

ORDINANCE NO. 20-56

AN ORDINANCE AMENDING VARIOUS SECTIONS OF CHAPTER 14 OF THE CITY OF ROGERS CODE OF ORDINANCES; 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 update the provisions governing preliminary grading permits as found in Chapter 14 of its Code of Ordinances.

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

Section 1: Chapter 14, Section 14-1, of the Code of Ordinances, City of Rogers, Arkansas, is amended to read as shown in the attached Exhibit "A";

Section 2: Chapter 14, Section 14-796, subsection (d)(7) of the Code of Ordinances, City of Rogers, Arkansas, is amended to read as shown in the attached Exhibit "A";

Section 3: Chapter 14, Section 14-796, subsection (o)(1-4) of the Code of Ordinances, City of Rogers, Arkansas, is added and should read as shown in the attached Exhibit "A";

Section 4: 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 5: Severability Provision: If any part of this Ordinance is held invalid, the remainder of this Ordinance shall continue in effect as if such invalid portion never existed; and

Section 6: Repeal of Conflicting Provisions: All ordinances, resolutions or orders of the City Council, or parts of the same, in conflict with this Ordinance are repealed to the extent of such conflict.

PASSED this 14 day of July, 2020.

APPROVED:

C. GREG HINES, Mayor

Attest:

JESSICA RUSH, City Clerk

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

EXHIBIT "A"

Sec. 14-1 Definitions

"Completion of Construction" means any Construction Site with a Grading Permit in which

- (1) Development and grading within the disturbed area is complete or approved by the City Engineer to submit a Performance Bond, and matches plans as approved by the Planning Commission;
- (2) The disturbed soil area is observed to have 80% grass coverage and 100% stability;
- (3) No slopes steeper than a 3:1 pitch unless otherwise approved in writing by the City Engineer;
- (4) Notice of Violations issued have all corrective actions approved with an inspection report signed by the City Engineer; and
- (5) All heavy equipment, stockpiles, and construction site materials have been removed from the Construction Site.

Sec. 14-796 - Grading permit and tree preservation.

(d) Grading permit required

- (7) Approval may be obtained by public or private entities for the stockpiling of construction spoil material at particular locations for a limited time period, not to exceed six months. An additional six month extension may be granted by written approval of the City Engineer. Grading and replanting of grassed areas is required upon removal of stockpile.

Sec. 14-796 - Grading permit and tree preservation.

(o) *Preliminary Grading Permit.* All rules governing the issuance of a grading permit apply with the following exceptions and requirements:

- (1) The City Engineer may on a limited basis issue a Preliminary Grading Permit to allow clearing, filling, excavating, demolition or similar activities if
 - a. The project has been approved by the Planning Commission; or
 - b. The application does not contain any waiver or variance requests that may change the grading at the location; and
 - c. The applicant has displayed a hardship outside of the normal requirements of code.
- (2) No construction, to include, but not limited to, foundation work on structures, vehicular use areas, development, or improvements of any kind are authorized by the issuance of a Preliminary Grading Permit.
- (3) A Preliminary Grading Permit Application must include a grading and drainage plan-and a copy of the ADEQ NOI permit as described above in this Section.
- (4) Preliminary Grading Permits must be secured by a bond in the amount appropriate to restore the site to a Completion of Construction standard.
- (5) A Preliminary Grading Permit will expire six (6) months after date of issuance, and must meet the defined Completion of Construction portions 2, 3, 4, and 5, or must be converted to a full Grading Permit,
- (6) A Preliminary Grading Permit may be converted into a full Grading Permit without an additional fee when the project has received approval through the planning process.