



2010 HISTORIC DISTRICT COMMISSION STANDARDS

ADOPTED FEBRUARY 23, 2010 BY REFERENCE O-10-12

STANDARDS FOR THE HISTORIC DISTRICT COMMISSION, DEFINING THE ROBINSON HISTORIC DISTRICT BOUNDARIES, HISTORIC DISTRICT COMMISSION REGULATIONS AND PROCEDURES FOR THE PROTECTION AND PRESERVATION OF THE HISTORIC PROPERTIES AND FEATURES WITHIN HISTORIC DISTRICTS, REPEALING AND REPLACING ORDINANCES O-02-124 AND O-04-43

Section 1. Creation and Members:

- A. There is hereby created the Conway Historic District Commission pursuant to the authority contained in ACA § 14-172-2-1et seq, which provisions of said statutes are hereby adopted.
- B. *The Historic District Commission shall consist of seven (7) members appointed by the Mayor with the advice and consent of the City Council. Members shall demonstrate a positive interest in historic preservation, possessing interest, expertise, experience, or education in architecture, history, urban planning, building rehabilitation, real estate, archaeology, conservation, preservation, or related fields. Members of the commission shall reside within the city's corporate limits, and at least one-third of the commission's membership must either reside or own property in a locally designated historic district, a historic district listed on the National Register of Historic Places, or the Old Conway Design Overlay District. One (1) member shall be a registered architect who may serve any number of terms. Members may not be salaried city employees or hold an elective municipal office.*
- C. Members shall be appointed for terms of three (3) years each and until their successors are appointed and qualified. The appointment shall be arranged so that the term of at least one (1) member shall expire each year. Vacancies shall be filled in the same manner for the balance of the unexpired terms. Members shall serve without compensation.

Section 2. Officers, Meetings and Staff:

- A. The HDC shall elect a Chair and Vice-chair annually from its own members. The Chair shall preside at all meetings of the HDC. The Chair shall have the power to appoint committees and designate committee chairs, call special meetings, sign all approved minutes and, when authorized, other documents on behalf of the HDC and to perform such other duties as may be ordered by the HDC. The Vice-Chair shall preside at all meeting and assume all duties and powers of the Chair in the absence of the Chair.
- B. The Mayor shall designate an individual to serve as the city's Historic Preservation Officer, who shall serve as the HDC's Secretary, provide administrative support to the HDC, and advise the HDC on matters submitted to it. The Historic Preservation Officer may be a current city employee or a consultant procured via a contract for professional services.
 1. In addition to serving as representative of the HDC, the Historic Preservation Officer is responsible, with the assistance of the Chair, or appointed designee, for coordinating the City's preservation activities with those of state and national agencies and organizations. The Historic Preservation Officer may consult, at his or her discretion, with preservation-related professionals including, but

not limited to, architects, historians, engineers, archeologists and realtors. The Historic Preservation Officer may, when necessary and with adequate notice, call special meetings of the HDC.

- C. The HDC shall meet at least quarterly, or more frequently if so required, to conduct business. A simple majority of the HDC shall constitute a quorum for the transaction of business.**

Section 3. Fiscal Procedures:

The historic district commission is subject to all fiscal procedures of the city.

Section 4. Duties Generally:

- A. The Commission may conduct studies for the identification and designation of historic districts and sites. The Commission may proceed at its own initiative or upon a petition from any person, group, or association. The Commission shall maintain records of all studies and inventories for public use. The Commission shall serve as a governing body for all Historic Districts formed in the City of Conway, subject to the provisions of this ordinance and future Historic District ordinances.
- B. The Commission may make recommendations to the State Historic Preservation Officer for the listing of a historic district or site in the National Register of Historic Places.
- C. The Commission will cooperate with the Arkansas Historic Preservation Program (AHPP) and the National Park Service (NPS) in the pursuance of Certified Local Government (CLG) status.
- D. The Commission shall recommend to the Conway City Council for passage ordinances governing the historic districts
- E. The Commission will serve as the official custodian of the City's history and act as a point of contact for the public and for state and federal agencies in all matters concerning historic preservation.

Section 5. Duties Relating to the Creation of Historic Districts

- A. The Commission shall make an investigation and report on the historic significance of the buildings, structures, sites, or surroundings included in a proposed historic district and shall transmit copies of its report to the Arkansas Historic Preservation Program (AHPP), a division of the Department of Arkansas Heritage, or its successor agencies, and to the Conway Planning Commission for their consideration and recommendation. AHPP (or applicable state agency) and the Planning Commission shall give their recommendations to the Historic District Commission within sixty (60) days from the date of receipt of the report.
 - 1. Failure by these bodies to make recommendations within sixty (60) days after the date of the receipt shall be taken as approval of the report of the Commission.
 - 2. Recommendations shall be read in full at the required public hearing to be held by the Commission.
- B. The Commission shall hold a public hearing on the establishment of the proposed historic district after giving notice of such hearing by publication in a newspaper of general circulation in the city once a week for three (3) consecutive weeks, the first such publication being at least twenty (20) days prior to the public hearing. Such notice shall include the time and place of the hearing, specify the purpose and describe the boundaries of the proposed historic district.
- C. The historic district commission shall submit a final report with its recommendation and a draft of a proposed ordinance to the City Council within sixty (60) days after the public hearing. The report shall contain the following:
 - 1. A complete description of the area or areas to be included in any single historic district or districts. Any single historic district may embrace noncontiguous lands.

2. A map showing the exact boundaries of the area or areas to be included within the proposed district or districts.
 3. A proposed ordinance designed to implement the provisions of the Arkansas Historic Districts Act [ACA § 14-172-201 et seq.].
 4. Such other matters as the commission may deem necessary and advisable, including a statement of purpose and policy.
- D. The City Council, after reviewing the report of the commission, shall take one (1) of the following steps:
1. Accept the report of the commission and enact the proposed ordinance therein; or,
 2. Return the report to the commission with such amendments and revisions thereto as it may deem advisable, for consideration by the commission and a further report to the City Council within ninety (90) days of such return; or,
 3. Reject the report of the commission, stating its reasons therefore, and discharge the commission.

Section 6. Purpose:

It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation, and use of such areas, improvements and districts of special character or special historic or aesthetic interest or value are public necessities and are required in the interest of the health, prosperity, safety and welfare of the people of this City.

The purpose of this Ordinance is to:

- A. Effect and accomplish the protection, enhancement, and perpetuation of such areas and improvement of districts which represent or reflect elements of the City's cultural, social, economic, political, and architectural history;
- B. Safeguard the City's historic, aesthetic, and cultural heritage, as embodied and reflected in such areas;
- C. Stabilize and improve property values in such districts;
- D. Foster civic pride in the beauty and accomplishments of the past;
- E. Protect and enhance the City's attractions to tourists and visitors;
- F. Strengthen the economy of the City; and
- G. Promote the use of historic districts and landmarks for the education, pleasure, and welfare of the people of the City.

Section 7. Commission Powers:

Without limiting the generality of the other provisions of this Ordinance by reason of the following enumeration, the Historic District Commission (hereafter referred to as HDC) shall have, in addition to the duties enumerated in Ordinance No. 0-02-124, the authority but not be limited to:

- A. Adopt design review guidelines to be used when considering Certificate of Appropriateness applications, These guidelines will be based upon the Secretary of Interior's Standards for Rehabilitation (included with this ordinance as **Appendix A**) adapted specifically to the City of Conway. Further, these guidelines must be approved in their entirety by the Conway City Council both in their initial form and in all future amendments thereto; **Guideline creation and amendments shall be initiated by the Historic District Commission. The City Council may not create or amend guidelines without prior HDC action.**
- B. Conduct surveys and studies of neighborhoods, areas, places, structures, objects and improvements within the City of Conway for the purpose of determining those of distinctive historic, community, architectural, or archeological interest or value;
- C. Help facilitate the nomination of buildings, structures, objects, and historic districts to the National Register of Historic Places;

- D. Recommend to the City Council the adoption of Ordinances designating areas as having special historic community or architectural value as "historic district" and add these historic districts to the provisions of this Ordinance;
- E. Keep a register of all properties and structures that have been designated as historically significant including all information required for each designation;
- F. Obtain the services of qualified persons to direct, advise and assist the Historic District Commission;
- G. Request and receive any appropriate information, cooperation, assistance or studies from any City departments, boards, agencies or commissions and any joint city-county departments, boards, agencies or commissions;
- H. Advise and assist owners of historic properties within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;
- I. Promote the education and understanding of Conway's heritage;
- J. Hold public hearings to review applications for certificates of appropriateness;
- K. Periodically review the Conway Zoning Ordinance and recommend to the Planning Commission and the City Council any amendments appropriate for the protection and continued use of property within historic districts;
- L. Review and make recommendations to the Planning Commission on all conditional uses, rezonings, and variances that affect properties within historic districts;
- M. Testify before relevant boards and commissions on any matter affecting architecturally and/or historically significant properties;
- N. Destroy, exchange or otherwise dispose of in accordance with the law, any materials in its possession, except borrowed materials, which it may find to be worthless or surplus to its needs;
- O. Establish and make reasonable charges for furnishing copies of materials in its possession or for sales of historic memorabilia or signs;
- P. Expend any moneys arising from grants, contributions or gratuities, and receive bequests or donations of real or personal property and convert into money any such property which cannot be used in the form received, and expend the same for any of the functions performable by it; constrained by the financial policies of the City and subject to City Council approval;
- Q. Cooperate with the Arkansas Historic Preservation Program, historical associations and other non- profit organizations devoted to the history of this city and state;
- R. Take such other action, not inconsistent with law, as it shall deem necessary in the performance of any of its functions.

Section 8. Robinson Historic District National Historic Register Of Historic Places Boundary:

The Historic District, as listed on the National Register of Historic Places, January 2001, shall consist of that area of the City shown on ~~Exhibit 1~~ **Appendix C**, which is attached hereto and made a part hereof.

The Robinson Historic District in Conway, Arkansas, is ~~more particularly~~ **generally** described as follows:

Beginning at a point at the northeast corner of the property line of 1504 Prince Street, the boundary runs due south along the centerline of Faulkner Street to the centerline of the intersection of Faulkner Street and Robinson Avenue. The boundary then turns and runs west along the centerline of Robinson Avenue to the intersection of Robinson Avenue and Center Street. At this junction, the boundary turns to run south along Center Street to the rear property lines of the southern side of Robinson Avenue through the 1900 block. At the southwest corner of the rear (south) property line of 1931 Robinson Avenue, the boundary turns and runs

north along the centerline of Watkins Street to its intersection with Robinson Avenue, then turns west and runs to the point where rear (west) property lines of houses on the west side of the 800 block of Watkins Street intersect with Robinson Avenue. The boundary then runs north along the rear (west) property lines of the west side of the 800 block of Watkins Street to Caldwell Street. The boundary then continues to run north to the north west corner of the property line of 2010 Caldwell Street. The boundary then runs east along rear (north) property lines of buildings on the north side of Caldwell Street beginning at the rear of 2010 Caldwell running east to 1808 Caldwell. At the northeast corner of the property line of 1808 Caldwell, the boundary intersects with Davis Street. At this point, the boundary turns and runs north along the center line of Davis Street to the northwest corner of the property line of 1720 Prince Street where it turns to run east along rear (north) property lines of houses and buildings on the north side of Prince Street from the 1700 block east to the point of boundary origin at the northeast corner of the property line of 1504 Prince Street. ~~(Attachment B)~~
(Appendix B)

Section 9. Definitions:

Unless specifically defined below, words or phrases shall have the same meaning, they have in common usage.

Adaptive Use - Rehabilitation of a historic structure for use other than its original use such as a residence converted into offices.

Addition - New construction added to an existing building or structure.

Alteration - Any project involving change of or addition to an existing building as it pertains to exterior of the building as viewable from a public right of way

Area Of Influence - The affected area to be notified for a public hearing as determined by a specific type of construction, alteration, restoration, moving or demolition as described in the individual categories found in the guidelines for review adopted by the Historic District Commission.

Building - Any structure having a roof supported by columns or walls for the housing or enclosure of persons or animals.

Certificate of Appropriateness - A document awarded by the Historic District Commission allowing an applicant to proceed with a proposed rehabilitation, renovation, preservation, alteration, demolition, or new construction in a designated area or site, following a determination of the proposal's suitability according to applicable criteria.

Certificate of Economic Hardship - A certificate issued by the Historic District Commission waiving the requirement for a Certificate of Appropriateness due to significant financial constraints of the property owner.

Character - The qualities and attributes of any structure, site, street or district.

Contemporary - Reflecting characteristics of the current period. Contemporary denotes characteristics which illustrate that a building, structure, or detail was constructed in the present or recent past rather than being imitative or reflective of a historic design.

Detailing - Architectural aspects that, due to particular treatment, draw attention to certain parts or features of a building.

Demolition - Any act which destroys in whole or in part a building or structure.

Demolition By Neglect - The destruction of a building or structure through abandonment or lack of maintenance.

Design Guidelines - Criteria developed by preservation commissions to identify design concerns in an area and to help property owners ensure that rehabilitation and new construction respect the character of designated buildings and districts.

Element - A material part or detail of a site, structure, street, or district.

Entrance Area - The area of access to the interior of the building including the design, location, and materials of all porches, stairs, doors, transoms, and sidelights.

Exterior Architectural Features - The architectural style, 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.

Facade - A face of a building.

Height - The vertical distance as measured through the central axis of the building from the elevation of the lowest finished floor level to the highest point of the building.

Historic District - A geographically definable area with a significant concentration of buildings, structures, sites, spaces, or objects unified by past events, physical development, design, setting, materials, workmanship, sense of cohesiveness or related historical and aesthetic associations. The significance of a district may be recognized through listing in a local, state, or national register and may be protected legally through enactment of a local historic district ordinance administered by a historic district commission. For the purpose of this ordinance, "Historic District" shall refer to the local ordinance historic district created herein, unless specifically noted.

Landmark - A building, structure, object or site which is identified as a historic resource of particular significance.

Massing - Volume, magnitude, or overall size of a building.

Ordinary Maintenance - Those improvements, which do not change but simply upgrade a structure.

Owner of Record - The person, corporation, or other legal entity listed as owner on the records of Faulkner County.

Preservation - The maintenance of a property without significant alteration to its current condition.

Proportion - Relationship of height to width of the building outline as well as individual components.

Public Notice - *The public hearing sign posted on property for which a certificate of appropriateness is sought to notify the general public of the upcoming public hearing. Also the posting of a notice of the upcoming public hearing on the HDC website.*

Rehabilitation - The process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.

Restoration - The process of returning a building to its condition at a specific time period, often to its original condition.

Rhythm - A harmonious or orderly recurrence of compositional elements at regular intervals, including the location of doors and the placement of windows, symmetrically or asymmetrically and their relative proportion.

Roof Area - The outside covering of a building or structure extending above the vertical walls including the form, material, and texture of the roof, including the slope, pitch, and spacing of roof covering. Roof area also includes but is not limited to size, design, number, and location of dormers; the design and placement of cornices; and the size, design, material, and location of chimneys.

Scale - The relative dimension, size, degree or proportion of parts of a building to one another or group of buildings.

Signage:

Area (of a sign) - The surface area of a sign measured with a maximum of three (3) distinct and abutting "areas" made up of squares or rectangles which encompass the extreme limits of the sign including all structures and components.

Banner Sign - A sign of cloth or other flexible material which projects from or hangs from a building, pole, or wire.

Freestanding Sign - A sign supported permanently upon the ground by poles or braces and not attached to any building.

Height (of a sign) - The vertical distance between the highest part of a sign or its supporting structure, whichever is higher, and the average established ground level beneath the sign. Any berm or other fill placed at the base of the sign shall not be considered normal ground elevation.

Monument Sign - A sign mounted directly to the ground. No poles shall be visible. The maximum height is measured from the ground to the top of the sign including any base construction.

Post and Arm Sign - A sign supported by an upright post with a horizontal arm, from which a sign is suspended. No part of the structural support may be greater than six (6) inches in any dimension. Maximum height of four (4) feet.

Two-pole Sign - A sign constructed with two vertical support poles. The poles shall be mounted on the outside of the sign face or within the outside one-fourth (1/4) of the sign face. A sign face may be mounted on top or between the two vertical poles.

Vertical Banner- a banner hung or projecting typically from a pole, such as a street light, in the public right-of way designated for civic use.

Siting -Location of a building in relationship to the legal boundaries and setbacks, adjacent properties, and the natural conditions of the site. .

Structure - Any construction, or any production or piece of work artificially built up or composed of parts joined together in some definite manner. That which is built or constructed; an edifice or building of any kind; excluding but not limited to, electric and cable television distribution and transmission lines, poles and equipment, fire hydrants and wastewater collection manholes.

Texture - The visual or tactile surface characteristics created by shape, arrangement, and distribution of the component materials.

Tree:

Canopy Tree - A tree that will reach a mature height of forty (40) to sixty (60) feet.

Understory Tree - A tree that will reach a mature height of fifteen (15) to thirty (30) feet.

Wall Areas - The vertical architectural member used to define and divide space. This includes but is not limited to kind, texture, and exposure of wall sidings and trims and the location, number, and design of all window and door openings.

Section 10. Certificate Of Appropriateness Required:

No building or structure, including but not limited to masonry walls, fences, light fixtures, steps and paving, other appurtenant fixtures, or other elements viewable from the public right of way set forth in design guidelines shall be erected, altered, restored, moved, or demolished within said Historic District until after an application for a Certificate of Appropriateness as to the exterior architectural features has been submitted to and approved by the HDC.

- A. No building permit or other permit shall be granted for purpose of constructing or altering structures until an application for a Certificate of Appropriateness as to the exterior architectural features has been submitted to and approved by the HDC.

- B. A Certificate of Appropriateness shall be required whether or not a building permit is required.
- C. In its deliberations under this Ordinance, said HDC shall not consider interior arrangement or use.
- D. Historic District Staff, on behalf of the HDC, shall initially determine if a Certificate of Appropriateness is required for any specific project. Staff shall use this ordinance and approved guidelines to make a determination. Staff shall report any decisions to the HDC at the next regularly scheduled meeting after making a determination.**

Section 11. Determination On An Application:

Within a reasonable amount of time, not to exceed thirty (30) days after the filing of an application for a Certificate of Appropriateness, the HDC shall make a preliminary determination as to the properties, if any that will be materially affected by any of the changes proposed in said application. The HDC shall promptly send by mail, postage prepaid, to the applicant and to the owners of all such affected properties, a notice of hearing to be held by the HDC on said application. **The applicant shall place a public hearing sign on the property a minimum of fifteen (15) days prior to the hearing. This public hearing sign is obtained from the Conway Planning and Development Department for a minimal fee. The HDC shall post a public notice on the HDC's website announcing the public hearing.** The hearing shall be held no later than 60 days after the initial application.

- A. The HDC, at the public hearing, shall hear all persons desiring to present information regarding the application. The HDC shall act on such application for Certificate of Appropriateness within 30 days. The HDC shall determine whether the restoration, rehabilitation, renovation, preservation, alteration, construction, moving or demolition of buildings, structures, or appurtenant fixtures involved will be appropriate to the preservation of the Historic District. If the HDC determines that a certificate of appropriateness should not be issued, it shall place upon its records the reasons for such determination. The HDC shall immediately notify the applicant of its determination.
- B. Proposed repairs, alterations, new construction, moving, or demolition in the Historic District shall respect and relate to the special character of the District. In making its determination, the HDC shall consider without being limited to the following criteria within the context of the Secretary of Interior's Standards for Rehabilitation adapted specifically to Conway:
 - 1. The purpose of this Ordinance;
 - 2. The architectural or historic value or significance of a building and its relationship to the surrounding area;
 - 3. The general compatibility of proposed changes; and
 - 4. Any other factor, including visual and aesthetic, considered pertinent.
- C. The HDC shall encourage proposed changes, which reflect the original design of the structure, based on photographs, written description, or other historical documentation, and may be guided by the following preferences:
 - 1. It is preferable to preserve by maintenance rather than to repair original features of the building.
 - 2. It is preferable to repair rather than to reconstruct if possible.
 - 3. It is preferable to restore by reconstruction of original features (not limited to original materials) rather than to remove or remodel.
 - 4. Contemporary design shall not be excluded from consideration.
- D. When evaluating the general compatibility of alterations to the exterior of any building in the Historic District, the HDC shall consider, but not be limited to, the following factors within the building's area of influence within the context of Secretary of the Interior Standards of Rehabilitation adopted specifically to Conway:
 - 1. Siting
 - 2. Height

3. Proportion
 4. Rhythm
 5. Roof area
 6. Entrance area
 7. Wall areas
 8. Detailing
 9. Facade
 10. Scale
 11. Massing
- E. New construction shall be judged on its compatibility with the existing neighborhood and area of influence.
 - F. Additions to existing buildings shall be judged in the same manner as new construction and shall complement the design of the original building.
 - G. No change shall be made in the scope of work for any building permit after issuance of a Certificate of Appropriateness without resubmitting to the HDC and receiving approval in the same manner as provided above.
 - H. **Within Conway historic districts, the HDC shall determine appropriate lot coverages and setbacks, as per approved design guidelines for each district.**
 - I. **Within Conway historic districts, single family residences may be constructed on lots that were platted and/or subdivided by deed no later than ten (10) years prior to the Certificate of Appropriateness application, regardless of lot dimensions or square footage.**
 - J. **Within Conway historic districts, street right of way dedication as required by new construction shall be directed as per individual district guidelines.**
 - K. **As part of a Certificate of Appropriateness review, removal of any trees over eight inches (8") in diameter must be approved by the HDC. Also as part of this review, street canopy trees shall be planted along street frontages at a rate of one (1) tree per thirty feet (30') of street frontage. If overhead utilities exist, then understory trees shall be planted at the same rate as canopy trees. Existing street trees over eight inches (8") in diameter may count towards the required number as per approval of the HDC.**
 - L. **Within Conway historic districts all signage is subject to approval of the HDC. Freestanding signage shall be externally lit, monument, two pole, or post and arm style and shall be no greater than sixteen square feet (16 s.f.) in area per side and no more than four feet (4') in height. Banner signs are prohibited with the exception of non-commercial vertical banners. All other signage shall be governed by current City of Conway sign regulations.**

Section 12. Demolition:

- A. If the application for a Certificate of Appropriateness involves the demolition of a building, which the HDC initially determines to be an inappropriate demolition, then the HDC may defer the matter until such time as it has had an opportunity to consider the following alternatives to the demolition of subject property:
 1. Sources of funding for preservation and restoration activities if lack of such funds is the reason for the request to demolish.
 2. Adaptive use changes.
 3. An attempt to find a purchaser for the property who would maintain the building in a suitable and acceptable manner.
 4. The feasibility of moving the building to another appropriate location.
 5. Any such other solution as may be deemed advisable and in keeping with the spirit and intent of this Ordinance.

- B. The owner or other person having legal custody of any building or structure within a historic district shall keep the structure properly maintained and repaired in order to prevent demolition by neglect. However, during the time as determined by the criteria outlined in Section 9 herein the HDC is considering any one of the alternatives above, progress reports shall be made by the HDC and/or its staff at its regularly scheduled meeting. If, at the expiration of six (6) calendar months from the date of the first public hearing of an application for demolition, the HDC has not found a viable alternative to the demolition of the property, the HDC shall reschedule the matter for public hearing requiring notices as aforesaid, and upon said public hearing, make its final determination as to the application. In such cases, the public hearing for final determination shall be held within one (1) calendar month after the expiration of the six (6) months from the date of the first public hearing; and at the second public hearing, the HDC may hear such matters as are considered necessary or desirable to be fully advised of all facts and circumstances pertaining to the proposed demolition. At the second public hearing, the HDC may immediately announce its decision or take the matter under advisement to its next regularly scheduled meeting but in no event longer than two (2) calendar months after the expiration of the six month period after the first public hearing. If the HDC has rendered no decision on the application for demolition within two (2) calendar months after the expiration of the six (6) months following the first public hearing, the HDC shall consider the application as having been approved and shall issue a Certificate of Appropriateness.
- C. Provided, that this ordinance shall not apply to any ordinances or amendments thereto enacted by the City of Conway pursuant to the authority of ACA 14-56-203 regarding the razing and removal of dilapidated buildings.

Section 13. Economic Hardship:

In addition to considering, the matters brought to the attention of the HDC and the criteria set out above, the HDC may determine that failure to issue a Certificate of Appropriateness will create a substantial financial hardship ~~to~~ **the applicant.**

- A. It shall be incumbent on the applicant to demonstrate financial hardship to the HDC.
- B. If the property is a significant historic and community resource, the HDC may invoke up to a ninety (90) day delay of proposed work. During this period of delay, the HDC shall propose suitable alternatives to the proposed work for the applicant to investigate. The applicant, with the assistance of the HDC and/or City staff, shall investigate the feasibility of the proposed alternatives, and report their findings to the HDC. If the applicant fails such, the HDC may consider this failure in their deliberations.
- C. If, after the end of the ninety (90) day delay period, no reasonable use can be found or economic return can be obtained and there has been no substantial detriment to the Historic District, the HDC may issue a Certificate of Economic Hardship approving the proposed work. If the HDC finds otherwise, it shall deny the application for Certificate of Economic Hardship, and record in its records the reasons therefore.

Section 14. Maintenance and Repair:

The owner or other person having legal custody of any building or structure within a historic district shall keep the structure properly maintained and repaired. It will be the responsibility of such owners to repair a structure if it is found to have deterioration, within the context of Secretary of the Interior Standards of Rehabilitation adopted specifically to Conway including but not limited to:

- A. The deterioration of exterior walls or other vertical supports;
- B. The deterioration of external chimneys;
- C. The deterioration of roofs or other horizontal members;
- D. The deterioration or crumbling of exterior plasters or mortar;
- E. The ineffective waterproofing of exterior walls, roofs, foundations, including broken windows or doors;
- F. The peeling of paint, rotting, holes and other forms of decay;

- G. The lack of maintenance of surrounding environment, e.g. fences, gates, sidewalks, steps, signs, and ancillary structures.
- H. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

The HDC may notify the property owner of any violations of these maintenance requirements by mail, giving details of the violation along with a time period no shorter than 60 days but longer as required for remedy of the violation and consequences of failure to remedy the violation.

Section 15. Work Not Requiring a Certificate of Appropriateness:

- A. 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, materials, or outer appearance. Such ordinary maintenance will not require a Certificate of Appropriateness.
 - 1. For the purposes of this Ordinance, proposed work consisting only of a change in exterior paint colors shall be considered ordinary maintenance.
- B. This Ordinance shall not prevent the restoration, rehabilitation, renovation, preservation, alteration, construction, or demolition of any such feature that the building inspector or similar agent of the City shall certify is required for the public safety. In emergency situations, threatening life, limb, or significant property damage, work may be performed without a Certificate of Appropriateness.
- C. This Ordinance shall not prevent the restoration, rehabilitation, renovation, preservation, alteration, construction, or demolition of any such feature under a permit issued by a building inspector or similar agent of the City prior to the effective date of the establishment of said Historic District.

Section 16. Applicability to City and Utilities:

Structures erected and/or maintained by the City of Conway and by public utility companies within historic districts shall be subject to the provisions of this Ordinance. The HDC shall consider these certificates in accordance with the procedures and standards applicable to individual certificates.

Section 17. Appeals:

The HDC may adopt, within its own rules, procedures for addressing aggrieved applicants or reconsidering prior decisions. Any applicant still aggrieved by the determination of the HDC may, within thirty (30) days after the making of such decision, appeal the determination of the HDC to the Circuit Court of Faulkner County, Arkansas.

Section 18. Enforcement:

In the event that work being performed is found not to be in accordance with the Certificate of Appropriateness or upon notification of such fact by the Historic District Commission and/or City staff, the building inspector shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work order is in effect. Stop work orders and penalties for non-compliance with such will be forced according to other applicable laws. A decision shall be made by the HDC concerning the stop work order within five (5) business days.

Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be fined ten dollars (\$10.00) to five hundred dollars (\$500) per day, in accordance with state statute. Each day that a violation continues to exist shall constitute a separate offense.

Section 19. Other Ordinances:

All Ordinances and parts of Ordinances in conflict herewith are hereby repealed. This Ordinance is amendatory to the Conway Municipal Code.

Section 20. State Law:

It is the legislative intent of the Conway City Council to grant to the Conway Historic District Commission authority to the extent allowed under the Arkansas Historic Districts Act, Act 484 of 1963 as amended and codified at Arkansas Code Annotated §14-172-101 et seq. Should Arkansas law hereafter be amended, this Ordinance shall conform to state law.

Section 21. Emergency:

The City Council has found and determined that the creation and establishment of a Historic District Commission for the City of Conway is essential in order to assure the preservation of historic districts and buildings related to the history of the City. In consideration of the public interest to be preserved, an emergency is hereby declared to exist and this Ordinance being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect immediately from and after the date of its passage.

APPENDIX A

The Secretary of the Interiors Standards of Rehabilitation

The Standards that follow were originally published in 1977 and revisited in 1990 as part of the Department of the Interior Regulations (36 CFR Part 67, Historic Preservation Certifications). They pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior of historic buildings.

The standards also encompass related landscape features and the building's site and environment as well as attached adjacent or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility.

Historic Guidelines

1. Property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old design in color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken in the gentlest means possible.
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

APPENDIX B

Boundary Description for the Asa P. Robinson Historic District

Starting at a point at the centerline of Faulkner Street 150.0' north of the centerline of Prince Street; thence south along the centerline of Faulkner Street to the centerline of Prince Street; thence east along the centerline of Prince Street a distance of 186.0'; thence south along the eastern boundary of the western half of block 25 Robinson's plan a distance of 640.0' to the centerline of Caldwell Street; thence west along the centerline of Caldwell Street a distance 220.0' to the centerline of the western offset of Faulkner Street; thence south along the centerline of Faulkner Street to the centerline of Robinson Avenue a distance of 680.0'; thence west along the centerline of Robinson Avenue to the centerline of Center Street a distance of 359.0'; thence south along the centerline of Center Street a distance of 170.0'; thence west across lot 15 block 32 Robinson's plan a distance of 193.5'; thence south along the eastern boundary of lot 3 block 32 Robinson's plan a distance of 20.0'; thence west along the southern boundary of lot 3 block 32 Robinson's plan to centerline of Ash Street a distance of 193.5'; thence south along the centerline of Ash Street a distance of 140.0'; thence west to the centerline of Davis Street a distance of 387.0'; thence north along the centerline of Davis Street a distance of 95.0'; thence west along the southern boundary lot 4 D.O. Harton subdivision block 38 Robinson's plan a distance of 180.0'; thence south along the eastern boundary of lot 20 D.O. Harton subdivision block 38 Robinson's plan a distance of 250.0'; thence west along the southern boundary of lot 20 D.O. Harton subdivision block 38 Robinson's plan a distance of 219.0'; thence north along the western boundary of lot 20 D.O. Harton subdivision block 38 Robinson's plan a distance of 300.0'; thence west along the southern boundary of lots 21, 22 & 23 D.O. Harton subdivision block 38 Robinson's plan a distance of 180.0' to the centerline of Mitchell Street; thence ~~south north~~ along the centerline of Mitchell Street a distance of 145.0' 85'; ~~thence west along the southern boundary of lots 1, 2 & 3 block 42 Robinson's plan a distance of 579.0' to the centerline of Watkins Street;~~ thence west 150'; thence south 230'; thence west 139.5' to the southeast corner of Lot 2, Block 42, Robinson's Plan; thence west along the southern boundary of Lots 2 and 3, Block 42, Robinson's Plan a distance of 289.5' to the centerline of Watkins Street; thence north along the centerline of Watkins Street to the centerline of Robinson Avenue a distance of 345.0'; thence west along the centerline of Robinson Avenue a distance of 159.75'; thence north along the western boundary of lot 5 block 45 Robinson's plan a distance of 345.0'; thence continuing north to the centerline of Caldwell Street a distance of 335.0'; thence west along the center line of Caldwell Street a distance of 20.25'; thence north along the western boundary of lot 5-C block 44 Robinson's plan a distance of 176.25'; thence east along the northern boundary of lot 5-C block 44 Robinson's plan a distance of 180.0' to the centerline of Watkins Street; thence east along the northern boundary of lots 7 & 8 block 40 Robinson's plan a distance of 579.0' to the centerline Mitchell Street; thence south along the centerline of Mitchell Street a distance of 12.5'; thence east along the northern boundary of lots 20, 19, 18, 17, 16, 15, 14, 13, 12 & 11 block 36 112 Robinson's plan a distance of 579.0' to the centerline of Davis Street; thence north along the centerline of Davis Street a distance of 694.25'; thence east along the northern boundary of lots 180-C & 180-D Stermer's replat Fiddler's survey a distance of 230.0'; thence north along the western boundary of 180E Stermer's replat Fiddler's survey a distance of 173.0'; thence east along the northern boundary of lot 180E Stermer's replat Fiddler's survey a distance of 50.0'; thence south along the eastern boundary of lot 180E Stermer's replat Fiddler's survey a distance of 181 .0f; thence east along the northern boundary of lot 179 Fiddler's survey a distance of 100.0'; thence north along the western most boundary of lot 177-A Fiddler's survey a distance of 97.0'; thence east along the northern most boundary of lot 177-A Fiddler's survey a distance of 140.0'; thence south along the western boundary of lot 234-B Fiddler's survey a distance of 30.0'; thence east along the southern boundary of 234-B Fiddler's survey a distance of 80.0'; thence south along the easternmost boundary of lot 177-A Fiddler's survey a distance of 127.0'; thence east along the northern boundary of lot 233 Fiddler's survey a distance of 190.0' to the centerline of Clifton Street; thence east a distance of 350.0' to the point of beginning.

Notes:

If a description approximates the location of a property line, it is assumed to be on that property line.

