

ORDINANCE No. 2188

**AN ORDINANCE AMENDING EUREKA SPRINGS MUNICIPAL
CODE TO ESTABLISH A 200 FOOT RULE FOR ALL RESIDENTIAL CONDITIONAL USE
PERMITS**

WHEREAS, the City Council of the City of Eureka Springs, Arkansas, has reviewed the current code provisions related to Conditional Use Permits in Residential Zones; and,

WHEREAS, it has been determined that it is in the best interests of the City to amend the Municipal Code;

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

SECTION 1. That the Eureka Springs Municipal Code is hereby amended to add the following restriction in all Residential Zones:

No request for a Conditional Use Permit in any Residential Zone shall be granted if the property line of the property upon which the use will be carried out is within two hundred feet (200') in any direction of the primary frontage streets of the property line of where an existing Conditional Use or Legally Non-Conforming Use offering the same or similar services is located. This restriction is not intended to, nor shall it apply to, any existing Conditional Use activities where a permit is requested for an existing activity due to a change in ownership.

SECTION 2. Severability Clause: In the event that any section, subsection, paragraph, subdivision, clause, phrase or other provision or portion of this Ordinance shall be adjudged invalid or unconstitutional, the same shall not affect the validity of this Ordinance, code section or chapter as a whole, or any part or provision other than the part so decided to be invalid or unconstitutional, and the remaining provisions of this Ordinance, Code, code section or chapter shall remain in effect.

SECTION 3. Repeal Clause: All Ordinances, Resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, ON THIS THE 26th DAY OF AUGUST, 2013.

ATTEST:


Ann Armstrong
City Clerk/Treasurer

APPROVED:


Morris Pate
Mayor

All present voted "Aye" – David Mitchell, Joyce Zeller, Mickey Schneider, Dee Purkeypile, and Terry McClung