

CITY OF VAN BUREN, ARKANSAS

ORDINANCE NO. 2 -1998

AN ORDINANCE SETTING PROCEDURES FOR USE BY THE HISTORIC DISTRICT COMMISSION.

WHEREAS, The present operating procedures of the Historic District Commission as set out in previous Ordinance No. 7- 1977, are not conducive to a through and fair evaluation of decisions required to be made by the Commission and does not clearly set out the powers and responsibilities of the Commission; and,

WHEREAS, The Historic District Commission desires to amend its procedures so that it can more easily function and be more responsive to not only the applicants for Certificates of Appropriateness but all the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VAN BUREN, ARKANSAS:

SECTION 1. Purpose.

The purpose of this Ordinance is to promote the educational, cultural, economic, and general welfare of the public through the preservation and protection of buildings, sites, places, and districts of historic interest through the maintenance of such as landmarks in the history of architecture of the City of Van Buren, and of the state, and of the nation, and through the development of appropriate settings for such buildings, places, and districts.

SECTION 2. Description of Historic District.

The Van Buren Downtown Historic District shall remain that tract of real property established and set out in previous Ordinance No. 7-1977, said real property being located in Van Buren, Crawford County, Arkansas and more particularly described as follows:

All that part of Block 1, Drennen Addition of the City of Van Buren, Arkansas lying south and east of the railroad right-of-way, and

All that part of Block 42, lying south and east of the railroad right-of-way, Lots 12 thru 16, Block 43, Lots 9 thru 16, Block 28, Lots 1 thru 8, Block 27, Lots 9 thru 16, Block 26, Lots 1 thru 6, Block 22, Lots 7 thru 12, Block 23, all of Block 18, Lots 7 thru 16, Block 17, Lots 1 thru 8, Block 13, and Public Square, Lots 3 thru 8, Block 8, Lots 9 and 10, Block 7, all in the Original Town of Van Buren, Arkansas,

Property beginning at a point where the southeasterly edge of the Broadway Street right-of-way extended intersects with the Arkansas River's edge thence in a northwesterly direction along the bank of the Arkansas River to the intersection of the river with the northwesterly edge of the right-of-way of Washington Street extended, thence northeasterly along said Washington Street right-of-way to Front Street; thence southeasterly along Front Street to the southeastern edge of the right-of-way of Broadway; thence southwesterly along said right-of-way to the point of beginning,

And a sixty (60) feet Main Street right-of-way beginning at the northwest corner of Lot 10, Block 7, of the Original Town of Van Buren, westerly to the sea wall,

And Main Street right-of-way and all other street and alley rights-of-way, adjoining all above described property.

SECTION 3. Requirement of Certificate of Appropriateness.

(a) No building or structure, including stone walls, fences, light fixtures, steps and paving or other appurtenant fixtures, shall be erected, altered, restored, moved or demolished within the historic district described above until after an Application for a Certificate of Appropriateness as to exterior architectural features has been submitted to and approved by the Van Buren Historic District Commission pursuant to the requirements and procedures authorized by A.C.A., §14-172-201 through §14-172-212 and as further set forth in this Ordinance.

(b) For the purposes of this Ordinance, "exterior architectural features" shall include the architectural style, general design, and general arrangement of the exterior of a structure, including the kind and texture of the building material and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures.

(c) For the purposes of this Ordinance, the "exterior" of a structure shall include the front facade, the back facade, the exposed side wall of a corner building and any exposed side wall of a two or three story building.

(d) The style, materials, size, and location of outdoor advertising signs and bill posters within the historic district shall also be under the control of the Historic District Commission.

SECTION 4. Application Procedure.

(a) Any person desiring a Certificate of Appropriateness shall file an Application therefor with the Historic District Commission not less than eight (8) days, but not more than thirty (30) days, prior to the next regular meeting of the Commission. Any Application which is presented for filing more than thirty (30) days before the next regular meeting of the Commission shall not be accepted for filing.

(b) The said Application shall contain the following information:

(1) For Existing Buildings:

(A) Accurate sketch, photograph, or drawing of elevations showing existing appearance; plus sketch or drawing of any proposed physical changes.

(B) Description of materials to be used and colors of all materials plus the overall color scheme including, but not limited to: foundations, walls, trim, windows, doors, roof, chimneys, any other exterior surface or detail, and all signs.

(2) For New Construction:

(A) Accurate drawing of elevations showing proposed appearance and its relationship to adjacent and nearby buildings.

(B) Description of materials and colors to be used including all exterior surfaces and details and all signs.

(c) The Application shall also include an application fee of Ten Dollars (\$10.00).

(d) An Application which does not contain sufficient information for the Commission to make a determination as to the appropriateness of the proposal contained therein shall not be considered by the Commission.

SECTION 5. Approval Procedure.

(a) At each regular monthly meeting of the Historic District Commission, the Commission shall determine which, if any, properties may be materially affected by each pending application, regardless of the date of the filing of the Application. For

Applications filed within eight (8) days of the meeting, the Commission shall take no further action at that meeting upon that Application.

(b) Regarding all Applications, regardless of when filed, the applicant, or a designated representative of the applicant, must be present at the Commission meeting or the Application shall not be considered by the Commission for approval.

(c) In the event the Commission determines there are no properties which may be materially affected by the proposals contained in the Application, the Commission may:

(1) For Applications filed more than eight (8) days prior to the meeting, approve or disapprove said Application based upon the criteria set out in Section 6 below herein, or table the Application for further consideration at the next regular monthly meeting.

(2) For Applications filed within eight (8) days of the meeting, table said Applications for review at the next regular monthly meeting of the Commission.

(3) For Applications which do not contain sufficient information for the Commission to determine the appropriateness of the proposals contained therein and for Applications for which the applicant, or a designated representative, is not present, table said Applications for the purpose of obtaining further information and/or the presence of the applicant.

(d) In the event the Commission determines there are properties which may be materially affected by an Application, the Commission shall set a public hearing on the Application to be held at the next regular monthly meeting of the Commission.

(e) Upon the setting of a public hearing, the Commission shall promptly send by mail, postage prepaid, a notice of the public hearing to the applicant and to the owners or occupants of all properties the Commission has determined may be materially affected by the Application. Said notices of such hearing shall be mailed at least 10 days prior to the hearing, and as notice of such hearing shall be run at least one (1) time in a newspaper having circulation throughout the City of Van Buren at least ten (10) days prior to the hearing. The cost of such notices shall be paid by the Applicant.

(f) On the date established for the public hearing, such public hearing shall be held and the Commission shall hear all persons desiring to present information with reference to the Application. After such public hearing, the Commission may act on the Application by either approving or disapproving it based upon the criteria set out in Section 6 below herein, or it may table the Application for further consideration and action at the next regular monthly meeting.

(g) Regarding Applications which were previously tabled for the purpose of receiving further information, if, at the next regular monthly meeting of the Commission, the Commission has not received further information regarding the Application sufficient to make a determination as to the appropriateness of the proposals contained therein, the Commission shall disapprove said Application.

(h) Regarding Application which previously tabled for the purpose of obtaining the presence of the applicant, or a designated representative, if, at the next regular monthly meeting of the Commission, the applicant, or designated representative, does not appear, the Commission shall disapprove said Application.

(i) With the exception of Applications originally tabled under the provisions of sub-section (b)(2) above, if the Commission has rendered no decision on a tabled Application by the conclusion of the next regular monthly meeting, the applicant may consider their Application as having been granted and may make application to the appropriate city officials for any building permit or other permit required for such construction activity proposed.

(j) Regarding Applications which were originally tabled under the provisions of sub-section (b)(2) above, if the Commission has rendered no decision on a tabled Application by the conclusion of the next regular monthly meeting held after the date of the public hearing, the applicant may consider their Application as having been granted and may make application to the appropriate city officials for any building permit or other permit required for such construction activity proposed.

(k) If the Commission determines that a Certificate of Appropriateness should not be granted, it shall place upon its records the reasons for the determination and may include recommendations respecting compliance.

(l) The Commission shall immediately notify the applicant of the Commission's final determination.

SECTION 6. Criteria for Approval.

(a) On reviewing each Application, the Commission shall determine whether the proposed construction, reconstruction, alteration, restoration, moving, or demolition of buildings, structures, or appurtenant fixtures involved will be appropriate to the preservation of the historic district for the purposes of this Ordinance.

(b) In addition, the Commission may determine that, notwithstanding the fact the proposals contained in the Application may be inappropriate, owing to conditions especially affecting the structure involved, but not affecting the historic district generally, failure to issue a Certificate of Appropriateness will involve substantial hardship, financial or otherwise, to the applicant, and that the Certificate can be issued without

substantial detriment to the public welfare and without substantial derogation from the intent and purpose of this Ordinance.

(c) If the Commission determines that the proposed Construction, reconstruction, alteration, restoration, moving, or demolition is appropriate or is not appropriate, owing to conditions as aforesaid, but that failure to issue a Certificate of Appropriateness would involve substantial detriment or derogation as aforesaid, the Commission shall approve the Application and shall issue to the applicant a Certificate of Appropriateness.

SECTION 7. Permits.

No person shall be granted a building permit, or any other permit which is granted for purposes of constructing or altering structures, with respect to any building or structure located within the historic district, until they have complied with the provisions of this Ordinance and have been issued a Certificate of Appropriateness. Privilege licenses may be issued prior to compliance, however the issuance of a privilege license shall not be considered to confer a permit to erect or paint a sign or to alter a building or structure without first obtaining a Certificate of Appropriateness. A certificate of Appropriateness shall be required whether or not a building permit is required.

SECTION 8. Interiors.

The Commission shall not consider interior arrangement or use and shall take no action under this Ordinance except for the purpose of preventing the construction, reconstruction, alteration, restoration, moving or demolition of buildings, structures or appurtenant fixtures, in the Historic District obviously incongruous with the historic aspects of the District.

SECTION 9. Changes Not Prohibited.

Nothing in this Ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in the historic district which does not involve a change in design, material, color, or outer appearance thereof; nor to prevent the construction, reconstruction, alteration, restoration, or demolition of any such feature which the City Building Inspector, or similar agent, shall certify is required for the public safety because of an unsafe or dangerous condition.

SECTION 10. Meetings.

The Historic District Commission shall establish a date and time for and shall hold a least one (1) regular meeting in each calendar month of the year, except that in the event there are no Applications to be reviewed or acted upon or other business before the Commission, the monthly meeting may be canceled. All Commission

meetings shall be open, public meetings except with reference to discussions of those matters which are permitted to be discussed in executive session by the laws of the State of Arkansas.

SECTION 11. Penalty.

Any person who violates any of the provisions of the Arkansas Historic District Act, (A.C.A., §14-172-201 through §14-172-212) or of this Ordinance shall be guilty of a misdemeanor and shall be subject to a fine of not less than Ten Dollars (\$10.00) and not more than Five Hundred Dollars (\$500.00). Each day that a violation continues to exist shall constitute a separate offense.

SECTION 12. Appeals.

Any applicant aggrieved by the determination of the Historic District Commission, within thirty (30) days after the making of the decision, may appeal the decision to the Crawford County Chancery Court.

SECTION 13. Repealing Clause.

All prior Ordinances, or parts thereof, in conflict with this Ordinance, are hereby repealed and specifically Ordinances No. 7-1977 and No. 26-1979 are hereby repealed.

SECTION 14. Emergency Clause.

This Ordinance being necessary to improve and clarify the procedure for obtaining a Certificate of Appropriateness so that the citizens of Van Buren and the Historic District Commission can have a viable procedure for applying and granting such certificates, and such a procedure being necessary for the peace, health, and safety of the citizens of Van Buren, an emergency is declared to exist and this Ordinance shall be in full force and effect from the date of its approval.

PASSED AND APPROVED THIS 26th DAY OF January, 1998.

MAYOR 

ATTESTED:

Martha Butler, Chief Deputy
CITY CLERK/TREASURER