



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

*** AMENDED COMMITTEE SCHEDULE**

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS
FROM: Jessica Rush, CITY CLERK-TREASURER
DATE: November 23, 2021

The following committee meetings will be held on **Tuesday, November 23, 2021** prior to the City Council Meeting:

05:00 p.m. - PUBLIC WORKS COMMITTEE: (Townzen*, Brashear, Kendall) **Community Room**

To Discuss: (a) RWU Monthly Report

05:10 p.m. - TRANSPORTATION COMMITTEE: (Kruger*, Legere, Townzen) **Community Room**

To Discuss: (a) Street Closure Request - FUMC Christmas Chili Supper [Request & Map](#)
(b) Street Closure Request - All Cross (applicant attending virtually) [Request & Map](#)
(c) Temporary Street/Parking Closure Discussion

05:20 p.m. - RESOURCES & POLICY COMMITTEE: (Hayes*, Reithemeyer, Brashear) **Community Room**

(a) An Ordinance Amending Chapter 2 Of The City Of Rogers' Code Of Ordinances Concerning Competitive Bidding For Soft-Surface Trail Design And Construction Services

05:30 p.m. - FINANCE COMMITTEE: (Reithemeyer*, Wolf, Kendall) **Community Room**

(a) A Resolution Amending The 2021 Budget To Provide For Additional Compensation To City Employees; Appropriating The Funds From General, Street, And Airport Reserves To Various Accounts
(b) A Resolution Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Walton Family Foundation To Receive Up To \$350,000.00 (Lake Atalanta)
(c) A Resolution Amending The 2021 Budget To Appropriate \$48,300.00 From CMRS Fund 352 Into Account #352-52-70256 Software Licensing
(d) Discussion of CDL Driver Pay Rate

05:50 p.m. - COMMUNITY ENVIRONMENT & WELFARE COMMITTEE: (Legere*, Townzen, Hayes) **Community Room**

To Discuss: (a) An Ordinance Amending Chapter 22 Of The City Of Rogers Code Of Ordinances
(b) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From N-R To C-2 (Russell Estate A) [Staff Report](#)
(c) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From N-R To C-2 (Russell Estate B) [Staff Report](#)
(d) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From I-2 To I-1 (Overland) [Staff Report](#)
(e) An Ordinance Amending Rogers Code Section 14-675 By Re-Zoning Certain Lands From C-2 To C-4 (Goff) [Staff Report](#)



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ROGERS CITY COUNCIL
AGENDA

NOVEMBER 23, 2021
6:30 PM

PUBLIC FORUM:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES:

1. November 09, 2021

REPORTS OF BOARDS AND STANDING COMMITTEES:

- | | | | |
|----|----------|---|--|
| 1. | RES. Re: | Amending The 2021 Budget To Provide For Additional Compensation To City Employees; Appropriating The Funds From General, Street, And Airport Reserves To Various Accounts | FINANCE
COMMITTEE |
| 2. | RES. Re: | Authorizing The Mayor And City Clerk To Enter Into A Grant Agreement With The Walton Family Foundation To Receive Up To \$350,000.00 (Lake Atalanta) | FINANCE
COMMITTEE |
| 3. | RES. Re: | Amending The 2021 Budget To Appropriate \$48,300.00 From CMRS Fund 352 Into Account #352-52-70256 Software Licensing | FINANCE
COMMITTEE |
| 4. | ORD. Re: | Amending Chapter 2 Of The City Of Rogers' Code Of Ordinances Concerning Competitive Bidding For Soft-Surface Trail Design And Construction Services | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 5. | ORD. Re: | Amending Chapter 22 Of The City Of Rogers Code Of Ordinances | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |

- | | | | |
|----|----------|--|--|
| 6. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning
Certain Lands From N-R To C-2 (Russell Estate A) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 7. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning
Certain Lands From N-R To C-2 (Russell Estate B) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 8. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning
Certain Lands From I-2 To I-1 (Overland) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |
| 9. | ORD. Re: | Amending Rogers Code Section 14-675 By Re-Zoning
Certain Lands From C-2 To C-4 (Goff) | COMMUNITY
ENVIRONMENT &
WELFARE
COMMITTEE |

OLD BUSINESS:

NEW BUSINESS:

APPOINTMENTS:

1. Appointment of Martine Pollard to fulfill Sara Lilygren's position on the XNA Board; term to expire December, 31 2022.
2. Appointment of Matt Loos to the Board of Adjustments; term to expire November 23, 2024.

ANNOUNCEMENTS:

RESOLUTION NO. R21- _____

**A RESOLUTION AMENDING THE 2021 BUDGET
TO PROVIDE FOR ADDITIONAL COMPENSATION TO CITY EMPLOYEES;
APPROPRIATING THE FUNDS FROM GENERAL, STREET, AND AIRPORT
RESERVES TO VARIOUS ACCOUNTS; AND FOR OTHER PURPOSES.**

WHEREAS, the Mayor and City Council appreciate the hard work and dedication of each employee of the City of Rogers as this commitment has contributed greatly to the continued economic and social advancement of the City and its citizens; and

WHEREAS, it is in the best interest of the City of Rogers to reward that hard work and dedication, and encourage its continuance.

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

Section 1: The Mayor may make a one-time gross payment of in accordance with Exhibit "A" to each City employee who was employed with the City of Rogers on November 23, 2021;

Section 2: The funds shall be appropriated from General Reserves, Street Reserves, and Airport Fund Reserves to the following accounts as shown in Exhibit "A."

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

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

RESOLVED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: C. Greg Hines, Mayor
Prepared By: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

RESOLUTION NO. 21-_____

Exhibit "A" (one-time bonus of Three Hundred Dollars (\$300.00) to all current City employees as of 11/23/2021)

Salaries and Wages	100-01-60105	8,100	Salaries and Wages	100-13-60105	2,700
FICA Expense	100-01-61150	620	FICA Expense	100-13-61150	207
Retirement APERS	100-01-61155	1,241	Retirement APERS	100-13-61155	414
Salaries and Wages	100-02-60105	2,700	Salaries and Wages	100-18-60105	6,600
FICA Expense	100-02-61150	207	FICA Expense	100-18-61150	505
Retirement APERS	100-02-61155	414	Retirement APERS	100-18-61155	1,011
Salaries and Wages	100-03-60105	50,100	Salaries and Wages	100-68-60105	1,800
FICA Expense	100-03-61150	3,833	FICA Expense	100-68-61150	138
Retirement APERS	100-03-61155	2,160	Retirement APERS	100-68-61155	276
Retirement LOPFI	100-03-61165	8,460			
Salaries and Wages	100-04-60105	43,500			
FICA Expense	100-04-61150	743			
Retirement APERS	100-04-61155	276			
Retirement LOPFI	100-04-61165	9,800			
			GENERAL FUND TOTAL		194,135
Salaries and Wages	100-06-60105	12,300	Salaries and Wages	200-16-60105	9,300
FICA Expense	100-06-61150	941	FICA Expense	200-16-61150	711
Retirement APERS	100-06-61155	1,884	Retirement APERS	200-16-61155	1,425
Salaries and Wages	100-07-60105	600			
FICA Expense	100-07-61150	46	STREET FUND TOTAL		11,436
Retirement APERS	100-07-61155	92	Salaries and Wages	315-15-60105	1,200
Salaries and Wages	100-08-60105	15,900	FICA Expense	315-15-61150	92
FICA Expense	100-08-61150	1,216	Retirement APERS	315-15-61155	184
Retirement APERS	100-08-61155	2,436			
Salaries and Wages	100-09-60105	1,500	AIRPORT FUND TOTAL		1,476
FICA Expense	100-09-61150	115			
Retirement APERS	100-09-61155	230			
Salaries and Wages	100-10-60105	3,000			
FICA Expense	100-10-61150	230	TOTAL		207,047
Retirement APERS	100-10-61155	460			
Salaries and Wages	100-11-60105	3,000			
FICA Expense	100-11-61150	230			
Retirement APERS	100-11-61155	460			
Salaries and Wages	100-12-60105	3,000			
FICA Expense	100-12-61150	230			
Retirement APERS	100-12-61155	460			

RESOLUTION NO. R21-_____

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A GRANT AGREEMENT WITH THE WALTON FAMILY FOUNDATION TO RECEIVE UP TO THREE HUNDRED FIFTY THOUSAND DOLLARS (\$350,000.00); AMENDING THE 2021 BUDGET TO RECOGNIZE GRANT FUNDS IN THAT AMOUNT INTO ACCOUNT #100-08-45600 GRANTS AND DONATIONS; APPROPRIATING THAT AMOUNT INTO ACCOUNT #100-18-84533 LAKE ATALANTA TRAIL IMPROVEMENTS; APPROPRIATING ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00) FROM GENERAL FUND RESERVES INTO ACCOUNT #100-18-84533 LAKE ATALANTA TRAIL IMPROVEMENTS; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers will receive up to three hundred fifty thousand dollars (\$350,000.00), from the Walton Family Foundation to be used at Lake Atalanta for trail improvements; and

WHEREAS, there is a one hundred fifty thousand dollar (\$150,000.00) matching provision in this grant.

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

Section 1: The Mayor and City Clerk are hereby authorized to enter into a grant agreement with the Walton Family Foundation in which the City will receive up to three hundred fifty thousand dollars (\$350,000.00) in grant funds for trail improvements at Lake Atalanta;

Section 2: The 2021 Budget is hereby amended to recognize grant funds in the amount of three hundred fifty thousand dollars (\$350,000.00) into Account #100-08-45600 Grants and Donations;

Section 3: The 2021 Budget is further amended to appropriate three hundred fifty thousand dollars (\$350,000.00) into Account #100-08-84533 Lake Atalanta Trail Improvements;

Section 4: The 2021 Budget is further amended to appropriate one hundred fifty thousand dollars (\$150,000.00) from General Fund Reserves into Account #100-08-84533 Lake Atalanta Trail Improvements;

Section 5: Severability Provision: If any part of this Resolution is held invalid, the remainder of this Resolution shall continue in effect as if such invalid portion never existed; and

Section 6: Repeal of Conflicting Resolutions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Resolution are repealed to the extent of such conflict.

RESOLVED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director of Community Development

Prepared By: John M. Pesek, Senior Staff Attorney

For Consideration By: Finance Committee

RESOLUTION NO. R21-_____

A RESOLUTION AMENDING THE 2021 BUDGET TO APPROPRIATE FORTY-EIGHT THOUSAND THREE HUNDRED DOLLARS (\$48,300.00) FROM CMRS FUND 352 INTO ACCOUNT #352-52-70256 SOFTWARE LICENSING; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Police Department needs to appropriate forty-eight thousand three hundred dollars (\$48,300.00) from its CMRS Fund 352 to pay an invoice from AT&T for the continued operation of the City's 9-1-1 system; and

WHEREAS, the Rogers Police Department will now be paying this contract annually due to an agreement with all participating entities in the local 9-1-1 system.

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

Section 1: The City of Rogers' 2021 Budget is amended to appropriate forty-eight thousand three hundred dollars (\$48,300.00) from CMRS Fund 352 into Account #352-52-70256 Software Licensing;

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

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

RESOLVED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: Jonathan Best, Interim Chief of Police
Prepared By: John M. Pesek, Senior Staff Attorney
For Consideration By: Finance Committee

ORDINANCE NO. 21-_____

AN ORDINANCE AMENDING CHAPTER 2 OF THE CITY OF ROGERS' CODE OF ORDINANCES CONCERNING COMPETITIVE BIDDING FOR SOFT-SURFACE TRAIL DESIGN AND CONSTRUCTION SERVICES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, Ark. Code Ann. § 19-11-801(c) authorizes the City to elect not use competitive bidding for other professional services adopted by a 2/3 vote of the City Council;

WHEREAS, soft-surface trail construction requires a unique set of services, including, but not limited to, techniques, equipment, and expertise to ensure that the trail limits the natural risk to preserve the trail's condition and to ensure that trails are constructed according to best practices and standards for user safety; and

WHEREAS, soft-surface trail design and construction is an iterative process that requires site specific conditions and knowledge, including, but not limited to, knowledge of local geology, plant and animal ecology, grading, stonework, and drainage to ensure that the trails are built in a safe and maintainable way.

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

Section 1: Chapter 2, Article V, Section 2-468(b), of the City of Rogers Code of Ordinances is amended to include Section 2-468(b)(24) – Soft-surface trail design and construction services and the Municode Corporation is hereby instructed to make said amendment;

Section 2: Emergency Clause: The need to amend the City Code 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 3: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 4: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

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

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

WHEREAS, the City of Rogers City Council, upon recommendation of its Community, Environment, and Welfare Committee, finds it to be in the best interest of the City to update the provisions governing its floodplain administration found in Chapter 22 of its Code of Ordinances; and

WHEREAS, these changes will reduce floodplain issues in the City of Rogers that have become more common place due to an increase in historical flooding events.

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

Section 1: That various sections and subsections of Chapter 22 of the City of Rogers, Code of Ordinances are amended to read as shown in the attached Exhibit “A” and the Municode Corporation is hereby instructed to make said revisions. In the event that only one or some amended “subsection(s)” of a larger Code section is shown in Exhibit “A”, any other subsections of that respective Section that are not shown in Exhibit “A” shall remain unchanged and continue to be in force as previously adopted.

Section 2: Emergency Clause: The need to amend said City Code chapter is immediate in order to protect the public peace, health, safety, and welfare. An emergency is hereby declared to exist and this Ordinance shall be in full force and effect from the date of passage and approval;

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

Section 4: Repeal of Conflicting Provisions: All Ordinances, Resolutions, or Orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this _____ day of _____, 2021.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested By: John McCurdy, Director of Community Development

Prepared by: John M. Pesek, Senior Staff Attorney

EXHIBIT A

Chapter 22 **FLOODS FLOODPLAIN ADMINISTRATION**

Sec. 22-21. - Findings of fact.

- (c) ~~These special flood hazard areas~~ **Special flood hazard areas and other high risk areas** are subject to periodic flooding events that result in loss of life and property, pose health and safety hazards, disrupt commerce and governmental services, and cause extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- (d) These periodic flooding events are exacerbated by the cumulative effect of floodplain developments which cause an increase in flood heights and velocities and by the placement of inadequately elevated, inadequately floodproofed or otherwise unprotected structures or uses vulnerable to floods **into in or adjacent to** special flood hazard areas **and other high risk areas**. Such structures or uses are inherently hazardous to other lands because of their adverse impact on flooding events.

Sec. 22-22. - Statement of purpose.

The purpose of this article is to promote the public health, safety and general welfare, to prevent adverse impacts from any floodplain development activities, and to minimize public and private losses due to flooding events in **or adjacent to** identified special flood hazard areas **and other high risk areas**. This article advances the stated purpose through provisions designed to:

- (7) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in **or adjacent to** special flood hazard areas **or other high risk areas**;
- (9) Provide for notice to potential buyers when property is in a special flood hazard area **or other high risk areas**.

Sec. 22-23. - Lands to which this article applies.

This article shall apply to all special flood hazard areas **and other high risk areas** within the jurisdiction of the city.

Sec. 22-24. - Methods of reducing flood losses.

This article uses the following methods to accomplish the stated purpose:

- (1) This article restricts or prohibits structures or uses in **or adjacent to** special flood hazard areas **and other high risk areas** that adversely impact health, safety or property during flooding events;

Sec. 22-27. - Warning and disclaimer of liability.

The degree of flood protection required by this division is considered reasonable for regulatory purposes. Documented scientific and engineering data form the basis for these requirements. On rare occasions, flooding events greater than those considered for this article will occur. In addition, flood heights may increase over time due to manmade or natural causes. This article does not imply that land outside special flood hazard areas **and other high risk areas** will be free from flooding, nor that strict adherence to this article protects uses permitted within special flood hazard areas **and other high risk areas** from all flood damages. This article specifically does not create liability on the part of the community, nor any official or employee of the community, for any flood damages that result while strictly following this article, or from any lawful administrative decision made under the provisions of this article.

EXHIBIT A

DIVISION 2. - FLOOD DAMAGE PREVENTION CODE

Subdivision I. - In General

Sec. 22-47. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning (additional definitions for floodplain management terms can be found at 44 CFR 59.1.):

100-year Water Surface Elevation refers to calculated height of floodwaters during the peak of the base flood event.

Adjacent to means the area encompassed by a horizontal extension of a 3-foot freeboard of any 100-year Base Flood Elevation or 100-year Water Surface Elevation identified with a Special Flood Hazard Area Zone A, Zone AE, or other high risk area to a point of equal elevation on the surrounding ground surface.

Appeal board means a person or group of people specifically designated to render decisions on variance applications and floodplain management complaints. The Board of Adjustments is the designated Appeal Board for variances related to Chapter 22.

BLE means base level engineering.

Development broadly as it pertains to this chapter means any man-made change to improved or unimproved real estate. It includes, but is not limited to, construction, reconstruction, or placement of a building, or any addition or substantial improvement to a building. Development also includes, but is not limited to, the installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 consecutive days. The installation of utilities, construction of roads, bridges, culverts or similar projects are also developments. Construction, alteration, reconstruction, or erection of levees, dams, walls, or fences; drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface are developments. Storage of materials, including the placement of gas and liquid storage tanks are developments, as are channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters. Storage of equipment, which includes but is not limited to, construction equipment, many-to-one equipment and maintenance equipment, is also considered development. Development does not include maintenance of existing buildings and facilities, maintenance of existing drainage ditches, resurfacing of roads, gardening, plowing, or similar practices that do not involve filling, grading, or construction of levees.

Development permit – See Floodplain development permit. – refers to the permit required for placing a development in the floodplain.

Easements are rights or permissions held by one entity/person(s) person to make specific, limited use of land owned by another entity/person(s) person.

Floodplain refers to any land area susceptible to inundation by floodwaters from any source. For the purposes of this Code, floodplain refers to the land area susceptible to being inundated by the base flood either in existing or proposed conditions and includes areas adjacent to special flood hazard areas and other high risk areas.

Floodplain administrator refers to the community official designated in the local Flood Damage Prevention Code as responsible for the code's administration.

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

Functionally dependent use is a use that requires a location or construction contrary to the requirements of the Code. Shipyards and docks are the most common examples of functionally dependant dependent uses, but in Arkansas, water and wastewater treatment facilities are often constructed on normally prohibited sites. Another example of a functionally dependant dependent use might be an addition to a manufacturing facility with precision equipment which must align with existing equipment in a preexisting, pre-FIRM building. Variances may be granted for functionally dependant dependent uses.

EXHIBIT A

Grading means to ~~smooth~~ **disturb** the surface of the ground, typically with heavy construction equipment.

Many-to-one equipment means items such as new, used, or salvaged automobiles, trailers, boats, ATVs, or other such equipment in which many items are stored in a location in where only one or a few people would be responsible for the relocation of multiple such items at any given time, which can result in higher risks and adverse impacts. This does not include parking lots, where typically one to two people would be responsible for relocating their personal automobiles, in which a lower risk may exist.

No adverse impact principle is a principle of restricting or prohibiting land development that ~~does~~ **may cause** harm or **may** adversely affects someone else's property or land.

Other High Risk Area means an area outside of the Special Flood Hazard Areas in which flooding is known to occur by the Floodplain Administrator through documented observable facts (such as high water marks, elevation contour data, flooding or drainage record logs, BLE data, or other similar best management practices), or a calculated 100-year Water Surface Elevation provided by a Civil Engineer.

Water surface elevation (WSE) means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Subdivision II. - Administration

Sec. 22-69. - Duties and responsibilities of the floodplain administrator.

- (3) Review applications for floodplain development permits to:
 - a. Evaluate proposed ~~projects~~ **development** for reasonable safety from flooding;
 - b. Evaluate proposed ~~projects~~ **development** for conformance with no adverse impact principles;
 - c. Ensure that all other permits necessary (including section 404 wetlands permits as required by the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334) for proposed ~~projects~~ **development** are obtained from the appropriate government agency prior to issuing a floodplain development permit; and
 - d. Ensure that proposed ~~projects~~ **development** conforms to the applicable provisions of this Code **and 44 CFR Chapter I - Subchapter B Insurance and Hazard Mitigation**.
- (4) Approve, **request revisions, approve with reasonable limitations or conditions,** or deny applications for floodplain development permits on the basis of:
 - e. The proposed development's compliance or noncompliance with the provisions of this Code **and 44 CFR Chapter I - Subchapter B Insurance and Hazard Mitigation**;

Sec. 22-70. - Establishment of **a floodplain** development permit.

A floodplain development permit is required for all structural development, placement of manufactured structures, clearing, grading, mining, drilling, dredging, placement of fill, excavating, watercourse alteration, drainage improvements, roadway or bridge construction, individual water or sewer installations or any other development in **or adjacent to** a special flood hazard area **or other high risk areas** to ensure conformance with the provisions of this Code.

Sec. 22-71. - Permit procedures.

- (b) The documentation required with each application for a floodplain development permit, and the specific provisions of this Code applicable to the proposed development, are ~~dependant~~ **dependent** upon the type of development proposed and the risk zone of the proposed development site. Section 22-105 contains the general standards for all developments in all risk zones. Section 22-106 contains standards for specific development types in specific risk zones.

EXHIBIT A

Sec. 22-72. - Procedures for variance from the requirements of this Code.

(d) Examples of developments for which variance petitions may be appropriate include, but are not limited to:

~~(1) The new construction of, or substantial improvement to, a structure on a lot of one-half acre or less in size that is surrounded by contiguous lots with existing structures constructed below the base flood elevation;~~

(1) For the reconstruction, rehabilitation or restoration of an historical structure, provided that:

- a. The proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure; and
- b. The variance is the minimum necessary to preserve the historic character and design of the structure.

(2) The new construction of, substantial improvement to, or other development necessary to conduct a functionally dependent use, provided that:

- a. The criteria outlined in subsections (c) and (d) of this section and in section 22-73 are met; and
- b. The structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

Sec. 22-73. - Appeal board.

(e) Any time the appeal board issues a variance, it must ~~provide be contingent on~~ the applicant ~~with signing~~ a formal written ~~warning of City of Rogers Floodplain Development Disclaimer explaining~~ an increased risk of flood damage due to removal of restrictions designed to lessen such risks. The notice must also warn of a corresponding increase in the cost of flood insurance, since the cost of such insurance will be commensurate with the increased risk.

Subdivision III. - Flood Hazard Reduction

Sec. 22-105. - General standards.

The following standards apply to all developments in ~~and adjacent to~~ special flood hazard areas ~~and other high risk areas~~, regardless of the type of proposed development or the risk zone of the proposed site:

(1) All new and substantial construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting ~~form from~~ hydrodynamic and hydrostatic loads, including the effects of buoyancy.

~~(4) All critical facilities constructed or substantially improved in or adjacent to special flood hazard areas (SFHA) or other high risk areas must be constructed or modified to exceed 500-year flood protection standards or located outside the SFHA or other high risk areas.~~

(10) The design or location of electrical, heating, ventilation, plumbing, and air conditioning equipment for new structures, or for any improvements to an existing structure, ~~shall be 3-feet above the base flood elevation or 100-year water surface elevation for any project requiring a Floodplain Development Permit. This shall be documented on a new or updated Elevation Certificate for the structure, when applicable. Stand-alone equipment for some types of development, including but not limited to swimming pools, shall meet this requirement, however, an elevation certificate is not required unless otherwise specified by the Floodplain Administrator. must prevent water from entering or accumulating within the components during base flood events.~~

(14) Construction of basement foundations in ~~or adjacent to~~ any special flood hazard area ~~or other high risk area~~ is prohibited.

(15) New construction and substantial improvements, with fully enclosed areas (such as garages and crawlspaces) below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are below the base flood elevation shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

~~d. All equipment, such as but not limited to, HVAC, water heaters, furnaces, electrical equipment and open plumbing, shall be certified a minimum 3-feet above the 100-year base flood or water surface elevation and documented on an Elevation Certificate.~~

EXHIBIT A

- (16) The placement of recreational vehicles (RV) in or adjacent to special flood hazard areas or other high risk areas must either:
- Meet all provisions of this Code applicable to manufactured home structures; and
 - Be in a working mechanical and physical condition to ensure quick removal from the Special Flood Hazard Area during a flood event.
- (20) All development proposals in or adjacent to a Special Flood Hazard Area or other high risk areas shall require a Floodplain Development Permit prior to construction.
- (21) For new Large Scale Development and Subdivision Development in or adjacent to Special Flood Hazard Areas or other high risk areas, and for any Floodplain Development Permit requests as determined by the City Engineer or his/her representative, the applicant shall include at minimum, but not limited to, the following No Adverse Impact requirements:
- a detailed hydrologic and hydraulic study performed by a professional engineer licensed in the state of Arkansas which delineates the floodway, 1% annual chance (100-year) floodplain boundary, and base flood elevations and demonstrates through a hydrologic and hydraulic analysis, that the development will not increase flood flows (0.0 cubic feet per second), flood heights (0.0 feet) or flood velocities (0.0 feet per second) on any property upstream or downstream; and
 - calculations certified by a Civil Engineer stating that the proposed development does not increase flood damage to off-site properties during the occurrence of the regulatory flood (1% annual chance/100-year) or any flood of more frequent occurrence; and
 - identification of Special Flood Hazard Area, “adjacent to” and “other high risk area” boundaries shown and labeled on the site plan; and
 - compensatory storage for any measurable loss of flood storage capacity.
- (22) *Elevation Certificates.* Elevation Certificates shall be required for all structural development in or adjacent to Special Flood Hazard Areas and other high risk areas as indicated in a Memo for Record included within the floodplain development permit.
- There are three different categories of Elevation Certificates. These shall be considered as follows:
 - The Floodplain Administrator may require a “Construction Drawings” Elevation Certificate for projects within 25-feet of a regulatory floodway.
 - The Floodplain Administrator may require a “Building Under Construction” Elevation Certificate anywhere in a Special Flood Hazard Area.
 - A “Finished Construction” Elevation Certificate with required photographs for each structure shall be required for all projects in or adjacent to Special Flood Hazard Areas. The Floodplain Administrator may require “Finished Construction” Elevation Certificates in other high risk areas.
 - Submission and Review.* Elevation Certificates must be submitted to the Floodplain Administrator for review. The Floodplain Administrator may either approve or request administrative revisions to Elevation Certificates prior to a project moving forward and obtaining a Certificate of Occupancy and/or a Certificate of Compliance.
- (23) Fence or wall construction in or adjacent to special flood hazard areas and other high risk areas shall require a floodplain development permit. Fence or wall construction which restricts the flow of floodwaters in or adjacent to Special Flood Hazard Areas or other high risk areas shall be prohibited.
- (24) Proposed Large Scale Developments and Subdivision Developments shall build fences along primary channels at or above the base flood elevation (BFE) or the 100-year Water Surface Elevation (WSE) when required by the City Engineer. Gates shall be installed for access to flood prone areas for maintenance, and a minimum 15-foot wide drivable access easement shall be provided to the right-of-way. The installation shall be required prior to achieving a Final Plat for Subdivisions, or a Certificate of Compliance for Large Scale Developments, and is not bondable.
- (25) Proposed Large Scale Developments and Subdivision Developments shall design proposed streets and driveways to ensure safe passage of emergency service vehicles during flood events from the adjacent existing right-of-way to commercial and habitable residential structures.

EXHIBIT A

Sec. 22-106. - Risk zone specific standards.

- (1) In AE risk zones, special flood hazard areas with base floods determined:
 - a. For residential structures in **or adjacent to** zone **Zone** AE:
 1. For all new residential structures, the top surface of the lowest floor must have an elevation **two three** feet above the published BFE. This elevation must be documented on an elevation certificate properly completed by a professional engineer, surveyor or architect licensed to practice in the state.
 - b. For nonresidential structures in **or adjacent to** zone **Zone** AE:
 1. All new commercial, industrial or other nonresidential structures must either:
 - (i) Have the lowest floor (including basement) elevated **two three** feet above the base flood level;
or
 - c. For manufactured homes in **or adjacent to** zone **Zone** AE:
 1. All manufactured homes that are placed or substantially improved on sites:
 - (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated **two three** feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of subsection (1)c.1 of this section shall be elevated so that either:
 - (i) The lowest floor of the manufactured home is **two three** feet above the base flood elevation; or
- (3) In AH or AO risk zones, special flood hazard areas of shallow flooding.
 - a. For residential structures in **or adjacent to** zones **Zones** AH or AO:
 1. All new residential structures must be constructed with the top surface of the lowest floor elevated **two three** feet above the published BFE, or **two three** feet above the highest adjacent grade in addition to the depth number specified (at least **two three** feet if no depth number is specified) on the community's FIRM. This elevation must be documented on an elevation certificate properly completed by a professional engineer, surveyor or architect licensed to practice in the state.
 - b. For nonresidential structures in **or adjacent to** zones AH or AO:
 1. All new commercial, industrial or other nonresidential structure must either:
 - (ii) Have the top surface of the lowest floor elevated **two three** feet above the published BFE, or **two three** feet above the highest adjacent grade in addition to the depth number specified (at least **two three** feet if no depth number is specified) on the community's FIRM, with documentation on an elevation certificate properly completed by a professional engineer, surveyor or architect licensed to practice in the state; or
 - (iii) Be floodproofed such that the structure, together with attendant utility and sanitary facilities be designed **so that below** three feet or more above the published BFE in zone AH, or three feet or more above the base specified flood depth in an AO zone, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy.
 - c. For manufactured homes **in or adjacent to** zones **Zones** AH or AO:
 1. All manufactured homes that are placed or substantially improved on sites:
 - (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated **two three** feet above the published BFE, or **two three** feet above the highest adjacent grade in addition to the depth number specified (at least **two three** feet if no depth number is specified) on the community's FIRM,

EXHIBIT A

and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

- (4) In A risk zones, special flood hazard areas with no base flood elevations determined **and other high risk areas**:
- a. In **zone Zone A and other high risk areas**, the applicant or the applicant's agent must determine a base flood elevation, **or 100-year water surface elevation**, prior to construction. The BFE **or WSE** will be based on a source or method approved by the **local** floodplain administrator.
 - b. For residential structures in **or adjacent to zone Zone A or other high risk areas**:
 1. For all new residential structures, the top surface of the lowest floor must have an elevation **two three** feet above the BFE **or 100-year WSE**. This elevation must be documented on an elevation certificate properly completed by a professional engineer, surveyor or architect licensed to practice in the state.
 - c. For nonresidential structures in **or adjacent to zone Zone A or other high risk areas**:
 1. All new commercial, industrial or other nonresidential structures must either:
 - (v) Have the lowest floor (including basement) elevated **two three** feet above the base flood level **or 100-year WSE**; or
 - d. For manufactured homes in **or adjacent to zone Zone A or other high risk areas**:
 1. All manufactured homes that are placed or substantially improved on sites:
 - (iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated **two three** feet above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 2. Require that manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's FIRM that are not subject to the provisions of subsection (4)d.1 of this section be elevated so that either:
 - (i) The lowest floor of the manufactured home is **two three** feet above the base flood elevation; or

ORDINANCE NO. 21-_____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM N-R TO C-2, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on November 16, 2021, the City Council has found that certain lands hereinafter described are better suited for C-2 zoning.

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

SECTION 1: That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as C-2 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

THE EAST 300 FEET OF BLOCK 5, REVISED HILLCREST ADDITION TO THE CITY OF ROGERS, ALSO THAT PART OF THE CLOSED WEST HOLLY STREET LYING SOUTH OF THE ABOVE DESCRIBED LAND.

LAYMAN'S DESCRIPTION:

± 2.35 acres SW of the intersection of W. Mulberry St. and S. 8th St.

Parcel Number: 02-04778-000

SECTION 3: Zoning. That the above described lands are better suited for C-2 than N-R zoning and same should be and are hereby zoned C-2.

SECTION 4: Emergency Clause. That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

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 _____ day of _____, 2021.

Approved:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Will Kellstrom

Prepared by: Amber Long, Planner

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 21-_____

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM N-R TO C-2, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on November 16, 2021, the City Council has found that certain lands hereinafter described are better suited for C-2 zoning.

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

SECTION 1: That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as C-2 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

LOTS 1 THRU 6 AND LOTS 11 THRU 16, BLOCK 6, REVISED HILLCREST ADDITION TO THE CITY OF ROGERS, EXCEPT: THE WEST 10N FEET LOT 11; ALSO THAT PORTION OF CLOSED ALLEY LYING BETWEEN ABOVE DESCRIBED LOTS.

LAYMAN'S DESCRIPTION:

± 1.83 acres NW of the intersection of W. Ash St. and S. 8th St.
Parcel Number: 02-04782-000

SECTION 3: Zoning. That the above described lands are better suited for C-2 than N-R zoning and same should be and are hereby zoned C-2.

SECTION 4: Emergency Clause. That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

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 _____ day of _____, 2021.

Approved:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Will Kellstrom

Prepared by: Amber Long, Planner

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 21-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM I-2 TO I-1, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on November 16, 2021, the City Council has found that certain lands hereinafter described are better suited for I-1 zoning.

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

SECTION 1: That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as I-1 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

PART OF THE LAND DESCRIBED IN BOOK 2006, PAGE 41699 RECORDED AT THE OFFICE OF THE CIRCUIT CLERK IN BENTON COUNTY, ARKANSAS, BEING A PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 24, TOWNSHIP 19 NORTH, RANGE 30 WEST, FIFTH PRINCIPAL MERIDIAN, BENTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE S85°35'49"E 40.02 FEET TO THE EAST RIGHT OF WAY OF 8TH STREET; THENCE ALONG SAID RIGHT OF WAY, N02°26'55"E 1523.38 FEET TO A SET 5/8-INCH REBAR WITH CAP PLS 1759; THENCE CONTINUING ALONG SAID RIGHT OF WAY, N02°26'55"E 538.96 FEET TO A SET 5/8-INCH REBAR WITH CAP PLS 1759 FOR THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID RIGHT OF WAY LINE, N02°26'55"E 182.82 FEET TO A FOUND "X" IN THE CONCRETE; THENCE S86°58'11"E 269.23 FEET TO AN EXISTING FENCE CORNER; THENCE S02°26'55"W 180.08 FEET TO A SET 5/8-INCH REBAR WITH CAP PLS 1759; THENCE N87°33'05"W 269.22 FEET TO THE POINT OF BEGINNING, CONTAINING 48,849 SQUARE FEET OR 1.12 ACRES, MORE OR LESS, SUBJECT TO ANY EASEMENTS, COVENANTS OR RESTRICTIONS OF RECORD OR FACT.

LAYMAN'S DESCRIPTION:

2103 S 8th Street

SECTION 3: Zoning. That the above described lands are better suited for I-1 than I-2 zoning and same should be and are hereby zoned I-1.

SECTION 4: Emergency Clause. That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

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 _____ day of _____, 2021.

Approved:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Chris Tiley

Prepared by: Nick Little, Planner

For Consideration By: Community Environment & Welfare Committee

ORDINANCE NO. 21-_____

**AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM C-2 TO C-4, PROVIDING FOR
THE EMERGENCY CLAUSE AND FOR OTHER PURPOSES**

WHEREAS, pursuant to the provisions of Rogers Code Section 14-725, et seq, and upon the consideration of the report and recommendations of the Planning Commission of the City of Rogers, Benton County, Arkansas, on November 16, 2021, the City Council has found that certain lands hereinafter described are better suited for C-4 zoning.

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

SECTION 1: That Section 14-675 of the Code of Ordinances, City of Rogers, should be and the same hereby is amended as hereinafter provided.

SECTION 2: That the land hereinafter described should be and the same is hereby zoned as C-4 and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

A part of Lot 1 of Banz 5th Addition, a subdivision to the City of Rogers, Benton County, Arkansas, as show in plat record book "O" at page 221 and filed for record on the 3rd day of April, 1974, and being described as follows: commencing at the NW corner of Lot 1 of Banz 5th Addition, said point being a hole in the concrete of an existing drainage ditch; thence South 88 degrees 44 minutes 45 seconds East 99.56 feet to the true point of beginning, said point being in a set PK nail drilled inside of a chiseled box on the concrete of an existing parking lot; thence South 88 degrees 44 minutes 45 seconds East 135.96 feet to a found iron pin; thence along a curve to the right with a delta angle of 88 degrees 37 minutes 49 seconds West 260.01 feet to a drilled hole inside of a chiseled box on the concrete the existing drainage ditch, thence North 00 degrees 01 minutes 05 seconds East 10.00 feet; thence South 88 degrees 37 minutes 49 seconds East 97.29 feet; thence North 01 degrees 00 minutes 18 seconds East 132.28 feet to the true point of beginning, containg 0.548 acres and hereafter to be known as Lot 1B of Banz 5th Addition to the City of Rogers, Benton County, Arkansas.

LAYMAN'S DESCRIPTION:

2212 S 8th Street

SECTION 3: Zoning. That the above described lands are better suited for C-4 than C-2 zoning and same should be and are hereby zoned C-4.

SECTION 4: Emergency Clause. That it is necessary to bring proposed uses of the property into conformance with the Rogers City Zoning Ordinances and because of such an emergency is declared to exist and in order to protect the public peace, health, safety and welfare, this ordinance shall be in full force and effect from the date of its passage and approval.

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 _____ day of _____, 2021.

Approved:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

Requested by: Donna Welsh

Prepared by: Nick Little, Planner I

For Consideration By: Community Environment & Welfare Committee