

ORDINANCE #1614 (AMENDED)

AN ORDINANCE AMENDING THE EUREKA SPRINGS  
ZONING ORDINANCE, TITLE 14, MUNICIPAL CODE  
OF THE CITY OF EUREKA SPRINGS, AR, SECTION  
5-19, REGARDING TREE CUT APPLICATIONS.

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 5-19 F, Preservation of Trees, is amended in part as follows:

(5) Should any completed application not comply with conditions 1-4 stated above, the Building Inspector shall not issue a certificate, and the application shall be automatically appealed to the Board of Zoning Adjustment for placement on the agenda of the next regularly scheduled meeting along with a written statement by the Building Inspector of the reasons for denial of the issuance of the certificate. The publication of the agenda, with the proposed tree cut and a clear description of its location, appearing therein, shall constitute, for the purposes of this section, notice that the Board of Zoning Adjustment will take comments from the public at such meeting in regard to the proposed tree cut. The Board of Zoning Adjustment shall review the application and shall, by majority vote, accept, deny or modify the application; and

(6) The foregoing conditions (1-4) may be waived for any tree that is imminently hazardous to any existing building, sidewalk, driveway or public street, if in the opinion of the Building Inspector or the Chairman of the Board of Zoning Adjustment, an emergency exists; provided further, however, that the Building Inspector or Chairman of the Board of Zoning Adjustment must file, within ten (10) days following a waiver under this

subsection, a written statement with the Board of Zoning Adjustment setting forth the reasons for the waiver.

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any part thereof which may be in conflict, in whole or in part, with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict.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 2<sup>TH</sup> DAY  
OF September, 1994.

APPROVED:

  
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Interim Mayor

ATTEST:

  
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Juanita S. Barner  
City Clerk