

## Ordinance for City of West Monroe - Historic Preservation

### ARTICLE C. HISTORIC PRESERVATION

#### Sec. 12-7031. Purpose.

The purpose of this article is to promote the educational, cultural, economic, and general welfare of the community by:

- (1) Providing the means to identify and preserve the distinctive historical, cultural, archaeological, and architectural characteristics of West Monroe;
- (2) Fostering civic pride in the beauty of and accomplishments in West Monroe's past;
- (3) Conserving and improving the value of property designated as valued landmarks or within historic districts in the city;
- (4) Enhancing the attractiveness of the city to home buyers, tourists, visitors, and shoppers, thus supporting and promoting commerce and providing economic benefit to the city and to its residents;
- (5) Encouraging preservation, restoration, and rehabilitation of structures, areas, and neighborhoods to prevent future blight;
- (6) Gathering and organizing information on West Monroe's history and disseminating that information through publications, exhibits, or other means for the edification and education of the general public.

(Ord. No. 2540, § 1, 9-14-93)

#### Sec. 12-7032. Definitions.

For purposes of this article, certain words or phrases used herein are defined as follows: *Alteration* means any change to a structure or site in a designated historic district or to a landmark which alters its shape, size, or spacial orientation. Alteration includes excavation or sepulture and the repointing or sandblasting of brickwork.

*Board* means the West Monroe Board of Aldermen.

*Certificate of appropriateness* means a certificate issued by the West Monroe Heritage Preservation Commission indicating its approval of plans for the construction, reconstruction, alteration, removal, or demolition of a historic Landmark or of a structure within a historic district.

*Ruling of economic hardship* means a ruling issued by the West Monroe Board of Aldermen authorizing construction, reconstruction, alteration, removal, or demolition in a historic district or at the site of a landmark even though a certificate of appropriateness has not been issued by the West Monroe Heritage Preservation Commission.

*City* means the City of West Monroe, Louisiana.

*Commission* means the West Monroe Heritage Preservation Commission.

*Exterior architectural features* means the color, architectural style, general design, and general arrangement of the exterior of a structure including, but not limited to, the kind and texture of building materials, the type and style of roofs, windows, doors, light fixtures, signs, and other appurtenant fixtures. The style, scale, material, size, and location of outdoor advertising signs and bill posters shall also be considered architectural features.

*Historic district* means an area designated by the board of aldermen in legal session convened, as delineated in section 12-7043, which contains within its specific

geographical boundaries one or more landmarks and other properties or structures of historic, archaeological, or architectural significance.

*Landmark* means a property or structure designated by the Board of Aldermen that is worthy of preservation, restoration, and/or rehabilitation because of its historical, archaeological, or architectural significance.

*Mayor* means the mayor of West Monroe, Louisiana.

*Removal* means any relocation of a structure on its site or to another site.

*Repair* means any change that is not construction, reconstruction, alteration, removal, or demolition.

*Structure* means anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including but not limited to buildings, fences, gazebos, advertising signs, billboards, backstops, towers, portable buildings, trailers, mobile homes, antennae, swimming pools, utility poles, decks, and walls, with or without covering roofs.

(Ord. No. 2540, § 1, 9-14-93)

Sec. 12-7033. Establishment of preservation commission.

(a) The West Monroe Heritage Preservation Commission shall consist of seven (7) members, the majority of which reside in the historic preservation districts and all of whom reside in the city, appointed by the mayor with the consent of the board by majority vote.

(b) In making appointments, preference shall be given to members of historic, cultural, educational, archeological, architectural, artistic, and preservation organizations.

(Ord. No. 2540, § 1, 9-14-93)

Sec. 12-7034. Commission membership; terms.

(a) Members of the commission shall serve four (4) year terms, except that members of the first appointed commission shall serve respectively as follows: two (2) members for one year; two (2) members for two (2) years, two (2) members for three (3) years; and one member for four (4) years.

(b) All members shall serve without compensation.

(c) Any member may be recalled at any time by the board for gross inefficiency, fraud or study neglect, but only after open hearing and upon notice specifying the complaint involved.

(d) Vacancies shall be filled in the same manner as original appointments.

(Ord. No. 2540, § 1, 9-14-93)

Sec. 12-7035. Officers; meetings; procedures.

(a) The commission shall elect annually from among its members a chairman, a vice-chairman, and such other officers as it may deem necessary. The chairman or, in his absence, the vice-chairman shall preside over meetings.

(b) No review, approval, disapproval, or recommendation shall be made by the commission until it has adopted rules, regulations, policies, procedures, and standards following a public hearing.

(c) Said rules, regulations, policies, and procedures shall be recorded in writing and shall be made available to applicants for certificates of appropriateness and any other interested person.

(Ord. No. 2540, § 1, 9-14-93)

Sec. 12-7036. Powers and duties of the commission.

(a) Concerning the development or improvement of specific properties, the commission shall be empowered:

- (1) To hold public hearings and rule on applications for certificates of appropriateness according to sections 12-7037 and 12-7038;
- (2) To develop specific design guidelines for the construction, reconstruction, alteration, and removal of structures within historic districts and for designated landmarks;
- (3) To advise owners of historic properties concerning preservation, reuse, renovation, restoration, design, etc. and on procedures for inclusion of structures on the National Register of Historic Places;
- (4) To nominate landmarks and historic districts to the National Register of Historic Places;
- (5) To determine an appropriate system of markers identifying historic resources;
- (6) To confer recognition upon the owners of landmarks or structures in historic districts by means of certificates, plaques, etc., or upon individuals or groups contributing to preservation efforts;

(b) Concerning the designation of historic areas and landmarks, the commission shall be empowered:

- (1) To conduct an ongoing survey to identify architecturally, archaeologically, and/or historically significant properties, structures, and areas in the city that exemplify the cultural, social, economic, political, or architectural history of the nation, state, or the city;
- (2) To investigate and recommend to the planning commission and the board of aldermen the adoption of ordinances designating areas as historic districts;
- (3) To investigate and recommend to the planning commission and the board of aldermen the adoption of ordinances designating properties or structures having special historic, community, or architectural value as landmarks.
- (4) To keep a register of all properties designated as historic districts and/or landmarks, including all information required for each designation;
- (5) To retain such specialists or consultants at its own expense, call upon the technical resources of the city and the community, and to appoint such citizen advisory committees as may be required from time to time;

(c) The commission shall be empowered to inform and educate the citizens of West Monroe concerning the historical and architectural heritage of the city by:

- (1) Publishing relevant brochures, monographs, books, maps or other printed materials;
- (2) Producing relevant film, video, or other media;
- (3) Establishing museums or other permanent or temporary exhibits;
- (4) Coordinating festivals, or other relevant celebratory events or gatherings;
- (5) Archiving historical documents or other relevant materials;
- (6) Coordinating relevant presentations to schools or other groups;

(d) Concerning other boards and commissions in the community, the commission shall be empowered:

(1) To review and recommend on applications under consideration by the planning commission and/or board of adjustment concerning property in or near historic districts or landmarks;

(2) To testify before other boards and commissions on any matter affecting historically significant properties, structures, and areas;

(3) To develop a preservation component for the city's Master Land Use Plan;

(4) To recommend to the board such changes to the city's codes or practices that may further preservation goals;

(e) Concerning the management of historic resources, the commission shall be empowered:

(1) To manage on behalf of the city any landmarks or property or facilities in historic districts as authorized by the board;

(2) To accept and administer on behalf of the city such gifts, grants, donations or other funds as authorized by the board for the purpose of furthering historic preservation.

(f) The commission shall be empowered to institute suit in any court of competent jurisdiction to prevent any unlawful action in violation of the provisions of this article or of any of the rules and regulations adopted by the commission in conformity with it.

(g) The commission shall have no authority to obligate or commit the city or the city's funds to undertake any work or project or expend any funds of the city without the approval of the board.

(Ord. No. 2540, § 1, 9-14-93)

#### Sec. 12-7037. Standards.

(a) *Acts requiring a certificate of appropriateness.* The following acts are prohibited in a historic district or on a site declared a landmark until a certificate of appropriateness has been submitted to and approved by the commission:

(1) The erection, alteration, restoration, removal, or demolition of any private building, structure, or edifice, including, but not limited to, fences, boundary walls, signs, light fixtures, steps, paving or other appurtenant fixtures;

(2) The movement, excavation, sepulture, or destruction of any earthworks of historical or archaeological importance.

(3) Demolition by neglect as regulated in section 12-7039.

(b) *Acts not requiring a certificate of appropriateness.* The following acts do not require a certificate of appropriateness to be issued by the commission in a historic district or on a site designated to be a landmark:

(1) Ordinary maintenance or repairs to structures which do not involve a change of design, material, or of the outward appearance of the structure;

(2) Construction, reconstruction, alteration, removal, or demolition of any structure:

a. Which is required to protect the public safety because of an unsafe or dangerous condition;

b. For which a permit was issued prior to the establishment of the historic district within which the permitted structure or site is located or before the site was declared a landmark.

c. For which the board has issued a ruling of economic hardship or has otherwise overruled the commission on appeal.

- d. As ordered by final decision of a court of competent jurisdiction.
- (3) Other acts clearly exempted in rules adopted by the commission.
- (c) *Review and design standards for certificates of appropriateness.*
  - (1) The commission shall issue and publish detailed design guidelines for the construction, reconstruction, removal, alteration, and demolition of structures in a historic district and for structures declared to be landmarks, said guidelines to be made available upon request.
  - (2) Design guidelines adopted by the commission shall include, at a minimum, the following criteria:
    - a. Exterior design compatibility (existing development):
      - 1. Every reasonable effort shall be made to provide a compatible use for an existing building which requires minimal alteration of the building, structure, or site and its intended purpose.
      - 2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
      - 3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier or later appearance shall be discouraged.
      - 4. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
      - 5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
      - 6. Deteriorated architectural features shall be repaired rather than replaced wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
      - 7. The surface cleaning of structures shall be undertaken with the least destructive means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken without prior approval of the commission.
      - 8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
      - 9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
      - 10. Wherever possible, new additions or alterations to structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
    - b. New development or additions. Any new structure and appurtenances thereof or any structural additions to any existing structure shall be visually compatible with buildings,

public ways, and places to which it is visually related in terms of the following characteristics:

1. Its height; the relationship of width to height of its elevation; the relationship of width to height of its windows; the number, frequency and intervals of its windows, doors, and other appurtenances; the relationship of solids to voids on its exterior facades;
  2. Its relationship to any open space between it and adjoining buildings or structures; the relationship of its entrances and other projections to sidewalks, the relationships of the materials, textures, and colors of its facade;
  3. The shape of its roof line; the bulk and arrangement of associated walls, fences, landscape masses, entry ways, signs, awnings, porches, and balconies;
  4. And its directional orientation, whether this be vertical, horizontal, or nondirectional;
- (d) *Variances*. Where by reason of topographical conditions, irregularly shaped lots, or because of unusual physical circumstances applicable solely to the particular parcel of an applicant, strict enforcement of the provisions of this article would result in serious undue hardship particularly affecting said applicant, then the commission, in passing upon an application may vary or modify adherence to this article, provided always that its requirements insure harmony with the general purposes hereof, and will not adversely affect a historic district as a whole or any designated landmark.

(Ord. No. 2540, § 1, 9-14-93)

Sec. 12-7038. Procedure to obtain a certificate of appropriateness.

- (a) The owner and/or contractor, prior to initiating any construction, reconstruction, alteration, removal, or demolition shall submit an application for a certificate of appropriateness in a form prescribed by the commission accompanied by reasonable plans and specifications.
- (b) The commission shall hold a public hearing upon each application for a certificate of appropriateness affecting property under its control unless, in preliminary review, the commission determines that the proposed work does not constitute a substantive change or that the work, as described in the submitted plans and specifications, complies with all standards adopted by the commission.
- (c) The commission shall post legal notice on or near the main entrance of the hall or room where the commission meets and in the official journal of the city at least seven (7) days prior to the meeting, giving the date, time, and place of the meeting and the application to be considered.
- (d) The applicant shall be notified in writing of the commission's decision within forty-five (45) days of an application's submission giving the reasons therefore.

(Ord. No. 2540, § 1, 9-14-93)

Sec. 12-7039. Pre-approved actions.

The commission shall be authorized to adopt standards and guidelines for acts which, while subject to the approval of the commission under this article, are of a type or nature that the requested action is deemed appropriate by the commission under all circumstances. A certificate of appropriateness may be issued by the director of planning and zoning without the necessity of a public hearing for actions which comply with these standards and guidelines.

(Ord. No. 3112, § 1, 6-13-00)

Sec. 12-7040. Appeals; rulings of economic hardship.

(a) When a certificate of appropriateness is denied by the commission, the applicant may appeal its decision to the board of aldermen within ten (10) days; and the board shall hear the matter within forty-five (45) days, deciding by majority vote of all its members.

(b) Appeals on grounds of economic hardship shall be made to the board according to the following procedure:

(1) An application for a ruling of economic hardship shall be made in a form prescribed by the board of aldermen within ten (10) days of an adverse decision by the commission.

(2) The board may solicit expert testimony and/or require the applicant to submit any or all of the following information before it makes a determination:

a. An estimate of the extra costs that would be incurred from compliance with the commission's requirements;

b. A report from a competent construction professional as to the structural integrity of a structure and its suitability for rehabilitation;

c. A comparison from an appraiser or other competent professional as to the market value of the property

1. In its current condition,

2. After the applicant's proposed changes, and

3. After meeting all of the commission's requirements.

d. In the case of a proposed demolition or removal, an estimate from an appraiser or other competent professional as to the economic feasibility of rehabilitation or reuse of the existing structures on the property.

e. Amount paid for the property by its current owner, date of purchase, identification of recent owners, any terms of financing that may apply, current debt service and mortgage balances, recent appraisals, and assessments;

f. In the case of income producing properties, recent amounts of gross income received, itemized operating and maintenance expenditures, and taxes paid;

g. Any other information on the property and its owner considered necessary by the board to determine whether the property does or may yield a reasonable return to the owner.

(3) The board may issue a ruling of economic hardship or remand the applicant to the commission for a certificate of appropriateness.

(c) Appeals on other grounds shall be made to the board in a form prescribed by it.

(d) The mayor may stay all proceedings during appeal.

(e) Any person aggrieved by a decision of the board may appeal that decision in a court of competent jurisdiction according to law.

(Ord. No. 2540, § 1, 9-14-93)

Sec. 12-7041. Building permits.

(a) No building or demolition permit shall be issued by the city which affects a landmark or a site or structure in a historic district without:

(1) A certificate of appropriateness having first been issued by the historic preservation commission; or

(2) A certificate of economic hardship having first been issued by the board of aldermen; or

- (3) An order having been issued by a court of competent jurisdiction.
- (b) Upon completion of the permitted construction, reconstruction, alteration, removal, or demolition, the building inspector shall submit a written report to the commission certifying that all of its requirements have been met, such report to describe in detail any minor deviations from its requirements and the reasons therefore.  
(Ord. No. 2540, § 1, 9-14-93)

Sec. 12-7042. Penalties.

- (a) Any owner, agent, lessee, or other person acting for or in conjunction with same who shall violate the provisions of this article or the rules, regulations, or decisions of the commission shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each violation, except as provided in subsection (b) of this section. Each day that a violation continues shall constitute a separate offense.
- (b) Any owner, agent, lessee, or other person acting for or in conjunction with same who shall demolish or remove a structure or edifice in violation of this article may be fined a single fine of not more than ten thousand dollars (\$10,000.00).  
(Ord. No. 2540, § 1, 9-14-93)

Sec. 12-7043. Designation of historic districts and landmarks.

- (a) The commission shall recommend the designation of historic preservation districts and landmarks to the West Monroe Planning Commission and the board after due deliberations.
  - (1) The commission's report shall include legal descriptions, maps, and sufficient analysis for the planning commission and board to make a reasonable decision regarding the district or landmark.
  - (2) The commission shall solicit input on any proposed designations from property owners in or near any proposed district or landmark that may be affected by its designation.
- (b) Designated historic preservation districts are described as follows:
  - (1) *Old Cottonport Historic Preservation District*
  - (2) *Don Juan Filhiol Historic Preservation District*