

CITY OF PLAQUEMINE CODE OF ORDINANCE

Chapter 24: Historic Preservation

Adopted Tuesday, September 8, 2009 pursuant to City of Plaquemine Ordinance Number 288.

TABLE OF CONTENTS

Section 1	Title
Section 2	Statement of Significant
Section 3	Intent and Purpose
Section 4	Definitions
Section 5	Enumeration of Districts
Section 6	Establishment of Local Recognized District or Site Area
Section 7	Boundary of Districts
Section 8	Zoning Categories of the Historic District
Section 9	Historic District Commission: Membership & Administrative Matters
Section 10	Commission Meetings
Section 11	Commission Powers and Duties
Section 12	Historic Preservation Officer
Section 13	Historic District Certificate of Appropriateness Application
Section 14	Historic District Certificate of Appropriateness Procedure
Section 15	Standards for Certificate of Appropriateness
Section 16	Appeals
Section 17	Injunctions
Section 18	Penalties
Section 19	Emergency Stopping Work without Certificate
Section 20	Building Permit
Section 21	Demolition of Historic Building
Section 22	Information to Submit for the Demolition or Moving of Historic Buildings
Section 23	Demolition by Neglect
Section 24	Exterior Changes to buildings
Section 25	New Constructions in Historic District
Section 26	Signage
Section 27	General Historic District Characteristics
Section 28	Minimum Maintenance Requirements
Section 29	Ordinary Repairs Permitted
Section 30	Landscaping and Yard Maintenance
Section 31	Enforcement
Section 32	Severability
Sections 33 through 43	Reserved.

ARTICLE I. PLAQUEMINE HISTORIC DISTRICT

Section 1. Title

This chapter shall be known as the “Historic Preservation Ordinance of the City of Plaquemine.”

Section 2. Statement of Significance

The historic districts are significant in the following respects:

- (1) The city is recognized for its collection of historic public, commercial and residential buildings, and these have proved increasingly attractive to residents, business interests and tourists.
- (2) The city has a tradition of preservation activities which promote and protect the health, safety, prosperity, education and general welfare of the people living in and visiting the city.

Section 3. Intent and Purpose

A. It is hereby declared a matter of public policy that the protection, enhancement, preservation of properties and areas of archaeological, cultural, engineering, historical, political, social and spiritual and aesthetic significance use of resources or value is a public necessity and is required in the interest of education,

CITY OF PLAQUEMINE CODE OF ORDINANCE

Chapter 24: Historic Preservation

economics, prosperity, safety and welfare of the people of the City of Plaquemine. It is further intended to recognize past needless losses of historic properties which had substantial value to the cultural and historical heritage of Plaquemine, and to take reasonable measure to prevent similar losses in the future. This Chapter is adopted in accordance with the authority granted under the Louisiana Historic Districts Act, Louisiana Revised Statutes, Title 25, Section 731 et. seq.

B. The purpose of this ordinance is to:

1. Enhance, preserve and safeguard cultural and historical resources and improvements and landscape features of districts and archaeological resources which represent or reflect distinctive element of the City's architectural, cultural, economic, engineering, historical, political, social and spiritual history.
2. Safeguard the City's cultural, historical and aesthetic heritage which represents the elements and resources by improving cultural and historical resources by creating districts.
3. Foster wider public awareness of and civic pride in accomplishments of the past.
4. Encourage private efforts of Plaquemine citizens in support of such purposes.
5. Promote the use of historic districts as a stimulus to local business and industry which fosters civic beauty and community pride.
6. Enhance the City's image to residents and visitors and make the City a more attractive and desirable place in which to live and work.
7. Stabilize and improve values in such areas.
8. Promote the use of districts for the education, pleasure and welfare of the citizens of the city, the state and United States of America.
9. Provide a review process for the preservation and appropriate development of the City's resources.

C. It is further declared that the purposes of this ordinance are:

1. With respect to an historic property and the properties in historic preservation districts:
 - a. To retain and enhance those properties which contribute to the character of the historic preservation district and to encourage their adaptation for current use.
 - b. To assure that alterations of existing structures are compatible with the character of this historic preservation district.
 - c. To assure new construction and subdivision of lots in an historic preservation district are compatible with the character of this historic preservation district.
 - d. To recognize the value of historic preservation districts and the contributions which they make to the cultural, educational and historical values of the City, and to encourage the maintenance and preservation of historic preservation districts for future generations by appropriate changes to historic properties.
 - e. To retain and enhance historic properties in the City of Plaquemine and to encourage their adaptation for current use.
 - f. To encourage the restoration of historic properties.
2. With respect to archaeological resources:
 - a. To encourage identification of the local of both pre-historic and historic archaeological resources.
 - b. To assist with the preservation of these resources, within developments where appropriate, and with recovery of the resources where applicable.

D. The adoption of this ordinance is declared to be in the public interest and is for a public purpose.

ARTICLE II. IN GENERAL

Section 4. Definitions

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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.

Altered: Any architectural, mechanical or structural change to an historic property which requires a Certificate of Appropriateness and/or City Building Permit. Includes the words "rebuilt", "reconstructed", "remodeled", "restored", "removed" and "demolished" and the phrases "changed in exterior color" and "any alteration to exterior physical appearance or exterior architectural feature visible from a public way".

Archaeological Resources: Any material remains of past human life, activities or habitation which is of historic or pre-historic significance.

CITY OF PLAQUEMINE CODE OF ORDINANCE

Chapter 24: Historic Preservation

Area: Two (2) or more parcels of land, buildings, houses, sites, or structures which may include streets and alleys.

Billboard: See "Off-premise sign" and "outdoor advertising sign."

Building: any structure having a roof supported by columns or walls for housing or the enclosure of person, animals or chattels, or anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. The term "building" shall be construed to include the term "structure."

Building Official: The person or designee authorized to grant permits for construction, alterations and demolitions pursuant to the City of Plaquemine Building Code and to make interpretations thereof. Also referred to as City Inspector or designee.

Business agent or lessee: An agent or lessee of an owner of a private building, or other private or immovable property located, in whole or in part, within the historic preservation district, who is operating a business in, or has control of, the building or immovable property, but shall not include a residential lessee who merely resides or is domiciled in the building.

Certificate of Appropriateness: An official form of the City issued by the Plaquemine Historic Commission indicating its approval or denial of plans for exterior alteration, construction, relocation, removal or demolition of a designated property or a structure within a designated historic district as defined in City Code Section 24-13. Such form shall state that the proposed work on historic property is compatible with the historic character of the property and may be completed as specified in the Certificate. Such Certificate shall not replace or supersede City of Plaquemine zoning regulations.

Certified Local Government Program: An initiative of the National Park Service, the National Historic Preservation Act of 1966, amended 1989, authorized local governmental entity to carry on historic preservation activities under federal legislation. The designation is to encourage communities to establish historic preservation programs at the local level which foster neighborhood pride, to survey and inventory local historic properties, and to assist property owners in preserving their community's heritage. Also referred as "CLG."

Constructed: Includes the words "built", "erected", "installed", "enlarged" and "moved".

Building Code: The Building Code of the City which regulates construction in the City and requires building permits, electrical and plumbing permits and other permits to do work regulated by the Building Code.

District: A designated or defined area of the City of Plaquemine placed under the authority of a commission for purposes of historic preservation.

Demolition: Any act or process which destroys in part or in whole a building, house, or other structure within a Historic Preservation District other than solely interior elements or demolition that does not alter exterior features or demolition that is not visible from outside the building, house or other structure. Shall include "demolition by neglect," which shall mean neglect in the maintenance, repair or security of a site, building or structure, resulting in any of the following conditions:

1. The deterioration of exterior walls or other vertical supports;
2. The deterioration of roofs or other horizontal members;
3. The deterioration of exterior chimneys;
4. The deterioration of exterior plaster or mortar;
5. The ineffective weatherproofing of exterior walls, roofs and foundations, including broken windows and doors; and/or the serious deterioration of any documented exterior architectural feature or significant landscape feature which in the judgment of the Commission produces a detrimental effect upon the character of the district.

Demolition Approval: Authorization for removal of all or part of a structure which is located with a Historic Preservation District or any area under application for historic preservation designation.

Design: The combination of elements that create the form, plan, space, structure and style of a property.

Design treatment levels: Categories of standards used by the Plaquemine Historic District Commission as general guides in the determination of appropriateness of proposed "work" within an historic district. The design treatment levels are as follows:

1. **Restoration.** Bringing back into a former or unimpaired state or condition which existed at a date prescribed by the ordinance establishing the district. Authenticity of a restoration would require the removal of incompatible exterior elements and the replacement of all damaged or deteriorated elements with replicas of the same design and materials. A restoration design treatment level shall not be assigned without the written consent of the owner of the affected property at the time of designation. A permit applicant shall be

CITY OF PLAQUEMINE CODE OF ORDINANCE

Chapter 24: Historic Preservation

responsible for documenting the authenticity of proposed "work" to the satisfaction of the Plaquemine Historic District Commission.

2. Rehabilitation. Putting back in good condition. This would not require the removal of all non-original materials, but would encourage the removal of non-original materials which are incompatible with the defined elements of design for the particular structure and district. The design of new construction or alteration would not require a duplication of the original design and construction, but would be compatible with the existing structures and the districts defined elements of design. The use of original materials or construction techniques would be encouraged but contemporary methods and materials would also be acceptable when compatible with the defined elements of design for the district.
3. Conservation. Giving new life and making vital by cleaning, repairing or replacing of worn, cracked, or broken parts with compatible materials or protecting from blight or deterioration through normal maintenance. The use of contemporary building methods or materials would be acceptable if they are compatible with the defined elements of design for the district.

Development: Any alteration, modification, remodeling, new construction or excavation which requires a City-approved permit or which affects the historical character of an historic property.

Exterior architectural feature: Such portion of the exterior of a building or structure as is open to view from a public street, public way, public park or public body of water, including but not limited to the architectural style, general arrangement, general design and setting of the exterior of a structure, including the kind, color and texture of exterior building materials and surfaces, the type and style of all roofs, windows, doors, light fixtures, signs and other appurtenant fixtures.

Elements of design are the characteristic relationships of the various features within an historic district which are significant to the appearance of the district, elements of design to be defined for each historic district are:

1. Height;
2. Proportion of buildings front facades;
3. Proportion of openings within the facades;
4. Rhythm of solids to voids in front facades;
5. Rhythm of spacing of buildings on streets;
6. Rhythm of entrance and/or porch projections;
7. Relationship of materials;
8. Relationship of textures;
9. Relationship of colors;
10. Relationship of architectural details,
11. Relationship of roof shapes;
12. Walls of continuity;
13. Relationship of significant landscape features and surface treatments;
14. Relationship of open space to structures;
15. Scale of facades and facade elements;
16. Directional expression of front elevations;
17. Rhythm of building setbacks;
18. Relationship of lot coverages;
19. Degree of complexity within the facades;
20. Orientation, vistas, overviews;
21. Symmetric or asymmetric appearance;
22. General environmental character.

Feeling: A property's expression of the aesthetic or historic sense of a particular period of time.

History: Defined to include all pre-historic periods also.

Historic: A building, site or structure may be classified as historic when it is at least fifty (50) years of age and is of obvious significant local, regional, or national historic, architectural and/or cultural value.

Historic district: A district designated by the City as an area containing significant concentrations linkage or continuity of buildings, structures, sites areas or lands which are united by architectural, historical, archaeological or cultural importance or significance such that the area requires protection and preservation for the purposes of this article. An historic district shall include an area or group of areas, sites, buildings, structures or archeological sites or particular historic or architectural significance to the city, the state or to the United States of America. Such areas, sites, buildings, structures, or archeological sites may be either publicly or privately owned. These districts, including significant landscape features, surface textures and street furniture

CITY OF PLAQUEMINE CODE OF ORDINANCE

Chapter 24: Historic Preservation

located thereon, need not have contiguous boundaries. Includes the Plaquemine National Register of Historic Places properties and the City of Plaquemine local historic district properties; may also be referred to as “HD”. The following criteria shall be used for evaluation of proposed historic districts:

1. Sites, buildings, structures or archeological sites where cultural, economic, engineering, political, social, spiritual, or architectural history of the community, city, state or nation is particularly reflected or exemplified;
2. Buildings, sites, structures or archeological sites which are identified with historic personages or with important events in community, city, state or national history;
3. Buildings or structures which embody the distinguishing characteristics of an architectural specimen, inherently valuable as a representation of a period, style or method of construction;
4. Notable works of a master designer or architect whose individual genius influenced his or her age.

HDC: Plaquemine Historic District Commission, which also serves as the Certified Local Government Program Commission, created under this Ordinance; may also be referred to as “the Commission” or “HD Commission.”

Historic site: Any parcel of land whose historic significance is due to a substantial value in tracing the history or prehistory of Native American people, or upon which a historic event has occurred, and which has been designated as a historic site under this Section, or an improvement parcel, or part thereof, on which is situated a historic structure and any abutting improvement parcel, or part thereof, used as and constituting part of the premises on which the historic structure is situated.

Historic structure: Any improvement which has a special character or special historic or value as part of the development, heritage or cultural characteristics of the region, state or nation and which has been designated as a historic structure pursuant to the provisions of this Chapter.

Historic District Zoning Category: A zoning district in the form of an overlay zone, in which property retains the uses of and is subject to the regulations of the underlying zone, but which is also subject to the provisions of this Historic Preservation Ordinance.

Historic preservation: The protection, conservation, improvement, renovation or reconstruction of historic districts through the implementation of the design treatment levels defined herein; may also be referred to as “HP”.

Historic Preservation Officer (of the City of Plaquemine): The City official, who administers this Ordinance and maintains the Plaquemine Historic District Property Register, can be referred to as HP Officer. The Historic District Commission Recording Secretary and Plaquemine Main Street Manager shall act as the HP Officer.

Integrity: The ability of a property to convey its significance.

Landmark: A site or structure which contains an outstanding or unique example of an architectural style, which contains or is associated with a major historic event or activity, which contains important, intact archaeological resources, which is a site or structure of unique visual quality and identification, or which is a site of general historic or cultural recognition by the community. A landmark shall also meet all criteria for designation as a Historic District.

Location: The place where the historic property was constructed or the place where the historic event occurred.

Materials: The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.

Minor Work: Any change, modifying, restoring, rehabilitating, renovating, surfacing or resurfacing of the features of historic property which does not materially change the historic characteristics of the property.

Move: Any relocation of a structure on its site or to another site shall also include “remove” or “removal.”

National Register of Historic Places: The official national list of properties (buildings, districts, sites, structures and objects) that possess special significance in terms of architecture, archaeology, culture or history. The National Register is maintained by the National Park Service, U.S. Department of the Interior. Properties are nominated to the Register by the State Historic Preservation Officer (SHPO) in each state.

National Register nomination: A document containing the information necessary to nominate a property to the National Register of Historic Places, including a physical description, a statement of significance, maps, photographs, legal description and geographic data.

Off-premise sign: See “Outdoor advertising sign.”

Outdoor advertising sign: A permanent sign erected, maintained or used in the outdoor environment for the purpose of the display of commercial or non-commercial messages not appurtenant to the use of, products sold on, or the sale or lease of, the property on which it is displayed.

CITY OF PLAQUEMINE CODE OF ORDINANCE

Chapter 24: Historic Preservation

Owner: the person or entity who has legal title to property, or who has effective custody and control of property.

Plaquemine Historic Property Register: The list of contributing resources, including buildings, sites, structures, districts and objects within the Historic District in the City as compiled and kept by the Plaquemine Main Street Manager, which also serves as the Recording Secretary of the Historic District Commission.

Planning and Zoning Board: The Planning and Zoning Board of the City of Plaquemine.

Person Aggrieved: The applicant, an owner of adjoining property, an owner of property within the same historic district as property within one hundred (100') feet of said property lines and any charitable corporation in which one of its purposes is the preservation of historic structures or districts.

Quaint and distinctive character of a historic preservation district: Includes but is not limited to the historic or traditional ambiance of the district, the antiquity of the district, the historic character of the district, the old-fashioned or traditional neighborhood quality of the district, and the lighting and traditional architectural styles and details of the district

Record Owner: Same as owner.

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.

Relocation: Same as move or removal.

Replacement/Reuse Plan: A plan for redevelopment of a site within a Historic District indicating a proposed development which shall be in accordance with existing zoning, adopted specific plans, and HP design guidelines. Such plans shall consist of a plot plan illustrating building locations, parking, walls and landscaping. They shall also include general elevation drawing of structures including roofs, doors and windows and other openings.

Routine Maintenance: Projects which involves repair or replacement where there is no change in the design, materials, or general appearance of elements of the structure or grounds.

Setting: The physical environment of a historic property.

Signage: See Outdoor advertising sign.

Standards for Preservation, Rehabilitation, and Restoration: Pertains to historic buildings of all materials, construction types, sizes, and occupancy and encompasses the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new exterior construction. Such Standards for Preservation, Rehabilitation and Restoration are set by the Secretary of Interior, Department of Interior regulations, 36 C.F.R. 67 for use in the Federal Historic Preservation Tax Incentives program.

State Historic Preservation Officer (SHPO): the Assistant Secretary, Office of Cultural Development, Department of Culture, Recreation and Tourism, State of Louisiana or his designee, who oversees architectural, archeological and historical resources and implements preservation programs of the state.

Structure: A combination of materials other than a building, including a sign, fence, wall, hitching post, terrace, walk or driveway.

Survey: an inventory and preliminary evaluation of the historic properties in a defined area. Surveys may be conducted of properties which have historic and architectural significance, or of properties which archaeological significance.

Work: Any excavation, new construction or erection or demolition or moving of a building, fence, wall or other structure or significant landscape feature, including pavements. The term also includes any removal of an architectural or significant landscape feature, as well as reconstruction, alteration, a change of surface treatment, a change of color by painting or other means, or any demolition or moving of a structure, a portion thereof, or significant landscape feature.

Work, Minor: Projects that can be administratively approved that do not involve alterations, additions, or removals that are substantial, and do meet the guidelines, and or are not of a precedent-setting nature. Guidelines are included in the HDC bylaws.

Work, Major: Projects which involve a change in the appearance of a building, site or structure, and are more substantial in nature than routine maintenance or minor work projects, such as new construction, expansion of a building footprint, or significant changes in landscape features. Guidelines are included in the HDC bylaws.

Workmanship: The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.

CITY OF PLAQUEMINE CODE OF ORDINANCE

Chapter 24: Historic Preservation

Section 5. Enumeration of Districts

Historic district designations in effect on the date of enactment of this article, including design treatment level assignments and defined elements of design, shall continue in effect and shall be administered according to the appropriate sections of this article. For reference, these districts are:

1. Garden District - locally recognized
2. W.W. Harleaux - Captain T. Talbot Harris District - locally recognized
3. Old Turnerville District - locally recognized
4. Plaquemine National Register Historic District
5. Plaquemine Local Historic District
6. Individual properties or sites listed on the National Register of Historic Places within the City

6. Establishment of Local Recognized District or Site area.

Upon the receipt of a written request to Plaquemine Mayor and Board of Selectmen from a majority of area property owners residing, doing business, or owning property in the City to designate a local-recognized district or site area as being locally significant or valued or distinctive in its unique architecture, character, culture, history, or heritage or aesthetic landscape, the Plaquemine Board of Selectmen, after making a determination that there are reasonable grounds for such a request, may adopt an Ordinance recognizing the requested district or site area. Such designation shall not be governed nor regulated under the City of Plaquemine Historic Preservation Ordinance nor have additional restrictive zoning regulations.

Section 7. Boundary of Districts

(A) Designation of the Plaquemine Historic District

There are hereby established under the provisions of Louisiana Revised Statutes Chapter 25, Title 731 et seq. as amended, the following Historic District. Supplemental and illustrative maps serve as a guide, which is on record in the City Clerk's Office and Plaquemine Main Street Program Office.

(B) The City Historic District shall be delineated as follows. The boundaries of the historic preservation district shall be coextensive with the city limits. Within the historic preservation district, there may be separate areas established from time to time in which differing regulations apply. No provisions of these regulations shall apply to structures or appurtenances related thereto until such have been brought within a designated area.

(C) The boundary of the Plaquemine National Register Historic District described above includes only the property south on Foundry Street, includes all the property north and south on Fort Street, includes all the property east and west on Railroad Avenue, includes only the property east on Hamilton Street, and includes all the property north and south on Main Street.

(D) In the determination of those structures and appurtenances related thereto which are to be found within an area, conflict is to be resolved in favor of inclusion rather than exclusion.

(E) The Plaquemine Historic District is established as:

The area designated as "Plaquemine Historic District" beginning at the northwest corner of Foundry Street, being the point of beginning, thence traveling east to a point that intersects with the Mississippi River, thence traveling south along the Mississippi River to its intersection with Seminary Street, continuing south along Seminary Street to its intersection with Fort Street, thence traveling westerly along Fort Street to its intersection with Railroad Avenue, thence traveling northerly along Railroad Avenue to its intersection of Court Street, then traveling west on Court Street to a point in the middle of the block between Constitution Street and Liberty Street; thence traveling north to a point in the middle of the block between Court Street and Plaquemine Street; thence traveling west to a point in the middle of the block between Court Street and Plaquemine Street, west of Railroad Avenue, thence traveling north to a point in the middle of the block of Barker's Alley and Main Street, thence traveling west to Federal Street, thence traveling south three-quarters of the block between Main Street and Plaquemine Street; thence west to the intersection of the extension of Hamilton Street; thence north along Hamilton Street to Main Street; thence traveling east to Railroad Avenue, thence traveling north along the railroad track of Louisiana Highway One to the intersection with Louisiana Highway One and Louisiana Highway 988 (Kurzweg Street), then continuing along Kurzweg Street in a westerly direction to point of beginning with Foundry Street.

CITY OF PLAQUEMINE CODE OF ORDINANCE

Chapter 24: Historic Preservation

This district is also known as the Plaquemine Main Street District, which comprises the Historic Residential, Historic Business and/or Office and Historic Commercial Districts. This area includes the Plaquemine National Register Historic District and the City Historic District. A district map is supplemental and illustrative guide which is on record in the City Clerk's Office and Main Street Program Office.

(E) The City's locally recognized districts included:

Area One: The area designated as the "Garden District of Plaquemine" from the intersection of Railroad Avenue South and Fort Street to the intersection of Fort Street and Marshall Street, traveling south along Marshall Street to the intersection of Marshall Street and LaBauve Street, traveling easterly along LaBauve Street to the intersection of LaBauve Street and Railroad Avenue South, thence traveling along Railroad Avenue South to the intersection of Fort Street and Railroad Avenue South which is the point of beginning. It is further designated as the area of the Garden District of Plaquemine that area bounded east by Eden Street, south by Desobry Street, west by the railroad tracts, and north by Fort Street. A district map is supplemental and illustrative guide which is on record in the City Clerk's Office and Main Street Program Office.

Area Two: The area designated as the "Old Turnerville District" from Laville Street to the Mississippi River Levee, bounded by Laville Street, the Mississippi River Levee, Bayou Plaquemine and Louisiana Highway One (i). A district map is supplemental and illustrative guide which is on record in the City Clerk's Office and Main Street Program Office.

Area Three: The area designated as the "W.W. Harleaux-Captain T. Talbot Harris District" encompasses a portion of the entire streets. W.W. Harleaux Street boundary begins at the intersection of Haase Street and Railroad Avenue, traveling in a westward direction to the intersection of Haase Street and Bayou Road (Louisiana Highway 3066). The entirety of Osage Street is renamed to Captain Talbot Harris Street, which begins at the intersection of Captain Talbot Harris Street (formerly Osage Street) and First Street and ends at the intersection of Captain Talbot Harris Street and W.W. Harleaux (formerly Haase Street). A district map is supplemental and illustrative guide which is on record in the City Clerk's Office and Main Street Program Office.

(F) The City's locally recognized areas along the boundaries include properties on both sides of the streets so designated, unless otherwise stated.

(G) The City's locally-recognized areas shall not be governed nor regulated under the Plaquemine Historic District rules and regulations. Such areas may adopt special zoning regulations or restrictions, as deemed appropriate.

(H) The Plaquemine Historic District shall be governed and regulated under the Plaquemine Historic District rules and regulations set forth herein and the Bylaws of the Historic District Commission.

Section 8. Zoning Categories of Historic District

(A) The following zoning districts shall be established in the Plaquemine Historic District:

- HR Historic Residential
- HB Historic Business and/or Office
- HC Historic Commercial

(B) The allowable uses are set for the in Chapter 23, Section 37 of the City Zoning Code, within these districts.

(C) Where street or property layout existing on the ground is at variance with that shown on the zoning map, the Plaquemine Historic Commission shall interpret the district boundaries.

(D) Any property with a nonconforming use within the Historic District as of the effective date of this Ordinance shall be accepted. If a nonconforming use ceases to function for six (6) months, the property shall revert to the zoning district of the adjoining properties within the block of the non-conforming property.

ARTICLE III. PLAQUEMINE HISTORIC DISTRICT COMMISSION

Section 9. Historic District Commission: Establishment, Membership Terms and Administrative Matters

CITY OF PLAQUEMINE CODE OF ORDINANCE

Chapter 24: Historic Preservation

There is hereby created the Plaquemine Historic District Commission which shall serve as the Certified Local Government Program (CLG) Commission, with the following composition, terms, and administrative matters:

A. Composition

- (1) The Historic District Commission shall consist of minimum of five (5) and no more than seven (7) members, appointed by the Mayor and subject to confirmation by the Board of Selectmen. All members shall be of the full age of majority and electorate of the City. Mayor reserves the right to appoint an additional member with non-voting privileges, as needed.
- (2) Such membership shall be chosen, as far as possible, from historic preservation disciplines and citizens members who, through education or experience, have demonstrated a commitment to historic preservation. If there are no nominees to any preservation disciplines, the Board of Selectmen may proceed to appoint the Commission without nominations. Commission membership may include historic preservation-related organization members in an advisory capacity. The City Attorney shall serve as legal counsel for the Commission in an advisory capacity.

B. Terms

- (a) The first Commission appointed shall serve staggered terms, as follows: two (2) members to serve a term of one (1) year; two (2) members to serve a term of two (2) years and one (1) member to serve a term of three (3) years. Any remaining members shall serve one (1) year term.

Thereafter, Plaquemine Historic District Commission members shall serve from three (3) to five (5) year term in staggered terms. All commissioners shall draw lots to determine the individual's terms. Commission members may serve unlimited consecutive terms with majority vote from the Board of Selectmen.

- (b) Officers Election: The Commission shall elect annually from its own members a chairman, vice-chairman and any other officers it deems appropriate. All officers, except the secretary shall be elected from its own members. The Plaquemine Main Street Manager shall serve as the Recording Secretary to the HD Commission. The Commission shall elect a secretary pro-tempore who shall take the minutes of the meeting in the absence of the recording secretary's attendance.
- (c) Vacancy: Vacancies shall be filled in the same manner as the original appointment for the unexpired term. Such vacancy shall be filled within sixty (60) days, including expired terms.

C. Administrative Matters

1. Compensation. No member shall receive compensation for his or her service on the Commission, but shall be reimbursed, subject to availability of appropriated funds, for his or her actual expenses reasonably and necessarily incurred in performance of his or her official duties.
2. Member Attendance: If a member of the HD Commission fails to attend three (3) consecutive regular meetings of the HD Commission, or fails to attend fifty (50%) percent of more of the regular meetings of the HD Commission during a calendar year, unless excused by the Chairman, the Board of Selectmen may declare such member's seat vacant and appoint a new member to serve the balance of the unexpired term.
3. Member Recall: Any member may be recalled at any time by the Mayor and/or Board of Selectmen for gross inefficiency, fraud or studied neglect.
4. Expenses. The Commission may enter into contracts and may, if necessary, subject to appropriation, employ clerical and technical assistance of consultants and incur other expenses appropriate to the carrying on of its work.
5. Gifts. The Commission may accept contributions, donations, trust and gifts and expend the same for the carrying on of its work. The Commission may administer on behalf of the City any properties or easements, restrictions or other interests in real property which the City may have or may accept as gifts or otherwise and which the City may designate the Commission as the administrator thereof.
6. Record Keeping and Rules. The HD Commission shall keep a permanent record of its resolutions, transactions and determinations and of the vote of each member participating therein, and the absence or failure to vote of every member. The HD Commission shall adopt rules of procedure for the conduct of its business and may adopt and amend such rules and regulations not inconsistent with the provisions of this Ordinance and prescribe such forms as it shall deem desirable and necessary for the regulations of its affairs and the conduct of its business. The Commission's activities shall be filed with the Louisiana Division of Historic Preservation under provisions of Louisiana Revised Statutes, Title 25, Section 731 et. seq.

CITY OF PLAQUEMINE CODE OF ORDINANCE

Chapter 24: Historic Preservation

7. Bylaws. The Commission shall make bylaws as it deems necessary for the conduct of its affairs not inconsistent with the laws of the City and State, subject to the approval of the Board of Selectmen. Commission bylaws shall be set forth in this Chapter of this Ordinance as approved by the Board of Selectmen. Any change of bylaws shall be approved by the Board of Selectmen.
8. Other Powers. The Commission shall have, in addition to the powers, authority and duties granted to it by this Ordinance, such other powers, authority and duties as may be delegated or assigned to it from time to time by vote of the Board of Selectmen.

Section 10. Commission Meetings

- a. Notice Requirements: Public hearing notice shall be posted in the City's official journal as a legal advertisement with time and place at least seven (7) days before such hearing, and on or near the main entrance of any hall or room where the Commission usually meets.
- b. Meeting: A public hearing shall be held for each application for Certificate of Appropriateness affecting property, except in those instances where the Commission has determined that the application for Certificate of Appropriateness is not a substantive change and further that the Commission has determined the Certificate complies with standards adopted. The Commission may also conduct a public hearing on other historic preservation matters for informational purposes.
- c. Voting: The Commission shall hold regular meetings and special meetings, as needed, open to the public. The Commission shall meet at regular intervals at least four (4) times a year or in such other manner as the Commission shall determine in its rules. A majority of the members of a Commission shall constitute a quorum. The concurring vote of a majority of the Commission members shall be necessary to issue a Certificate of Appropriateness.
- d. Review of Application: The Commission shall determine promptly, and in all events within forty-five (45) after the filing of an application for a Certificate of Appropriateness, as the case may be, whether the application involves any exterior architectural features which are subject to approval by the Commission. If the Commission determines that such application involves any such features which are subject to approval by the Commission, the Commission shall hold a public hearing on such application unless such hearing is dispensed with as hereinafter provided.
- e. Hearing an Application: The Commission shall fix a reasonable time for the hearing on any application and shall give public notice of the time, place and purposes thereof at least seven (7) business days before said hearing in such manner as it may determine.
- f. Period of Determination: As soon as convenient after such public hearing, but in any event within forty-five (45) days after the filing of the application, or within such further time as the applicant may allow in writing, the Commission shall make determination on the application, giving consideration to the factors set forth in L.R.S. 25:737(A) and (B) and any other guidelines deemed appropriate. Applicant shall be given written notice of its decision setting for the reasons therefore by virtue of the Certificate of Appropriateness. The applicant and the Commission may agree upon an extension of the determination period, or the application may be withdrawn within forty-five (45) days after application filing.
- g. Waiver of Public Hearing: A public hearing on an application need not be held if such hearing is waived in writing by the applicant and Commission as follows: if the Commission determines that the exterior architectural feature involved or its category or color, as the case may be, is so insubstantial in its effect on the historic district that it may be reviewed by the Commission without public hearing on an application.

Section 11. Commission Powers and Duties

The Plaquemine Historic District Commission shall:

1. Work with the Board of Selectmen on matters of historic preservation,
2. Take the initiative in bringing people together on historic preservation issues,
3. Develop and maintain and, from time to time, amend a plan for historic preservation in the City,
4. Establish and maintain a City of Plaquemine Historic Property Register, survey historic properties including archaeological resources, and formulate design guidelines,
5. Provide public information and education on preservation, coordinate resources and provide technical assistance and make recommendations to the Board of Selectmen and citizens of the City regarding historic preservation,

CITY OF PLAQUEMINE CODE OF ORDINANCE

Chapter 24: Historic Preservation

6. Confer, as needed, with other city, parish, regional, state and national historic preservation boards and commissions. The Commission shall work with and assist City Departments in matters affecting historic preservation,
7. Initiate plans for the restoration or rehabilitation of City-owned buildings, and shall advocate and recommend plans for the restoration or rehabilitation of privately-owned buildings and the preservation of archaeological resources, and
8. Discourage and work with City Departments to prevent unwanted demolition or removal of historic buildings and structures, and the destruction of archaeological resources.
9. Review all proposed applications for Certificates of Appropriateness, Certificate of Non-applicability or Certificate of Hardship Variance for private and publicly-owned properties, including plans for new construction, reconstruction of existing structures, partial renovations, demolitions, relocation of properties, and construction of new and/or refurbishment of existing signs, including bill posters and the style, scale, material, size and location of outdoor advertising signs,
10. Not consider interior arrangement or use but shall consider the relationship of the building's exterior concerned with all others in the historic preservation district as to avoid incongruity and promote harmony therewith,
11. Adhere to and seek compatibility of structures in the historic district in terms of size, texture, scale and site plan and define design guidelines,
12. Have the power to approve or deny applications as it may deem appropriate and has met all criteria in order to maintain the character of the Historic District and forward Certificates to the City Inspector's Office,
13. Have jurisdiction in which the powers and duties of the Plaquemine Historic Commission shall be imposed shall be those areas of the City as outlined in this Ordinance, and
14. Follow the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating & Reconstructing Historic Buildings in considering all proposals for new construction and/or rehabilitation, as copies of the guidelines may be available at the City Inspector's Office and Plaquemine Main Street Office.
15. In order to carry out its powers and duties, the Plaquemine Historic District Commission may employ and/or appoint technical advisors and/or consultants as provided by law. The cost of which shall be approved by the City prior to employing or appointing said professional. The cost shall be paid by the City upon satisfactory completion of the work.

Section 12. Historic Preservation Officer.

- A. The Recording Secretary of the Historic District Commission shall serve as the Historic Preservation Officer. Such officer shall also be the designated Plaquemine Main Street Manager. Such officer shall:
 - 1- Perform administrative acts required by the Historic Preservation Ordinance, including giving notice, researching background material, preparing reports and recommendations, attending meetings of the HD Commission, and rendering such assistance to the HD Commission as is required.
 - 2- Work with and assist departments of the City in matters affecting historic preservation.
 - 3- In conjunction with policy as established by the HD Commission, shall establish and maintain a program of incentives. The incentives shall be used to encourage owners of historic properties to obtain HP designation and to assist owners of designated property in recognition, restoration and maintenance of their historic, architectural or archaeological resources.
 - 4- Perform such other acts as are required by this Ordinance or by the HD Commission.
- B. Duties of the Historic Preservation Officer may be delegated as necessary.

Section 13. Historic District Certificate of Appropriateness Application

- a. Considerations of Commission. In passing upon matters before it, the Commission shall consider, among other things, the historic and architectural value and significance of the site, building or structure, the general design, arrangement, texture, material and color of the features involved, and the relation of such features to similar features of buildings and structures in the surrounding area. In the case of new construction or additions to existing buildings or structures, the Commission shall consider the appropriateness of the size and shape of the building or structure both in relation to the land area upon which the building or structure is situated and to buildings and structures in the vicinity, and the Commission may in appropriate cases may request dimensional

CITY OF PLAQUEMINE CODE OF ORDINANCE

Chapter 24: Historic Preservation

and set back requirements in addition to those required by applicable ordinance or by-law. Such request must be approved by Planning and Zoning Department. The Commission shall not consider interior arrangements or the categories of exclusions specified in paragraph c of this Section.

The Commission shall not make any recommendation or requirement except for the purpose of preventing developments incongruous to the historic aspects or the architectural characteristics of the surroundings and of the historic district.

b. Submission Requirements. Except for the exclusions noted in paragraph (c), no building or structure within an historic district shall be constructed or altered in any way that affects exterior architectural features unless the Commission shall first have issued Certificate of Appropriateness with respect to such alteration, construction or demolition or relocation of property.

An application for a Certificate of Appropriateness shall file with the Commission, in such form as the Commission may reasonably determine, together with such plans, elevations, specifications, material and other information, including in the case of demolition or removal, a statement of the proposed condition and appearance of the property thereafter, as may be reasonably deemed necessary by the Commission to enable it to make a determination on the application.

A Certificate of Appropriateness can be filed administratively with the concurrence of the Recording Secretary and Building Official. Such certificates shall be presented at the next available HDC meeting.

No building permit for building or structure construction or for alteration of an exterior architectural feature and no demolition permit for full or partial building demolition or removal within an historic district shall be issued by City Building Official thereof until the certificate required by this section has been issued by the Commission.

c. Exclusions. The authority of the Commission shall not extend to the review of the following categories of buildings, structures or exterior architectural features of the historic district and, in this event, the buildings, structures or exterior architectural features so excluded may be constructed or altered within the historic district without review by the Commission:

1. temporary structures, subject, however, to such conditions as to duration of use, location, lighting, removal and similar matters as the Commission may reasonably specify;
2. storm doors and windows, screens, window air conditioners, lighting fixtures, antennae, lawn statuary and similar appurtenances, or any one or more of them;
3. the reconstruction, substantially similar in exterior design, type of use and size of a building, structure or exterior architectural feature damaged or destroyed by storm or other disaster, provided such reconstruction is begun within one (1) year thereafter and carried forward with due diligence;
4. interior features, unless it is to be considered an integral part of the exterior architectural features.

Section 14. Historic District Certificate of Appropriateness Procedure

Commission Powers and Duties. The Commission shall have the following powers, functions and duties related to issuance of certificates:

1. If the Commission determines that the construction, alteration, relocation of property, or demolition (full or partial) for which an application for a Certificate of Appropriateness has been filed will be appropriate for or compatible with the preservation or protection of the historic district, the Commission shall cause a Certificate of Appropriateness to be issued to the applicant.

In the case of a disapproval of a Certificate of Appropriateness application, the Commission shall place upon its records the reasons for such determination and shall forthwith cause a notice of its determination, accompanied by a copy of the reasons therefore as set forth in the records of the Commission, to be issued to the applicant. Prior to the issuance of any disapproval, the Commission may notify the applicant of its proposed action accompanied by recommendations of changes in the applicant's proposal which, if made, would make the

CITY OF PLAQUEMINE CODE OF ORDINANCE

Chapter 24: Historic Preservation

application acceptable to the Commission. The Commission may make an appropriate alternative proposal recommendation to the applicant with respect to appropriateness of design, arrangement, texture, material, and similar features. The Commission shall, as feasible, identify sources of additional information, technical assistance and financial incentives, which may eliminate the area of concern. If, within fourteen (14) days of the receipt of such notice, the applicant files a written modification of his application in conformity with the recommended changes of the Commission, the Commission shall cause Certificate of Appropriateness to be issued to the applicant.

2. In the case of determination by the Commission that an application for a Certificate of Appropriateness does not involve any exterior architectural feature, or involves an exterior architectural feature which is not then subject to review by the Commission, the Commission shall issue to the application such Certificate denoting no cause of effect.

3. Each certificate issued by the Commission shall be dated and signed by its Chairman or Vice-Chairman or Secretary or such other person designated by the Commission to sign such certificates on its behalf. Each certificate issued by the Commission shall also be accompanied by a document substantiating insufficient detail, the basis of the determination. Certificates are valid for one (1) full year from the date of issuance and must be revalidated by the Commission if substantial work has not been completed by the end of this period. A certificate of appropriateness may be amended, modified or extended only in accordance with the procedures and criteria established for its original approval.

4. The Commission shall file with the City Building Official a copy or notice of all certificates, determinations of disapproval and substantiating documents issued by it.

5. The Commission shall have the right to make such recommendations for changes and modifications as it may deem necessary in order to enable the applicant to meet with its requirements.

6. If the application is approved, the Commission shall issue the Certificate and send its decision, in writing, to the applicant and the City Inspector within three (3) business days. The applicant shall submit the Certificate of Appropriateness to the City Building Official, who may within three (3) business days issue building permits for the proposed work.

Section 15. Standards for Certificate of Appropriateness

In reviewing applications, the Commission shall consider, in relation to the design treatment levels and the defined elements of design for the historic district:

- (1) whether the proposed work will be appropriate according to the design treatment levels and defined elements of design for the historic district, in which case the commission will issue a Certificate of Appropriateness; or
- (2) whether the proposed work will be inappropriate according to the design treatment levels and defined elements of design for the historic district, but is without substantial detriment to the public welfare and without substantial derogation from the intents and purposes of this chapter, and where denial of the application will result in undue financial hardship to the applicant, in which case the commission may issue a Certificate of Appropriateness; or
- (3) whether the proposed work will be inappropriate according to the design treatment levels and defined elements of design for the historic district, in which case the commission will issue a denial.

The Commission shall give consideration to:

- (a) the historic, cultural, archaeological, or architectural significance of the historic site or structure and its relationship to the historic, cultural, archaeological, or architectural significance of the surrounding area;
- (b) the relationship of the exterior architectural features of a historic site, or structure to the remainder of the historic site or structure and to the surrounding area;
- (c) the general compatibility of proposed exterior design, scale, proportion, arrangement, texture, and materials to the historic site or structure and to the surrounding area;

CITY OF PLAQUEMINE CODE OF ORDINANCE

Chapter 24: Historic Preservation

- (d) compliance with The Secretary of the Interior's Standards for the Treatment of Historic Properties; and consistent with the intent and principles of the Plaquemine District Design Manual (most recent addition) which is more commonly known as the "HDC Design Guidelines."
- (e) any other factors including aesthetic factors which the Commission deems to be pertinent.

Section 16. Appeals

- (A) Any owner, agent, lessee or other person acting for or in conjunction with the applicant aggrieved by any decision, act or failure to act, or proceeding inconsistent with Historic District Commission's decision shall have a right to apply in writing to the Board of Selectmen for reversal or modification thereof; and the Mayor shall have the right to stay or stop all further action until the Board of Selectmen shall have had an opportunity to rule thereon. Any such appeal shall be taken within thirty (30) days from date of the written decision of the Plaquemine Historic District Commission, and the Board of Selectmen may consider said appeal at its next regular meeting or special meeting, but, in any event, not more than forty-five (45) days thereafter. The Board of Selectmen may affirm, deny, change, reverse, or modify any decision of the Plaquemine Historic District Commission by majority vote of its members present.
- (B) Any owner, agent, lessee or other person acting for or in conjunction with the applicant aggrieved by any decision of the Board of Selectmen affecting the Historic District shall have the right to file a civil suit in a court of competent jurisdiction within thirty (30) days from the date of decision by the Board of Selectmen.

(C) PROCEDURE FOR APPEALS

1. Enforcement. The 18th Judicial District Court shall have jurisdiction to enforce the provisions of Louisiana Revised Statutes Title 25, Section 731 et. seq and this ordinance enacted there under and the determinations, rulings and regulations issued pursuant thereto and may, upon the petition of the Mayor or the Board of Selectmen or of the Commission, restrain by injunction violations thereof; and, without limitation, such court may order the removal of any building, structure or exterior architectural feature constructed in violation thereof, or the substantial restoration of any building, structure or exterior architectural feature altered or demolished in violation thereof, and may issue such other orders for relief as may be equitable. Whoever violates any of the provisions of this ordinance shall be punished by a fine of five hundred dollars (\$500.00). Each day during any portion of which a violation continues to exist shall constitute a separate offense.
2. Other Options. The remedy provided by this section shall be exclusive but the parties shall have all rights of appeal and exception as in other equity cases.
3. Costs. Costs shall not be allowed against the Commission unless it shall appear to the court that the Commission acted with gross negligence, in bad faith or with malice in the matter from which appeal was taken. Costs shall not be allowed against the party appealing from such determination of the Commission unless it shall appear to the court that such party acted in bad faith or with malice in making the appeal to the court.

Section 17. Injunctions

Whenever any person has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of this Ordinance, the Commission or City may make application to the appropriate Court for an order enjoining such act or practice, or requiring such person to refrain from such prospective violation or to remedy such violation by restoring the affected property to its previous condition. Upon showing by the Commission or the City that such person has engaged or is about to engage in such act or practice, a permanent or temporary injunction, temporary restraining order, or other appropriate order shall be granted without bond.

Section 18. Penalties

Any owner, agent, lessee, or other person acting for or in conjunction with the owner, who has not received a Certificate of Appropriateness from the Plaquemine Historic District Commission and has begun construction, reconstruction or refurbishment of a property or signage within the Historic District shall be considered in

CITY OF PLAQUEMINE CODE OF ORDINANCE

Chapter 24: Historic Preservation

violation of this Ordinance shall be fined up to five hundred dollars (\$500) for each infraction until the appropriate application and plans have been received, approved and a Certificate of Appropriateness issued.

Section 19. Emergency Stopping Work without Certificate

The City Inspector or his designee is empowered to promptly stop any work started without or contrary to a Certificate of Appropriateness issued under this Ordinance. In addition to other remedies and penalties, where there is a violation of this Article, the City Building Official, through the city attorney, shall institute appropriate action to prevent, enjoin, abate or remove the violation.

Section 20. Building Permit

Before work commences within the Plaquemine Historic District, an application for a building permit may be required. Such permit shall be submitted to the City Building Official by the applicant and no work shall begin before the issuance of a building permit.

Section 21. Demolition of Historic Buildings

INTENT: It is the intent of this Ordinance to preserve the historic and architectural resource within the Historic District. However it is recognized that there can be circumstances beyond the control of the owner, or situations involved public health, safety, and welfare which may result in the necessary demolition of a structure. These situations include a building which constitutes danger to the public, safety and welfare, or which involves a resource whose loss does not diminish or adversely affect the integrity of the district, or which imposes a hardship on its owners.

PROCESS: The Process for the review of proposed demolition or removal of buildings, sites, or structures located in Plaquemine Historic District shall be as provided in the Application for Certificate of Appropriateness in Sections 13, 14, 15 and 16, with the additional requirements set forth herein and in Section 22.

A. In addition to any other requirements and/or standards, the Historic District Commission standards of review shall include:

- a. The architectural or historical value or significance of the structure or feature and its relationship or contribution to other historic value of the property in the surrounding area.
- b. The relationship of the exterior architectural features or landscape features to the remainder of the structure, site or property and to the surrounding area.
- c. The relation of historic or architectural features found on the site to other such features within the surrounding area.
- d. Any other factors, including aesthetic, which may be relevant to the historical or architectural aspects of the property or deem pertinent by the commission.

B. Denial of Demolition

In the event a demolition is denied, no Certificate of Appropriateness for demolition shall be issued for one (1) year from the date of the HD Commission initial hearing on the subject property.

C. In addition to the Standards of Review in subsection A herein, the standards for granting a demolition.

Certificate of Appropriateness shall only be granted if the applicant demonstrates:

- a. That the building is of no or minimal historic significance because of its location, condition, modifications or other factors, and its demolition shall be inconsequential to historic preservation needs of the area; or
- b. Loss of the structure would not adversely affect the integrity of the Historic District or the historic, architectural or aesthetic relationship to adjacent properties and its demolition shall be inconsequential to historic preservation needs of the area.; or
- c. If the building is determined to have historic or architectural significance, that the denial of the demolition permit will resulting an hardship to the property owner. Such hardship shall be determined in accordance with City Code Chapter 24, Section 22.

D. An application for a demolition certificate of appropriateness shall be exempt from these demolition review requirements if the Building Official or his designee notifies the HDC Recording Secretary in writing that the building has been ordered to be demolished in whole or part by the Mayor or Board of Selectmen to protect the public health, safety and welfare.

CITY OF PLAQUEMINE CODE OF ORDINANCE

Chapter 24: Historic Preservation

E. The provisions of this Section apply to all areas of the City under the HP designation on the effective date of this Ordinance and to all areas of the City for which applications for HP designation are initiated after the effective date of this Ordinance.

F. A demolition certificate of appropriateness may be conditioned on stipulations which provide for rights of access to the property for the purposes of documentation or for agreed upon removal of artifacts.

G. Upon denial of a demolition, certificate of appropriateness, the Recording Secretary/Main Street Manager may contact the property owner to determine what available assistance might be feasible to place the property into productive use.

Section 22. Information to Submit for the Demolition or Moving of Historic Buildings

In consideration of an application for a certificate of appropriateness to demolish, the applicant shall provide the following information to the Plaquemine Historic District Commission, which must be submitted before the application is considered:

- (1) Form of ownership of the property.
- (2) A report from an engineer licensed in the State of Louisiana as to the structural soundness of the structure and its adaptability for rehabilitation. Any dangerous conditions should be identified. Include the engineer's resume highlighting professional experience in historic property assessment/rehabilitation.
- (3) Cost of the proposed demolition or removal and an estimate of any additional costs that would be incurred to comply with standard conditions of approval such as documentation.
- (4) Fair market value of the property to be presented through an appraisal by a qualified professional expert. All appraisals obtained within the previous two (2) by the owner or applicant in connection with the purchase, financing, or ownership of the property.
- (5) An itemized breakdown from a professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure of the property.
- (6) Amount paid for the property, the date of purchase, identification of the seller, a description of the relationship, if any, between the owner of record or the applicant and the person from whom the property was purchased, and any items of financing between the seller and buyer. The Settlement Statement must be submitted. The remaining balance of any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years must be submitted.
- (7) If the property is income producing, the annual gross income from the property for the previous two (2) years; the itemized operating and maintenance expenses for the past two (2) years, and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
- (8) Price asked and offers received, if any, within the previous two (2) years. The most recent tax assessment must be submitted.

Section 23. Demolition by Neglect

(A) Any resource which is designated as historic and all resources within the Historic District shall be preserved by the owner or such other person or persons as may have the legal custody or control thereof against decay and deterioration and free from unreasonable structural defects. The owner or other person having legal custody and control thereof shall repair such resource if it is found to have one or more of the following defects:

- (1) Deterioration to the extent that creates or permits a hazardous or unsafe condition as determined by the City Inspector.
- (2) Deterioration, as determined by the City Inspector, of a building characterized by one (1) or more of the following:
 - i. Those buildings which have parts thereof which are so attached that they may fall and injure persons or property.
 - ii. Deteriorated or inadequate foundations.
 - iii. Defective or deteriorated floor supports, or floor supports insufficient to carry imposed loads safely.
 - iv. Parts of walls or other vertical supports that split, lean, lost or buckle due to defective material, workmanship or deterioration.
 - v. Members of walls or other vertical supports that is insufficient to carry imposed loads safely
 - vi. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material, workmanship, or deterioration.

CITY OF PLAQUEMINE CODE OF ORDINANCE

Chapter 24: Historic Preservation

vii. Fireplaces or chimneys which list, bulge, or settle due to defective material, workmanship, or deterioration.

viii. Any fault, defect or condition in the building which renders the same structurally unsafe or not properly watertight.

(B) If the preliminary determination that a resource is being demolished by neglect, the City Building Official shall notify the owners of the resource of this preliminary determination, stating the reasons therefore and shall give the owner of record thirty (30) days from the date of mailing of such notice or the posting thereof on the property, whichever comes later, to commence work to correct the specific defects as determined by the Commission.

(1) Said notices shall be given as follows:

i. By certified mail, restricted delivery, mailed to the last known address of the record owner as listed on the City Tax Rolls.

ii. If the above mailing procedure is not successful, notice shall be posed in a conspicuous, protected place on the resource.

(C) If the owner fails to commence work within the time allotted as evidenced by lack of a Certificate of Appropriateness and/or a Building Permit, the Commission shall notify the City Building Official, who shall notify the owner in the manner provided above to appear at a public hearing before the Commission. For the purpose of ensuring lawful notice or mitigating circumstances, a hearing may be continued to a new date and time. The Commission shall receive evidence on the issue of whether the subject resource should be repaired and the owner may present evidence in rebuttal thereto. If, after such hearing, the Commission and the City Inspector shall determine that the resource is being demolished by neglect, the City Inspector may take appropriate action against the owner if the necessary repairs are not completed within ninety (90) days of the determination that the subject building or structure is being demolished by neglect.

Section 24. Exterior Changes to Buildings

(A) Due to the unique nature of the Historic District, all new construction or reconstruction of existing structures shall be made to conform to architectural periods or styles prevalent in the Historic District, specifically the neighboring structures. Conformance with this intent shall be at the discretion of the Plaquemine Historic District Commission.

(B) Any existing building in the Historic District shall not be altered or changed to resemble or mimic a style that is earlier than its construction and/or ground breaking date.

(C) The owner of any property within the Historic District shall apply at least twenty one (21) days prior to construction start date for a Certificate of Appropriateness from the Commission before commencement of any work in:

(1) the erection of any new building or construction in the Historic District

(2) the alteration or addition to any existing structure in the Historic District; or

(3) the painting and major repairing of any existing building situated within the Historic District; or

(4) the relocation of any building in or into the Historic District; or

(5) the construction or refurbishment of any signage.

Ordinary and necessary maintenance and repairs which do not involve a change of design, material, or of the outward appearance, thereof, nor prevent the construction, reconstruction, alteration or demolition of any such feature which is required for by the public safety because of an unsafe or dangerous condition shall not require an application for a Certificate of Appropriateness.

(D) The application therefore must be received in the Plaquemine Main Street Office at least fourteen (14) calendar days before the next HD Commission meeting. Such applications may be submitted at the City Inspector's office or Main Street Program office. Applications may also be accepted at the Plaquemine Main Street Program office that does not require a prior zoning change or variance approval.

Applications shall be accompanied by the full plans and specifications thereof so far as they relate to the proposed appearance, color, texture or materials and architectural design of the exterior, including the front, sides, rear and roof of such buildings. Also included are alterations or additions of any building or outbuilding,

CITY OF PLAQUEMINE CODE OF ORDINANCE

Chapter 24: Historic Preservation

party wall, courtyard, sidewalk, driveway, parking area, fence or other dependency thereof, and any construction or refurbishment of signs.

(E) Where, by reason of topographic conditions, irregularly shaped lots, or an unusual circumstance applicable solely to the particular applicant, the strict enforcement of the provisions of this Ordinance would result in serious undue hardship, then the Commission shall have the power to vary or modify adherence to this Ordinance provided always that its requirements insure harmony with the general purposes hereof, and will not adversely affect the Historic District as a whole.

(F) Building erection, modification or relocation that requires zoning change or variance must be approved by the Plaquemine Planning and Zoning Commission before such application can be submitted to the Plaquemine Historic District Commission

(G) Demolition of any building, site or structure in the Historic District is prohibited, except as provided in Chapter 24, Section 21 and Section 22 of the City Code.

Section 25. New Construction in Historic District

A. Proposal for new construction in the Historic District should seek compatibility with existing structures through the appropriate use of site planning, materials, decorative details, architectural elements and scale. A proposal should not draw unnecessary attention to itself in any one of these characteristics. The architectural context is of primary concern. The following should be considered:

- 1) **Scale:** The relationship of the building and its elements, including the doors and windows, to other structures in the district. It is important in considering scale that a careful study is made of the height, width, and mass of buildings in the immediate neighborhood and Historic District as a whole. This study should serve to confirm or deny the appropriateness of the height, width, and mass of the proposed building. Maximum height of any new structure/building shall conform to The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating & Reconstructing Historic Buildings. In no case shall a new structure exceed a height of thirty-five (35) feet above the street.
- 2) **Siting:** The positioning of a building on a lot. This process includes determining the setback of a building, the spacing of the building from adjacent buildings, and the location of the walls, fences, walks, drives, and landscaping, if any of these are used in the overall design. The setback of any new construction shall correspond to those of the adjacent properties, but shall not be in conflict with zoning ordinance setback requirements.
- 3) **Materials:** The surface building fabric which contributes to the exterior character and appearance of a building. The materials used in the new construction should conform to the style of the structure, the neighborhood, and the Historic District.
- 4) **Decorative Details:** The ornamentation or embellishment of the structure. These include cornices, lintels, arches, balustrades, chimneys, shutters, columns, and other common details. When used, details should create a unifying effect on a building and should be compatible with the context of the neighborhood.
- 5) **Architectural Elements:** Parts of a building/structure that is integral to its composition. These include balconies, roofs, porches, chimneys, dormers, parapets, and other parts of a building that contribute to its overall shape and silhouette. The choice and arrangement of elements of a proposed building should reflect those of other buildings in the neighborhood. The building should not draw unnecessary attention to itself by failing to relate to neighboring styles. The object is to compliment the context of the Historic District.

B. A certificate of appropriateness for new construction in the historic district shall satisfy following criteria:

- (1) The new construction must be compatible with the setbacks along the block face and facing block face(s);
- (2) The exterior features of new construction must be compatible with the exterior features of structures along the block face or facing block face(s); and
- (3) The proportions of the new construction, including height, width, length and roofline, must be compatible with structures and objects along the block face or facing block face(s).

Nothing in the foregoing shall be construed to require or impose a single architectural style in the historic district.

C. The erection and construction of any type of billboard, outdoor advertising or off-premise sign on a parcel classified as Historic Residential (HR) is prohibited.

Section 26. Signage

CITY OF PLAQUEMINE CODE OF ORDINANCE

Chapter 24: Historic Preservation

Any signage in the Historic District, Historic Commercial and Historic Business shall conform, as follows:

- (A) All signs to be displayed on parcels classified and zoned as Historic Business (HB) and Historic Commercial (HC) must obtain a Certificate of Appropriateness prior to being constructed or displayed.
- (B) Any person seeking to erect, construct or display a sign in the Historic Business (HB) or Historic Commercial (HC) shall follow the procedures set forth in City Code Chapter 24, Section 13 - Application for Certificate of Appropriateness.

Section 27. General Historic District Characteristics

- (A) Suitable Colors and Color Combinations: The Plaquemine Historic District Commission shall prepare and maintain a book of historic colors suitable for use. This book shall be available at the Plaquemine Main Street Manager's Office. All new construction, reconstruction, partial renovations, or refurbishing of existing structures or construction of new or refurbishment of existing signs shall conform with this book of historic colors and shall be compatible with the neighboring properties.
- (B) Fences: All fence designs must be in harmony with the nature of the district. The list of fencing materials that are generally acceptable shall be maintained at the Plaquemine Main Street Manager's Office. The following fencing materials are not acceptable: barbed wire, chain link, concrete block, stockade, plywood, hardboard, or asbestos board.
- (C) Floodlights: The Historic District shall not be illuminated by privately controlled floodlights or other illumination except as approved by the Plaquemine Historic Commission or as permitted specifically by ordinance. City maintained security lights on poles shall be allowed in the Historic District. It is recommended that these floodlights be placed in back yards.
- (D) Porches and Overhanging Balconies: No porches, galleries, or overhanging balconies may be removed, but new or additional balconies may be constructed if they confirm to the distinctive architecture of the building and of the Historic District. The application for a Certificate of Appropriateness for all such new construction or any renovation shall be subject to the requirements of this Ordinance.
- (E) Aerials, Antennas, etc: The placement or construction of aerials, antennas, satellite dishes of any type or other forms of objects not in keeping with the presentation of the Historic District shall not be located where they can be seen by casual observance by the general public. Applications and plans for the discreet placement or construction of any of these items shall be submitted to the Plaquemine Historic Commission for their approval.
- (F) Commercial Vehicles: No heavy duty/highway duty vehicles (such as semi's or large travel trailers), except in the case of deliveries or repairs, shall be parked in plain view of the general public in the residential areas of the Historic District. Any existing authorized use as of the effective date of this Ordinance shall be allowed as a nonconforming use.

Section 28. Minimum Maintenance Requirements

In order to insure the protective maintenance or resources, the exterior features of properties in the Historic District shall be maintained in compliance with the International Building Code as previously adopted by the City of Plaquemine.

Section 29. Ordinary Repairs Permitted

Nothing in this article shall be construed to prevent ordinary maintenance or repair of any structure within the Historic District. Ordinary maintenance or repair shall mean any maintenance or repair not defined as "work" herein. Ordinary and necessary maintenance and repairs which do not involve a change of design, material, or of the outward appearance, thereof, nor prevent the construction, reconstruction, alteration or demolition of any such feature which is required for by the public safety because of an unsafe or dangerous condition shall not require an application for a Certificate of Appropriateness.

Section 30. Landscaping and Yard Maintenance

CITY OF PLAQUEMINE CODE OF ORDINANCE

Chapter 24: Historic Preservation

- (A) Landscaping of all properties in the Historic District shall be of a scale and style that is compatible with the structures/buildings on the property and appropriate to the neighborhood.
- (B) All trees, shrubs, bushes, planting beds, etc. shall be maintained to their normal maintenance requirements.
- (C) Lawns and grass shall be maintained and mowed on a regular basis.
- (D) All tree limbs overhanging sidewalks shall be maintained at a height not less than eight (8) feet from the sidewalk.
- (E) All yard ornamental salutory, fixtures, amenities, gazebo, etc., shall be compatible with the scale and proportion of the structure and lot size. The context of these items shall be appropriate to the Historic District.

Section 31. Enforcement

- (a) If it is determined by the Plaquemine Historic District Commission that a structure in an historic district is being demolished by neglect, the Commission, on its own initiative, and to insure that the structure shall be preserved and protected in consonance with the purposes of this article may notify in writing to the City Inspector Office requesting that the City Building Inspector or his designee require the correction of defects or necessary repairs of the structures.
- (b) In addition to other enforcement rights created by this article, the requirements of an historic district may be enforced upon the complaint of any property owner or association of property owners within the district.
- (c) Any person or organization performing work within a designated historic district prior to the issuance of the required building permit or contrary to conditions specified in any permit issued for work within a district shall, upon conviction, be subject to a five hundred dollar (\$500.00) fine. The Plaquemine Historic District Commission may require that conditions created by violations of this article be remedied in conformance with the requirements for the district.
- (d) In cases where there is imminent danger of the loss of a designated historic building, site or structure, the Plaquemine Historic District Commission shall notify Mayor and Board of Selectmen to request to seek such injunctive relief as it deems necessary and appropriate to preserve the historic building, site or structure.

Section 32. Severability

The provisions of this ordinance are severable, and if any of its provisions shall be held invalid or unconstitutional by any decision of any court or competent jurisdiction, such decision shall not impair or otherwise effect any other provisions of this act.

Sections 33 through 43. Reserved.