

ORDINANCE NO. 12-2013

**AN ORDINANCE TO CHANGE THE ZONING CATEGORY FOR THE PROPERTY
KNOWN AS 1431 GARNET STREET IN THE CITY OF
DIAMOND CITY, BOONE COUNTY, ARKANSAS AND OTHER MATTERS**

WHEREAS, A ZONING MAP AND ORDINANCE EXISTS TO ESTABLISH ZONING FOR ALL PROPERTIES OF DIAMOND CITY; AND

WHEREAS, ZONING IS EXTREMELY IMPORTANT FOR THE HEALTH, SAFETY, WELFARE, AND QUALITY OF LIFE FOR THE RESIDENTS OF DIAMOND CITY; AND

WHEREAS, THE PLANNING AND ZONING COMMISSION OF DIAMOND CITY, ARKANSAS HELD A PUBLIC HEARING ON SEPTEMBER 19, 2013 AT WHICH NO OBJECTIONS WERE RAISED;

THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF DIAMOND CITY, ARKANSAS;

SECTION 1: The following property shall be declared to be Zoned Commercial C-2:

- A. Sugar Loaf Peninsula Sub-Division, Block 5, Lots 18 & 19.

SECTION 3: A map depicting current zoning shall be amended and posted in the public area of the city offices of Diamond City. This map shall be certified by the city Recorder/Treasurer showing the ordinance number and date passed. Any Scribner errors from the map filed on May 24, 2011 shall be corrected. Certified copies of this map shall be attached to the zoning ordinance and all amendments thereof and filed for record with the County Clerk.

SECTION 4: This ordinance shall amend Ordinance No. 6-11 which amended 09-03, Chapter III, Use Zones, first sentence to read; The City of Diamond City is divided into the following use zones as indicated in Ordinance No. 6-2011 and all amendments thereof, and then depicted on the Zoning Map created by that ordinance and any future amendments.

SECTION 5: Three copies of this Ordinance shall be filed for use and examination by the public in the office of the Recorder/Treasurer.


SECTION 6: If any portion of this ordinance or the application thereof to any person circumstance is held invalid by a Court of competent jurisdiction, such invalidity shall not affect the other provisions or applications of the ordinance, and to such end, the provisions of this ordinance are declared to be serviceable.

EMERGENCY CLAUSE. The City Council hereby determines that this Ordinance is necessary for the provision of safe and proper improvements installed or erected in developments within the City of Diamond City. Therefore, an emergency is declared to exist, and this Ordinance being immediately necessary for the preservation and protection of the public peace,

health, safety and welfare of the City and its citizens, shall become effective on the date of its passage and approval by the Mayor. If the Ordinance is neither approved nor vetoed by the Mayor, it shall become effective on the expiration of the period of time during which the Mayor may veto the ordinance enacting this Ordinance. If the Ordinance is vetoed by the Mayor, and the veto is overridden by the City Council, it shall become effective on the date the City Council overrides the veto.

Passed and adopted by the Council of Diamond City, Boone County, Arkansas on this 22nd day of October, 2013.

APPROVED:


Shari L. Marshall, Mayor

ATTEST:


Cheryl Guthrie, Recorder/Treasurer