



Office of the City Clerk-Treasurer
301 W. Chestnut
Rogers, Arkansas 72756
479-621-1117 · (Fax) 479-936-5401

www.rogersar.gov

COMMITTEE SCHEDULE

TO: MAYOR
CITY COUNCIL
DEPARTMENT HEADS
PRESS

FROM: PEGGY DAVID, CITY CLERK-TREASURER

DATE: June 21, 2018

The following committee meetings will be held on **Tuesday, June 26, 2018** prior to the City Council meeting:

5:15 p.m. – TRANSPORTATION COMMITTEE: (Kruger, Townzen, and Carmichael)
Committee Room #1

- To Discuss:
- (a) Request by Patrick Horath, from Flintco, for a Street Closure as part of the Arkansas Arts Academy construction to close 5th Street between Poplar and Cherry from June 26, 2018 to July 3, 2018 from 8:00 a.m. to 2:00 p.m., excluding Sunday.
 - (b) Discussion of Proposed 2018 Bond Projects
-

5:45 p.m. – PUBLIC WORKS COMMITTEE: (Townzen, Kendall, Wright) **Committee Room #1**

- To Discuss:
- (a) Monthly Report from RWU
-

5:45 p.m. – PUBLIC SAFETY COMMITTEE: (Wolf, Kruger and Carmichael) **Committee Room #2**

- To Discuss:
- (a) Waiving Competitive Bidding for the Purchase of an Undercover Police Vehicle from Superior of Siloam Springs for Use by the Rogers Police Department Drug Unit
-

6:00 p.m. – FINANCE COMMITTEE: (Reithemeyer, Wolf and Kendall) **Committee Room #2**

- To Discuss:
- (a) A Resolution Authorizing the Purchase of a Vehicle for the Police Department Drug Unit; Amending the 2018 Budget to Appropriate from Federal Sharing Forfeiture Fund in the Amount of \$21,000 to Acct. #340-40-80100
 - (b) An Ordinance Waiving Competitive Bidding for the Purchase of an Undercover Police Vehicle from Superior of Siloam Springs for Use by the Rogers Police Department Drug Unit
-

6:15 p.m. – RESOURCES & POLICY COMMITTEE: (Hayes, Reithemeyer, Wright)

Committee Room #2

To Discuss: (a) An Ordinance To Amend Certain Provisions of Chapter 38 of the Code of Ordinances, City of Rogers, AR Concerning the City of Rogers No-Knock List and Peddler's Licenses



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ROGERS CITY COUNCIL

AGENDA

JUNE 26, 2018

6:30 P.M.

PUBLIC FORUM:

INVOCATION & PLEDGE OF ALLEGIANCE:

ROLL CALL:

ACTION ON MINUTES: June 12, 2018

REPORTS OF BOARDS AND STANDING COMMITTEES:

- 1. RES. Re: Authorizing the Purchase of a Vehicle for the Police Department Drug Unit; Amending the 2018 Budget to Appropriate from Federal Sharing Forfeiture Fund in the Amount of \$21,000 to Acct. #340-40-80100 - Finance Committee
- 2. ORD. Re: Waiving Competitive Bidding for the Purchase of an Undercover Police Vehicle from Superior of Siloam Springs for Use by the Rogers Police Department Drug Unit - Public Safety Committee
- 3. ORD. Re: To Amend Certain Provisions of Chapter 38 of the Code of Ordinances, City of Rogers, AR Concerning the City of Rogers No-Knock List and Peddler’s Licenses - Resources & Policy Committee

OLD BUSINESS:

NEW BUSINESS:

- 1. ORD. Re: Rezone from PUD (R-O) to C-2/C-U, 5 Acres East of the Corner of S. Bellview Road & West Ajax Ave. (Ajax Bellview, LLC) - Bill Watkins

ROGERS CITY COUNCIL AGENDA

JUNE 26, 2018

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2. ORD. Re: Rezone from A-1 to RMF, 2110 S. 30th Street and 3035 W. Green Acres Road (Mill Creek Manor, LLC and Pascal Trust) - Bill Watkins
3. ORD. Re: Rezone from C-2 to IA, 203 W. Wood Street and 710 N. 2nd Street (Reinboth Lynch, LLC) - Hannah Cicioni
4. ORD. Re: Rezone from C-2 to IA, 718-728 N. 2nd Street (Reinboth Lynch, LLC) - Hannah Cicioni

APPOINTMENTS:

ANNOUNCEMENTS:

RESOLUTION NO. R-18 _____

A RESOLUTION AUTHORIZING THE MAYOR TO PURCHASE A VEHICLE FOR THE POLICE DEPARTMENT DRUG UNIT; AMENDING THE 2018 BUDGET TO APPROPRIATE FROM THE FEDERAL SHARING FORFEITURE FUND IN THE AMOUNT OF TWENTY-ONE THOUSAND DOLLARS (\$21,000.00) TO ACCOUNT NUMBER 340-40-80100 CAPITAL EXPENDITURES; AND FOR OTHER PURPOSES.

WHEREAS, the City of Rogers Police Department has a need for a vehicle for the Drug Unit;

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

Section 1: The Mayor or his duly-designated representative may enter into contracts on behalf of the City to purchase a vehicle with cost not to exceed twenty one thousand dollars (\$21,000.00);

Section 2: The 2018 Budget is amended to appropriate twenty-one thousand dollars (\$21,000.00) from the Federal Sharing Forfeiture Fund to Account Number 340-40-80100 Capital Expenditures;

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

PASSED this _____ day of _____, 2018.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested By: Chief Minor H. Hayes, Rogers Police Department

Prepared By: Jennifer Waymack, Senior Staff Attorney

For Consideration by the Finance Committee

AN ORDINANCE WAIVING COMPETITIVE BIDDING FOR THE PURCHASE OF AN UNDERCOVER POLICE VEHICLE FROM SUPERIOR OF SILOAM SPRINGS FOR USE BY THE ROGERS POLICE DEPARTMENT DRUG UNIT; PROVIDING FOR THE EMERGENCY CLAUSE; AND FOR OTHER PURPOSES.

WHEREAS, the Rogers Police Department needs to purchase a new undercover police vehicle for use by the Rogers Police Department Drug Unit; and

WHEREAS, Superior of Siloam Springs can provide a vehicle with the specifications necessary to law enforcement, and has agreed to give the City of Rogers the pricing set by the State of Arkansas procurement guidelines for state purchases.

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

Section 1: There exists an exceptional circumstance whereby the requirements of competitive bidding are neither practical nor feasible and the City Council, therefore, waives the requirements of competitive bidding for the purchase of the police vehicle for use by the Rogers Police Department Drug Unit;

Section 2 - Emergency Clause: The need to acquire the undercover vehicle for the Rogers Police Department 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 _____, 2018.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested By: Hayes Minor, Chief of Police
Prepared By: Jennifer Waymack, Senior Staff Attorney
For Consideration by the Public Safety Committee

ORDINANCE NO. 18-_____

AN ORDINANCE TO AMEND CERTAIN PROVISIONS OF CHAPTER 38 OF THE CODE OF ORDINANCES, CITY OF ROGERS, ARKANSAS CONCERNING THE CITY OF ROGERS NO-KNOCK LIST AND PEDDLER’S LICENSES; TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the evolving court interpretations following the United States Supreme Court’s decision in *Reed v. Town of Gilbert, Ariz.*, 135 S.Ct. 2218, require a revision and update of certain provisions of the Code of Ordinances, City of Rogers, Arkansas.

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

Section 1: Chapter 38 of the Code of Ordinances, City of Rogers, Arkansas, “Peddlers, Solicitors and Restricted Business Sales” is retitled “Chapter 38 – Restricted Business Sales”;

Section 2: Chapter 38, Article II of the Code of Ordinances, City of Rogers, Arkansas, “Peddlers and Solicitors” is retitled “ARTICLE II - Peddlers”;

Section 3: § 38-19 of the Code of Ordinances, City of Rogers, Arkansas is repealed, replaced, and to read as shown in the attached Exhibit “A”;

Section 4: § 38-20 of the Code of Ordinances, City of Rogers, Arkansas is repealed, replaced, and to read as shown in the attached Exhibit “B”;

Section 5: § 38-21 of the Code of Ordinances, City of Rogers, Arkansas is repealed, replaced, and to read as shown in the attached Exhibit “C”;

Section 6: §§ 38-22 and 38-23 of the Code of Ordinances, City of Rogers, Arkansas are repealed and reserved;

Section 7: Appendix B to the Code of Ordinances, City of Rogers, Arkansas is amended to read as shown in the attached Exhibit “D”;

Section 8 – Emergency Clause: The need to amend the City Code to comply with changes in state law and United States Supreme Court interpretation 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 9 - 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 10 – 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 _____, 2018.

APPROVED:

C. GREG HINES, Mayor

Attest:

PEGGY DAVID, City Clerk

Requested by: Jennifer A. Waymack, Senior Staff Attorney
Prepared by: Jennifer A. Waymack, Senior Staff Attorney
For Consideration by the Resources and Policy Committee

Exhibit "A"

38-19. Peddler's License.

(a) Except as provided in subsection (b) of this section, before engaging in his or her business, a peddler shall:

(1) Pay a license fee as currently established and found in appendix B to this Code; and

(2) Provide valid government photo identification to the Clerk-Treasurer upon request for a peddler's license.

(b) The following persons are exempt from the requirements of subsection (a) of this section:

(1) A peddler who holds a current and valid City of Rogers business license with a permanent address in the City of Rogers; and

(2) Any entity designated exempt by state law.

(c) A peddler shall maintain a copy of the peddler's license on his or her person while engaged in his or her business.

(d) As used in this section, "peddler" means a person who engages in the business of selling goods, wares, or merchandise of any description other than articles grown, produced, or manufactured by the seller himself or herself or by those in his or her employ, and sold by going from house to house or place to place, either by land or water, to sell them.

Exhibit "B"

38-20. No-Knock List.

- (a) *Purpose and Intent.* The restrictions contained within this section are necessary to:
- (1) Protect public safety and enjoyment of privacy in the City;
 - (2) Curtail criminal activity in people's homes by reducing, identifying, and evidencing uninvited and unwanted contact on private property;
 - (3) Protect the privacy interests of those residing in this City; and
 - (4) Protect those residing in this City from fraud.
- (b) The City Clerk-Treasurer shall maintain a No-Knock list.
- (c) (1) A resident may be placed on the No-Knock list for two (2) years if he or she provides written proof to the City Clerk-Treasurer that he or she resides at the residence requested to be placed on the No-Knock list.
- (2) After two (2) years, the City Clerk-Treasurer shall remove the resident from the No-Knock list unless the resident:
- (A) Requests to remain on the No-Knock list for an additional two (2) years; and
 - (B) Provides written proof that he or she continues to reside at the residence requested to be renewed on the No-Knock list.
- (3) Written proof under subdivisions (c)(1) and (c)(2) of this section shall be in the form of:
- (A) A copy of a state issued identification card;
 - (B) A current utility bill; or
 - (C) A current mortgage statement or lease agreement.
- (4) Written proof under subdivisions (c)(1) and (c)(2) of this section may be provided to the City Clerk-Treasurer or his or her designee:
- (A) In person;
 - (B) By mail; or
 - (C) By an electronic means approved by the City Clerk-Treasurer.
- (5)(A) A resident on the No-Knock list promptly shall notify the City Clerk-Treasurer if he or she no longer resides at the residence.
- (B) Upon notification that the resident no longer resides at the address on the No-Knock list, the City Clerk-Treasurer shall remove him or her from the No-Knock list.
- (6) An address shall not be placed on the No-Knock list by:
- (A) A property owner's association;
 - (B) A homeowners association; or
 - (C) Any other organization representing a group of homes, homeowners, or tenants.

(d) Before a peddler goes from door-to-door to make contact with the occupants of more than one (1) residence, he or she shall:

(1) Obtain a copy of the No-Knock list from the City Clerk-Treasurer; and

(2) Notify the Rogers Police Department of the dates, times, and locations of the intended areas of contact.

(e) "Peddler" is defined under §38-19(d).

Exhibit “C”

38-21. Knocking prohibited under certain circumstances.

(a) Unless the peddler is invited by or has the permission of a resident of the residence, a peddler shall not knock on the door of or ring the doorbell of any residence that:

(1) Is on the No-Knock list; or

(2) Posts a legible and reasonably visible sign stating “No Solicitation” on the property.

(b) A peddler shall not knock on the door of or ring the doorbell of any residence after sunset and before sunrise, unless the peddler is invited by or has the permission of a resident of the residence.

(c) “Peddler” is defined under §38-19(d).

Exhibit "D"

Sec. 38-19, Peddlers license fee.

Per day: \$10.00

Per week: \$30.00

Per month: \$75.00

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM PUD (R-O) TO C-2/CU, 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, the City Council has found that certain lands hereinafter described are better suited for C-2/CU zoning.

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

SECTION 1: That Rogers Code Section 14-675 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/CU, and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 22, TOWNSHIP 19 NORTH, RANGE 30 WEST, CITY OF ROGERS, BENTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SW CORNER OF THE SW1/4 OF THE SW1/4 OF SAID SECTION 22; THENCE ALONG THE WEST LINE OF SAID SW1/4 OF THE SW1/4 N02°32'52"E 333.77 FEET TO EAST RIGHT-OF-WAY LINE OF S. BELLVIEW ROAD AND THE POINT OF BEGINNING; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING COURSES: N02°32'52"E 2.79 FEET; THENCE N10°38'39"W 9.32 FEET; THENCE ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 550.00 FEET, AN ARC LENGTH OF 31.79 FEET, A CENTRAL ANGLE OF 03°18'42", AND A CHORD BEARING AND DISTANCE OF N08°59'18"W 31.78 FEET; THENCE LEAVING SAID EAST RIGHT-OF-WAY LINE S86°51'23"E 669.52 FEET; THENCE S02°43'22"W 376.90 FEET; THENCE N86°50'11"W 130.67 FEET TO THE NORTH RIGHT-OF-WAY LINE OF W. AJAX AVENUE; THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE THE FOLLOWING COURSES: ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 330.00 FEET, AN ARC LENGTH OF 255.71 FEET, A CENTRAL ANGLE OF 44°23'49", AND A CHORD BEARING AND DISTANCE OF N73°56'11"W 249.36 FEET; THENCE S83°51'53"W 136.87 FEET; THENCE ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 270.00 FEET; AN ARC LENGTH OF 43.82 FEET, A CENTRAL ANGLE OF 09°17'55", AND A CHORD BEARING AND DISTANCE OF S88°30'51"W 43.77 FEET; THENCE N86°50'11"W 30.35 FEET TO THE EAST RIGHT-OF-WAY LINE OF S. BELLVIEW ROAD; THENCE ALONG SAID EAST RIGHT-OF-WAY LINE THE FOLLOWING COURSES: ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 30.05 FEET, AN ARC LENGTH OF 46.39 FEET, A CENTRAL ANGLE OF 88°27'29", AND CHORD BEARING AND DISTANCE OF N42°34'48"W 41.92 FEET;

THENCE ALONG A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 797.74 FEET, AN ARC LENGTH OF 114.31 FEET, A CENTRAL ANGLE OF 08°12'36", AND A CHORD BEARING AND DISTANCE OF N02°26'16"W 114.21 FEET; THENCE N10°38'39"W 165.61 FEET TO THE POINT OF BEGINNING, CONTAINING 217,907.92 SQUARE FEET OR 5.00 ACRES, MORE OR LESS, AND SUBJECT TO ALL RIGHTS-OF-WAY, EASEMENTS AND RESTRICTIVE COVENANTS OF RECORD OR FACT.

LAYMAN'S DESCRIPTION: 5 acres east of the corner of S. Bellview Rd. & West Ajax Ave

SECTION 3: Zoning. That the above described lands are better suited for C-2 than PUD (R-O) zoning and same should be and are hereby zoned C-2/CU.

SECTION 4: Emergency clause. That because the City is herein zoning property which is subject to a present use and said use should be brought into conformity with the zoning laws of the City of Rogers, Arkansas, 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 4: 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 5: 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 _____, 2018.

ROGERS, ARKANSAS

APPROVED:

ATTEST:

PEGGY DAVID, CLERK

C. GREG HINES, MAYOR

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM A-1 to RMF, ACCEPTING THE AMENITY AGREEMENT,
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, the City Council has found that certain lands hereinafter described are better suited for RMF zoning.

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

SECTION 1: That Rogers Code Section 14-675 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 RMF, and that said lands being in Benton County, Arkansas, are described as:

PROPERTY DESCRIPTION:

Part of the SW 1/4 of the NW 1/4 of Section 22, Township 19 North, Range 30 West, Benton County, Arkansas, being more particularly described as follows: Beginning at a point 660 feet North and 669.6 feet East of the Southwest corner of said SW 1/4 of the NW 1/4, running thence North 660 feet; thence East 330 feet; thence South 660 feet; thence West 330 feet to the point of beginning.

And

A part of the Northwest 1/4 of Section 22, Township 19 North, Range 30 West of the Fifth Principal Meridian, Benton County, Arkansas, and being described as follows:

Commencing at the Southwest corner of the Northwest 1/4 of Section 22, Township 19 North, Range 30 West, thence South 88 degrees 00 minutes East 511.9 feet; thence North 01 degree 43 minutes East 662.5 feet to a found iron pin; thence South 88 degrees 27 minutes 40 seconds East 487.45 feet to a set iron pin set on the centerline of Capps Road, said point being the true point of beginning; thence along said centerline South 88 degrees 27 minutes 40 seconds East 330.03 feet to a found iron pipe; thence leaving said centerline North 01 degree 42 minutes 16 seconds East 657.15 feet to a found iron pipe; thence North 88 degrees 19 minutes 19 West 329.64 feet to a set iron pin; thence South 01 degree 44 minutes 18 seconds West 657.95 feet to the true point of beginning and being subject to the right-of-way of Capps Road along the South side thereof and subject to covenants and casements if any.

LESS AND EXCEPT the South 100 feet thereof

LAYMAN'S DESCRIPTION: 2110 S. 30th Street and 3035 W. Green Acres Rd.

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

SECTION 4: Emergency clause. That because the City is herein zoning property which is subject to a present use and said use should be brought into conformity with the zoning laws of the City of Rogers, Arkansas, 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 _____, 2018.

ROGERS, ARKANSAS
APPROVED:

ATTEST:

PEGGY DAVID, CLERK

C. GREG HINES, MAYOR

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM C-2 TO IA, 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, the City Council has found that certain lands hereinafter described are better suited for IA than 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 IA and that said lands being in Benton County, Arkansas, are described as:

Lot 17, Block 1, Wood Stroud Addition to Rogers, Arkansas.

AND

West 100 feet of Lot 20, 21, Block 1, Wood Stroud Addition to Rogers, Arkansas.

CONTAINING 0.46 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS

AND/OR RIGHTS OF WAY OF RECORD OR FACT.

LAYMAN'S DESCRIPTION: 203 W Wood Street, Rogers, AR 72756 Benton County
710 N 2nd ST, Rogers, AR 72756. Benton County

SECTION 3: 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 4: **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 5: **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 _____, 2018.

ROGERS, ARKANSAS

APPROVED:

ATTEST:

PEGGY DAVID, CLERK

C. GREG HINES, MAYOR

ORDINANCE NO. _____
CITY OF ROGERS, ARKANSAS

AN ORDINANCE AMENDING ROGERS CODE SECTION 14-675 BY RE-ZONING
CERTAIN LANDS FROM C-2 TO IA, 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, the City Council has found that certain lands hereinafter described are better suited for IA than 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 IA and that said lands being in Benton County, Arkansas, are described as:

All of LOTS 1, 4, 5, 8, 9 and the North 30 feet of LOT 12 in BLOCK ONE
in
WOOD STROUD ADDITION to the City of Rogers, Arkansas.
CONTAINING 1.28 ACRES, MORE OR LESS. SUBJECT TO ALL
EASEMENTS AND/OR RIGHTS OF WAY OF RECORD OR FACT.

LAYMAN'S DESCRIPTION: 718 - 728 N 2nd ST, Rogers, AR 72756. Benton County

SECTION 3: 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 4: **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 5: **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 _____, 2018.

ROGERS, ARKANSAS

APPROVED:

ATTEST:

PEGGY DAVID, CLERK

C. GREG HINES, MAYOR