

ORDINANCE NO.1865

**AN ORDINANCE AMENDING ORDINANCE NO.1816, THE
ZONING ORDINANCE FOR THE CITY OF EUREKA SPRINGS,
AND DECLARING AN EMERGENCY**

WHEREAS, on November 2, 2000, the City of Eureka Springs adopted a new Zoning Ordinance, which is Ordinance No.1865 and codified as Chapter 114 of the Code of Ordinance of the City of Eureka Springs; and

WHEREAS, the Planning Commission has recommended a change to the language governing City Council action on hearing requests for rezoning of land and conditional use appeals so that more options for action are available to the City Council; and

WHEREAS, the City Council, after due consideration, has determined that amendment of the language governing the options for City Council action in these circumstances is necessary, and should be in effect immediately for the preservation of the rights of its citizens.

NOW, THEREFORE, BE IT ORDAINED that Sections 114-10-16(a), Action by the City Council on Rezoning, and 114-10-2.4(a), Conditional Use Appeal, of the Zoning Ordinance of the City of Eureka Springs be amended to substitute the following language for the current language therein:

114-10-1.6 Action by the City Council on Rezoning

- (a) The City Council, by majority vote, shall consider the Planning Commission's recommendation regarding any rezoning application at the City Council's next regularly scheduled meeting, and may by ordinance adopt the recommended rezoning forwarded to it by the Planning Commission. The City Council may also deny the rezoning, impose conditions thereon, or may return the proposed rezoning to the Planning Commission for further study and recommendation.
- (b) (remains as currently written)

114-10-2.4 Conditional Use Appeal

- (a) An applicant or adjacent property owner wishing to appeal a decision of the Planning Commission approving or denying a conditional use may appeal the decision to the City Council, so long as written notice of intent to appeal and a statement of the reason the appeal should be granted is filed with the City within fifteen (15) days of the Planning Commission decision. The City Council shall consider the Planning Commission's determination regarding a conditional use appeal at the City Council's next regularly scheduled meeting. The City Council, by majority vote, may uphold, modify in whole or in part, or reverse the decision of the Planning Commission, or may return the proposed Conditional Use to the Planning Commission for further study and recommendation.

(b) (remains as currently written)

Emergency Clause.

The City Council has determined that an emergency exists and this ordinance shall be in effect immediately to protect the rights of the citizens of Eureka Springs regarding options available to the City Council to act on rezonings and appeals of conditional uses which may be pending, and to preserve the health, safety and welfare of the citizens of Eureka Springs.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, THIS _____ DAY OF _____, 2001

APPROVED:

BEAU ZAR SATORI, Mayor

ATTEST:

MARY ANN LEE, City Clerk