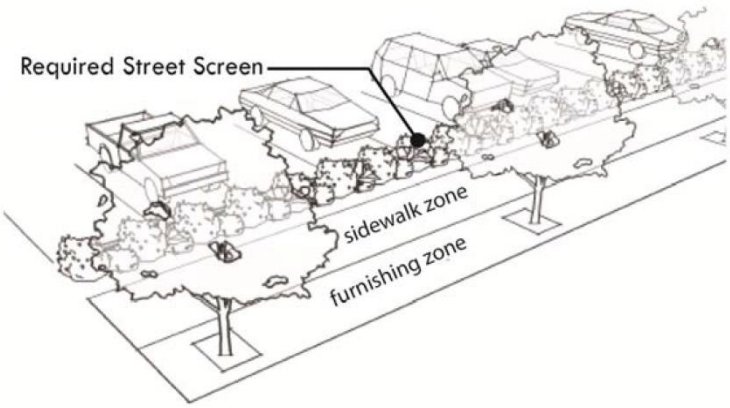


Illustration showing required Street Screen along all frontages without a Building within the BTZ

ii) Along all streets (except alleys) service areas shall be screened in such a manner that the service area shall not be visible to a person standing on the property line on the far side of the adjoining street (see figure below).

iii) All roof mounted mechanical equipment (except solar panels) shall be screened from view of a person standing on the property line on the far side of the adjoining street (see figure below).

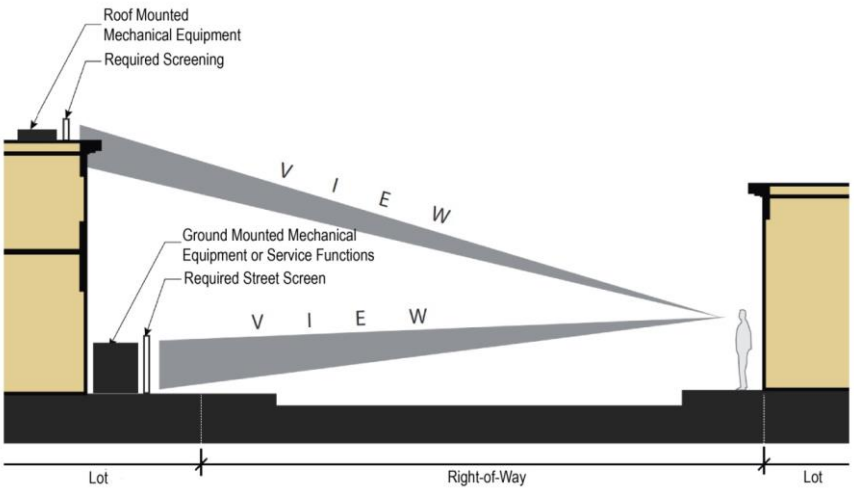


Illustration showing required screening of roof and ground mounted equipment

iv) Required Street Screens and equipment screening shall be built from one of the following:

1. The same building material as the principal structure on the lot; or
2. A vegetative screen composed of shrubs planted to be opaque at maturity; or
3. A combination of two below:
   a. The required Street Screen shall be located at the minimum setback line along the corresponding frontage.
   b. Street Screens cannot block any required sight triangles along a cross street or driveway.
   c. Street Screens may include breaks to provide pedestrian access from any surface parking or service area to the public sidewalk.
4. The screening material used for roof mounted equipment shall be the same as the primary exterior building material used.

8.4 Street Lighting

Pedestrian scaled lighting shall be required along all streets within the DRDC area. The following standards shall apply for pedestrian scale lighting:

a) Pedestrian oriented lighting shall be no taller than 16 feet.

b) Street lights along Pedestrian Priority, Pedestrian-Friendly and Public Open Space Frontages shall be placed at an average of 40 to 50 feet on center, placed on average between every street tree. Street lights shall be placed a minimum of two feet behind the face of curb, preferably lined up with street trees.

c) Street lights along General Frontages shall be placed at an average of 40 to 80 feet on center placed an average between every or every other street tree. Street lights shall be placed a minimum of two feet behind the face of curb, preferably lined up with street trees.

d) The light standard selected shall be compatible with the design of the street and buildings, but shall be consistent throughout the DRDC area to maintain efficiencies in maintenance.

8.5 Street Furniture

a) Street Furniture shall be placed within the Furnishing Zone or within the front setback area only. Benches and bike racks shall be placed in alignment with light poles and street trees.

b) All street furniture shall be located within the Furnishing Zone in such a manner that the Sidewalk Zone not be blocked or obstructed.

c) Materials selected for street furniture shall be of durable quality and require minimal maintenance.

8.6 Utilities

a) All new utility lines within private property shall be underground where feasible. The Director of the Department of Community Development or his or her designee or designee may approve above ground utilities if there are restrictions to underground installation.

b) Existing overhead utility lines shall be relocated to alleys where feasible.

c) Where locations on private property must be used for switchgear and transformer pads, such locations shall be either along General Frontages or at the side or rear of the property and screened in accordance with Subsection 8.3.

8.7 Parking Lot Landscaping

Where feasible, the use of permeable materials shall be allowed if approved by the Director of the Department of Community Development or his or her designee or designee.

9.0 Definitions

Many terms used in this section have been defined in other sections of the Rogers City Code. If the definition of a term contained in this section conflicts with the definition of the same term contained in a separate section of the Rogers City Code, the definition contained in this section shall apply.

Image of an accessory unit over a garage

Accessory Unit

A Secondary/Garage Apartment Building Type is an accessory structure typically located at the rear of a lot. This structure typically provides either a small accessory residential unit or home office space that may be above a garage

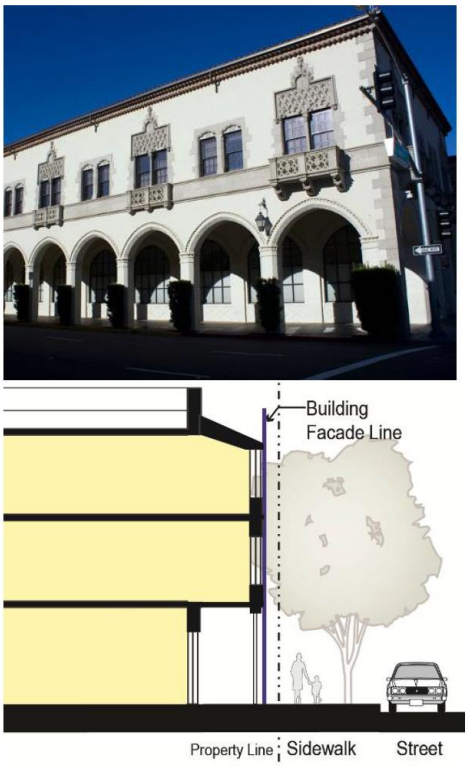
or at ground level. This Building Type is important for providing affordable housing opportunities within Downtown Rogers.

Adjacent Single Family Detached Residentially Zoned Lots

Lots that share a common property line for at least 15-feet and that are zoned R-E (Residential-Estate), R-SF (Residential-Single Family), R-AH (Residential-Affordable Housing) and NR (Neighborhood Residential).

Allowable Adjustment

Means a requested adjustment allowed in the standards per the Allowable Adjustments provision of Subsection 2.3 (Administration and Development Phasing). The Director of the Department of Community Development or his or her designee or designee shall have the authority to administratively approve a request for an allowable adjustment.



Images of arcade frontages

Arcade or Colonnade

A portion of the main façade of the building that is at or near the property line and a colonnade supports the upper floors of the building. Arcades are intended for buildings with ground floor commercial or retail uses and may be one or two stories. The ground floor area within the arcade may be conditioned or non-conditioned space.

Build-to Zone (BTZ)

The area between the minimum and maximum front setbacks from the property line. The principal building façade line shall be located within this area.

Building Form and Site Development Standards

Standards established for each DRDC Zone including but not limited to building placement, building height, parking, service access, and other functional design standards.

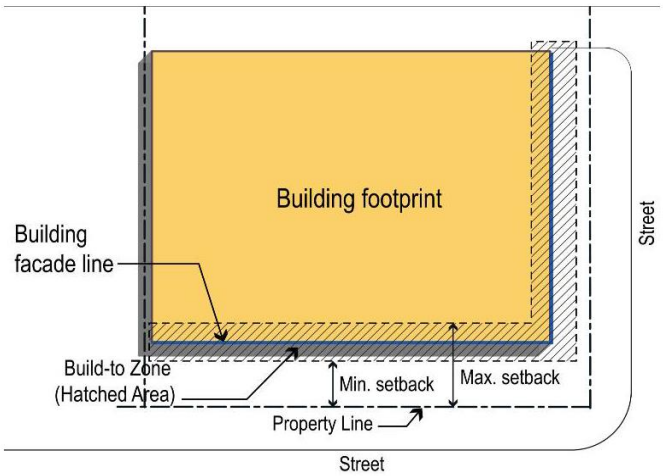
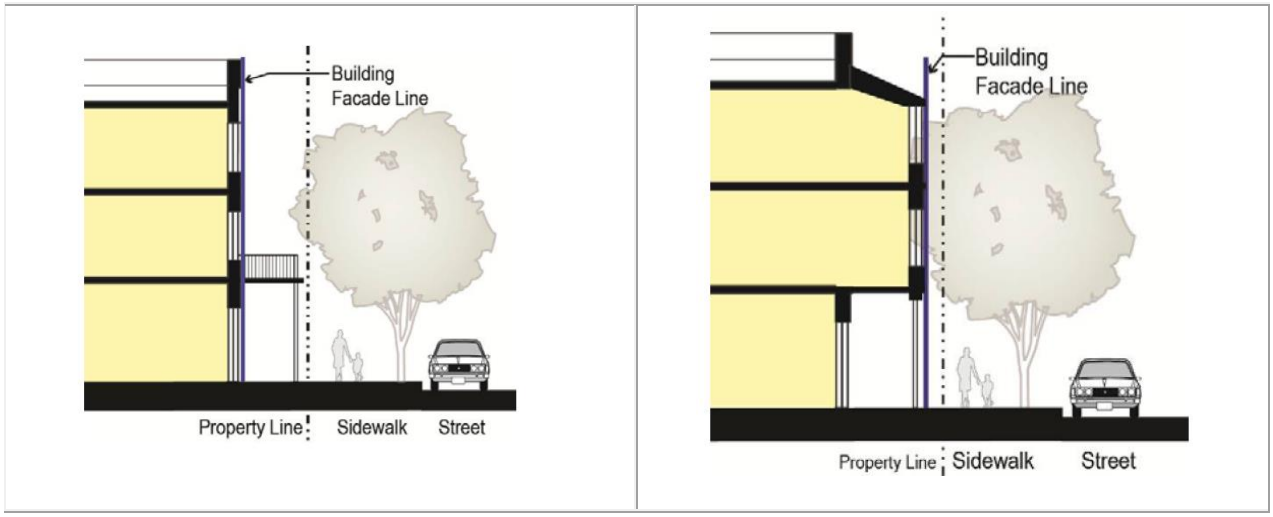


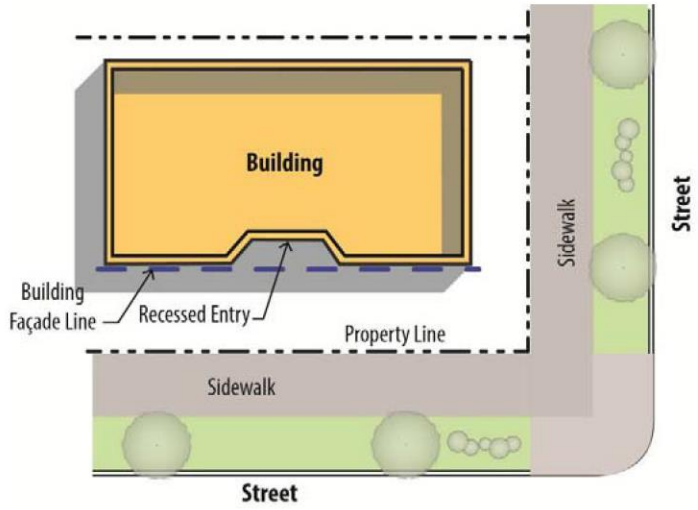
Illustration indicating the location of the build-to zone relative to the minimum and maximum setbacks and the building façade line

Building Façade Line

The location of the vertical plane of a building along a street frontage.



Section View - Gallery Frontage	*Section View - Arcade Frontage*



Plan View - Building Façade Line Illustrations

Building Frontage

The percentage of a building's façade line that is required to be located within the Build-to Zone (BTZ) as a proportion of the lot's width along the fronting public street. Required driveways, stairs to access entrances, parks, plazas, squares, improved forecourts, and pedestrian breezeway frontages shall count towards the required building frontage.

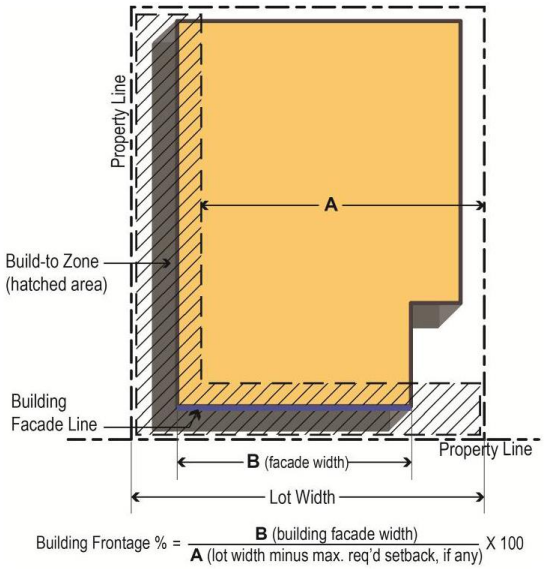


Image showing Building Frontage calculation

Building Step-Back

Building step-back is the setting back of the building façade line away from the street at a specific floor or height.

Commercial Use or Mixed-Use Building

Means a building in which at least the ground floor of the building is built to Commercial Ready standards and any of the floors are occupied by non-residential or residential uses.

Commercial Ready

Means a ground floor space constructed with appropriate building orientation, entrance and window treatment and floor-to-floor height in order to accommodate ground floor retail/commercial uses (including but not limited to commercial, retail, restaurant, entertainment, and lobbies for civic, hotel, or multi-family uses). Standards for Commercial Ready frontage are in Subsection 5.4. Prior to the issuance of a certificate of occupancy for a retail/commercial use in a Commercial Ready space, the space must comply with all building and construction codes for commercial uses. The intent of Commercial Ready space is to provide the flexibility of occupying a space in accordance with market demand and allowing the use in such space to change to retail/commercial uses accordingly.

Image of a cottage court

Complete Street

Means a street that not only accommodates various modes of transportation such as automobiles, transit, bikes, and pedestrians, but also establishes a design context that is conducive for redevelopment along the street.

Cottage Court

The Cottage Court building type consists of a series of small, detached structures, providing multiple units arranged to define a shared court that is typically perpendicular to the street. The shared court takes the place of a private rear yard and becomes an important community-enhancing element of this type. This type is appropriately scaled to fit as transitions between single-family neighborhoods and commercial corridors. It enables appropriately-scaled, well-designed infill residential and is important for providing a broad choice of housing types and promoting walkability.

Image of a cottage home

Cottage

The Cottage building type consists of small, one-story single-family detached residential units that are built close to the street and each other. They are typically sideyard/zero lot line homes with a small yard or patio space. They may also be called patio homes. This type of building enables appropriate infill residential within existing neighborhoods and is important for providing a broad choice of housing types and promoting walkability.

DRDC Zone

Means an area within the DRDC that is intended to preserve and/or create an urban form that is distinct from other areas within the DRDC Area. DRDC Zones are identified on the Zoning Map.

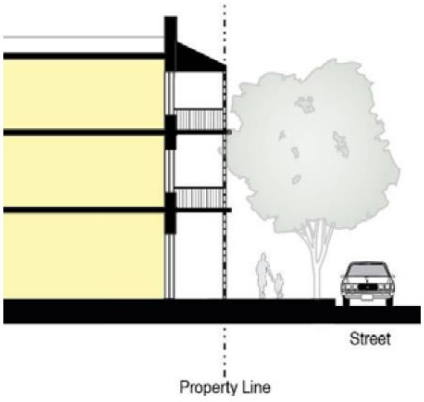
Image of a duplex home type

Duplex

The Duplex is a small- to medium-sized structure that consists of two side-by-side or stacked dwelling units, both facing the street, and within a single building massing. This type has the appearance of a medium to large single-family home and is appropriately scaled to fit within primarily single-family neighborhoods or medium-density neighborhoods. It enables appropriately-scaled, well-designed residential infill and is important for providing a broad choice of housing types and promoting walkability.

Façade Area

Means the surface area of a building's elevation (including all floors) not counting minor indentations fronting a particular street. Ground floor façade area is the surface area of a building's ground floor elevation not counting minor indentations fronting a particular street. Upper floor façade area is the surface area of a building's upper floor elevations not counting minor indentations fronting a particular street.



Images of Galleries

Gallery

Is a roofed promenade or canopy, especially one extending along the wall of a building and supported by arches or columns on the outer side. The gallery space is an unenclosed (non-conditioned) space and may be two or more stories tall.

J-Swing Garage

A home with a driveway that loads from the primary street and swings into the side of the home to enter the garage. Two of these homes side-by-side, should share a driveway or a curb-cut to driveways and have garages facing each other.

Images of a home with a J-Swing Garage from the front and side of home

Image of a live-work building type

Live-Work Unit

Means a dwelling unit that is also used for work purposes, provided that the "work" component is restricted to the uses of professional office, artist's workshop, studio, or other similar uses and is located on the street level and constructed as separate units under a condominium regime or as a single unit. The "live" component may be located on the street level (behind the work component) or any other level of the building. Live-work unit is distinguished from a home occupation otherwise defined by the Rogers City Code in that the work use is not required to be incidental to the dwelling unit, non-resident employees may be present on the premises and customers may be served on site.

Multi-Unit Home

A multi-unit building (2 to 4 units) that is designed to appear as a large home from the exterior, but functions as a multi-unit building on the interior. Multi-Unit Homes have one main front door for the building, but may also have side and rear entries. Parking is accessed from an alley or a driveway to the rear of the lot. Parking does not face a public right-of-way.

Images of Multi-Unit Homes

Numerical Standard

Means any standard that has a numerical limit (minimums and maximums) or value as established within both the text and graphic standards of this Section.

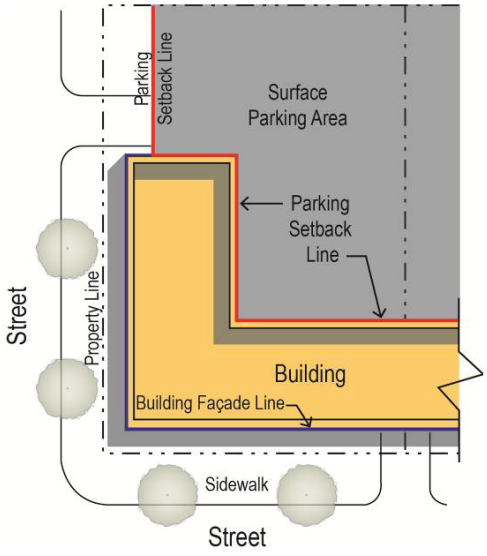


Illustration of a parking setback line

Open Space

Publicly accessible open space in the form of parks, courtyards, forecourts, plazas, greens, playgrounds, squares, etc., provided to meet the standards in Subsection 7.0 of this Section. Open space may be privately or publicly owned and/or maintained.

Patio Homes

Single-family detached or attached (duplex) homes of no more than two attached units, each located on a small lot that has at least some private yard space, generally in the back and/or side yards, but also possibly a small front yard. These types of homes may also be called "Villa" or "Zero Lot Line" homes if the homes are located on one of the side property lines.

Parking Setback Line

Means the distance that any surface parking lot is to be set back from either the principal building façade line or property line along any street frontage (depending on the specific standard in the DRDC Zone). Surface parking may be located anywhere behind the parking setback line on the property.

Perimeter Frontage

Means the measurement of a proportion of public street frontage of the total exterior perimeter of a park or open space area.

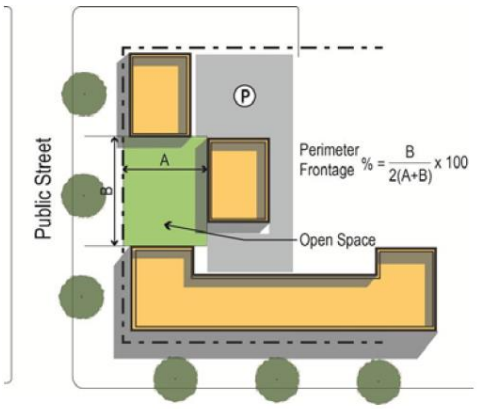


Illustration showing how Perimeter Frontage is calculated for Open Space along a Public Street

Primary Entrance

The public entrance located along the front of a building facing a street or sidewalk and provides access from the public sidewalk to the building. It is different from a secondary entrance which may be located at the side or rear of a building providing private controlled access into the building from a sidewalk, parking or service area.

Residential Use Building

A building that is built to accommodate only residential uses on all floors of the building, such as a detached single-family home, attached single-family home (i.e. townhome), two-family home (i.e. duplex), mansion home (3 - 4 units), multi-family building (5 or more units; under single ownership or under multiple owners within a condominium regime).

Service-Related Uses

Means all uses that support the principal use on the lot including parking access, garbage/trash collection, utility meters and equipment, loading/unloading areas, and similar uses.

Image of a combination masonry and living street screen

Street Frontage Designation

As identified on the DRDC Zoning Map, existing and recommended streets in the DRDC area are designated as Pedestrian Priority, Pedestrian-Friendly, or General Streets. Each frontage designation establishes a certain development context in order to improve walkability and pedestrian orientation within the DRDC Area.

Street Screen

A freestanding wall, living fence or combination fence built along the frontage line or in line with the building façade along the street. It may mask a parking lot or a loading/service area from view or provide privacy to a side yard and/or strengthen the spatial definition of the public realm.

Street Wall

Indicates the creation of a "wall" or a sense of enclosure along the street with buildings placed immediately adjacent to the street/sidewalk. A street wall has a "void" if there is a surface parking lot or service area adjacent to the sidewalk/street.

Image of townhomes

Townhouse/Rowhouse

The Townhouse or Rowhouse is a small- to medium-sized typically attached structure that consists of 2 to 8 houses placed side-by-side. This type of residential building is typically located in a location that transitions from a primarily single-family neighborhood into a commercial corridor. This type of building enables appropriately-scaled, well-designed residential infill and is important for providing a broad choice of housing types and promoting walkability.

ATTACHMENTS

Table of Attachments

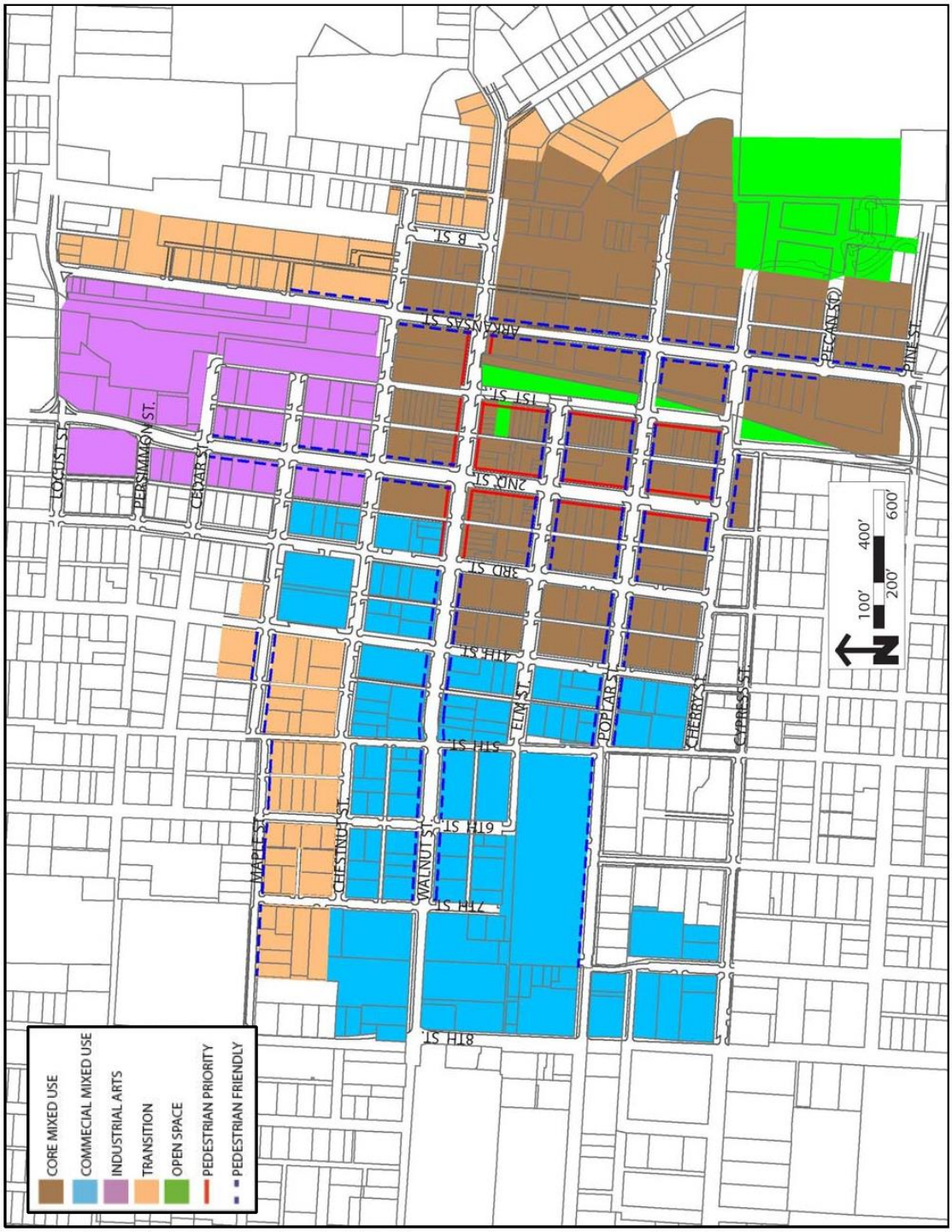
1: DRDC Zoning Map

2: Downtown Initiative Master Plan

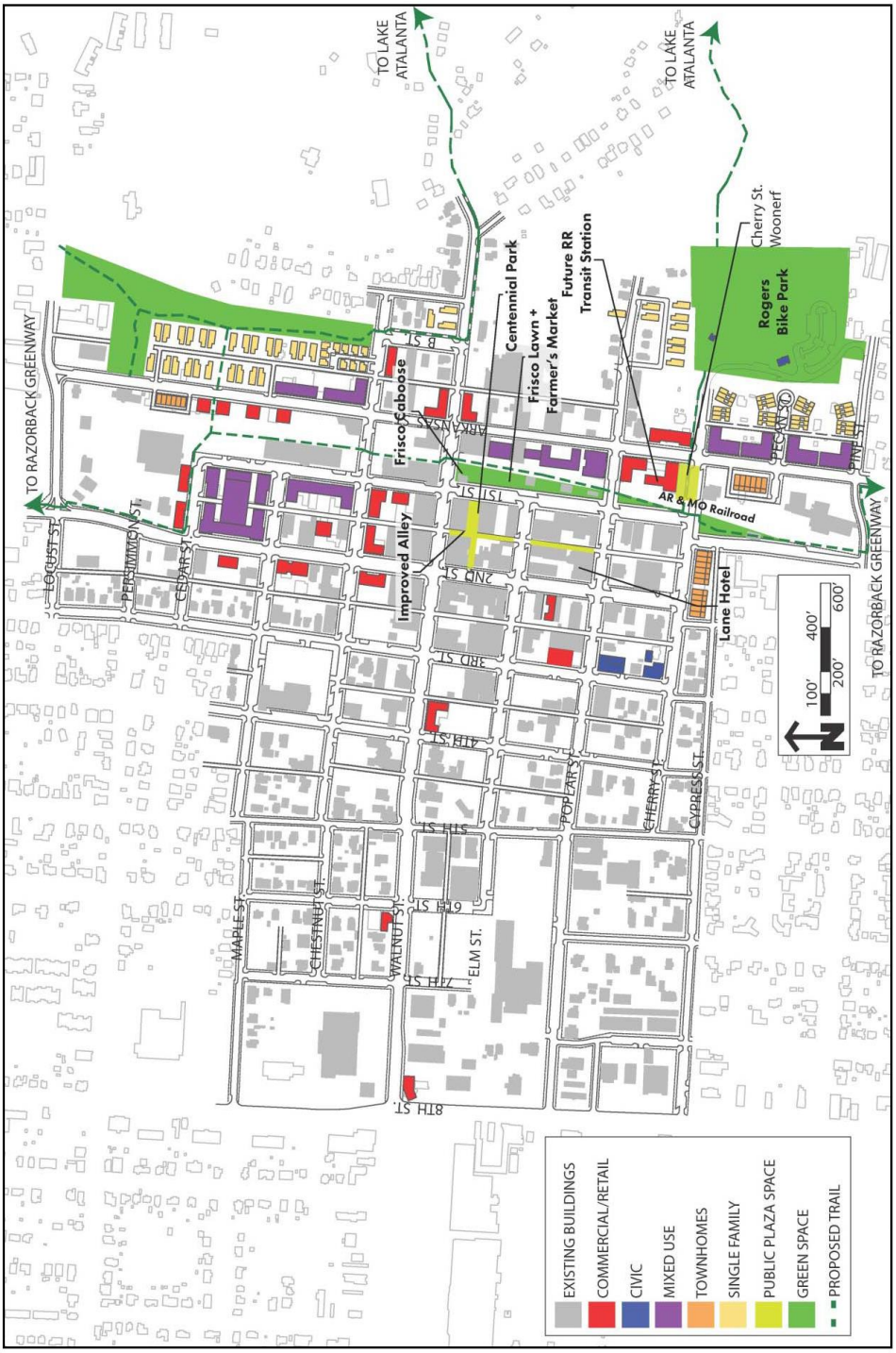
3: Illustrations of Changes to Non-Complying Structures

4: Open Space Palette

Attachment 1: DRDC Zoning Map (Included in City Zoning Map)



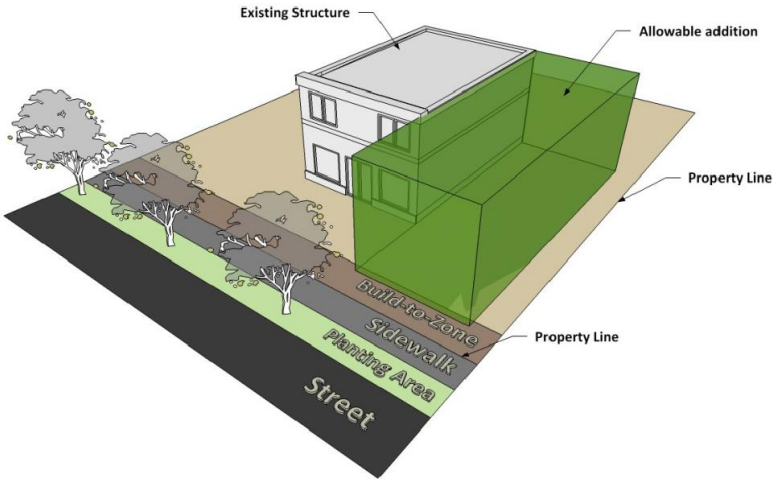
Attachment 2: Downtown Initiative Master Plan

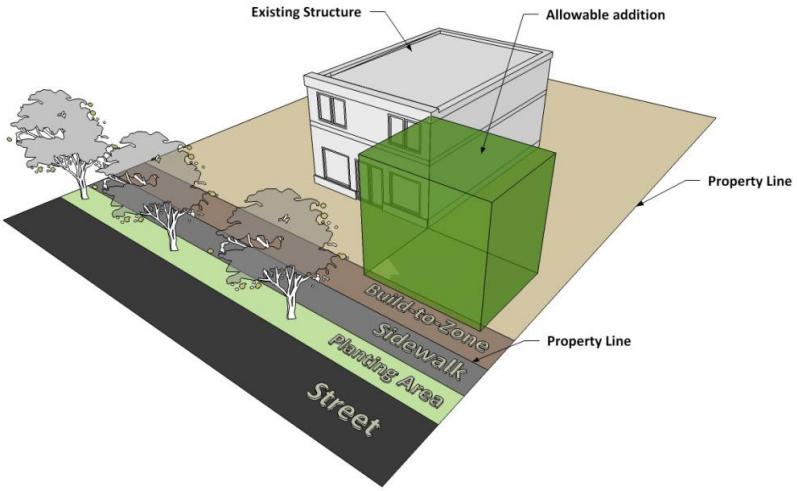


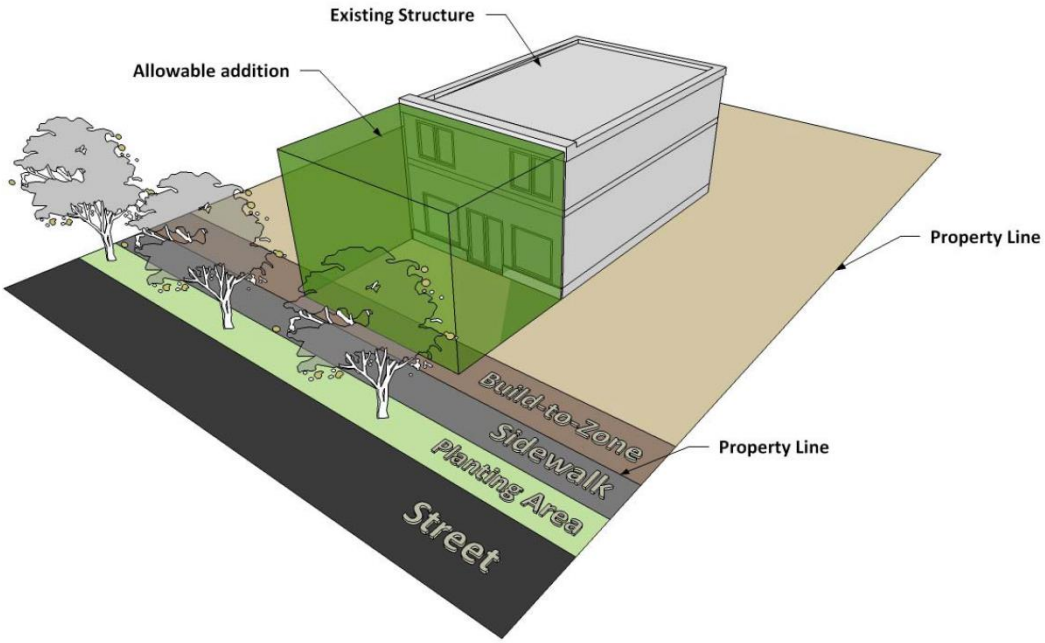
Attachment 3: Illustrations of Changes to Non-Complying Structures

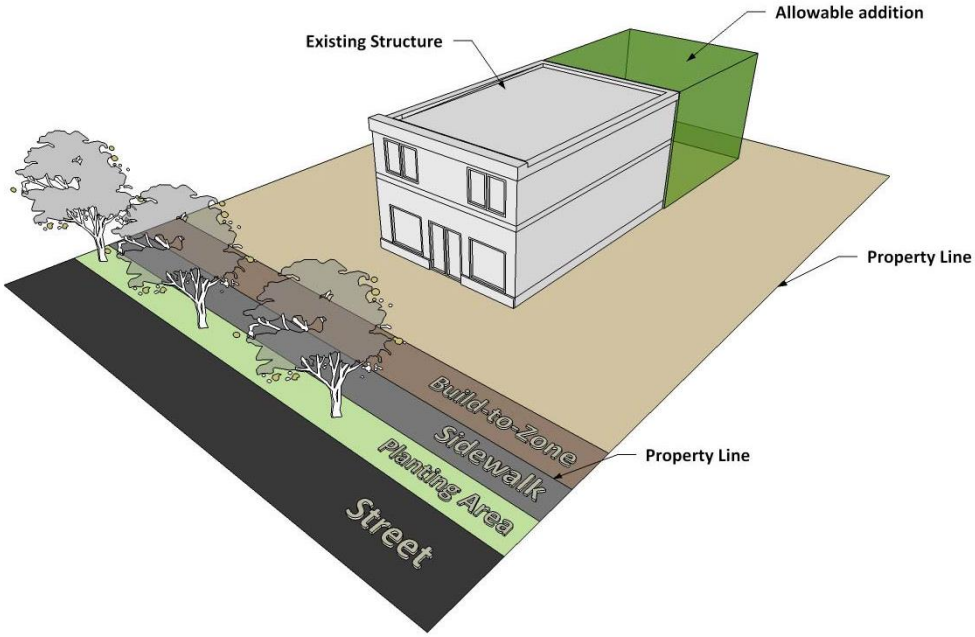
The following illustrations shall provide guidance to property owners on the allowed and prohibited modifications to existing non-complying structures and sites within the DRDC area.

a) Allowable Additions: The following illustrations show potential allowable additions to non-complying structures and sites. Additions shall meet the build-to-zone standards of the character zone they are located.

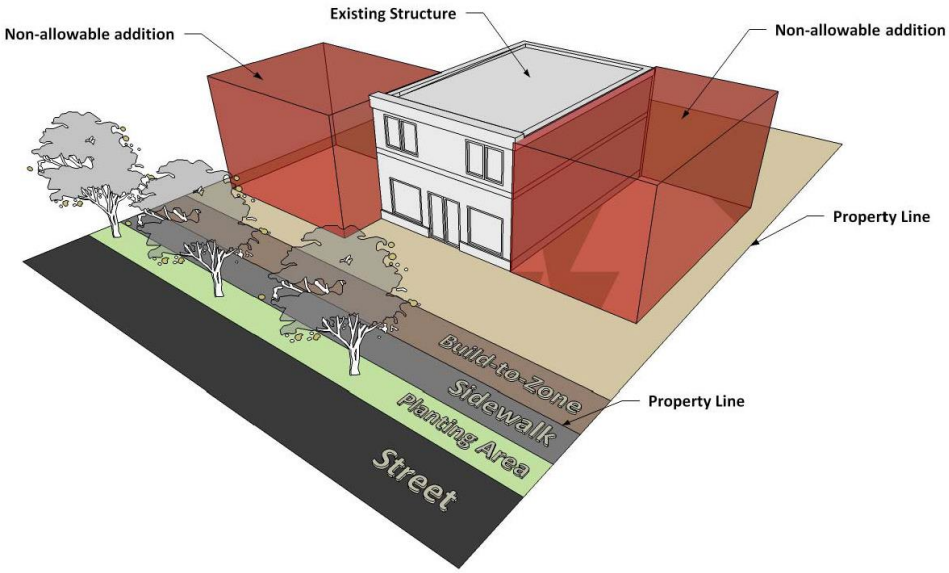





Existing Structure
Allowable addition
Property Line
Build-to-Zone
Sidewalk
Planting Area
Street
Property Line


Allowable addition
Existing Structure
Property Line
Build-to-Zone
Sidewalk
Planting Area
Street
Property Line

b) Non-Allowable Additions: The following illustration shows potential non-allowable additions to non-complying structures and sites. This is due to the additions not complying with the build-to-zone standards of the DRDC zone.



Attachment 4: Open Space Palette

The Open Space Palette and standards contained herein shall be used a guidelines to fulfill the required and recommended Public Open Space and Private Common Open Space requirements of Subsection 7 of this Section. The following Subsections provide a description of these Open Space types including the design context and criteria consistent with the vision for Downtown Rogers.

1. Public Open Space Standards

a) Pocket Park Standards

Pocket Parks are small scale public urban open spaces intended to provide recreational opportunities where (publicly accessible/park) space is limited. Typically, pocket parks may be placed in any DRDC Zone. They are often located between buildings and developments; on single vacant lots; and on small irregular pieces of land. Low maintenance landscaping and facilities is recommended in order to support multiple pocket parks in a park system.

Development may include pavilions, picnic tables, small performance stage, seating areas, gathering areas, family play areas, gazebos, small game areas, small community gardens, dog parks, and interactive art. Shade and lighting is desired.

Typical Characteristics

General Character

Small urban open space responding to specific user groups and space available.

Range of character can be for intense use or aesthetic enjoyment. Low maintenance is essential.

Location and Size

0.25 – 1.99 acres
Within walking distance of either a few blocks or up to a ¼ mile of residences

Typical Uses

Varies per user group

b) **Green Standards**

A Green is a public urban open space available for civic purposes, commercial activity, unstructured recreation and other passive uses. Greens shall primarily be naturally landscaped with many shaded places to sit. Open lawn areas shall encourage civic gathering. Appropriate paths, civic elements, fountains or open shelters may be included and shall be formally placed within the Green.

A Green shall be adjacent to a public right of way and be spatially defined by buildings which shall front onto and activate this space.

Typical Characteristics
General Character
Open space
Spatially defined by street and building frontages and landscaping
Lawns, trees and shrubs naturally disposed
Open shelters and paths formally disposed
Location and Size
0.25 – 4 acres Minimum width – 25′ Minimum pervious cover – 80% Minimum perimeter frontage on public right of way – 50%
Typical Uses
Unstructured recreation
Casual seating
Commercial and civic uses
No organized sports

c) **Square Standards**

A square is a public urban open space available for civic purposes, commercial activity, unstructured recreation and other passive uses. The square should have an urban, formal character and be defined by the surrounding building frontages and adjacent tree-lined streets. All buildings adjacent to the square shall front onto the square. Adjacent streets shall be lined with appropriately scaled trees that help to define the square.

The landscape shall consist of lawns, trees, and shrubs planted in formal patterns and furnished with paths and benches. Shaded areas for seating should be provided. A civic element or small structure such as an open shelter, pergola, or fountain may be provided within the square.

Typical Characteristics
General Character
Formal open space
Spatially defined by buildings and tree-lined streets.
Open shelters, paths, lawns, and trees formally arranged
Walkways and plantings at all edges
Abundant seating opportunities
Location and Size
0.25 – 4 acres Minimum width – 25′ Minimum pervious cover – 60% Minimum perimeter frontage on public right of way – 60% Located at important intersections

Typical Uses
Unstructured and passive recreation – no organized sports.
Community gathering
Occasional commercial and civic uses

d) **Plaza Standards**

A plaza is a public urban open space that offers abundant opportunities for civic gathering. Plazas add to the vibrancy of streets within the more urban zones and create formal open spaces available for civic purposes and commercial activity. Building frontages shall define these spaces.

The landscape should have a balance of hardscape and planting. Various types of seating should be provided from planter seat walls, to steps, to benches, to tables, and chairs. Trees should be provided for shade. They should be formally arranged and of appropriate scale. Plazas typically should be located at the intersection of important streets. A minimum of one public street frontage shall be required for plazas.

Typical Characteristics
General Character
Formal open space
A balance of hardscape and planting
Trees important for shade
Spatially defined by building frontages
Location and Size
0.1 – 1 acre
Minimum width – 30′
Minimum pervious cover – 20%
Minimum perimeter frontage on public right of way – 25%
Located at important intersections, at vista termini, or at entrances to public/civic buildings
Typical Uses
Commercial and civic uses
Formal and casual seating
Tables and chairs for outdoor dining
Retail and food kiosks

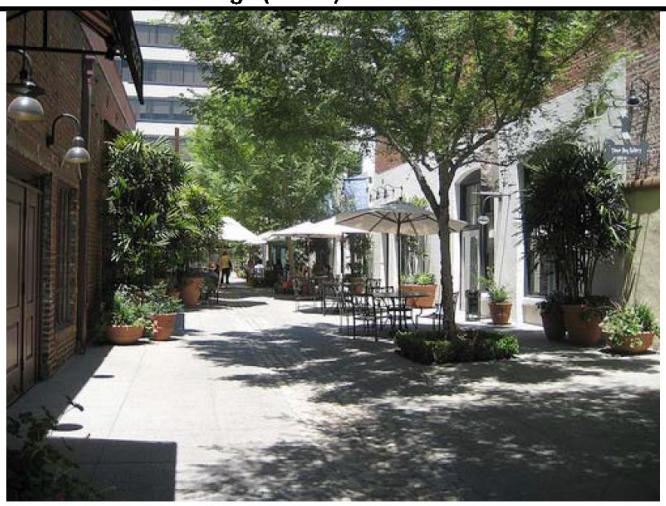
e) **Pocket Plaza Standards**

A pocket plaza is a small scale public urban open space that serves as an impromptu gathering place for civic, social, and commercial purposes. The pocket plaza is designed as a well-defined area of refuge separate from the public sidewalk. It is frequently located in a building supplemental zone next to the streetscape.

These areas contain a lesser amount of pervious surface than other open space types. Outdoor dining with café tables and chairs, water features, public art and other shaded amenities are appropriate uses.

Typical Characteristics
General Character
Formal open space for gathering
Defined seating areas
Refuge from the public sidewalk
Spatially defined by the building configuration
Location and Size
Min. 300 s.f.
Min. width – 15' / Max. width 20'
Minimum pervious cover –10 %
Minimum perimeter frontage on public right of way – 25%
Located at important intersections, at vista termini, or at entrances to public/civic buildings
Typical Uses
Civic and commercial uses
Formal and casual seating

f) **Pedestrian Passage (Paseo) Standards**



Pedestrian passages or paseos are linear public urban open spaces that connect one street to another at through-block locations. Pedestrian passages create intimate linkages through buildings at designated locations. These wide pathways provide direct pedestrian access to residential or other commercial addresses and create unique spaces for frontages to engage and enter off of. Pedestrian passages allow for social and commercial activity to spill into the public realm.

Pedestrian passages should consist of a hardscape pathway with pervious pavers activated by frequent entries and exterior stairways. The edges may simply be landscaped with minimal planting and potted plants. Shade is required for the success of the paseo.

This Public Open Space type is most appropriate for the reinvention of the existing alleys within Downtown Rogers.

Typical Characteristics	
General Character	
Hardscape pathway with pervious pavers	
Defined by building frontages	
Frequent side entries and frontages	
Shade Required	
Minimal planting and potted plants	
Maintain the character of surrounding buildings	
Standards	
Min. Width	15 feet
Typical Uses	
Pedestrian connection and access	
Casual seating	

g) Multi-Use Trail Standards

A multi-use trail is a linear public urban open space that accommodates two or more users on the same, undivided trail. Trail users could include pedestrians, bicyclists, skaters, etc. A trail frequently provides an important place for active recreation and creates a connection to regional paths and biking trails.

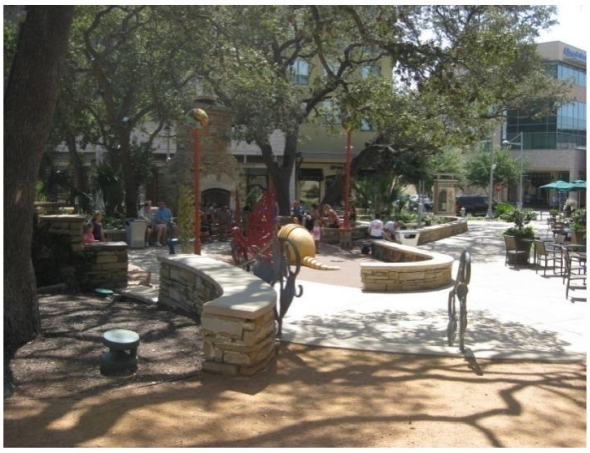
Trails within greenways or neighborhood parks shall be naturally disposed with low impact paving materials so there is minimal impact to the existing creek bed and landscape.

Pedestrian amenities add to recreational opportunities, particularly in an urban setting. These include drinking fountains, scenic view posts, fitness stations, and directional signs, and may be spread along the trail or grouped in a trailhead area.

Trails shall align with any current City of Rogers Trail Plans if identified as a section of that plan.

Typical Characteristics	
General Character	
Multi-use trail in Neighborhood Park:	
Naturally disposed landscape	
Low impact paving	
Trees lining trail for shade	
Appropriately lit for safety	
Formally disposed pedestrian furniture, landscaping and lighting	
Multi-use trail along roads:	
Paved trail with frequent gathering spaces and regular landscaping.	
Standards	
Min. Width	10 feet
Typical Uses	
Active and passive recreation	
Casual seating	

h) **Family-friendly Play Area Standards**



Family-friendly play areas are areas within urban open spaces that are conducive to the recreational needs of families with children. Family-friendly play areas range in style from urban pocket parks within mixed use developments to playscapes within neighborhood parks.

These play areas should serve as quiet, safe places -- protected from the street and typically located where children do not have to cross major streets to access. An open shelter, play structures or interactive art and fountains may be included with landscaping between. Shaded areas and seating shall be provided for ease of supervision.

Playscape equipment and design must be reviewed and approved by the City prior to installation. The need for fencing depends on the surrounding environment.

A larger playground may be incorporated into a neighborhood park, whereas a more intimate family oriented design may be incorporated into a pocket park.

Typical Characteristics	
General Character	
Focused toward family-friendly needs	
Fencing depends on surroundings	
Open shelter	
Shade and seating provided	
Play structure, interactive art or fountains	
Standards	
Min. Size	300 sq.ft.
Max. Size	N/A
As described by open space type in which playground is located	
Protected from traffic	
No service or mechanical equipment	

Typical Uses
Active and passive recreation
Unstructured recreation
Casual seating

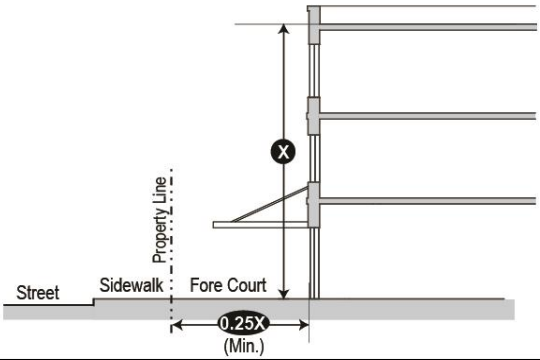
2. Private Common Open Space Standards

a) Forecourt Standards

Forecourt is a small scale private common open space surrounded on at least two sides by buildings. A forecourt is typically a building entry providing a transition space from the sidewalk to the building. The character serves as a visual announcement of the building to visitors with additional amenities such as signage, water features, seating, planting, etc.

Forecourts should be laid out proportionate to building height with a 1:4 (min.) ratio (see figure below). In order to offset the impact of taller buildings, the detail of the forecourt level should seek to bring down the relative scale of the space with shade elements, trees, etc.

The hardscape should primarily accommodate circulation. Seating and shade are important for visitors. Trees and plantings are critical to create a minimum of 30% pervious cover and offset the effect of the urban heat island.



Typical Characteristics	
General Character	
Small scale private common open space	
Defined by buildings on at least 2 sides with connection to public sidewalk	
Size of court should be proportionate to building height	
Hardscape should accommodate entry circulation	
Trees and plants are critical	
Enhance the character of surrounding buildings	
Standards	
Min. Width	25’
Minimum Size	Depth: Based on building height ratio; Width: min. of 50% of the building’s frontage along that street
Minimum pervious cover – 30%	
Typical Uses	
Building Entry Circulation	
Visual building announcement	

b) Courtyard Standards

Courtyards are small scale private common open spaces surrounded on at least three sides by buildings with a pedestrian connection to a public sidewalk. Courtyards maintain the character and style of the surrounding buildings.

Courtyards should be laid out proportionate to building height between 1:1 and 2:1 ratio. In order to offset the impact of taller buildings, the detail of the courtyard level should seek to bring down the relative scale of the space with shade elements, trees, etc. Transition areas should be set up between the building face and the center of the court.

The hardscape should accommodate circulation, gathering, seating, and shade. Trees and plantings are critical to create a minimum of 30% pervious cover and offset the effect of the urban heat island.

Typical Characteristics	
General Character	
Small scale private common open space	
Defined by buildings on at least 3 sides with connection to public sidewalk	
Size of court should be proportionate to building height	
Hardscape should accommodate circulation, gathering, and seating.	
Trees and plants are critical	
Maintain the character of surrounding buildings	
Standards	
Min. Width	25′
Minimum Area	650 s.f.
Minimum pervious cover – 30%	
Typical Uses	
Gathering	
Casual seating	

Get Copy of Recent Map

c) Roof Terrace Standards

A Roof Terrace is a private common open space serving as a gathering space for tenants and residents that might not be at grade.

Up to 50% of the required private common open space may be located on a roof if at least 30 % of the roof terrace is designed as a Vegetated or Green Roof. A Vegetated or Green roof is defined as an assembly or system over occupied space that supports an area of planted beds, built up on a waterproofed surface.

Private common open space on a roof must be screened from the view of the adjacent property. The hardscape should accommodate circulation, gathering, seating, and shade.

Typical Characteristics	
General Character	
Small scale private common open space on roof top	
Screened from view of adjacent property	
Vegetated portion critical	
Hardscape should accommodate gathering, seating, shade	
Provides common open space that might not be available at grade	
Standards	
Min. Area	50% of the roof top
Planted area – 30% min.	
Typical Uses	
Gathering for tenants and residents	
Green Roof	

(Ord. No. 15-102, § 1(Exh. A), 7-28-2015)

Footnotes:

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Editor's note—The Downtown Rogers Development Code (DRDC), as adopted by Ord. No. 15-102, § 1(Exh. A), on July 28, 2015, has been set out herein as new § 14-715. The subsection numbering and basic format has been maintained inasmuch as possible. Attachments 1—4 to said ordinance are included at the end of this section. Former §§ 14-715—14-734 have been renumbered as §§ 14-716—14-735. See also the Code Comparative Table.

Sec. 14-716. - CU condominium unit district.

(a) *Purpose and intent.* The condominium unit district is established to allow multiple ownership of a building and or property utilizing the zero lot line and townhouse concepts. This district must be used in combination with another district to establish the land use limitations and the maximum density of development. These district combinations shall be located in those areas of the City where adequate facilities either exist prior to development or can be provided in conjunction with development and where the proposed development is compatible with the surrounding environment.

(b) *District combinations.* The CU district may be used in combinations with all districts.

(c) *Density and use limitations.* The density and land use shall be the same as the density and land use permitted in the district used in combinations with the CU district.

(d) *Other requirements.* All of the other requirements such as height, area, regulations, off street parking, and signs shall be the same as the district with which the CU district is being combined. The only exception is the minimum land area for use of the CU district shall be one acre.

(e) *Large-scale development.* All CU district designated development whether new or modification shall be subject to the requirements of the City large-scale development code (article III of this chapter).

(f) *Protective covenants.* At the time of application for a large-scale development plan approval for a CU designated district, the developer shall submit protective covenants or restrictions which shall be applicable to the development and which shall provide for a means of financing the maintenance of any common areas and buildings. In addition, the protective covenants or restrictions shall limit the use of the property and improvements so as to prohibit extraordinary or unusual risks to persons or property in the development caused by the particular use of any unit of the development. Said covenants, as approved by the commission, shall be properly recorded prior to issuance of any building permit.

(Code 1997, § 130-39; Ord. No. 04-56, § 2(27), 5-25-2004; Ord. No. 15-102, § 1(Exh. A), 7-28-2015)

Sec. 14-717. - PUD planned unit development.

(a) General considerations.

(1) Purpose and intent. A planned unit development (PUD) is a comprehensively planned residential, commercial, office, or office-warehouse land development project in which the standard requirements of the zoning ordinance and subdivision regulations may be varied to permit design flexibility, building clustering, grouping of open space, increased density, and alternative to public facility improvements. PUD is considered an “additional” zoning district designation and shall allow the City of Rogers to require compliance with the below listed provisions as a condition preceding any development of the land so zoned. Any such designation (Example- “PUD-C2”) shall be restricted to both the underlying zone (C-2) AND the additional requirements of the PUD designation in its entirety. If there is a conflict between any regulations or requirements contained in the PUD final plan and the underlying zoning, the conditions of the additional PUD designation shall prevail. The PUD zoning district designation shall be submitted to City Council only upon approval of the PUD final plan by the Planning Commission. The final plan, and all of its relevant contents, shall be attached as an exhibit to the relevant zoning ordinance(s) when presented to the City Council and, if approved, shall become fixed requirements directly tied to the zoning and development of the subject property as long at the PUD zoning designation(s) remain unchanged. A PUD zoning designation Ordinance shall not be considered by the City Council without an attached final plan previously approved by the Planning Commission. Approval of a PUD zoning designation and final plan do not relieve the property owner of the requirements of large-scale development plans or subdivision regulations if otherwise required City code.

(2) Approval considerations. To be approved, a planned unit development (PUD) must comply with the provisions of this section and must achieve at least one of the following purposes:

(i) More efficient use of land;

(ii) More efficient use of public facilities;

(iii) More usable open space through structure grouping and other design techniques; and

(iv) Preservation of appropriate natural and/or physical features.

(3) ***Potential reasons for the denial of a PUD***. The Planning Commission in its review of the concept plan may deny the use of the PUD provision for any of the following reasons:

(i) The PUD plan did not achieve the stated purposes;

(ii) The proposed PUD plan was incomplete;

(iii) The PUD plan was incompatible with the surrounding area;

(iv) Sufficient public facilities and services were not available to the proposed site; and

(v) The proposed development would create or compound a traffic hazard.

(4) ***Principal and accessory uses.***

(i) *Principal uses.* The principal land uses in a planned unit development shall be those permitted in the underlying zoning districts involved or those uses permitted in more restrictive zoning districts (i.e., in a commercial district, a planned unit development could be dominated by shopping facilities or dwelling units, but in a multifamily residential district, the predominant land use shall be dwelling units).

(ii) *Accessory uses.* Accessory uses which are customarily incidental to the principal uses of the PUD are permitted. Within a PUD in a residential district, accessory commercial uses may be included in accordance with the following provisions:

a. In developments proposing commercial uses as a part of the PUD within a residential district, the following factors shall be considered:

1. The relationship of the proposed commercial use to:

(i) The land parcel itself, with consideration given to boundaries, shape, and topography.

(ii) Surrounding land and land uses which are impacted by the proposed development;

(iii) Traffic impact, lighting, and screening; and

(iv) The overall arrangement of the proposed development.

2. The nature of the commercial use as it applies to providing service, convenience and benefit to the residents of the PUD.

b. Commercial signage within the PUD shall be governed by Chapter 44 of the Rogers City Code.

c. The commercial area shall be designed primarily for the service, convenience, and benefit of the residents of the PUD, however, a commercial establishment may be permitted which is designed to serve patrons both inside and outside the development if it is determined that a land use problem is not likely upon consideration of the items listed.

(5) ***PUD size***. The minimum land area for a PUD is five acres.

(6) ***Density.***

(i) The dwelling unit density shall be the density allowed in the zoning district which governs the underlying zoning designation plus any increase allowed in subsection (ii) below.

(ii) The following density bonus shall be provided for additional open space. If the underlying zoning district (R-SF, R-MF) provides a density bonus/increase for open space, the property owner shall be allowed to receive an additional density "bonus" as provided for in the chart contained in this subsection (a)(6)(ii). The required open space for the relative density of the underlying zones is required to exist in the PUD as a whole but not necessarily only in the individual underlying zoning designation. (Example – a PUD with 10 acres of RMF requiring 40% open space and 10 acres of with C2 requiring 20% of open space would require a total of 6 acres of open space for the entire PUD project. The developer would not necessarily be required to put 4 acres of open space in the RMF area and 2 acres of open space in the C2 area but may place the open space anywhere within the PUD as long as the total open space area requirements are met for the entire PUD – hereafter referred to as "Combined PUD Open Space") It is the option of the owner/developer to build by placing the "traditional" amount of open space in the respective underlying zones or to build in the "Combined PUD Open Space" manner listed above. If an owner or developer choses to build using the "Combined PUD Open Space" manner and opts to build the PUD in "phases," the undeveloped area with the highest level of required open space required shall be build first in time. The preceding requirement may be specifically waived by the Planning Commission based on other considerations, assurances, or guarantees sufficient to ensure that future "phase" development will meet the required open space percentage required of the entire PUD.

Additional Open Space Percentage – authorized in addition to any underlying density increases allowed for open space density increases given in the underlying zoning designation (Percentage open space increase)	Allowed Increased Units per Acre
10	3
15	5
20	7

(7) ***PUD expansion; variance***. The Planning Commission may vary the requirements of this article (excluding additional density bonuses), or of the City's zoning regulations, or of the City's subdivision regulations:

(i) Due to practical difficulties caused by terrain or other physical features; or

(ii) If the proposal offered by the developer protects the public health, safety, and welfare better than development according to the zoning regulations or the subdivision regulations. Any such variance shall be stated in written form on the PUD final plan, and shall be recorded with the final plat.

(8) ***Enforcement.*** No building permit shall be issued for any development which proposes a change from the approved PUD final plan. No certificate of occupancy shall be issued until the PUD final plan, along with any necessary covenants or POA documents, has been approved and filed of record with the appropriate Benton County Clerk's Office. All decisions by Department of Community Development related to PUDs may be appealed to the Planning Commission by filing a notice of appeal with the City Clerk-Treasurer within ten (10) days of notification of the contested staff decision. The contested matter shall then be placed on the next available Planning Commission agenda for consideration by the Planning Commissioners. Any Planning Commission decisions related to PUDs may be appealed to the City Council by filing a notice of appeal with the City Clerk-Treasurer within ten (10) days of notification of the contested Planning Commission meeting where the contested decision was rendered. The owner of the proposed development or their agent, or any property owner that was, or would be required, to be given notice under section (a)(10) below, may appeal under these provisions. The notice procedures for appeal from the decision of either Department of Community Development or the Planning Commission shall be the same as for an appeal for a rezoning decision.

(9) ***Public hearing***. For all PUDs, a public hearing shall automatically be called coincidental with the concept plan or final plan review by the Planning Commission. Said public hearing shall be held following the same requirements, fees, and procedures for a rezone hearing.

(10) **Notification**. The developer must notify, by certified mail, return receipt requested, anyone who leases or owns property within 300 feet of the perimeter of the PUD, that a PUD proposal is pending. Said notification shall be mailed 15 days prior to the meeting at which the Planning Commission is to review the concept plan. The developer shall provide a copy of the notice of public hearing and the green receipt cards to the Planning Commission. A copy of the mailing list and the green receipt cards from the mailout shall be furnished to the Planning Commission at the public hearing.

(11) ***Appeals.*** Staff decisions rendered under this section may be appealed to the Planning Commission by filing a notice of appeal with the City Clerk-Treasurer within 10 days' notice of the adverse staff decision. Any Planning Commission decisions rendered under this section may be appealed to the City Council by filing a notice of appeal with the City Clerk-Treasurer within 10 days' notice of the Planning Commission's adverse decision. If the nature of the adverse decision being appealed was an element under this code section that required public hearing and/or public notice, the same notice requirements applicable to the initial decision shall apply for the appeal hearing.

(b) Review procedure.

(1) ***PUD Concept plan***. Whenever a developer intends to develop a PUD under the provisions of this article, he shall submit a concept plan and request for conditional use, if applicable, prior to initiating the detailed work involved in the preparation of a PUD final plan. The purpose of the concept plan is to allow the developer, the Planning Commission, and the general public to discuss the proposed development before a great deal of time and money are committed to any project. Within 30 days of receipt of a PUD conceptual plan by the Department of Community Development, such office shall review the proposal and schedule a public hearing before the Planning Commission, with appropriate notice to the developer and designated property owners. With public hearing review and the Department of Community Development recommendations the Planning Commission will approve, disapprove, or approve with conditions the conceptual plan. Any reasons for disapproval, or the conditions of approval, shall be put in writing and provided to the developer. If approved, or approved with conditions, the developer will be free to proceed with a PUD final plan.

The concept plan shall include the following:

A. Total area to be included in the PUD;
B. Topography (USGS two foot intervals is sufficient);
C. Public facilities to be provided;
D. Areas with potential flood problems, wetlands, or any other features presenting development difficulty;
E. Unique physical features;
F. Nature of surrounding development;
G. Nature and extent of tree cover;
H. Nature of proposed development;
I. Tentative street layout;
J. Elevations of all structures and amenities, including color palette, building materials, and style of building structures;
K. Landscape Plan, including perimeter buffer areas;

L. Land Use Map with density and or use restrictions;

M. Any other information deemed necessary by the Staff or Planning Commission;

N. The developer shall submit the number of copies required by staff along with a digital copy of the concept plan to the Department of Community Development; and

O. Submission of any required filing fee.

(2) ***PUD Final plan***. Once the concept plan had been approved, a final plan shall be submitted to Department of Community Development staff for consideration. If staff determines that the final plan contains the appropriate required information, Director of the Department of Community Development or his or her designee shall cause the final plan to be added to the next available Planning Commission meeting that allows for notice requirement compliance. A final PUD plan shall contain the following information:

A. An estimate of the number of units for sale and lease;

B. Identification of ALL open space, including location and size (acres or square feet), with all open space clearly labeled as "non-buildable";

C. Identification and location of all nonresidential structures proposed in the PUD;

D. All information relating to the establishment, operation, and perpetuation of the property owners association, if applicable;

E. Proposed protective covenants, if applicable;

F. Natural features;

G. Written request for any desired variance from the zoning or subdivision regulations;

H. Location, and size of all proposed parking areas and all pertinent information relating to access and maintenance. Maintenance of parking areas in a nonresidential PUD shall be the responsibility of the landowner, or a property owners' association and shall not be the responsibility of the City. The method for maintenance shall be in conformance with the requirements of subsection (d), (e), and (f) below, if applicable;

I. Location of recreational facilities;

J. Proposed treatment and ownership of open spaces;

K. Relationship of dwelling units, recreation facilities and open spaces, including building setbacks;

L. Grading plan and drainage plan;

M. Proposed trails, walks, waterbodies, and other special facilities;

N. A landscape or planting plan for both public and private open spaces;

O. Draft protective covenants and property owners' association (POA) agreement, if applicable. Any property owners' association agreement shall apply to all property owners within the PUD and the protective covenants shall so provide;

P. Location, and size of all proposed parking areas and all pertinent information relating to access and maintenance. Maintenance of parking areas in nonresidential PUD shall be the responsibility of the landowner, or a property owners' association and shall not be the

responsibility of the City. The method for maintenance shall be established by the PUD covenants;

Q. The developer shall submit paper copies in conformance with the Department of Community Development's current "submittal requirement list," along with a digital copy, of the concept plan to the Department of Community Development; and

R. Submission of any required filing fee.

(c) Changes to an approved PUD.

(1) ***Previously existing PUD preceding current regulations***.

- After passage of these provisions, if a PUD plan that was approved PRIOR to the passage of these provisions comes back before the Planning Commission for modification or revision, the following issues shall be considered by the Commission when determining whether to allow the modification or revision of the pre-existing PUD plan.

  a. Whether the modification or revision meets the general intent of this code section.
  b. Whether the modification or revision will adversely affect any currently built/existing sections of the PUD in question.
  c. Whether the requested modification or revision are within their authority to grant pursuant to subsection (a)(7) above.

- Submittal. When a PUD plan that was approved PRIOR to the passage of these provisions comes up for consideration for modification or revision as stated in subsection (c)(1)(i) above, it shall be submitted in the form of a concept plan under the requirements of subsection (b)(1) above.
- Approval. If the modification(s) or revision(s) are approved as a part of a concept plan submitted in accordance with the requirements above, the owner or developer shall then submit a final plan for consideration in compliance with the remaining requirements of this code section.

(2) ***Modification to a PUD approved under current regulations.***

(i) If a PUD plan that was approved AFTER the passage of these provisions is brought back before the Planning Commission for modification or revision, the following procedures shall be followed:

a. If only a concept plan has been approved, the concept plan shall be resubmitted to the Planning Commission with the proposed changes for consideration following all requirements as if it was a new concept plan submittal.

b. If a final plan has been approved but not accepted by City Council, the final plan shall be re-submitted to the Planning Commission for consideration of the proposed modification or revision as if it was a new final plan submittal.

c. If a final plan has been approved and adopted along with a zoning designation by City Council, the final plan shall be re-submitted to the Planning Commission for consideration of the proposed modification or revision as if it was a new final plan submittal. If approved, it shall then be submitted to City Council attached to a new zoning Ordinance as required in subsection (a)(1) above. The City Council will then consider the new final plan and zoning Ordinance as if it were being first submitted under subsection (a)(1).

(3) ***Notice requirements.***

(i) Any notice requirement contained in this code section for the submittal of an initial concept plan or final plan shall also be required if a concept plan or final plan are resubmitted for consideration as described in subsections (c)(1)&(2) listed above.

(d) **Design standards**.

(1) ***Sidewalks.*** As required by the current sidewalk ordinance (article IV, division 4 of this chapter).

(2) ***Streetlights***. As required by then current City standards.

(3) ***Water***. As required by the current subdivision and large-scale development ordinances (articles IV and III of this chapter).

(4) ***Sewer.*** As required by articles III and IV of this chapter.

(5) ***Parking.*** As required by the current zoning and subdivision ordinances (articles V and VIII of this chapter).

(6) ***Landscaping.*** As required by all applicable landscape requirements of the City.

(7) ***Streets.*** Streets within the PUD may be public or private.

i. *Public streets.* Public streets shall be constructed according to the adopted standards of the City;

ii. *Private streets.* Private streets within a PUD shall be permitted subject to the following conditions:

a. Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting more than one public street shall be constructed to existing City standards and shall be dedicated as a public street.

b. Subbase, base and paving shall meet City standards.

c. An adequate storm drainage system in accordance with the City drainage ordinance and master drainage plan, and approved by the Department of Community Development shall be required for all private streets.

d. Sidewalks shall be installed on both sides of all streets.

e. Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.

f. The PUD final plan of the planned development shall designate each private street as a private street.

g. Maintenance of streets, private open spaces, and street lights shall be the responsibility of the developer/owner, if solely owned, or of a neighborhood property owners association (POA) if owned by multiple property owners and shall not be the responsibility of the City. The method for maintenance of streets, open spaces and street lights, and a maintenance fund for those purposes, shall be established by recorded covenants if the PUD is divided into separate parcels or lots and owned by multiple property owners.

8. ***Width.*** The width of private streets shall meet City standards unless varied by approval of the Planning Commission

9. ***Traffic laws.*** All of the traffic laws prescribed by the City shall apply to traffic on private streets within a PUD.

10. ***Setbacks.*** The minimum building setback requirement from a private street shall be 20 feet from the back of the sidewalk in residential areas.

11. ***Street signs.*** The developer shall erect at the entrance to private streets a rectangular blue street name sign, indicating the street is a private street. Erection and maintenance of all signs on private streets shall be the responsibility of the developer or a property owners association (POA).

12. ***Height.*** The height regulations of the various zoning districts shall apply.

13. ***Natural features***. Natural features such as bluffs and streams existing on a proposed PUD site shall be identified on both the concept plan and PUD final plan. Every effort shall be made to retain these natural features in open space.

14. ***View protection.*** The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to ensure the perpetuation of those views both within and without the PUD through requirements in the protective covenants restrictions.

(e) Residential Open space.

(1) ***Generally.*** Despite any density allowances contained in city code section 14-703 (RMF zoning) to the contrary, each PUD shall provide at least 30 percent of the total land area within the residential part of the PUD as usable private or public open space unless the developer opts to build using the "Combined PUD Open Space" manner allowed by subsection (a)(6)(ii) above. A minimum of at least one-half of the 30 percent open space shall be contiguous. Land within the floodplain and designated wetland may be counted as no more than 50 percent of the usable open space. Any area intended for active open space shall be a minimum of 25 feet wide in its smallest dimension. Active open space is defined as an area intended for rigorous activity such as tennis, baseball, badminton, and other games requiring physical exertion. Passive open space may be any size. Passive open space is defined as an area intended for tranquil activities such as walking, sitting, observing and the less active games like shuffleboard and croquet. The following shall not be considered as usable open space:

i. The surface area of parking lots including driveways;

ii. The area occupied by structures excluding structures used for recreational purposes;

iii. Any lot intended for private ownership, excluding front yards for residential structures; and

iv. Street surface area.

(2) ***City assumes public open space.*** All land proposed for public open space shall be considered by the City Council prior to approval of the PUD final plan and zoning. Such open space shall be transferred to the City contemporaneously with approval of the PUD final plan and zoning if said land is acceptable to the City Council. Such open spaces accepted by the City Council shall thereafter become the maintenance responsibility of the City.

(3) ***Perpetuation of private open space.*** If the private open space was not subject to a POA or covenants due to sole ownership of the development, the City may consider a lack of perpetuation of the private open space a zoning violation if said private open space requirement was adopted as part of the PUD final plan and therefore made a zoning requirement. In addition to any other criminal penalties that may be prescribed by state law, a violation may be subject to the penalties set for in City Code section 1-5.

(4) ***Maintenance of private open space.*** The maintenance of all private open space shall be the responsibility of the developer or of a property owners association and the method for maintenance and maintenance fund shall be established in the PUD covenants. The covenants shall provide that in the event private open space is not maintained as required by the covenants and this ordinance, the City shall have the right (but shall not be required) to maintain said open space and to charge all maintenance costs incurred by the City to the property owners within the PUD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PUD for such costs.

(f) **Commercial open space.**

(1) ***Generally.*** Each PUD shall provide at least 20 percent of the total land area within the commercial part of the PUD as usable private or public open space unless the developer opts to build using the "Combined PUD Open Space" manner allowed by subsection (a)(6)(ii) above. A minimum of at least one-half of the 20 percent open space shall be contiguous (in continuous connection). Land within the floodplain up to and including (ten-year frequency) and wetland may be counted as no more than 30 percent of the usable open space. Any area intended for active open space shall be a minimum of 25 feet wide in the smallest dimension. Active open space is defined as an area intended for rigorous activity

such as tennis, baseball, badminton, and other games requiring physical exertion. Passive open space may be any size. Passive open space is defined as an area intended for tranquil activities such as walking, sitting, observing, and the less active games like shuffleboard and croquet. The following shall not be considered as usable open space:

A. The surface area of parking lots including driveways;

B. The area occupied by structures excluding structures used for recreational purposes;

C. Any lot intended for private ownership; and

D. Street surface area.

(2) ***City assumes public open space***. All land proposed for public open space shall be considered by the City Council prior to approval of the PUD final plan and zoning. Such open space shall be transferred to the City contemporaneously with approval of the PUD final plan and zoning if said land is acceptable to the City Council. Such open spaces accepted by the City Council shall thereafter become the maintenance responsibility of the City.

(3) ***Perpetuation of private open space.*** If the private open space was not subject to a POA or covenants due to sole ownership of the development, the City may consider a lack of perpetuation of the private open space a zoning violation if said private open space requirement was adopted as part of the PUD final plan and therefore made a zoning requirement. In addition to any other criminal penalties that may be prescribed by state law, a violation may be subject to the penalties set for in City Code section 1-5.

(4) ***Maintenance of private open space.*** The maintenance of all private open space shall be the responsibility of the developer or of a property owners association and the method for maintenance and maintenance fund shall be established in the PUD covenants. The covenants shall provide that in the event private open space is not maintained as required by the covenants and this ordinance, the City shall have the right (but shall not be required) to maintain said open space and to charge all maintenance costs incurred by the City to the property owners within the PUD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PUD for such costs.

(g) **Proof of compliance.**

(1) No large-scale development plan or subdivision plat concerning land developed under this section of the City code shall be accepted for review until all required covenants and POA documentation have been filed and properly recorded with the appropriate county clerk's office.

(Code 1997, § 130-40; Ord. No. 04-56, § 2(28), 5-25-2004; Ord. No. 15-102, § 1(Exh. A), 7-28-2015)

Sec. 14-718. - Sexually oriented businesses.

(a) *Purpose and intent.* It is the purpose of this section to regulate sexually oriented businesses to promote the health, safety and general welfare of the citizens of the City, and to establish reasonable and uniform regulations of sexually oriented businesses within the City. The provisions of this chapter have neither the purpose nor the effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this section to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market, unless otherwise restricted by law.

(b) *Classification.* Sexually oriented businesses are classified as follows:

(1) Adult arcade;

(2) Adult bookstores and adult video stores;

(3) Adult cabarets;

(4) Adult motion picture theaters; and

(5) Adult theaters.

(c) *Conditional use.* Sexually oriented businesses shall not be allowed in any zoning district except C-2 where they may be allowed as conditional use subject to the following:

(1) No sexually oriented business may be operated within 660 feet of:

A. Church;

B. Public or private elementary, middle school, secondary or post-secondary school, preschool or child care facility;

C. Boundary of a residential district (R-E, R-SF, R-AH, R-DP, N-R, R-MF, R-MHC, R-RV, R-O);

D. Public park, family recreational center, bowling alley, or skating rink;

E. Hospital; or

F. Properties listed on the National Register of Historical Places or local historic districts as identified by the Arkansas Historic Preservation Program.

(2) No sexually oriented business may be operated within 200 feet of any single-family or multiple-family residential use.

(3) A person commits an offense if the person causes or permits the operation, establishment, or maintenance of a sexually oriented business within 660 feet of another sexually oriented business, or within 660 feet of any room, building, premises, place or establishment that sells or dispenses any alcoholic beverage, which means but is not limited to distilled spirits, wine or beer.

(4) For the purposes of subsections (d)(1) and (2) of this section, measurements shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the sexually oriented business to the nearest property line of any church, public or private elementary, middle school, secondary or post-secondary school, preschool or child care facility, public park, family recreation center, bowling alley, skating rink, residential district or any single-family or multiple-family residential use, hospital, properties listed on the national historic register or local historic districts as identified by the Arkansas Historic Preservation Program, place or establishment that sells or dispenses any alcoholic beverage as defined in subsection (d)(3) of this section, or any other sexually oriented business.

(d) *Penalties.*

(1) In addition to any other criminal penalties that may be prescribed by state law, any person operating or causing to be operated any sexually oriented business in violation of any part of this section, upon conviction, is punishable by a fine not to exceed $500.00.

(2) If the violation is, in its nature, continuous in respect to time, the penalty for allowing the continuance thereof is a fine not to exceed $250.00 for each day that the same is unlawfully continued.

(3) A person who operates or causes to be operated a sexually oriented business in violation of this section will be subject to a suit for injunction as well as prosecution for criminal violations.

(e) *Not rendered illegal.* A lawfully operating sexually oriented business shall not be rendered illegal by the subsequent location of a church, a public or private school, a preschool, a child care facility, a public park, a family recreation center, a bowling alley, a skating rink, residential zoning, a residential use, or an establishment selling or dispensing alcohol.

(Code 1997, § 130-58; Ord. No. 04-107, § 1, 9-28-2004; Ord. No. 15-102, § 1(Exh. A), 7-28-2015)

Sec. 14-719. - Rules of interpretation of district boundaries.

Where uncertainty exists as to the boundary of a district on the official zoning map, the following rules shall apply:

(1) Boundaries indicated as following the centerlines of streets, alleys, railroads, streams, rivers, or lakes shall be construed as following the centerlines;

(2) Boundaries indicated as following plotted lot lines shall be construed as following the lot lines;

(3) Boundaries indicated as following City limit lines shall be construed as following the City limit lines;

(4) Distances not specifically indicated on the City of Rogers Official Zoning Map shall be determined by the scale of the map; and

(5) Where a line cannot be determined by the rules above the Planning Commission shall decide the location of the line.

(Code 1997, § 130-41; Ord. No. 04-56, § 2(29), 5-25-2004; Ord. No. 15-102, § 1(Exh. A), 7-28-2015)

Sec. 14-720. - Nonconforming lots, uses of land, structures, and uses of structures and premises.

(a) *Statement of intent and purpose.* Within the districts established by this article or amendments that may later be adopted, if there exist lots, structures, or uses of land and structures which were lawful before the ordinance from which this article was derived was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this chapter or future amendment, it is the intent of this article to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of the chapter that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

(b) *Nonconforming use of structure and land in combination.* Nonconforming uses are declared by this chapter to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this chapter by attachment on a building premises or additional signs intended to be seen from off the premises, or by the addition of other uses, of a nature which would be prohibited generally in the district involved.

(c) *Buildings and structures where construction has begun.* To avoid undue hardship, nothing in this chapter shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of the ordinance from which this article is derived and upon which actual building construction has been carried out diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

(d) *Nonconforming lots of record.*

(1) In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of the ordinance from which this article is derived, notwithstanding limitations imposed by other provisions of this article. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the board of adjustments.

(2) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of the ordinance from which this chapter is derived, and if all or parts of the lots do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this article, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this article.

(e) *Nonconforming structures.* Where a lawful structure exists at the effective date of adoption or amendment of the ordinance from which this chapter is derived that could not be built under the terms of this chapter by reason of restrictions on areas, lot coverage, height, yards, its location on the lot, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

(1) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.

(2) Single-family nonconforming structures in nonresidential zones may be allowed to expand only by Planning Commission or Board of Adjustment action.

(Code 1997, § 130-42; Ord. No. 04-56, § 2(30), 5-25-2004; Ord. No. 15-102, § 1(Exh. A), 7-28-2015)

Sec. 14-721. - Application of district regulations

a) No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.
b) No building or structure hereafter erected or altered shall exceed the height, bulk, area, percent coverage, density, open space, and yard requirements established in this chapter. No land shall be used other than in accordance with the requirements of this article. No existing yard or lot shall be reduced in dimension or area below the minimum requirements of this chapter, unless approved by the appropriate City authority, if applicable. Yards and lots created after the passage of the ordinance from which this article is derived shall meet the minimum requirements of this chapter.
c) No part of a yard, lot, other open space, parking or loading area required for one building, structure or use shall be counted for another building, structure or use.
d) All land area annexed after the effective date of the ordinance from which this article is derived shall be zoned upon annexation as A-1 district unless the annexing ordinance of the City zones the property otherwise.
e) Any lands subject to the jurisdiction of this article but not specifically included shall be considered A-1 district until rezoned otherwise.
f) Any zoning district line which splits a lot of record existing at the time of passage of the ordinance from which this article is derived may be extended by the Director of the Department of Community Development or his or her designee to the whole lot line, provided the lot is one acre or less.
g) Uses which were inadvertently omitted from the schedule of uses and new uses created after passage of the ordinance from which this article is derived may be added to the schedule of uses by a majority vote of the entire membership of the Planning Commission.

(Code 1997, § 130-43; Ord. No. 04-56, § 2(31), 5-25-2004; Ord. No. 15-102, § 1(Exh. A), 7-28-2015)

Sec. 14-722. - General district regulations.

(a) *Visibility at intersections.* At any intersection within the City, nothing will be erected, planted, placed or allowed to grow which impedes vision at the intersection between the height of two and one-half feet and ten feet above the highest elevation of the road surface cross section of the intersection

streets. This restriction shall apply in a triangle shaped area running 25 feet in each direction from the intersection curblines or roadway surface lines and a line connecting those two points.

(b) *Multiple structures on one lot.* More than one principal permitted structure shall be allowed on one lot in any zoning district provided each structure shall meet all zoning requirements as if it were a separate lot, unless said requirements are otherwise waived, if applicable, by the appropriate authority.

(c) *Access to public streets.* Every structure hereafter erected or moved shall be located on a lot which has frontage on a designated public or private street.

(d) *Accessory uses.* Accessory uses are allowed on any lot in any district provided that no accessory use shall be allowed in any required yard area or setback. Accessory uses shall not be established prior to the principal use without Planning Commission approval.

(e) *Height exceptions.* Certain building accessories and other structures are exempt from the height regulations of this article. Building accessories would include steeples, spires, belfries, cupolas, antennas, heating and cooling systems, ventilators, and chimneys. The structures would include antennas, watertanks, chimneys, and smokestacks. If the height of any building accessory or structure at its proposed location on the property exceeds the distance to the nearest property line, that building or structure shall be reviewed and approved or denied by the Planning Commission. No freestanding symbol, sculpture, monument, or non-habitable structure may be taller than 70 feet at the highest point from the ground.

(Code 1997, § 130-44; Ord. No. 04-56, § 2(32), 5-25-2004; Ord. No. 15-102, § 1(Exh. A), 7-28-2015)

Sec. 14-723. - Conditional uses.

(a) Uses listed in the schedule of uses as "conditional in district" may be approved by the Planning Commission after a public hearing subject to the following:

(1) Filing of an application by the property owner stating the use and district requested and payment of an application fee;

(2) Written notification to all property owners within 300 feet of the property by certified mail, return receipt requested, publication of a public hearing notice in a local newspaper 15 days prior to the date of the public hearing, and placement of a sign on the property by the Department of Community Development which gives notice of a public hearing 15 days prior to the public hearing;

(3) Consideration by the Planning Commission of the following factors:

(A) Whether the use is a conditional use in the district requested and that the property under application is zoned correctly;

(B) Whether the use would be compatible with the adjacent property and uses would not set a precedent contrary to the City land use plan;

(C) Whether all other zoning requirements such as yards, off-street parking, lot width and screening and buffering can be met; and

(D) Whether ingress and egress for the proposed use will create a traffic hazard.

(b) The Planning Commission may deny a conditional use if in its opinion any of the above conditions cannot be met.

(c) A conditional use once denied shall not be heard again (for the same or substantially similar conditional use on the same property) within a period of one year unless the applicant can show how the Planning Commission erred in its determination or that new information, not available at the time of the public hearing, has been discovered. A majority vote of the entire Planning Commission shall be required to rehear any conditional use.

(d) As a part of approving a conditional use, the Planning Commission may add conditions which will in its opinion carry out the preamble of the zoning ordinance.

(e) No decision of the Planning Commission granting a conditional use permit under this section shall become effective until after an elapsed period of ten days from the date of the Planning Commission meeting during which the request was heard. During this ten-day period, an appeal of the decision, whether to grant or to deny the permit, may be taken to the City Council by filing a letter of appeal with the City Clerk-Treasurer. The letter shall state the nature of, and reasons for, the appeal. The following persons or entities may appeal: The applicant, a property owner, or leaseholder who owns or leases property within 300 feet of the property to which the conditional use applies. The City Council shall hear such appeal and consider all relevant evidence prior to rendering a final decision. The City Council may vote to grant or deny the conditional use permit.

(f) Once a conditional use is approved, that conditional use is personal to the individual applicant and is limited to the location to which it was approved and may only be changed to another conditional use through further action of the Planning Commission or City Council. A conditional use may be changed to a use by right in the zoning district at any time by appropriate action of the Planning Commission. Once a conditional use is approved, that use may continue so long as it abides by the findings of this subsection and any special conditions placed upon the use by the Planning Commission or City Council. The use may continue as stated above indefinitely, if no time duration restriction is added as a condition of the actual granting of the conditional use permit and, the permit-holder does not violate the terms and conditions of the permit.

(g) If a complaint is filed with the Planning Commission by an adjoining property owner or City employee concerning an alleged violation of a conditional use, the Planning Commission shall notify the holder of the conditional use permit of the complaint and shall schedule a public hearing. If, after the public hearing, the Planning Commission finds that a violation exists or has repeatedly existed in the past, depending on the nature of the violation, the Planning Commission may:

(1) Vote to discontinue the conditional use;

(2) Take no action if the violation has been remedied to their satisfaction; or

(3) Vote to modify the terms of the existing conditional use permit in a manner likely to address any further similar violations.

The conditional use permit holder shall be notified of the action of the Planning Commission and shall have 15 days from the date of the notice to discontinue the conditional use or file an appeal with the City Council.

(h) The filing of an appeal stays all proceedings and the City Council shall make the final determination as to the alleged violation(s) and the subsequent action on the conditional use permit.

(i) Certain conditional uses which are temporary in nature such as carnival, religious revival, circus, amusement park, fruit/vegetable stand, and other similar outdoor enterprises and real estate sales offices in a developing subdivision may be permitted by the Director of the Department of Community Development or his or her designee following the filing of an application and payment of a permit fee. The Director of the Department of Community Development or his or her designee shall specify on the application the hours of operation and duration of the use. All such uses such as carnival, circus, and other outdoor activities, which involve lights and noise, shall not be allowed any closer than 500 feet to a dwelling unit.

(Code 1997, § 130-45; Ord. No. 04-56, § 2(33), 5-25-2004; Ord. No. 15-102, § 1(Exh. A), 7-28-2015)

Sec. 14-724. - Board of adjustment.

(a) *Organization.* The Board of Adjustment shall consist of at least five members who shall be selected by the Mayor and confirmed by resolution of the City Council. One member of the Board of Adjustment shall be a member of the Planning Commission and the other members, citizens at large. The members terms of office shall be for three years and shall be staggered. Vacancies on the Board of Adjustment shall be filled by selection of the Mayor and confirmed by resolution of the City Council. Members of the Board of Adjustment may be removed from office for cause after written notice from the Mayor and public hearing by the City

Council. The Board shall establish its own rules of procedure covering, but not limited to bylaws, meeting times and dates, elections, public records and findings and decisions.

(b) *Officers and duties.* The Board of Adjustment shall elect a chairman and secretary annually from among its members. The chairman shall preside at all meetings and shall decide points of order or procedure as necessary. The secretary shall preside at meetings in absence of the chairman, shall be custodian of the minutes and other official records of the Board, shall attend to correspondence and shall cause to be given such notices as are required and in the manner prescribed by law.

(c) *Meetings, quorum and agenda.* Regular meetings shall be held (unless there is no business) at the time and place directed in the public hearing notice. Special meetings for any purpose may be held:

(1) On call of the chairman or any two members of the Board provided that written notice is given to all interested parties at least 48 hours prior to the meeting; or

(2) As may be scheduled by a majority of the Board at any previous meeting. All meetings of the Board shall be public meetings and shall be held in full compliance with the provisions of the Arkansas Freedom of Information Act.

Any party in interest may appear on their own behalf or may be represented by council or agent. A quorum shall be established by attendance of a majority of the members of the Board. An agenda shall be prepared for each meeting of the Board. The agenda shall include matters pending further action and new appeals and matters scheduled for consideration by the Board.

(d) *Official records and vote.* The official records shall include these rules and regulations, all matters concerning a case, the minutes of the Board's meetings and all findings and decisions of the Board. All appeal applications, minutes, findings and decisions and other matters and materials pertinent to a case shall be retained in City Hall and shall be available for public inspection during customary working hours. The minutes of the Board's proceedings shall show the vote of each member on each decision the Board makes including absent or failing to vote.

(e) *Appeals; powers and duties.*

(1) The Board of Adjustment shall hear the following appeals as provided by state law:

a. Hear appeals from the decision of the Department of Community Development in respect to the enforcement and application of the zoning ordinance, and may affirm or reverse, in whole or in part, said decision of the Department of Community Development; and

b. Hear requests for variance from the literal provisions of the zoning ordinance in instances where strict enforcement of the zoning ordinance would cause undue hardship due to circumstances unique to the individual property under consideration, and grant such variances only when it is demonstrated that such action will be in keeping with the spirit and intent of the provisions of the zoning ordinance.

(2) The Board of Adjustment shall not permit, as a variance, any use in a zone that is not permitted under this article. The Board may impose conditions in the granting of a variance to ensure compliance and to protect adjacent property.

(3) No appeal shall be taken to the Board until and unless the Department of Community Development or the Risk Reduction Division of the Rogers Fire Department have first refused a building permit or have rendered an interpretation of the zoning ordinance. Said refusal on the part of the Director of the Department of Community Development or his or her designee or designee or the Risk Reduction Division of the Rogers Fire Department shall be on a form provided by the City setting forth the reasons for refusal or interpretation including the pertinent section of the ordinance which apply and signed by the designees of the.

(4) An appeal stays all proceedings in furtherance of the action appealed from, unless the designated representative of the Department of Community Development or the Risk Reduction Division of the Rogers Fire Department certifies to the Board after the appeal is filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life and property. In such

case, proceedings shall not be stayed other than by a decision of the Board or a restraining order granted by a court of competent jurisdiction.

(5) Every appeal shall be filed on an application form provided by the City, shall be accompanied by the prescribed fee, and shall bear the signature of the owner of the property under appeal or be accompanied by a letter from the owner authorizing an appeal. An incomplete application shall be considered a notice of intent to file and shall not be taken to the Board until it is complete.

(f) *Appeal or variance procedure.*

(1) Applications for appeal or variance shall be filed with the Board 15 days prior to the next regular scheduled meeting of the Board.

(2) When an application for appeal or variance has been filed with the Board, the Board shall publish a notice in the newspaper having general circulation in the City. The notice shall be published one time not less than ten days preceding the day of the hearing and shall include the date, time and place of the hearing, the applicant's name, the location of the property (both the legal description and layman's description) under appeal or variance and the nature of the appeal or variance requested. The Board shall also have a sign placed on the property ten days preceding the day of the hearing, which sign shall be at least 18 inches high and 30 inches wide, also giving notice of appeal or application for variance.

(3) An application may be withdrawn any time prior to the delivery of the legal notice to the newspaper. After delivery of the legal notice to the newspaper only the Board in regular or special session may allow the application to be withdrawn. The applicant shall be responsible for all legal notice fees.

(g) *Hearing and decisions.*

(1) The chairman shall call the Board to order and cause the members present or absent to be recorded. The chairman shall advise those members present of the procedure followed in the hearing and disposition of appeals, announce the name of the applicant, the location of the property involved and the nature of the request.

(2) The chairman shall first call upon the applicant to present his case and all evidence supporting the plea. Board members may question the applicant after his presentation. The chairman shall then inquire if there are others who support the appeal and allow them to speak. Board members may question others following their presentation. The chairman shall next call on those opposed to the appeal to present their arguments. Board members may question those opposed following their presentations. The applicant shall then have the right to rebuttal to arguments presented by the opposition. Following the rebuttal the chairman shall close the public hearing. The Board shall then discuss and dispose of the appeal. During the public hearing each side shall proceed without interruption and all arguments and pleadings shall be addressed to the Board. No questioning or arguments between individuals will be permitted.

(3) If an applicant fails to appear, the Board may continue that appeal to a future time and date certain. If the applicant fails to appear at the second public hearing, the application is automatically denied, and can only be reheard in keeping with the terms of this article.

(4) The Board may approve, may approve with modifications, or may deny any appeal. The Board may defer to a time and date certain any appeal that it has concluded requires additional information or alternate solutions. A majority vote of the Board shall be required for any decision.

(5) An appeal, once denied, shall not be heard again within a period of one year unless the applicant can show how the Board erred in its previous determination or that new information not available at the time of the public hearing has been discovered. A majority vote of the entire Board shall be required to rehear any appeal.

(6) A determination of the Board concerning an interpretation of the zoning ordinance shall be permanent until the ordinance is changed or the Board makes a subsequent decision. A determination of the Board concerning a variance from the zoning ordinance shall be valid for six months from the date of the final decision by the Board. If a building permit is issued for a property which relates to a variance decision of the Board, then the building permit expiration date shall apply if it exceeds the six-month Board decision date. Variances for a reduction in setback shall require a setback reduction survey filed with the County Clerk.

(7) A sign variance shall require a sign permit be obtained within 6 months of the variance approval. Any sign variance approved is applicable only to the sign applied for, and not for any future signs.

(8) All appeals from a decision of the Board shall be to a court of record having jurisdiction.

(Code 1997, § 130-46; Ord. No. 04-56, § 2(34), 5-25-2004; Ord. No. 15-102, § 1(Exh. A), 7-28-2015)

Sec. 14-725. - Initiating authority.

Amendments to this article may be initiated by the City Council or any person with a legal interest in the property subject to being rezoned. If the City Council or a property owner (as defined in section 14-727 below) wants to amend the City of Rogers Official Zoning Map by rezoning two or more properties that share a common property line simultaneously, the amendment application(s) for those properties may be treated by City staff, procedurally, as one amendment application. The immediately preceding statement will not apply to multiple properties where they do not share a common property line.

(Code 1997, § 130-47; Ord. No. 04-56, § 2(35), 5-25-2004; Ord. No. 15-102, § 1(Exh. A), 7-28-2015)

Sec. 14-726. - City initiated application.

The City Council may initiate and approve an amendment to the City of Rogers Official Zoning Map by passage of an ordinance setting forth the requested change. If the City Council initiates an amendment to the Official Zoning Map, the City Council shall hold a public hearing at the meeting at which they will consider the amendment request. The same general procedures as set forth in section 14-728 below shall be used to conduct the public hearing. City staff shall ensure that all affected property owners receive proper notice in the same manner contained in section 14-727 below. The amendment request shall be adopted only by a majority vote of the City Council. If a party with standing seeks to appeal the adoption or failure of the proposed amendment, they may proceed with their appeal pursuant to A.C.A. 14-56-425.

*State law reference A.C.A. 14-56-423 & A.C.A. 14-56-425

(Code 1997, § 130-48; Ord. No. 04-56, § 2(36), 5-25-2004; Ord. No. 15-102, § 1(Exh. A), 7-28-2015)

Sec. 14-727. - Property owner application.

Any person with a legal interest in the property subject to being rezoned ("property owner"), or their authorized agent, may request an amendment to this article by filing an application and payment of fees with the Department of Community Development on forms proved by the City. The Planning Commission shall hear applications initiated by "property owners," or their authorized agent, in conformance with the procedure laid out below and shall make a recommendation regarding the amendment request to the City Council for their consideration. Upon receipt of an application and payment of fees, Director of the Department of Community Development or his or her designee or designee shall schedule a public hearing and publish a public notice in a newspaper having general circulation in the City at least one time 15 days prior to the day of the public hearing. The public hearing shall be scheduled at the next available Planning Commission meeting that allows for compliance with the public notice requirements set forth herein. The public notice shall state the nature of the request and the time, date and location of the public hearing. The "property owner" requesting an amendment to this article, or their agent, must notify in writing, by certified mail, return receipt requested, anyone who leases or owns property within 300 feet of the perimeter of the property subject to being rezoned, that a rezoning request is pending. Said written notification shall be mailed 15 days prior to the meeting at which the Planning Commission is to review the amendment request. The "property owner" shall provide a copy of the written notification and the green receipt cards to the Planning Commission at, or before, the meeting where the amendment request is being

considered. If proof of written notification to affected property owners is not presented in conformance with the requirements above, the amendment request shall be declared void and the amendment request must be resubmitted.

(Code 1997, § 130-49; Ord. No. 04-56, § 2(37), 5-25-2004; Ord. No. 15-102, § 1(Exh. A), 7-28-2015)

Sec. 14-728. - Public hearing procedure.

(a) The chairman shall call the commission to order and cause the members present or absent to be recorded. Afterward, the chairman shall advise those present of the procedure followed in the public hearing, announce the name of the applicant, the location of the property involved, and the nature of the amendment request.

(b) The chairman shall first call upon the applicant to present his case and all evidence supporting the amendment request. Commission members may question the applicant after his presentation.

(c) The chairman shall then inquire if there are others who support the amendment request and allow them to speak. Unless a request for additional time to speak was made prior to the beginning of the Planning Commission meeting in which the public hearing is being conducted, any person speaking after the applicant and speaking in favor of the applicant's request shall be limited to five minutes in which to address the commission. When every person desiring to speak in favor of the applicant's amendment request has been heard, the chairman shall inquire if any person is present that desires to speak in opposition to the applicant's amendment request. Unless a request for additional time to speak was made prior to the beginning of the Planning Commission meeting in which the public hearing is being conducted, any person speaking in opposition to the applicant's amendment request shall be limited to five minutes in which to address the commission.

(d) When every person desiring to speak in opposition to the applicant's amendment request has had an opportunity to do so, the applicant shall be called back and given an opportunity to rebut arguments made in opposition to his amendment request, and may answer additional questions that may be posed by the commission.

(e) During the public hearing, each side shall proceed without interruption, and all arguments and pleadings shall be addressed to the commission. No questioning or arguments between individuals will be permitted. Any person found by the chairman to be interrupting the presentation of another speaker, or directing comments to anyone other than commission members, shall be ordered to cease and if they refuse to do so may be removed from the meeting.

(Code 1997, § 130-50; Ord. No. 04-56, § 2(38), 5-25-2004; Ord. No. 05-61, § 1, 4-26-2005; Ord. No. 15-102, § 1(Exh. A), 7-28-2015)

Sec. 14-729. - Planning Commission action.

(a) Following the public hearing, the Planning Commission may approve the amendment request as presented, approve a modified form of either less land area or more restrictive zone or deny the application. An application may be tabled to a time and date certain for further study. If no action is taken by the Planning Commission within 45 days of the public hearing date, then the amendment request shall be considered approved and shall be forwarded to the City Council for consideration. The 45-day period may be extended if the applicant agrees to the extension either by so stating at a public meeting of the Planning Commission or in writing to the Planning Commission.

(b) An approved amendment request or an approved modified amendment request shall be forwarded to the City Council for final consideration. A denied amendment request may be appealed by the applicant to the City Council. The applicant may appeal a denied amendment request by filing a letter of appeal with the City Clerk-

Treasurer with 10 days of the public hearing at which the amendment request was denied. The letter of appeal shall state in detail why the applicant feels the Planning Commission decision was in error. If an applicant chooses to appeal a denied amendment request to the City Council, the applicant must send written notification to all affected property owners prior to the City Council meeting in the same manner and with the same time considerations as contained in 14-727 above. The City Clerk-Treasurer shall work with the applicant to schedule their appeal for hearing before the City Council on the next regular City Council meeting date that will allow the applicant the ability to comply with the notice requirements contained herein.

(c) An application may be withdrawn by the applicant any time prior to the public notice being given to the newspaper. After public notice has been given to the newspaper, only the Planning Commission, by majority vote in a public meeting, may allow an application to be withdrawn.

(d) Any part or all of a property involved in an application which was denied or withdrawn after public hearing shall not be resubmitted for a period of one year from the date of last action on the amendment request.

(e) The Planning Commission may allow a previously denied application for an amendment request to be filed in less than one year if, by majority vote, it finds that a public benefit would result or that new information has been presented which was not available at the previous hearing.

(Code 1997, § 130-51; Ord. No. 04-56, § 2(39), 5-25-2004; Ord. No. 15-102, § 1(Exh. A), 7-28-2015)

Sec. 14-730. - City Council action.

The City Council may approve a recommended amendment request submitted by the Planning Commission, modify a recommended amendment request to a more restrictive district or to include less land, remand a recommended amendment request for referral back to the Planning Commission for further study and subsequent recommendation, or deny a recommended amendment request. Any action of the City Council shall be by majority vote and all approved amendment requests shall be by ordinance.

(Code 1997, § 130-52; Ord. No. 04-56, § 2(40), 5-25-2004; Ord. No. 15-102, § 1(Exh. A), 7-28-2015)

Sec. 14-731. – Enforcement and penalties

(a) The Director of the Department of Community Development or his or her designee or other person designated by the Mayor shall enforce the zoning ordinance. The building permit process, the occupancy permit process, and the general penalty provision of section 1-5 of the City code shall be the tools used by the City for enforcement.

(b) No building permit or occupancy permit shall be issued for a structure, which proposed a use that is not permitted in the zoning district in which the structure is located. No use of a property shall be permitted which is contrary to the requirements of the district in which that property is located. No building permit or occupancy permit shall be issued for a structure, which does not conform to the bulk and area requirements of this article after the effective date of the ordinance from which this article is derived.

(c) No building or other structure shall be erected, moved, added to or structurally altered without a building permit issued by the enforcement official. No building or other structure shall be occupied without an occupancy permit issued by the appropriate enforcement official.

(d) In addition to any other criminal penalties that may be prescribed by state law, violation of the provisions of this article including any special conditions established under conditional uses or by board of adjustment action shall constitute a violation of the City code. Any person, firm, corporation, etc., that violates this article or fails to comply with any of its requirements shall upon conviction thereof be fined in a sum not to exceed the amounts established in Rogers City Code section 1-5 for each day that the violation may be unlawfully continued.

(Code 1997, § 130-53; Ord. No. 04-56, § 2(41), 5-25-2004; Ord. No. 15-102, § 1(Exh. A), 7-28-2015)

Sec. 14-732. Reserved

Sec. 14-733. - Administration.

(a) This article shall be administered by the Director of the Department of Community Development or his or her designee. The Department of Community Development shall be responsible for receiving applications, public notices, agendas, processing applications, coordinating Planning Commission and board of adjustment meetings, and any other administrative requirements of this chapter.

(b) Any person may file a complaint of an alleged violation of this article. The Department of Community Development shall investigate all complaints and determine if a violation exists. If a violation exists, the Department of Community Development shall inform the owner of the property in violation in writing citing the section of the article in violation and give the owner 30 days to correct the violation. The Department of Community Development may give the owner a specified period of time greater than 30 days if the nature of the violation requires a greater time period. If the violation is not corrected in the time period specified, the Department of Community Development shall refer the matter to the senior staff attorney and/or the Neighborhood Services Unit of the Rogers Police Department for appropriate action.

(Code 1997, § 130-55; Ord. No. 04-56, § 2(43), 5-25-2004; Ord. No. 15-102, § 1(Exh. A), 7-28-2015)

Sec. 14-734. - Purpose.

(a) The purpose of this article is to:

(1) Promote, in accordance with present and future needs, the safety, morals, order, convenience, prosperity, and general welfare of the citizens of the City of Rogers; and

(2) Develop plans that may provide for:

(A) Efficiency and economy in the process of development;

(B) The appropriate and best use of land;

(C) Convenience of traffic and circulation of people and goods;

(D) Safety from fire and other dangers;

(E) Adequate light and air in the use and occupancy of buildings;

(F) Healthful and convenient distribution of population;

(G) Good civic design and arrangement;

(H) Adequate public utilities and facilities;

(I) Wise and efficient expenditure of funds; and

(J) Any other public policy goal that the City deems to be in the best interests of the citizens of the City of Rogers.

The purpose of this article is to provide the minimum standards to safeguard life, health, property, public welfare, and community aesthetics by regulating and controlling the location.

(Code 1997, § 130-56; Ord. No. 04-56, § 2(44), 5-25-2004; Ord. No. 15-102, § 1(Exh. A), 7-28-2015)

Sec. 14-735. - Administration of requirements.

The requirements of this article shall be administered by the Director of the Department of Community Development or his or her designee.

(Code 1997, § 130-57; Ord. No. 04-56, § 2(45), 5-25-2004; Ord. No. 15-102, § 1(Exh. A), 7-28-2015)

Sec. 14-736. - Home occupations.

(a) *Purpose.* The purpose of this section is to allow residents in the following zones: A-1 (agricultural), R-E (residential estate), R-MHC (residential manufactured home community), R-SF (residential single-family), R-AH (residential affordable housing), R-DP (residential duplex and patio home), and N-R (neighborhood residential), the privilege of engaging in the limited pursuits of home occupations. This would allow residents to operate MINIMAL business activities and offer limited professional services in their homes. Home Occupancy may also be allowed in the following zones with approval of a conditional use permit: R-MF (residential multi-family), R-MHC (residential manufactured home community), and A-1 (agriculture district).

(b) *Regulations.*

(1) The home occupation must be clearly incidental and secondary to the primary residential use for the dwelling. The primary use of the building in which the home occupation is situated shall clearly be the dwelling used by the person as his/her private residence;

(2) The home occupation must not change the outside appearance of the dwelling;

(3) Exterior signage for a home occupation is prohibited;

(4) The home occupation must not generate traffic, parking, sewerage, or water use in excess of what is normal or customary in a residential neighborhood;

(5) The home occupation shall not create a hazard to person or property, result in electrical interference, or become a nuisance in the neighborhood;

(6) No outside storage of any kind related to the home occupation shall be permitted;

(7) No person other than self or family members residing on the premises, shall be employed or involved in any business activity related to the home occupation on the premises;

(8) No more than 25 percent of the gross floor area of the dwelling unit shall be used for the operation of the home occupation. No accessory buildings shall be issued in conjunction with a home occupation;

(9) Deliveries of materials to and from the premises in conjunction with the home occupation shall not require the use of vehicles other than parcel post or similar parcel services vehicles;

(10) Noise, vibration, smoke, odors, heat, or glare as a result of a home occupation, which would exceed that which is normally produced by a single residence, shall not be permitted;

(11) The home occupation shall not utilize more than one private commercial vehicle limited to one ton capacity. The vehicle shall be capable of being parked or stored inside the garage and shall be required to be kept in said garage when not in use for the home occupation;

(12) Retail sales on the premises shall be secondary to the major operation of the home occupation;

(13) Home occupations shall maintain required permits mandated by applicable local, state and/or federal laws; amd

(14) Persons intending to operate a home occupation should notify the property owners association ("POA") or homeowners association ("HOA"), of their intent prior to beginning operations. The above regulations shall not be construed to supersede or negate any provisions contained in POA or HOA regulations or any covenants thereof.

(c) *Permit required.* All home occupations are required to obtain a home occupation permit in accordance with the licensing and taxation requirements of the City and as provided in chapter 48, taxation, of this Code.

(1) A home occupation permit shall not be issued until a home occupational zoning approval form has been completed by the applicant and approved by the Department of Community Development;

(2) Home occupation permits shall expire on the on December 31 of each year;

(3) Home occupation permits issued are non-transferable; it shall only be valid for the applicant, occupation, and residence for which it is issued.

(d) *Revocation/suspension.*

(1) In addition to any other criminal penalties that may be prescribed by state law and to any penalties set forth in the Rogers City Code, any home occupation permit issued under these regulations may be suspended or revoked by the Director of the Department of Community Development or his or her designee, or their designee, for any of the following reasons:

A. Fraud, misrepresentation, or knowingly false statement contained in the application for the permit.

B. Conducting the home occupation in any manner contrary to the conditions of the regulations contained in this section, or in violation of any other section contained this Code.

C. Conducting the home occupation in such a manner as to create a public nuisance, cause a breach of the peace, constitute a danger to the public health, safety, welfare, or morals, or interfere with the rights of abutting property owners.

D. Failure to pay applicable business permit tax.

(e) *Appeals.* If a home occupation permit is suspended or revoked by the City, the permit holder shall have ten days from the date of the suspension or revocation to file their appeal for consideration by the Planning Commission. The appeal shall be filed by sending written notice to the City clerk and shall be heard at the next available Planning Commission meeting. The timely filing of an appeal to the Planning Commission shall stay the suspension or revocation of the permit until the matter is heard by the Planning Commission.

(f) *Penalties.* In addition to any other criminal penalties that may be prescribed by state law, any violation of this section shall be subject to the penalty provisions as outlined in Rogers City Code Section 1-5.

(Ord. No. 16-05, § 1(Exh. A), 1-12-2016)

Secs. 14-737—14-750. - Reserved.

ARTICLE VII. - STORMWATER POLLUTION PREVENTION, GRADING, EROSION CONTROL AND TREE PRESERVATION

DIVISION 1. - GENERALLY

Sec. 14-751. - Purposes.

The purpose and objectives of this article are as follows:

(1) To maintain and improve the quality of water impacted by the storm drainage system within the City;

(2) To prevent the discharge of contaminated stormwater runoff and illicit discharges from industrial, commercial, residential, and construction sites into the storm drainage system within the City;

(3) To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment, and other pollutants into the storm drainage system;

(4) To encourage recycling of used motor oil and safe disposal of other hazardous consumer products;

(5) To facilitate compliance with state and federal standards and permits by owners of construction sites within the City; and

(6) To enable the City to comply with all federal and state laws and regulations applicable to the National Pollutant Discharge Elimination System (NPDES) permitting requirements for stormwater discharges.

(Code 1997, § 130-91; Ord. No. 08-33, § 1(A), 3-11-2008)

Sec. 14-752. - Administration.

Except as otherwise provided herein, the Department of Community Development shall administer, implement, and enforce the provisions of this article.

(Code 1997, § 130-92; Ord. No. 08-33, § 1(B), 3-11-2008)

Sec. 14-753. - Abbreviations.

The following abbreviations when used in this article shall have the designated meanings:

ADEQ: Arkansas Department of Environmental Quality

BMP: Best Management Practices

CFR: Code of Federal Regulations

EPA: U.S. Environmental Protection Agency

HHW: Household Hazardous Waste

MS4: Municipal Separate Storm Sewer System

NPDES: National Pollutant Discharge Elimination System

SWP3: Stormwater Pollution Prevention Plan

(Code 1997, § 130-93; Ord. No. 08-33, § 1(C), 3-11-2008)

Sec. 14-754. Best Management Practices

Best management practices (BMPs) means management practices and methods to control pollutants in stormwater. The selection, application and maintenance of BMPs must be sufficient to prevent or reduce the likelihood of pollutants entering the storm drainage system. Specific BMPs shall be imposed by the City and are discussed further in division 5 of this article. BMPs are of two types:

(1) "Source controls" (nonstructural) are practices that prevent pollution by reducing potential pollutants at their source, before they come into contact with stormwater.

(2) "Treatment controls" remove pollutants from stormwater.

Secs. 14-755—14-770. - Reserved.

DIVISION 2. - PROHIBITIONS AND REQUIREMENTS

Sec. 14-771. - Prohibitions.

(a) No person shall release or cause to be released into the storm drainage system any discharge that is not composed entirely of uncontaminated stormwater, except as allowed herein. Common stormwater contaminants include trash, yard waste, lawn chemicals, pet waste, wastewater, oil, petroleum products, cleaning products, paint products, hazardous waste, and sediment.

(b) Any discharge shall be prohibited by this section if the discharge in question has been determined by the coordinator to be a source of pollutants to the storm drainage system.

(c) The construction, use, maintenance or continued existence of illicit connections to the storm drain system are prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(d) No person shall connect a line conveying sanitary sewage, domestic sewage, or industrial waste to the storm drainage system, or allow such a connection to continue.

(e) No person shall maliciously destroy or interfere with BMPs implemented pursuant to this article.

(Code 1997, § 130-101; Ord. No. 08-33, § 2(A), 3-11-2008)

Sec. 14-772. - Exemptions.

The following nonstormwater discharges are deemed acceptable and not a violation of this division:

(1) A discharge authorized by an NPDES permit other than the NPDES permit for discharges from the MS4;

(2) Uncontaminated waterline flushing and other infrequent discharges from potable water sources;

(3) Infrequent uncontaminated discharge from landscape irrigation or lawn watering;

(4) Discharge from the occasional noncommercial washing of vehicles on properties zoned A-1, R-E, R-SF, R-AF, R-DP, or N-R;

(5) Uncontaminated discharge from foundation, footing or crawl space drains, sump pumps, and air conditioning condensation drains;

(6) Uncontaminated groundwater, including rising groundwater, groundwater infiltration into storm drains, pumped groundwater and springs;

(7) Diverted stream flows and natural riparian habitat or wetland flows; and

(8) A discharge or flow of fire protection water that does not contain oil or hazardous substances or materials.

(Code 1997, § 130-102; Ord. No. 08-33, § 2(B), 3-11-2008)

Sec. 14-773. - Requirements applicable to certain dischargers.

(a) *Private drainage system maintenance.* The owner of any private drainage system shall maintain the system to prevent or reduce the discharge of pollutants. This maintenance shall include, but is not limited to, sediment

removal, bank erosion repairs, maintenance of vegetative cover, and removal of debris from pipes and structures.

(b) *Minimization of irrigation runoff.* A discharge of irrigation water that is of sufficient quantity to cause a concentrated flow in the storm drainage system is prohibited. Irrigation systems shall be managed to reduce the discharge of water from a site.

(c) *Cleaning of paved surfaces required.* The owner of any paved parking lot, street or drive shall clean the pavement as required to prevent the buildup and discharge of pollutants. In addition to any other criminal penalties that may be prescribed by state law, the visible buildup of mechanical fluid, waste materials, sediment or debris is a violation of this ordinance and is subject to the penalty provisions as outlined in Rogers City Code Section 1-5. Paved surfaces shall be cleaned by dry sweeping, wet vacuum sweeping, collection, and treatment of wash water or other methods in compliance with this Code. This section does not apply to pollutants discharged from construction activities.

(d) *Maintenance of equipment.* Any leak or spill related to equipment maintenance in an outdoor, uncovered area shall be contained to prevent the potential release of pollutants. Vehicles, machinery, and equipment must be maintained to reduce leaking fluids.

(e) *Materials storage.* In addition to other requirements of this Code, materials shall be stored to prevent the potential release of pollutants. The uncovered, outdoor storage of unsealed containers of hazardous substances is prohibited.

(f) *Pet waste.* Pet waste shall be disposed of as solid waste or sanitary sewage in a timely manner in order to prevent discharge to the storm drainage system.

(g) *Pesticides, herbicides and fertilizers.* Pesticides, herbicides and fertilizers shall be applied in accordance with manufacturer recommendations and applicable laws. Excessive application shall be avoided.

(h) *Prohibition on use of pesticides and fungicides banned from manufacture.* Use of any pesticide, herbicide or fungicide, the manufacture of which has been either voluntarily discontinued or prohibited by the Environmental Protection Agency, or any federal, state, or city regulation is prohibited.

(i) *Open drainage channel maintenance.* Every person owning or occupying property through which an open drainage channel passes shall keep and maintain that part of the drainage channel within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or retard the flow of water through the drainage channel. In addition, the owner or occupant shall maintain existing privately owned structures adjacent to a drainage channel, so that such structures will not become a hazard to the use, function or physical integrity of the drainage channel.

(Code 1997, § 130-103; Ord. No. 08-33, § 2(C), 3-11-2008)

Sec. 14-774. - Release reporting and cleanup.

Any person responsible for a known or suspected release of materials which are resulting in or may result in illegal discharges to the storm drainage system shall take all necessary steps to ensure the discovery, containment, abatement and cleanup of such release. In the event of such a release of a hazardous material, said person shall comply with all state, federal, and local laws requiring reporting, cleanup, containment, and any other appropriate remedial action in response to the release. In the event of such a release of nonhazardous materials, said person shall notify the Department of Community Development no later than 5:00 p.m. of the next business day.

(Code 1997, § 130-104; Ord. No. 08-33, § 2(D), 3-11-2008)

Sec. 14-775. - Authorization to adopt and impose best management practices (BMPs).

The City may adopt and impose requirements identifying the best management practices for any activity, operation, or facility, which may cause a discharge of pollutants to the storm drainage system. Where specific BMPs are required, every person undertaking such activity or operation, or owning or operating such facility shall implement and maintain these BMPs at their own expense.

(Code 1997, § 130-105; Ord. No. 08-33, § 2(E), 3-11-2008)

Secs. 14-776—14-790. - Reserved.

DIVISION 3. - STORMWATER DISCHARGES FROM CONSTRUCTION ACTIVITIES

Sec. 14-791. - General requirements for construction sites.

(a) *Responsible party.* The owner of a site of construction activity shall be responsible for compliance with the requirements of this division.

(b) *Waste disposal.* Solid waste, industrial waste, yard waste, and any other pollutants or waste on any construction site shall be controlled through the use of best management practices. Waste or recycling containers shall be provided and maintained by the owner or contractor on construction sites where there is the potential for release of waste. Uncontained waste that may blow, wash, or otherwise be released from the site is prohibited.

(c) *Release of materials.* Ready-mixed concrete, or any materials resulting from the cleaning of vehicles or equipment containing or used in transporting or applying ready-mixed concrete, shall be contained on construction sites for proper disposal. Release of these materials is prohibited.

(d) *Erosion and sediment control.* Best management practices shall be implemented to prevent the release of sediment from construction sites. Disturbed areas shall be minimized, disturbed soil shall be managed and construction site entrances shall be managed to prevent sediment tracking. Excessive sediment tracked onto public streets shall be removed immediately.

(e) *Continued compliance.* Upon completion of permitted construction activity on any site, the property owner and subsequent property owners will be responsible for continued compliance with the requirements of this article, in the course of maintenance, reconstruction or any other construction activity on the site.

(Code 1997, § 130-111; Ord. No. 08-33, § 3(A), 3-11-2008)

Sec. 14-792. - Construction sites requiring an approved SWP3.

This section applies to all construction sites where construction on a site will disturb soil or remove vegetation on one or more acres of land during the life of the construction project. An approved stormwater pollution prevention plan (SWP3) for the project must be provided and implemented by the construction site owner as follows:

(1) The area disturbed shall be assumed to include the entire property area unless all applicable plans specifically exclude certain areas from disturbance.

(2) The SWP3 must be provided by the owner and submitted to the City for approval. Two copies of the SWP3 shall be submitted to the Department of Community Development, stormwater coordinator. For sites subject to plan review by the Department of Community Development, the plan will not be released for construction until an approved SWP3 has been obtained.

(3) The stormwater coordinator will review the SWP3 submitted for the site and will return either an approval of SWP3 or a request for revisions. Construction activity, including any soil disturbance or

removal of vegetation, shall not commence on the site until the coordinator has issued an approval of SWP3.

(4) The owner/developer bears the responsibility for implementation of the SWP3 and notification of all contractors and utility agencies on the site.

(Code 1997, § 130-112; Ord. No. 08-33, § 3(B), 3-11-2008)

Sec. 14-793. - Subdivision developments requiring an approved SWP3.

Where construction of a subdivision development will disturb soil or remove vegetation on one or more acres of land during the life of the development project, approved stormwater pollution prevention plans (SWP3s) for the project must be provided and implemented by the subdivision owner/developer as follows:

(1) The area disturbed shall be assumed to include the entire platted area.

(2) SWP3s must be provided by the subdivision owner/developer.

(3) SWP3s must be provided for all phases of development, including sanitary sewer construction, storm drainage system construction, waterline, street and sidewalk construction, general grading, and the construction of individual homes. The subdivision owner/developer will not be required to provide an SWP3 for the activities of utility agencies within the subdivision.

(4) The subdivision owner/developer shall provide a copy of the approved SWP3s to all utility agencies prior to their working within the subdivision.

(5) The subdivision owner/developer bears the responsibility for implementation of the approved SWP3s for all construction activity within the development, excluding construction managed by utility agencies.

(6) The subsequent owner of an individual lot bears the responsibility for continued implementation of the approved SWP3s for all construction activity within or related to the individual lot, excluding construction managed by utility agencies.

(Code 1997, § 130-113; Ord. No. 08-33, § 3(C), 3-11-2008)

Sec. 14-794. - Stormwater pollution prevention plans (SWP3s).

Preparation and implementation of stormwater pollution prevention plans for construction activity shall comply with the following:

(1) *Preparation.*

A. The SWP3 shall be prepared under the direction of a qualified person.

B. The SWP3 shall provide the name, address and phone number of the project owner for purposes of correspondence and enforcement.

C. The SWP3 shall identify existing natural resources such as streams, forest cover, and other established vegetative cover.

D. The SWP3 shall specify and provide detail for all BMPs necessary to meet the requirements of this article, including any applicable BMPs that have been adopted and imposed by the City.

E. The SWP3 shall specify when each BMP will be installed, and for how long it will be maintained within the construction sequence. Multiple plans may be required for major phases of construction such as rough grading, building construction and final grading.

F. The SWP3 shall delineate all anticipated disturbed areas and specify the vegetative cover that must be established in those areas to achieve final stabilization.

(2) *Implementation.*

A. BMPs shall be installed and maintained by qualified persons. The owner/developer or their representative shall be able to provide upon the stormwater coordinator's request a copy of the SWP3 on site and shall be prepared to respond to unforeseen maintenance of specific BMPs.

B. The owner/developer or their representative shall inspect all BMPs at least once per month and within 24 hours after a rainfall of one quarter of an inch or more as measured at the site or generally reported in the City area.

C. Based on inspections performed by the owner/developer or by authorized City personnel, modifications to the SWP3 will be necessary if at any time the specified BMPs do not meet the objectives of this article. In this case, the owner/developer or authorized representative shall meet with authorized City personnel to determine the appropriate modifications. All modifications shall be completed within seven days of the referenced inspection, except in circumstances necessitating more timely attention, and shall be recorded on the owner's copy of the SWP3.

(Code 1997, § 130-114; Ord. No. 08-33, § 3(D), 3-11-2008)

Sec. 14-795. - Requirements for utility construction.

(a) Utility agencies shall be responsible for compliance with the requirements of this article.

(b) Utility agencies shall develop and implement best management practices (BMPs) to prevent the discharge of pollutants on any site of utility construction within the City. In addition, the City may adopt and impose BMPs on utility construction activity.

(c) Utility agencies shall implement BMPs to prevent the release of sediment from utility construction sites. Disturbed areas shall be minimized, disturbed soil shall be managed and construction site entrances shall be managed to prevent sediment tracking. Excessive sediment tracked onto public streets shall be removed immediately.

(d) Prior to entering a construction site or subdivision development, utility agencies shall have obtained from the owner a copy of any SWP3s for the project. Any disturbance to BMPs resulting from utility construction shall be repaired immediately by the utility company in compliance with the SWP3.

(Code 1997, § 130-115; Ord. No. 08-33, § 3(E), 3-11-2008)

Sec. 14-796. - Grading permit and tree preservation.

(a) *Findings.* The City has experienced development activity causing the displacement of large amounts of earth and the removal of tree cover. Significant problems resulting from such development include flooding, soil erosion and sedimentation, unstable slopes, and impaired quality of life. These problems are a concern because of their negative effects on the safety and general welfare of the community.

(b) *Purpose.* The purposes of this article are to:

(1) Prohibit the indiscriminate clearing of property.

(2) Prevent excessive grading, clearing, filling, cutting, or similar activities.

(3) Substantially reduce flooding, erosion and sediment damage within the City.

(4) To safeguard the safety and welfare of citizens.

(5) Establish reasonable standards and procedures for development, which prevent potential flooding, erosion and sediment damage.

(6) Prevent the pollution of streams, ponds and other watercourses by sediment.

(7) Minimize the danger of flood loss and property loss due to unstable slopes.

(8) Preserve natural vegetation, which enhances the quality of life of the community.

(9) Preserve the maximum number of trees that are determined to be appropriate for preservation in the City urban environment that have a reasonable chance of long term survival.

(10) Lessen the impact of tree removal by requiring that trees are replaced at an appropriate and sustainable level.

(11) Provide a visual buffer and screen against traffic and some buffer against noise pollution.

(12) Provide protections against severe weather.

(13) Provide a haven for birds, which in turn assist in the control of insects.

(14) Conserve and enhance the City's physical and aesthetic environment.

(15) Conceal hillside scars.

(16) Generally protect and enhance the quality of life and the general welfare of the City.

(c) *General requirements.* Persons engaged in land alteration activities regulated by this article shall take measures to protect neighboring public and private properties from damage by such activities. The requirements of this division, however, are not intended to prevent the reasonable use of properties.

(1) The responsible party shall be liable for all fines levied or remedial action required under this article. Each qualifying tree illegally removed or improperly preserved or any other activity proscribed by this division shall be a separate violation. In addition to any other criminal penalties that may be prescribed by state law, any violation of this section shall be subject to the penalty provisions as outlined in Rogers City Code Section 1-5. Each violation shall be considered a separate offense.

(2) Any person who engages in land alteration activities regulated by this article without obtaining a grading permit shall be required to restore the land, to the maximum extent practicable to its original condition.

(3) The permit applicant shall have on the project site at all times an agent who is a competent superintendent capable of reading and thoroughly understanding the plans, specifications and requirements for areas of tree protection for the type of work being performed. The superintendent shall have full authority to issue orders or direction to employees working on site, without delay and to promptly supply such materials, labor, equipment, tools, and incidentals as may be required to complete the work in a proper manner. If no superintendent is on site, the City official may issue the notice of violation and stop work order to the person conducting the violation.

(4) Removal of more than seven significant trees, that have been removed without a grading permit or trees required in an approved plan that have been removed or which die within 12 months, shall be considered a violation.

(d) *Grading permit required.*

(1) Any person proposing to engage in clearing, filling, cutting, quarrying, construction, or similar activities that would result in a disturbed area of one acre or larger shall apply to the Department of Community Development for a grading permit as specified in this article. A large-scale development plan shall be obtained from the City before constructing or expanding a vehicular use area or when expanding or rehabilitating a building and landscaping is required. Except as otherwise provided in Chapter 14, article VI, the responsible party shall not be allowed the removal of more than seven trees within any given 12-

month period without first obtaining a grading permit. The City official may exempt the need for the permit on a limited case-by-case basis. No land shall be altered or cleared to the extent regulated in this article unless approved by a permit.

(2)(A) If more than seven significant trees are to be removed by the owner/developer they must submit a tree protection or replacement plan to the office of transportation and planning. This plan must show all significant trees on site. The plan shall show all roads, utilities, building footprints, driveways, and areas to be disturbed. If significant trees are in the disturbed area they are to be replaced at a rate of one to five (one tree to be planted for every five trees removed). If the drip line of the significant tree is adjacent to a construction area measures must be made to protect the tree with fencing and other protective measures. If a significant tree is removed from a nonconstruction area it must be replaced at a replacement rate of five-to-one.

(B) Replacement trees shall be replanted with trees that meet the following specifications:

(i) Deciduous: At least two and a half inches in diameter and at least six feet in height above natural grade;

(ii) Evergreen: At least eight feet in height above natural grade; and

(iii) Ornamental: At least two inches in diameter and at least six feet in height above natural grade.

(C)(i) A tree is significant, if it is a tree and it is:

(a) At least eight inches in diameter at the height of four and a half feet above natural grade;

(b) Growing with multiple stems and at least one of the stems measured at a point six inches from the point where the stems digress from the main trunk is at least six inches in diameter;

(c) An ornamental tree with a diameter in excess of two inches in diameter at the height six inches above natural grade; or

(d) Planted and meets the requirements of subdivision (d)(2)(B) of this section and subsection (14) of § 14-256;

(ii) A tree is not significant if it is less than eight (8) inches in diameter at four and a half feet above natural grade or those included on the following list, regardless of size:

(a) Black locust (Robinia pseqdoacacia);

(b) Cottonwood (Populous trichocarps);

(c) Red cedar (Juniperus virginiana); and

(d) Bradford pear (Pyrus calleryana "Bradford");

(3) No land alteration shall be permitted until all necessary City approval of all plans and permits, except building permit, have been issued and construction is imminent. Clearing and grading for streets and drainage improvements may be done on residential subdivisions provided the preliminary plat has been approved. In those cases where filling or cutting in areas with no trees is to be done, the area is to be graded suitable for mowing and shall be revegetated. If building construction has not commenced and been diligently pursued within eight months of plans approval, then all landscaping and tree requirements in the buffers shall be installed, unless the City official determines that the existing buffers on the site meet the landscape planting requirements of this article and chapter 14.

(4) A grading permit is required for land alteration activities specified in this section. However, all construction work shall include appropriate drainage and erosion control measures to protect neighboring properties. All land alteration in properties within the designated floodplain requires a grading permit without exception.

(5) Prior to the issuance of a grading permit, a grading and drainage plan shall be submitted and approved by the City.

(6) Utility organizations may obtain a one-time approval from the City for all routine tree trimming and installation, maintenance, replacement and repair of fence and sign posts, telephone poles and other kinds of posts or poles and overhead or underground electric, water, sewer, natural gas, telephone or cable facilities. The approval will include a utility organization and its contractors, agents or assigns and will be permanent in nature as long as the original approved procedures are followed. However, large-scale utility projects involving clearing of areas over 25 feet in width shall not be authorized by one-time approval of all projects. In such cases, a separate grading permit must be obtained for each project.

(7) One-time approval may be obtained by public or private entities for the stockpiling of construction spoil material at particular locations for a limited time period, not to exceed six months. Grading and replanting of grassed areas is required upon removal of stockpile.

(e) *Exemptions.* A grading permit shall not be required for emergency work or repairs to protect health, safety and welfare of the public. Removal of damaged or diseased trees will be permitted by City staff upon certification by proper authority. As used in this subsection, "diseased tree" means any tree with a structural defect or a health condition, which makes it subject to a high probability of failure.

(f) *Contents of grading and drainage plans.* The grading and drainage plan shall identify the following:

(1) Acreage of the proposed project;

(2) Land areas to be disturbed;

(3) Stages of grading showing the limits of sections to be graded and indicating the approximate order of development;

(4) Location and size of existing significant trees;

(5) The height and slope of cuts and fills. Cross sections shall be required every 100 feet on property where the depth of excavation or fills exceeds five feet, showing original and final grades and will include visual aids to show how the final development, including planting and landscaping will look. A grading plan showing existing and proposed contours with a maximum two-foot contour interval for slopes less than ten percent and a maximum five-foot contour interval for slopes greater than ten percent can be shown as an alternate to cross sections every 50 feet;

(6) Provisions for collecting and discharging surface water;

(7) Erosion and sediment measures, including structural and vegetative measures;

(8) Seal, certificate of authority and signature of a licensed engineer qualified under state regulations to certify that the grading and drainage plan complies with this article;

(9) A vicinity drawing showing location of property lines, location and names of all existing or platted streets or other public ways within or immediately adjacent to the tract on City topographic mapping or approved equal;

(10) Location of all known existing sewers, water mains, culverts, and underground utilities within the tract and immediately adjacent thereto; location of existing permanent buildings on or immediately adjacent to the site if right of entry can be obtained to locate same;

(11) Identification of rights-of-way or easements affecting the property;

(12) A plan of the site at a minimum scale of one inch equals 100 feet or less, i.e., 1 inch = 50 feet or 1 inch = 30 feet, etc.;

(13) Such other information required by City officials including, but not limited to:

A. Address and telephone number of owner, permit applicant and the designated agent responsible for maintenance of erosion and sediment control measures;

B. The approximate location and width of existing and proposed streets;

C. The locations and dimensions of all proposed or existing lots;

D. The locations and dimensions of all parcels of land proposed to be set aside for parks, playgrounds, natural condition perimeters, public use, or for the use of property owners in proposed development;

E. Existing and proposed topography at a maximum of two-foot contour intervals unless approved by the City;

F. An approximate timing schedule, indicating the anticipated starting and completion dates of the development: a timing schedule for the sequence of grading and application of erosion and sediment control measures;

G. Acreage of the proposed project;

H. Identification of unusual material or soils in land areas to be disturbed. If any surface indications of unusual materials or soils that would cause street or lot instability, such as nonvertical tree growth, old slides, seepage, or depressions in the soil are visible before grading, they should be noted and accompanied by the engineer's recommendation for correcting such problem areas;

I. Identification of suitable material to be used for fills shall be accomplished before actual filling begins. If there are any surface indications that local material is not suitable for fills, those areas to be filled with outside material should be identified and the type and source of the fill noted;

J. Specification of measures to control runoff, erosion, and sedimentation during the process of construction, noting those areas where control of runoff will be required during construction and indicating what will be used, such as straw bales, sediment basins, silt dams, brush check dams, lateral hillside ditches, catchbasins, etc.;

K. Measures to protect neighboring built-up areas and City property during process of construction, noting work to be performed, such as cleaning existing ditches, storm culverts and catchbasins or raising existing curbs in neighboring areas;

L. Provisions to stabilize soils and slopes after completion of streets, sewers and other improvements, noting on the grading plan when and where ground cover will be planted, also noting any other means to be used such as placement of stone embankments and riprap or construction of retaining walls;

M. All fill areas shall be compacted to 95 percent standard proctor density unless approved in writing by the Department of Community Development.

(g) *Issuance procedure.*

(1) The following procedure shall be implemented for the issuance of a grading permit:

A. The Department of Community Development shall approve, disapprove, or recommend modification of the grading and drainage plan in writing within ten days after the date of submittal unless otherwise approved by the Planning Commission.

B. Applications for which Planning Commission approval is required as determined by the Director of the Department of Community Development or his or her designee shall be placed on the next available Planning Commission agenda following City staff review. Engineered grading and drainage plans shall be reviewed by the City and a report prepared by the time of the applicable subdivision subcommittee meeting, if possible, but not later than the applicable Planning Commission meeting.

C. Upon approval of the final plan, the City shall issue a grading permit. A superintendent capable of understanding the plans and with the authority to issue orders to employees performing the land alteration shall properly supervise the land alteration work.

(2) Groups of trees and individual trees that are not to be removed and required undisturbed buffer areas shall be protected during construction by protective fencing and shall not be used for material storage or for any other purpose. Tree protection barriers shall be a minimum of four feet high, constructed of chain-link, or polyethylene laminar safety fencing or similar material, subject to approval by the Department of Community Development. "Tree Protection Area" signs shall be posted visibly on all sides of the fenced areas. On large or multiple-project sites, the Department of Community Development may also require that signs requesting subcontractor cooperation and compliance with tree protection standards be posted at site entrances. The tree protection barrier must be placed at the outside edge of the drip line of the existing trees.

(3) The City official may allow minor modifications of the plan to alleviate particular problems during the process of construction. In reviewing request for modifications, the City official may require from the applicant's engineer appropriate reports and data sufficient to make a decision on the request.

(4) Major changes to plans approved by the Planning Commission shall only be permitted by the Planning Commission. Examples of major changes are those that substantially increase the height of cuts, the area of clearing or grading, or impact on neighboring properties. More than 20 percent increase in height, area or impact will normally be considered a major change. Examples of increased impact include reductions in buffer area, increased runoff onto adjacent properties and increased site area that is visible from adjacent properties or public streets.

(h) *Grading and drainage plan requirements.* Preparation of grading and drainage plans shall follow the stormwater management and drainage manual and shall be designed on the basis of the following considerations:

(1) A maximum of 30 vertical feet of fill or excavation (three, ten-foot vertical terraces or two, 15-foot vertical terraces) is permitted; however, additional development areas may be constructed a minimum of 150 feet in width and at a slope of no more than eight percent. The maximum of 30 feet of fill or excavation may again be utilized.

A. The depth of fill or excavation shall be measured from the finish grade elevation to the original ground line elevation.

B. No more than 200 feet of terrace can be in a straight line and a minimum of a ten-foot curved section, job or offset is required for each additional 200 feet of terrace.

C. For excavations or fills constructed with slopes flatter than 3:1 (three horizontal to one vertical), terraces are not required nor is there a limit on the height of cut of fill. Planting requirements on these 3:1 slopes shall be the same as required for terraces and shall be spaced uniformly over the slope.

D. Cuts or fills shall be limited to ten feet in height or to 15 feet if architectural stone is included to protect the vertical face. A series of smaller cuts or fills with terraces, preserving portions of natural vegetation and providing areas for planting, shall be used in situations where more than ten feet of cut or fill is needed.

E. Terracing width shall be at a ratio of at least one foot of horizontal terrace for every one foot of vertical height, up to a maximum of ten feet. Terraces shall be landscaped with dense evergreen plantings sufficient to screen the cut or fill slope.

F. If the slope of the cut or fill is faced with an architectural stone wall, the terrace plantings shall be a minimum of two rows of trees four feet between the rows, staggered not more than 20 feet on centers.

G. Shrubs and ground cover shall be required.

(2) Development shall be planned to fit topography, soils, geology, hydrology, and other existing site conditions.

(3) Provisions shall be made for safety against unstable slopes or slopes subject to erosion and deterioration.

(4) Grading shall complement natural landforms.

(5) Significant trees should only be removed if in the immediate area of construction.

(6) After grading, all paving, seeding, sodding, or mulching shall be performed in accordance with a reasonable schedule approved by the City official.

(7) Open areas not planned for immediate use shall be seeded or sodded. Soil which is exposed for more than 21 days with no construction activity shall be seeded, mulched or revegetated in accordance with this Code.

(8) Areas not well suited to development, as evidenced by existing incompetent soils, geology, and hydrology investigations and reports, should be allocated to open space and recreational uses.

(i) *Soil loss.* The potential for soil loss shall be minimized by retaining natural vegetation wherever possible.

(1) Appropriate provisions such as those in the stormwater management and drainage manual shall be used to accommodate stormwater runoff and control soil loss occasioned by changed soil and surface conditions during and after development, including the use of vegetation and limitations on soil exposure. If staff determines upon visual inspection that excessive silt from the construction has migrated offsite, additional measures to reduce erosion may be required.

(2) Permanent improvements such as streets, storm sewers, curb and gutters, and other features for control of storm runoff shall be scheduled as soon as economically and physically feasible before removing vegetation cover from the area, so that large areas are not left bare and exposed for long periods of time beyond the capacity of temporary control measures.

(3) A temporary or permanent sediment basin, debris basin, desilting basin or silt trap shall be installed and maintained to substantially reduce sediment from water runoff. The volume of the sediment basin shall be 3,000 cubic feet per acre for property with average slope greater than five percent, or 1,500 cubic feet per acre for property with an average slope less than five percent. A properly sized sediment basin is required for each separate drainage area within the property being developed.

(4) Construction access shall be limited to locations as approved by the City official. Construction access points shall be graveled for a minimum length of 20 percent of the lot depth or 50 feet, whichever is greater, up to a maximum of 100 feet and of adequate thickness to minimize tracking onto the City street.

(5) Appropriate provisions shall be made to prevent excessive particulate matter from becoming airborne.

(6) A perimeter buffer strip shall be temporarily maintained around disturbed areas for erosion control purposes and shall be kept undisturbed except for reasonable access for maintenance. The width of the strip shall be six percent of the lot width and depth. The minimum width shall be 25 feet and the maximum shall be 40 feet. In no event shall these temporary strips be less than the width of the permanent buffers required for the development.

(7) A minimum strip 25 feet wide, undisturbed except for reasonable access, shall be provided along each side of streams having a peak ten-year storm flow rate of greater than 150 cubic feet per second. The 25-foot strip shall be measured from the top of the bank. An exception to this requirement is allowed where the only work being done on the site is public street construction.

(8) Care shall be exercised to minimize the risk of damage from or to pedestrian and vehicular traffic in the vicinity of a cut or fill by placement of handrails, guardrails, fencing or landscaping.

(j) *Unified plan and permit.* One plan may be submitted incorporating all provisions for compliance with the applicable City zoning, landscaping, drainage detention, grading, clearing, filling, cutting, quarrying, and construction requirements.

(k) *Grading plans.* Grading plans shall conform to the Phase II Stormwater Regulations as established by United States Environmental Protection Agency's regulations, Region VI published in the July 6, 1998, Federal Register or its latest revisions.

(l) *Copy required.* A copy of the ADEQ NOI permit shall be required for all sites of one acre or more.

(m) *Transition period.* Any construction or development project which has received a grading permit under prior provisions of this Code shall come into full compliance with the requirements of this division within 30 days of its effective date.

(n) *Fees.* A fee for each grading permit shall be paid to the City as currently established or as hereafter adopted by resolution of the City Council from time to time.

(Code 1997, § 130-116; Ord. No. 08-33, § 3(F), 3-11-2008)

Secs. 14-797—14-810. - Reserved.

DIVISION 4. - ENFORCEMENT

Sec. 14-811. - Enforcement personnel authorized.

The following personnel employed by the city/county shall have the power to issue notices of violations and implement other enforcement actions under this division as provided by the City:

(1) All authorized personnel under the supervision of the Department of Community Development;

(2) All inspectors and code enforcement officers under the supervision of the director of code enforcement; and

(3) All county health officers that are authorized representatives of the director of the county health department.

(Code 1997, § 130-121; Ord. No. 08-33, § 4(A), 3-11-2008)

Sec. 14-812. - Right of entry and sampling.

(a) Whenever the stormwater coordinator has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this article, the stormwater coordinator shall have the right to enter the premises at any reasonable time to determine if the discharger is complying with all requirements of this article. In the event that the owner or occupant refuses entry after a request to enter has been made, the City is hereby empowered to seek assistance from a court of competent jurisdiction in obtaining such entry.

(b) The Department of Community Development shall have the right to set up on the property of any discharger to the storm drainage system such devices that are necessary to conduct sampling of discharges.

(Code 1997, § 130-122; Ord. No. 08-33, § 4(B), 3-11-2008)

Sec. 14-813. - Enforcement procedures.

This policy establishes a formal enforcement procedure to be followed by the City stormwater coordinator when enforcement action is necessary on sites that do not comply with the City's stormwater pollution prevention, erosion control, and grading and tree preservation ordinance. Enforcement cases can be generated in any of three ways: through the construction review process; through complaints from individuals, groups, etc; and through referrals from city/state agencies. Procedures to be followed for each of these methods are outlined in this section.

(1) *Construction review.* Every effort is made to use the construction review process to correct deficiencies in site compliance whenever possible. Should that process fail to achieve expected results or if the site reviewer feels that a violation is serious enough to warrant enforcement action, the following procedures shall be followed:

A. *Issuance of notice of violation.* If site deficiencies are noted, the owner/developer or authorized agent shall be given a notice of violation. The notice of violation shall be specific as to the noted violation, corrective measures to be taken, and time frame allowed to complete the work.

B. *Compliance review.* At the end of the time period specified in subsection (1)A of this section, a follow-up site inspection shall take place to determine whether compliance has been achieved. Depending on that determination, the following actions may occur:

i. *Site violations corrected.* If all previous site violations have been corrected, the site reviewer shall issue an inspection report stating that fact and the site shall be returned to a normal construction review status.

ii. *Previous violations not corrected.* If previously noted violations have not been satisfactorily corrected, the further actions may be initiated as outlined in the following section.

(2) *Submissions from the general public.* Members of the general public may submit information pertaining to this article to the Department of Community Development. The stormwater coordinator will consider such submissions as they pertain to the implementation and enforcement of this article and will provide written or verbal response to the person submitting the information.

(3) *Referrals from other agencies.* Referrals from other agencies will be handled in the following manner:

A. Cases will be referred directly to the stormwater coordinator. At this point the stormwater coordinator will determine if enforcement actions are warranted and if proper documentation has been obtained. If the stormwater coordinator determines that action is required, the enforcement process will be set into motion.

B. Cases received by the stormwater coordinator will be handled on a first come, first served basis. All enforcement actions will be initiated by a site inspection to verify site conditions that caused the case to be referred. If conditions have been corrected or do not exist as stated in the referral, the case will be returned to file for documentation and reporting purposes. If conditions exist as stated in the referral, enforcement actions will proceed.

C. Once site conditions have been verified and the site is determined to be in a state of noncompliance two avenues of enforcement can be pursued, one for the infrequent offender and one for the frequent offender.

i. Infrequent offender, if an individual or company is being reviewed by the stormwater coordinator for the first time or it has been at least three years since the last violation (36 months has elapsed since last review), a notice to comply will be issued to the owner/developer informing them they are not in compliance with the City's stormwater pollution prevention, erosion control, and grading and tree preservation ordinance, the steps needed to be taken to get into compliance, and that they have an established time frame to complete the work. At the end of the period the stormwater coordinator will reinspect to check for compliance. If all work has been satisfactorily completed the case will be returned to file for documentation and reporting purposes. If the work has not been satisfactorily completed within the established

time frame a citation (ticket) will be issued to the owner/developer and follow-up will be done until the site is brought into compliance.

ii. Frequent offender, if an individual or company has been reviewed by the stormwater coordinator at any time in the preceding 36 months they will be considered repeat offenders. Repeat offenders will be issued a citation (ticket) by the stormwater coordinator upon verification of noncompliance with the City's stormwater pollution prevention, erosion control, and grading and tree preservation ordinance and after consulting with the Department of Community Development. Follow up will continue until the site has been brought into compliance.

(4) *Enforcement options for failure to comply.*

A. The City stormwater coordinator in conjunction with the Department of Community Development may issue a stop work order to any persons violating any provision of the City's stormwater pollution prevention, erosion control, and grading and tree preservation ordinance by ordering that all site work stop except that necessary to comply with any administrative order.

B. The City stormwater coordinator may request that the Department of Community Development or building inspections office refrain from issuing any further building or grading permits until outstanding violations have been remedied.

C. The city stormwater coordinator may initiate penalties as stipulated herein. Complete information concerning enforcement and penalties is described below.

(5) *Action without prior notice.* Any person who violates a prohibition or fails to meet a requirement of this article will be subject, without prior notice, to one or more of the enforcement actions, when attempts to contact the person have failed and the enforcement actions are necessary to stop an actual or threatened discharge which presents or may present imminent danger to the environment, or to the health or welfare of persons, or to the storm drainage system.

(6) *Enforcement actions.*

A. *Recovery of costs.* Within 30 days after abatement by City representatives, the Department of Community Development shall notify the property owner of the costs of abatement, including administrative costs, and the deadline for payment. The property owner may protest the assessment before the City Council. The written protest must be received by the Mayor's office within 15 days of the date of the notification. A hearing on the matter will be scheduled before the City Council. The decision of the City Council shall be final. If the amount due is not paid within the protest period or within ten days of the decision of the City Council, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment. A copy of the resolution shall be turned over to the county clerk so that the clerk may enter the amounts of the assessment against the parcel as it appears on the current assessment roll, and the treasurer shall include the amount of the assessment on the bill for taxes levied against the parcel of land.

B. *Termination of utility services.* If the Department of Community Development determines that the disconnection of utility services will remedy or mitigate a violation of this article that poses a public health hazard or environmental hazard, they shall notify Rogers Water Utilities and request the disconnection of city water, sanitary sewer, and/or sanitation services.

C. *Performance bonds.* Where necessary for the reasonable implementation of this article, the Department of Community Development may, by written notice, order any owner of a construction site or subdivision development to file a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Department of Community Development to be necessary to achieve consistent compliance with this article. The City may deny approval of any building permit, subdivision plat, site development plan, or any other city permit or approval necessary to commence

or continue construction or to assume occupancy, until such a performance bond has been filed. The owner may protest the amount of the performance bond before the City Council. The written protest must be received by the Mayor's office within 15 days of the date of the notification. A hearing on the matter will be scheduled before the City Council. The decision of the City Council shall be final.

D. *Criminal prosecution.* Any person who violates or continues to violate a prohibition or requirement of this article shall be subject to criminal prosecution to the fullest extent of the law, and shall be subject to criminal penalties.

(7) *Criminal penalties.* Non-compliance with any provision of this article shall be deemed a violation. Any person violating this article shall, upon an adjudication of guilt or a plea of no contest, be fined according to the schedule of fines. Each separate day on which a violation is committed or continues shall constitute a separate offense.

(8) *Other legal action.* Notwithstanding any other remedies or procedures available to the City, if any person discharges into the storm drainage system in a manner that is contrary to the provisions of this article, the senior staff attorney may commence an action for appropriate legal and equitable relief including damages and costs in any court of competent jurisdiction. The senior staff attorney may seek a preliminary or permanent injunction or both which restrains or compels the activities on the part of the discharger.

(9)(A) *Violations/schedule of fines.* The improper or illegal removal of each individual tree referred to in this section by anyone shall constitute a separate violation of this article. The penalty for violation of this article shall be a fine of not to exceed $1,000.00 per tree.

(B) As used in this section, “removal” includes:

(i) The actual removal of a tree; and

(ii) Causing the effective removal of a tree by damaging, poisoning, or other direct or indirect actions likely to result in the death of a tree.

(Code 1997, § 130-123; Ord. No. 08-33, § 4(C), 3-11-2008; Ord. No. 15-107, § 1(Exh. B), 7-28-2015)

Secs. 14-814—14-830. - Reserved.

DIVISION 5. - APPENDIX

Sec. 14-831. - Introduction.

(a) *Effects of urbanization.* Urban development alters the hydrology of watersheds and streams by disrupting the natural water cycle. Impacts include:

(1) Runoff volumes increase up to 50 percent over predeveloped volumes;

(2) Peak runoff discharges increase two to five times predeveloped discharges;

(3) Runoff velocities increase;

(4) Time of concentrations decrease;

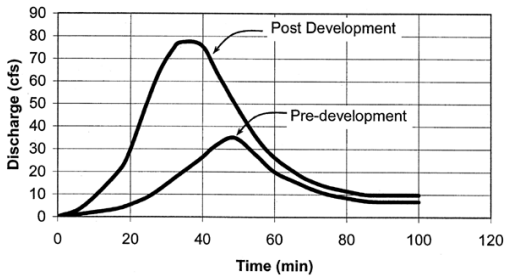
(5) Frequency of bankfull and near bankfull events increase;

(6) Flooding increases; and

(7) Dry weather flows (baseflow) decrease.

These changes in the hydrology of the area translate into the changes shown in the typical hydrograph presented in Figure 1.

Figure 1.
Effect of Development on Stormwater
Discharge Rates



(b) *Sources of pollutants.* Urbanization increases the amount of sediment, nutrients, microbes, organic matter, toxic pollutants, and trash in stormwater flows.

(1) Sediment in water (suspended solids, dissolved solids, and/or turbidity) is the cause of:

A. Filling of lakes and reservoirs.

B. Stream turbidity.

C. Habitat changes.

D. Recreation/aesthetic loss.

E. Transport of other contaminants.

(2) Nutrients in water (nitrate, nitrite, ammonia, organic nitrogen, phosphate, and total phosphorus) are the cause of:

A. Algae blooms.

B. Eutrophication.

C. Ammonia toxicity to aquatic life.

D. Nitrate toxicity.

(3) Microbes in water (total and fecal coliform, fecal streptococci, viruses, E. coli, Enterococcus) can be the cause of:

A. Gastrointestinal diseases.

B. Ear/intestinal infections.

C. Shellfish bed closure.

(4) Organic matter (vegetation, septic tank overflows, pet waste) in water is the cause of:

A. Dissolved oxygen depletion.

B. Odors.

C. Fish kills.

(5) Toxic pollutants (heavy metals such as cadmium, copper, lead, zinc, organics, hydrocarbons, pesticides/herbicides) can be the cause of:

A. Human and aquatic toxicity.

B. Bioaccumulation in the food chain.

C. Thermal pollution dissolved oxygen depletion.

D. Habitat changes.

E. Trash and debris cause:

F. Recreation loss.

G. Aesthetic loss.

(Code 1997, § 130-136; Ord. No. 08-33, § 5, 3-11-2008)

Sec. 14-832. - Construction BMPs.

(a) *An ounce of prevention is worth a pound of cure.* Construction BMPs fall into two categories, erosion control and sediment control. Erosion control is the protection of the soil surface from the impact of rain drops and the resulting detachment of soil particles. Sediment control are the practices that capture soil particles that have been detached and transported down slope. It is far more efficient and cost effective to prevent erosion than to capture sediment.

(b) *Design methodology and BMP selection criteria.* Construction BMPs are typically designed for erosion control, sediment control, or control of wastes (hazardous, solid, etc.). For the best results, BMPs should be used in series with one or more BMPs. The operator of the construction site should concentrate efforts on erosion control; but provide sediment control backup BMPs. A listing of construction erosion and sediment control BMPs and the benefits each provides is shown in Table 1. Further information on each BMP is presented in the following sections of this article.

Table 1. Construction BMP characteristics chart.

	Quantity		Quality			
Construction BMP	Flow atten-uation	Runoff volume reduction	Erosion Control	Sediment control	Nutrient loading (N,P)	Organic loading
Minimize Clearing & Compaction	⊙	○	●	○	⊙	⊙
Construction Sequencing	⊙	○	●	●	⊙	⊙
Construction Entrance	⊙	⊙	⊙	●	⊙	⊙
Interceptor Swale & Dike	⊙	⊙	●	●	⊙	⊙
Slope Drain	⊙	⊙	●	○	⊙	⊙
Energy Dissipation - Riprap Apron	⊙	⊙	●	⊙	⊙	⊙
Soil Roughening	○	○	●	●	⊙	⊙
Chemical Stabilization	○	○	●	●	○	○
Mulch	⊙	⊙	●	⊙	⊙	⊙
Erosion Control Mats	⊙	⊙	●	⊙	⊙	⊙
Vegetation	○	○	●	●	○	○
Embedded Silt Fence	○	○	○	●	⊙	⊙
Inlet Protection	⊙	⊙	○	●	⊙	⊙
Sediment Trap	●	●	○	●	○	○
Check Dams	●	○	○	●	⊙	⊙

● - Primary benefit ○ - Secondary benefit ⊙ - Little or no benefit

(c) *Construction planning; minimize clearing and compaction.*

(1) *Description.* Clearing of natural vegetation and vehicular traffic on the site will expose and compact soils causing erosion and greater amounts of runoff. "Minimization of clearing and compaction" will decrease the amount of soil exposed to erosion and will decrease the amount runoff from due to compacted soil.

(2) *Applicability.* Existing vegetation can often be incorporated into the design and construction of a development lessening the amount of bare soil exposed to rain and wind. Compacted soil does not allow for adequate infiltration of precipitation, therefore increasing runoff quantities and flowrates. Increased flowrates increase erosion and sediment transport.

(3) *Design criteria.* Landscaping and clearing requirements vary from project to project. Vehicular traffic within the construction site should be limited and confined to areas that are protected with adequate sediment control practices.

(4) *Limitations.* Some native plants and grasses are not considered appropriate for developed sites; so, nonnative grasses and plants would need to be planted.

(5) *Maintenance requirements.* Maintenance of protective fencing as needed.

(d) *Construction sequencing.*

(1) *Description.* Exposing soil before required for construction can expose the soil to erosion for an extended period. Construction sequencing coordinates land disturbing activities with construction requirements to minimize the amount of soil exposed to erosion at any time.

(2) *Applicability.* Only land needed for building activities and vehicular traffic should be cleared. Projects on larger sites and on projects that land disturbing activities can be phased are best suited for construction sequencing.

(3) *Design criteria.* Areas of the site to be preserved should be clearly marked on the plans and delineated on the site. The timing of clearing and access to different areas of the site should be indicated in the contract documents.

(4) *Limitations.* Sometimes, smaller projects do not lend themselves to sequencing of land disturbing activities.

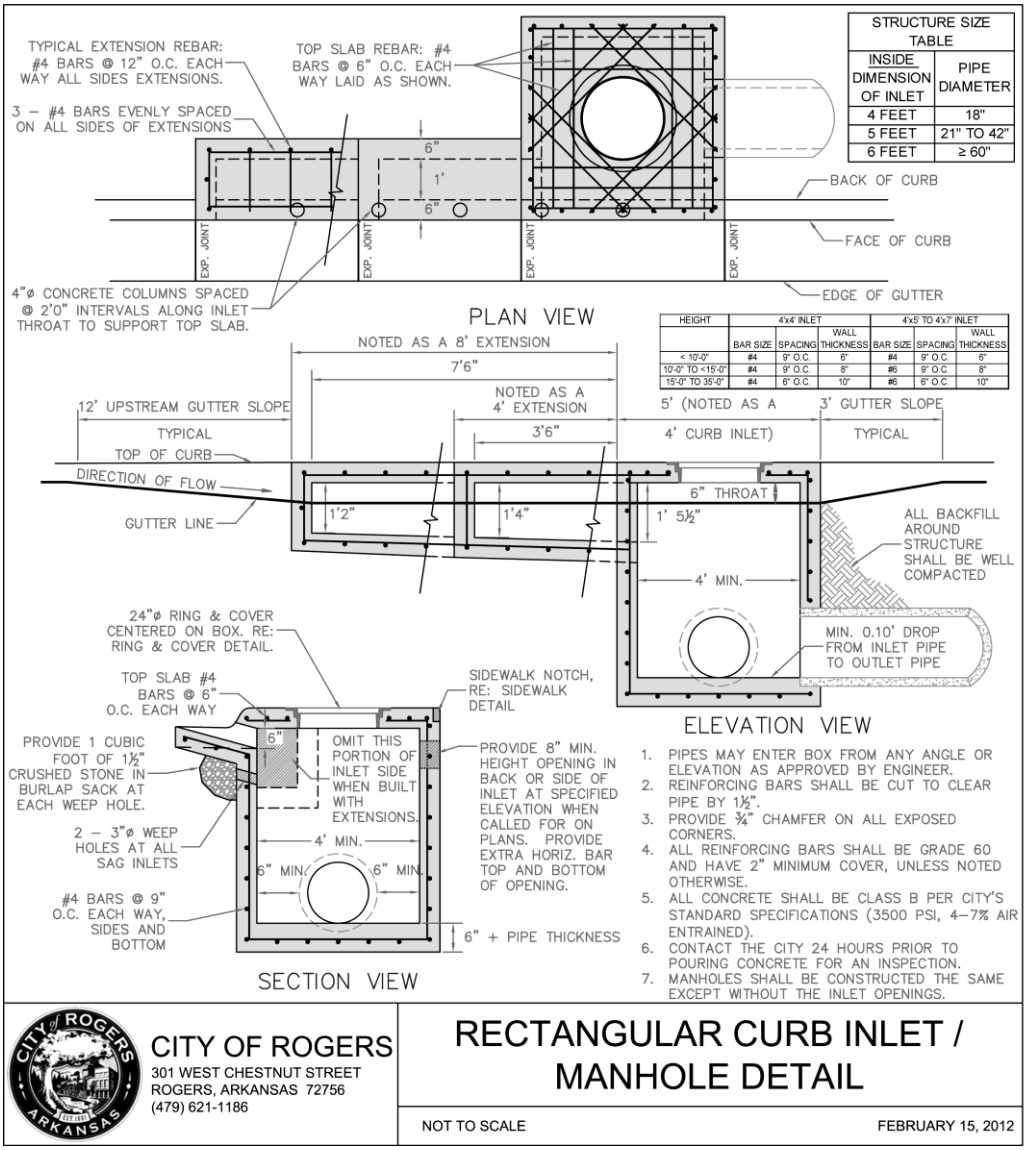
(5) *Maintenance requirements.* Maintenance of protective fencing as needed.

(e) *Runoff and run-on control BMPs.* See City of Rogers, Arkansas Drainage Criteria Manual Chapter 8.

Secs. 14-833—14-1000. - Reserved.

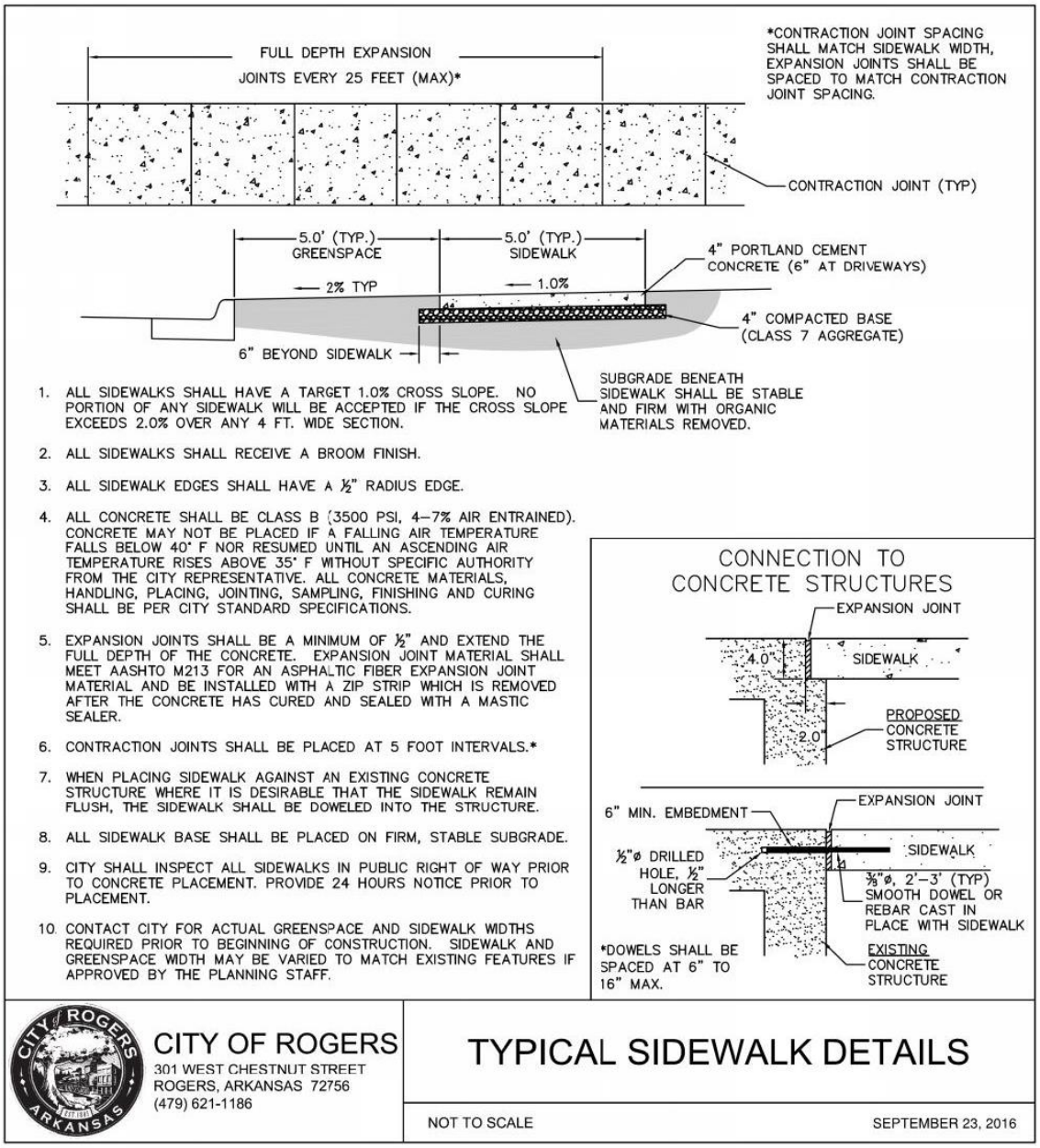
ARTICLE VIII. - DESIGN DETAILS

Sec. 14-1001. - Rectangular curb inlet/manhole detail.



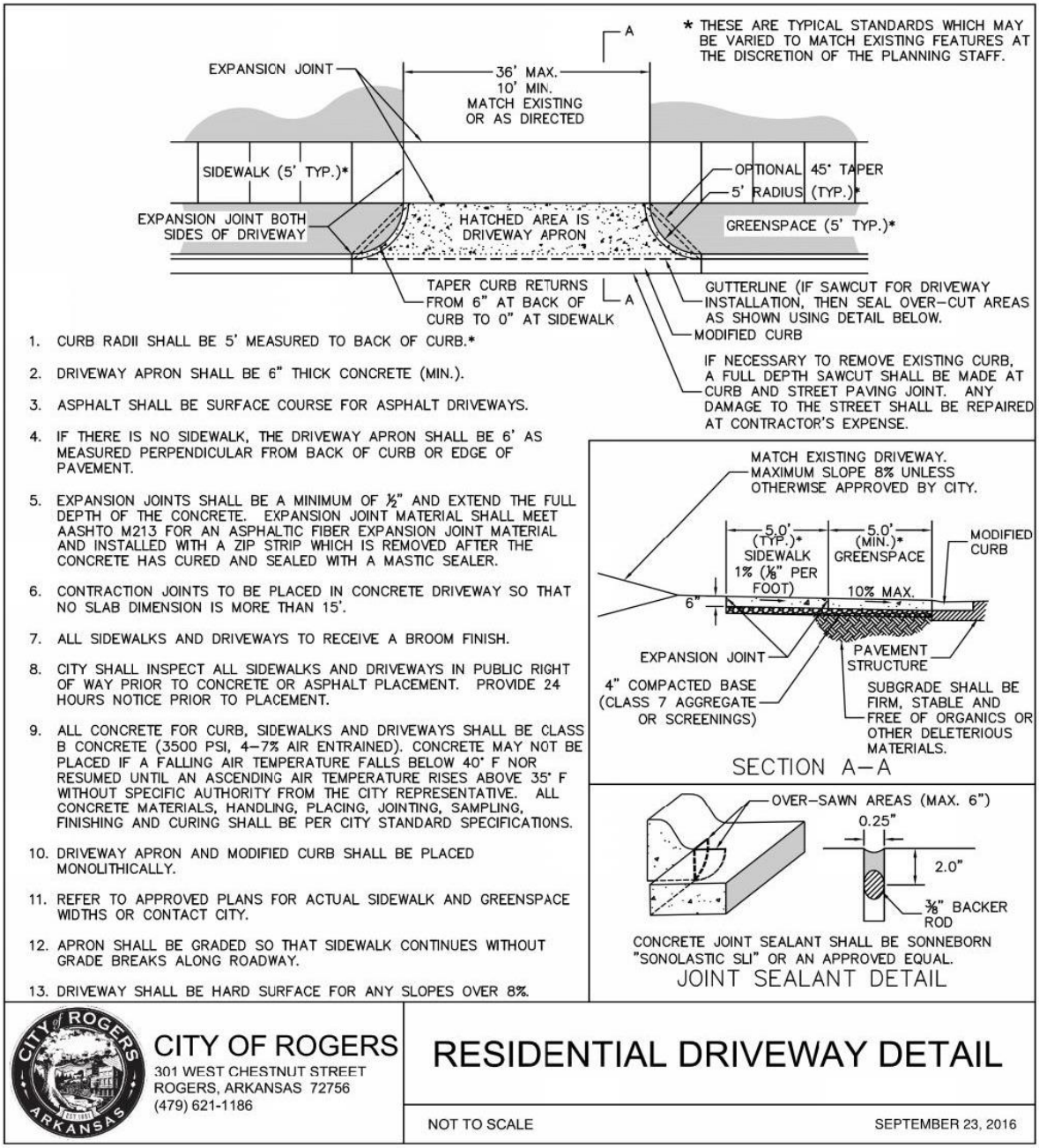
(Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

Sec. 14-1002. - Typical sidewalk detail.



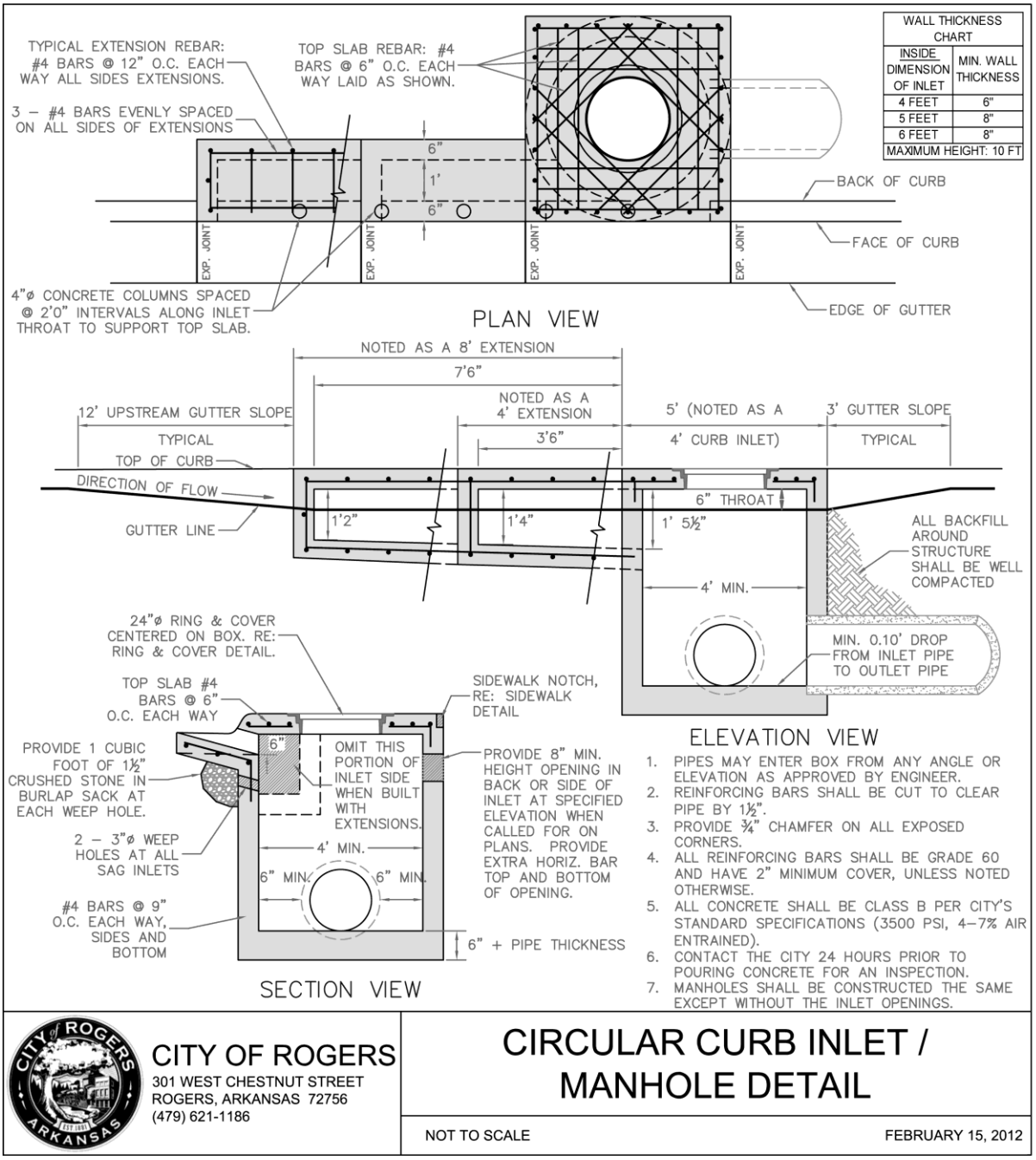
(Ord. No. 12-27, § 1(Exh. A), 2-28-2012; Ord. No. 13-05, § 1(Exh. A), 1-8-2013)

Sec. 14-1003. - Residential driveway detail.



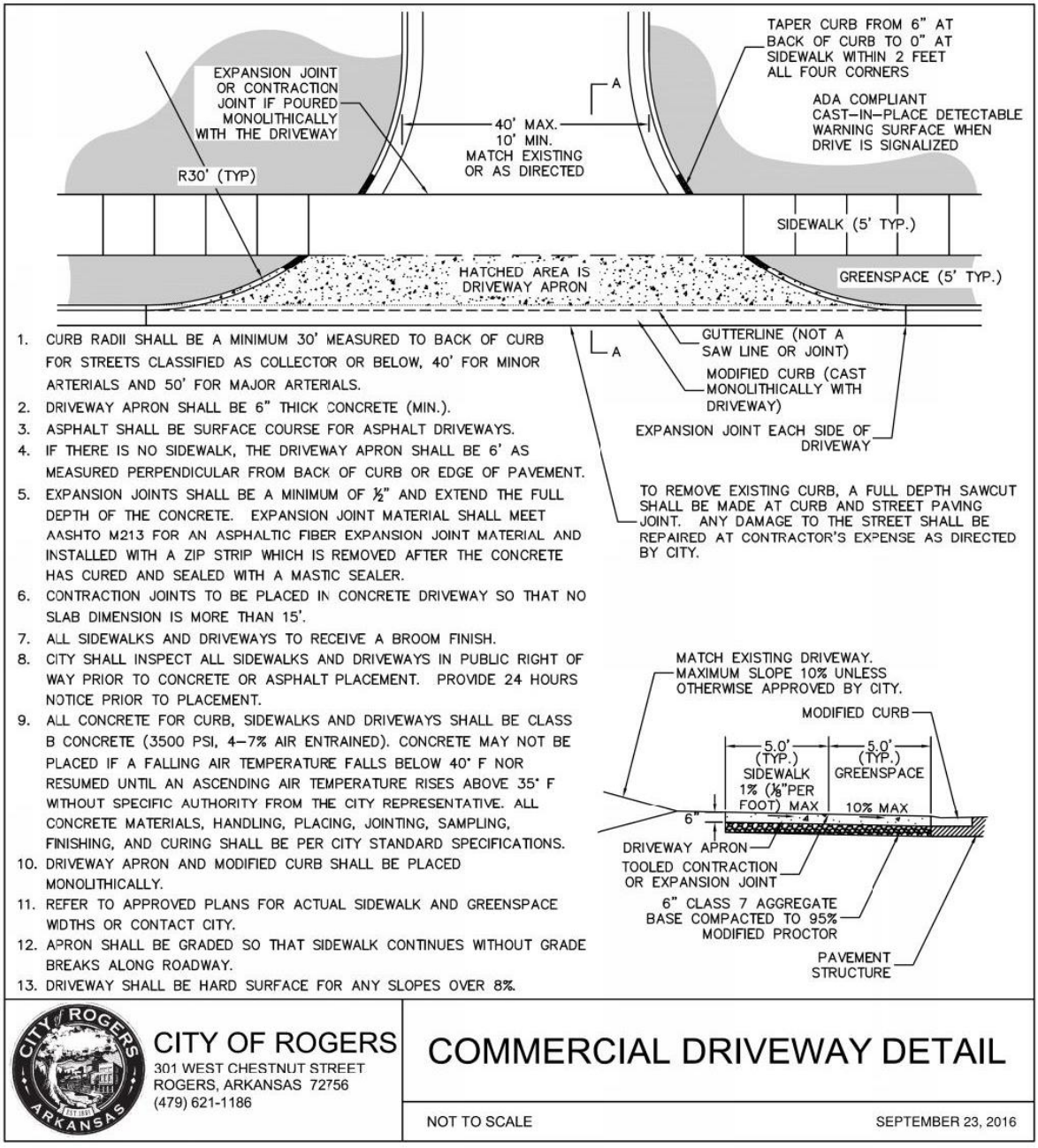
(Ord. No. 12-27, § 1(Exh. A), 2-28-2012; Ord. No. 13-05, § 1(Exh. A), 1-8-2013)

Sec. 14-1004. - Circular curb inlet/manhole detail.



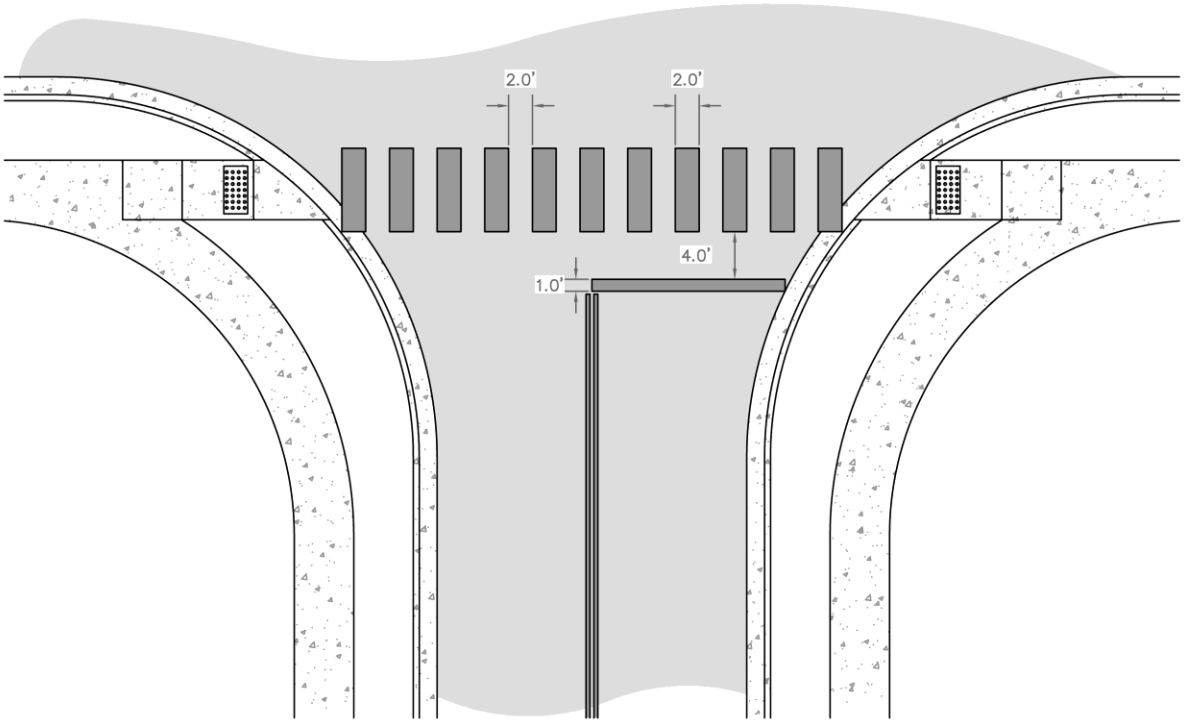
(Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

Sec. 14-1005. - Commercial driveway detail.



(Ord. No. 12-27, § 1(Exh. A), 2-28-2012; Ord. No. 13-05, § 1(Exh. A), 1-8-2013)

Sec. 14-1006. - Typical crosswalk detail.



1. WIDTH OF THE CROSSWALK STRIPING SHALL BE THE WIDTH OF THE SIDEWALK PLUS TWO (2) FEET. 1 FOOT EXTRA ON EACH SIDE OF RAMP.
2. CROSSWALK STRIPING SHALL BE CENTERED ON THE ADA RAMP.
3. CROSSWALKS SHALL BE PLACED AT ALL STREET INTERSECTIONS WHERE THERE ARE ADA RAMPS.
4. ALL CROSSWALKS AND STOP BARS SHALL BE WHITE THERMOPLASTIC.
5. CROSSWALKS ARE TO BE INSTALLED PERPENDICULAR TO THE STREET UNLESS APPROVED OTHERWISE BY THE CITY.
6. CROSSWALK PANELS SHALL BE PLACED PARALLEL WITH THE ROAD CENTERLINE.
7. ALL MARKINGS SHALL COMPLY WITH THE CURRENT EDITION OF THE MUTCD.

CITY OF ROGERS
301 WEST CHESTNUT STREET
ROGERS, ARKANSAS 72756
(479) 621-1186

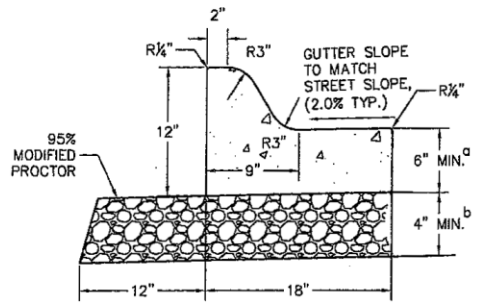
TYPICAL CROSSWALK DETAILS

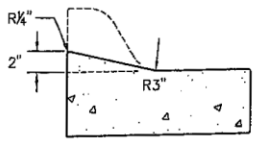
NOT TO SCALE

FEBRUARY 15, 2012

(Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

Sec. 14-1007. - Curb and gutter detail.





STANDARD CURB AND GUTTER

1. CONCRETE SHALL BE CLASS B, 3500 PSI, 4–7% AIR ENTRAINED. CONCRETE MAY NOT BE POURED IF A FALLING AIR TEMPERATURE FALLS BELOW 40° F NOR RESUMED UNTIL AN ASCENDING AIR TEMPERATURE RISES ABOVE 35° F WITHOUT SPECIFIC AUTHORITY FROM THE CITY REPRESENTATIVE. ALL CONCRETE MATERIALS, HANDLING, PLACING, JOINTING, SAMPLING, FINISHING AND CURING SHALL BE PER CITY STANDARD SPECIFICATIONS.
2. CONTRACTION JOINTS SHALL BE PLACED AT 15 FOOT INTERVALS WITH EXPANSION JOINTS AT 75 FOOT INTERVALS.
3. ALL CONTRACTION JOINTS SHALL BE SEALED WITH SONNEBORN® SONOLASTIC SL 1™ (OR APPROVED EQUAL) ACCORDING TO MANUFACTURER'S INSTRUCTIONS PRIOR TO FINAL ASPHALT PLACEMENT.
4. EXPANSION JOINT MATERIAL SHALL BE REQUIRED AT ALL STATIONARY STRUCTURES OR AS DIRECTED BY ENGINEER. THE EXPANSION MATERIAL SHALL BE ½" ASPHALT IMPREGNATED FIBERBOARD CONFORMING TO AASHTO M–213. MATERIAL SHALL BE LEFT LOWER OR TRIMMED TO BE ½" BELOW THE TOP OF CURB.
5. EXPANSION JOINT MATERIAL SHALL BE FULL DEPTH OF THE CURB AND PERPENDICULAR TO THE CURB LINE.
6. ALL CURB AND GUTTER SHALL RECEIVE A BROOM FINISH.
7. CONTRACTOR SHALL PROVIDE THE CITY 24 HOURS NOTICE WHEN FORMS OR STRINGLINE ARE READY PRIOR TO CONCRETE PLACEMENT.
8. FOR CONCRETE STREETS, IF THE CURB AND GUTTER IS CAST SEPARATELY, ½"ø DOWEL RODS 30" LONG SHALL BE PROVIDED A MINIMUM OF EVERY 30" ON–CENTER.

MODIFIED CURB AND GUTTER

(PLACE ACROSS ALL DRIVEWAYS)

a. IF MONOLITHICALLY CAST WITH THE STREET, THICKNESS SHALL MATCH STREET PAVING THICKNESS.

b. IF PAVEMENT SECTION IS 10" THICK OR MORE, 4" OF CLASS 7 AGGREGATE SHALL EXTEND UNDER CURB AND 1 FOOT BEYOND. IF THE PAVEMENT SECTION IS LESS THAN 10" THICK, THE CURB AND GUTTER MAY BE PLACED ON SUBGRADE. SUBGRADE SHALL BE PROOF–ROLLED BY A LOADED TANDEM–AXLE DUMP TRUCK.

CITY OF ROGERS
301 WEST CHESTNUT STREET
ROGERS, ARKANSAS 72756
(479) 621-1186

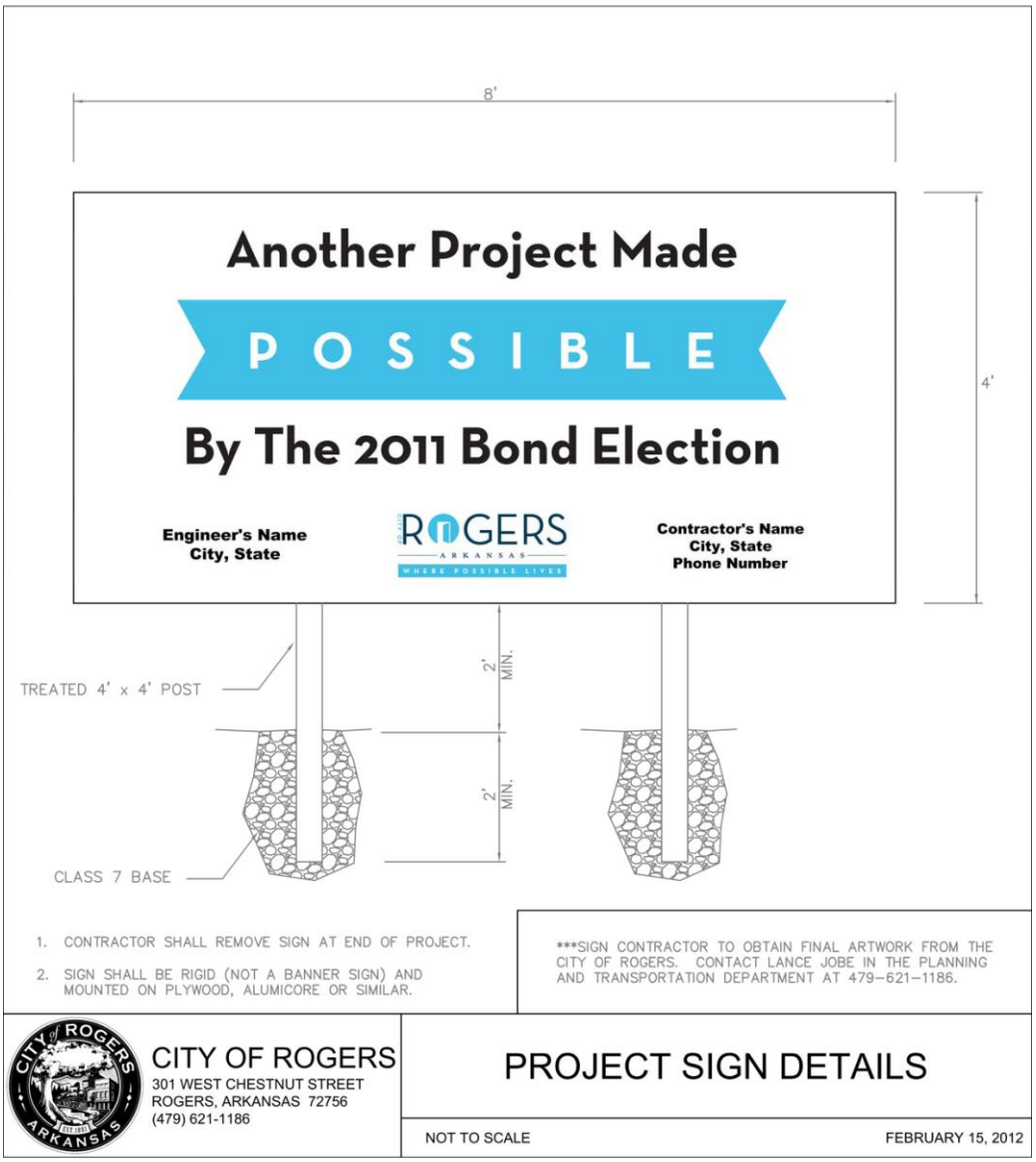
CURB AND GUTTER DETAIL

NOT TO SCALE

JUNE 23, 2015

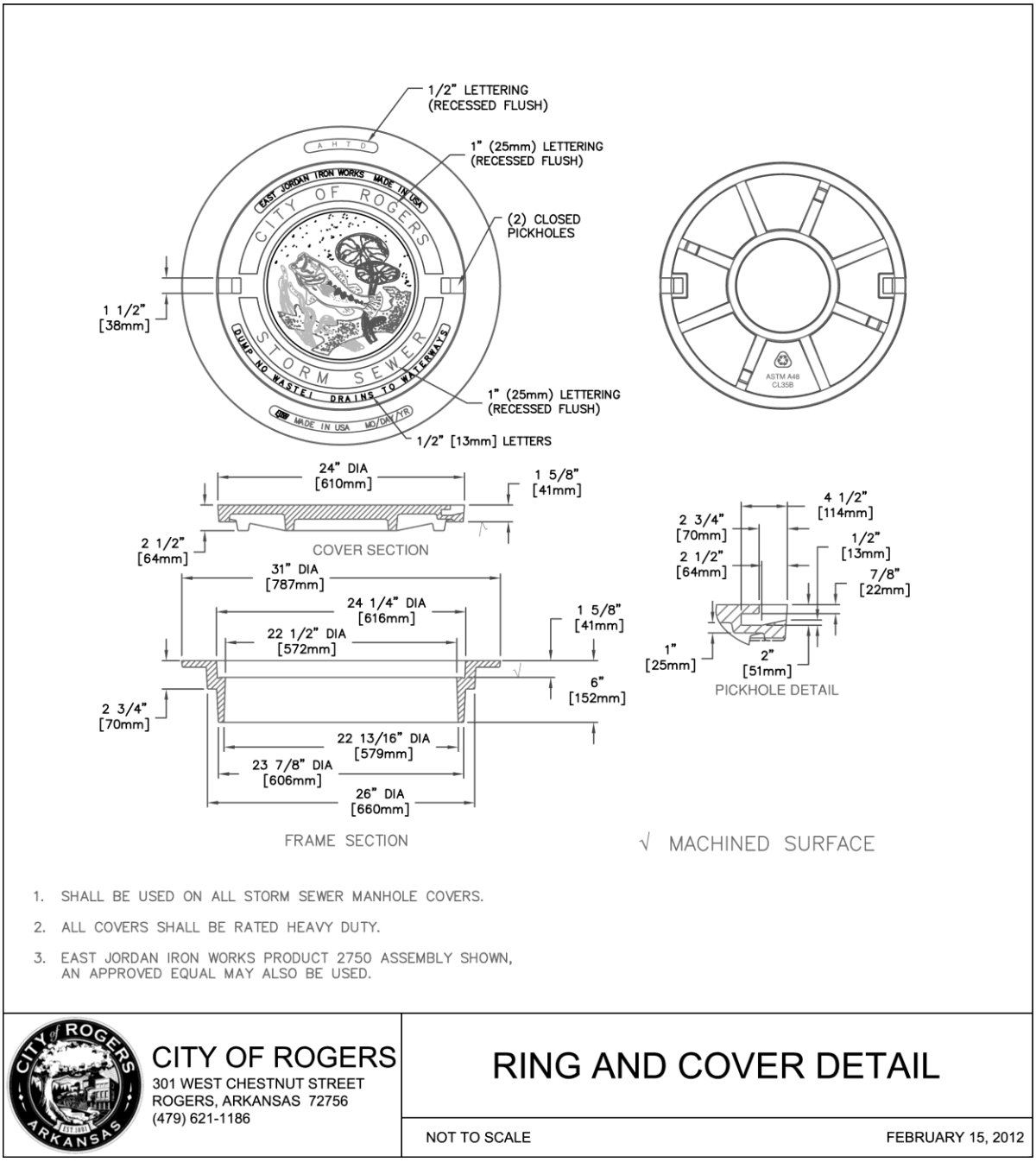
(Ord. No. 12-27, § 1(Exh. A), 2-28-2012; Ord. No. 13-05, § 1(Exh. A), 1-8-2013; Ord. No. 15-100, § 1(Exh. G), 7-28-2015)

Sec. 14-1008. - Project sign detail.



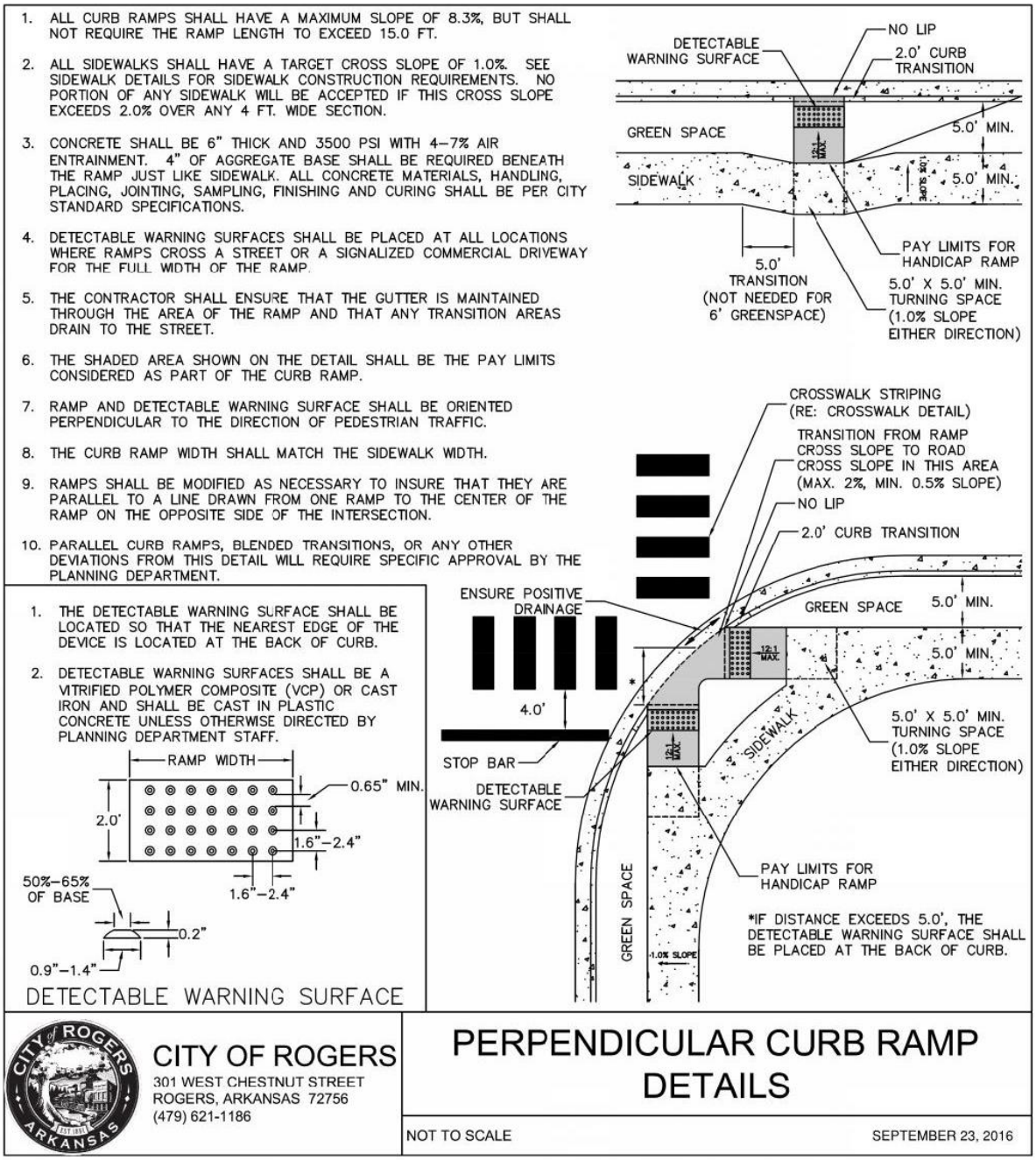
(Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

Sec. 14-1009. - Ring and cover detail.



(Ord. No. 12-27, § 1(Exh. A), 2-28-2012)

Sec. 14-1010. - Accessible ramp detail.



(Ord. No. 13-05, § 1(Exh. A), 1-8-2013)