

ORDINANCE #1613

AN ORDINANCE AMENDING THE EUREKA SPRINGS ZONING ORDINANCE, TITLE 14, MUNICIPAL CODE OF THE CITY OF EUREKA SPRINGS, AR, SECTION 3-9, REGARDING RADIO-TYPE TOWERS.

WHEREAS, the Planning Commission of the City of Eureka Springs, Arkansas, did on the 9th day of June, 1994, hold public hearings 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 this ordinance:

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

Section 1: Title 14, Section 3-9, Table of Permitted Uses, is amended in part as follows:

	<u>R*</u>	<u>C-3</u>	<u>C-2</u>	<u>C-1</u>	<u>I</u>	<u>Pkg. Group</u>
Radio transmitting station or tower, similar-type towers			P		X	17

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any part thereof which may be in conflict, in whole or in part, with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.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 inapplicable to any person or circumstances, such invalidity or inapplicability shall not affect the remainder of the provision of this Ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS, THIS 9th DAY OF August, 1994.

APPROVED:

Louise O. Berry
Louise O. Berry, Mayor

ATTEST:

Juanita S. Barner
Juanita S. Barner
City Clerk

**city of eureka
springs**

city offices, 44 south main

eureka springs, arkansas 72632

(501) 253-9703 FAX (501) 253-6967

TO: Mayor Louise Berry and City Council

RE: Proposed Ord. #1613 change



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

JULY 15, 1994

The Planning Commission/Board of Zoning Adjustment recommends changing the parking group number for radio tower locations in the Table of Permitted Uses, Title 14, Section 3-9, Municipal Code of the City of Eureka Springs, from group 4 to group 17. Group 17 requires one parking space for each 1,000 square feet of lot area.

The Planning Commission met in regular session Thursday, July 14, 1994, and discussed the change in the parking group as requested by the City Council pending the second reading of proposed Ordinance #1613.

Commissioner Richie moved to recommend the change to parking group 17. Commissioner Christman seconded. All voted aye. The motion passed 6-0-0. There is one vacancy on the Commission.

A handwritten signature in cursive script that reads "Mary Jean".

Mary Jean Sell,
Admin. Liaison/Dep. City Clerk

ORO. 1607
1613

June 28, 1994

Louise Berry, Mayor
City of Eureka Springs
44 S. Main
Eureka Springs, AR 72632

re: Amendment to Section 3-9 of Zoning Ordinance
Table of Uses--radio and other towers

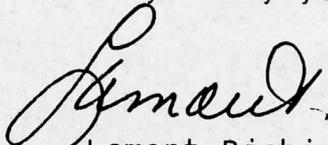
Dear Louise:

One of the amendments to the City's Zoning Ordinance which the Planning Commission has recently proposed to Council deals with the permitted placement of radio transmitting and similar-type towers within city limits. Currently, such towers can be built in either a Contemporary Commercial (C-2) or Industrial (I) zoned area. Furthermore, and contrary to Council's understanding, the height limitations in the Zoning Ordinance do not apply to "(c) chimneys, elevators, poles, spires, tanks, towers and other projections not used for human occupancy...". (See Section 5-11 of the Zoning Ordinance) After watching Council's discussion on this matter this morning, I felt that it would be helpful to bring this to your attention.

This height exemption for such structures as towers was brought out at a recent public hearing held by the Planning Commission regarding an application for a tree cut on a site off Magnetic Spring Road. That matter was disposed of on grounds other than height, but it raised concerns about whether such structures are appropriate in any area, other than an industrial-zoned area, without a conditional use permit. We concluded that they were not and have recommended to Council that the Table of Uses be amended accordingly.

Please call me if there are any questions.

Very truly yours,



Lamont Richie
Member, Planning Commission