

ORDINANCE #1491

AN ORDINANCE CREATING A BOARD OF REVIEW TO HEAR
CONDITIONAL USE PERMIT APPLICATIONS

WHEREAS, in order for the Planning Commission to be better able to carry out its city planning function, it has been found necessary to transfer to a new body, the Board of Review Commission, the function of deciding conditional use permit application; and

WHEREAS, the Planning Commission held a public hearing on July 9, 1992, on said proposal; and after that hearing at the meeting which followed, by a vote of 5 -1, voted to recommend the proposal to the City Council for implementation.

NOW, THEREFORE, be it ordained by the City Council of the City of Eureka Springs, Arkansas:

Section 1: That Section 6 of Title 14 of the Eureka Springs Municipal Code is amended by the addition of a new subsection thereto, 6-3, which reads as follows:

6-3.1 There is hereby established a Board of Review Commission, (hereafter referred to as Board of Review), to hear and decide all applications for conditional use permits filed with the City.

6-3.2(a) The Board of Review shall consist of five (5) members who shall be appointed by the Mayor and confirmed by a majority vote of the City Council. All members must be qualified electors of the city, and cannot hold an elective office of city, county or state.

6-3.2(b) Each member shall be appointed for a term of three (3) years, provided, the first members appointed to the Commission shall, at the first meeting of the Commission, determine by lot, that two (2) members shall serve for three (3) years, two (2) members shall serve for two (2) years, and one (1) member shall serve for one (1) year. Thereafter, all appointments to the Commission shall be for full terms of three (3) years, except appointments to complete an unexpired term.

6-3.2(c) Upon the termination of office of each member, his/her successor shall be appointed for a term of three (3) years and shall serve until his/her successor shall have been appointed and qualified.

6-3.2(d) The members of the commission shall receive no compensation for their services.

6-3.3 The Board of Review Commission is authorized to determine whether an exception (s) will be granted to the zoning ordinance in each application filed with it and exceptions will be made only for good cause.

6-3.4 The procedures for determining whether to grant a conditional use permit are set out in Subsection 8-2 of Title 14 except the words "Board of Review" and "conditional use permit" should be substituted for the words "Planning Commission" and "variance", respectively, throughout that Subsection.

6-3.5 The Commission shall meet within two (2) weeks of its appointment and shall be organized by electing a Chairperson. Thereafter, the Commission shall meet as often as necessary but at least once a month.

6-3.6 The Commissioners shall adopt such rules and regulations as they may deem necessary and expedient for the proper operation of said Commission, and they shall have the authority to alter, change or amend such rules and regulations.

6-3.7 Three (3) members of the Commission shall constitute a quorum for the transaction of business, provided no permit shall be granted unless concurred in by not less than three (3) members of the Commission.

Section 2. Subsection 8-2 of Title 14 of the Eureka Springs Municipal Code shall be amended in the following manner:

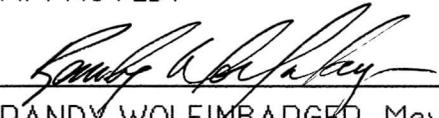
The words "conditional use permit" shall be substituted for the word "variance" throughout Subsection 8-2.

Section 3. All ordinances and resolutions and parts thereof, in conflict herewith, are hereby repealed to the extend of such conflict.

Section 4. If any part of this ordinance is held to be unenforceable for any reason by a court of competent jurisdiction, such holding shall not affect the remaining parts of this ordinance, which shall remain in full force and effect.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS THIS 11th DAY OF August, 1992.

APPROVED:



RANDY WOLFMBARGER, Mayor

ATTEST:



City Clerk/Treasurer