

ORDINANCE NO. 22-54

**AN ORDINANCE AMENDING THE CITY OF ROGERS CODE OF ORDINANCES
SECTION 14-260 - ACCESS MANAGEMENT STANDARDS AND SECTION 14-1005 –
COMMERCIAL DRIVEWAY DETAIL; PROVIDING FOR THE EMERGENCY CLAUSE;
AND FOR OTHER PURPOSES.**

WHEREAS, the City of Rogers' City Council finds it to be in the best interest of the City to amend Section 14-260 of the City of Rogers Code of Ordinances regarding access management standards;

WHEREAS, the City of Rogers' City Council finds it to be in the best interest of the City to amend Section 14-1005 of the City of Rogers Code of Ordinances regarding commercial driveway detail to comply with the new access management standards adopted in this Ordinance; and

WHEREAS, the proposed amendments will implement updated access management standards to apply to new development and construction in the City of Rogers.

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

Section 1: Chapter 14, Article III, Section 14-260 – Access Management Standards shall be amended in the City of Rogers, Code of Ordinances and shall read as shown in the attached Exhibit “A” and Municode Corporation is hereby instructed to make said amendments;

Section 2: Chapter 14, Article III, Section 14-1005 – Commercial Driveway Detail shall be amended in the City of Rogers, Code of Ordinances and shall read as shown in the attached Exhibit “B” and Municode Corporation is hereby instructed to make said amendments;

Section 3: Emergency Clause: The need to amend the City Code is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

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

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All ordinances, resolutions, or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this 13 day of September, 2022.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director Community Development
Prepared by: John M. Pesek, Senior Staff Attorney

EXHIBIT A

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 Arkansas Department of Transportation (AHTD, ARDOT) highways, not associated with an approved large-scale development plan or subdivision, must obtain a letter of approval permit from the Department of Community Development or Arkansas State Highway and Transportation Department and ARDOT 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) be 18-feet wide for one-way or 24-feet wide for two-way for nonresidential uses unless approved by the Department of Community Development. The construction of three or more lanes for an ingress/egress opening shall require a study justifying the need for more than two lanes. Driveways on state highways shall meet ARDOT standards.
- 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.
 1. **Minor Streets.** Curb cuts along a Minor Street shall be no closer than 75 feet measured from the intersection right-of-way to the centerline of the drive when intersecting a Collector or Arterial Street.
 2. **Collector Streets.** Curb cuts along a Collector Street shall be no closer than 100 feet measured from the intersection right-of-way to the centerline of the drive.
 3. **Minor & Major Arterial Streets.** Curb cuts along a Minor or Major Arterial Street shall be no closer than 250 feet measured from the intersection right-of-way to the centerline of the drive.
- d. *Offset.* Either the centerline of opposing nonresidential or multifamily 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 1,500 feet	2

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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 20 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 ARDOT 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 ARDOT -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 ARDOT 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 and multifamily residential zoning districts along existing or proposed public streets designated on the City Master Street Plan, and the building site shall incorporate the following:
1. 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;
 2. A design speed of ten mph and sufficient width to accommodate two-way travel aisles designed to accommodate automobiles, service vehicles, and loading vehicles;
 3. 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
 4. 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:
1. *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.
 2. *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.
 3. *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:
1. Joint access driveways and cross access easements are provided wherever feasible in accordance with this section;
 2. The site plan incorporates a unified access and circulation system in accordance with this section; and
 3. 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) *Sight triangle.* No sign, fence, vegetation, or other obstruction shall constitute a hazard to traffic located within the sight triangle of an intersection.

1. *Definition -* The sight triangle is defined by a triangular area formed by a diagonal line connecting two points on intersecting street rights-of-way, measured 25' along each right-of-way starting at the intersection point. This is to be considered a minimum distance, and the City Engineer shall have the authority to require additional distances for public safety based on site-specific circumstances.
2. *Penalty -* If there exists an obstruction inside a sight triangle, the City may remove said obstruction, after providing, at a minimum seventy-two (72) hour notice to the owner of

the obstruction, if the owner of the obstruction is known. If the owner is unknown, the City will post notice on the obstruction for a period of seventy-two (72) hours for it to be removed prior to its removal by the City.

3. **Emergency** – If the obstruction is declared an emergency by either the City Engineer or the Director of Community Development, the obstruction may be immediately removed from the sight triangle.

(4) **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.

(5) **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:
 1. New access connection permits are requested;
 2. Substantial enlargements or improvements are made;
 3. As roadway improvements allow; or
 4. 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; Ord. No. 16-103, § 1(Exh. A), 11-22-2016)

Exhibit B

