

ORDINANCE #1556

AN ORDINANCE AMENDING THE EUREKA SPRINGS ZONING ORDINANCE, TITLE 14, SECTION 8-2.1, TO REQUIRE CERTIFIED MAIL FOR NOTIFICATION OF SURROUNDING PROPERTY OWNERS; SECTION 8-2.3 DELETING LAST PARAGRAPH AND INSERTING THE GIVING OF PARTICULAR CONSIDERATION TO OPINIONS OF CONTIGUOUS PROPERTY OWNERS; AND SECTION 8-2.7 REGARDING RESPONSES FROM ADJACENT PROPERTY OWNERS.

WHEREAS, The Planning Commission of the City of Eureka Springs, Arkansas, did on the 14th day of October, 1993, hold a public hearing pursuant to notice published in a newspaper of general circulation at least one time fifteen (15) days prior to the date of the hearing, and upon due consideration and deliberation, the Planning Commission has recommended to the City Council of the City of Eureka Springs the adoption of the proposed ordinance amending Title 14 Section 8-2.1 to require certified mail for notification of surrounding property owners; Section 8-2.3 deleting last paragraph and inserting the giving of particular consideration to opinions of contiguous property owners; and Section 8-2.7 regarding responses from adjacent property owners.

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

SECTION 1:

8-2.1 Application. The following sentence shall be deleted: Every reasonable effort must be made by the applicant to notify all land owners within two hundred (200) feet of the boundaries of the property which is subject to the application. The following sentences shall be inserted in its place: The applicant shall send, by certified mail with return receipt requested, notification of the pending application and public hearing thereon to all land owners within two hundred (200) feet of the boundaries of the property which is the subject of the application. Proof of such notification shall be postmarked not less than fifteen (15) days prior to the date of the public hearing on the application for a conditional use permit.

8-2.3 Decision and Appeal. In the first sentence, the phrase "of the application" shall be changed to "on the application." In the final

sentence of the first paragraph, these words shall be added after ...proposed use,; with particular consideration being given to the feelings and opinions of contiguous property owners in R-1, R-2 and C-3 zoned areas:

8-2.7 Decision and Appeal. These shall be added as the last sentences: Approval or disapproval of the proposed conditional use may be expressed in a writing signed by the person so affected or in person at the public hearing on such proposed use. Any lack of response for said neighbors shall not be interpreted as either an approval or a disapproval of the proposed conditional use.

8-2.3 Decision and Appeal. The last paragraph shall be deleted: In the case of conditional use permits in residential zone, approval should be expressed, by letter or in person, by a consensus of those neighbor-owners responding ( a no opinion is not to be considered either approval or disapproval); particular consideration is given to adjacent property owners. (Amended by Ord. 1472 (Amended) dated 3-10-92).

SECTION 2: Repeal. All other Ordinances and Resolutions and any part thereof which may be in conflict, in whole or in part, with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 3: Severability. The provisions of this Ordinance are hereby declared to be severable. If any provision shall be held to be invalid or to be in applicable to any person or circumstances, such invalidity or inapplicability shall not affect the remainder of the provisions of this Ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, THIS 2nd DAY OF November, 1993.

APPROVED:

ATTEST:

Louise D. Berry  
Mayor

Juanita S. Barner  
City Clerk/Treasurer

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**PLANNING COMMISSION/  
BOARD OF ZONING ADJ.**

Oct. 18, 1993

**TO: Mayor Pro Tem Gerri Bess Forman and City Council**  
**FROM: Planning Commission/Board of Zoning Adjustment**  
**RE: Proposed Ordinance #1556**

The Planning Commission recommends the adoption of proposed Ordinance #1556 amending the Municipal Code Title 14, Sections 8-2.1, 8-2.3 and 8-2.7, to the City Council.

A public hearing was held on the proposal from the Board of Review Commission during the regular Planning Commission meeting Thursday, Oct. 14, 1993. Board of Review Chairperson Paula Adkins explained the reasons for the requested amendments to the Municipal Code. There were no voiced or written objections to the proposals during the hearing.

The Commission voted 5-0-0 to recommend adoption of the amendments. One member of the Commission has resigned and one was absent.

  
Mary Jean Sell,  
Admin. Liaison,  
Deputy City Clerk