

**ORDINANCE NO. 1878**

**AN ORDINANCE AMENDING CHAPTER 114, ZONING,  
OF THE EUREKA SPRINGS MUNICIPAL CODE  
PERTAINING TO RE-APPLICATION FOR  
RE-ZONING AND CONDITIONAL USE PERMITS**

**WHEREAS**, the City Council of Eureka Springs, Arkansas, upon recommendation of the City Planning Commission and, after careful consideration, having determined that Chapter 114, Zoning, of the Eureka Springs Municipal Code should be amended; and

**WHEREAS**, the City Council having determined that said amendment is in the best interest of the health, welfare, and safety of the citizens and guests of the City of Eureka Springs because it will assist in protection of residential neighborhoods and will further the City's master plan;  
**NOW, THEREFORE**

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

1. That Chapter 114, Zoning, Subsection 114-10(a) of the Eureka Springs Municipal Code shall be amended to add the following:

*(9) Re-application.*

Once an application for re-zoning of a property has been denied, such action cannot be reconsidered for a period of twelve (12) months after the original decision, except that the Planning Commission by a 3/4s vote of the complete membership may agree to schedule an earlier hearing in those cases where the applicant, in writing, clearly demonstrates that:

A. Circumstances affecting the property that is the subject of the application have substantially changed; or,

B. New information is available that could not with reasonable diligence have been presented at the previous hearing.

2. That Chapter 114, Zoning, Subsection 114-10(b) of the Eureka Springs Municipal Code shall be amended to add the following:

*(8) Re-application.*

Once an application for a conditional use permit for a property has been denied,

such action cannot be reconsidered for a period of twelve (12) months after the original decision, except that the Planning Commission by a 3/4s vote of the complete membership may agree to schedule an earlier hearing in those cases where the applicant, in writing, clearly demonstrates that:

- A. Circumstances affecting the property that is the subject of the application have substantially changed; or,
  - B. New information is available that could not with reasonable diligence have been presented at the previous hearing.
3. That all ordinances or resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.
  4. That each of the provisions of this ordinance are severable and the decision of any court having jurisdiction as to the validity of any provision shall not affect the remaining provisions.
  5. That this ordinance shall go into and be of full effect thirty (30) days after its passage.

**PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2001.**

**APPROVED:**

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**BEAU ZAR SATORI, Mayor**

**ATTEST:**

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**MARY ANN LEE, City Clerk**