



Legislation Text

---

**File #: 2014-0580, Version: 1**

---

A RESOLUTION AGREEING TO THE CHANGE IN ZONING FROM R-1, SINGLE-FAMILY RESIDENTIAL TO R-O, RESIDENTIAL OFFICE FOR PROPERTY LOCATED IN THE CITY OF JOHNSON THAT ADJOINS PARCELS IN THE CITY OF FAYETTEVILLE

**WHEREAS**, A.C.A 14-56-306(b) requires that when adjoining land within a boundary area between two cities is sought to be rezoned, the city council of the city in which the adjoining property is located must agree to any such rezoning; and

**WHEREAS**, the City Council has determined that the rezoning from R-1, Single-Family Residential to R-O, Residential Office, recommended by the City of Johnson Planning Commission, is compatible with the adjoining lots within the City of Fayetteville.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines that the rezoning requested by the applicant, City of Johnson, as described in Exhibit B and as shown on the map attached as Exhibit A, is compatible with the adjoining lots within the City of Fayetteville and further hereby agrees to this proposed change in zoning of the applicant's lot(s).

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION AGREEING TO THE CHANGE IN ZONING FROM R-1, SINGLE-FAMILY RESIDENTIAL TO R-O, RESIDENTIAL OFFICE FOR PROPERTY LOCATED IN THE CITY OF JOHNSON THAT ADJOINS PARCELS IN THE CITY OF FAYETTEVILLE.

**WHEREAS**, A.C.A 14-56-306(b) requires that when adjoining land within a boundary area between two cities is sought to be rezoned, the city council of the city in which the adjoining property is located must agree to any such rezoning; and

**WHEREAS**, the City Council has determined that the rezoning from R-1, Single-Family Residential to R-O, Residential Office, recommended by the City of Johnson Planning Commission, is compatible with the adjoining lots within the City of Fayetteville.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby determines that the rezoning requested by the applicant, City of Johnson, as described in Exhibit B and as shown on the map attached as Exhibit A, is compatible with the adjoining lots within the City of Fayetteville and further hereby agrees to this proposed change in zoning of the applicant's lot(s).

**PASSED** and **APPROVED** this     day of     , 2015.

APPROVED:

ATTEST:

By: \_\_\_\_\_  
**LIONELD JORDAN**, Mayor

By: \_\_\_\_\_  
**SONDRA E. SMITH**, City Clerk/Treasure

**City of Fayetteville Staff Review Form**


**2014-0580**

\_\_\_\_\_  
Legistar File ID

**1/6/2015**

\_\_\_\_\_  
City Council Meeting Date - Agenda Item Only

N/A for Non-Agenda Item

Jeremy Pate 

12/19/2014

City Planning /  
Development Services Department

\_\_\_\_\_  
**Submitted By**

\_\_\_\_\_  
**Submitted Date**

\_\_\_\_\_  
**Division / Department**

**Action Recommendation:**

A RESOLUTION AGREEING TO THE CHANGE IN ZONING FROM R-1, SINGLE-FAMILY RESIDENTIAL TO R-O, RESIDENTIAL OFFICE FOR PROPERTY LOCATED IN THE CITY OF JOHNSON THAT ADJOINS PARCELS IN THE CITY OF FAYETTEVILLE.

**Budget Impact:**

_____ Account Number	_____ Fund
-	
_____ Project Number	_____ Project Title
<b>Budgeted Item?</b> <u>NA</u>	<b>Current Budget</b> \$            -
	<b>Funds Obligated</b> \$            -
	<b>Current Balance</b> \$            -
<b>Does item have a cost?</b> <u>No</u>	<b>Item Cost</b>
<b>Budget Adjustment Attached?</b> <u>NA</u>	<b>Budget Adjustment</b>
	<b>Remaining Budget</b> \$            -

V20140710

Previous Ordinance or Resolution # \_\_\_\_\_

Original Contract Number: \_\_\_\_\_

Approval Date: \_\_\_\_\_

Comments:

# EXHIBIT "A"



ORDINANCE NO. 2014- 05

AN ORDINANCE TO AMEND THE ZONING DISTRICT CLASSIFICATION AND BOUNDARIES REGARDING PROPERTY IDENTIFIED IN REZONING PETITION OF GEOFF BATES AND DERRICK THOMAS APPROVED OCTOBER 27, 2014, BY JOHNSON PLANNING COMMISSION.

WHEREAS, the Planning Commission on October 27, 2014, passed the Rezoning Petition of Geoff Bates and Derrick Thomas and recommend to the City Council passage of an ordinance to rezone the described property from R-1 to R-O;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JOHNSON, ARKANSAS:

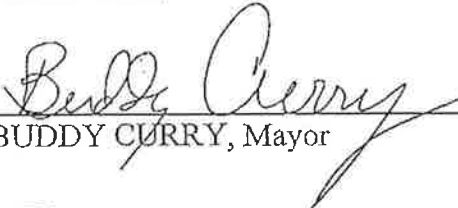
Section 1: That the zone classification of the following described property be changed from R-1 to R-O:

Lot 4 of Viewpoint Subdivision, Phase II, to the City of Johnson, Arkansas, as per plat of said Subdivision on file in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas.


Section 2: That the official Zoning District's map of the City of Johnson, Arkansas is hereby amended to reflect the zoning change in Section 1 above.

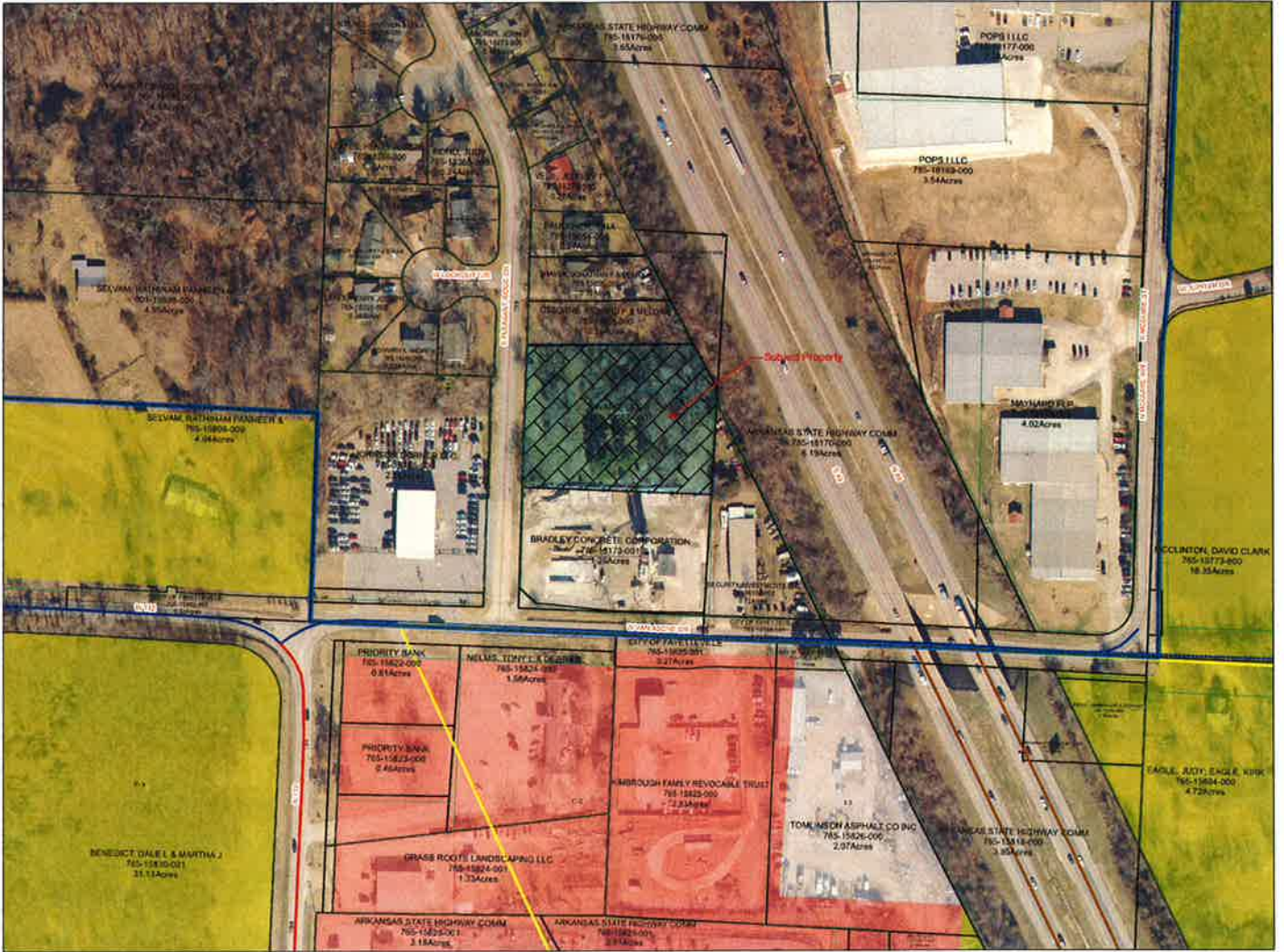
PASSED AND APPROVED this 9<sup>th</sup> day of December, 2014.

APPROVED:

  
BUDDY CURRY, Mayor

ATTEST:

  
JENNIFER ALLEN, Recorder/Treasurer



ARKANSAS STATE HIGHWAY COM 765-1878-000 3.55Acres

POPS I LLC 765-177-000 5.54Acres

POPS I LLC 765-1878-000 5.54Acres

SELVAK RATHNAM MANIEH & 765-1889-000 4.98Acres

SELVAK RATHNAM MANIEH & 765-1889-000 4.98Acres

WENDOVER

Subject Property

ARKANSAS STATE HIGHWAY COM 765-1878-000 6.18Acres

MAINTENANCE FLD 4.02Acres

COLLINTON, DAVID CLARK 765-1273-400 16.35Acres

PRIORITY BANK 765-1522-000 0.81Acres

PRIORITY BANK 765-1523-000 0.46Acres

BENEDICT, DALE L & MARTHA J 765-1810-001 31.11Acres

GRASS ROOTS LANDSCAPING LLC 765-1524-001 1.32Acres

WIBROUGH FAMILY REVOCABLE TRUST 765-1322-000 2.23Acres

TOMMSON ASPHALT CO INC 765-1526-000 2.07Acres

ARKANSAS STATE HIGHWAY COM 765-1825-001 3.18Acres

ARKANSAS STATE HIGHWAY COM 765-1824-001 2.14Acres

ARKANSAS STATE HIGHWAY COM 765-1318-000 3.25Acres

EARLE, JUDY, EAGLE, WYR 765-1364-000 4.72Acres

CITY OF FAYETTEVILLE 765-1325-291 2.27Acres

NELSON, TONY L & DEBBIE 765-1521-007 1.56Acres

WENDOVER

CARMICHAEL

Arkansas Code of 1987 Annotated Official Edition  
© 1987-2012 by the State of Arkansas  
All rights reserved.

\*\*\* Legislation is current through the 2012 Fiscal Session and updates \*\*\*  
\*\*\* received from the Arkansas Code Revision Commission through \*\*\*  
\*\*\* August 1, 2012. \*\*\*

Title 14 Local Government  
Subtitle 3. Municipal Government  
Chapter 56 Municipal Building And Zoning Regulations -- Planning  
Subchapter 3 -- Zoning Regulations

A.C.A. § 14-56-306 (2012)

**14-56-306. Land use in adjacent and contiguous cities to be compatible.**

(a) If municipalities become adjacent and contiguous to one another through annexation or other procedures, then lands or properties within the boundary area of each municipality shall be zoned only for land uses which are compatible with the zoned land uses of the adjoining lands or properties, even if the adjoining lands or properties are located outside the corporate limits or are located within the corporate limits of another municipality.

(b) Adjoining lands within the boundary area shall remain zoned with a compatible land use until the governing body of each municipality which is adjacent and contiguous to the boundary area adopts a resolution agreeing to a change in the zoning of the lands or properties that adjoin one another and stating that the rezoning to a land use which is not compatible will not adversely impact the adjoined land or property.

(c) As used in this section, unless the context otherwise requires:

(1) "Adjacent and contiguous" means any time the corporate limits of one municipality come in contact with the boundaries of the corporate limits of another municipality, or if the boundaries of one municipality extend to within one thousand feet (1000') of the corporate limits of another municipality;

(2) "Boundary area" means the area of land along the municipal boundary that is:

(A) Inside the municipality and within one thousand feet (1000') of the municipality's corporate boundary that is adjacent and contiguous to another municipality; and

(B) Outside the municipality, but within the planning and zoning jurisdiction of the municipality and also within one thousand feet (1000') of the municipality's corporate boundary that is adjacent and contiguous to another municipality;

(3) (A) "Compatible land use" means any use of lands, buildings, and structures which is harmonious to the uses and activities being conducted on the adjoining lands and properties and which does not adversely affect or unreasonably impact any use or enjoyment of the adjoined land.

**(B)** A compatible land use includes a land use authorized by the municipal zoning ordinance for the zone that is the equivalent to, or that is as nearly equivalent as possible to, a land use authorized by the municipal zoning ordinance; and

**(4)** "Municipality" means:

**(A)** A city of the first class;

**(B)** A city of the second class; or

**(C)** An incorporated town.

**(d)** This section shall apply to municipalities with planning commissions and zoning ordinances authorized under §§ 14-56-401 -- 14-56-425 and shall apply to any other municipal zoning regulations authorized by Arkansas law.

**(e)** Notwithstanding anything contained in subsections (a)-(d) of this section, this section shall not apply to any property if the owners of the property have sought to have services extended to the property pursuant to § 14-40-2002 prior to March 30, 2001.

**HISTORY:** Acts 2001, No. 1198, § 1.

View Full



1 of 1



[Return to Results](#) | [Book Browse](#)  
**A.C.A. § 14-56-306 (Copy w/ Cite)**

Pages: 3

In

[About LexisNexis](#) | [Privacy Policy](#) | [Terms & Conditions](#) | [Contact Us](#)  
Copyright © 2013 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.