

ORDINANCE NO. 981

AN ORDINANCE AMENDING SECTION 3-6 AND SECTION 8-2 OF ORDINANCE NO. 915 OF THE CITY OF EUREKA SPRINGS, ARKANSAS.

WHEREAS, the City Council of Eureka Springs, Arkansas passed and approved Ordinance No. 915 on the 15th day of January, 1970; and

WHEREAS, the City Council of Eureka Springs, Arkansas desires and deems it necessary and prudent to amend Section 3-6 of Ordinance No. 915 in order to allow the issuance of Conditional Use Permits for uses not listed in the existing list of uses as set forth in the Table of Permitted Uses in Section 3-8 of Ordinance No. 915, while still maintaining the Table as a reference guideline for all permits issued by the City Council with the Planning Commission acting as its appointed agent;

WHEREAS, the City Council of Eureka Springs, Arkansas deems it necessary and wise to amend Section 8-2 of Ordinance No. 915 in order to require that the notice of public hearings to be held before the Planning Commission be published in the local paper of general circulation of the City of Eureka Springs at least 15 days prior to such a hearing, and that the costs incurred in such publication be paid by the permit applicant; and in order to correct what is obviously a typographical error in the use of the phrase "Building Permit" when the clear intention is that of a "Conditional Use Permit;"

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF EUREKA SPRINGS, ARKANSAS that Section 3-6 and Section 8-2 of Ordinance No. 915 be and hereby are amended to read in their entirety as follows:

3-6 General Permitted Uses

The Permitted Uses are set forth in Section 3-8. Where the letter "x" appears on the list of a permitted use and in the column of a district, the listed use is permitted in that district subject to (a) the provision of off-street parking in the amount required by the "Parking Group" column, see Section 4 except for the C-2 Downtown Business District, (b) conformance to the special conditions applying to certain uses as set forth in Section 5 where such reference is made, and (c) the provision of off-street loading in accordance with Section 4. Where the letter "p" appears instead of an "x", this use is permitted subject to acquiring a Conditional Use Permit as set forth in Section 8. If a requested use is not listed in Section 3-8, it will be considered a use subject to issuance of a Conditional Use Permit, the criteria for which shall be general conformity with the uses permitted in the district in which the use is to be permitted.

8-2 Procedure for Authorizing Conditional Uses

Where the letter "p" appears for certain uses in the Tables of Permitted Uses, their use is permitted subject to (a) acquiring a Conditional Use Permit and (b) conformance to the special conditions applying to certain uses as set forth in Section 5. The uses designated under the various district herein as "Conditional Uses" are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such uses makes it desirable that they be permitted to locate therein. The following procedure is established to integrate properly the conditional uses with the other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

- A. An application shall be filed with the City Planning Commission for review. Such application shall show the location and intended use of the site, the names of all property owners and existing land uses within two hundred (200) feet and any other material pertinent to the request which the Planning Commission may require.
- B. The City Planning Commission shall hold one (1) or more public hearings thereon. At least fifteen (15) days notice of the time and place of such hearing shall be published in an official paper of general circulation in the City of Eureka Springs, and the cost of publication shall be borne by the petitioner.
- C. The Planning Commission shall, within forty-five (45) days of the date of the application, transmit to the City Council its report as to the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utilities and other matters pertaining to the general welfare, and the recommendations

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of the Planning Commission concerning use thereon.
Thereupon, the City Council may authorize or deny the
issuance of a Conditional Use Permit for the use of land
or buildings as requested.

PASSED AND APPROVED by the City Council of Eureka Springs,
Arkansas, this 19th day of April, 1975.



W. A. Hill, MAYOR

ATTEST:

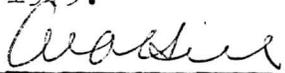


June I. Moncravie, CITY CLERK

EMERGENCY DECLARED IN PASSAGE OF ORDINANCE NO. 981:

WHEREAS, it is of the utmost urgency that the City of Eureka Springs, Arkansas have Ordinance No. 915 amended as provided for by Ordinance No. 981 to protect the property and lives of the citizens of said City, an Emergency is hereby declared to exist and Ordinance No. 981, being necessary for the immediate protection of the public health, safety and welfare, shall take effect immediately upon its passage, approval and publication.

PASSED AND APPROVED by the City Council of Eureka Springs, Arkansas, this 19th day of April, 1975.



W. A. Hill, Mayor

ATTEST:



June I. Moncravie, City Clerk