

ORDINANCE NO. 2126

AN ORDINANCE AMENDING TITLE 14 ZONING CHAPTER 14.08.01 ZONING DISTRICTS OF THE MUNICIPAL CODE OF THE CITY OF EUREKA SPRINGS, ARKANSAS

WHEREAS, the City of Eureka Springs, Arkansas, has been recognized for its Historic District since 1970, and

WHEREAS, the Historic District is considered an asset of the City of Eureka Springs, and

WHEREAS, the Eureka Springs, Arkansas, City Council has an obligation to protect the assets of the City, in particular those assets of the Historic District,

THEREFORE, BE IT ORDAINED that Municipal Code Title 14, the Zoning Code of the City of Eureka Springs, Arkansas, is amended as follows to provide such protection:

Section 1: That Section 14.08.01 is amended as follows:

Zoning District C-2 Contemporary Commercial is changed to Zoning District C-2-C Contemporary Commercial.

Section 2: A. The "Purpose" section of the now identified District C-2-C is amended by adding the following to the end of the first sentence "outside the defined Historic District."

Section 3: A new Zoning District C-2-H, Contemporary Commercial-Historic District, is added immediately following those of C-2-C.

The details of this new zoning district duplicate those of C-2-C except as noted hereinafter:

- A. The first sentence of the Purposes section will read: "The Contemporary Commercial District-Historic is intended to allow modern development along major arterial streets within the Historic District while supporting the overall character of the Historic District."
- C. Conditional uses shall be limited to "Transportation Center."
- D. "Prohibited Uses" is added, prohibiting the construction of any towers in the C-2-H district.

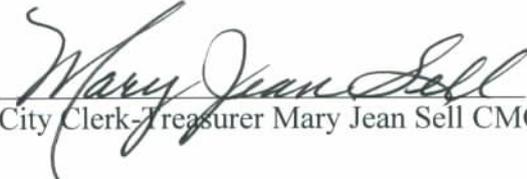
Section 4: "Bulk and Area Requirements" is amended by adding the statement "No building or other man-made structure in this C-2-H District can exceed forty-five (45) feet in height above the primary street."

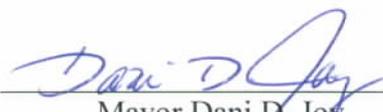
Section 5. All Ordinances or Resolutions, and parts thereof, in conflict with this Ordinance are hereby repealed to the extent of such conflict. In the event any one or more of the provisions contained in this Ordinance shall for any reason be held by a court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

PASSED AND APPROVED, this 13th day of September, 2010

APPROVED:

ATTEST:


City Clerk-Treasurer Mary Jean Sell CMC


Mayor Dani D. Joy

