

## ORDINANCE NO. 1973

### AN ORDINANCE AMENDING SECTION 9.08 OF THE EUREKA SPRINGS MUNICIPAL CODE

**WHEREAS**, the City of Eureka Springs is desirous of improved walk ways and sidewalks,  
**NOW, THEREFORE, BE IT HEREBY ORDAINED:**

Section 1. Chapter 9.08.02 and Chapter 9.08.5 and Chapter 9.08.07 are hereby amended to read as follows:

#### **Section. 9.08 SIDEWALKS**

##### **Section 9.08.2 Installation, repair and replacement of public sidewalks in Historic District.**

(1) Historic District Public Sidewalks. If the public sidewalk or portion thereof in the Historic District, as defined by the city Historic District map, requires repair and/or replacement, limestone must always replace limestone. Any sidewalk within four (4) feet of an existing limestone sidewalk must also be replaced with limestone slab. Replacement limestone must substantially conform in color, texture, thickness (minimum of three (3) inches thick) and surface size to the stone slab surfaces which were removed or are within four (4) feet of an existing limestone sidewalk. No part of any limestone sidewalk may be replaced with any other material, except that tinted concrete may be used in areas immediately surrounding utilities so as to "square off" the utility area. The concrete surrounding a utility can be no larger than six inches at its narrowest point.

(2). Except for limestone sidewalks in (1) above, sidewalks in C-1 (Commercial Victorian) must be replaced as follows:

(a) Existing sidewalks that are not currently limestone and are not within four (4) feet of a limestone sidewalk must be replaced with limestone slab; or imprinted, tinted concrete in a pattern and color approved by the Eureka Springs Historic District Commission; or aggregate concrete in a size and color approved by the Eureka Springs Historic District Commission.

(b) Board sidewalks will not be approved except for the replacement of those in existence on July 25, 2005.

(c) New sidewalks in areas where no sidewalks currently exist may be limestone slab; or imprinted, tinted concrete in a pattern and color approved by the Eureka Springs Historic District Commission; or aggregate concrete in a size and color approved by the Eureka Springs Historic District Commission.

(3) Except for (1) above, sidewalks in R-1 (Residential Victorian) must be replaced as follows:

(a) Existing sidewalks that are not currently limestone and are not within four (4) feet of a limestone sidewalk may be replaced with limestone slab; or imprinted, tinted concrete in

aggregate concrete in a size and color approved by the Eureka Springs Historic District Commission; or other non-porous materials which will be considered by the Eureka Springs Historic District Commission as replacement-in-kind, i.e. brick for brick, cobblestone for cobblestone.

(b) Board sidewalks will not be approved except for the replacement of those in existence on July 25, 2005.

(c) New sidewalks in areas where no sidewalks currently exist may be limestone slab; or imprinted, tinted concrete in a pattern and color approved by the Eureka Springs Historic District Commission; or aggregate concrete in a size and color approved by the Eureka Springs Historic District Commission.

(4) Sidewalks in R-2 (Contemporary Residential), C-2 (Contemporary Commercial) and C-3 (Quiet Use Commercial) in the Historic District must be replaced following the same procedure as R-1 (Victorian Residential) or C-1 (Victorian Commercial) except that sidewalks on the following streets may also be poured concrete: East

Van Burin; West Van Burin; East Mountain Drive; Charles Circle; Cross Street; Elm Circle, Harvey Road; Oakridge Drive; Richard Circle, Tower Road; Drennon Drive; Wood Circle; Holiday Trail; Florence Drive; College Street; Hamilton Street; Martz Lane; Jay Lane; Victoria Woods Blvd; Pivot Rock Road; Dairy Hollow Road; Breezy Point Road; Breezy Point Circle; Anderson Street; Ravine Street; Grand Avenue and Oregon Avenue.

(5) Completed project shall be inspected and approved by the Building Official.

**9.08.5 Concrete imprinting.** (This section is deleted)

**9.08.07 Written notice for repair.** Section

9.08.07.B.1. is deleted. Section 9.08.07.B.2. is deleted.

Section 9.08.07.B.3. is deleted. Section 9.08.07.B.4. is deleted.

Section 2. *Conflicts:*

All ordinances or resolutions, and parts thereof, in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. *Severability:*

In the event any one or more of the provisions contained in this ordinance shall for any reason be held by a court of law to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this ordinance, and this ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contain herein.

PASSED AND APPROVED BY THE CITY COUNCIL OF EUREKA SPRINGS, ARKANSAS, THIS THE 8<sup>TH</sup> DAY OF AUGUST, 2005