

ORDINANCE NO. 2075

AN ORDINANCE AMENDING CHAPTER 2.60 HISTORIC DISTRICT COMMISSION OF THE CITY OF EUREKA SPRINGS, ARKANSAS, MUNICIPAL CODE

WHEREAS, the City of Eureka Springs Arkansas has a designated Historic District and provided for the appointment of a Historic District Commission, (HDC), and

WHEREAS, the Municipal Code of the City of Eureka Springs should agree with that of the State of Arkansas and current historic preservation practices,

NOW, THEREFORE, ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS THAT Chapter 2.64 of the City Municipal Code is amended as follows:

Section 1: 2.64.09 Procedure for Issuance

A. The Historic District Commission may hold such public hearings as are necessary in considering any application for Certificates of Appropriateness. ~~Each notice of hearing must be published in a newspaper of local circulation a minimum of seven (7) days prior to the hearing. The applicant shall pay the expense of the publication and provide proof of publication of the notice of hearing to the Commission as a part of the application.~~

Amend to read:

A. The Historic District Commission may hold such public hearings as are necessary in considering any application for Certificates of Appropriateness. Within a reasonable time, not to exceed thirty (30) days after the filing of an application for a Certificate of Appropriateness with the Historic District Commission, the commission shall determine which property or properties would be materially affected by the proposed work and immediately send by mail, postage prepaid, to the applicant and to the owners of all such properties to be materially affected notice of the hearing to be held by the commission on the 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 chapter, or whether, notwithstanding that it may be inappropriate, owing to conditions especially affecting the structure involved, but not affecting the Historic District generally, failure to issue would cause a substantial hardship, financial or otherwise, to the applicant, and whether such a Certificate of Economic Hardship may be issued without substantial detriment to the public welfare and without substantial derogation for the intent and purpose of this chapter.~~

Section 2. All Ordinances or Resolutions, and parts thereof, in conflict with this Ordinance are hereby repealed to the extent of such conflict. In the event any one or more of the provision contained in this Ordinance shall for any reason be held by a Court of competent jurisdiction to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect the remaining provisions of this Ordinance, and this Ordinance shall be construed as if such invalid, illegal or unenforceable provision or provisions had never been contained herein.

PASSED AND APPROVED this _____ day of _____ 2008

Mayor Dani D. Joy

City Clerk-Treasurer Mary Jean Sell CMC