

ORDINANCE NO. 1138

AN ORDINANCE REVISING AND MAKING
UNIFORM THE VARIOUS NOTICE
REQUIREMENTS OF THE PLANNING COMMISSION
AND THE BOARD OF ZONING ADJUSTMENT

WHEREAS, a public hearing was held to consider the following amendments to the Zoning Ordinance for Eureka Springs, Arkansas and the Planning Commission and the Board of Zoning Adjustment having recommended their adoption, all in accordance with Section 8-4 of said Ordinance; therefore,

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

SECTION 1. Section 7-4.1, Zoning Ordinance for Eureka Springs, Arkansas, amended.

Section 7-4.1, Zoning Ordinance for Eureka Springs, Arkansas, as codified and adopted by reference in Section 14.04.01, Eureka Springs Municipal Code, is hereby amended as follows:

The second sentence of said Section 7-4.01 is revised to read:

"Any such appeal shall be taken with seven (7) days from the date of such decision by filing a Notice of Appeal with the Board of Zoning Adjustment in the office of the City Clerk-Treasurer of the City and serving a copy thereof upon the Administrative Officer(s) from whose decision(s) such appeal is taken."

SECTION 2. Section 8-2.01, Zoning Ordinance for Eureka Springs, Arkansas, amended.

Section 8-2.01, Zoning Ordinance for Eureka Springs, Arkansas, as codified and adopted by reference in Section 14.04.01, Eureka Springs Municipal Code, is hereby amended as follows:

"8-2.1 Application

a) An application for a use variance shall be filed with the Planning Commission, setting forth the location and intended use of the site, along with the names and current mailing addresses of all property owners and existing land uses within 200 feet of the boundaries of the property which is the subject of the application. Other material and information which is relevant to the application may be submitted.

b) The applicant must notify the listed property owners by certified mail, return receipt requested, of the nature and date of the public hearing scheduled by the Planning Commission at least seven (7) days prior to the date of the public hearing. Copies of the letters with return receipts must be presented by the applicant at the public hearing.

SECTION 3. Section 8-2.2 Zoning Ordinance for Eureka Springs, Arkansas, amended.

Section 8-2.2, Zoning Ordinance for Eureka Springs, Arkansas, as codified and adopted by reference in Section 14.04.01, Eureka Springs Municipal Code, is hereby amended as follows:

The second sentence of said Section 8-2.2 is revised to read:
"Each public hearing shall be preceded by a public notice published at least one (1) time in a newspaper of general circulation in the City at least seven (7) days prior to the date of the public hearing."

SECTION 4. Section 8-2.c, Zoning Ordinance for Eureka Springs, Arkansas as codified and adopted by reference in Section 14.04.01, Eureka Springs Municipal Code, is hereby amended as follows:

Subsection 7 of Section 8-2.3 is revised to read:
"The feelings and opinions of the adjacent, surrounding or affected property owners in regards to the proposed use. The burden remains with the applicant to comply with the notice requirements of Section 8-2.1 and 8-2.2."

PASSED AND ORDAINED BY THE CITY COUNCIL OF
THE CITY OF EUREKA SPRINGS, ARKANSAS ON
THIS THE 9th DAY OF FEBRUARY, 1982.

APPROVED:


MARCILE DAVIS
Mayor

ATTEST:


TRUIE WALSH
City Clerk-Treasurer