

<https://www.youtube/user/cityofeurekasprings/live>

**CITY OF EUREKA SPRINGS  
BOZA AND PLANNING COMMISSION AGENDA  
REGULAR MEETING**

**Tuesday, March 12, 2024 6:00 p.m. AUDITORIUM, 36 S. Main St.**

**ROLL CALL – ESTABLISH QUORUM  
PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENTS-** General

**BOARD OF ZONING ADJUSTMENT**

**Approval of Agenda**

**Unfinished Business:** None

**Public Comments** – Wilmot application – Zoning Variance – minimum lot size – Lot 13, Block 45 of Riley Armstrong Survey

**New Business:**

- **Zoning Variance Application – Wilmot, owner** – seeking a variance on Lot 13, Block 45 of Riley Armstrong Survey from 10,000 sq ft minimum lot size for R2, contemporary residential zoning for new residential construction on approximately 3,200 sq ft lot size originally platted in the Riley Armstrong Survey
- **Tree Cut Application – ES Historical Museum, owner** – seeking approval to remove 5 various size and species threatening the historic structure

**PLANNING COMMISSION**

**Approval of Agenda**

**Public Comments-** General

**New Business:** None

**Unfinished Business:** None

**COMMISSION BUSINESS**

1. Approval of Minutes: February 13, 2023 regular meeting
2. Jacob Coburn – discussion Tree Ordinance and 2024 overview
3. Conditional Use Permits – Ida Meyer
4. B&B Workshop- discussion
5. Sidewalks – discussion – existing ordinance, code and application
6. Code Books – staff update
7. Spring Street Parking Ordinance – staff update
8. Attendance requirements – staff update
9. Meeting Overview/Recommendation/Report- discussion
10. Reminder: B&B workshop, 5pm 4/9 and 5/14
11. Agenda setting April 9 regular meeting: applications due: March 26

**COMMISSIONER COMMENTS**

**ADJOURNMENT**

## BOZA/PLANNING COMMISSION STAFF REPORT

### REGULAR MEETING    March 12, 2024

**Property Address:** Lot 13, Block 45 Riley/Armstrong Addition  
**Property Owner:** Adam Willmot                      **Applicant:** same  
**Application:** Zoning Variance – minimum lot size

#### **Summary of Facts as presented on Application:**

1. property located in R2, Contemporary Residential Zone
2. approx. 40x80 ft undeveloped lot
3. seeking to build single family residential structure, approx. 20x60 sq ft

#### **Applicable Eureka Springs Municipal Code:**

- 14.08.10 Board of Zoning Adjustment Appeals: D: Variances and waivers

**Staff recommendation:** Approval

***Sample motion:*** I move that the Eureka Springs Board of Zoning Adjustment approve the variance application proposed at Lot 13, Block 45 of the Riley/Armstrong Addition based on the agreed upon Summary of Facts as presented.

**Approved:** \_\_\_\_\_yes \_\_\_\_\_No



City of Eureka Springs  
Board of Zoning Adjustment  
City Hall  
44 S. Main  
Eureka Springs, AR 72632  
479.253.9703

Application Fee \$100.00

Received:

2/16/24 *EG*

*#15 sign*

## ZONING VARIANCE APPLICATION

*#5.00 process*

### APPLICANT INFORMATION

Applicant Name:	Adam Wilmot	Property Owner Name:	John Mitchell Irrevocable Trust
Address (Number & Street):	3241 W. Warner Ave.	Address (Number & State):	
Address (City, State, Zip):	Chicago, IL 60618	Address (City, State, Zip):	Eureka Springs, AK 72632
Email Address:	awilmot@zpdarch.com	Email Address:	
Phone Number:	630-460-0787	Phone Number:	

### SITE INFORMATION

Property Address:	Lot 13, Block 45, Eureka Springs, Arkansas 72632		
Existing Zoning:	R-2	Existing Use:	Undeveloped
Legal Property Description:	Lot 13, Block 45 of the Riley and Armstrong Survey in the City of Eureka Springs, Arkansas		
Is property subject to contract sale or will title be otherwise conveyed?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Commissioners/Staff may enter my property to review?		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

### DESCRIPTION OF PROPOSED ZONING VARIANCE

Variance Request(s)	<input type="checkbox"/> Building Setback	<input type="checkbox"/> Lot Size	<input type="checkbox"/> Parking Requirements
	<input type="checkbox"/> Height Limit	<input checked="" type="checkbox"/> Other (Explain): Minimum Lot Size	
Is this application being submitted to correct a violation?		<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

### GENERAL APPLICATION REQUIREMENTS

Applications will not be accepted until the applicant has met with the City Planner to review the application and determined that all necessary information has been provided. Only complete applications will be accepted. All information from the checklist below must be included.

<input checked="" type="checkbox"/> Complete attached information sheet for criteria	<input checked="" type="checkbox"/> Site Plan drawn to scale (see page 4 for details)
<input checked="" type="checkbox"/> Non-refundable \$100.00 fee	<input type="checkbox"/> Any additional documents which detail the need for the variance
<input checked="" type="checkbox"/> List of names and current mailing addresses of all owners within a 200 ft. radius	

**PUBLIC NOTICE (EXHIBITS REQUIRED BEFORE PUBLIC HEARING)**

- ☐ Proof of publication of the public notice in local newspaper (at least 8 days before hearing)
- ☐ One copy of notification letter sent to neighboring property owners
- ☐ Return receipt cards as proof of notification of surrounding property owners (at least 15 days before hearing)
- ☐ Public notice sign posted on property (at least 15 days before hearing)

I certify that I have read and understand Sections 14.08.10 Sections D & E of the Eureka Springs Municipal Code (attached) which apply to the application for which I am seeking approval. I further certify that all of the information furnished is correct to the best of my knowledge, and I understand that submittal of false or incorrect information may be grounds for denial of this application.

John Mitchell Irrev. Trust  
Gwen Bennett trustee  
Property owner signature

Adam Wilms  
Applicant signature

02-06-2024  
Date

**SECTION TO BE COMPLETED BY STAFF/COMMISSION**

PLANNING COMMISSION ZONING VARIANCE APPLICATION REPORT									
The Planning Commission of the City of Eureka Springs met in:				<input type="checkbox"/> regular	<input type="checkbox"/> special session	Date:			
The application is:	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	Vote Count:			Ayes		Nays	Abstentions
Comments/Conditions:									
Reason for Denial:									

\_\_\_\_\_  
Planning Commission Secretary

\_\_\_\_\_  
Planning Commission Chair

\_\_\_\_\_  
Date



### CRITERIA FOR ZONING VARIANCE

Applicants must provide adequate evidence demonstrating to the City and to the Board of Zoning Adjustment that the proposed zoning variance aligns with the following standards for approval, along with any additional standards specific to the applicable zoning district or particular use found in Eureka Springs Municipal Code 14.08.10.

*Please explain how the proposed variance will meet the following criteria (attach additional pages, if necessary):*

1. Explain what special conditions and circumstances exist which are peculiar to only this land, structure or building – and not to any other in the same zoning district.

The existing lot is 40' x 80' resulting in a lot area of 3200 SF. All adjacent lots are owned by the City of Eureka Springs which prevents additional lots from being acquired to create a larger property meeting the minimum lot size of 10,000 SF for the R-2 zoning district. Additionally, the lot was established as part of the Riley and Anderson Street Plan which established this as a legal lot prior to the adoption of Title 14 of the Eureka Springs Municipal Ordinance (commonly referred to as the Eureka Springs Zoning Ordinance).

2. Describe how literal interpretation of the zoning ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this zoning ordinance.  
14.08.01: R-2 Contemporary Residential; Section C: Restrictions In R-2 Contemporary Residential, Bulk and Area Requirements designates a minimum lot are of 10,000 SF. As such, the property does not meet the definition of a Lot "Lot includes the words plot or parcel and is land of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required." and is therefore not permitted the same rights of development that are enjoyed by owners of properties greater than 10,000 SF.

3. Describe how literal interpretation of the zoning ordinance would result in undue or unnecessary hardship.

As a property that does not comply with the minimum lot size requirements for an R-2 Lot, the property cannot be developed by right for single-family residential use.

4. Demonstrate how the special conditions and/or circumstances do not result from actions of the applicant – and if they do, how the special conditions and/or circumstances arose.

The property was sold to the current owner as a single parcel less than the minimum permitted lot size for residential occupancy. Current owner did not subdivide land to create a non-conforming lot.

5. Demonstrate how granting the variance requested would not confer on the applicant any special privilege that is denied by the zoning ordinance to other lands, structures, or buildings in the same zoning district.

The zoning variance being requested is explicitly permitted by the provisions for existing non-conforming lots. Since the owner did not create the hardship, and since there is no regularly viable option available to the owner to bring the property into compliance with minimum lot size requirements through purchase of additional parcels, there is no special privilege being granted. Rather, the applicant is seeking the same privilege afforded to other landowners whom are permitted to enjoy the continued occupancy of their developed non-conforming lots.

6. Explain how the reasons set forth in the variance application justify that granting of the variance will be in harmony with the spirit, general purpose, and intent of the City's zoning ordinance.

Title 14 Section 14.08.05 of the zoning ordinance which addresses non-conforming uses provides a provision in Paragraph J which states "

"If permitted in the district, single-family dwellings may be erected on any lot of record at the adoption of the ordinance from which this chapter derives (11-2-00), subject to other limitations imposed by this chapter. Such lot must not be in continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district."

7. Clarify how the reasons set forth in this application are the minimum that will make possible the reasonable use of the land, building, or structure

The proposed development of this property will comply with all other provisions and requirements of the zoning ordinance, including yard setbacks, building height, and parking. The only restriction that prevents development of this property is the subject of this variance request (minimum lot size) and is permitted by the zoning ordinance as an allowable non-conforming condition.

8. Describe how the reasons set forth in this application justify that granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public health, safety, and welfare.

All other required bulk and density provisions will be met by the development of this property. There is no need or request for variation in yard setbacks or building height. There are no privately owned neighboring lots on the zoning block, and therefore no harm presented to existing land owners in occupation of their land.

#### SITE PLAN CHECKLIST

Please use the checklist below to ensure you are submitting all required information applicable to your request.

<input checked="" type="checkbox"/>	SCALED SITE PLAN. Large enough to show sufficient detail. Include the following information, as applicable:
<input type="checkbox"/>	Scale and north arrow.
<input type="checkbox"/>	Existing subject property lot lines and dimensions.
<input type="checkbox"/>	All buildings and all outdoor use areas, existing and proposed.
<input type="checkbox"/>	All dimension and requested setbacks, side yards, and rear yards.
<input type="checkbox"/>	Location of driveways and parking spaces.
<input type="checkbox"/>	Zoning district boundaries in the immediate areas.

## **Eureka Springs Municipal Code**

### **14.08.10 Board of Zoning Adjustment Appeals**

#### **D. Variances and waivers**

1. The Board of Zoning Adjustment shall also have the power to grant variances from or to waive the literal provisions of this chapter. Variances and waivers can include, but are not limited to, matters such as setback lines, frontage requirements, height limits, lot size, density requirements, and yard regulations. A variance or waiver from the literal provision of this chapter shall not be granted unless written application is made demonstrating:
  - a. Literal enforcement of the provisions of this chapter would result in undue or unnecessary hardship.
  - b. Special circumstances exist which are unique to the property in question and which do not apply to other properties in the same district.
  - c. The special circumstances do not result from the actions of the applicant.
  - d. Literal enforcement would deprive the applicant of rights commonly enjoyed by other properties in the same district.
  - e. Granting the waiver or variance will be within the spirit and intent of this chapter and not against public interest.
2. Non-conforming uses of lands, or variances or waivers granted affecting lands, in the same or another district shall not be grounds for a waiver or variance.
3. A public hearing shall be held and public notice shall be given. The Board of Zoning Adjustment shall grant a variance or waiver only to the extent needed to relieve the unnecessary hardship.
4. To grant a waiver or variance, the Board of Zoning Adjustment must find:
  - a. That the requirements set forth above have been met by the applicant;
  - b. That the reasons set forth in the application justify the granting of the waiver or variance;
  - c. That the variance is the minimum variance that will make possible the reasonable use of the land, building or structure;
  - d. That the granting of the waiver or variance will be in harmony with the general purpose and intent of this chapter, and will not be detrimental to the neighborhood or detrimental to the public welfare.
5. The Board of Zoning Adjustment shall not permit, as a variance, any use in a zone that is not permitted under this chapter.
6. The action of this Board of Zoning Adjustment in granting any variance or waiver of any provision of this chapter shall not be deemed a waiver or variance of any provision of any protective code or other laws.
7. In granting any variance or waiver, the Board of Zoning Adjustment may require appropriate conditions and safeguards to ensure compliance and to protect adjacent property. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter. (Ord. No. 1816, Sec. 114-12-4, 11-2-00)

#### **E. Appeals from Board of Zoning Adjustment**

1. Decisions of the Board of Zoning Adjustment in respect to the above shall be subject to appeal only to a court of record having jurisdiction, in the manner provided by the laws of the state of Arkansas. (Ord. No. 1816, Sec. 114-12-5, 11-2-00)
2. An appeal of a Board of Zoning Adjustment decision to a court shall stay all proceedings in furtherance of that decision, unless the city certifies to the Board in writing that a stay would cause imminent peril to life or property. The certificate shall state the Building Inspector's supporting reasons and facts. In such a case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a court of record on application, after notice to the Building Inspector from whom the appeal is taken, and on due cause shown. (Ord. No. 1816, Sec. 114-12-5.1, 11-2-00)

- F. Duties of Building Inspector, Board of Zoning Adjustment, City Council and Court on matters of appeal It is the intent of this chapter that questions of interpretation and enforcement shall be first presented to the Mayor, or the person designated by the Mayor for such purpose ("the city"). Such questions shall be presented to the Board of Zoning Adjustment only on appeal from the decision of the city, and recourse from the decisions of the Board of Zoning Adjustment shall be to the courts as provided by state law. It is further the intent of this chapter that the duties of the City Council in connection with this chapter shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure of deciding such questions shall be as stated in this section and this chapter. (Ord. No. 1816, Sec. 114-12-6, 11-2-00)

**SAMPLE LETTER OF NOTIFICATION**  
**Zoning Variance**

**Send Certified Registered Return Receipt to adjoining property owners within 200 feet at least 8 days prior to the Public Hearing. Turn in both parts of receipts to Planning Commission staff.**

(Date) \_\_\_\_\_

TO: (Name) \_\_\_\_\_  
(Address) \_\_\_\_\_  
(City, State Zip Code) \_\_\_\_\_

Dear \_\_\_\_\_ (name) \_\_\_\_\_

I have applied to the Board of Zoning Adjustment for a Zoning Variance for \_\_\_\_\_ (variance type) \_\_\_\_\_ at \_\_\_\_\_ (street address) \_\_\_\_\_, Eureka Springs, Arkansas.

If you wish to make comments in support or protest of this application, you may submit them via email to [khevrdejs@eurekaspringsar.gov](mailto:khevrdejs@eurekaspringsar.gov) (City Planner) before 3 p.m., or in person at the public hearing on \_\_\_\_\_ (Hearing date) \_\_\_\_\_ at 6:00 p.m. at the Auditorium, 36 South Main Street, Eureka Springs, AR 72632.

Sincerely,

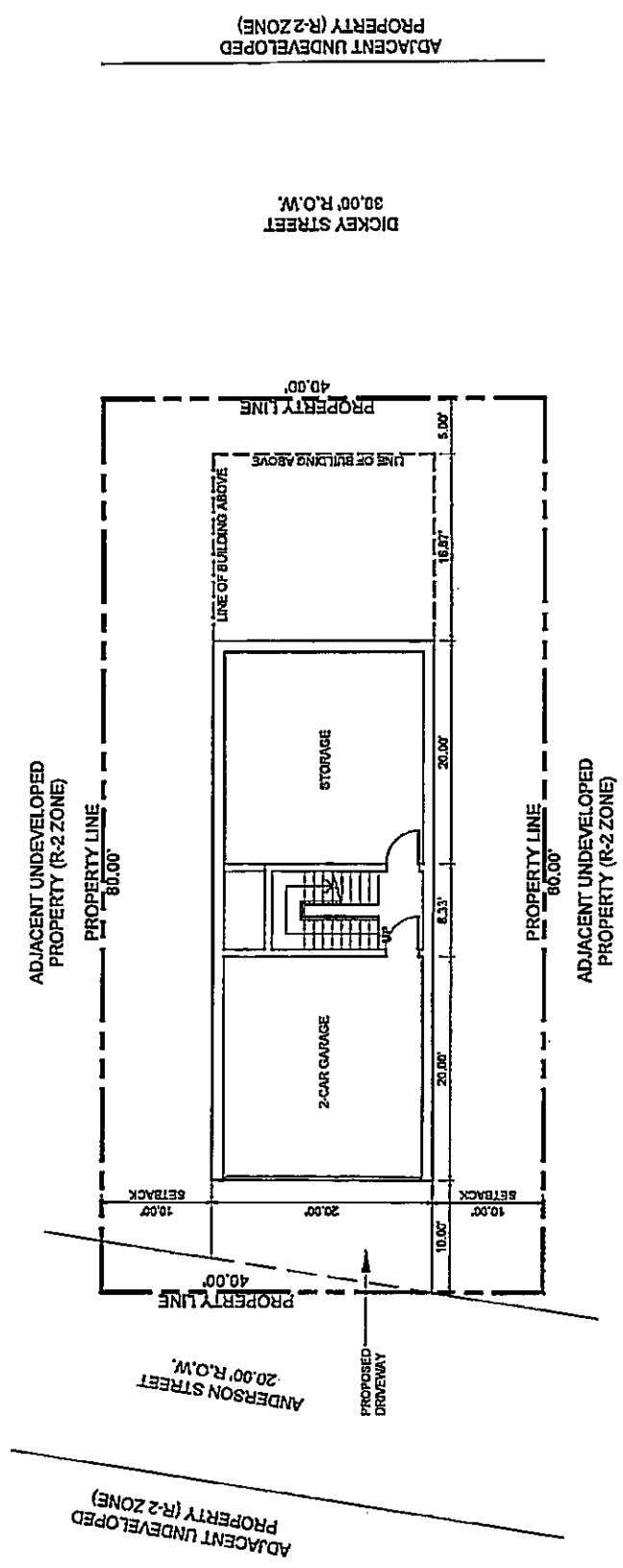
(Applicant name)

**SAMPLE PUBLIC NOTICE**  
**Zoning Variance**

**Place as a Legal Notice in Carroll County News to run at least 15 days prior to meeting.**  
**Return Affidavit/Proof of Publication to Commission staff. Applicant must pay for publication.**

Public Notice

An application has been filed by \_\_\_\_\_ (applicant name) \_\_\_\_\_ for a Zoning Variance at \_\_\_\_\_ (street address) \_\_\_\_\_, Eureka Springs, AR.  
A public hearing will be held at 6 p.m. \_\_\_\_\_ (day and date) \_\_\_\_\_ in the Auditorium, 36 South Main Street by the Eureka Springs Board of Zoning Adjustment. Written comments on the application will be read aloud



**PROPOSED SITE PLAN (LOWER LEVEL)**

SCALE: 1" = 10'

SHEET TITLE:  
**SITE PLAN**  
 (ANDERSON)  
 SHEET NUMBER:  
**AS101**

BLOCK 45, LOT 13  
 EUREKA SPRINGS, AK  
 DATE: 02-06-2024





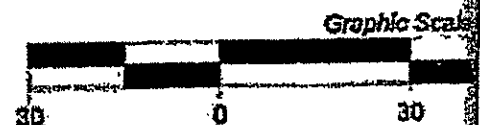
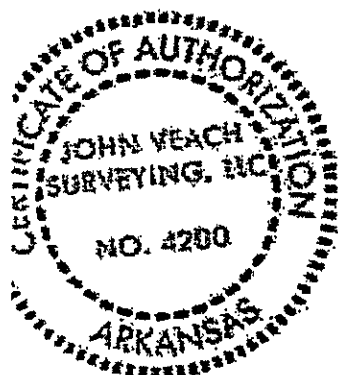
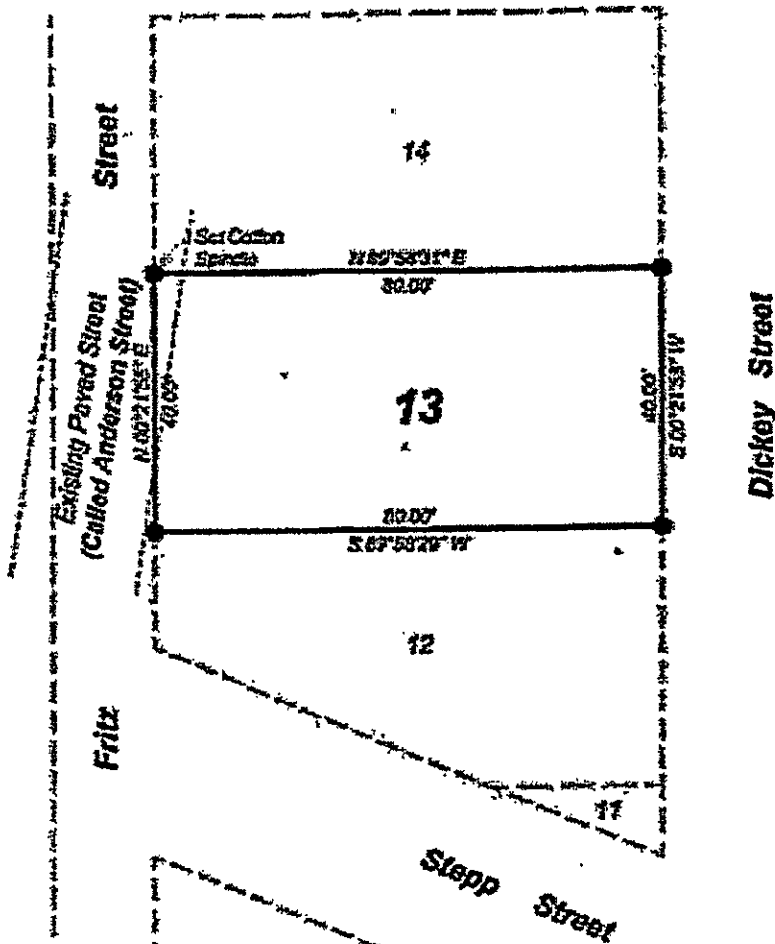


**SCALE: 1" = 10'**

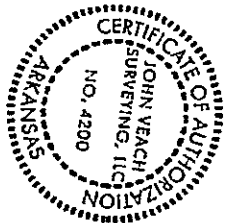
# Plat of S

Riley & Arm.  
Block 4  
Lot 13

Block 4 1/2



**Armstrong  
Dock 45  
Lot 13**

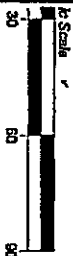


**Certificate of Surveyor:**  
I hereby certify the attached plot is a true representation of a survey performed under my supervision on the 27th day of April, 2023.

A = Found Monument as Noted  
● = Set 1 1/2" Rebar w/ Cop 1601  
— = Fence



DATE: 7-6-97	APPROVED BY:	DOUGH BROWN
TIME: 4:27:23	LAB: C. WALKER, P.L.S. 1601	REMARKS:
Batch of laundry: McKenney's laundry of P.O. Box 42, 43, & 44		
Donat/Donation: Book 2016, Page 1830		
Joda Peach Strawberry, LLC		
13 More Lane		3134
Watbury Island, AR 72631		



**BULLOCKS  
SUBDIVISION**

OUTLOT NO. 1

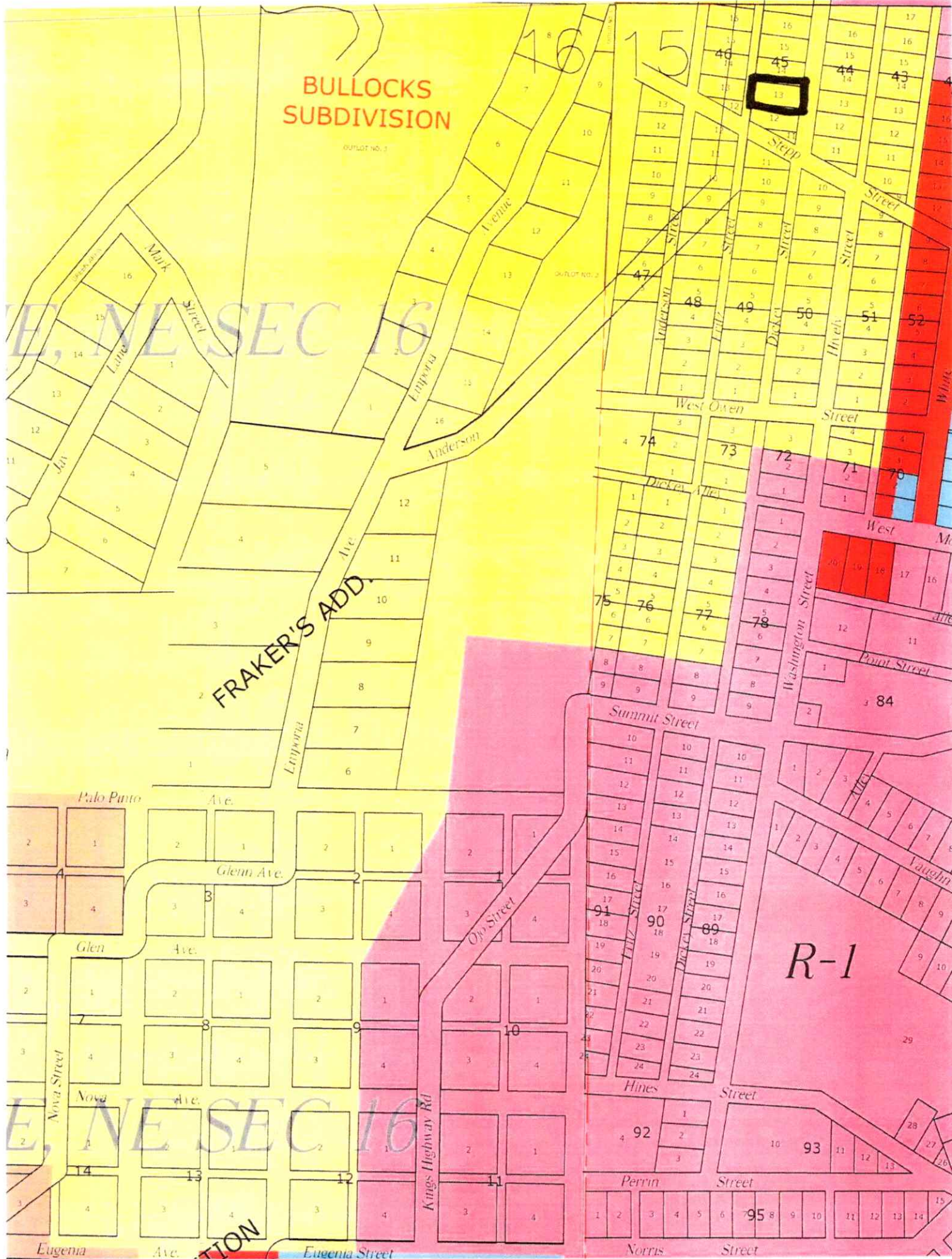
OUTLOT NO. 2

E, NE SEC 16

FRAKER'S ADD.

E, NE SEC 16

R-1





Parcel: 925-00941-000

Prev. Parcel: 20366

As of: 1/31/2024

**Carroll County Report**

ID: 23493

**Property Owner****Name:** MITCHELL JOHN IRREVOCABLE  
TST**Mailing Address:** 130 SPRING ST  
EUREKA SPRINGS, AR 72632**Type:** (RV) Res. Vacant**Tax Dist:** (21E) EUREKA SPRINGS CITY**Millage Rate:** 50.50**Property Information****Physical Address:** FRITZ & DICKEY**Subdivision:** RILEY & ARMSTRONG**Block / Lot:** 45 / 13**S-T-R:** 15-20-26**Size (Acres):****Extended Legal:** L13 DICKEY ST W SIDE N OF STEEPE ST & L 13, FRITZ ST E SIDE N OF STEEPE ST**Market and Assessed Values****Taxes**

	Estimated Market Value	Full Assessed (20% Mkt Value)	Taxable Value	Estimated Taxes:	\$45
<b>Land:</b>	\$4,500	\$900	\$900	<b>Homestead Credit:</b>	\$0
<b>Building:</b>	0	0	0	Note: Tax amounts are estimates only. Contact the county/parish tax collector for exact amounts.	
<b>Total:</b>	\$4,500	\$900	\$900		

**Land**

Land Use	Size	Units
	1.000	House Lot
<b>Total</b>	<b>1.000</b>	

**Deed Transfers**

Deed Date	File Date	Book	Page	Deed Type	Stamps	Est. Sale	Grantee	Code	Type
7/18/2018	7/18/2018	2018	1920	Quit Claim			MITCHELL JOHN IRREVOCABL E TST	N/A	Land Only
7/1/2011		189	172	Redem Deed			MITCHELL JOHN	N/A	N/A
9/25/2001		157	5	Redem Deed	0.00	\$0	ST COMM TO MITCHELL	N/A	N/A
12/28/1992		138	492	8-	4.40	\$2,000	GREENE TO MITCHELL	00	N/A
12/28/1992		133	342	ES	0.00	\$0	GREENE TO MITCHELL	N/A	N/A
12/5/1988		121	280	Quit Claim	0.00	\$0	FROM LAURA JOHNSON	N/A	N/A
9/26/1985		111	388	Quit Claim	16.50	\$15,000	FROM DONALD SMITH	00	N/A
2/18/1984		106	310	Quit Claim	11.00	\$10,000	FROM RAY COX	00	N/A
11/11/1971		70	350	N/A	0.00	\$0		N/A	N/A

**Not a Legal Document.**

Subject to terms and conditions.

[www.actDataScout.com](http://www.actDataScout.com)



Parcel: 925-00941-000  
Prev. Parcel: 20366  
As of: 1/31/2024

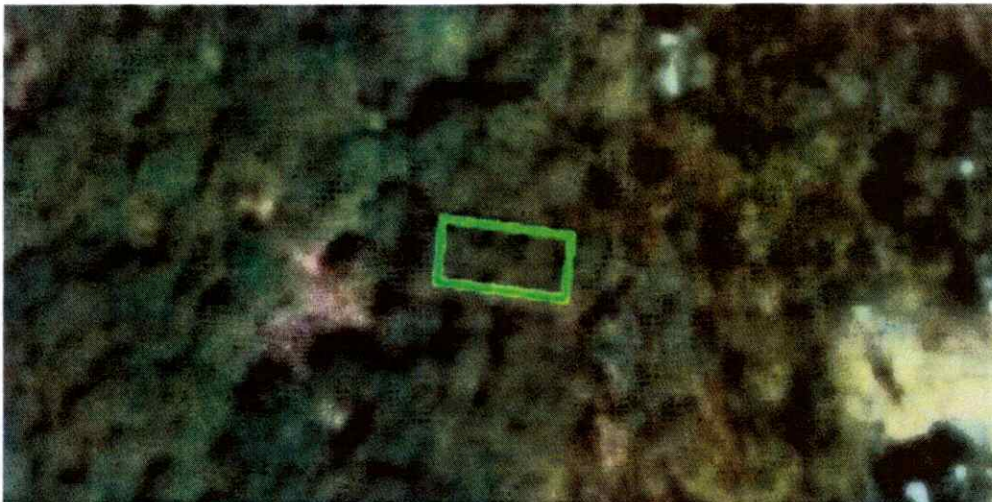
## Carroll County Report

ID: 23493

### Reappraisal Value History

Tax Year	Total Value	Total Assessed
2015	\$3,000.00	\$600.00
2016	\$3,000.00	\$600.00
2017	\$3,750.00	\$660.00
2018	\$3,750.00	\$720.00
2019	\$3,750.00	\$750.00
2020	\$3,750.00	\$750.00
2021	\$3,750.00	\$750.00
2022	\$4,500.00	\$825.00
2023	\$4,500.00	\$900.00

### Map



## **City of Eureka Springs**

### **Department of Planning and Community Development**

**Applicant Name:** Adam Wilmot

**Address:** Lot 13, Block 45 Eureka Springs

**Type:** Variance Request for Minimum Lot Size

#### **List of Property Owners Within 200 Ft of Address for Notification Letters**

SUGAR MAGNOLIA LLC  
1509 NE DYSART WOODS LN  
BENTONVILLE, AR 72712

WILSON PAUL J TST  
26 WHITE ST  
EUREKA SPRINGS, AR 72632.

MITCHELL JOHN IRREVOCABLE TST  
130 SPRING ST  
EUREKA SPRINGS, AR 72632

STANLEY CHARLES M & NIKKI  
PO BOX 341  
EUREKA SPRINGS, AR 72632-0341

MATTINGLY GEORGIE L  
48 ANDERSON ST  
EUREKA SPRINGS, AR 72632

BEACHAM STEPHEN TST  
101 OWEN ST  
EUREKA SPRINGS, AR 72632

LUX ELEANOR & WILSON ROBERT  
PO BOX 486 EUREKA SPRINGS, AR 72632



February 16, 2024

TO: WILSON PAUL J TST  
26 WHITE ST  
EUREKA SPRINGS, AR 72632

Dear Property Owner,

I have applied to the Board of Zoning Adjustment for a Zoning Variance for reduction of minimum lot size for an R-2 zone property at Lot 13, Block 45, Eureka Springs, Arkansas.

If you wish to make comments in support or protest of this application, you may submit them via email to [khevrdejs@eurekaspringsar.gov](mailto:khevrdejs@eurekaspringsar.gov) (City Planner) before 3 p.m., or in person at the public hearing on March 12, 2024 at 6:00 p.m. at the Auditorium, 36 South Main Street, Eureka Springs, AR 72632.

Sincerely,  
*Adam Wilmot*

# BOZA/PLANNING COMMISSION STAFF REPORT

## REGULAR MEETING    March 12, 2024

**Property Address:** 95 S Main

**Property Owner:** Eureka Springs Historical Museum

**Applicant:** Jeff Danos

**Application:** Tree Cut Application – 5 trees threatening historic structure

### **Summary of Facts as presented on Application:**

1. Five trees, various sizes and species
2. Located on bluff east and above the museum building
3. Potential threat to historic structure

### **Applicable Eureka Springs Municipal Code:**

- Ordinance 2345: Repealing and Replacing 7.56.01-7.56.10: Criteria Supporting Tree Removal: C, E (p6)

**Staff recommendation:** Approval

***Sample motion:*** I move that the Eureka Springs Board of Zoning Adjustment approve the variance application proposed at 95 S Main based on the agreed upon Summary of Facts as presented.

**Approved:** \_\_\_\_\_yes \_\_\_\_\_No





# CITY OF EUREKA SPRINGS

## Building & Safety Department

Inspection - Permits - Licensing - Planning - Enforcement

44 S. Main St. Eureka Springs, Ar. 72632

Ph. 479-253-9703 Fax 479-253-6967

## PERMIT APPLICATION

No. **8176**

Notice: Permit will not be issued or valid until all fees are paid and all approvals needed are final. Applicant agrees to abide by all codes and ordinances of and adopted by the City Of Eureka Springs, all State and Local licensing requirements, and all procedures and regulations of each department and commission of The City Of Eureka Springs, Ar.

Date 2/16/24 Permit Address 95 S. MAIN STREET Zone \_\_\_\_\_ HDC \_\_\_\_\_

Applicant Name JEFF DANDS - ESHM Phone 479-244-0232

Property Name EUREKA SPRINGS HISTORICAL MUSEUM R C ✓ Phone 479-253-9417

Work Requested REMOVE TREES HANGING OVER SOUTHWEST CORNER OF BUILDING

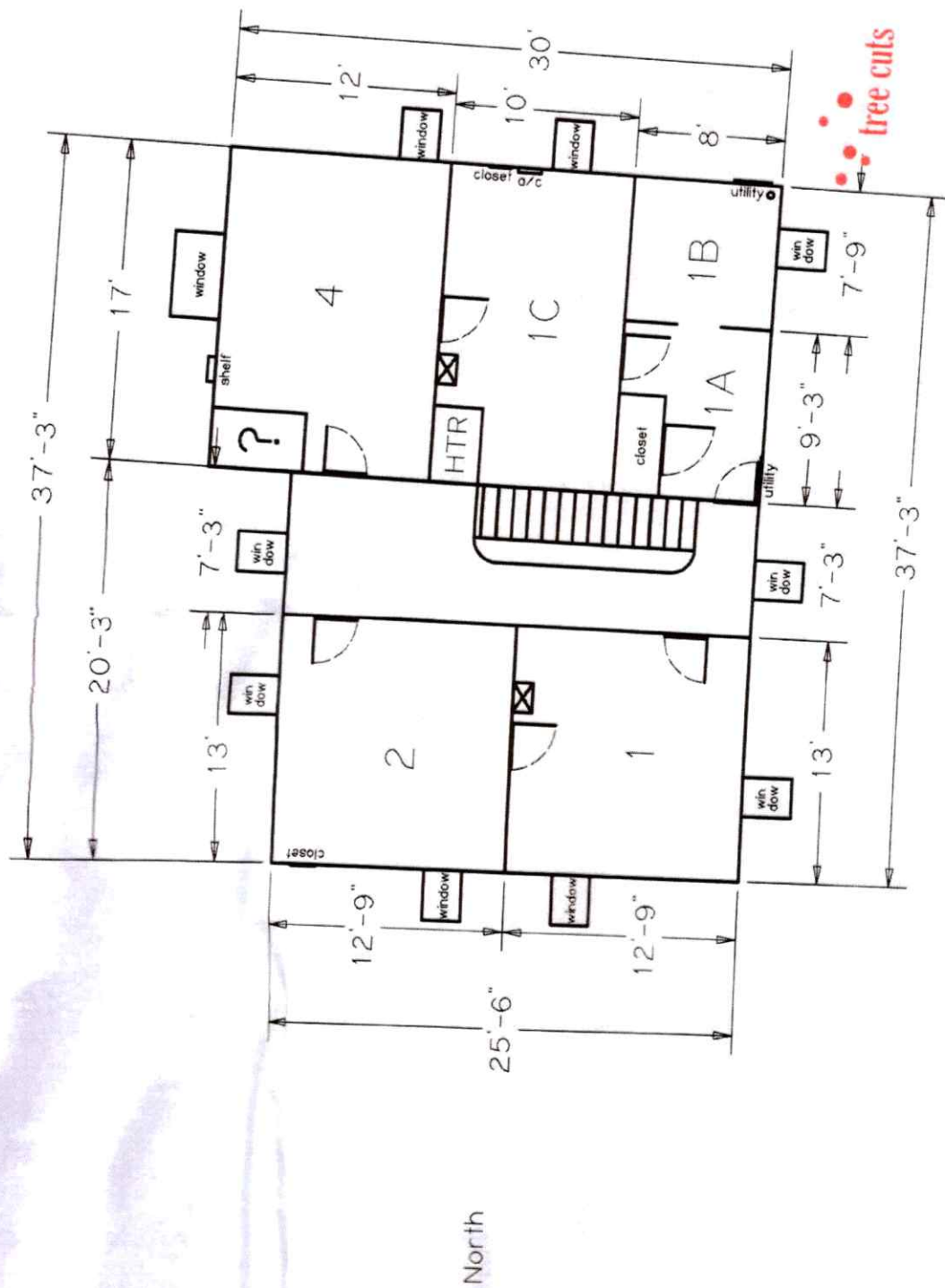
Sign (sq. ft.)	_____	Value @ _____	@ \$.50 = \$ _____	+ \$ 20 = _____
Construction (sq. ft.)	_____		@ \$.20 = \$ _____	+ \$ 30 = _____
Renovation (value)	_____		@ \$5/k = \$ _____	+ \$ 30 = _____
Roofing (value)	_____		@ \$5/k = \$ _____	+ \$ 30 = _____
Electrical (value)	_____	Rough _____ and Final _____	@ \$5/k = \$ _____	+ \$ 30 = _____
Plumbing (value)	_____	Rough _____ and Final _____	@ \$5/k = \$ _____	+ \$ 30 = _____
HVAC (value)	_____	Rough _____ and Final _____	@ \$5/k = \$ _____	+ \$ 30 = _____
Wall/Fence (value)	_____		@ \$5/k = \$ _____	+ \$ 30 = _____
Walk/Pave (value)	_____		@ \$5/k = \$ _____	+ \$ 30 = _____
Fill/Excav. (value)	_____		@ \$5/k = \$ _____	+ \$ 30 = _____
Landscape (value)	_____		@ \$5/k = \$ _____	+ \$ 30 = _____
Insulation	_____		@ \$5/k = \$ _____	+ \$ 30 = _____
Drywall	_____		@ \$5/k = \$ _____	+ \$ 30 = _____
Sheating	_____		@ \$5/k = \$ _____	+ \$ 30 = _____
T-Pole	_____		@ \$5/k = \$ _____	+ \$ 30 = _____
Pre-Pour	_____		@ \$5/k = \$ _____	+ \$ 30 = _____
Water & Sewer	_____	Rough _____ and Final _____	@ \$5/k = \$ _____	+ \$ 30 = _____
Gas	_____	Rough _____ and Final _____	@ \$5/k = \$ _____	+ \$ 30 = _____
Demo Permit	_____			+ \$ 50 = _____
Permit Extension (Max. 180 days)	_____			+ \$ 30 = _____
Certificate of Occupancy (residential \$30 - commercial \$50)	_____			= _____
Other Inspection (for)	_____			= _____
Special Permit (for)	_____			= _____
Tree Cut Permit # of Trees <u>5</u> Type of Trees <u>ASH, OAK, CEDAR</u>				+ \$ 20 = <u>20</u>
Reason for Removal <u>TREES DEEMED UNSAFE, HANGING OVER BUILDING</u>				= _____
Older than 50 yrs. or has historical value _____ larger than 36" dia. _____				\$ _____
I have given my approval _____ I have denied my approval _____				
Reasons for denial <u>[REDACTED]</u>				
Action Recommended _____				

Applicant Signature [Signature]

Building Official \_\_\_\_\_ Date Permit Issued \_\_\_\_\_



East

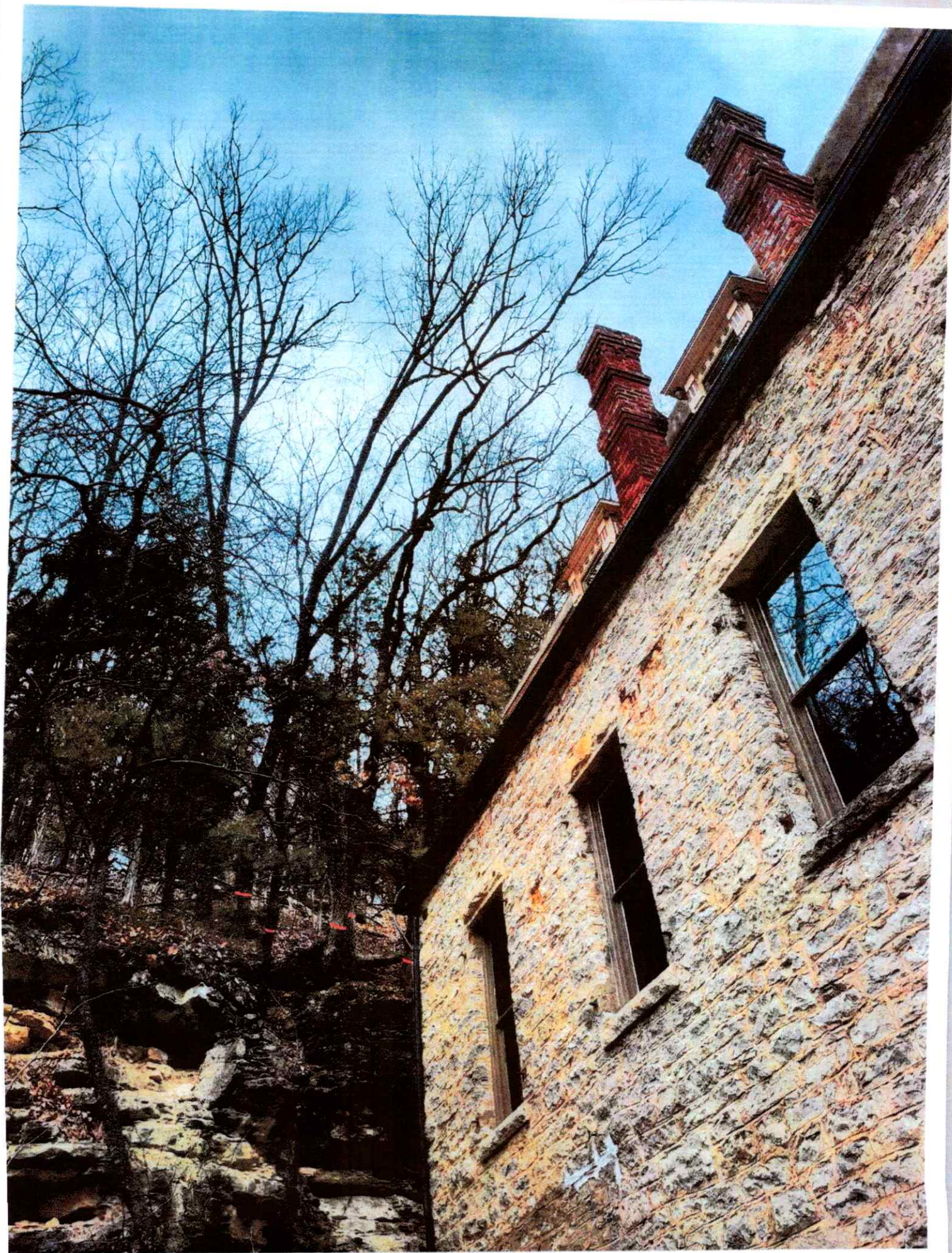


South

West

# ESHM - 3rd Floor







Parcel: 925-01216-000  
Prev. Parcel: 20627  
As of: 3/4/2024

## Carroll County Report

ID: 23750

### Property Owner

Name: EUREKA SPRINGS HISTORICAL

### Property Information

Physical Address: 95 S MAIN ST

Mailing Address: SOCIETY MUSEUM  
EUREKA SPRINGS, AR 72632

Subdivision: RILEY & ARMSTRONG

Block / Lot: 103 / N/A

Type: (EG) Ex. Government

S-T-R: 15-20-26

Tax Dist: (21E) EUREKA SPRINGS CITY

Size (Acres):

Millage Rate: 50.50

Extended Legal: MAIN NSD F-B PT 25 ALL 26-29 F-L 11' SSD 25-29 AND B-L 26- 29

### Market and Assessed Values

### Taxes

Estimated Market Value	Full Assessed (20% Mkt Value)	Taxable Value	Estimated Taxes:	\$0
Land:			Homestead Credit:	\$0
Building:		0		
Total:				

Note: Tax amounts are estimates only. Contact the county/parish tax collector for exact amounts.

### Deed Transfers

Deed Date	Book	Page	Deed Type	Stamps	Est. Sale	Grantee	Code	Type
2/15/2013	2013	297-298	Quit Claim			EUREKA SPRINGS HISTORICAL	N/A	N/A
8/18/2003	161	860-887	N/A	0.00	\$0	HISTORIC PRESERVATION EASEMENT	N/A	N/A
2/14/2001	155	303-304	Easement	0.00	\$0	EUREKA MUSEUM TO ES CITY	N/A	N/A
1/21/1997	145	533	Easement	0.00	\$0	EASEMENT FOR EQU STATION	N/A	N/A
6/25/1980	93	333-34	N/A	0.00	\$0		N/A	N/A

### Reappraisal Value History

Tax Year	Total Value	Total Assessed
2015		
2016		
2017		
2018		
2019		
2020		
2021		
2022		
2023		

Not a Legal Document.  
Subject to terms and conditions.  
[www.actDataScout.com](http://www.actDataScout.com)

**Details for Commercial Card 1**

**Business Name(s):** ES HISTORICAL MUSEUM  
MAIN ST

**Number of Units:**

Site Work: N/A  
Foundation: N/A  
Floor Struct: N/A  
Struct. Frame: N/A  
Exterior Walls: N/A  
Ext. Wall Load: N/A  
Roof Struct.: N/A  
Roof Cover: N/A

**Total Floor Area:** 1257

Floor Cover: N/A  
Ceilings: N/A  
Interior Finish: N/A  
Insulation: N/A  
Appliances: N/A  
Plumbing: N/A  
Electric: N/A  
Misc:

**Building 1**

Age/YC	Condition	Effective Age	Stories	Grade
	Average	25	2	C3

Avg. Floor Area: 1257

Avg. Perimeter: 142

No. Floors: 1

Avg. Floor Hgt: 9

Common Wall:

Total Floor Area: 1257

Total Height: 9

Unit Multiplier:

**Occupancy**

Primary Retail Stores  
Secondary N/A

**Heating/Cooling**

N/A  
N/A

**Sprinkler**

N/A  
N/A

Parcel: 925-01216-000  
Prev. Parcel: 20627  
As of: 3/4/2024

## Carroll County Report

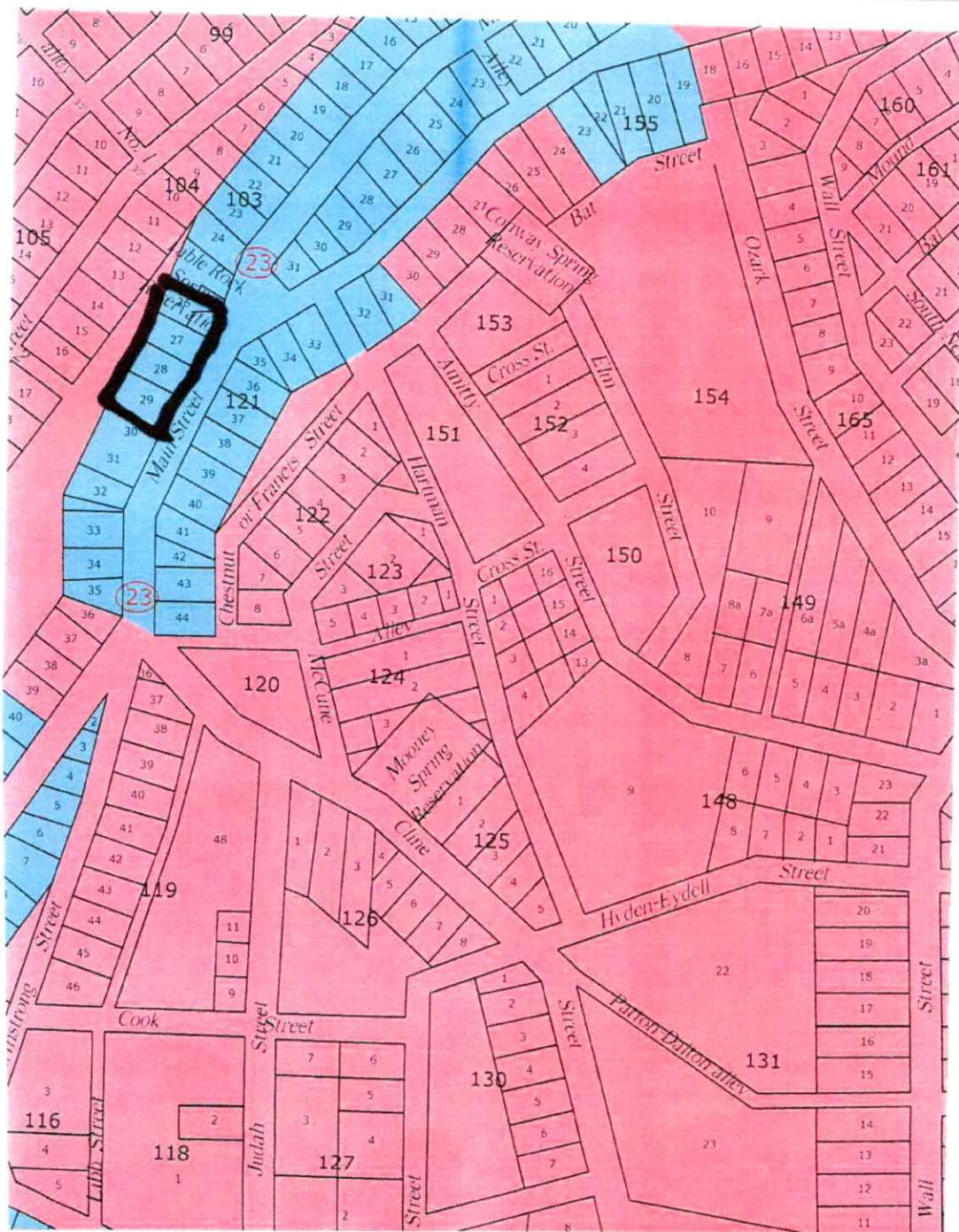
ID: 23750

### Map

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## **ORDINANCE NO. 2345**

### **AN ORDINANCE OF THE CITY OF EUREKA SPRINGS, ARKANSAS REPEALING AND REPLACING 7.56.01 THROUGH 7.56.10**

**THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS DOES  
ORDAIN AS FOLLOWS:**

#### **Section 1. Chapter 7.56 – TREE PRESERVATION**

##### **7.56.01 Findings, purpose, and goals**

The City of Eureka Springs, being the oldest Tree City USA in Arkansas, is forested by trees indigenous to the Ozark mountain area, as well as non-native species introduced to the area.

In general, trees provide benefits for both residents and visitors to the City:

- (1) Trees contribute beneficially to the climate of the City by reducing heat buildup and providing shade, moisture, and wind control;
- (2) Trees contribute to the protection of other natural resources by providing erosion control for the soil, and oxygen for the air. Trees aid in the treatment of storm water by increasing the water retention capacity of soils;
- (3) Trees provide screens and buffers to separate land use;
- (4) Oak, Maple, and Dogwood trees are especially valuable to the city and the urban forest as a whole. In addition to providing the benefits identified above, these trees provide habitat for indigenous wildlife, and contribute to the economy of the city by increasing and sustaining property values. They are also naturally pest resistant, require less water, little to no fertilizer, and can provide a bridge to nearby open space areas, creating an element of nature in the midst of an urban setting.

Trees can be burdens when located in a way that damages property, interferes with utilities, and impacts the reasonable economic use of property. In addition, non-native invasive tree species, diseased trees, hazardous trees, and trees with poor structural integrity, can adversely affect public health, safety, and welfare.

The trees located within the City limits collectively constitute an urban forest, and removals or additions of even a single tree can negatively or positively affect the urban forest and the city as a whole. However, the loss or removal of a tree from one location in the city's urban forest can often be at least partially mitigated by planting a replacement tree(s) in the same or a different location.

For the reasons stated in this section, the City of Eureka Springs enacts these regulations for the conservation of trees while recognizing private rights to develop and use property in a manner not prejudicial to the public interest.

Accordingly, this Chapter is intended to promote the following specific goals:

1. Encourage the preservation and maintenance of healthy trees while allowing for reasonable and conforming use of private property;
2. Encourage the replacement of trees removed by necessity with native, especially drought tolerant, trees and locally adapted tree species;
3. Create an efficient and cost effective Tree Removal Permit process for: unsafe or unhealthy trees, trees in poor condition, trees that cause a significant fire hazard, trees that adversely impact utilities or cause significant property damage, and trees that are required to be removed as part of vegetation/fire management plan approved by the Eureka Springs Fire Department;
4. Create public awareness of the tree ordinance, the role of trees in our environment, and best practices for tree management.

#### **7.56.02 Definitions**

Where used in this chapter the following terms are herein defined as:

***Arborist*** means an American Society of Consulting Arborists (ASCA) registered consulting arborist, or an Arborist certified by the International Society of Arboriculture; or, an Arborist with the following credentials:

- a. graduation from a college or university with a bachelor's degree in urban forestry, landscape architecture, horticulture, botany, or closely related field; and
- b. three years' experience in urban forestry; or
- c. any equivalent combination of experience or education, additional education substituting on a year-for-year basis for the required experience.

***Arborist Report*** means a report prepared at the request of the Board of Zoning Adjustment containing specific information on the location, condition, potential impacts of development, recommended actions, and mitigation measures regarding one or more trees on an individual lot or project site, such fee to be paid for by the applicant.

***Bond*** means a bond from a surety company authorized to do business in Arkansas; a cash deposit to be held in trust by the City; an irrevocable letter of credit from a financial institution.

***City Tree*** is defined as trees on city owned property.

***City Tree Reserve Fund*** means a fund maintained by the City into which in-lieu fees and the Tree City USA fee will be deposited, for the purpose of planting and maintaining trees on city-

owned property.

**DBH** means the diameter of the tree at breast height and is measured across the widest face of the tree trunk, 4½ feet above natural grade. On a slope, the four and one-half-foot height is measured from the center of the trunk, halfway between the uphill and downhill side. In the case of multiple stemmed trees, the measurement is the sum of the diameters of the three largest stems measured at 4½ feet above natural grade.

**Dead Tree** means a tree that is dead or that has been damaged beyond repair or is in an advanced state of decline (where an insufficient amount of live tissue, green leaves, limbs, or branches exist to sustain life) and has been determined to be such by the City Building Inspector.

**Destroy** means any action undertaken which causes or may cause death or significant injury to a tree or its roots, or which places the tree in an irreversible state of decline. This includes, but is not limited to: excessive pruning as herein defined; topping, which generally means reduction of tree size using inter-nodal cuts without regard to tree health or structural integrity; trenching, excavating, grading, paving or other action which causes a significantly harmful incursion within the root system or canopy dripline of a tree; poisoning, or leaching of construction related or other damaging materials into the canopy dripline; overwatering or withholding of water or nutrition.

**Dripline (canopy dripline)** means an imaginary vertical line extending from the outermost portion of a tree canopy to the ground.

**Excessive Pruning** means removal of the leaf, stem area, predominately on one side, topping, or excessive tree canopy removal or crown raising, to such an extent as to cause the tree to die. Exceptions are when clearance from overhead utilities or public improvements is required, or to abate a hazardous condition or public nuisance.

**Heritage Tree** means: (a) a tree which is unique because of its advanced age (for its species) or because it represents an uncommon or endangered species; or (b) a tree which is designated a **Champion Tree** by the State of Arkansas under the *Arkansas Champion Tree Program*.

**Large Diameter Tree** means all broadleaf trees equal to or greater than 24" **DBH**; and all conifers equal to or greater than 28" **DBH**.

**Person** means any natural person, property owner, partnership, firm, corporation, governmental agency, or other legal entity.

**Protected Tree** means a Heritage Tree, Small Species Tree, or a Large Diameter Tree.

**Pruning** means selectively cutting or trimming to enhance the health and structure of a tree, improve balance, promote healthy growth, and prevent damage.

**Removal** means physically removing a tree or causing the removal of a tree; causing the death of a tree through direct or indirect action; or severely damaging a tree.

**Replacement Tree** means any tree, regardless of size, which has been planted as required mitigation for the previous removal of another tree at the same site or elsewhere in the city.

**Root Pruning** means trimming a tree's roots in a manner that maintains the tree's critical root zone: one foot per one inch of the trunk diameter.

**Small Diameter Tree** means any living woody perennial plant with a base diameter of four (4) inches or less as measured eighteen (18) inches above ground level.

**Small Species Tree** means those trees identified as small species as set forth in Appendix A.

**Soil Compaction** refers to a problematic increase in soil density; which can damage tree roots by depriving them of oxygen; can be caused by using trenchers and heavy equipment too close to a tree's critical root zone; and which can be prevented by protecting the tree's critical root zone (one foot per inch of tree diameter).

**Tree Removal Assistance Fund** means a fund maintained by the City to help low income or low asset property owners with dead or hazardous tree removal. Recipients of this fund will be determined by the Board of Zoning Adjustment with their Tree Removal Permit application.

#### **7.56.03 Arborist**

There is created the position of Arborist whose professional service shall be utilized as required. The Mayor and the City Council of the city shall approve all applicants who are qualified to serve as Arborist.

The Mayor, upon request of the Board of Zoning Adjustment, shall designate an Arborist from those approved applicants to render their services on a case-by-case basis. Such selection should be made on a nondiscriminatory, rotating basis, but timely availability and cost shall be determining factors.

#### **7.56.04 Permit**

- A. It shall be unlawful for any person to destroy or remove any tree within the corporate limits of the city (except those trees set forth in Parks Chapter 12.08.01 -- 12-08-02) without first obtaining a Tree Removal Permit approved by both the City Building Inspector and the Board of Zoning Adjustment, as provided in this article. However, while a Tree Removal Permit is required for removal of a dead tree, the City Building Inspector may issue a Tree Removal Permit for removal of a dead tree without the approval of the Board of Zoning Adjustment.
- B. An application accompanied by a fee of Forty Dollars (\$40.00) shall be submitted to the City Building Inspector who shall visit and inspect the site prior to taking any action. \$10 of the \$40 application fee will be deposited into the Tree Removal Assistance Fund.
- C. An application fee is not required for a *Small Diameter Tree*, nor for a *City Tree*. A City



Tree does not require a *Tree Removal Permit* in that such trees shall be under the control of the City Building Inspector / Code Enforcement Officer and the Department of Public Works; since such trees can potentially damage the sidewalks, as the roots of City Trees often need to be trimmed or removed as the City sidewalks need to be repaired.

#### **7.56.05 Application for Tree Removal Permit**

An application for a Tree Removal Permit shall contain at least the following information along with such other information which may be requested by the Board of Zoning Adjustment:

- (1) The street address and owner(s) address of the property on which the tree(s) are located.
- (2) The legal description of the property
- (3) The Zoning District
- (4) The reason for the tree removal
- (5) A diagram, at least 8 ½ inches by 11 inches in size, locating all living trees on the site which diagram shall identify such trees by size and species, attached as *Exhibit "A"* to the application.
- (6) A diagram, at least 8 ½ inches by 11 inches in size, locating all existing structures, locating the trees to remain on-site by size and species, attached as *Exhibit "B"* to the application; and identifying any proposed structures, roads, streets, and parking.
- (7) A diagram, at least 8 ½ inches by 11 inches, locating all trees for which removal is being applied for, which trees must be identified as to size and species; and marked on the site by tying neon green or red flagging around the trunk at least three (3) feet from the ground, attached as *Exhibit "C"* to the application.
- (8) A statement by the Applicant as to how the tree or trees are to be disposed of. Trees to be removed should not be left on the site as a potential fire hazard. This does not prevent the Applicant from utilizing such trees for firewood.

After reviewing the application and inspecting the site, the City Building Inspector/Code Enforcement Officer shall apply the criteria set forth in section 7.56.06 and recommend to the Board of Zoning Adjustment that the Tree Removal Permit be approved, disapproved, or modified. The reason for such action shall be set forth in the report to the Board of Zoning Adjustment.

The Board of Zoning Adjustment will review the recommendation of the City Building Inspector/Code Enforcement Officer and may schedule a site visit and/or consult with an Arborist. The Board of Zoning Adjustment will then, based on the above, approve, disapprove, or modify the Tree Removal Permit.

#### **7.56.06 Criteria for Review**

<b>Criteria Supporting Tree Retention</b>	<b>Criteria Insufficient to Support Tree Removal</b>	<b>Criteria Supporting Tree Removal</b>
<p>(A) The tree is located outside of the developable area of the property.</p> <p>(B) The effect of the requested tree removal on the remaining number, species, size and location of existing trees on the site and in the area, including trees mutually dependent on each other for survival or structural integrity.</p> <p>(C) The tree is a Protected Tree.</p> <p>(D) Review of the City Building Records as to number of trees removed from site during the past three years (Section 7.56.12).</p>	<p>(A) The tree is:</p> <ul style="list-style-type: none"> <li>(i) shading the yard/house</li> <li>(ii) dropping leaves, needles, or other normal material.</li> <li>(iii) obstructing views.</li> <li>(iv) preventing alternative landscaping of the yard.</li> <li>(v) attracting birds or other wildlife.</li> <li>(vi) leaning; or swaying in the wind; but with no documentation provided to reflect that an on-site assessment from a qualified professional has verified specific hazard(s).</li> </ul>	<p>(A) The tree is:</p> <ul style="list-style-type: none"> <li>(i) in poor condition or crowding other trees</li> <li>(ii) at the relative end of its life span for its particular species.</li> <li>(iii) diseased or infested beyond reasonable attempts at remediation.</li> <li>(iv) showing poor structural integrity.</li> <li>(v) in danger of falling; or,</li> <li>(vi) a safety hazard.</li> </ul> <p>(B) The particular tree species is undesirable due to characteristics such as invasiveness, tendency toward limb failure, and fire hazards. See Appendix "A".</p> <p>(C) The tree is damaging or interfering with existing structures, site improvements and utility services.</p> <p>(D) Removal of the tree is needed in order to construct improvements or otherwise allow conforming use of the property.</p> <p>(E) Proximity of the tree to existing or proposed structures, i.e. tree is within ten feet of structure.</p> <p>(F) Mitigation or removal of tree or trees is supported by a tree replacement plan.</p>

1. The conditions set forth in Criteria Supporting Tree Removal (A) through (F) 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 City Building Inspector/Code Enforcement Officer, the Chairman of the Board of Zoning Adjustment if an emergency exists; provided, further, that the City Building Inspector /Code Enforcement Officer and the Chairman of the Board of Zoning Adjustment must file within ten (10) days following a waiver under this section, a written statement with the Board of Zoning Adjustment setting forth the reasons for the waiver. This notice shall be served in person or by certified return receipt requested restricted delivery mail to the last known address of the owner. The endorsement upon the notice shall be sufficient evidence of his action in the premises.
2. If a tree is on Private property and meets the Criteria Supporting Tree Removal as set forth in (A) iii, iv, v, and vi, and in the opinion of the City Building Inspector / Code Enforcement Officer is in need of immediate removal, and after having obtained the approval of the Board of Zoning Adjustment, such official shall issue a written notice for the property owner to remove such tree or trees. This notice may be served in person or by certified

return receipt requested restricted delivery mail to the last known address of the owner. The endorsement upon the notice by the Building Official serving the notice shall be sufficient evidence of his action in the premises.

3. If any person shall neglect or refuse to remove such tree or trees within sixty (60) days after notice as aforesaid, he shall be subject to a fine of Fifty Dollars (\$50.00) for each offense, and each day he shall neglect or refuse to remove such tree or trees shall constitute a separate offense. The owner also shall be liable for the costs for which the city may incur by reason thereof, to be recovered by the city in an action of law.
4. In the event the City expends City funds for mitigation and/or rehabilitation of a violation, the City may file a lien against the real property for the cost as authorized by Arkansas Code. The amount of the lien may be determined at a public hearing before the City Council held after thirty (30) days written notice by mail, return receipt requested, to the owner of the property if the name and whereabouts of the owner is known, and to the lienholders of record.

If the name of the owner or the whereabouts of the owner cannot be determined, then the amount will be determined only after newspaper publication as required by law, of notice of the public hearing once a week for (4) consecutive weeks. The determination of the City Council is subject to appeal to the Circuit Court within the time specified by law. The amount so determined at the hearing plus ten percent (10%) penalty for collection in accordance with Arkansas Code Annotated Section 14-54-904 (a)(2)(A), may be certified by the City Council by resolution to the tax collector of the county in which the property is located, to be placed on the tax books as delinquent taxes and collected accordingly. The amount, less three percent (3%) thereof, when so collected, shall be paid to the City by the County Tax Collector.

In the alternative, the City may file a lien for the amount determined, as set out above, which can then be collected by enforcement against the real property by a filing in the Carroll County Circuit Court as authorized in Arkansas Code. Either method of collection can be used at the discretion of the City.

#### **7.56.07 Re-Application**

Once an application for a tree-cut permit has been denied by the Board of Zoning Adjustment, no application of any type may be reconsidered for a period of twelve (12) months after the original decision, except that the Board of Zoning Adjustment, by a three-fourths ( $\frac{3}{4}$ ) vote of the complete membership may agree to schedule an earlier hearing in those cases where the applicant, in writing, clearly demonstrates that:

- A. Circumstances affecting the property that is the subject of the application have substantially changed; or
- B. New information is available that could not with reasonable diligence have been presented at the previous hearing.

#### **7.56.08 Removal and Protection of Trees**

The Board of Zoning Adjustment shall have the authority to prohibit the removal or destruction of any tree, or to impose conditions or restrictions with regard to any application submitted to it, in order to ensure compliance with this article, and to:

- A. Preserve environmental and historic characteristics of the land;
- B. Protect adjacent property;
- C. Ensure compliance with City Code 11.56.05, Section C, 5 - "*Tree Protection*"- which states: "*No cuts or fills are allowed within the drip line of trees with a diameter of greater than four (4) inches, unless approved by the Planning Commission.*"

If conditions or space allow replacement of trees and/or other landscaping, then the Board of Zoning Adjustment may require replacement of some, or all trees destroyed or removed.

In addition to any conditions or restrictions which the Board of Zoning Adjustment may impose, the following conditions shall be attached to every permit whether issued by the City Building Inspector/Code Enforcement Officer or the Board of Zoning Adjustment:

1. If trees are to be removed in anticipation of construction for which a Building Permit is required, all documents required under the city's zoning ordinance for such construction, as well as any other drawings, plans and/or blueprints as may be required by the City Building Inspector/Code Enforcement Officer, shall be submitted to and approved by the City Building Inspector/Code Enforcement Officer before any tree is removed pursuant to a Tree Removal Permit, except as may be otherwise provided by the Board of Zoning Adjustment; and
2. When trees are to be replanted, this must take place within one year following the issuance of the Building Permit.

#### **7.56.09 Site Visit**

The City Building Inspector/Code Enforcement Officer shall inspect the site prior to the Building Permit being issued and shall file a report as to whether the Tree Removal Permit has been complied with. In the event the applicant has removed trees in violation of the Tree Removal Permit, then no Building Permit may be issued until the Board of Zoning Adjustment has approved an acceptable mitigation plan for replacement trees. Each Tree Removal Permit Application shall contain language whereby the Owner or Applicant shall grant permission to (a) the City Building Inspector / Code Enforcement Officer, (b) the Board of Zoning adjustment, and (c) the City approved Arborist to enter the property during the time the application is pending.

#### **7.56.10 Tree Replacement Requirements**

**Number and Size:** The number and size of replacement trees is based on the number and size of trees approved for removal, as indicated in the table below. If you are replacing a tree that was required as a part of an approved Tree Removal Permit, the replacement species must be consistent with the Tree Removal Permit. The replacement tree or trees may be of any species that continues the diversity of trees found in the community as shown on the attached Appendix "A".



<u>Trunk Size of Removed Tree</u> (measured at 4 feet above grade)		<u>Replacement Ratio Required</u> (per tree removed)
<u>Diameter</u> (inches)	<u>Number of</u> <u>replacement trees</u>	<u>Minimum Size</u>
8 to 12	1	2 inches in diameter and eight (8) feet to ten (10) feet in height
12 to 24	2	2 inches in diameter and ten (10) feet to twelve (12) feet in height
Large Diameter Trees and Heritage Trees	3	2 inches in diameter and twelve (12) feet to fourteen (14) feet in height

**In Lieu Fee:** If the site layout cannot reasonably accommodate the number of trees required in compliance with the above table, at the discretion of the Board of Zoning Adjustment, payment of an in-lieu fee equal to fair market value of a tree identified on *Appendix "A"*, delivered and installed, may be accepted (currently \$500 per tree). Such fee shall be deposited in the City's Tree Reserve Fund.

**Other Requirements:** The following requirements and standards apply to all Tree Removal Permit applications:

1. **Cost of Replacement Trees:** Replacement trees shall be obtained and planted at the expense of the applicant.
2. **Replanting Period:** Refer to section 7.56.08 – 2
3. **Inspection:** The City Building Inspector/Code Enforcement Officer, the Arborist, and the Board of Zoning Adjustment shall be permitted to enter the property while the application for the tree removal is pending, and to verify the installation of the replacement trees and to verify the condition of the replacement trees.
4. **Maintenance of Replacement Trees:** Any person who is required to plant replacement trees

as a condition of a Tree Removal Permit shall maintain such trees in a healthy condition to ensure their long-term survival.

5. Performance and Maintenance Bond: A faithful performance bond, maintenance bond or other security deposit shall be required to be paid to the City prior to the issuance of the Tree Removal Permit. The bond shall be in an amount of money and for a period of time determined by the Board of Zoning Adjustment and/or the Arborist to ensure acquisition and proper planting and maintenance of the replacement trees.

#### **7.56.11 Voiding of Permit**

In the event the recipient of a permit fails to comply with any provisions of the Tree Removal Permit, the permit will, without any further action by the City Building Inspector/Code Enforcement Officer be deemed void and, further, will be considered as never having been issued.

#### **7.56.12 Record of Applications**

The City Building Inspector/Code Enforcement Officer shall maintain a record of all applications for tree removal permits, sorted by legal description and by street address. Every application that is submitted shall be cross-referenced against this record. Any prior tree removal or destruction activity shall be noted on the current application.

#### **7.56.13 Tree Service License**

It shall be unlawful for any person or contractor to engage in the business or occupation of pruning, treating, or removing trees within the City without first applying for and securing an Occupational License. However, no license shall be required of any public service or utility company for doing such work on an emergency basis. An insurance policy with no less than 1 million dollar (\$1,000,000) general liability coverage must be presented before licensure is issued. A list of locally licensed Tree Service businesses and Arborists shall be available at City Hall.

#### **7.56.14 Notice Requirements**

In its discretion, the Board of Zoning Adjustment may require that an applicant for a permit comply with the notice requirements of the city's zoning ordinance.

#### **7.56.15 Penalty**

Any person removing trees in violation of this ordinance shall be fined the sum of Two Hundred Fifty dollars (\$250.00) for each Small Species Tree that is removed, Seven hundred fifty dollars (\$750.00) for each Large Diameter Tree that is removed, and One thousand dollars (\$1000.00) for each Heritage Tree that is removed. Along with fines paid, the person shall be subject to replacement of the removed trees as defined in section 7.56.10 of this chapter.

**Section 2.** If, for any reason, any portion or portions of this ordinance shall be held invalid, such invalidity shall in no way affect the remaining portions thereof which are valid, but such valid portions shall be and remain in full force and effect.

**PASSED AND APPROVED THIS 25<sup>th</sup> DAY OF SEPTEMBER, 2023**

**ATTEST:**

  
\_\_\_\_\_  
Ida Meyer, Clerk Treasurer

**APPROVED:**

  
\_\_\_\_\_  
Robert "Butch" Berry, Mayor

## APPENDIX "A"

### LARGE SPECIES -Mature Height Reaching 45 Feet or More

Common Name	Scientific Name
American Beech	<i>Fagus grandifolia</i>
Baldcypress	<i>Taxodium distichum</i>
Bitternut Hickory	<i>Carya cordiformis</i>
Black Oak	<i>Quercus velutina</i>
Black Gum	<i>Juglans nigra</i>
Bur Oak	<i>Quercus macrocarpa</i>
Chinkapin Oak	<i>Quercus muehlenbergii</i>
Eastern White Pine	<i>Pinus strobus</i>
Frontier Elm	<i>Ulmus carpinifolia x parvisfolia</i>
Hackberry	<i>Celtis occidentalis</i>
Japanese Scholar Tree	<i>Sophora japonica</i>
Japanese Zelkova	<i>Zelkova serrata</i>
Jefferson Elm	<i>Ulmus americana 'Jefferson'</i>
Lacebark Elm	<i>Ulmus parvifolia</i>
Littleleaf Linden	<i>Tilia cordata</i>
Loblolly Pine	<i>Pinus taeda</i>
Norway Spruce	<i>Picea abies</i>
Northern Red Oak	<i>Quercus rubra</i>
Osage Orange	<i>Maclura pomifera</i>
Pecan	<i>Carya illinoensis</i>
Prospector Elm	<i>Ulmus wilsoniana</i>
River Birch	<i>Betula nigra</i>
Scotch Pine	<i>Pinus sylvestris</i>
Shagbark Hickory	<i>Carya ovata</i>
Shingle Oak	<i>Quercus imbricaria</i>
Shumard Oak	<i>Quercus shumardi</i>
Shortleaf Pine	<i>Pinus echinata</i>



## APPENDIX "A" (continued)

### LARGE SPECIES -Mature Height Reaching 45 Feet or More (continued)

Common Name	Scientific Name
Silver Linden	<i>Tilia tomentosa</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
Southern Red Oak	<i>Quercus falcate</i>
Southern Catalpa	<i>Catalpa bignonioides</i>
Sycamore	<i>Platanus occidentalis</i>
Sugar Maple	<i>Acer saccharum</i>
Sugarberry	<i>Celtis laevigata</i>
Swamp White Oak	<i>Quercus bicolor</i>
Sweetgum	<i>Liquidambar styraciflua</i>
Tuliptree	<i>Liriodendron tulipifera</i>
Turkish Filbert	<i>Corylus cornuta</i>
Water Oak	<i>Quercus nigra</i>
White Oak	<i>Quercus alba</i>
Willow Oak	<i>Quercus phellos</i>

### MEDIUM SPECIES - Mature Height Reaching 30-45 Feet

Common Name	Scientific Name
American Hophornbeam	<i>Ostrya virginiana</i>
American Holly	<i>Ilex opaca</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Crepe Myrtle	<i>Lagerstroemia indica</i>
Eastern Arborvitae	<i>Thuja occidentalis</i>
Eastern Redcedar	<i>Juniperus virginiana</i>
English Oak	<i>Quercus robur</i>
Hawthorns	<i>Crataegus paniculata</i>
Goldenrain Tree	<i>Koeleruteria paniculata</i>
Japanese Black Pine	<i>Pinus thunbergii</i>
Japanese Yew	<i>Taxus cuspidata</i>
Persimmon	<i>Diospyros virginiana</i>

## APPENDIX "A" (continued)

### MEDIUM SPECIES - Mature Height Reaching 30-45 Feet (continued)

Common Name	Scientific Name
Rocky Mountain Juniper	<i>Juniperus scopulorum</i>
Sassafras	<i>Sassafras albidum</i>
Scarlet Oak	<i>Quercus coccinea</i>
Thornless Honeylocust	<i>Gleditsia tricanthos</i>
Yellowwood	<i>Cladrastis kentuckea</i>

### SMALL SPECIES - Mature Height Reaching Less Than 30 Feet

Common Name	Scientific Name
American Smoketree	<i>Cotinus obovatus</i>
Crabapple	<i>Malus speciose</i>
Fringe Tree	<i>Chionanthus virginicus</i>
Flowering Dogwood	<i>Cornus florida</i>
Lilac	<i>Syringa species</i>
Little Gem' Magnolia	<i>Magnolia grandiflora</i> 'Little Gem'
Oriental Arborvitae	<i>Platycladus orientalis</i>
Possumhaw	<i>Ilex deciduas</i>
Redbud	<i>Cercis canadensis</i>
Serviceberry	<i>Amelanchier arborea</i>
Saucer Magnolia	<i>Magnolia x soulangiana</i>
Star Magnolia	<i>Magnolia virginiana</i>
Trident Maple	<i>Acer buergerianum</i>
Yaupon Holly	<i>Ilex vomitoria</i>



City of Eureka Springs  
Planning Commission  
City Hall  
44 S. Main  
Eureka Springs, AR 72632  
479.253.9703

*draft*

<b>Application Fee \$250.00</b>
Received:

## SUBDIVISION APPLICATION

APPLICANT INFORMATION			
Applicant/Developer Name:		Property Owner Name (if different):	
Address (Number & Street):		Address (Number & State):	
Address (City, State, Zip):		Address (City, State, Zip):	
Email Address:		Email Address:	
Phone Number:		Phone Number:	

SITE INFORMATION			
Property Address:			
Zone:		Proposed Use:	
Legal Property Description:			
Is property subject to contract sale or will title be otherwise conveyed?		Yes	No
Commissioners/Staff may enter my property to review?		Yes	No

OTHER APPLICATIONS TO BE CONSIDERED			
Tree Removal		Re-Zone	Historic Preservation Design Review
Variances		Fill/Excavate	Other:

GENERAL APPLICATION REQUIREMENTS	
Applications will not be accepted until the applicant has met with the City Planner to review the application and determined that all necessary information has been provided. Only complete applications will be accepted. All information from the checklist below must be included.	
Non-refundable \$250.00 application fee	2 copies of a letter of intent (stating any desired variances, if applicable)
Land is cleared and streets staked to provide reasonable access & inspection	
2 copies of a sketch plan of the land (prepared by a registered surveyor or engineer) showing:	
Certified boundary survey & legal property description	
Size & shape of lots	

	Location and dimensions of proposed streets & <i>Sidewalks</i>
	Flood plain information, or other impairments to health & safety
	Community area or public facility provided

I certify that I have read and understand Title 15: Subdivision Regulations of the Eureka Springs Municipal Code (attached) which apply to the application for which I am seeking approval. I further certify that all of the information furnished is correct to the best of my knowledge, and I understand that submittal of false or incorrect information may be grounds for denial of this application.

Applicant signature \_\_\_\_\_ Date \_\_\_\_\_

**PLANNING COMMISSION REVIEW PROCESS**  
SECTION TO BE COMPLETED BY STAFF/COMMISSION

**1. Preliminary Inspection & Approval by Inspection Team of 3+ Planning Commissioners, a City Council Liaison, & City Staff:**

	Inspection team notifies subdivider of date of inspection
	Inspect proposed site and make written report to Commission & subdivider
	Commission determines if registered engineer should be retained by the Commission

**2. Planning Commission Meeting:** all information above presented at the next regular meeting. Additional information may be presented by the applicant.

**3. Planning Commission Report on Subdivision Review**

PLANNING COMMISSION SUBDIVISION REVIEW REPORT									
The Planning Commission of the City of Eureka Springs met in:				regular	special session	Date:			
The application is:	Approved	Denied	Vote Count:		Ayes	Nays	Abstentions		
Reason for Denial:									
Specific Objections & Requirements to be met for approval:									

Planning Commission Secretary \_\_\_\_\_ Planning Commission Chair \_\_\_\_\_ Date \_\_\_\_\_

**4. Re-Hearing of Application (after compliance with Commission Requirements)**

PLANNING COMMISSION SUBDIVISION RE-HEARING REPORT
---



The Planning Commission of the City of Eureka Springs met in:				regular	special session	Date:	
The application is:	Approved	Denied	Vote Count	Ayes	Nays	Abstentions	
Comments & Conditions:							

\_\_\_\_\_  
Planning Commission Secretary

\_\_\_\_\_  
Planning Commission Chair

\_\_\_\_\_  
Date

**5. If application denied: De Novo Hearing by City Council (must be within 50 days of Planning Commission Denial) City Council Shall:**

<input type="checkbox"/>	Review Planning Commission Records
<input type="checkbox"/>	May inspect the site
<input type="checkbox"/>	May consider relevant testimony offered by Planning Commission, City Staff, and subdivider

CITY COUNCIL REPORT							
The Planning Commission of the City of Eureka Springs met in:				regular	special session	Date:	
The application is:	Approved	Denied	Vote Count	Ayes	Nays	Abstentions	
Comments & Conditions:							

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Date

**AFTER APPROVAL**

**FINAL PLAT**

**Applicant must provide final plat in conformity with the approved sketch plan with all requirements. Plat must be drawn to a scale not to exceed one inch equals 100 feet. Shall be in form suitable for filing. A digital copy is also requested. Shall contain the following information:**

	Name of subdivision
	Legal description of perimeter of subdivision
	Name and address of each owner, developer, surveyor and/or engineer
	Number of acres in subdivision
	Date, map, scale, and north arrow
	Contour lines as 20 feet contour intervals
	Location of all streets, with names, alleys, and easements within, interconnection and bordering the subdivision and location of street signs and standards
	Dimension of streets, alleys, easements, block, parcel and lot lines and subtended angles
	Designation of the lots and blocks in the subdivision
	Certification of the registered engineer or surveyor
	Protective covenants

#### ADDITIONAL DATA

**Verified as having been submitted to the appropriate agencies.**

	Two prints of detailed water line plans
	Two prints of sewer plans
	Two prints of dimensions and fire hydrant locations
	Proof of approval by Public Works Director and Fire Marshall
	Two prints of detailed engineering plans and profiles of storm drainage improvements if Planning Commission determines they are reasonable and feasible
	Proof of approval by the Division of Engineering, Arkansas State Department of Health for water supply system, water distribution system, and sewer system
	Two prints of the plan and profile for each proposed street in the subdivision with grade indicated

#### Streets, easements, lots, and blocks

	Character and location of all streets conforms with minimum city requirements
	Variance requested for street width
	Variance requested for street surface
	Variance requested for easements
	Variance requested for minimum lot size and frontage requirements
	Utilities are underground

#### FINAL STEPS

	Written approval certified by Planning Commission Chair and Secretary submitted to City Council
--	---

	City Council adoption and ordinance (prepared by applicant and approved by City) that both accepts the proposed subdivision and amends the city zoning map
	Public hearings on ordinance held
	Applicant creates and files certified copy of the approved restrictions or covenants in Western District Office of the Circuit Clerk
	Applicant provides City six file-marked copies of the approved final plat and restrictions/covenants

## TITLE 15

### SUBDIVISION REGULATIONS

#### Chapters:

15.04 Subdivision Regulations

#### CHAPTER 15.04

### SUBDIVISION REGULATIONS

#### Sections:

15.04.01	Adoption and definitions
15.04.02	Purposes; authority
15.04.03	Procedural requirements
15.04.04	Streets, easements, lots and blocks <i>&amp; sidewalks</i>
15.04.05	Restriction or covenants, final plat, improvements, approval by Planning Commission, acceptance by city and recording of plat
15.04.06	Utilities
15.04.07	Penalty

15.04.01 Adoption and definitions The Title 15 Subdivision of the Eureka Springs Municipal Code as amended through April 19, 2000, is hereby re-adopted as if set out herein word for word and Eureka Springs City Clerk is hereby directed to send the same to the current code service for inclusion in the current Eureka Springs Municipal Code. (Ord. No. 2079, Sec. 1, 4-28-2008.)

Definitions For the purpose of this chapter, words of the present tense include the future tense; words in the singular include the plural numbers; words in the plural include the singular number; and the word "shall" is mandatory and not directive.

**General use plan** The comprehensive use plan prepared and adopted by the Planning Commission and accepted by ordinance or resolution by the City Council, indicating the general locations recommended for the various land uses, major streets, collector streets, parks, public buildings and other public improvements.

**Development and subdivision of land** The extension or provision of utilities, the subdividing of land into lots and blocks, the parceling of land for non-agricultural purposes, and the dedication of rights-of-way and easements.

**Plat** A map or drawing and supporting material indicating the layout and design of a proposed subdivision containing all necessary information to transfer, locate and survey all property therein, for the consideration and approval by the Planning Commission.

**Subdivision** The division of a parcel of land into three (3) or more lots or parcels for the purpose of transfer of ownership or building development. However, a division of land into less than three (3) parcels of lots, so long as no parcel or lot is under three (3) acres in size, is not considered a subdivision for the purposes of this chapter. Also, the division of land where all lots or parcels front on an existing dedicated street or right-of-way is not to be considered a subdivision for the purposes of this chapter.

**Subdivider** Any person, estate, individual, firm, partnership, association, corporation, trust or any other group or combination of persons acting as a unit who may desire to develop land within the purpose and intent of these regulations.

**Improvements** Street grading and surfacing, curbs and gutters, water mains and lines, sanitary and storm sewers, culverts and bridges, and other utilities and related items.

**Building line** A line parallel to the street right-of-way, indicating the limit beyond which no part of any building or other structure may be erected.

**Lot** A portion of a subdivision, or any parcel of land intended as a unit of transfer of ownership or a unit for development.

**Street** A dedicated public right-of-way for vehicular and pedestrian traffic.

**Sidewalk** — built within easement for the purpose of pedestrian traffic  
**Easement** A grant by a property owner to the public, a corporation, or persons of the use of a strip of land for specific purposes.

**15.04.02 Purposes; authority** This chapter is adopted to establish regulations, procedures, requirements, and minimum standards to govern the subdivision and development of land which may now or hereafter be included within land use jurisdiction of the city to facilitate and assure adequate provisions for transportation, water, sewerage, schools, parks, playgrounds.

#### **15.04.03 Procedural requirements**

- A. **Application and sketch plan** A subdivider who desires to develop land subject to regulations by the provisions of this chapter shall submit the following to the Secretary of the Planning Commission:
1. Two (2) copies of a letter of intent setting forth any desired variance known to the subdivider at the time of submission;
  2. Two (2) copies of a sketch plan of the land sought to be subdivided, both of which shall remain in the sole and exclusive custody, control and care of the Planning Commission at all times thereafter, prepared by a registered surveyor or registered engineer of the subdivider's choice, and containing:
    - a. A certified boundary survey and legal description thereof,
    - b. A showing of the size and shape of the lots and the proposed streets within the subdivision, and
    - c. Information as to the areas subject to flooding or any other impairment which would affect the health and safety of citizens within the boundaries of the subdivision; and
  3. A fee for processing the application in the sum of Two Hundred and Fifty Dollars (\$250.00).

The subdivider shall do such clearing and staking of the proposed roads and streets necessary to provide reasonable accessibility and to allow inspection of the proposed subdivision site.

- B. **Preliminary inspection and approval** Upon receipt of the letter of intent and the sketch plan, both in duplicate, with all required information thereon, the Planning Commission shall cause not less than three (3) of its members, plus the City Council liaison to the Planning Commission, to inspect the proposed subdivision site and to make a written report of their findings and recommendations, including any objections to the proposed subdivision, with the original thereof being submitted to the Planning Commission and a copy thereof being forwarded to the subdivider. If the inspection team determines that a registered engineer, not employed by the subdivider, should be consulted and/or that a registered engineer, not employed by the subdivider, should inspect the subdivision site and/or perform tests at the subdivision site, such registered engineer shall be retained for such purpose or purposes by the Planning Commission. The inspection team shall notify the subdivider as to the time when the inspection will occur, and may request that the registered surveyor or engineer be present, as well as the subdivider, at the time the inspection occurs. The letter of intent, sketch plan, and the written report of the inspection team shall thereafter be presented to the Planning Commission for its approval at its next regular meeting. At such time, the subdivider shall have an opportunity to present such additional matters in



support of the application for approval of the proposed subdivision. In the event the Planning Commission denies approval of the proposed subdivision, it shall set forth in writing the specific objections and requirements which must be met for subdivider to obtain approval thereof.

- C. Compliance and appeal In the event the Planning Commission denies the request for approval of the proposed subdivision, the subdivider shall have an opportunity to comply with the written requirements set forth by the Planning Commission and shall, thereafter, be entitled to a rehearing on the request for approval of the subdivision. The subdivider shall have the further and additional right to a *de novo* hearing by the City Council of Eureka Springs on the request for approval of the subdivision for a period of sixty (60) days after the denial of the request. The City Council shall review the records of the Planning Commission; may inspect the site of the proposed subdivision; may consider any relevant testimony offered by the Planning Commission and/or the subdivider at a regular meeting of the City Council; and shall discuss its findings and determinations and shall declare its decision at a regular meeting of the City Council.

- D. Public area When a proposed subdivision does not provide an area or areas for a community or public facility, the Planning Commission shall require a reasonable dedication of land by the subdivider for such public or community facilities, or for a reasonable equivalent contribution in lieu of dedication of land, such contribution to be used for the acquisition of facilities to serve the subdivision. The Planning Commission shall make such requirement within six (6) months after the submission of the letter of intent and the sketch plan, both in duplicate, by the subdivider.

E. Final plat Upon receipt of notice that the Planning Commission or the City Council, on appeal, or the Circuit Court, on appeal, has approved the sketch plan, the subdivider shall proceed with the preparation of the final plat in conformity with the sketch plan previously approved and with all other requirements of law, to be drawn to a scale not to exceed one inch equals one hundred (100) feet. The final plat shall be in a form suitable for filing, containing the following information:

1. Name of subdivision
2. Legal description of perimeter of subdivision
3. Name and addresses of each owner, each developer, each surveyor, and/or each engineer
4. Number of acres in the subdivision
5. Date, map, scale and north arrow
6. Contour lines at twenty (20) feet contour intervals — *and sidewalks*
7. Location of all streets, with names indicated, alleys and easements within, interconnecting and bordering the subdivision, and location of street signs and standards
8. Dimension of streets, alleys, easements, block, parcel and lot lines and subtended angles.
9. Designation of the lots and blocks in the subdivision
10. Certification of the registered engineer or registered surveyor
11. Protective covenants

- F. Additional data The Planning Commission shall require verification by the subdivider that the following information has been prepared and submitted for study by the appropriate agencies:

1. Two (2) prints of detailed water line plans, sanitary sewer plans, dimensions and fire hydrant locations, submitted to the Planning Commission for approval by the Water and Sewer Committee of the City Council and by the Fire Chief of the city.
2. Two (2) prints of detailed engineering plans and profiles of storm drainage improvements to be submitted to the Planning Commission upon its determination that such improvements are reasonable and feasible for the subdivision.
3. Approval by the Division of Engineering, Arkansas State Department of Health, of the water supply system, water distribution system and sewerage system — *and sidewalks*
4. Two (2) prints of the plan and profile for each proposed street in the subdivision, with grade indicated, submitted to the Planning Commission for approval by the Street Committee of the City Council. — *Sidewalks*

#### 15.04.04 Streets, easements, lots and blocks

- A. Streets The character and location of all streets within the subdivision shall conform with a use plan consistent with the overall land use plan of the city, including a minimum width of right-of-way not less than fifty (50) feet for all collector streets and not less than forty (40) feet for all local streets for transportation and placement of utility easements. All dead-end streets shall have a cul-de-sac with a minimum radius of forty (40) feet. In the event special conditions require a create right-of-way, the inspection team of the Planning Commission shall advise the subdivider of the additional requirements and shall forward those additional requirements to the Planning Commission for its consideration as a condition upon which approval of the proposed subdivision will be granted. The developed portion of all collector streets in the subdivision

shall have a minimum width of twenty-four (24) feet and the developed portion of all local streets in the subdivision shall have a minimum width of twenty (20) feet.

- B. Surfacing The subdivider shall construct a hard, all-weather surface on all streets within the subdivision in accordance with the specifications of the city, to be either a two (2) inch bituminous mixture or a double-coated chip and seal, and either to be over a rolled limestone base of four and one-half (4½) inches, provided, the Planning Commission is hereby authorized to waive this street surface base requirement upon the determination of a registered engineer, not employed by the subdivider and to be chosen by the Planning Commission, that a lesser or different street base is adequate for the street or streets under consideration.
- C. Improvements The subdivider will be required to furnish and pay for all improvements of streets and placement and extension of all water and sewer facilities within the subdivision, with all such extensions being in conformity with the requirements of the city and the Division of Engineering, Arkansas State Department of Health. The Planning Commission is hereby authorized to require the subdivider to furnish and pay for public sidewalks, public curbing along the sides of any street, and/or public guttering along the sides of any street; and to cause any such requirement to be a condition for approval of the proposed subdivision. *Move This Section to Sidewalks*
- D. Easements Easements across lots or centered on rear or side lines shall be provided for utilities where necessary, and shall be at least fifteen (15) feet wide. For residential lots, such easements shall be provided and centered on alternating side lot lines.
- E. Lots and blocks The boundaries of lots and blocks shall be developed in a manner which would encourage the interest of the economy of the subdivider and the city with regard to future maintenance of streets and other utilities. In establishing such boundaries, the terrain and size of the proposed subdivision may be taken into consideration with regard to the establishment thereof.
- F. Area Minimum area requirements for lots shall be ten thousand (10,000) square feet, and all residential lots shall contain a minimum frontage of one hundred (100) feet, and all commercial lots shall contain a minimum frontage of eight (80) feet. No lot in any subdivision may be split or subdivided into two (2) or more smaller lots or parcels after approval of the final plat by the Planning Commission.
- G. Water systems and sewerage systems The subdivider shall connect the water system and the sewerage system of the subdivision to the corresponding systems of the city.
- H. Utilities All utilities shall be underground, provided, the Planning Commission is hereby authorized to waive this requirement, but only as to electric utilities and/or telephonic utilities, upon the determination of a registered engineer, not employed by the subdivider, and to be chosen by the Planning Commission, that compliance with such requirements, with respect to electric utilities and/or telephonic utilities, shall operate oppressively or shall create an undue hardship on the subdivider under all of the attendant circumstances.
- I. Variances Only variances requested by the subdivider and submitted in writing and in duplicate by the subdivider to the Planning Commission shall be considered and acted upon by the Planning Commission. All requested variances shall be stated with particularity and specificity. Any variance, if granted, shall operate so as to bind the subdivider to strict compliance with its particular and specific provisions. Failure to so comply shall constitute a violation of this chapter.

15.04.05 Restriction or covenants, final plat, improvements, approval by Planning Commission, acceptance by city and recording of plat The subdivider shall submit a minimum of ten (10) copies of any restrictions or covenants proposed by the subdivider for the subdivision, and the Planning Commission may require additions thereto, deletions therefrom or other modifications thereof.

Upon submission of all required supporting documentation and the final plat by the subdivider to the Planning Commission, and upon full compliance, to the satisfaction of the Planning Commission, by the subdivider with each applicable provision of this chapter, the Planning Commission shall approve the proposed subdivision, and such approval shall be certified by the Chairman and Secretary of the Planning Commission in writing to the City Council. The City Council, upon its finding that the subdivider has fully complied with each applicable provision of this chapter and upon its receipt of the certificate of approval from the Planning Commission, shall adopt an ordinance, to be prepared by the subdivider and approved by the city of Eureka Springs, which shall both accept the proposed subdivision and appropriately amend the zoning map of the city. With respect to amending said zoning map of the city, a public hearing shall first be held in accordance with subsection 8-4 of Ord. No. 915 of the city, as amended. Upon the effective date of said ordinance, the subdivider shall cause a certified copy thereof, a certified copy of the approved restrictions or covenants to be filed for record in the Western District Office of the Circuit Clerk and ex-officio Recorder of Carroll County, Arkansas, and shall promptly thereafter furnish the city with six (6) file-marked copies each of the approved final plat and of the approved restricts or covenants.

- A. Building permit No building permit shall be issued or construction authorized unless:

1. The lot upon which the building is to be placed was established prior to the adoption of this chapter.
  2. The lot is part of a subdivision recorded by the Circuit Clerk and ex-officio Recorder of Carroll County, Arkansas.
- B. Plat No subdivision plat within the area of authority of the city shall be recorded by the ex-officio Recorder for the Western District of Carroll County, Arkansas, prior to the effective date of the ordinance required by 15.04.05 of this chapter.
- C. Utilities No public or private utility shall extend its facilities to serve an area subject to the requirements of this subdivision, unless:
1. The extension is to an area where a subdivision plat of record existed prior to the effective date of this chapter.
  2. The extension is to an area where a plat of record has been approved by Planning Commission.
  3. Installation of utilities is required before the plat can receive approval for filing for record, in which event the Planning Commission may grant the utility permission to extend facilities in accordance with specified plans.
  4. The extension of utilities is along a public way in existence and use at the time of the effective date of this chapter, but the extension is not greater in depth than two hundred (200) feet from the public way.
- D. Dedication No street dedication shall be accepted by the city where the adjoining land is intended to be sold until the required plat has been approved by the Planning Commission.

15.04.06 Utilities All public utility companies operating under a valid franchise granted by the city shall have the right to locate their utility within the easements set forth on the recorded plat of the subdivision, and each such utility shall promptly furnish service to applicants within the approved subdivision.

15.04.07 Penalty A violation of any provision of this chapter is hereby declared to be a misdemeanor, and upon conviction thereof, a fine shall be assessed of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), and each day a violation continues to exist shall constitute a separate offense of the pertinent provision or provisions of this chapter.

**City of Eureka Springs Planning Commission**  
**APPLICATION FOR A PLANNED UNIT DEVELOPMENT**

Rev. 2015

Name of Applicant \_\_\_\_\_  
Address of Applicant \_\_\_\_\_  
Phone \_\_\_\_\_ Email \_\_\_\_\_  
Name of Property Owner if different than Applicant \_\_\_\_\_  
Property Owner Address \_\_\_\_\_  
Legal Description of Property \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Zone \_\_\_\_\_ Proposed Use(s) \_\_\_\_\_  
\_\_\_\_\_

Other Applications to be considered for this PUD:

\_\_\_\_ Tree Removal \_\_\_\_ Conditional Use Permit \_\_\_\_ Variances \_\_\_\_ Re-zone \_\_\_\_ Other

At the time of filing this application, the following must be provided to the Planning Commission staff:

\_\_\_\_ 1. Certified registered survey with new lot divisions, plus city plat with property location noted

\_\_\_\_ 2. Photocopy of the warranty deed

\_\_\_\_ 3. *Overall plan for development of the property to include:*

\_\_\_\_ 4. Location of streets with dimensions & surfacing *and sidewalks*

\_\_\_\_ 5. Locations of utility lines and easements

\_\_\_\_ 6. Dimensions and locations of proposed structures

\_\_\_\_ 7. Dimensions and locations of parking spaces

\_\_\_\_ 8. Other open spaces

\_\_\_\_ 9. Maximum average density per acre, not including streets

\_\_\_\_ 10. Statement of provisions for maintenance of streets and common open spaces

\_\_\_\_ 11. Other information needed to determine whether conditions should be applied

Application must be signed by the record title owner of the property, or his or her agent identified and designated in writing by the property owner.

*I certify that all of the information furnished is correct to the best of my knowledge.*

\_\_\_\_\_  
Signature of owner if other than applicant

\_\_\_\_\_  
Applicant's signature

\_\_\_\_\_  
Date

**Planning Commission Report on Planned Unit Development Request**

Public Hearing Date \_\_\_\_\_

The Planning Commission of the City of Eureka Springs met in \_\_\_\_\_ regular \_\_\_\_\_ special session on \_\_\_\_\_ to review the above application for rezoning. The application was \_\_\_\_\_ approved \_\_\_\_\_ denied with \_\_\_\_\_ ayes, \_\_\_\_\_ nays and \_\_\_\_\_ abstentions.

Comments and conditions: \_\_\_\_\_  
\_\_\_\_\_

Reason for denial: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Planning Commission Secretary

\_\_\_\_\_  
Planning Commission Chairman

\_\_\_\_\_  
Date





City of Eureka Springs  
Planning Commission  
City Hall  
44 S. Main  
Eureka Springs, AR 72632  
479.253.9703

Application Fees	
	\$50.00 additions under 300 sq. ft.
	\$100.00 new construction & additions larger than 300 sq. ft.
Received:	

## NEW COMMERCIAL CONSTRUCTION APPLICATION

APPLICANT INFORMATION			
Applicant Name:		Property Owner Name:	
Address (Number & Street):		Address (Number & State):	
Address (City, State, Zip):		Address (City, State, Zip):	
Email Address:		Email Address:	
Phone Number:		Phone Number:	

SITE INFORMATION					
Property Address:					
Zone:		Existing Use:			
Commissioners/Staff may enter my property to review site?			<table border="1"><tr><td>Yes</td><td>No</td></tr></table>	Yes	No
Yes	No				

APPLICATION REQUIREMENTS	
Two sets of building plans noting:	
Exterior material specifications	Elevation drawings of all sides of structure(s)
Site plan or survey noting:	
# of dwelling units to be accommodated, if applicable	Lot size with setbacks: front, rear, sides, public right of ways
Location(s) of new buildings	Location(s) of existing buildings with use
Structure(s) size including height(s)	Entrance/egress locations and AHTD approval, if applicable
Other material or information relevant to the application	

*Sidewalks to be included when an existing sidewalk is located on adjoining properties and always on Hwy 62 or always...*

I certify that all the information furnished is correct to the best of my knowledge, and I understand that submittal of false or incorrect information may be grounds for denial of this application.

Property owner signature

Applicant signature

Date

# SECTION TO BE COMPLETED BY STAFF/COMMISSION

PLANNING COMMISSION NEW COMMERCIAL CONSTRUCTION APPLICATION REPORT									
The Planning Commission of the City of Eureka Springs met in				regular	special session	Date:			
The application is:	Approved	Denied	Vote Count	Ayes	Nays	Abstentions			
Comments/Conditions:									
Reason for Denial:									

\_\_\_\_\_  
Planning Commission Secretary

\_\_\_\_\_  
Planning Commission Chair

\_\_\_\_\_  
Date

*If a decision on the application is not made within 45 days of submission, the application should be approved by a letter from the Mayor and/or City Planner or the application will be considered as denied.*

## EUREKA SPRINGS MUNICIPAL CODE

### 11.12.04 Permits and fees

#### B. Building permits – Commercial

1. Prior to the issuance of any new commercial construction, parking lot and/or demolition permit within any commercial zone within the corporate city limits of Eureka Springs, Arkansas, the property owner or his/her representative in addition to making application to the Building Official, shall submit the application, with all accompanying data, to the Planning Commission for consideration and approval or disapproval at their next meeting after submission to them and no later than forty-five (45) days after submission.
2. The Building Official shall only issue a new commercial construction, parking lot and/or demolition permit after approval by majority vote of the Planning Commission or as otherwise provided herein, unless the work is required for public safety or hazardous conditions. (Ord. No. 2161, Sec. 1, 11-12-12)
3. For any new commercial construction, or addition to an existing structure, the following information shall be provided to the Building Inspector.
  - a. A plot plan, drawn to scale, showing the exact size, shape and dimensions of the lot to be built upon;
  - b. The exact size and location on the lot of all existing buildings and structures;
  - c. The exact size and location on the lot of the structure or building proposed to be repaired, altered, erected or moved; and the size, arrangements, number of parking stalls, movement of vehicles, and ingress and egress drives for all off-street parking and loading facilities.
  - d. A declaration of the existing and intended use of each existing and proposed building or structure on the lot and the number of families and housekeeping units which each existing building accommodates and which each existing and proposed building is designed to accommodate.
  - e. Additional information relating to the proposed improvement needed to determine compliance with these regulations and additional documentation as required by the Building Inspector.
  - f. A survey prepared by an engineer registered in the state of Arkansas of the boundaries of the lot on which the improvement is proposed to be located may be required by the Building Inspector.

## **TITLE 9**

### **STREETS AND SIDEWALKS**

#### **Chapters:**

- 9.04 Streets, Alleys, Gutters, Ditches
- 9.08 Sidewalks
- 9.10 Vacating Streets and Alleys
- 9.12 Excavations and Alterations

#### **CHAPTER 9.04**

##### **STREETS, ALLEYS, GUTTERS, DITCHES**

#### **Sections:**

- 9.04.01 Streets and alleys
- 9.04.02 Gutters and ditches

**9.04.01 Streets and alleys** It shall be the duty of every owner or occupant of any lot or premises in this city along which any street or alley runs to keep the street or alley from the middle line to the side next to him, free from all manner and kind of filth, garbage, trash, debris or decaying animal and vegetable substance of every kind. (MC 1978, 9.04.01)

**9.04.02 Gutters and ditches** No person shall allow any dirt, filth or obstruction of any kind to accumulate in the gutter or ditch in front of his premises, and all owners or occupants of property are required to keep the gutter or ditch in front of their premises clean, open and free from trash, weeds and all obstructions to the easy and rapid flow of water. (MC 1978, 9.04.02)

#### **CHAPTERS 9.08**

##### **SIDEWALKS**

#### **Sections:**

- 9.08.01 Purpose
- 9.08.02 Building permit

- 9.08.03 Duty to maintain
- 9.08.04 Installation, repair and replacement of public sidewalks in Historic District
- 9.08.05 Sidewalks outside Historic District
- 9.08.06 Construction
- 9.08.07 Written notice for repair
- 9.08.08 Driveway construction

9.08.01 Purpose It is in the best interest of the city to require the installation of sidewalks along both sides of all streets in the city where such installation is deemed necessary and appropriate. The primary purpose of such installation shall be to provide for pedestrian safety, to provide for Americans with Disabilities Act (ADA), pedestrian access, and to provide continuity with pre-existing sidewalks. (Ord. No. 2116, Sec. 1, 3-29-2010)

9.08.02 Building permit It shall be the duty of property owners to obtain a building permit prior to the installation, replacement or repair of all public sidewalks, to build all sidewalks in the city in accordance with the specifications set forth in this section, and with ADA guidelines. The fee shall be waived for a building permit relating to public sidewalk construction and repair. (Ord. No. 2116, Sec. 2, 3-29-2010)

9.08.03 Duty to maintain It shall be the duty of every property owner to maintain any sidewalk abutting his property in a safe and useable condition, free of obstructions, and in compliance with ADA guidelines. Sidewalks which are not continuously even or which collect rain water on any part of the walking surface, or which do not meet ADA guidelines, shall not be considered safe and useable. (Ord. No. 2116, Sec. 3, 3-29-2010)

9.08.04 Installation, repair and replacement of public sidewalks in Historic District

- A. All public sidewalks and portions thereof located in the Historic District, as defined by the city's Historic District Map and except as hereinafter provided in (C)(3), that shall require initial installation, repair or maintenance shall be installed, repaired and maintained as followed:
  - 1. In areas where sidewalks exist, the existing sidewalk, including any with limestone, will be repaired and refinished if possible, but if the sidewalk is not repairable, then it shall be replaced, at the owner's option, with either
    - a. Limestone that shall substantially conform in color, texture thickness (minimum of four (4) inches) and surface size to the stone slab surfaces that were removed; or



- b. Imprinted and tinted concrete in a pattern and color approved by the Eureka Springs Historic District Commission.
  - c. Aggregate concrete that matches existing adjoining sidewalks in color and texture as closely as possible. If there are no adjoining sidewalks to match, the new aggregate should be of close texture, with a tinted gray palette preferred. Aggregate sidewalks must follow the concrete specifications set forth in 9.08.06 Construction.
  - d. Other colors, material or artistic treatment must be approved by the Eureka Springs Historic District Commission. (Ord. No. 2280, Sec. 1, 8-26-19)
- 2. In areas where no sidewalks exist, any new installation shall be, at the owner's option, limestone slab (with a minimum thickness of four (4) inches) or imprinted and tinted concrete in a pattern and color approved by the Eureka Springs Historic District Commission, or aggregate concrete as described in 9.08.04 (A) (1). (Ord. No. 2280, Sec. 2, 8-26-2019)
  - 3. Sidewalks located within the Historic District on the following streets may also be poured concrete, at the owner's option: East Van Buren; West Van Buren; East Mountain Drive; Charles Circle; Cross Street; Elm Circle; Harvey Road; Oakridge Drive; Richard Circle; Tower Road; Drennon Drive; Wood Circle; Holiday Trail; Florence Drive; College Street; Hamilton Street; Martz Lane; Jay Lane; Victoria Woods Boulevard; Pivot Rock Road; Dairy Hollow Road; Breezy Point Road; Breezy Point Circle; Anderson Street; Ravine Street; Grand Avenue and Oregon Avenue.
  - 4. Board sidewalks will not be approved except for the replacement of those in existence on July 25, 2005.
- B. Concrete specification as set forth herein shall apply to concrete sidewalks.
  - C. Completed projects shall be inspected and approved by the Building Official (Ord. No. 2116, Sec. 4, 3-29-2010)

9.08.05 Sidewalks outside Historic District If a public sidewalk or portion thereof, within the city limits, excluding the Historic District, requires repair and/or replacement, the necessary repair and/or replacement of the public sidewalk or portion thereof shall be concrete. All new public sidewalks to be installed shall be concrete. (Ord. No. 1770, 12-8-98)

9.08.06 Construction Concrete specifications shall be as follows:

- A. Portland cement, 3500 P.S.I., 5.5 sacks of Type I or II.
- B. Expansion joints every 25 feet.
- C. Control joints every five (5) feet.
- D. Reinforcement as needed: fiber, wire mesh or one-half (1/2 ) inch steel rebar.
- E. Non-skid surface (i.e., broom finish).
- F. Curb ramps for disabled access shall be provided wherever a sidewalk crosses a curb, crosswalk, driveway or street intersection and shall be constructed to meet the Americans With Disabilities Act (ADA) standards.
- G. A minimum slump of four (4) inches and a maximum slump of five (5) inches is recommended.
- H. The minimum width will be determined by the Building Inspector.

The completed project shall be inspected and approved by the Building Inspector.  
(Ord. No. 1770, 12-8-98)

9.08.07 Written notice for repair

- A. Written notice for repair
  - 1. A sidewalk safety team comprised of personnel from the Building and Public Works Departments shall be responsible for evaluating public sidewalk safety and ADA compliance.
  - 2. If following an onsite inspection and evaluation, it is determined by the Sidewalk Safety Team that a sidewalk or portion thereof is broken or otherwise out of repair, or is required to be wholly re-laid, the Building Official shall, without any order from the Council, cause a printed or written notice to be served upon the owner of the premises, specifying those repairs that are to be made and directing the owner to make such repairs. This notice may be served in person or by certified return receipt requested restricted delivery mail to the last known address of the owner. The endorsement upon the notice by the Building Official serving the notice shall be sufficient evidence of his action in the premises.
- B. If any person shall neglect or refuse to repair or rebuild any sidewalk within one hundred eighty (180) days after notice as aforesaid, he shall be subject to a fine of Twenty-Five Dollars (\$25.00) for each offense, and each day he shall neglect or refuse to repair said sidewalk, shall constitute a separate offense. The owner shall be allowed an extension of up to ninety (90) days upon approval of the Building Official. The owner also shall be liable for which the city may incur by reason thereof, to be recovered by the city in an action of law.

- C. The Building Inspector shall, in all cases where parties refuse or neglect to repair or rebuild sidewalks in pursuance of notice, or where the owner cannot be found, cause the sidewalk to be repaired or built within a reasonable time after the expiration of the notice and report the expense of the work to the City Council, who shall proceed to assess the cost of such improvements against the property. The order of assessment may be in form as follows:

ORDERED – That the several sums set opposite the following lots, or parts of lots, and the names of the owners thereof, respectively, to-wit: Lot \_\_\_\_ Block-\_\_\_\_, owned by \_\_\_\_\_. Amount assessed, \$\_\_\_\_\_ be

and the same are hereby assessed, respectively, on said lot, and against the respective owners thereof, to defray the expenses of a sidewalk or sidewalks there along constructed or repaired by the Building Inspector.

The Building Inspector shall thereupon present the total amount of assessment as made for payment, and upon refusal of payment, the City Attorney is instructed to proceed to collect the amount by law. The assessments so made against the owners or occupants of the property for the purpose of repairing sidewalks within the city, are made and constitute a personal charge against the owners, and also a lien upon the lots or property so assessed from the time of such assessment. (Ord. No. 2116, Sec. 7, 3-29-2010)

9.08.08 Driveway construction Any person constructing a driveway over any public ditch within the city shall provide some adequate means for the continued flow of water through the ditch. Such opening shall be made by tile or other materials to be approved by the Building Inspector. (Ord. No. 2116, Sec. 8, 3-29-2010)

## CHAPTER 9.10

### VACATING STREETS AND ALLEYS

#### Sections:

#### 9.10.01 Vacating streets and alleys

9.10.01 Vacating streets and alleys In all instances where a property owner within the city seeks to have a street or alley vacated, the property owner must comply with the procedures set out in A.C.A. 14-301-301 et seq. In determining whether to vacate the street or alley, the City Council will consider how its decision will affect the green space, will ensure the decision is in the best interest of the city, and in no instance will the street or alley be vacated unless a Two Hundred Dollar (\$200.00) application fee is submitted with the application. The application fee shall be returned to the applicant if the City Council shall deny the vacation request. (Ord. No. 2203, Sec. 1, 3-24-2014.)

**CHAPTER 9.12****EXCAVATIONS AND ALTERATIONS****Sections:**

9.12.01	Permit
9.12.02	Fees
9.12.03	Street cuts
9.12.04	Returned deposit

**9.12.01 Permit** No person shall cut into, tunnel under, or in any manner disturb the surface of any street, alley or sidewalk in the city without first applying for and obtaining from the Building Inspector a written permit to do so, which shall be dated and shall give the name and address of the person to whom the permit is granted, and the location of the place where the street, alley or sidewalk is to be cut into or tunneled under and the purpose for which the permit is granted. (MC 1978, 9.08.01)

**9.12.02 Fees** Any person applying for a permit required by this article shall estimate in writing the number of square feet to be cut or tunneled. At the time of making application for the permit, an inspection fee of Ten Dollars (\$10.00) shall be paid. An applicant for such permit shall deposit cash or a sufficient surety bond at the office of the Building Inspector before a permit shall be issued. The amount of the cash and/or bond shall be determined by the Building Inspector based upon the estimated cost of the permanent repair, but shall not be less than Five Hundred Dollars (\$500.00). The cost of the permanent repair which shall be accomplished by the city shall be billed to the applicant at the rate of Six Dollars (\$6.00) per square foot, with a minimum charge of Fifty Dollars (\$50.00). The cash and/or bond shall be forfeited for failure to complete the necessary cleanup, or causing unnecessary inconvenience or damage to vehicular or other traffic. (Ord. No. 1282, Sec. 1, 10-13-87)

**9.12.03 Street cuts**

- A. The person making the street cut shall saw cut the pavement in a smooth, straight line before any excavation commences. The saw cut shall be made a minimum of nine (9) inches back from both sides of the planned trench excavation. Flares, barricades, warning signs and similar warning devices shall be used to protect the public from harm. The city engineer or his authorized representative shall inspect the street opening before any crushed stone base (SB-2) backfill is placed in the opening and during the backfill operation. The backfill shall be watered and compacted by hand or machine tamped. The SB-2 base material shall be brought

- b. Imprinted and tinted concrete in a pattern and color approved by the Eureka Springs Historic District Commission.
- 2. In areas where no sidewalks exist, any new installation shall be, at the owner's option, limestone slab (with a minimum thickness of four (4) inches) or imprinted and tinted concrete in a pattern and color approved by the Eureka Springs Historic District Commission.
- 3. Sidewalks located within the Historic District on the following streets may also be poured concrete, at the owner's option: East Van Buren; West Van Buren; East Mountain Drive; Charles Circle; Cross Street; Elm Circle; Harvey Road; Oakridge Drive; Richard Circle; Tower Road; Drennon Drive; Wood Circle; Holiday Trail; Florence Drive; College Street; Hamilton Street; Martz Lane; Jay Lane; Victoria Woods Boulevard; Pivot Rock Road; Dairy Hollow Road; Breezy Point Road; Breezy Point Circle; Anderson Street; Ravine Street; Grand Avenue and Oregon Avenue.
- 4. Board sidewalks will not be approved except for the replacement of those in existence on July 25, 2005.
- B. Concrete specification as set forth herein shall apply to concrete sidewalks.
- C. Completed projects shall be inspected and approved by the Building Official (Ord. No. 2116, Sec. 4, 3-29-2010)

9.08.05 Sidewalks outside Historic District If a public sidewalk or portion thereof, within the city limits, excluding the Historic District, requires repair and/or replacement, the necessary repair and/or replacement of the public sidewalk or portion thereof shall be concrete. All new public sidewalks to be installed shall be concrete. (Ord. No. 1770, 12-8-98)

9.08.06 Construction Concrete specifications shall be as follows:

- A. Portland cement, 3500 P.S.I., 5.5 sacks of Type I or II.
- B. Expansion joints every 25 feet.
- C. Control joints every five (5) feet.
- D. Reinforcement as needed: fiber, wire mesh or one-half (1/2 ) inch steel rebar.
- E. Non-skid surface (i.e., broom finish).
- F. Curb ramps for disabled access shall be provided wherever a sidewalk crosses a curb, crosswalk, driveway or street intersection and shall be constructed to meet the Americans With Disabilities Act (ADA) standards.
- G. A minimum slump of four (4) inches and a maximum slump of five (5) inches is recommended.



H. The minimum width will be determined by the Building Inspector.

The completed project shall be inspected and approved by the Building Inspector.  
(Ord. No. 1770, 12-8-98)

9.08.07 Written notice for repair

A. Written notice for repair

1. A sidewalk safety team comprised of personnel from the Building and Public Works Departments shall be responsible for evaluating public sidewalk safety and ADA compliance.
2. If following an onsite inspection and evaluation, it is determined by the Sidewalk Safety Team that a sidewalk or portion thereof is broken or otherwise out of repair, or is required to be wholly re-laid, the Building Official shall, without any order from the Council, cause a printed or written notice to be served upon the owner of the premises, specifying those repairs that are to be made and directing the owner to make such repairs. This notice may be served in person or by certified return receipt requested restricted delivery mail to the last known address of the owner. The endorsement upon the notice by the Building Official serving the notice shall be sufficient evidence of his action in the premises.

B. If any person shall neglect or refuse to repair or rebuild any sidewalk within one hundred eighty (180) days after notice as aforesaid, he shall be subject to a fine of Twenty-Five Dollars (\$25.00) for each offense, and each day he shall neglect or refuse to repair said sidewalk, shall constitute a separate offense. The owner shall be allowed an extension of up to ninety (90) days upon approval of the Building Official. The owner also shall be liable for which the city may incur by reason thereof, to be recovered by the city in an action of law.

C. The Building Inspector shall, in all cases where parties refuse or neglect to repair or rebuild sidewalks in pursuance of notice, or where the owner cannot be found, cause the sidewalk to be repaired or built within a reasonable time after the expiration of the notice and report the expense of the work to the City Council, who shall proceed to assess the cost of such improvements against the property. The order of assessment may be in form as follows:

ORDERED.— That the several sums set opposite the following lots, or parts of lots, and the names of the owners, thereof, respectively, to-wit: Lot \_\_\_\_\_ Block \_\_\_\_\_, owned by \_\_\_\_\_, Amount assessed, \$ \_\_\_\_\_ be

and the same are hereby assessed, respectively, on said lot, and against the respective owners thereof, to defray the expenses of a sidewalk or sidewalks there along constructed or repaired by the Building Inspector.

The Building Inspector shall thereupon present the total amount of assessment as made for payment, and upon refusal of payment, the City Attorney is instructed to proceed to collect the amount by law. The assessments so made against the owners or occupants of the property for the purpose of repairing sidewalks within the city, are made and constitute a personal charge against the owners, and also a lien upon the lots or property so assessed from the time of such assessment. (Ord. No. 2116, Sec. 7, 3-29-2010)

**9.08.08 Driveway construction** Any person constructing a driveway over any public ditch within the city shall provide some adequate means for the continued flow of water through the ditch. Such opening shall be made by tile or other materials to be approved by the Building Inspector. (Ord. No. 2116, Sec. 8, 3-29-2010)

## **CHAPTER 9.10**

### **VACATING STREETS AND ALLEYS**

#### **Sections:**

#### **9.10.01 Vacating streets and alleys**

**9.10.01 Vacating streets and alleys** In all instances where a property owner within the city seeks to have a street or alley vacated, the property owner must comply with the procedures set out in A.C.A. 14-301-301 et seq. In determining whether to vacate the street or alley, the City Council will consider how its decision will affect the green space, will ensure the decision is in the best interest of the city, and in no instance will the street or alley be vacated unless a Two Hundred Dollar (\$200.00) application fee is submitted with the application. The application fee shall be returned to the applicant if the City Council shall deny the vacation request. (Ord. No. 2203, Sec. 1, 3-24-2014.)

**CHAPTER 9.12****EXCAVATIONS AND ALTERATIONS****Sections:**

- |         |                  |
|---------|------------------|
| 9.12.01 | Permit           |
| 9.12.02 | Fees             |
| 9.12.03 | Street cuts      |
| 9.12.04 | Returned deposit |

**9.12.01 Permit** No person shall cut into, tunnel under, or in any manner disturb the surface of any street, alley or sidewalk in the city without first applying for and obtaining from the Building Inspector a written permit to do so, which shall be dated and shall give the name and address of the person to whom the permit is granted, and the location of the place where the street, alley or sidewalk is to be cut into or tunneled under and the purpose for which the permit is granted. (MC 1978, 9.08.01)

**9.12.02 Fees** Any person applying for a permit required by this article shall estimate in writing the number of square feet to be cut or tunneled. At the time of making application for the permit, an inspection fee of Ten Dollars (\$10.00) shall be paid. An applicant for such permit shall deposit cash or a sufficient surety bond at the office of the Building Inspector before a permit shall be issued. The amount of the cash and/or bond shall be determined by the Building Inspector based upon the estimated cost of the permanent repair, but shall not be less than Five Hundred Dollars (\$500.00). The cost of the permanent repair which shall be accomplished by the city shall be billed to the applicant at the rate of Six Dollars (\$6.00) per square foot, with a minimum charge of Fifty Dollars (\$50.00). The cash and/or bond shall be forfeited for failure to complete the necessary cleanup, or causing unnecessary inconvenience or damage to vehicular or other traffic. (Ord. No. 1282, Sec. 1, 10-13-87)


**9.12.03 Street cuts**

- A. The person making the street cut shall saw cut the pavement in a smooth, straight line before any excavation commences. The saw cut shall be made a minimum of nine (9) inches back from both sides of the planned trench excavation. Flares, barricades, warning signs and similar warning devices shall be used to protect the public from harm. The city engineer or his authorized representative shall inspect the street opening before any crushed stone base (SB-2) backfill is placed in the opening and during the backfill operation. The backfill shall be watered and compacted by hand or machine tamped. The SB-2 base material shall be brought


up evenly in lifts not to exceed four (4) inches and compacted to at least ninety-five (95%) percent of the maximum density as determined by AASHTO T180.

- B. A temporary patch of two (2) inches of cold mix asphalt shall be used over the top of the backfill matching the existing grade of the street surface. After the trench has had time to settle, the city shall make the permanent repair with asphaltic concrete hot mix.
- C. If it is necessary to make a street cut during off-duty hours, the person making the cut shall notify the Police Department. Normal duty hours are from 7:30 a.m. to 4:00 p.m. Monday through Friday with the exception of holidays. The city engineer or his authorized representative shall inspect all street cuts made during off-duty hours. An extra charge in the amount of Fifteen Dollars (\$15.00) per hour shall be billed to the person making the cut during off-duty hours to compensate the city.
- D. The person who makes the street cut shall be responsible for making any needed repairs due to settling of the cut or loss of cold mix asphalt for a period of ninety (90) days from the time the temporary patch is completed, or until the permanent repair is completed by the city, whichever comes first.
- E. After the temporary patch is complete, the city engineer or his authorized representative shall make a final inspection and measure the width and length of the street cut.

9.12.04 Returned deposit After the excavation has been restored to its original condition and the applicant has paid for the cost of the permanent repair, the cash and/or bond deposited with the city shall be returned to the applicant. (Ord. No. 1282, Sec. 1, 10-13-87)



U.S. Department of Transportation  
Federal Highway Administration



U.S. Department of Transportation  
Federal Highway Administration  
**RESOURCE CENTER**  
Office of Innovation Implementation

# A Primer on Complete Streets

ARDOT Transportation Research Committee  
Conference & Equipment Expo

**Location: Hot Springs, AR**  
**Date: May 26, 2022**

1

1

## Today's Presenter


Tori Brinkly, PE  
Senior Safety Engineer  
FHWA Resource Center  
Safety & Design Team  
[tori.brinkly@dot.gov](mailto:tori.brinkly@dot.gov)



Office of Innovation Implementation



U.S. Department of Transportation  
Federal Highway Administration



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Federal Highway Administration  
**RESOURCE CENTER**  
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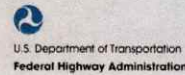
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- The U.S. Government does not endorse products, manufacturers, or outside entities. Names/logos appear in this presentation only because they are considered essential to the objective of the presentation. They are included for informational purposes only and not intended to reflect a preference, approval, or endorsement of any one product or entity.
- Unless noted otherwise, FHWA is the source for all images in this presentation.

Office of Innovation Implementation



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U.S. Department of Transportation  
Federal Highway Administration



## Introduction to Complete Streets



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Source: <https://highways.dot.gov/public-roads/julyaugust-2010/street-design-part-1-complete-streets>

## What are Complete Streets?

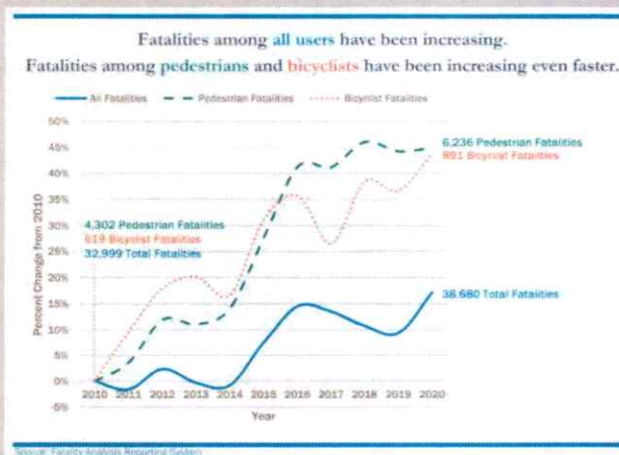
- “A complete street is safe and feels safe for everyone using the street.”  
-- Stephanie Pollack, FHWA Deputy Administrator
- A complete streets approach means routinely improving safety and access for all road users.

5

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## Why Complete Streets?

- Roadway deaths are >90% of all transportation fatalities
- Estimated 38,680 people lost their lives lost on our roadways in 2020
- Fatality rate increased to 1.37 fatalities per 100 million vehicle miles traveled in 2020 (compared to 1.11 in 2019)
- Over 7,000 people walking, and biking were killed in 2020, with disproportionate impacts to disadvantaged communities



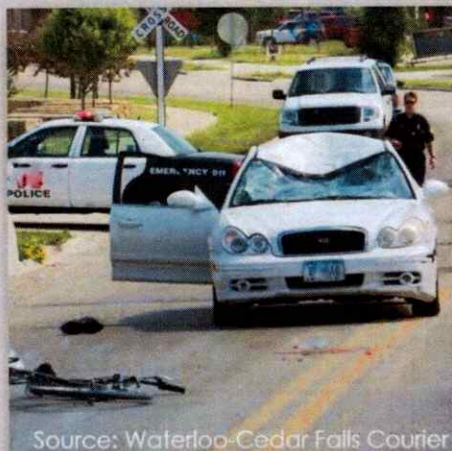
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Source: [https://www.transportation.gov/sites/dot.gov/files/2022-01/USDOT National Roadway Safety Strategy 0.pdf](https://www.transportation.gov/sites/dot.gov/files/2022-01/USDOT%20National%20Roadway%20Safety%20Strategy%200.pdf)

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## Key Safety Factors



Source: Waterloo-Cedar Falls Courier

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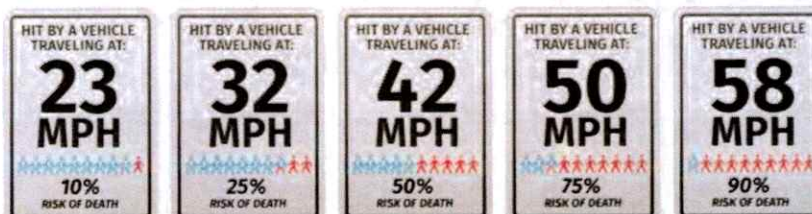
## Speed

Speeding is a significant contributor to deaths on our roadways...

*10,490 fatalities are estimated to have been speeding-related in 2020.*

*This represents an **increase of 11 percent** compared to 2019.*

...and is particularly hazardous to pedestrians.



[https://www.transportation.gov/sites/dot.gov/files/2022-01/USDOT\\_National\\_Roadway\\_Safety\\_Strategy\\_0.pdf](https://www.transportation.gov/sites/dot.gov/files/2022-01/USDOT_National_Roadway_Safety_Strategy_0.pdf)

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8



## Number of Lanes



Source: FHWA

9

9

## Traffic Volume & Composition



Source: FHWA



Source: FHWA

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## Conflict Points



11

11

## Visibility and Conspicuity



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## Proximity



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## Pavement Condition



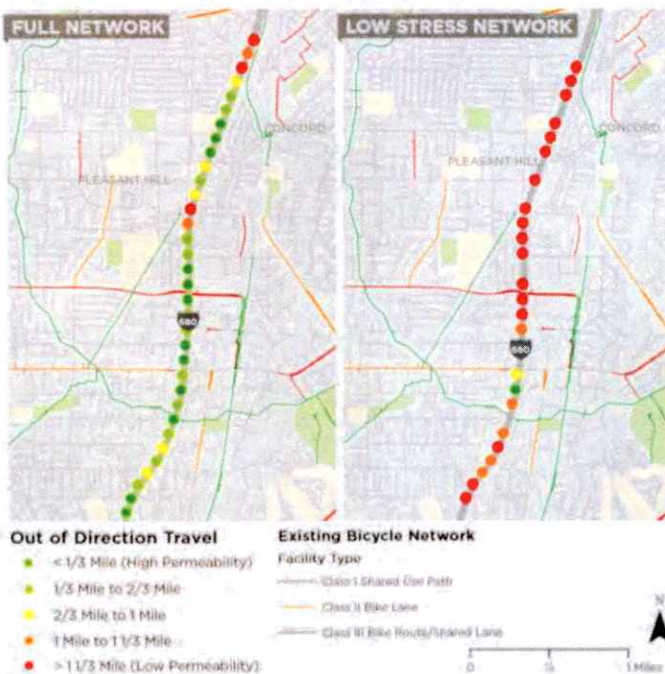
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## Connectivity

Corridor 1: I-680, Contra Costa County



Source: [https://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/publications/multimodal\\_connectivity/](https://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/multimodal_connectivity/)

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## Who Wants Complete Streets

- Walking and transit ridership are growing faster than the population
- 65% of people want to live in a community with transportation alternatives
- More than 65% of people want to live in communities with:
  - Well maintained sidewalks
  - Well-lit streets & intersections
  - Easy to read street signs
  - Speed limits properly enforced

Source: American Community Survey (2010, 2019), AARP 2021



Source: Colorado Valley Transit, Columbus, TX



Source: USDOT Pedestrian Safety Action Plan

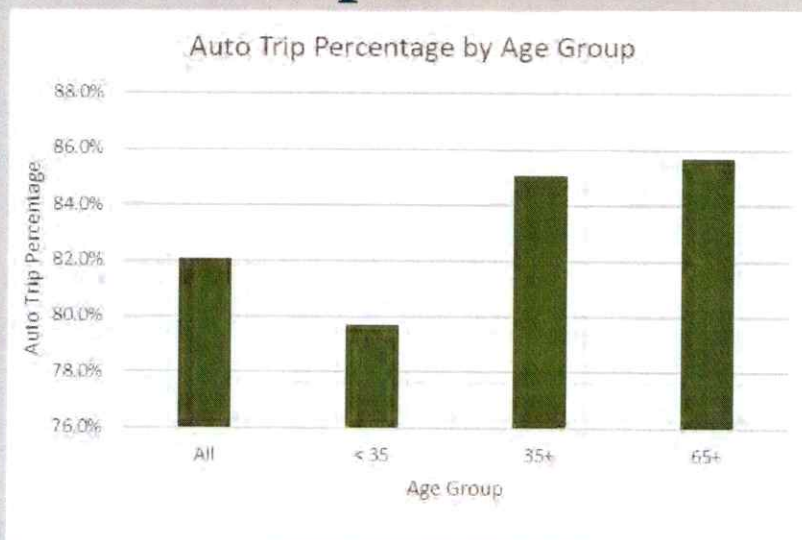


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## Who Wants Complete Streets



Source: National Household Travel Survey (NHTS) 2017

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## Complete Streets Provide

- Safety
- Comfort
- Network Connectivity



Source: [https://tooledesign.com/wp-content/uploads/2020/07/Toole-Design-Resource-Guide-vol2\\_20200727-ADA2.pdf](https://tooledesign.com/wp-content/uploads/2020/07/Toole-Design-Resource-Guide-vol2_20200727-ADA2.pdf)

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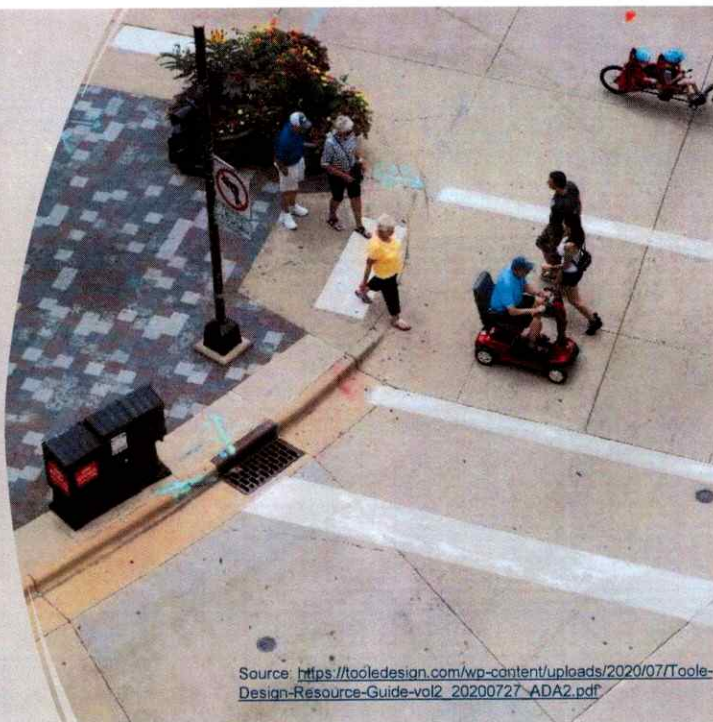
19



## Complete Streets Provide for All Users

- Pedestrians
- Bicyclists
- Transit riders
- Micro-mobility users
- Shared-ride services
- Motorists
- Freight delivery

20



Source: [https://tooledesign.com/wp-content/uploads/2020/07/Toole-Design-Resource-Guide-vol2\\_20200727\\_ADA2.pdf](https://tooledesign.com/wp-content/uploads/2020/07/Toole-Design-Resource-Guide-vol2_20200727_ADA2.pdf)

20

## Complete Streets Provide Equity

- All ages
- People with disabilities
- Marginalized communities
- Low-income populations

21



Source: [https://tooledesign.com/wp-content/uploads/2020/07/Toole-Design-Resource-Guide-vol2\\_20200727\\_ADA2.pdf](https://tooledesign.com/wp-content/uploads/2020/07/Toole-Design-Resource-Guide-vol2_20200727_ADA2.pdf)

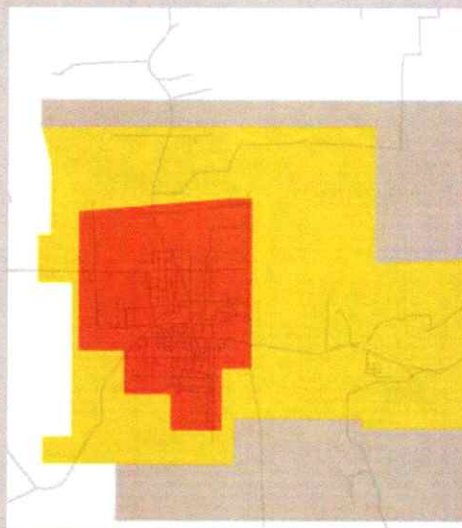
21



## What Do Complete Streets Look Like?

- Apply to EVERY context
- One size does NOT fit all
- Not every corridor will have sidewalks, bike lanes, and transit

There is no magic formula



22

Source: [https://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/publications/small\\_towns/](https://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/small_towns/)

22

## The Many Types of Complete Streets



Source: FHWA

Shoulders on Rural Roads

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## The Many Types of Complete Streets



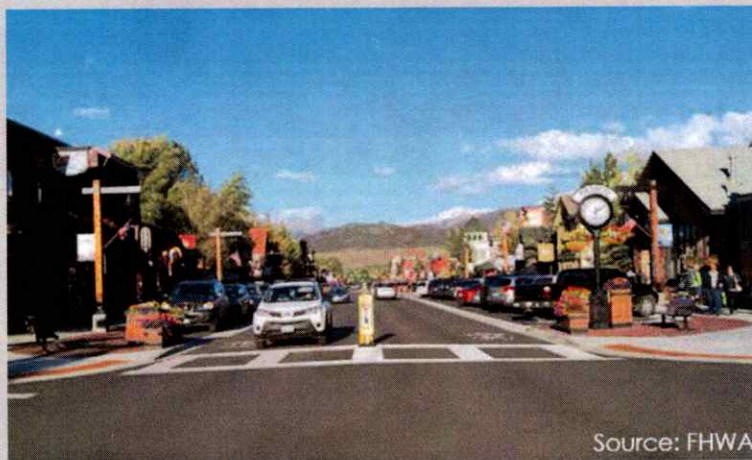
Source: FHWA

**Shared-use Paths**

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24

## The Many Types of Complete Streets



Source: FHWA

**Rural Arterial Through Town**

25

25



## The Many Types of Complete Streets



**High-density Neighborhood with Mid-block Crossing**

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## The Many Types of Complete Streets



**Freight loading zone and Bike lane**

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## The Many Types of Complete Streets



Transit Route on an Urban Arterial

28

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## A Model for Complete Streets

- Prioritizes and provides
  - Safety
  - Comfort
  - Connectivity
- Include ALL modes
- Equitable
  - All ages
  - All abilities
  - Marginalized communities



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## An Ideal Complete Streets Policy

- 1) Sets a **vision**
- 2) Includes **all users and modes**
- 3) All **projects and phases**
- 4) Clear, accountable **exceptions**
- 5) Other **jurisdictions**, involved in the process
- 6) Inclusive **design guidelines - flexible**
- 7) Is **context-sensitive**
- 8) Sets **performance measures**
- 9) Provides **project selection criteria**
- 10) Includes **implementation steps**

Source: <https://smartgrowthamerica.org/resources/the-best-complete-streets-policies-of-2018/>



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## Cleveland Heights, OH



Photo courtesy of the city of Cleveland Heights.

*Take your time,  
use your resources.*

- Equity
- Attention to detail
- Binding language

Source: <https://smartgrowthamerica.org/resources/the-best-complete-streets-policies-of-2018/>

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## Solutions

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## Rural Example—Strasburg

Map data: Google © 2022  
Landsat / Copernicus,  
Maxar Technologies



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## Rural Example—Strasburg



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## Rural Example—Strasburg

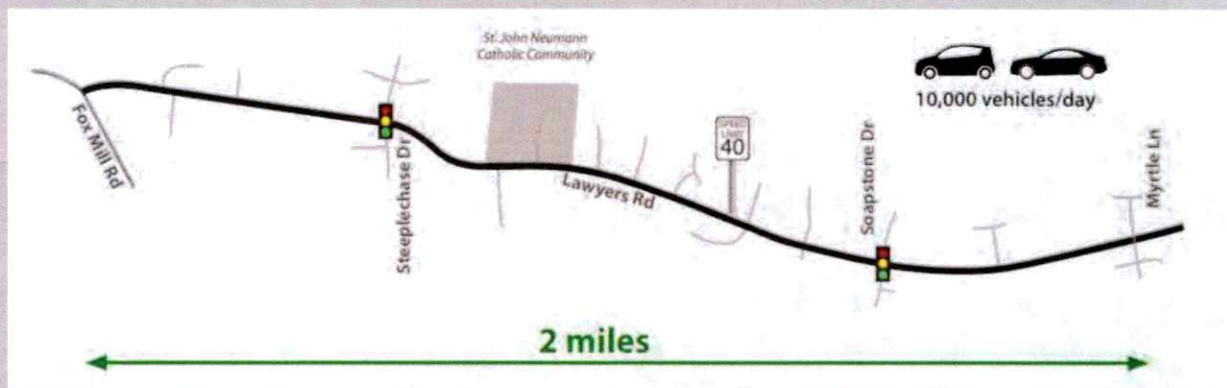


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37



## Suburban Example—Lawyers Road



Source: [https://safety.fhwa.dot.gov/road\\_diets/case\\_studies/roaddiet\\_cs.pdf](https://safety.fhwa.dot.gov/road_diets/case_studies/roaddiet_cs.pdf)

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## Suburban Example—Lawyers Road



Map data: Google © 2021 Commonwealth of Virginia, © 2022 Landsat / Copernicus, Maxar Technologies

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## Suburban Example—Lawyers Road



Map data: Google © 2022 Landsat / Copernicus, Maxar Technologies

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## Suburban Example—Lawyers Road



Source: [https://safety.fhwa.dot.gov/road\\_diets/case\\_studies/roaddiet\\_cs.pdf](https://safety.fhwa.dot.gov/road_diets/case_studies/roaddiet_cs.pdf)

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41



## Suburban Example—Lawyers Road



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## Urban Example—Orange Blossom Trail



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## Urban Example—Orange Blossom Trail



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## Urban Example—Orange Blossom Trail



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## Urban Example—Orange Blossom Trail



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## Tools and Resources

### Proven Safety Countermeasures



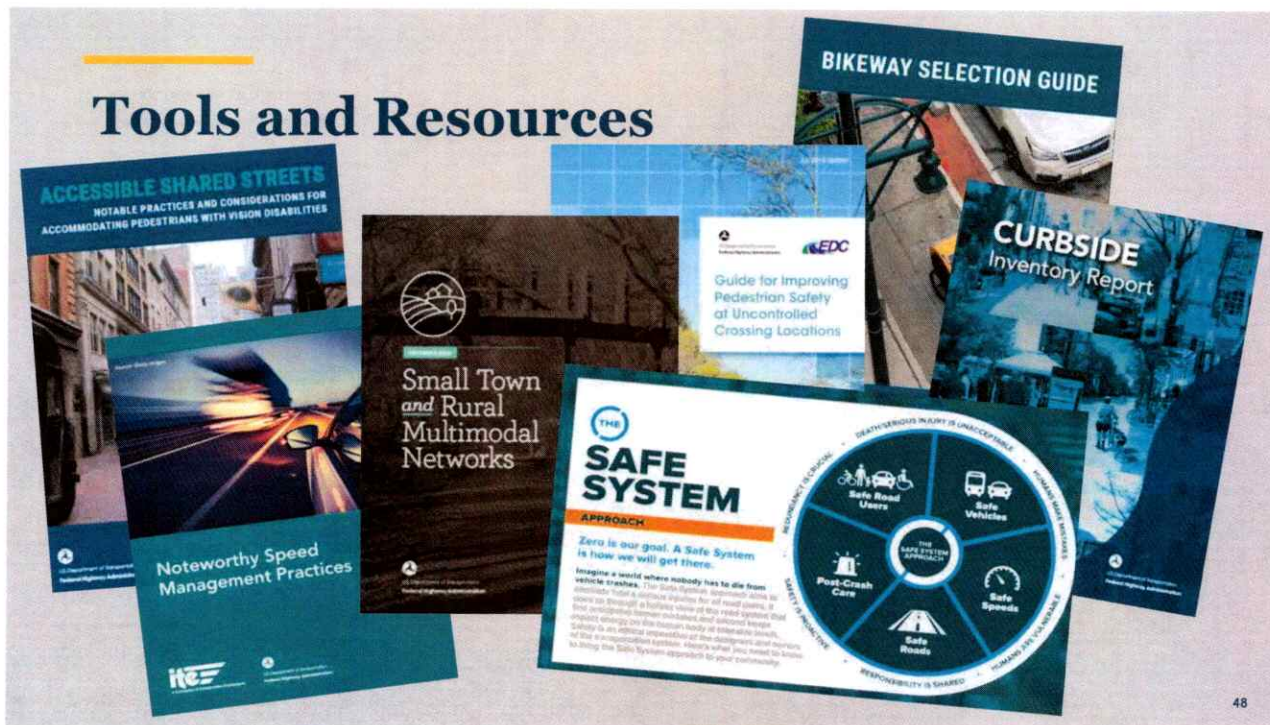
<https://safety.fhwa.dot.gov/provencountermeasures/>

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## Tools and Resources



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## FHWA Complete Streets Web Portal

- Public facing web-portal to:
  - Publish all Complete Streets (CS) products
  - Link to CS resources across FHWA program offices and other stakeholders



<https://highways.dot.gov/complete-streets>

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## Implementation: What's Next?

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## Implementation Opportunities

- Improve data collection and analysis
- Ensure rigorous safety evaluation
- Accelerate adoption of standards and guidance
- Clarify the primacy of safety for all users
- Elevate Complete Streets as the default approach



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## Where do you see yourself?

- Acquisitions
- Air Quality
- Civil Rights
- Construction and Project Management
- Design
- Environment
- Financial Management
- Freight
- Geotechnical
- Hydraulics
- Information and Technology
- Legal
- Major Projects
- Operations
- Pavements and Materials
- Planning
- Program and Management Analysis
- Program and Project Delivery
- Realty
- Safety
- Structures

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## Complete Streets References

- USDOT Complete Streets: <https://www.transportation.gov/mission/health/complete-streets>
- National Complete Streets Coalition: <https://smartgrowthamerica.org/program/national-complete-streets-coalition/>
- FHWA Curbside Inventory Report: [https://www.fhwa.dot.gov/livability/fact\\_sheets/](https://www.fhwa.dot.gov/livability/fact_sheets/)
- FHWA Guide for Improving Pedestrian Safety at Uncontrolled Crossing Locations: [https://safety.fhwa.dot.gov/ped\\_bike/step/](https://safety.fhwa.dot.gov/ped_bike/step/)
- FHWA Bikeway Selection Guide: [https://safety.fhwa.dot.gov/ped\\_bike/tools\\_solve/](https://safety.fhwa.dot.gov/ped_bike/tools_solve/)
- FHWA Speed Management: <https://safety.fhwa.dot.gov/speedmgt/>
- FHWA Safe System: <https://safety.fhwa.dot.gov/zerodeaths/>
- FHWA Accessible Shared Streets: [https://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/publications/accessible\\_shared\\_streets/](https://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/accessible_shared_streets/)
- FHWA Small Town and Rural Multimodal Networks: [https://www.fhwa.dot.gov/environment/bicycle\\_pedestrian/publications/small\\_towns/](https://www.fhwa.dot.gov/environment/bicycle_pedestrian/publications/small_towns/)

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## Informational Videos


- FHWA **Pedestrian Safety is No Game**: <https://www.youtube.com/watch?v=vQuyWMC-BRs>
- FHWA **Rules of the Roundabout**: <https://www.youtube.com/watch?v=peUf2NRdWxs>
- NHTSA **Making a Community Safer for Pedestrians | A Protected Intersection**: <https://youtu.be/a8RAvzKaOLY>
- FHWA **STEP Road Diets**: <https://www.youtube.com/watch?v=grHVvRHg0BQ>
- New Jersey DOT **Implementing Road Diets in New Jersey**: [https://www.youtube.com/watch?v=lm\\_zrAfRj20](https://www.youtube.com/watch?v=lm_zrAfRj20)
- European Institute of Innovation and Technology **Flexible Curbside Management**: [https://www.youtube.com/watch?v=9fYbl\\_AuZdA](https://www.youtube.com/watch?v=9fYbl_AuZdA)
- City of Austin **Back-in Angle Parking**: <https://www.youtube.com/watch?v=HddkCbsWHlk>
- NYC DOT **Get There Safely by E-bike**: <https://www.youtube.com/watch?v=8QHvm2TZXMA>
- University of Washington **Urban Freight Lab :: Our Impact**: <https://www.youtube.com/watch?v=a4QilH3qJCQ>

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Office of Innovation Implementation

## A Primer on Complete Streets

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(<https://smartgrowthamerica.org/>)

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SEARCH

## Complete Streets



**Smart Growth America**  
Improving lives by improving communities



**National Complete  
Streets Coalition**

**Complete Streets are streets for everyone.** Complete Streets is an approach to planning, designing, building, operating, and maintaining streets that enables safe access for all people who need to use them, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities.

Scroll through the content below to learn the **Basics of Complete Streets**, or use these buttons to jump directly to other questions.

What is the National Complete Streets Coalition  
(<https://smartgrowthamerica.org/program/national-complete-streets-coalition/>)

How can I join? (<https://smartgrowthamerica.org/program/national-complete-streets-coalition/join-the-coalition/>)



Tell me about Complete Streets policies  
(<https://smartgrowthamerica.org/program/national-complete-streets-coalition/policy-atlas/>)

How can I learn more? (<https://smartgrowthamerica.org/program/national-complete-streets-coalition/resources/>)



(<https://smartgrowthamerica.org/program/national-complete-streets-coalition/publications/what-are-complete-streets/>)

## Complete Streets is a process and approach

Not just a product or single type of street.

Complete Streets is an approach to planning, designing and building streets that enables safe access for all users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities. This approach also emphasizes the needs of those who have experienced systemic underinvestment, or those whose needs have not been met through a traditional transportation approach, such as older adults, people living with disabilities, people who don't have access to vehicles, and Black, Native, and Hispanic or Latino/a/x communities.



## What are Complete Streets aiming to fix?

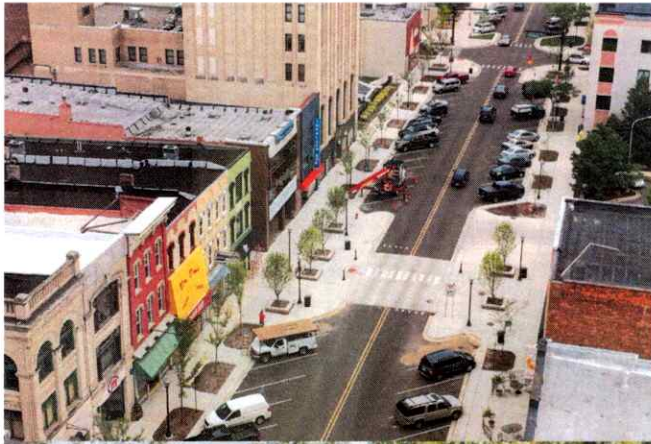
*Incomplete* streets are the result of a process that fails to consider the needs of all people and outdated measures of what makes a street successful. The end product is a street that spans a spectrum from uncomfortable to downright deadly for those not using a car.



## What does a Complete Street look like?

While Complete Streets are a **process** and **approach** to street design, there is no singular design prescription for Complete Streets. Each one is unique and responds to its community context. A complete street may include: sidewalks, bike lanes (or wide paved shoulders), special bus lanes, comfortable and accessible public transportation stops, frequent and safe crosswalks, median islands, accessible pedestrian signals, curb extensions, narrower travel lanes, roundabouts, and more.

The context and needs of users are different in rural, suburban, and urban communities, and streets will look different as a result, even when using a Complete Streets approach.





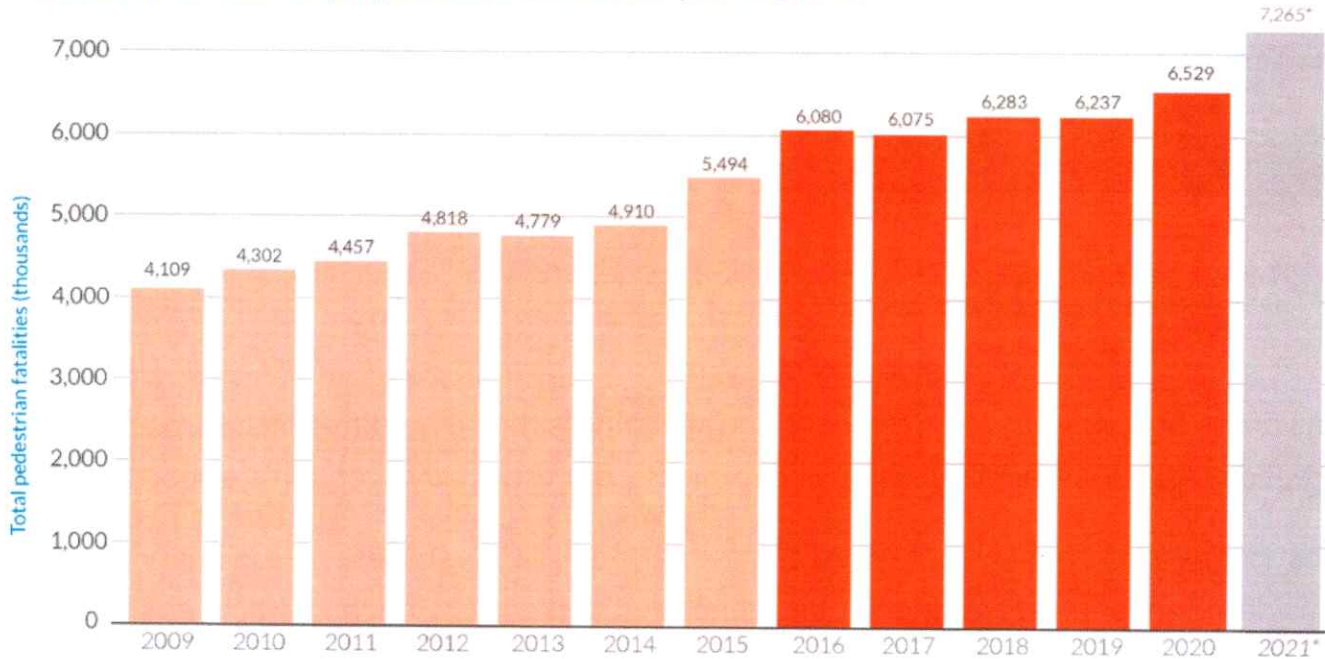
Photos: Michigan Municipal League (top left), San Francisco Bike Coalition, Graham Coreil-Allen in Baltimore, MD (bottom left), and the City of Erwin, TN

See a few examples of Complete Streets projects  
(<https://smartgrowthamerica.org/tag/complete-streets-case-studies/>)

## Why do we need Complete Streets?

For one, we are in the midst of a historic, alarming increase in the numbers of people struck and killed while walking (<https://smartgrowthamerica.org/dangerous-by-design/>), which has been on a steady rise since 2009, reaching levels not seen in more than 30 years.

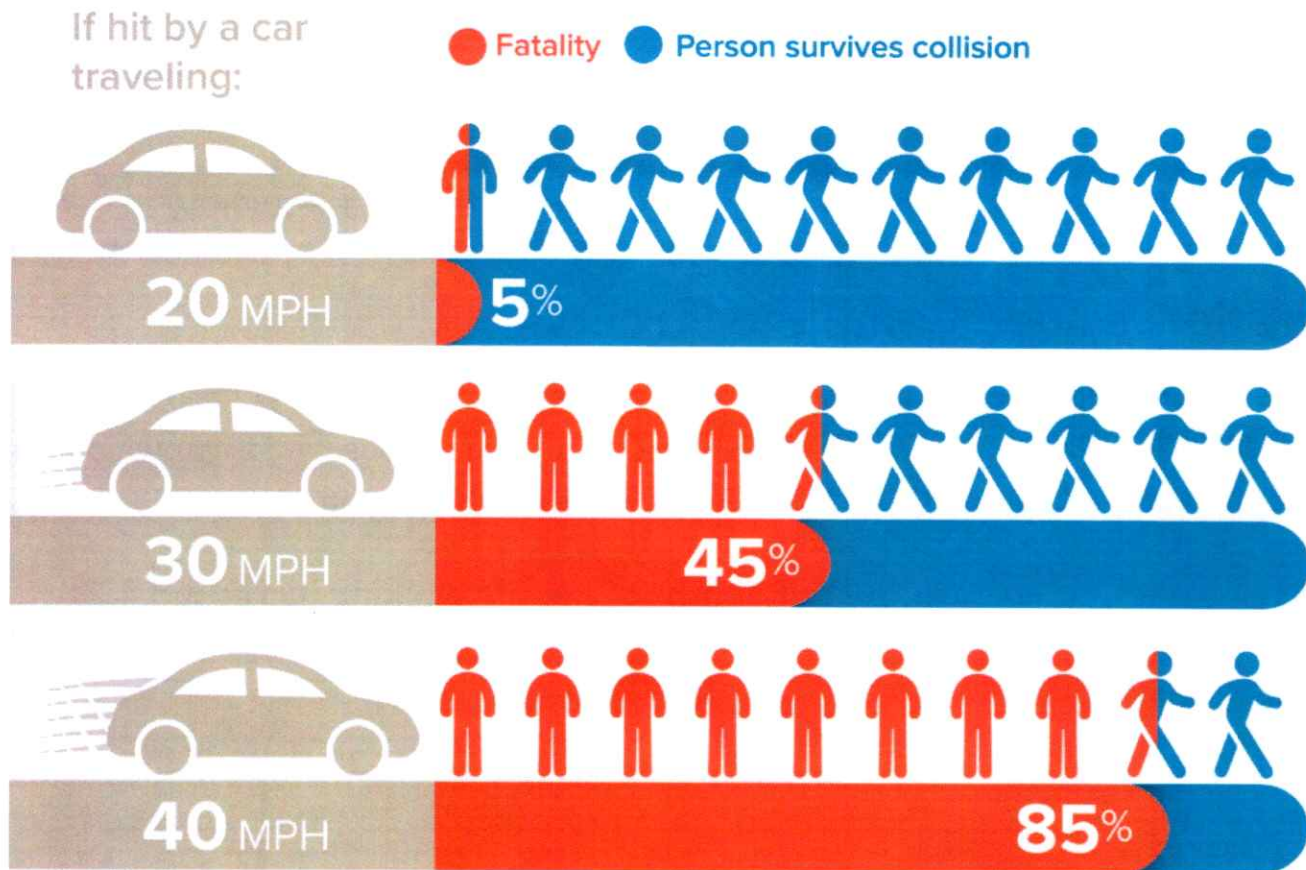
**Driving went down in 2020, but deaths of people walking increased 4.7%**  
*2021 deaths will likely represent a historic one-year increase*



\*This estimate for 2021 is produced by applying the 11.5 percent increase for 2021 projected by the Governors Highway Safety Administration (GHSA) to the federal FARS data for 2020 used in this report.

**Speed** is the number one culprit in these fatalities. Speed is also the best predictor of whether or not a collision will result in an **injury** or a **death**. (In addition to the size of vehicles, which are rapidly increasing (<https://smartgrowthamerica.org/bigger-vehicles-are-directly-resulting-in-more-deaths-of-people-walking/>), but that's another conversation.)





National Traffic Safety Board (2017) Reducing Speeding-Related Crashes Involving Passenger Vehicles. Available from: <https://www.nts.gov/safety/safety-studies/Documents/SS1701.pdf>

One of the best ways to reduce speeds and speeding is through a different approach to street design that prioritizes safety above all else, but especially over vehicle speed.

Most people don't realize that speed and avoiding delay for vehicles is the primary consideration for most transportation agencies—thanks to entrenched practices left over from the interstate construction era and political pressures to avoid congestion, especially at the state level. Safety is important, but the default approach to street design places **vehicle speed and throughput** at the top of the pyramid of priorities.

## Why can only speed or safety be prioritized first?

Watch this video we produced about these two competing priorities, and how speed most often wins out when it comes to street design:

Why safety and vehicle speed are incompatible goa...

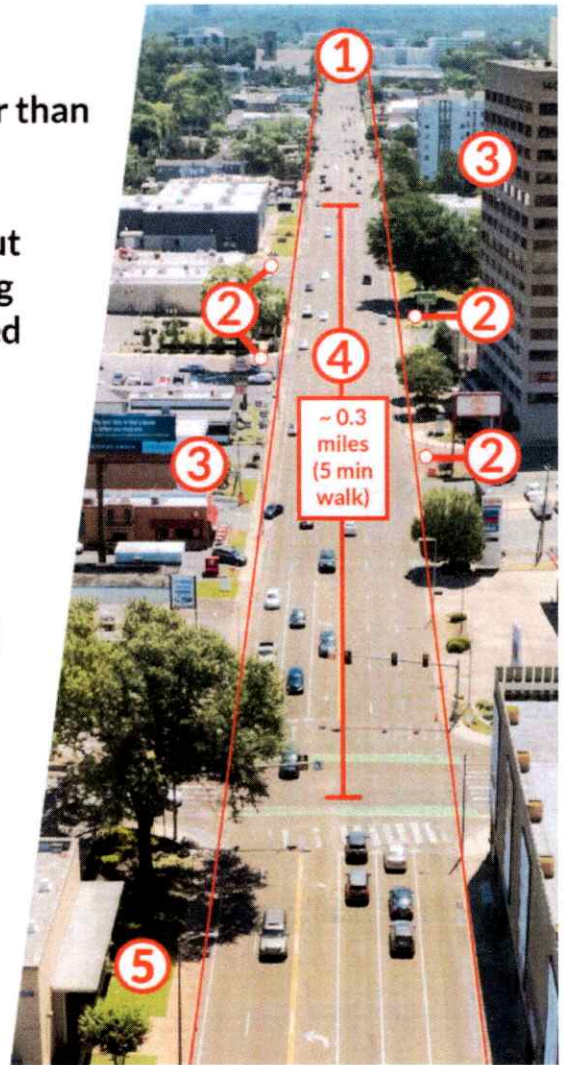


From *Dangerous by Design 2022*, here are some specific examples of how design decisions prioritize speed at the expense of safety, using a dangerous arterial road in Memphis, TN as an example. *Read a more detailed explainer of this idea here >>*

(<https://smartgrowthamerica.org/how-street-design-shapes-the-epidemic-of-preventable-pedestrian-fatalities/>)

- ① Design can be more influential on behavior than speed limits.
- ② Other streets regularly intersect Union, but lack crosswalks or signals, because keeping vehicles from stopping (speed) is prioritized ahead of providing frequent crossings (safety).
- ③ Numerous destinations means that more people will be present.
- ④ Marked, signalized crosswalks are located as much as 0.4 miles apart, potentially requiring a 10-minute round trip to reach a destination that's directly across the street.
- ⑤ Sidewalks exist, but as an afterthought.

*Photos by Forever Ready Productions*

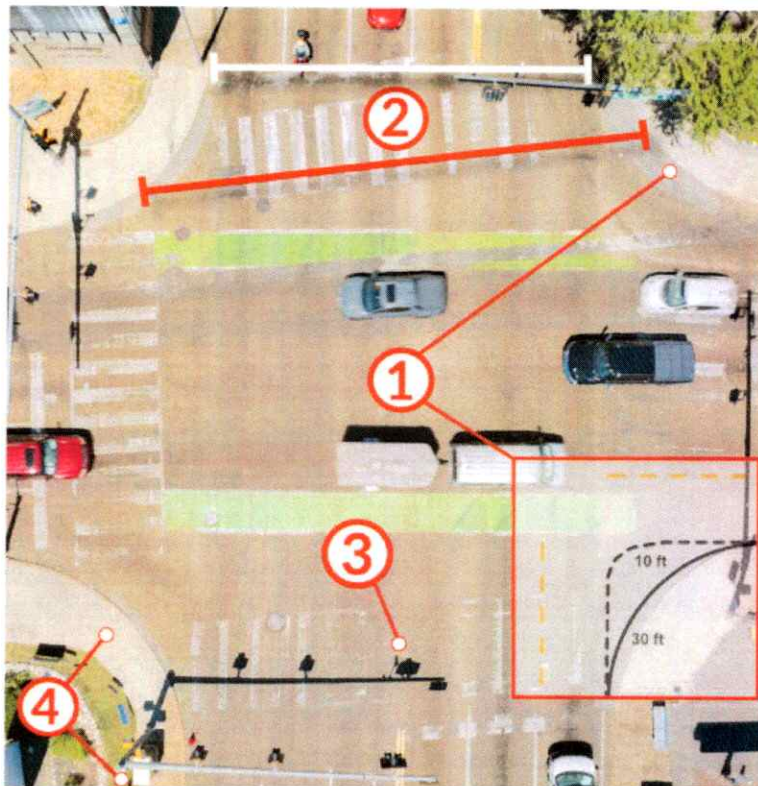


(<https://smartgrowthamerica.org/how-street-design-shapes-the-epidemic-of-preventable-pedestrian-fatalities/>)



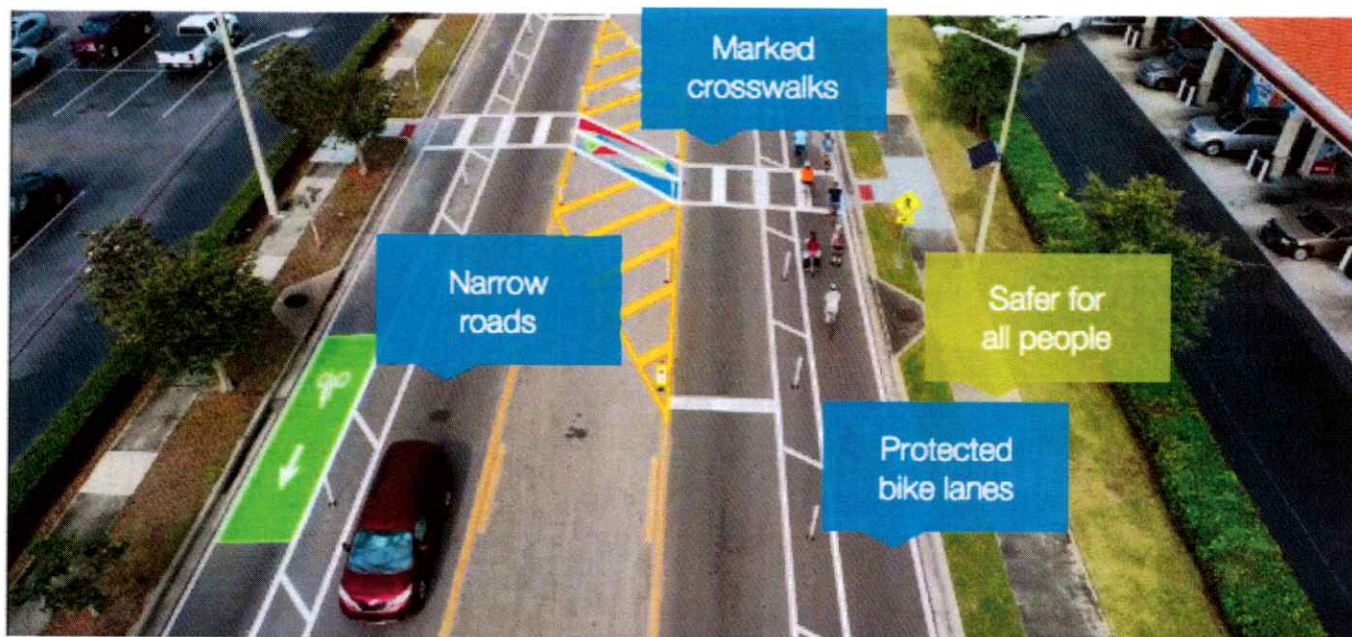
## Most fatalities on Union Avenue occur at intersections

- ① All four gently rounded corners allow right turns at high speeds, precisely when pedestrians have the right-of-way.
- ② These sweeping corners increase the distance required to cross on foot.
- ③ Existing crosswalks are faded or invisible.
- ④ Sidewalks also have obstructions and lack rubberized or high-visibility markings to help all people safely cross.



(<https://smartgrowthamerica.org/how-street-design-shapes-the-epidemic-of-preventable-pedestrian-fatalities/>)

Here's a brief real world example of a specific intervention to help make an unsafe, wide street a little bit safer, and help it better serve the needs of everyone who needs to use it:



# Where are Complete Streets?

Over 1,700 Complete Streets policies have been passed in the United States, including those adopted by 35 state governments, the Commonwealth of Puerto Rico, and the District of Columbia.

## Complete Streets Policy Adoption 2000

9  
jurisdictions  
with policies



But not all Complete Streets policies are created equally. The National Complete Streets Coalition also regularly tracks and scores state and local Complete Streets policies based on a clear but comprehensive framework that requires accountability from jurisdictions and prioritizes the needs of the most vulnerable users.



Where are Complete Streets policies?  
(<https://smartgrowthamerica.org/program/national-complete-streets-coalition/publications/policy-development/policy-atlas/>)

What makes a strong Complete Streets policy? (<https://smartgrowthamerica.org/10-elements-of-complete-streets/>)

The best Complete streets policies (<https://smartgrowthamerica.org/resources/the-best-complete-streets-policies-of-2018/>)

Adopting and putting a policy into practice  
(<https://smartgrowthamerica.org/program/national-complete-streets-coalition/policy-atlas/policy-development/>)

## What's the effect of a strong Complete Streets policy?

Complete Streets policies can help states, metro areas, counties, cities, and towns transform how they make decisions about their streets.



But a strong **policy** is just the first step in a much longer *process* to shape **practices** for street design. Changing those practices is a key step in making a Complete Streets approach the default approach. Those practices determine the **projects** that get built and how, which are the building blocks of creating a complete **network** to serve everyone and connect more people to destinations safely and efficiently. So what does that look like in practice?

Consider the story of Tucson:

**"My vision for the next 10, 20, 30 years for Tucson is definitely to institutionalize the concept of Complete Streets and mobility. It's where we have to go."**

*– Regina Romero, Mayor of Tucson, Arizona*



About 4,000 Tucsonans are injured and more than 50 people lose their lives on Tucson streets each year. Sidewalks are missing, bike lanes are unfinished, and streets have been designed for years to encourage speed over safety in the city. The Tucson Mayor and Council unanimously adopted a strong Complete Streets policy in 2019, and it's already having an effect on their practices, shaping future projects, and helping to "institutionalize" a new approach, as the Mayor says.

(**Tip:** Watch two other similar videos about Complete Streets stories in Louisville (<https://youtu.be/37GROxKdOtE>) and Pittsburgh (<https://youtu.be/g8Y6tYoLmKU>).)

Tell me more about Complete Streets: Go deeper  
(<https://smartgrowthamerica.org/program/national-complete-streets-coalition/>)

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## The Benefits of Complete Streets 7



Complete Streets are designed and operated so they work for all users—pedestrians, bicyclists, motorists and transit riders of all ages and abilities. Communities that adopt complete streets policies are asking transportation planners and engineers to consistently design and alter the right-of-way with all users in mind. Contact the National Complete Streets Coalition ([www.completestreets.org](http://www.completestreets.org)) to learn about the diverse groups working together to enact complete streets policies across the country!

# Complete Streets Spark Economic Revitalization

More than a decade ago, streets in downtown West Palm Beach were designed so drivers could quickly pass through without stopping. The properties downtown were 80% vacant, the city was \$10 million in debt, and street crime was common. In an effort to revitalize a barren downtown, the mayor looked first to transportation investments, such as pedestrian crossings, traffic calming measures, and streetscaping. Today, West Palm Beach boasts a booming, safe downtown with an 80 percent commercial occupancy rate. Commercial and residential property values along the improved corridors have soared.<sup>1</sup>



Photos courtesy of Downtown Development Authority, West Palm Beach

Complete streets transformed West Palm Beach's downtown into a friendly destination during the day, and in the evening.

## Incomplete streets restrict economic development

In today's landscape, retail and commercial development is often accessible only by automobile along roads that have become jammed even on weekends. Potential shoppers are left with no choice but to fill up the tank and drive. For many, that can mean staying home. This is particularly true for seniors; research shows that that "half of all non-drivers age 65 and over – 3.6 million Americans – stay home on a given day because they lack transportation."<sup>2</sup> The economy cannot reach its maximum potential when buyers are unable to reach retail destinations.

Lack of transportation options also affects the workforce. In a 2006 Airport Corridor Transportation Association report on employment centers outside Pittsburgh, 30% of employers responded that transportation was the number one barrier to hiring and retaining qualified workers.<sup>3</sup> Although bus routes serve a portion of the center, more than 50% of employees responded that there was no bus stop convenient to home or work. Other employees noted that they didn't use public transportation because bus stops in the area had no sidewalks to safely reach their destination. The lack of a network of complete streets in and around this activity center makes it difficult to attract and retain employees.

Incomplete streets hinder economic growth and can result in lost business, lower productivity, and higher employee turnover.

(over)



## The Benefits of Complete Streets 7



### Complete Streets Steering Committee Organizations

AARP  
Alliance for Biking and Walking  
America Bikes  
America Walks  
American Council of the Blind  
American Planning Association  
American Public Transportation Association  
American Society of Landscape Architects  
Association of Pedestrian and Bicycle Professionals  
City of Boulder  
HNTB  
Institute of Transportation Engineers  
League of American Bicyclists  
McCann Consulting  
National Association of Area Agencies on Aging  
National Center for Bicycling and Walking  
Safe Routes to School National Partnership  
Smart Growth America  
SvR Design Company

### National Complete Streets Coalition

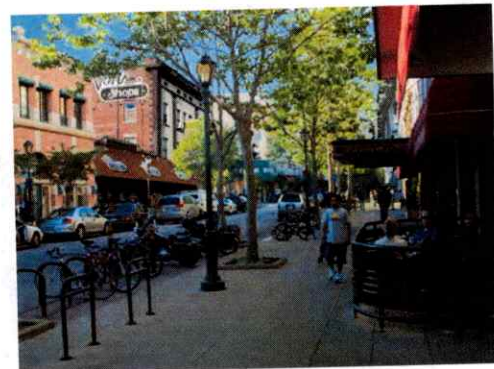
1707 L St NW, Suite 1050  
Washington, DC 20036  
(202) 207-3355  
info@completestreets.org



## Complete Streets Spark Economic Revitalization

### Complete Streets create viable, liveable communities

Creating infrastructure for non-motorized transportation and lowering automobile speeds by changing road conditions can improve economic conditions for both business owners and residents. When Valencia Street in San Francisco's Mission District slimmed its traffic lanes to slow down cars and accommodate other users, merchants reported the street changes enhanced the area. Nearly 40 percent of merchants reported increased sales, and 60 percent reported more area residents shopping locally due to reduced travel time and convenience. Overall, two-thirds of respondents described the increased levels of pedestrian and bicycling activity and other street changes improved business and sales.<sup>4</sup> A network of complete streets is more safe and appealing to residents and visitors, which is also good for retail and commercial development.



Right: Dan Burden

Complete streets in North Carolina attract more tourists: in 2004, NC DOT invested \$6.7 million in bicycling infrastructure which brings in \$60 million annually from visitors.

Street design that is inclusive of all modes of transportation, where appropriate, not only improves conditions for existing businesses, but also is a proven method for revitalizing an area and attracting new development. Washington, DC's Barracks Row was experiencing a steady decline of commercial activity due to uninviting sidewalks, lack of streetlights, and speeding traffic. After many design improvements, which included new patterned sidewalks, more efficient public parking, and new traffic signals, Barrack's Row attracted 44 new businesses and 200 new jobs.<sup>5</sup> Economic activity on this three-quarter mile strip (measured by sales, employees, and number of pedestrians) has more than tripled since the inception of the project.

Complete streets also boost the economy by increasing property values, including residential properties, as generally homeowners are willing to pay more to live in walkable communities. In Chicago, homes within a half-mile of a suburban rail station on average sell for \$36,000 more than houses located further away.<sup>6</sup> Similarly in Dallas, the new public transportation rail line helped spur retail sales in downtown Dallas, which experienced sales growth of 33 percent, while the sales in the rest of the city grew 3 percent.<sup>7</sup>

<sup>1</sup> Street Redesign for Revitalization, West Palm Beach, FL. Case Study No. 16. [http://www.walkinginfo.org/pedsafe/casestudy.cfm?CS\\_NUM=16](http://www.walkinginfo.org/pedsafe/casestudy.cfm?CS_NUM=16).

<sup>2</sup> Surface Transportation Policy Partnership. Aging Americans: Stranded Without Options. 2004. [http://www.transact.org/library/reports\\_html/seniors/aging.pdf](http://www.transact.org/library/reports_html/seniors/aging.pdf).

<sup>3</sup> Airport Corridor Transportation Association (ACTA). Study of Improved Shared Ride Transportation Services to the Robinson/North Fayette Employment Center. October 26, 2006. <http://www.acta-pgh.org>.

<sup>4</sup> Drennen, Emily. Economic Effects of Traffic Calming on Urban Small Businesses. 2003. [http://www.emilydrennen.org/TrafficCalming\\_full.pdf](http://www.emilydrennen.org/TrafficCalming_full.pdf).

<sup>5</sup> Barrack's Row Annual Report. 2006. <http://www.barracksrow.org/public/AnnualReports/BAR-001-AnnualRprt4.pdf>.

<sup>6</sup> American Public Transportation Association. Public Transportation Means Business. [http://www.apta.com/government\\_affairs/tea21/documents/brochure\\_transit\\_means\\_business.pdf](http://www.apta.com/government_affairs/tea21/documents/brochure_transit_means_business.pdf).

<sup>7</sup> APTA. Public Transportation Means Business.



**From:** [Ida Meyer](#)  
**To:** [esfiremarshal@eurekaspringsfire.org](#); [Kyle Palmer](#); [Mike Maloney](#)  
**Cc:** [Butch Berry](#); [Kim Stryker](#); [Susan Harman](#); [Jacob Coburn](#); [Billy Floyd](#); [Forrest Jacobi](#); [Jacob Coburn](#); [Danyelle Harris](#)  
**Subject:** RE: CAPC Tax Collection  
**Date:** Thursday, February 29, 2024 12:12:44 PM

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I don't think he's referring to illegal BnB's that haven't done any of the steps. I think it's more of who is properly business licensed but not getting tax permits or who is getting tax permits and is not licensed or has not received the appropriate approvals through planning.

Kyle, when I built that list of residential lodging lists last year, I audited the lodging that is business licensed to make sure they had CUPs or were LNC. New businesses that required CUPs do not receive a license until they've obtained it; I've done this since I took office.

For a business to obtain a business license, they must present a certificate of occupancy from the building inspector. I do not accept new applications without a C of O since that is what code mandates. I've done this since I took office and explained this at a planning meeting.

I'm working on getting an updated list over to Danyelle of all the businesses licenses. I've been a few hours a week working to build a comprehensive list with the update contact information and everything since the system generated reports are not accurate due to information not being put properly into the BS&A system. I think once I get that list to her, they can start making sure everyone who is licensed as food service and lodging has been paying their taxes. She's been great at working with my office to produce solutions.

Scott was emailing me to verify applicants have obtained their business license before he issued a tax permit. I think if we continue this process, we can assure that they are inspected, licensed, and permitted. Every business that comes in for a business license for a food service or lodging permit receives a CAPC tax permit form. I can also start sending lists of new businesses over to CAPC after I get them the list to make sure they obtained their tax permit.

We are on track on making the appropriate changes to relieve a lot of the issues that's been happening. Unfortunately, things do not happen instantaneously, and I cannot speak for things that happened before my time in office. Hope this helps!

Thank you,

**Ida Meyer** (She/her/hers)  
City Clerk Treasurer  
44 S. Main  
Eureka Springs, Arkansas 72632  
(479)340-0862  
[clerk\\_treas@eurekaspringsar.gov](mailto:clerk_treas@eurekaspringsar.gov)

"No pride for some of us without liberation for all of us." – Marsha P. Johnson,  
☐ activist

The content of this email is intended to be informational only.  
It does not constitute legal advice and should not be relied upon as such.

**From:** esfiremarshal eureka Springs Fire.org <esfiremarshal@eureka Springs Fire.org>  
**Sent:** Thursday, February 29, 2024 11:32 AM  
**To:** Kyle Palmer <Kyle.Palmer@eureka Springs AR.gov>; Mike Maloney <mmaloney@eureka Springs.org>  
**Cc:** Butch Berry <mayor@eureka Springs AR.gov>; Kim Stryker <kim.stryker@eureka Springs AR.gov>; Ida Meyer <clerk\_treas@eureka Springs AR.gov>; Susan Harman <Sharman217@gmail.com>; Jacob Coburn <Jacob.Coburn@eureka Springs AR.gov>; Billy Floyd <bfloyd@eureka Springs AR.gov>; Forrest Jacobi <attorney@eureka Springs AR.gov>; Jacob Coburn <Jacobscottcoburn512@gmail.com>  
**Subject:** Re: CAPC Tax Collection

If they haven't pulled a business license it difficult to know. Possibly cross reference the more popular sites, Air B&B, VRBO, Vacasa etc. If they're listed there and not licensed...we got em.

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**From:** Kyle Palmer <Kyle.Palmer@eureka Springs AR.gov>  
**Sent:** Thursday, February 29, 2024 8:54:24 AM  
**To:** Mike Maloney <mmaloney@eureka Springs.org>  
**Cc:** Butch Berry <mayor@eureka Springs AR.gov>; Kim Stryker <kim.stryker@eureka Springs AR.gov>; Ida Meyer <clerk\_treas@eureka Springs AR.gov>; Susan Harman <Sharman217@gmail.com>; Jacob Coburn <Jacob.Coburn@eureka Springs AR.gov>; Billy Floyd <bfloyd@eureka Springs AR.gov>; esfiremarshal eureka Springs Fire.org <esfiremarshal@eureka Springs Fire.org>; Forrest Jacobi <attorney@eureka Springs AR.gov>; Jacob Coburn <Jacobscottcoburn512@gmail.com>  
**Subject:** CAPC Tax Collection

Good morning, Mike! (and everyone I cc'd as I wrote this out...)

The planning commission has been looking at issues with tourist lodging in the city: not having certificates of occupancy, business licenses, tax collection, illegal units, etc.

There has not been collaboration between the city departments and CAPC in the past to enforce these regulations.

We would like to come up with a solution/system that each department can reference to know these lodging units are safe, permitted, paying taxes and operating to city code.

Is there something that already exists that is not being utilized? Do we all need to meet to produce a solution?

Thank you for your help with this.

Happy Thursday!!

## **Kyle Palmer**

Director

*Planning and Community Development,*

*Historic District Commission*

44 S. Main Street, Eureka Springs, Arkansas 72632

Office: 479-253-9703

Cell: 479-244-0721

[www.espreservation.org](http://www.espreservation.org)

[www.esplanning.org](http://www.esplanning.org)

*"A brilliant design will always benefit from the input of others." -Zaha Hadid*



**HISTORIC DISTRICT COMMISSION  
REGULAR MEETING**

**WEDNESDAY**

**February 7, 2024**

HDC Chair Dee Bright called the regular meeting of the Historic District Commission (HDC) to order at 6:00 p.m. Wednesday, February 7, 2024, in the Auditorium at 36 S. Main St.

**PRESENT:** Chair Dee Bright, Commissioners Christine Santimore, Magi Hayde, Susan Daniels, and Frank Green. Preservation Officer Kyle Palmer was also present.

**ABSENT:** Peter Graham.

Ms. Bright stated the Historic District Commission is empowered by the Eureka Springs Municipal Code to issue a Certificate of Appropriateness for alterations of exterior architectural features, demolition, and new construction within the Historic District. The HDC uses the Eureka Springs Historic District Design Guidelines and the U.S. Department of Interior's Standards for the rehabilitation of buildings as the basis for decisions. The Commission can take the following actions on an application: approval, approval with modifications, denial, or deferral for more information. Appeal of denial may be made to the Circuit Court. Public comments will be heard as each agenda item is called. Other comments will be heard during the public comment period.

**APPROVAL OF AGENDA**

Ms. Santimore moved to discuss funding for the window workshop with Bob Yapp, Basin Park for parks, and equity bank signature changes. Mr. Green seconded.

Motion carried 4/0/0 by voice vote.

Mr. Green moved to approve the agenda as presented. Ms. Santimore seconded.

Motion carried 4/0/0 by voice vote.

**UNFINISHED BUSINESS**

None.

**CONSENT AGENDA:** *Level I and II projects the City Preservation Officer believes to be in accordance with the design guidelines. Any Commissioner or member of the public may move any consent agenda item to the regular agenda for discussion.*

**1. Level II – 120 W Van Buren – Hadnot (yoursignstudio) – applicant – new sign**

Ms. Hayde moved to accept the consent agenda as presented. Ms. Santimore seconded.

Motin carried 4/0/0 by voice vote.

**NEW BUSINESS**

**1. Discussion of Basin Park by Parks**

Sam Dudley, Parks Director, discussed application for Basin Park changes with the table.

Ron Sumner, CAPC Tech Director, Noah Morris, 30 Nova St, and Scott Price, 5 Main St, made comments on the application.

Application was discussed further with Sam Dudley.

**ADMINISTRATIVE APPROVALS** by the City Preservation Officer: *Minor impact projects including ordinary maintenance that does not involve a change in materials. New and replacement signs. Alterations to non-contributing and/or non-historic structures, excluding major additions or demolition. Medium impact projects that meet design guidelines.*

- 1. Level II – 115 E Van Buren – Buford, applicant – install rear fire escape system**
- 2. Level I – 226 W Van Buren – Stephenson, applicant – repaint**
- 3. Level I – 17 Flint St – Stacy's Stone, applicant – rebuild retaining wall with same material**
- 4. Level I – 25 Kingshighway – Colletti, applicant – repaint**
- 5. Level I – 22 S Main – Cross, applicant – new sign**

**6. Level I – 28 S Main – Cross, applicant – new sign**

Ms. Bright stated the administrative approvals can be viewed online.

**COMMISSION BUSINESS**

**1. Approval of minutes from December 6, 2023 regular meeting**

Ms. Santimore made a motion to accept the minutes for December 6, 2023. Ms. Hayde seconded. Motion carried 4/0/1 by voice vote with Ms. Daniels abstaining.

**2. CLG grant updates: NAPC registration, NAPC Forum: 4 commissioners, July 31-August in West Palm Beach; CAMP training – 7 commissioners: October – Hot Springs**  
Table discussed NAPC Forum and CAMP training.

**3. Discussion of funds for window workshop with Bob Yapp**

Table discussed contributing \$350 for the window preservation workshop with Bob Yapp. Mr. Green made a motion to take \$350 out of the Historic District Commission's saving account and apply it to the window workshop on March 2nd and 3rd. Ms. Santimore seconded. Motion carried 4/0/0 by voice vote.

**4. Discussion of signature changes on Equity account.**

Mr. Green made a motion to remove Steve Holifield and Kylee Hevrdejs from the Historic District Commission's saving account. Ms. Santimore seconded. Motion carried 4/0/0 by voice vote. Table delayed rest of the discussion to the end of commission elections.

**5. Commission elections**

Mr. Green moved to reappoint Dee Bright as chairman on the Historic District Commission. Ms. Santimore seconded. Motion carried 4/0/0 by voice vote. Mr. Green made a motion to appoint Christine Santimore as Vice Chair of the Historic District Commission. Ms. Hayde seconded. Motion carried 4/0/1 by voice vote with Ms. Santimore abstaining. Ms. Daniels moved to nominate Frank Green as secretary of HDC. Ms. Santimore seconded. Motion carried 4/0/1 by voice vote with Mr. Green abstaining. Mr. Green moved to elect Susan Daniels as treasurer. Ms. Santimore seconded. Motion carried 4/0/1 by voice vote with Ms. Daniels abstaining. Table continued with discussing signature changes for the Equity bank account. Ms. Hayde moved to replace signatures on the savings account with Equity bank with Kyle Palmer, Dee Bright, Christine Santimore, and Susan Daniels. Mr. Green. Motion carried 5/0/0 by voice vote with Ms. Bright giving an "aye" vote.

**6. Next Meeting: February 21, 2024. Level III applications due Thursday, February 8. Level II applications due Thursday, February 15.**

Ms. Bright reminded everyone of the application deadlines.

**7. Agenda setting for February 21, 2024 meeting**

There were no agenda items presented.

**PUBLIC COMMENTS:** None.

**COMMISSIONER COMMENTS**

Ms. Daniels asked about paint color.

Ms. Hayde thanked Susan and expressed gratitude that Kyle was back at the table.

Ms. Santimore reiterated what Ms. Hayde said.

Ms. Bright discussed the Main Street Eureka Springs window workshop on March 8<sup>th</sup> and made comments on other projects.

**DIRECTOR COMMENTS**

Mr. Palmer thanked everyone for the kind words and thanked the commissioners for their service.

**ADJOURNMENT**

Mr. Green motioned to adjourn. Ms. Santimore seconded.

Motion carried by voice vote 4/0/0 at 6:46 pm.