

ORDINANCE NO. 2023-10

**AN ORDINANCE OF THE
CITY OF FAIRFIELD BAY, ARKANSAS,
TO RE-ZONE REAL PROPERTY
“RIDGECREST ON THE GREEN”
LOCATED OFF LOST CREEK PARKWAY
IN THE MOUNTAIN RANCH SUBDIVISION,
UN-PLATTED LAND IN
SECTION 8,
TOWNSHIP 11 NORTH,
RANGE 12 WEST,
VAN BUREN COUNTY, ARKANSAS,
FROM R-1B (STANDARD SINGLE FAMILY RESIDENTIAL)
TO RP-3 (CLUSTER HOMES, TOWNHOUSE, OR GARDEN APARTMENT);
DECLARING AN EMERGENCY;
AND FOR OTHER PURPOSES**

WHEREAS, Applicants (Donald W. McCormick, and Martha S. McCormick, his wife), requested a rezoning of certain unplatted properties in the Mountain Ranch Subdivision, located just off Lost Creek Parkway, from R -1B (Standard Single Family Residential District) to RP-3 (Cluster Homes, Townhouse or Garden Apartment District) for the purpose of developing the properties for residential multi-family use; and

WHEREAS, the City of Fairfield Bay Planning Commission, after appropriate public notice and public hearing in accordance with constitutional, statutory, and Municipal Code requirements, initially recommended approval of the application, and recommended the City Council approve the application, for a variety of reasons set forth at the Planning Commission Meeting, without opposition, on or about March 22, 2023; and

WHEREAS, the City Council, at its regularly-scheduled meeting on April 10, 2023, voted in favor of the request made in the application, to rezone the real property to RP-3;

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:

- A. The February 23, 2023, Application for Rezoning of the real property located off Lost Creek Parkway, adjacent to the golf course and swimming pool property at Mountain Ranch Golf Course, identified in the Van Buren County Assessor's records as Parcel ID Numbers 4000-00959-0100, and 4000-00958-0400, Fairfield Bay, Van Buren County, Arkansas, BE, AND IT IS HEREBY, APPROVED as set forth herein.

- B. The February 23, 2023, Application for Rezoning of the real property, the property description of which is more fully described and attached hereto as Ordinance Exhibit A, previously un-platted Land In Section 8, Township 11 North, Range 12 West, Fairfield Bay, Van Buren County, Arkansas, BE, AND IT IS HEREBY, APPROVED as set forth herein.

NOT TO BE CODIFIED: Section 2: That the description of the parcels of real property are attached hereto, as Ordinance Exhibit A, 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 two parcels of real property located off Lost Creek Parkway, Parcel ID Numbers 4000-00959-0100, and 4000-00958-0400, in Section 8, Township 11 North, Range 12 West, Fairfield Bay, Van Buren County, Arkansas, BE, AND THEY ARE HEREBY, REZONED FROM R-1B (Standard Single Family Residential) TO RP-3 (Cluster Homes, Townhouse or Garden Apartment District), accordingly.

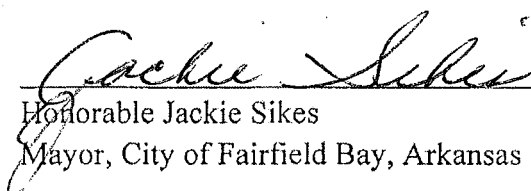
NOT TO BE CODIFIED: Section 4: IT IS FURTHER CONSIDERED AND ORDAINED that these changes be, and they are hereby, made to the official zoning map for the City of Fairfield Bay.

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. This Ordinance shall not be sent for codification at this juncture.

NOT TO BE CODIFIED: Section 6: **EMERGENCY CLAUSE:** It is hereby found and determined that an emergency exists, because of the immediate needs of the property owner to develop it for multi-family residential purposes, 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 third read and passage, May 8, 2023, and from that date forward. The Recorder-Treasurer shall publish by posting and newspaper publication as soon as possible after passage.


NOT TO BE CODIFIED: Section 7: **SEVERABILITY CLAUSE:** If any provision of this Ordinance, or the application thereof, to any person or circumstance is held invalid for any reason, such invalidity shall not affect other provisions or applications of this Ordinance, which shall be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

IT IS SO CONSIDERED, ENACTED, AND ORDAINED by the City Council for the City of Fairfield Bay, Arkansas, this 8th Day of May, 2023.



Honorable Jackie Sikes
Mayor, City of Fairfield Bay, Arkansas

A True Copy, Attest:



Honorable Rose M. Ostronic-Owen
Recorder-Treasurer

Prepared by:
Kelly Law Firm, PLC
AJ Kelly
Rev2: 5/8/23
[By Council]