

ORDINANCE NO. 2006-02-249

AN ORDINANCE REZONING, FROM R-3 RESIDENTIAL TO C-1 NEIGHBORHOOD COMMERCIAL, CERTAIN PROPERTY ALONG THE WEST SIDE OF S. H. 112, LOCATED IN THE NW ¼ OF S6, T17N, R30W

WHEREAS, Ordinance No. 2005-12-236 adopted a new comprehensive zoning map; and

WHEREAS, in the process of formulating a new zoning map for city council consideration, the planning commission recommended that the “down-zoning” of property that had previously been properly zoned commercial in nature be avoided—essentially suggesting that, with regard to commercial type classifications, the new map be inclusive of the old map; and

WHEREAS, legitimate questions were raised as to the propriety of the original R-0, Residential-Office zoning along S. H. 112 in the NW ¼ of S6, T17N, R30W on what was purported to be the existing zoning map; and

WHEREAS, due in part to questions as to whether said property was previously zoned R-0 in compliance with all legal requirements then in existence, as well as traffic concerns associated with the new Springdale school being built in the vicinity, the city council elected to zone the subject property R-3, Residential; and

WHEREAS, following adoption of the new zoning map, a resolution was adopted by the City Council stating that they may subsequently consider, subject to an affirmative finding that compliance was achieved in the original R-0 zoning the property in question, a planning commission initiated recommendation that the property be rezoned from R-3 Residential to C-1 Commercial; and

WHEREAS, the City Attorney, with the assistance of interested parties, has conducted a thorough investigation, and determined that the property was, in fact, zoned R-0 in compliance with all legal requirements then in existence.

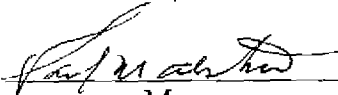
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TONTITOWN, ARKANSAS:

That the following described property be, and same is hereby rezoned from its current classification of R-3 Residential, to C-1 Neighborhood Commercial:

Beginning at a point on the centerline of S. H. 112 at its intersection with the north boundary line of S6, T17N, R30W; thence west 330 feet; thence southerly along a line

330 feet from and parallel to the centerline of S. H. 112 to the south boundary line of the north ½ of the NW ¼ of said Section 6; thence east to the centerline of S. H. 112; thence northerly along said centerline to the P. O. B.

PASSED AND APPROVED THIS 7th DAY OF FEBRUARY, 2006.



Mayor

Attest: 

Recorder-Treasurer

ROLL CALL:

Shall the Ordinance pass:

	YEA	NAY	
Alderman Andrew Penzo	<u>✓</u>	_____	<i>(Ward 2, Position 2)</i>
Alderman Arthur Penzo	<u>✓</u>	_____	<i>(Ward 2, Position 1)</i>
Alderman Henry Piazza	<u>✓</u>	_____	<i>(Ward 1, Position 2)</i>
Alderman Bradley Marveggio	<u>✓</u>	_____	<i>(Ward 1, Position 1)</i>
Alderman Ken Robertson	<u>-</u>	_____	<i>(Ward 3, Position 2)</i>
Alderman Steve Smith	<u>✓</u>	_____	<i>(Ward 3, Position 1)</i>
Mayor Paul Maestri	_____	_____	

Yeas: 5 Nays: 0 (total)

ROLL CALL:

Shall the Emergency Clause pass:

	YEA	NAY	
Alderman Andrew Penzo	<u>✓</u>	<u> </u>	<i>(Ward 2, Position 2)</i>
Alderman Arthur Penzo	<u>✓</u>	<u> </u>	<i>(Ward 2, Position 1)</i>
Alderman Henry Piazza	<u>✓</u>	<u> </u>	<i>(Ward 1, Position 2)</i>
Alderman Bradley Marveggio	<u>✓</u>	<u> </u>	<i>(Ward 1, Position 1)</i>
Alderman Ken Robertson	<u>-</u>	<u> </u>	<i>(Ward 3, Position 2)</i>
Alderman Steve Smith	<u>✓</u>	<u> </u>	<i>(Ward 3, Position 1)</i>

Yeas: 5 Nays: 0 (total)