

ORDINANCE NO. 1700-A

AN ORDINANCE AMENDING TITLE 14 OF THE EUREKA SPRINGS
MUNICIPAL CODE, REGARDING ZONING

WHEREAS, the Planning Commission of the City of Eureka Springs has determined that the Zoning Ordinance should be updated to reflect changes which are deemed necessary; and

WHEREAS, a public hearing was held regarding the proposed changes and the Planning Commission, by a unanimous vote, recommends the following changes to be made in the City Zoning Ordinance.

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

SECTION 1: That Section 1-2 of the Eureka Springs Zoning Ordinance is amended by the addition of a new residential zone designation, R-3 Multi-Family Residential, in the fifth paragraph thereto.

SECTION 2. That Section 3-1 of the Eureka Springs Zoning Ordinance, regarding residential districts, is amended by the addition of a new sub-section, Sub-Section 3-1.4, Multi-Family Residential, thereto which reads as follows:

3-1.3 R-3 Multi-Family Residential

The R-3 District is intended to provide areas within the City which are suitable for multi-family buildings or structures and, in addition thereto, includes all uses permitted in R-1 and R-2.

SECTION 3. That Section 3-1.3 of the Eureka Springs Zoning Ordinance, titled "Contemporary Residential District", is amended to read as follows:

3-1.3 R-2 Contemporary Residential District

Residential areas which are not characterized by the inherent restrictions found in a Victorian Residential District. All residential areas not designated as either R-1 and R-3 Districts shall be designated as R-2 Districts.

SECTION 4: That the second paragraph of Section 4-2 of the Eureka Springs Zoning Ordinance is amended by the substitution of the following paragraph thereto:

The area required for off-street parking shall be in addition to the yard areas required except that the front yard required in a C-2 Contemporary District, a R-3 Multi-Family Residential District and an Industrial District, may be used for uncovered parking area. The front yard in a C-3 Quiet Use District or a R-1 or R-2 Residential District may be used for the uncovered parking area for four (4) or less vehicles associated with the Quiet Use in C-3 or with the personal use of the residents in R-1 and R-2 Districts provided such parking area is surfaced with a material adequate to prevent the occurrence of mud and dust with continued use. The front yard in a R-1 or R-2 Residential District shall be used for non-commercial purposes only.

SECTION 5: That Section 4-5 of the Eureka Springs Zoning Ordinance is amended to read as follows:

For the purpose of applying the requirements for off-street parking, the term "floor area: shall mean the gross floor area within the outside dimensions of a building, excluding each floor space within the building reserved for parking or unloading of vehicles; provided, however, that for a basement or any other separate space used only for building maintenance, storage and utilities, the off-street parking requirement shall be 1 space for each 1,000 square feet of such floor area.

SECTION 6: That the first paragraph in Section 4-13 of the Eureka Springs Zoning Ordinance is amended by the deletion of the following words, "outside the Victorian Commercial (C-1) district", therefrom and by the addition of a new subsection, (I):

(I) Because the unique layout and space limitations of Victorian Commercial (C-1) districts are so unusual as to render strict guidelines impossible, owners of property within C-1 districts shall be subject only to the provisions of Section 1(A) herein; and, further, the provisions of Section 1(A) herein shall serve only as a guide to the Planning Commission/Board of Zoning Adjustment.

SECTION 7: That Section 5-18 of the Zoning Ordinance is amended to read as follows:

Before any building is initially approved for a Bed and Breakfast or a Tourist Home, the Building Inspector or Fire Chief, or both, shall inspect the building or structure to insure compliance with all applicable building codes and health and safety regulations. No conditional use permit or occupational license will be issued unless the building or structure is in complete compliance with all applicable codes and regulations. It is not the intent of this section to repeal, alter or

otherwise supersede the provisions of the last paragraph of Section 8-1.1 of the Zoning Ordinance regarding the conversion of a residential building by modification or renovation into a Bed and Breakfast or Tourist Home.

SECTION 8: That paragraph C of Section 5-19 of the Eureka Springs Zoning Ordinance is amended by the addition of the following sentence at the end thereof:

Any certificate or approval granted under this section shall be valid for a period of 12 months from the date of its issuance or approval.

SECTION 9: That Section 6-3 of the Eureka Springs Zoning Ordinance, titled "Board of Review", is deleted in its entirety.

SECTION 10: That Section 7-5 of the Eureka Springs Zoning Ordinance is amended to read as follows:

7-5 APPEAL

Decisions of the Board in respect to the above shall be subject to appeal to a court of record having jurisdiction.

SECTION 11: That Sub-Sections 7-5.1, 7-5.2, 7-5.3, 7-5.4 and 7-5.5 of the Eureka Springs Zoning Ordinance are hereby deleted.

SECTION 12: That Section 7-4.3 of the Eureka Springs Zoning Ordinance is amended to read as follows:

Whenever the Board of Zoning Adjustment shall hear appeals, pursuant to Section 7-4.1, or hear requests for variances pursuant to Section 7-4.2, or review plans for clearing land pursuant to Section 5-19, the responsibility for having the public notice required by Section 7-3 published, and the costs and expenses thereof, shall be borne by the appellant or the party requesting the variance or the party seeking the permit to clear land. None of the above actions shall be heard unless the public notice is published pursuant to the provisions of 7-3 of the Ordinance.

SECTION 13: That Section 7-4.4 of the Eureka Springs Zoning Ordinance is deleted in its entirety.

SECTION 14: That Section 8-2 of the Eureka Springs Zoning Ordinance is amended by changing therein all references from the

"Board of Review" and replacing same with the phrase, "Board of Zoning Adjustment."

SECTION 15: That the last paragraph of Section 8-2.3 of the Eureka Springs Zoning Ordinance is amended to read as follows:

The decision shall be reached and announced at a public meeting of the Board of Zoning Adjustment and shall be certified in writing to the applicant within five (5) days thereafter. Any party desiring to appeal a decision of the Board of Zoning Adjustment may take such appeal to any court of record having jurisdiction.

SECTION 16: That Section 8-4.1 of the Eureka Springs Zoning Ordinance is amended by the addition of a sentence to the end thereof:

In addition to the publication notice provided above, the party making the proposal will also have to comply with the notice provisions as set out in Section 8-2.1 of the Zoning Ordinance.

SECTION 17: That Section 3-9 of the Eureka Springs Municipal Code is amended to read as follows:

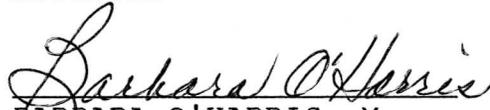
(See attached SECTION 3-9)

SECTION 18: That all ordinances and parts of ordinances in conflict herewith are repealed to the extent of such conflict.

SECTION 19: That if any part of this ordinance is found deficient for any reason whatsoever by a court of record having jurisdiction, that finding shall not affect the remaining parts of said ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS THIS 10th DAY OF June, 1997.

APPROVED:


BARBARA O'HARRIS, Mayor

ATTEST:

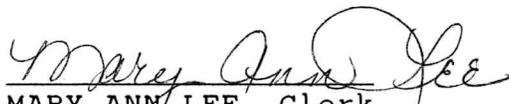

MARY ANN LEE, Clerk

TABLE OF PERMITTED USES

COMMERCIAL

VICTORIAN COMMERCIAL (C-1)

(Off-street parking is not required in a C-1 district. Because the unique layout and space limitations in C-1 districts are so unusual as to render strict guidelines impossible, the parking group "requirements" set forth herein shall be used by the Planning Commission/Board of Zoning Adjustment only as a guide in its review.)

<u>Permitted Uses</u>	<u>Parking Group</u>
Air conditioning/heating equip. sales	11
Antique store	8
Apartment Hotel	4
Apartment House	4
Apparel & accessory store)	8
Auditorium	6
Automotive accessory & supply store	8
Bar or tavern	8
Barber or Beauty Shop	20
Bath house, massage parlor	8
Bed & Breakfast Establishment	4
Beer & liquor sales for consumption off premises	8
Bicycle store	8

Billiard or pool parlor	8
Boarding or Rooming House	4
Bookstore	9
Building services, incl. janitorial service, floor waxing & office cleaning	11
Candy & ice cream store	8
Ceramic, pottery or glass products, mfg. & retail sales on premises	11
Church, including Sunday School facilities	8
Clothing: custom dressmaking & alterations	8
Clothing: second hand	10
Club, lodge	10
College, junior college, vocational-technical school--public or equivalent private	10
Community Center, public or private	8
Convalescent, maternity or nursing home	5
Dance Hall	8
Department Store	8
Drugstore and prescription pharmacist	8
Dry cleaning and commercial laundry, except self service--maximum 1700 sq. ft. devoted business	9
Eating place (other than drive-in) not serving alcoholic beverages and not providing dancing or entertainment	9
Eating place (other than drive-in) serving alcoholic beverages and not providing dancing or entertainment	9
Electrical appliance--equipment, supplies & repair	14
Financial institutions, including pawn shops	9

Florist shop	8
Food store, including manufacture of food products for retail sales on premises	8
Funeral home, mortuary or undertaking establishment	9
Furniture & home furnishings, sales and repair	8
Garden supply store	8
Gift, novelty or souvenir shop	8
Greenhouse or nursery, commercial	8
Grocery store	8
Hardware store	8
Home Occupations	2
Hotel or motel	4
Household appliance store	8
Jewelry: retail sales & repair, including on-premises manufacturing	8
Laundry: self service	8
Leather goods fabrication	11
Leather goods or luggage store	8
Library--private, nonprofit and public	10
Liquor store	8
Locksmith, key shop	10
Motion picture theater	6
Multi-family dwellings--condominiums & townhomes	4
Museum	9
Music, musical instruments or phonograph records store	8
Newspaper office, print shop	11

Office equipment & supplies, including service & repair	8
Offices: business and professional	9
Paint, glass or wallpaper store	8
Parking lot--offstreet, public	0
Pet shop	8
Photographer's studio (including film processing for others)	9
Plumbing fixtures: sales & service	10
Printing & publishing including engraving and photo-engraving	11
Shoe sales and repair	8
Studio: picture framing, musical, fine arts	10
Swimming pool--public	16
Tennis Court--public	13
Tour Home	10
Tourist Home	4
Tourist and transportation ticket service	9
Variety store	8
Video tape rental and sales	8

COMMERCIAL

CONTEMPORARY COMMERCIAL (C-2)

(Uses shown with (P) require a Conditional Use Permit)

<u>Permitted Uses</u>	<u>Parking Group</u>
Air conditioning/heating equip. sales	11
Antique store	8
Apartment Hotel	4
Apartment House	4
Apparel & accessory store)	8
Auditorium	6
Automobile body shop	10
Automobile & truck sales (new & used) sales and service	10
Automobile wash service (including self service)	10
Automotive accessory & supply store	8
Automotive service station	17
Bait shop	8
Bar or tavern	8
Barber or Beauty Shop	20
Bath house, massage parlor	8
Bed & Breakfast Establishment	4
Beer & liquor sales for consumption off premises	8
Bicycle store	8
Billiard or pool parlor	8

Boarding or Rooming House	4
Boat or marine rental, repair, sales, accessories	10
Bookstore	9
Bowling alley	7
Building materials, wholesale and/or retail	10
Building services, incl. janitorial service, floor waxing & office cleaning	11
Bus garaging & equipment maintenance	12
Buses: sales, service, rental & repair	12
Bus station	10
Cabinet maker	10
Candy & ice cream store	8
Carnival, circus or similar temporary amusement enterprise	10
Carpentry	10
Carting, crating, express handling, moving or storage	12
Ceramic, pottery or glass products, mfg. & retail sales on premises	11
Church, including Sunday School facilities	8
Clothing: custom dressmaking & alterations	8
Clothing: second hand	10
Club, lodge	10
Cold storage plant	10
College, junior college, vocational-technical school--public or equivalent private	10
Community Center, public or private	8
Construction or farm equipment repair, sales service or rental	15

Contractor (general or heavy construction) facilities other than office	12
Convalescent, maternity or nursing home	5
Dance Hall	8
Department Store	8
Disinfecting, deodorizing or exterminating service	10
Drive-in restaurant not serving beer	15
Drugstore and prescription pharmacist	8
Dry cleaning and commercial laundry, except self service--maximum 1700 sq. ft. devoted business	9
Eating place (other than drive-in) not serving alcoholic beverages and not providing dancing or entertainment	9
Eating place (other than drive-in) serving alcoholic beverages and not providing dancing or entertainment	9
Electrical appliance--equipment, supplies & repair	14
Farm supply store	10
Financial institutions, including pawn shops	9
Florist shop	8
Food store, including manufacture of food products for retail sales on premises	8
Funeral home, mortuary or undertaking establishment	9
Furniture & home furnishings, sales and repair	8
Garage or parking for commercial or public utility vehicles or taxicabs	0
Garden supply store	8
Gift, novelty or souvenir shop	8
Golf course, miniature	16

Greenhouse or nursery, commercial	8
Grocery store	8
Hardware store	8
Highway or maintenance, garage, yard or similar facility	14
Home Occupations	2
Hospital	18
Hotel or motel	4
Household appliance store	8
Jewelry: retail sales & repair, including on-premises manufacturing	8
Laundry: self service	8
Leather goods fabrication	11
Leather goods or luggage store	8
Library--private, nonprofit and public	10
Liquor store	8
Locksmith, key shop	10
Monument sales	10
Motion picture theater	6
Motion picture theater-drive in	0
Motorized vehicle rental	19
Multi-family dwellings--condominiums & townhomes	4
Museum	9
Music, musical instruments or phonograph records store	8
Newspaper office, print shop	11
Office equipment & supplies, including service & repair	8

Offices: business and professional	9
Optical goods, manufacturing only	12
Orthopedic or medical supplies	11
Paint, glass or wallpaper store	8
Parking lot--offstreet, public	0
Pet shop	8
Photographer's studio (including film processing for others)	9
Plumbing fixtures: sales & service	10
Printing & publishing including engraving and photo-engraving	11
Radio transmitting station or tower (P)	4
Secondhand automotive parts, accessories, battery and tire dealer	10
Shoe sales and repair	8
Sign painting	10
Single-family detached dwelling (P)	1
Skating rink	8
Stadium, arena or similar facility	6
Studio: picture framing, musical, fine arts	10
Swimming pool--public	16
Tennis Court--public	13
Tour Home	10
Tourist Home	4
Tourist and transportation ticket service	9
Truck, bus terminal	11
Two-family dwelling	1
Variety store	8

Vending machines: sales, service, rental or repair	10
Veterinarian	9
Video tape rental and sales	8

TABLE OF PERMITTED USES

COMMERCIAL

QUIET USE (C-3)

- 1/Uses shown with (P) require a Conditional Use Permit.
 All Conditional Uses are subject to all restrictions
 or requirements set forth in the definition of
 "Quiet Use" herein.
- 2/Off-street parking for Bed and Breakfast Establishments
 Tourist Homes must be on the property operated as such
 or must be on an adjacent, contiguous lot owned by the
 same owner(s). Parking must be easily accessible.

<u>Permitted Uses</u>	<u>Parking Group</u>
Antique store	11
Apartment Hotel (P)	4
Apartment House	4
Apparel & accessory store (P)	11
Barber or Beauty Shop (P)	20
Bed & Breakfast Establishment	4
Boarding or Rooming House	4
Bookstore	11
Church, including Sunday School facilities	8
Clothing: custom dressmaking/alterations	11
Club or lodge, with less than 30 members (P)	11
Community Center, public or private (P)	8
Eating place (other than drive-in) not serving alcoholic beverages and not providing dancing or entertainment (P)	9

Eating place (other than drive-in) serving alcoholic beverages but not providing dancing or entertainment (P)	6
Financial institutions excluding pawn shops	9
Florist shop	11
Gift or novelty shop (P)	8
Home Occupations	2
Hospital	18
Jewelry: retail sales & repair, including on-premises manufacturing (P)	8
Library--private, nonprofit and public	10
Locksmith, key shop	10
Multi-family dwellings--condominiums & townhomes	4
Museum (P)	9
Offices: business and professional	11
Parking lot: offstreet, public (P)	0
Photographer's studio (not including film processing for others)	11
Residential Care Facility (P)	12
School, elementary--public	14
School--nursery or private (P)	8
School, secondary--public	10
Single-family detached dwelling	1
Studio: picture framing, musical, fine arts	11
Swimming pool--public	16
Tennis Court--public	13
Tour Home	10
Tourist Home	4

TABLE OF PERMITTED USES

RESIDENTIAL

VICTORIAN (R-1) AND CONTEMPORARY (R-2)

1/Uses shown with (P) require a Conditional Use Permit. All Conditional Uses are subject to all restrictions or requirements set forth in the definition of "Quiet Use" herein.

2/Off-street parking for Bed and Breakfast Establishemnts and Tourist Homes must be on the property operated as such or must be on an adjacent, contiguous lot owned by the same owner(s). Parking must be easily accessible.

<u>Permitted Uses</u>	<u>Parking Group</u>
Apartment House (P)	4
Beauty or Barber Shop (P) (Must be Owner Occupied)	20
Bed & Breakfast Establishment (P)	4
Boarding or Rooming House (P)	4
Church, including Sunday School facilities (P)	8
Community Center, public or private (P)	8
Eating place (other than drive-in) not serving alcoholic beverages and not providing dancing or entertainment (P)	9
Home Occupations	2
Hospital	18
Library--private, nonprofit and public	10
Multi-family dwellings--condominiums & townhomes (P)	4
Residential Care Facility (P)	12
School, elementary--public	14

School--nursery or private (P)	8
School, secondary--public	10
Single-family detached dwelling	1
Swimming pool--public (P)	16
Tennis Court--public (P)	13
Tour Home (P)	10
Tourist Home (P)	4
Two-family dwelling	1

Tourist & Transportation Ticket Service	(P)	11
Two-family dwelling		1

TABLE OF PERMITTED USES

RESIDENTIAL

MULTI-FAMILY (R-3)

1/Uses shown with (P) require a Conditional Use Permit. All Conditional Uses are subject to all restrictions requirements set forth in the definition of "Quiet Use" herein.

2/Off-street parking for Bed and Breakfast Establishments and Tourist Homes must be on the property operated as such or must be on an adjacent, contiguous lot owned by the same owner(s). Parking must be easily accessible.

<u>Permitted Uses</u>	<u>Parking Group</u>
Apartment House	4
Barber or Beauty Shop (P) (Must be Owner Occupied)	20
Bed & Breakfast Establishment	4
Boarding or Rooming House	4
Church, including Sunday School facilities	8
Community Center, public or private	8
Eating place (other than drive-in) not serving alcoholic beverages and not providing dancing or entertainment (P)	9
Home Occupations	2
Hospital	18
Library--private, nonprofit and public	10
Multi-family dwellings--condominiums & townhomes	4
Residential Care Facility	12
School, elementary--public	14

School--nursery or private	(P)	8
School, secondary--public		10
Single-family detached dwelling		1
Swimming pool--public		16
Tennis Court--public		13
Tour Home	(P)	10
Tourist Home		4
Two-family dwelling		1

TABLE OF PERMITTED USES

INDUSTRIAL

(I)

(Uses shown with (P) require a Conditional Use Permit)

<u>Permitted Uses</u>	<u>Parking Group</u>
Air conditioning/heating equip. sales	11
Apartment House	4
Apparel & other textile products, manufacturing	11
Auditorium	6
Automobile body shop	10
Automobile & truck sales (new & used) sales and service	10
Automobile wash service (including self service)	10
Automotive accessory & supply store	8
Automotive service station	17
Bait shop	8
Bar or tavern	8
Barber or Beauty Shop	20
Batching or mixing plant, asphaltic or portland cement, concrete, mortar or plaster	15
Bed & Breakfast Establishment	4
Billiard or pool parlor	8
Boarding or Rooming House	4
Boat or marine rental, repair, sales, accessories	10

Bowling alley	7
Building materials, wholesale and/or retail	10
Building services, incl. janitorial service, floor waxing & office cleaning	11
Bus garaging & equipment maintenance	12
Buses: sales, service, rental & repair	12
Cabinet maker	10
Carnival, circus or similar temporary amusement enterprise	10
Carpentry	10
Carting, crating, express handling, moving or storage	12
Ceramic, pottery or glass products, mfg. & retail sales on premises	11
Ceramix products, manufacturing only	11
Cold storage plant	10
Construction or farm equipment repair, sales service or rental	15
Contractor (general or heavy construction) facilities other than office	12
Disinfecting, deodorizing or exterminating service	10
Drive-in restaurant not serving beer	15
Dry cleaning and commercial laundry, except self service--maximum 1700 sq. ft. devoted business	9
Earth moving, excavation or depositing construction material, clay, earth, gravel, minerals, rock, sand or stone on the ground	13
Eating place (other than drive-in) not serving alcoholic beverages and not providing dancing or entertainment	9
Eating place (other than drive-in) serving	

alcoholic beverages and not providing dancing or entertainment	9
Electric generating plant	14
Electric or gas utility maintenance facility	11
Electrical appliance--equipment, supplies & repair	14
Electric equipment assembly	12
Fairground	17
Farm supply store	10
Financial institutions, including pawn shops	9
Forestry services	15
Furniture manufacturing	8
Garage or parking for commercial or public utility vehicles or taxicabs	0
Garbage or trash: assembly, incineration or processing	14
Garden supply store	8
Golf course, miniature	16
Grain milling or processing	11
Greenhouse or nursery, commercial	8
Hardware store	8
Highway or maintenance, garage, yard or similar facility	14
Hospital	18
Hotel or motel	4
Ice Plant, dry or natural	11
Jewelry, manufacturing only	12
Junkyards, vehicle and building wrecking establishment and scrap ore waste material handling	12

Leather goods fabrication	11
Library--private, nonprofit and public	10
Liquor store	8
Locksmith, key shop	10
Monument sales	10
Motion picture theater	6
Motion picture theater-drive in	0
Newspaper office, print shop	11
Office equipment & supplies, including service & repair	8
Optical goods, manufacturing only	12
Orthopedic or medical supplies	11
Paint, glass or wallpaper store	8
Parking lot--offstreet, public	0
Photographer's studio (including film processing for others)	9
Plumbing fixtures: sales & service	10
Printing & publishing including engraving and photo-engraving	11
Radio transmitting station or tower	4
Secondhand automotive parts, accessories, battery and tire dealer	10
Sign painting	10
Skating rink	8
Sporting or athletic equipment manufacturing	11
Stadium, arena or similar facility	6
Tourist Home	4
Truck, bus terminal	11

Vending machines: sales, service, rental or repair	10
Veterinarian	9