

AN ORDINANCE AMENDING TITLE 14 OF THE EUREKA SPRINGS MUNICIPAL CODE, REPEALING ORDINANCE NO. 915 OF THE CITY OF EUREKA SPRINGS, ARKANSAS, AND THE ZONING ORDINANCE ADOPTED THEREBY, AS AMENDED, AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, ADOPTING A NEW ZONING ORDINANCE FOR THE CITY OF EUREKA SPRINGS, ARKANSAS, AND DECLARING AN EMERGENCY.

*45 pages  
supporting  
documentation  
missing*

WHEREAS, Ordinance No. 915 was passed by the City Council and approved by the Mayor of the City of Eureka Springs, Arkansas, on January 15, 1970, whereby a zoning ordinance dated September 11, 1968, and approved by the City Planning Commission was adopted; and

WHEREAS, the City Council has found, upon the recommendation of the City Planning Commission, that the zoning ordinance adopted by Ordinance No. 915, as amended, is neither realistic nor adequate to preserve the public peace, health and safety of the City of Eureka Springs, Arkansas, and that a new zoning ordinance should be implemented without delay; and

WHEREAS, public hearings were held by the City Planning Commission and by the City Council which were preceded by not less than fifteen (15) days advance published notice, as required by law, at which times all interested parties present were afforded an opportunity to be heard with respect to the adoption of a new zoning ordinance and the provisions thereof:

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

SECTION 1. Zoning Ordinance Adopted.

That certain document consisting of forty-five (45) typewritten pages, approved by the City Planning Commission and recommended by the City Planning Commission for adoption by the City Council and approval by the Mayor, is hereby adopted by reference as the Zoning Ordinance for the City of Eureka Springs, Arkansas.

SECTION 2. Conformance mandatory.

No building permit shall be issued in the City of Eureka Springs, Arkansas, unless such action is in conformance with the Zoning Ordinance for the City of Eureka Springs, Arkansas.

SECTION 3. Repeal.

Ordinance No. 915 and the zoning ordinance adopted thereby, as amended, and all other ordinances and parts of ordinances of a permanent and general nature in effect at the time of the adoption of this Ordinance are hereby repealed where the same are in conflict with this Ordinance and with the Zoning Ordinance for the City of Eureka Springs, Arkansas, adopted by reference by this Ordinance.

SECTION 4. Title 14 of the Eureka Springs Municipal Code amended.

Title 14 of the Eureka Springs Municipal Code is hereby amended to read, in its entirety, as follows:

Title 14

ZONING

Chapter:

14.04 Zoning Ordinance for the City of Eureka Springs, Arkansas

Chapter 14.04

ZONING ORDINANCE FOR THE CITY OF EUREKA SPRINGS, ARKANSAS

Sections:

- 14.04.01 Zoning ordinance adopted by reference
- 14.04.02 Conformance mandatory
- 14.04.03 Maintenance of zoning map

14.04.01 Zoning ordinance adopted by reference. That certain document consisting of forty-five (45) typewritten pages, approved by the City Planning Commission and recommended by the City Planning Commission for adoption by the City Council and approval of the Mayor, is hereby adopted by reference as the Zoning Ordinance for the City of Eureka Springs, Arkansas, of which not less than three (3) copies have been and are now filed in the office of the Clerk/Treasurer, and shall be controlling within the corporate limits of the City.

14.04.02 Conformance mandatory. No building permit shall be issued in the City unless such action is in conformance with the Zoning Ordinance for the City of Eureka Springs, Arkansas.

14.04.03 Maintenance of zoning map. The Zoning Map comprising a part of the Zoning Ordinance for the City of Eureka Springs, Arkansas, shall be deemed to be in the official custody as public record of the Clerk/Treasurer and true copies may be publically displayed in the office of the Clerk/Treasurer, in the office of the Building Inspector and in the meeting rooms of the City Council and the City Planning Commission. It shall be the duty of the Clerk/Treasurer to cause the Zoning Map and each officially displayed copy thereof to be accurately and properly altered from time to time to reflect the zoning district changes effected by ordinances of the City amending the Zoning Ordinance for the City of Eureka Springs, Arkansas, within thirty (30) days after the effective date of each such amendatory ordinance of the City, and to promptly furnish true copies of each such amendatory ordinance to the Secretary of the City Planning Commission and the Building Inspector, together with a statement as to the effective date of each such amendatory ordinance.

SECTION 5. Severability.

If any part of the Zoning Ordinance for the City of Eureka Springs,

Arkansas, adopted by reference by this Ordinance, shall be held unenforceable by a court of competent jurisdiction, the remaining parts of said Zoning Ordinance for the City of Eureka Springs, Arkansas, shall be deemed severable and shall remain in full force and effect.

SECTION 6. Existing plan and filed boundary descriptions preserved and unaffected.

The plan, evolving from a planning process undertaken by the City Planning Commission created by Ordinance No. 871, as amended, and the City Council, with technical assistance provided by Harbin Design Group, consisting of thirty-eight (38) pages of textual material and two (2) pages of maps, adopted by the City Council in 1978, is hereby declared to be preserved and unaffected by this Ordinance. Furthermore, any description of the boundaries of the area designated by the City Planning Commission created by Ordinance No. 871, as amended, for which said Commission prepared or could have prepared plans, ordinances and regulations, provided that said description, if any, has heretofore been filed with the Clerk/Treasurer and in the Western District Office of the Circuit Clerk and Ex Officio Recorder of Carroll County, Arkansas, is hereby declared to be preserved and unaffected by this Ordinance.

SECTION 7. Emergency declared.

The City Council has found that the Zoning Ordinance for the City of Eureka Springs, Arkansas, adopted by this Ordinance, is immediately necessary for the preservation of the public peace, health, safety and general welfare of the City of Eureka Springs, Arkansas, and the inhabitants thereof. Therefore, an emergency is hereby declared to exist, and this Ordinance and the Zoning Ordinance for the City of Eureka Springs, Arkansas, adopted by reference by this Ordinance, shall take effect and be in full force and effect from and after the passage, approval and publication of this Ordinance according to law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, WITH SECTION 7 BEING VOTED UPON SEPARATELY, ON THE 17TH DAY OF AUGUST, 1979.

APPROVED:



Marcile Davis, Mayor

ATTEST:



Vesta Johnson, Clerk/Treasurer

[SEAL OF THE CITY]