

ORDINANCE #1615

AN ORDINANCE AMENDING THE EUREKA SPRINGS
ZONING ORDINANCE, TITLE 14, MUNICIPAL CODE
OF THE CITY OF EUREKA SPRINGS, AR, SECTION
8-2, DEFINING "UNIT"

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 8-2, Decision and Appeal, is amended in part as follows.

8-2.4 CONDITIONAL USE PERMITS FOR BED AND
BREAKFAST/TOURIST LODGING:

(a) In addition to all other requirements set forth in this section, applications requesting a conditional use permit to operate tourist lodging ("Application for Conditional Use Permit") shall also specify whether the applicant wishes to operate a bed and breakfast establishment or a tourist home.

(b) An "Application for Conditional Use Permit" further shall state the number of UNITS OF TOURIST LODGING ("Lodging Unit") being applied for, using the following definition: ONE "LODGING UNIT" shall equal any room, suite of rooms or building to be rented for compensation as either a bed and breakfast establishment or a tourist home and which, at capacity, will accommodate no greater number of adults than two (2) for an overnight stay. Any such room, suite of rooms or building which, at capacity, will accommodate more than two (2) adults shall be required to state as the number of "Lodging Units" applied for that number determined by taking the maximum number of adults which the property subject to the "Application for Conditional Use Permit" can accommodate for an overnight stay, divided by two (2), rounding up to the next higher number.

(c) Prior to the public hearing on an application pursuant

to this section, at least one (1) member of the Board of Review shall make a physical inspection of the premises subject to the application and shall report back to the entire Board at the hearing.

(d) All applications for a conditional use permit to operate a bed and breakfast establishment in an R-1 or R-2 zoned area shall contain the certification by the owner of the property at which such establishment shall be operated that said owner shall or resident manager shall occupy said premises at all times.

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 effect the remainder of the provision of this Ordinance.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY
OF EUREKA SPRINGS, ARKANSAS, THIS 23rd DAY
OF August, 1994.

APPROVED:

Louise O. Berry
Louise O. Berry, Mayor

ATTEST:

Juanita S. Barner
JUANITA S. BARNER
City Clerk