

**ORDINANCE NO. 1879**

**AN ORDINANCE AMENDING CHAPTER 114, ZONING,  
OF THE EUREKA SPRINGS MUNICIPAL CODE  
PERTAINING TO CONDITIONAL  
AND NON-CONFORMING USES**

**WHEREAS**, the City Council of Eureka Springs, Arkansas, upon recommendation of the City Planning Commission and, after careful consideration, having determined that Chapter 114 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 114-6(c) *Conditions applying to specific uses*, of the Eureka Springs Municipal Code shall be amended to add the following:

(16) *Restrictions in R-1 Victorian residential.*

No request for a Conditional Use Permit in the R-1, Victorian residential zoning district, that requests a change in use shall be granted if the property line where the requested activity would take place is within two hundred feet (200') in any direction on the primary frontage streets of the property line of an existing Conditional Use or Legally Non-Conforming Use offering the same or a similar service. This restriction is not intended to, nor shall it, apply to any existing, permitted Conditional Use activity where permit is requested for an existing activity due to a change in ownership.

2. That all ordinances or resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.
3. 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.
4. 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**