

ORDINANCE NO. 2022- 31

**AN ORDINANCE OF THE
CITY OF FAIRFIELD BAY, ARKANSAS,
TO RE-ZONE REAL PROPERTY
LOCATED AT
15344 HWY 16-East
(6.06 ACRES, more or less)
FROM CP-1 TO CP-3
TO ALLOW FOR THE
COMMERCIAL USE OF THE PROPERTY
AS A RETAIL SALES FACILITY
WITH A PARKING LOT
AND DRIVE-THRU;
DECLARING AN EMERGENCY;
AND FOR OTHER PURPOSES**

WHEREAS, An applicant (Fairfield Bay Resort, also known as the Fairfield Bay Community Club) has requested a rezoning of certain property on Highway 16-E from CP-1 (Commercial-Local Business District) to CP-3 (Service Business District) for the purpose of operating a retail sales facility, with an appropriate parking lot, and with a Drive-Thru; and

WHEREAS, the City of Fairfield Bay Planning and Zoning Commission, after appropriate public notice and public hearing in accordance with constitutional, statutory, and Municipal Code requirements, has approved the February 24, 2021, application, and recommended the City Council approve the application;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL FOR THE CITY OF FAIRFIELD BAY, ARKANSAS, that:

NOT TO BE CODIFIED: Section 1: The February 24, 2021, Application for Rezoning of the unimproved real property located at 15344 Highway 16 E (south side of Highway 16 E), being a part of the NW ¼, SE ¼ of Section 34, Township 12 North, Range 12 West of the 5th Principal Meridian, Fairfield Bay, Van Buren County, Arkansas, BE, AND IT IS HEREBY, APPROVED as set forth herein.

NOT TO BE CODIFIED: Section 2: That the survey description of the real property, containing 6.60 acres, more or less, is attached hereto, and shall be published in accordance with the provisions of the Municipal Code, as part of this Ordinance.

NOT TO BE CODIFIED: Section 3: IT IS FURTHER CONSIDERED AND ORDAINED that the real property located at 15344 Highway 16 E, (south side of Highway 16 E), being a part of the NW ¼, SE ¼ of Section 34, Township 12 North, Range 12 West of the 5th Principal Meridian, Fairfield Bay, Van Buren County, Arkansas, 6.60 acres, more or less, BE, AND IT IS HEREBY, REZONED FROM CP-1 TO CP-3, accordingly.

NOT TO BE CODIFIED: Section 4: IT IS FURTHER CONSIDERED AND ORDAINED that this change be, and it is hereby, made to the official zoning map for the City of Fairfield Bay.

NOT TO BE CODIFIED: Section 5: Appropriate modifications to the Municipal Code, conforming to the Municipal Code style, shall be made by separate ordinance, at a future date.

NOT TO BE CODIFIED: **EMERGENCY CLAUSE:** It is hereby found and determined that an emergency exists, because of the immediate needs of the property owner to utilize the drive-thru window, and this Ordinance being necessary for the peace, health, safety, and welfare of the citizens of the City of Fairfield Bay, shall be in full force on the date of its passage, and from this date forward.

IT IS SO CONSIDERED AND ORDAINED by the City of Fairfield Bay, this 10TH Day of October, 2022.



Honorable Linda Duncan

Mayor, City of Fairfield Bay, Arkansas

Attest:



Rose O. Owen, Recorder-Treasurer

Prepared by:
Kelly Law Firm, PLC
AJ Kelly
Rev: 10/10/22