

An Ordinance to amend and reenact, in its entirety, Chapter 3 to Part 6 of the Jeanerette Code of Ordinances creating the Jeanerette Historic Districts; establishing the Jeanerette Historic Districts Advisory Commission charged with making recommendations on any alteration, relocation or new construction in the Jeanerette Historic Districts; establishing standards for demolition of buildings in the Jeanerette Historic Districts; and otherwise to provide with respect to matters relating thereto.

WHEREAS, the CITY OF JEANERETTE, LOUISIANA 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 visible reminders of the history and cultural heritage of the city, region, state and nation, which heritage has proved increasingly attractive to tourists, and which preservation will strengthen the economy of the City by stabilizing and improving property values in historic areas;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Alderman of the City of Jeanerette, Louisiana, in regular session assembled:

Section I: Pursuant to the authority contained in Louisiana Revised Statutes, Title 25, Section 731, et seq., Chapter 3 to Part 6 of the Code of Ordinances of the City of Jeanerette is hereby amended and reenacted to read as follows:

"CHAPTER 3. JEANERETTE HISTORIC DISTRICTS

Section 6 - 3000 Purpose

This chapter of the Code of Ordinances is designed to achieve the following goals:

- (a) Protect, enhance and perpetuate resources which represent distinctive and significant elements of the city's historical, social, economic, political, archaeological, and architectural identity;
- (b) Insure the harmonious, orderly, and efficient growth and development of the city;
- (c) Strengthen civic pride and cultural stability through neighborhood conservation;
- (d) Stabilize the economy of the city through the continued use, preservation, and revitalization of its resources;
- (e) Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- (f) Promote the use of resources for the education, pleasure, and welfare of the people of the City of Jeanerette; and
- (g) Provide a review process for the preservation and appropriate development of the city's resources.

Section 6 - 3001 Creation of Districts; Names and areas included

(a) Jeanerette Historic Preservation District. There is hereby created a district within the City of Jeanerette which shall be known as the Jeanerette Historic Preservation District, which shall be comprised of the that area of the City of Jeanerette located along Main Street between Trappey Street and Henkle Street on the south side of Main Street and between Moresi Street and Bracey Street on the north side of Main Street. All property which fronts on Main Street in said area and is actually contiguous with Main Street shall be considered located in the District hereby created. The complete survey of historic properties in the Historic Districts, is as specified in Appendix III A to this Code.

(b) Jeanerette National Register Historic District. There is hereby created a district within the City of Jeanerette which shall be known as the Jeanerette National Register Historic District, which shall be comprised of those specific properties or areas of property which are designated by the Board of Aldermen from time to time and are listed in Appendix III B to this Code.

Section 6 - 3002 Commission created.

A Commission is hereby created to be known as the Jeanerette Historic Districts Advisory Commission ("Commission").

Section 6 - 3003 Purpose of the Commission.

The purpose of the Jeanerette Historic Districts Advisory Commission shall be to consider plans as presented, and, when deemed appropriate, to make recommendations for changes to property owners upon all proposed alterations, relocations, and new construction within the boundaries of the Historic Districts and any other actions necessary to implement the intent of this chapter. Commission recommendations shall not be binding, however, the Commission shall make itself available to assist owners of properties on which alteration, relocation, or new construction is contemplated in complying with recommendations. The Commission shall also assist property owners interested in pursuing investment tax credits for historic rehabilitation to meet the requirements for that program. The Commission shall promote community awareness of historic preservation and its value to the City of Jeanerette. The Commission shall make recommendations to the Mayor and Board of Aldermen regarding the denial of permits for any proposed work within the boundaries of the Districts which threatens to do irreparable harm to the dignity or integrity of the District or which is so inconsistent with the character of the District that it would undermine the purposes and objectives of this chapter.

Section 6 - 3004 Composition, membership, and vacancies

(a) The Commission shall be composed of seven (7) members who shall be citizens of the full age of majority and residents of the City who shall serve without compensation. No less than four (4) members shall either own immovable property within the areas designated hereinabove as the Jeanerette Historic Districts, be gainfully employed within the area, or live within said area. Commission members shall, as far as possible, have demonstrated knowledge of or interest, competence, or expertise in historic preservation. To the extent available in the community, the Mayor shall appoint professional members from the primary historic preservation-related disciplines of architecture, history, architectural history, or archaeology or from secondary historic preservation-related disciplines such as urban planning, American

Studies, American Civilization, Cultural Geography, Cultural Anthropology, Interior Design, Law, and related fields. In conformity with the "Louisiana Guidelines for the Certified Local Government Program", the city shall document a "good Faith effort" to locate professionals to serve on the Commission before appointing lay members. The Commission shall also seek the advice, as needed, of professionals not serving on the Commission.

(b) Appointments shall be made by the Mayor subject to approval by a majority of the Board of Alderman, and said appointments shall be for a term of four (4) years except that the initial members shall be appointed for staggered terms at the discretion of the Mayor and Board of Aldermen. As a vacancy occurs in the membership it then becomes the responsibility of Commission to nominate a replacement and to provide said nomination to the Mayor and Board of Alderman so the vacancy can be filled within sixty (60) days.

(c) All new members of the commission shall familiarize themselves with the purpose and objectives of the Commission, and shall attend appropriate training as directed by the Chairman. Members shall serve at the pleasure of the Mayor and Board of Aldermen and may be removed for any cause upon a majority vote of the Board. The seat of any member who misses three consecutive meetings of the Commission, or more than 50% of the commission meetings in any calendar year shall be deemed to be vacant.

Section 6 - 3005 Election of Officers; Duties; Adoption of Bylaws; Quorum, Meetings and Minutes.

(a) Officers. The Commission shall elect annually from its own number a Chairman, Vice Chairman, Recording Secretary, Treasurer and other officers it deems appropriate. Officers shall be elected by a majority of the eligible voting members present in person. Except as hereinafter provided, the officers of the Commission shall each have such powers and duties as generally pertain to their respective offices, as well as those that from time to time may be conferred by the membership of the Commission.

(b) By-Laws. The Commission shall make such rules and regulations governing its operation as it may deem necessary for the conduct of its affairs not inconsistent with the laws of the City and State.

(c) Quorum and Meetings. Presence of four members of the Commission at a meeting shall constitute a quorum. The Commission shall meet once a month. Special meetings may also be held at any time on the written request of any two of the seven (7) members or on the call of the Chairman of the Commission or the Mayor.

(d) Minutes. The Commission, shall make a report on its recommendations and activities to the Mayor and Board of Aldermen after every meeting in the form of written minutes of its meeting. Minutes of each meeting shall list each matter considered, shall contain the supporting or pivotal factors or considerations regarding each issue decided by the Commission, shall be dated, and shall contain the individual member vote on each issue, the date of the meeting and the total members present.

Section 6 - 3006 Staff of Commission.

The Jeanerette Main Street Manager shall serve as staff for the Commission together with such members of the Mayor's staff as the Mayor shall recommend, with approval of the Board of Aldermen.

Section 6 - 3007. Building Permits and Commission Advisories.

(a) The Jeanerette Historic Districts Advisory Commission shall establish procedures which will ensure that it will function effectively and appropriately in regards to any alteration, relocation, new construction, or demolition involving buildings falling within the Historic Districts or those designated as Local Historical Landmarks.

(b) No building permit shall be issued by the City in the Historic Districts prior to consideration of the same by the Commission.

(c) When application for a regular Building Permit for any alteration, relocation or new construction in the Jeanerette Historic Districts is made, the Building Inspector shall notify the Jeanerette Historic Districts Advisory Commission and make available to it a copy of all required application materials submitted. No extra copies shall be required of any applicant for this purpose.

(d) The Commission shall consider all applications for permits at its next regular meeting or at a special meeting if the applicant shows that time is of the essence. The Commission shall be allowed to meet with the applicant to explain its recommendations. If such a meeting cannot be scheduled for any reason, the Commission can alternatively send a written, non-binding proposal or recommendation to applicant. No application for a building permit within the district shall be delayed for longer than thirty (30) days unless the Commission finds that the applicant's plans will have a serious adverse impact on the integrity of the District. No special building permit or any other permit or application to the Historic Commission shall be required for any reason, and no regular building permit shall be denied or refused after sixty (60) days because of any action or inaction of the Jeanerette Historic Districts Advisory Commission, except as provided in Section 6-3011 and 6-3012 below.

(e) The major focus of any recommendations for change or endorsement of plans as presented shall be to promote the educational, cultural, and economic welfare of the public of the City by preserving and protecting historic structures and neighborhoods and to strengthen the economy of the City by stabilizing and improving property values in historic areas and to help property owners to avoid any action which might tend to impede present or future state and federal tax benefits arising from location in the historic district.

Section 6 - 3008. Recommendation Criteria

The criteria to be used by the Commission in making recommendations are as follows:

(a) To the extent feasible with economic realities, efforts should be encouraged to provide compatible uses for buildings requiring minimal building, building site and environmental alterations.

(b) Removal, destruction or alteration of original characteristics or unique architectural features of buildings should be discouraged.

(c) Surface cleaning of structures by the gentlest means possible should be encouraged.

(d) In a rehabilitation project, use of materials matching or compatible with those already used in the building as to composition, design, color, texture and other visual qualities should be encouraged.

(e) Contemporary design and alterations and additions to existing

buildings should not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible in size, scale, material and character to the property, neighborhood and environment.

(f) In the case of new construction compatibility with surrounding buildings in design, scale, size, and materials should be encouraged.

Section 6 - 3009. Limits to Powers.

Neither this Ordinance, nor any amendment thereto, shall empower the commission with the authority to issue or deny permits, or any other authorizations to change or alter property; nor shall any other ordinance empower the Commission to enact rules giving it the authority to require certain active steps to be taken by building owners to conform to any policy or guidelines, herewith or hereafter created, except as provided in sections 6-3011 and 6-3012.

Section 6 - 3010 Definitions.

Unless specifically noted otherwise, the following definitions are standard throughout this article:

(a) **Accessory Structure.** A detached subordinate building located on the same building site with the main building, the use of which is incidental to that of the main building.

(b) **Alteration:** Any change to a resource because of construction, repair, maintenance, or other means. Alterations shall include, but not limited to, repointing of brickwork, sandblasting, and the removal of paint by chemical or other means, repainting or painting. a previously unpainted surface.

(c) **Applicant:** The owner of record of a resource; the lessee thereof with the approval of the owner of record in notarized form; or a person holding a "bona fide" contract to purchase a resource.

(d) **Appurtenance:** A feature related to a parcel of land or to a building, structure, object, site, or a related group thereof. The term includes, but is not limited to, buildings, structures, objects, sites, landscaping features, walls, fences, light fixtures, steps, paving, sidewalks, shutters, awnings, solar panels, satellite dishes, and signs.

(e) **Building.** Any covered structure intended for shelter, housing, enclosure or economic activities related to person, animals or chattels. The term "building" shall be construed to include the term "structure".

(f) **Certificate of appropriateness:** A signed and dated document evidencing the approval of the commission for work proposed by an applicant.

(g) **Certified Local Government (CLG).** A federal program authorized by the National Historic Preservation Act 16 U.S. C. 470 et seq., that provides for the participation of local governments in a federal/state/local government preservation partnership. The federal law directs the state historic preservation officer of Louisiana and the Secretary of the Interior to certify local governments to participate in this partnership. Specific requirements for the program are published in Louisiana's "Guidelines for the Certified Local Government Program," available from the Louisiana State Historic Preservation Officer.

(h) City. The City of Jeanerette as represented by the Mayor and Board of Alderman acting as the governing authority.

(i) Commission. The community and historic preservation commission, a local historic preservation commission created pursuant to Louisiana enabling legislation: Louisiana Revised Statutes 25:731-745 as amended 1981.

(j) Construction. The addition or placement of any improvement onto a resource.

(k) Demolition. The complete or partial removal of buildings, structures, objects, or sites, including appurtenances.

(l) Demolition by neglect. Improper maintenance or lack of maintenance of any resource which results in substantial deterioration of the resource and threatens its continued preservation.

(m) Economic Return. The capacity of a building to generate revenue, in the form of fair market rents. When the fair market rents less expenses for a building equal zero, the building shall be considered incapable of generating any net economic return on its value.

(n) Exterior features: Exterior features of resources shall include, but not be limited to, the color, kind, and texture of the building material and the type and style of all windows, doors and appurtenances.

(o) Historic. A building may be classified as historic when it is at least fifty years of age and is of obvious significant local, regional, or national historic, architectural and/or cultural values. Any party or property owner aggrieved by an action or inaction of the Commission or by any provision of the Ordinance or amendment thereto who contends his property is not of architectural and/or historical value and/or is not a historic building, and thereby should not be under this ordinance or affected by it, shall have a right to appeal directly to the Board of Aldermen on the issue of whether or not the property is in fact historic and thereafter to the city, district and appellate court of this state on that issue. In such event, the Commission shall have the burden of proof the structure in question has obvious significant architectural and/or historic value. Should any owner prevail in such an action, he shall be entitled to recoup all court costs and reasonable attorney's fees for any such appeals.

(p) Improvement: An appurtenance developed by human design, including, but not be limited to, buildings, structures, objects, landscape features, and manufactured units, like mobile homes, boats, docks, carports, and storage buildings.

(q) Landmark: A building, structure, or object, and its appurtenances and historically associated land or water, designated by the commission and approved by the city through an ordinance, which possess particular architectural, cultural, or historic significance by meeting at least one (1) of the following criteria source:

(1) Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, region, state, parish or city; or

(2) Is identified with historic personages or with important events in national, state or local history; or

(3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction, or use of indigenous materials or craftsmanship; or

(4) Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or who influenced his age.

(5) Promotes the educational, cultural, economic and general welfare of the public.

(r) **Landmark site:** An unimproved or improved parcel of ground designated by the commission and approved by the city through an ordinance, which possesses particular archaeological, architectural, geological, or historic significance. A landmark site differs from a landmark in that the physical location, not the building, structure, or object, possesses primary significance. For the purposes of this article, a landmark site encompasses prehistoric or historic sites on unimproved or improved land. Landmark sites meet at least one (1) of the following criteria:

(1) Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, region, state, parish or city; or,

(2) Is identified with historic personages or with important events in national, regional, state or local history; or,

(3) Embodies distinguishing characteristics of a landscape type or is a specimen inherently valuable for the study of a period, style, method of construction, or use of indigenous materials or craftsmanship; or

(4) Has yielded, or may be likely to yield, information important in prehistory or history. A "landmark site" may be a culturally significant natural feature other than landscape.

(s) **Landscape feature.** Any improvement, natural formation, or vegetation including, but not limited to: shrubbery, trees, planting, outbuildings, walls, courtyards, fences, swimming pools, planters, gates, street furniture, exterior lighting, and site improvements, including to but not limited to, subsurface alterations, site regrading, fill deposition, and paving.

(t) **National register of historic places.** A federal list of cultural resources worthy of preservation, authorized under the National Historic Preservation Act of 1966 as part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect the nation's historic and archaeological resources. The national register program is administered by the commission, by the state historic preservation office, and by the National Park Service under the Department of the Interior. Significant federal benefits may accrue to owners of properties listed or determined eligible for listing in, the national register.

(u) **Object.** A material thing of functional, cultural, historical, or scientific value that may be, by nature or design, movable, yet related to a specific setting or environment.

(v) **Ordinary repairs or maintenance.** Work done to prevent deterioration of a resource or any part thereof by returning the resource as nearly as practical to its condition prior to such deterioration, decay, or damage and by reusing, where possible, original materials.

(w) Owner of record. The owner of a parcel of land, improved or unimproved, reflected on the city tax roll.

(x) Preservation (or Historic) district. A district listed on the national register of historic places or a district designated by the commission and approved by the city through an ordinance, which contains a geographically definable area, urban or rural, possessing a significant concentration of sites, buildings, structures, or objects associated by past events or by plan or physical development, and which meets at least one (1) of the following criteria:

(1) Exemplifies or reflects the broad cultural, political, economic, or social history of the nation, state, parish or city; or

(2) Is identified with historic personages or with important events in national, state or local history; or

(3) Embodies distinguishing characteristics of architectural types or contains examples inherently valuable for the study of periods, styles, methods of construction, or uses of indigenous materials or craftsmanship; or

(4) Is representative of the notable work of master builders, designers, or architects whose individual abilities have been recognized or who influenced their eras.

(y) Relocation. Any changes in the location of a building, object, or structure in its present setting or to another setting.

(z) Resource. A landmark, landmark site, and all land or water within a preservation district, together with the appurtenances and improvements, if any. The term "resource" includes, but is not limited to, separate districts, buildings, districts, structures, sites, objects, landscape features, and related groups thereof.

(aa) Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings. A federal document stating standards and guidelines for the appropriate rehabilitation and preservation of historic buildings.

(bb) Site. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing buildings, structures, or objects.

(cc) State Historic Preservation Office. Division of Historic Preservation, Office of Cultural Development, Department of Culture, Recreation and Tourism, State of Louisiana.

(dd) State Historic Preservation Officer. Assistant Secretary of the Office of Cultural Development, Department of Culture, Recreation and Tourism.

(ee) Structure. A work made up of interdependent and interrelated parts in a definite pattern of organization constructed by man. The term includes but is not limited to, engineering projects, earthworks, boats, barges, and bridges.

(ff) Unreasonable economic hardship. The inability of an owner to obtain a reasonable return or a reasonable beneficial use from a resource as required by the United States Supreme Court in Penn Central Transportation Company vs. New York City, 438 U.S. 104 (1978), and subsequent decision.

Section 6 - 3011. Demolition.

(a) Whenever a property owner shows that a building classified as historic and is located in a Jeanerette Historic District, as delineated in this chapter, is incapable of earning any economic return on its value, as appraised by a qualified real estate appraiser, or if new construction can be demonstrated by a property owner to be the highest and best use of the building site, such building may be demolished, provided, however, that before a demolition permit is issued, notice of proposed demolition shall be given two (2) times during a period of thirty (30) days to afford the City, interested persons, historical societies, or organizations the opportunity to acquire or to arrange for the preservation of such buildings. If the Commission determines that the building has historic value and its loss would adversely impact the historic character of the district, it may delay the granting of a demolition permit for up to ninety (90) days. The owner shall have no obligation whatsoever to the commission after said ninety (90) day period. The Commission shall publish said notices in the newspaper and shall pay for the same. "

(b) In addition, in considering an application for the demolition of a landmark or a resource within a preservation district, the following shall be considered:

(1) Individual architectural, cultural, and/or historical significance of the resource.

(2) Importance or contribution of the resource to the architectural character of the district, and where appropriate, the detrimental impact of the resource on the architectural character of the district.

(3) Importance or contribution of the resource to neighboring property values and, where appropriate, the detrimental impact of the resource on neighboring property values.

(4) The difficulty or impossibility of reproducing such a resource because of its texture, design, material or detail.

When the commission recommends approval of demolition of a resource, a permit shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies.

Section 6 - 3012 Recommendation of Denial of Permit; Mayor and Board of Aldermen action

(a) Whenever any proposed work within the boundaries of the Districts threatens to do irreparable harm to the dignity or integrity of the District or is so inconsistent with the character of the District or surrounding structures in the District that it would undermine the purposes and objectives of this chapter, the Commission may recommend denial of the permit to the Mayor and Board of Aldermen. Any such recommendation shall be made to the Mayor and Board of Aldermen with sixty (60) days after receipt by the Commission of the application for the work.

(b) The Mayor and Board of Aldermen shall have the power to deny any permit for work described under this chapter which has been recommended for denial by the Commission, and which the Mayor and Board determine would be inconsistent with the purposes and objectives of this chapter. Any action denying a permit hereunder shall be taken only after a hearing has been afforded to the property owner or applicant and must be taken within thirty (30) days following the receipt of the Board of the recommendation for

denial from the Commission. "

SECTION II: If any provision, definition, section, sub-sections, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, or for any reason held to unenforceable, the validity of the remaining portions of this Ordinance or its application to any other persons or sets of circumstances shall not be affected thereby, it being the intent of the Mayor and Board of Aldermen of the City of Jeanerette in adopting this Ordinance, that no portion thereof or provision, definition or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality or invalidity of any other portion, definition, provision, or regulation, and to this end, all provisions of this Ordinance are declared to be severable.

SECTION III: All ordinances or parts thereof in conflict herewith be and the same are hereby repealed.

SECTION IV: That this Ordinance be published in full, within twenty (20) days of its adoption in the Daily Iberian-Jeanerette Enterprise, the official journal of the City of Jeanerette, as is required by Revised Statutes 33:406, and this Ordinance shall become effective ten (10) days after said publication has been completed.

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This Ordinance was introduced on the 13th day of May, 2002 by Alderman Calvin Bodin, notice of public hearing having been published, said public hearing having been held, the title having been read and the ordinance considered, on motion of Alderman Charles Williams, Sr., who moved its adoption, seconded by Alderman Arthur Kahn, and upon roll call was adopted by its title, section by section, and as a whole, by the following yea and nay vote:

YEAS: Aldermen Charles Williams, Sr., Calvin Bodin, Arthur Kahn, Willie Wilson, Jr.

NAYS: Rinzer Bouie, Jr.

ABSENT: None

This Ordinance was thereupon declared adopted by Mayor and was approved and signed by him and attested by the City Clerk and the corporate seal of the City of Jeanerette affixed hereto on this 10th day of June, 2002.

CITY OF JEANERETTE

MAYOR

ATTEST

CITY CLERK

CERTIFICATE

I, Edie J. Harrison, hereby certify that I am the City Clerk of the CITY OF JEANERETTE and that the above and foregoing is a true and correct copy of an ordinance adopted by the Mayor and Board of Aldermen of the CITY OF JEANERETTE, at a regular meeting held at the City Hall on June 10, 2002, after due notice thereof at which meeting a quorum was present and voted in favor of the adoption thereof.

IN TESTIMONY WHEREOF WITNESS MY OFFICIAL HAND AND THE SEAL OF THE CITY OF JEANERETTE, THIS 11th DAY OF, June 2002.


CITY CLERK