

ORDINANCE NO. 2191

**AN ORDINANCE AMENDING EUREKA SPRINGS MUNICIPAL
CODE TO ESTABLISH AN ADDITIONAL PERMITTED USE IN QUIET USE COMMERCIAL
(C-3) ZONES**

WHEREAS, the City Council of the City of Eureka Springs, Arkansas, has reviewed the current code provisions related to Conditional Use Permits; 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 definition: Intimate Theater – a building used for dramatic presentations, stage entertainment, musical concerts or the presentation of motion pictures with a maximum capacity equal to 4 times the number of onsite parking places at the theater. No food or drink is to be offered for sale on site.

SECTION 2. That the Eureka Springs Municipal Code is hereby amended to add the following as a Conditional Use allowed in Quiet Use Commercial (C-3) Zones: Intimate Theater.

SECTION 3. That the Carnegie Library, located at its present location on Spring Street, shall be exempt from the restriction created by this Ordinance as long as it shall remain a public library at its present location.

SECTION 4. 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 5. Repeal Clause: All Ordinances, Resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.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 9th DAY OF DECEMBER, 2013.

ATTEST:


Ann Armstrong
City Clerk/Treasurer

APPROVED:


Morris Pate
Mayor

Aldermen voting "Aye" – Joyce Zeller, David Mitchell, Terry McClung, and Mickey Schneider
Alderman voting "No" – James DeVito