

AN ORDINANCE ESTABLISHING A DONALDSONVILLE HISTORICAL COMMISSION, PROVIDING FOR RECOMMENDATIONS AND APPOINTMENT OF MEMBERS, PROVIDING FOR TERM, FOR VACANCIES, EMPLOYEES AND COMMITTEES, PROVIDING FOR RULES AND REGULATIONS, MEETINGS, REPORTS AND RECOMMENDATIONS, PROVIDING PURPOSE, DEFINING HISTORICAL DISTRICT, PROVIDING FOR COMMISSION'S RECOMMENDATIONS AND ACTIONS THEREON, SUBMISSION OF QUESTION TO COUNCIL, PROHIBITIONS, PERMITS, PENALTIES AND VIOLATIONS, PROVIDING FOR SAVINGS CLAUSE, EFFECTIVE DATE OF ORDINANCE, REPEALING ALL ORDINANCES IN CONFLICT HERewith, NUMBERING AND RENUMBERING OF ORDINANCE OR SECTIONS THEREOF.

WHEREAS, by Resolution of the Mayor and City Council of Donaldsonville on February 17, 1983, it was agreed that application be made to the Secretary of Culture, Recreation and Tourism of the State of Louisiana for the creation of an Historic District to be placed on the National Register,

WHEREAS, the Office of Cultural Development, Division of Historic Preservation, approved an application seeking to have an historic district established in the City of Donaldsonville of Ascension Parish, Louisiana, and

WHEREAS FURTHER, the DONALDSONVILLE HISTORIC DISTRICT was approved by the Department of the Interior for listing on the National Register of Historic Places on January 19, 1984, and

WHEREAS, the City Council is desirous of promoting the educational, cultural and economic welfare of the public of the City by preserving and protecting historic structures and neighborhoods which serve as a visible reminder of the history and cultural heritage of the city, region, state and nation, and furthermore it is the purpose of this Ordinance to strengthen the economy of the City by stabilizing and improving property values in the historic area;

SECTION 1: COMMISSION ESTABLISHED

There is hereby created a Commission to be known as the Historic District Commission of the City of Donaldsonville.

SECTION 2: RECOMMENDATIONS AND APPOINTMENT OF MEMBERS

The Commission shall consist of seven (7) members. They shall be appointed by the Mayor, from a list of nominees submitted by the Mayor and Council, as follows: One (1) representative of the River town Merchants' Association, one (1) member of the Ascension Heritage Association, at least one (1) qualified professional from the disciplines of architecture, history, preservation, planning, archaeology or other related field, and four (4) other citizens of the City who have demonstrated an interest in preservation.

SECTION 3: TERM: VACANCIES

Each of the members of the Commission shall be appointed as follows: Two (2) members shall be appointed for a term of two (2) years, three (3) members shall be appointed for a term of three (3) years, and two (2) members for a term of five (5) years. Whenever the term of a member of the Commission expires of is otherwise vacated, the Mayor shall, within sixty (60) days, appoint his/her successor from a list of eligibles compiled by the Mayor and Council.

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SECTION 4: EMPLOYEES AND COMMITTEES

The Commission, with the approval of the Mayor and Council, may select such employees as may be necessary to carry out the purpose for which it is created. The City Attorney shall be ex-officio, the attorney for the Commission. The Clerk of Council or other designated individual shall also serve as Clerk of the Commission, being responsible for the official minutes of all Commission meetings. The Commission may designate and appoint, from among its members, various committees with such powers and duties as the Commission may have and prescribe.

SECTION 5: RULES AND REGULATIONS: MEETINGS, MINUTES, REPORTS AND RECOMMENDATIONS

The Commission shall make such rules and regulations as it may deem advisable and necessary for the conduct of its affairs consistent with laws of the City. A designated set of criteria, based upon the Secretary of the Interior's Standards for Rehabilitation, shall be drawn up by the Commission, taking into consideration recommendations by the Mayor, Building Inspector and City Council, to be utilized in all cases falling under the jurisdiction of the Commission. The Commission shall meet, at a minimum, on a quarterly basis, but meetings may be held at any time by the Commission on written request of any of its seven (7) members or the Mayor. All meetings shall be open to the public and shall be advertised as such at least twenty-four (24) hours prior to their commencement. The Commission shall submit minutes and quarterly reports to the Mayor and City Council.

SECTION 6: PURPOSE

The Donaldsonville Historical District Commission shall have as its purpose the preservation of all such buildings and sites in the Historical District section of the City as, in the opinion of the Commission, shall have architectural and/or historical value and which should be preserved for the benefit of the people of the City and State.

SECTION 7: DEFINITION OF HISTORICAL DISTRICT

The following area of the City of Donaldsonville is hereby designated as the "Donaldsonville Historic District", to-wit:

Starting at a point where the extended midline of Lafourche Street intersects the midline of the levee access road and following that midline in a southeasterly direction to a point 180' beyond the intersection of the extended midline of Lee Avenue and the levee access road; thence at a ninety degree (90°) angle in a south-westerly direction to the point of intersection with the midline of Madison Street; thence southeasterly along that midline to its point of intersection with the midline of Jackson Avenue; thence at a ninety degree (90°) angle in a southwesterly direction along that midline to its intersection with the midline of Monroe Street; thence northwesterly along that midline to its point of intersection with the midline of Church Street; thence in a section with the midline of Church Street; thence in a southwesterly direction along that midline to its point of intersection with the midline of Opelousas Street; thence along that midline in a northwesterly direction for a distance of 105' to the legal boundary of the Ascension Catholic Cemetery; thence along this boundary including one ninety degree (90°) turn in a northwesterly direction as prescribed and extending to the midline of St. Vincent Street; thence along that midline to its

extended intersection with the railroad tracks operated by the Missouri and Pacific Company; thence along these tracks in a northwesterly direction to their intersection with the waterline of Bayou Lafourche; thence in a northerly direction along the waterline to a point at which it intersects the extended midline of Nicholls Street; thence in a southeasterly direction along this line to the point at which it intersects the midline of Lafourche Street; thence in a northeasterly direction along this midline to the point at which it intersects the midline of the levee access road, the point of beginning.

SECTION 8: DEFINITIONS

For the purposes of this ordinance, the definitions of terms as listed in the "Guidelines for Louisiana's Certified Local Government Program" (Revised January 1985) shall be applicable.

SECTION 9: APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

A certificate of appropriateness issued by the Historic District Commission shall be required before a work permit is issued for work within the jurisdiction of the Commission as follows:

- (a) Demolition of an historic structure;
- (b) Moving an historic structure;
- (c) Material change in the exterior appearance of existing structures classified as historic by additions, reconstruction, alteration, or maintenance involving exterior color change;
- (d) Any new construction of a principal building or accessory building or structure subject to view from a public street;
- (e) Change in existing walls or fences, or construction of new walls and fences, if along public street right-of-way;
- (f) Material change in the exterior appearance of existing non-contributing buildings, as identified by the National Register nomination inventory of the Donaldsonville Historic District, by additions, reconstruction, alteration, or maintenance involving exterior color change, if subject to view from a public street;
- (g) Alteration or destruction of significant landscaper features, such as public park areas, including but not limited to Crescent Park, Louisiana Square and the Ascension Parish Courthouse grounds; public areas adjacent to Bayou Lafourche; live oaks, pin oaks and other trees within the jurisdiction of the Commission which, due to their substantial size and/or age, are adjudged to be of historic and/or esthetic value to the City and its residents.

Before the commencement of any work in the aforementioned areas, an application shall be made to the Commission, by the property owner, for a certificate of appropriateness. Each application shall be accompanied by such plans, sketches, photographs, descriptions or other information as reasonably required by the Commission to make a decision. Exceptions shall be the repainting of a structure the same color as before, repairing man-made of natural damage to pre-existing condition, or other minor alterations specified by the Commission and shall require no such application or certificate.

SECTION 10: COMMISSION RECOMMENDATION AND ACTION THEREON

The Donaldsonville Historical District Commission shall, upon due consideration, report thereon, within 30 days after the filing of the application, its recommendations including such changes, if any, as in its judgement are reasonable necessary to comply with the requirements of this Ordinance, by sending them, in writing, to the building inspector with the application and documents referred to in this Ordinance and if they are found by the building inspector to comply reasonably with all existing regulations, ordinances and laws of the City, the building inspector shall issue promptly a permit for such work and indicate on such permit the extent and nature of the work to be performed thereunder.

SECTION 11: WHEN BUILDING INSPECTOR IS TO SUBMIT QUESTION TO COUNCIL: ACTION OF COUNCIL

If the applicant for a permit shall refuse to accede to reasonable changes recommended by the Commission, if the Commission shall disapprove any application or if the building inspector finds that the recommendations of the Commission do not comply reasonably with the existing regulations, ordinances and laws of the City, the building inspector shall within not later than five (5) business days, forward such matters and his comments to the City Council for such action as in its judgement, after notice and affording an opportunity to the applicant and to the Commission and other protesting parties to be heard, shall effect reasonable compliance with such recommendations and this Ordinance.

SECTION 12: STOPPING WORK COMMENCED WITHOUT PERMIT

The building inspector shall promptly, within 24 hours of notification, stop any work attempted to be done without or contrary to a permit issued under this Ordinance and shall promptly prosecute any person responsible for such a violation of this Ordinance or engaged in such violation. Any officer or authorized agent of the Commission shall exercise concurrent or independent powers with the building inspector in prosecuting violation of this Chapter and stopping work attempted to be done without or contrary to the permits required by this Ordinance.

SECTION 13: DEMOLITION OF HISTORIC BUILDINGS, STRUCTURES AND LANDSCAPE FEATURES

Whenever a property owner shows that a building or structure classified as Historic is incapable of earning a reasonably economic return on its value, as appraised by a qualified real estate appraiser, and the Historic District Commission fails to approve the issuance of a certificate of appropriateness, such building or structure may be demolished, provided, however, that before a demolition permit is issued, notice of proposed demolition shall be given for a period of 90 days as follows:

Notice shall be posted on the premises of the building or structure to be demolished, in a location clearly visible from the street. In addition, notice shall be published in the official journal of the City of Donaldsonville at least three times prior to demolition, final notice of which shall not be less than 15 days prior to the date of the demolition, and the first notice of which shall be published not more than 15 days after the application for a permit to demolish is filed. The purpose of this section is to afford the City, interested

persons, historical societies, or other organizations the opportunity to acquire or to arrange for the preservation of such buildings and/or structures. The Historic District Commission may at any time during the stay approve a certificate of appropriateness in which event a permit shall be issued without further delay.

Petitions for the alteration or destruction of landscape features, as specified in Section 8(g), shall be accompanied by written explanation as the necessity of removal or alteration and planned use of the property as well as by other documentation requested by the Commission.

SECTION 14: PROTECTIVE MAINTENANCE OF HISTORIC BUILDINGS AND STRUCTURES

Historic buildings and structures shall be maintained to meet minimum safety requirements of the City as now practiced or as may be set forth in a building code adopted by the City or if not adopted, referred to by custom. Provided, however, that notice to the owners as required by the ordinances of the City for unsafe structures shall further provide in the case of historic structures that this Ordinance will require a permit after approval of the Historic District Commission before demolition or alteration, and in the meantime, the owner shall make such repairs as will secure the building and upon failure to do so the building inspector shall cause such building or structure or portion thereof to be secured, the cost thereof to be charged to the owner of the premises and collected in the manner provided by law.

SECTION 15: SIGNS

(a) DEFINITIONS

The following terms, as used in this Section, are defined as follows:

(1) SIGNS shall include any symbol, device, image, poster, flag, banner, billboard, design or directional sign used for advertising, whether painted on, attached to, erected on, or otherwise maintained on any premises containing any words, letters or parts of letters, figures, numerals, phrases, sentences, emblems, devices, trade names or trade marks by which anything is made known, such as are used to designate an individual, a business or a commodity or product, which is visible from any public highway and is used to attract attention.

(2) DISPLAY includes erect, paint, repaint, place, replace, hang, rehang, repair, maintain, paint directly upon a building or other structure, inlay, imbed in or otherwise exhibit in public view.

(b) CONFORMANCE TO CHARACTER

In addition to the prohibitions contained in this section, approval of the display of a sign in the Historic District of the City shall be granted by the Commission only when such signs and plans relating to the appearance, color, size, position, method of attachment, texture of materials and design conform to the general character of the District or do not injuriously affect it or impair the value of the community or those buildings having architectural or historical worth.

(c) WHAT SIGNS MAY ADVERTISE

No sign of any character shall be displayed in the Historical District unless such sign advertises a bona fide business or service conducted in or provided on the premises.

(d) SURFACE AREA OF SIGNS

The surface area of any sign shall be in direct proportion to the amount of front footage of each ownership and shall be as follows:

(1) For single-faced signs, attached flat against the wall and including painted wall signs, there shall be allowed thirty (30) square inches of sign surface to each running foot of lot footage.

(2) For double-faced signs, suspended by brackets or arms perpendicularly from the wall of a building, there shall be allowed sixty (60) square inches of sign surface to each running foot of lot footage. The area of such a sign shall be taken to mean the sum of the areas of each face.

(3) In no case shall the area of any one single-faced or painted wall sign exceed eight square feet, the maximum allowable for such a sign.

(4) In no case shall the area of any one double-faced sign exceed a total for both sides of sixteen square feet, the maximum allowable for such a sign.

(5) In the case where two or more businesses are conducted on the premises of a single ownership having a front footage of twenty-five feet or less, the allowed sign area shall be increased by one-half times.

(e) ILLUMINATED SIGNS

In the case of illuminated signs, where space must be provided between two parallel faces for the installation of lighting fixtures, these faces shall not be farther apart than eighteen (18) inches and such lighting fixtures and all light sources shall be a steady light concealed by hoods or by any acceptable method of indirect lighting approved by the Commission.

(f) APPLICATION FOR SIGNS TO BE SUBMITTED TO COMMISSION

All applications for permits to display signs within the Historical District of the City shall be submitted to the building inspector for approval before a permit therefore may be issued in conformity with Section 9.

(g) FORM OF APPLICATION

Application for a permit to display signs in the Historical District of the City shall be presented to the Commission accompanied by such sketches, drawings, plans or other descriptions of size, shape, design, color, lighting and placement as necessary for the Commission to make a reasonable decision.

SECTION 16: PROVISIONS OF ORDINANCE PREVAIL IN CASE OF CONFLICT

The provisions of this Ordinance shall govern and take precedence over any other provisions of any building or zoning codes of the City of Donaldsonville.

SECTION 17: GENERAL PENALTY: CONTINUING VIOLATIONS

Whenever in this Ordinance or in any ordinance of the City any act is prohibited or is made or declared to be unlawful or an offense or whenever in this Ordinance or in any such ordinance of the City of Donaldsonville the doing of any act is declared to be unlawful, when no specific penalty is provided therefore, the violation of any such provision of this Ordinance or any such ordinance shall be punished by a fine not exceeding One Hundred and No/100 (\$100.00) Dollars and by imprisonment for not more than ninety (90) days or both such fine and imprisonment. Each day that any violation of any safety ordinance or regulation contained in this Ordinance shall constitute a separate offense.

SECTION 18: APPEALS

(a) Any person or persons aggrieved by any decision, act or proceeding of the Historic District Commission shall have the right to apply in writing to the Mayor and Council of the City of Donaldsonville for reversal or modification thereof; the Mayor shall have the right to stay all further action until the Mayor and Council affirm a decision of the Historic District Commission by majority vote of all its members. Any such appeal shall be taken in ten days from the date of decision. The Mayor and Council may consider said appeal at its next general or special meeting, but in any event not more than 45 days thereafter. The Mayor and Council shall have the right to reverse, change or modify any decision of the Historic District Commission only by majority vote of all its members.

(b) Any person or persons aggrieved by any decision of the Mayor and Council affecting the Historic District shall have the right to file a civil suit within thirty (30) days from the date of decision in a court of competent jurisdiction under the usual rules of procedure governing same, with the right to stay orders and injunctive relief provided the situation warrants same.

II. BE IT FURTHER ORDAINED that if any provision of this Ordinance or the application thereof to any person or circumstances is held to be invalid, illegal or unconstitutional, the remainder of this Ordinance and the application of such provisions to other persons or circumstances shall not be affected thereby.

III. BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

IV. BE IT FURTHER ORDAINED that this Ordinance shall be binding and shall go into effect after publication in accordance with law.

V. BE IT FURTHER ORDAINED that it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Donaldsonville, Louisiana, and the sections of this Ordinance may be numbered or renumbered to accomplish such intention.

V. BE IT FURTHER ORDAINED that it is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Donaldsonville, Louisiana, and the sections of this Ordinance may be numbered or renumbered to accomplish such intention.

The above Ordinance having been submitted to a vote by the Mayor and Council and the vote thereupon was recorded as follows, to-wit:

DRAFT

YEAS: Mayor Falsetta, Commissioners Bourq, Capello and Latino.

NAYS: None.

ABSENT: Commissioner Huey.