

Baton Rouge
4-22-09
5-20-09
P.H. 7-15-09

ADOPTED
METROPOLITAN COUNCIL

JUL 15 2009

ORDINANCE 14717

Brian Mayne
COUNCIL ADMINISTRATOR TREASURER

CREATING THE EAST BATON ROUGE PARISH HISTORIC PRESERVATION COMMISSION FOR THE PURPOSE OF ESTABLISHING A UNIFORM PROCEDURE FOR USE IN PROVIDING FOR THE PROTECTION, ENHANCEMENT, PERPETUATION, AND USE OF PLACES, DISTRICTS, SITES, BUILDINGS, STRUCTURES, OBJECTS, AND WORKS OF ART HAVING A SPECIAL HISTORICAL, CULTURAL, OR AESTHETIC INTEREST OR VALUE.

WHEREAS, the historical, cultural, and aesthetic heritage of Baton Rouge is among its most valued and important assets and that preservation of this heritage is essential to the promotion of the health, prosperity, and general welfare of the people;

In order to stimulate revitalization of the business districts and historic neighborhoods, and to protect and enhance local historical and aesthetic attractions to tourists, and thereby promote and stimulate business; to encourage the development of financial and other incentives at all levels of government and the private sector that will serve to promote the preservation of historic resources;

In order to enhance the opportunities for federal tax relief of property owners under relevant provisions of the Economic Recovery Tax Act of 1981 allowing tax investment credits for rehabilitation of certified historic structures (26 U.S.C.A. Section 191).

The Metropolitan Council of the City of Baton Rouge Parish of East Baton Rouge hereby declares it to be the purpose and intent of this Ordinance to establish a uniform procedure for use in providing for the protection, enhancement, and use of places, districts, sites, buildings, structures, objects, and works of art having a special historical, cultural, or aesthetic interest of value, in accordance with the provisions of the ordinance.

NOW, THEREFORE, BE IT RESOLVED by the Metropolitan Council of the Parish of East Baton Rouge that:

BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and the City of Baton Rouge that:

Section 1. Title 7, Chapter 3, Section 3.5 of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby amended and re-enacted, which shall read as follows:

**"Section 3.5 Historic Preservation
 Commission**

**Section 3.501 Title of the Historic
Preservation Commission**

The title of the Historic Preservation Commission shall be the "East Baton Rouge Parish Historic Preservation Commission" hereafter referred to as the "Historic Preservation Commission" or the "HPC". Historic Preservation Commission members shall be appointed by the Metropolitan Council of the City of Baton Rouge-Parish of East Baton Rouge, and will have only advisory authority in recommending landmark and historic district designation.

**Section 3.502 Recommendation and Appointment of
 Members**

The initial Historic Preservation Commission shall consist of seven (7) members, who shall be residents of the City-Parish. Six (6) of the members shall be appointed by majority vote of the Metropolitan Council. The Mayor President, Foundation for Historical Louisiana and the Downtown Development District will each have a representative on the Commission. The seventh member shall be the Chairman of the Planning Commission or a member of the Planning Commission appointed by the Chairman. Thereafter the Historic Preservation Commission, at its first meeting in February of each year shall elect one (1) of its members to be chairman for a term of one (1) year, who shall be eligible for re-election. As historic districts are added to the Commission, each new district will have an additional member on the Historic Preservation Commission. As Historic Districts are added to the Commission, each new district containing a minimum one hundred fifty (150) resources or each new district currently listed on the National Register of Historic Places will have an additional member on the Historic Preservation Commission. The number of Historic Preservation Commission Members shall not exceed fifteen (15).

Section 3.503 Term; Vacancies

The six (6) members of the Historic Preservation Commission, who are to be appointed by the Metropolitan Council shall hold office for a term of three (3) years. The initial terms of the HPC will be staggered in length. One (1) member will have a two (2) year term, two (2) members will have three (3) year terms, and three (3) members will have a four (4) year terms. As designated historic districts are created, an additional member from each historic district shall be appointed to the Commission for three (3) year terms. Any vacancy in membership appointed by the Metropolitan Council shall be filled for the unexpired term by appointment by the Metropolitan Council as heretofore provided; none of the six (6) Metropolitan Council appointed members of the HPC shall serve more than two (2) consecutive full, three (3) year terms; and the Metropolitan Council shall have the authority to remove any member of HPC appointed by it for cause, on written charges, after a public hearing. All members shall serve without compensation but may be reimbursed for actual expenses incurred in the performance of their duties. The majority of said Members to the extent possible shall have qualifications in the field of historic preservation. Qualifications may include training or experience in architecture, history, architectural history, art history, planning, archaeology, real estate development or landscape architecture to the extent that such professionals are available in the community. Members shall not vote on issues in which they have a conflict of interest.

Section 3.504 Administration and Committees

The "East Baton Rouge Parish Historic Preservation Commission" shall be considered a part of the planning functions of City-Parish Government, and shall be administered by the staff of the Office of the Planning Commission. Nominal expenses necessary to carry out the duties of the HPC will be budgeted through the aforementioned department. The recording secretary for the HPC will be designated by the Planning Director and all files, records, and minutes of the HPC will be maintained by the Planning Commission. The Parish Attorney shall be the ex officio attorney for the HPC. The HPC may designate and appoint, from among its members, various committees with such powers and duties as the HPC may have and prescribe.

Section 3.505 Rules, Regulations, and Guidelines

- A. The Historic Preservation Commission shall adopt rules for the transaction of its business and consideration of applications; shall provide for the time and place of regular open meetings, with proper public notification, and for the calling of special meetings. The HPC shall meet monthly, but meetings may be held at any time by the HPC on written request of any of the members or on the call of the Chairman of the Commission

or the Mayor-President. The Historic Preservation Commission shall adopt rules of procedure with approval from the Metropolitan Council. A quorum shall consist of a majority of the members. The latest edition of "Roberts' Rules of Order" shall determine the order of business at all meetings. Copies of the rules, regulations, and guidelines shall be available in the Office of the Planning Commission.

B. Records of Historic Preservation Commission Meetings

A public record shall be kept of the Historic Preservation Commission's resolutions, proceedings, and actions in the Office of the Planning Commission.

C. Statement of the Historic Preservation Commission's Powers

The East Baton Rouge Parish Historic Preservation Commission shall be Authorized to:

1. Prepare an inventory of all property within its respective historic preservation jurisdiction having the potential for designation as historic property;
2. Recommend to the Metropolitan Council specific places, districts, sites, buildings, structures, objects, or works of art to be designated by ordinance as historic properties;
3. Review applications for Certificates of Appropriateness, and approve, approve with conditions, or deny same in accordance with the provisions of this Ordinance;
4. Recommend to the Metropolitan Council that the designation of any place, district, site, building, structure, object, or work of art as historic property be revoked or removed;
5. Restore or preserve any properties acquired by the City-Parish Government;
6. Promote the acquisition by the City-Parish of facade easements;
7. Conduct educational programs on historic properties located within its historic preservation jurisdiction;
8. Make such investigation and studies of matters relating to historic preservation as the local governing body or the HPC may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
9. Seek out state and federal funds for historic preservation, and make recommendations to the Metropolitan Council concerning the most appropriate uses of any funds acquired;

10. Consult with historic preservation experts in the Division of Historic Preservation of the Department of Culture, Recreation, and Tourism;
11. Apply for Certified Local Government status to the Division of Historic Preservation of the Department of Culture, Recreation, and Tourism;
12. Perform historic preservation activities as the official agency of the Baton Rouge City-Parish historic preservation program;
13. Receive such volunteer services as are available and appropriate, and employ persons and services within the limits of funds budgeted by the Metropolitan Council to carry out the responsibilities of the HPC in an appropriate manner;
14. Recommend to the Metropolitan Council the acquisition or sale of historic properties or the acceptance by the City-Parish of donations, grants, funds, or gifts of historic property on behalf of the HPC;
15. To recommend to the Metropolitan Council such financial and/or other incentives that can be expected to encourage the preservation of the community's historic resources and provide a positive incentive to affected property owners;
16. Attend or take advantage of any training available through state, federal or private agencies to further the education of the Historic Preservation Commission members in accordance with established budget constraints.

Section 3.506 Purpose

The Historic Preservation Commission shall have for its purpose the preservation and stewardship of all structures in designated Historic Districts. The HPC shall have for its further purpose the guardianship of those individual structures which have architectural, historical, or cultural value and which should be preserved for the benefit of the people and the state.

To Wit, the goals of the East Baton Rouge Parish Historic Preservation Commission are as follows:

- A. Protect, enhance, and perpetuate resources that represent distinctive and significant elements of the city's historical, cultural, social, economic, political, archaeological, and architectural identity;
- B. Insure the harmonious, orderly, and efficient growth and development of the City-Parish;
- C. Strengthen civic pride and cultural stability through neighborhood conservation;

- D. Stabilize the economy of the City-Parish through the continued use, preservation, and revitalization of its resources;
- E. Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- F. Promote the use of resources for the education, pleasure and welfare of the people of the City of Baton Rouge/Parish of East Baton Rouge; and
- G. Provide a review process for the preservation and appropriate development of the City-Parish's resources.

Section 3.507 Designation of Historic Districts and Landmarks

Preliminary Research by the Historic Preservation Commission:

Historic Preservation Commission's Mandate to Conduct a Survey of Local Historical Resources: The Historic Preservation Commission shall have the authority to compile and collect information and conduct surveys of resources within Baton Rouge.

Historic Preservation Commission's power to recommend historic districts and landmarks to the Metropolitan Council for Designation: the Historic Preservation Commission shall present to the Metropolitan Council nominations for historic districts and local landmarks.

Preparation of a report on proposed designations: The Historic Preservation Commission shall prepare formal reports when nominating historic districts or local landmarks. These reports shall be used to educate the community and to provide a permanent record of the designation. The report will follow guidelines for nominating property to the National Register of Historic Places (National Preservation Act of 1966), and shall consist of two (2) parts: a) a physical description, and b) a description of historic significance. This report will be submitted to the Division of Historic Preservation of the Department of Culture, Recreation, and Tourism.

A. Designation of a Historic District

Criteria for selection of historic districts:
 A historic district is a geographically definable area, which contains structures, sites, buildings, objects, works of art, places, cultural landscapes or a combination thereof, which:

1. Have special character or special cultural value, historic/aesthetic value or interest;
2. Represent one or more periods of styles of architecture typical of one or more eras in the history of the city-parish, state, or region;
3. Cause such area, by reason of such

factors, to constitute a visibly perceptible section of the municipality or city-parish;

4. Boundaries of a Historic District: Boundaries of a Historic District shall be specified on an official "Historic District and Landmark Map" adopted by the Metropolitan Council and drawn at a scale sufficient to clearly ascertain district and landmark boundaries; and located on the official zoning map, these boundaries will be included in the separate ordinances designating local districts and landmarks. Boundaries specified in legal notices shall be no smaller than, and shall normally coincide with the boundaries finally designated. This shall not preclude the deletion of property from the adopted district that had been noticed as intended for inclusion. Districts shall be shown on the Official Map adopted by the Metropolitan Council.
 - a. Evaluation of Properties within Historic Districts: Individual properties within historic districts shall be classified as:
 - (1) National Register Listed or National Register Eligible Major Contributing Historic Element- A building that is fifty years old or more that makes a compelling architectural statement or is a strong presence in the downtown.
 - (2) Contributing Historic Element- A building that is fifty years old or more that is a worthy representative example of its period or style of architecture.
 - (3) Modest Contributing Element- A building that is fifty years old or more that may not be, in and of itself, a worthy example of its period or style of architecture but which contributes to the scene owing to its massing, fenestration pattern and/or surviving architectural details.
 - (4) Non-Contributing Element- A building that is fifty years old or more that has been modified on the exterior beyond recognition.
 - b. Affirmation of existing zoning: This Historic Preservation Ordinance is not a use ordinance, and local zoning laws apply.

B. Designation of a Landmark

Criteria for selection of Landmarks: A landmark is a building, structure, site, place, object, cultural landscape or work of art, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the City of Baton Rouge/Parish of East Baton Rouge, State of Louisiana, or local region, for one or more of the following reasons:

1. It is an outstanding example of a building, structure, object, or work of art representative of its era;
2. It is one of the few remaining examples of past architectural style;
3. It is a place, building, site, object, work of art or structure associated with an event or a person of historic or cultural significance to Baton Rouge, State of Louisiana, or the region.
4. It is a site or place of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the city-parish, state or region.

C. Boundary description

Boundaries shall be clearly defined for historic districts and landmarks on an official "Historic District and Landmark Map" adopted by the Metropolitan Council and drawn at a scale sufficient to clearly ascertain district and landmark boundaries and located on the Official Zoning Map, adopted by the Metropolitan Council.

D. Procedure for Designation of Historic Districts and Landmarks

1. Application for designation of Historic Districts and Landmarks:
 - a. Historic District - A historical society, neighborhood association, group of property owners, or the Mayor-President and Metropolitan Council may apply to the Historic Preservation Commission for designation.
 - b. Landmark - A historical society, property owner, or the Mayor-President and Metropolitan Council may apply to the Historic Preservation Commission for designation.
2. Historic Preservation Commission recommendation:

Prior to the designation of any historic district or landmark, the HPC shall first consider the merits of such a designation in accordance with the provisions of this ordinance at a public hearing and shall recommend approval, approval with

conditions, or denial of any request in a timely manner. The HPC shall draft and recommend the proposed historic district or landmark to the Planning Commission and Metropolitan Council at a public hearing. Adoption of the historic district or landmark by the Planning Commission and Metropolitan Council may only be considered after the HPC's recommendation and following a public hearing. The HPC shall transmit its recommendation and the Report required in Section 3.508 of this chapter to the Metropolitan Council for its consideration.

3. Required Public Hearings and Notifications Procedures:

The Historic Preservation Commission and the local governing body shall hold separate public hearings on the proposed ordinance for designation. Notice of the hearings shall be published in at least three (3) consecutive issues of the official journal of Baton Rouge and/or in a newspaper of general circulation within Baton Rouge, and written notice of the hearings shall be mailed by the HPC to all owners and occupants of such properties. All such notices shall be published or mailed out not less than ten (10) nor more than twenty (20) days prior to the date set for the Public Hearings. A letter sent via the United States Mail to the last known owner of the property, as shown on the most recent tax digest, shall constitute legal notification of owners under this ordinance. Included with the required notification to each property owner within a proposed designation shall be a questionnaire, which may be returned to the HPC, to ascertain the degree of interest in and support for the proposed designation amongst that segment of the community directly affected by the proposal. Such questionnaire shall be used for information purposes only and is not to be binding on the Metropolitan Council.

4. Requirements for Designation Ordinances:

Any ordinance designating any historic property shall describe the exterior boundaries of each historic district or each landmark to be designated, set forth the name(s) of the owner(s) of the designated property or properties, as listed on the most recent tax digest, and require that a Certificate of Appropriateness be obtained from the HPC prior to any material change in appearance of the designated historic property.

5. Requirements Regarding Historic Property Boundaries:

Any ordinance designating any property as Historic Property shall require that the designated historic property be shown on the Official Zoning Map adopted by the Metropolitan Council and kept as a public record to provide notice of such designation.

6. Notification of Adoption of Ordinance for Designation:

Within thirty (30) days immediately following the adoption of the ordinance for designation by the Metropolitan Council, the owners and occupants of each designated historic property shall be given written notification of such designation by the Historic Preservation Commission; which notice shall apprise said owners and occupants of the necessity of obtaining a Certificate of Appropriateness prior to undertaking any material change in appearance of the historic property designated.

7. Moratorium on Applications for Alterations or Demolitions:

While An Ordinance for Designation is Pending: If an ordinance for designation has been recommended by the HPC to the Metropolitan Council, the HPC shall have the power to delay an application for alteration or demolition for properties under consideration for up to 90 days. Any building permit issued prior to the recommendation of an ordinance for designation may continue until its six-month expiration. However, if the work described in any building permit has not begun within six months from the date of permit issuance; or once construction has begun, if it is discontinued for a period in excess of six months; said permit shall expire unless extended and be cancelled by the Building Official.

8. Authority to Rescind Designation:

The Metropolitan Council has the authority to rescind the designation following receipt of a recommendation from the HPC and receipt of comments at a public hearing noticed in accordance with the provisions for designation.

Section 3.508 Design Guidelines for Historic Districts and Landmarks

- A. Identification of Design Guidelines Concurrent with, or immediately following, the designation of any historic district or landmark, the HPC shall recommend to the Planning Commission and Metropolitan Council a set of "Design Guidelines" appropriate to the historic district or landmark. The guidelines are intended to identify the characteristic features of the designation that will be used in determining the compatibility of new construction or

alterations and any other quality deemed by the HPC to contribute to the character of the historic property.

B. Procedure for Adoption of Design Guidelines

The Historic Preservation Commission must draft and recommend the proposed Design Guidelines to the Planning Commission and Metropolitan Council at a public hearing. Adoption of the Guidelines by the Planning Commission and Metropolitan Council may only be considered after the HPC's recommendation and following a public hearing as follows:

The Historic Preservation Commission and the Planning Commission and Metropolitan Council shall hold a public hearing on the adoption of the Design Guidelines. Notice of the hearing shall be published in at least three (3) consecutive issues in the official journal and/or in a newspaper of general circulation within Baton Rouge. All such notices shall be published not less than ten (10) nor more than twenty (20) days prior to the date set for the public hearing.

C. Concurrent Action

The Historic Preservation Commission may recommend, and the Planning Commission and Metropolitan Council may consider and adopt, the Design Guidelines at the same public hearing and/or meeting as the designation of the corresponding historic district or landmark. The legal notices for the guidelines and designated area may be combined into one notice if the hearings are to be combined.

Section 3.509 The Secretary of the Interior's Standards for the Treatment of Historic Properties

There are Standards for four distinct, but interrelated, approaches to the treatment of historic properties--preservation, rehabilitation, restoration, and reconstruction.

A. Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time. (Protection and Stabilization have now been consolidated under this treatment.)

PRESERVATION AS A TREATMENT. When the property's distinctive materials, features, and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement; when depiction at a particular period of time is not appropriate; and when a continuing or new use does not require additions or extensive alterations, Preservation may be considered as a treatment.

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial

relationships. Where a treatment and use have not been identified, a property will be protected and, if necessary, stabilized until additional work may be undertaken.

2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
 3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
 4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
 5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
 6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
 7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
 8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- B. Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.

REHABILITATION AS A TREATMENT. When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular period of time is not appropriate, Rehabilitation may be considered as a treatment.

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces,

and spatial relationships.

2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
 3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
 4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
 5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
 6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
 10. New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- C. Restoration depicts a property at a particular period of time in its history, while removing evidence of other periods.

RESTORATION AS A TREATMENT. When the property's design, architectural, or historical significance during a particular period of time outweighs the potential loss of extant materials, features, spaces, and finishes that characterize other historical periods; when there is substantial physical and documentary evidence for the work; and when contemporary alterations and additions are not planned, Restoration may be considered as a treatment. Prior to undertaking work, a particular period of time, i.e., the restoration period, should be selected and justified, and a documentation plan for Restoration developed.

1. A property will be used as it was historically or be given a new use that reflects the property's restoration period.
2. Materials and features from the restoration period will be retained and

preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period will not be undertaken.

3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.
 4. Materials, features, spaces, and finishes that characterize other historical periods will be documented prior to their alteration or removal.
 5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period will be preserved.
 6. Deteriorated features from the restoration period will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.
 7. Replacement of missing features from the restoration period will be substantiated by documentary and physical evidence. A false sense of history will not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.
 8. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
 9. Archeological resources affected by a project will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- D. Reconstruction re-creates vanished or non-surviving portions of a property for interpretive purposes.

RECONSTRUCTION AS A TREATMENT. When a contemporary depiction is required to understand and interpret a property's historic value (including the re-creation of missing components in a historic district or site); when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction, Reconstruction may be considered as a treatment.

1. Reconstruction will be used to depict vanished or non-surviving portions of a

property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.

2. Reconstruction of a landscape, building, structure, or object in its historic location will be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures will be undertaken.
3. Reconstruction will include measures to preserve any remaining historic materials, features, and spatial relationships.
4. Reconstruction will be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property will re-create the appearance of the non-surviving historic property in materials, design, color, and texture.
5. A reconstruction will be clearly identified as a contemporary re-creation.
6. Designs that were never executed historically will not be constructed.

Section 3.510 Procedures for Application of Certificate of Appropriateness

- A. Whenever any application for a Certificate of Appropriateness is filed with the Historic Preservation Commission, the HPC shall immediately notify the permit office of the Department of Public Works that the application has been filed. Similarly, when the permit office of the Department of Public Works becomes aware that an application has been filed for a permit affecting a property under the jurisdiction of the HPC, the office shall immediately notify the HPC that such an action has been filed.
- B. The HPC shall have the authority to determine when a filed application is complete and contains all required information. An application deemed incomplete by the HPC shall not be considered to have been filed for the purpose of this ordinance. The HPC shall develop standard application forms and its written guidelines shall specify what information an applicant shall attach to each form.
- C. Members of the HPC shall establish a regular schedule for the hearings of the HPC. One hearing shall be scheduled for each month unless for an application for a Certificate of

Appropriateness has been submitted. However, the HPC has to meet at least once every three (3) months even if no applications for a Certificate of Appropriateness have been submitted.

- D. The applicant shall, upon request, have the right to a preliminary conference with the HPC staff or the chairman or vice-chairman for the purpose of learning whether changes or adjustments to the application could be made to make it more consistent with the commission's standards.
- E. Notice of the time and place of a scheduled public hearing on an application for a Certificate of Appropriateness shall be given by publication in the official journal at least 10 days before such hearing.
- F. At the public hearing, the applicant for a Certificate of Appropriateness shall have the right to present any relevant information pertaining to the application. Likewise, the city, the HPC and its staff, and members of the public shall have the right to present any additional relevant information pertaining to the application. The HPC shall issue rules of procedure specifying in detail how a public hearing shall be conducted and when comments and information from different sources shall be heard.
- G. The HPC, at either a preliminary conference or at a public hearing, shall have the right to recommend changes and modifications to enable the applicant to meet the requirements of the commission. If the HPC chooses to do this at a preliminary conference after an application for a Certificate of Appropriateness has been filed, then the time during which the HPC must render its decision, as set forth below in Paragraphs I and J, shall be extended by thirty (30) days in order to permit the applicant to prepare and new drawings or other submissions which prove necessary.
- H. Within not more than forty-five (45) days after the hearing on an application, the HPC shall act upon it, either approving, denying, approving with conditions, or deferring action until the next meeting of the commission. Evidence of approval of the application shall be by Certificate of Appropriateness issued by the HPC and, whatever its decision, notice in writing shall be given to the applicant and the City Building Official.
- I. Failure by the HPC to reach and render a decision within sixty (60) days of the date of filing of the application with the HPC shall be taken to constitute approval of the application by the HPC, unless an applicant has requested that the commission delay its decision beyond the sixty (60) day period otherwise required.
- J. The issuance of a Certificate of Appropriateness shall not relieve an applicant for a companion building permit, special use

permit, variance, or other authorization from compliance with any other requirement or provision of the laws of the city concerning zoning, construction, repair, or demolition. In all such cases, applicants are encouraged to apply first for a Certificate of Appropriateness as other agencies will be advised by the HPC in making their subsequent decisions.

- K. No building permit affecting a resource shall be issued by the city building official prior to the issuance of a Certificate of Appropriateness by the HPC. Even if a building permit is not otherwise required by the city ordinances for construction, alteration, demolition, or relocation of any resource, a Certificate of Appropriateness from the HPC is required.

Section 3.511 Approval of Exterior Changes to Historic Properties

After designation by ordinance of a historic district and adoption of corresponding "Design Guidelines", no demolition or material change in the appearance of such historic property, shall be made or be permitted to be made by the owner or occupant thereof, unless or until an application for a Certificate of Appropriateness has been submitted to and approved by the Historic Preservation Commission.

Section 3.512 Interior Alterations

In its review of applications for certificates of appropriateness, the Historic Preservation Commission shall not consider interior arrangement or use having no effect on exterior architectural features.

Section 3.513 Approval of New Construction Within Historic District

The HPC shall review and may approve, or approve with conditions, and issue certificates of appropriateness to new structures, buildings, objects, or works of art to be constructed within a historic district. Such structures, buildings, objects, or works of art shall conform in scale, setback, building materials, decorative details and architectural elements, landscaping, and design guidelines adopted for a particular historic district to the character of the historic district specified in the HPC's Design Guidelines. If, in the opinion of the HPC any such structure, building, object or work of art would fail to comply with the Guidelines and would be inconsistent with the character of the historic district, the Certificate of Appropriateness shall be denied. Reasons for denial shall be stated and transmitted to the applicant in writing within 10 days of notification of denial.

After designation by ordinance of a historic district and adoption of corresponding "Design Guidelines", no new construction in a designated

historic district shall be permitted unless or until an application for a Certificate of Appropriateness has been submitted to and approved by the Historic Preservation Commission.

The provisions of this Section shall not apply to existing site plans and building permits.

Section 3.514 Submission of Plans to Historic Preservation Commission

An application for Certificate of Appropriateness shall be accompanied by such drawings, photographs, or plans as may be required by the Historic Preservation Commission.

Section 3.515 Acceptable Historic Preservation Commission Reaction to Application for Certificate of Appropriateness

- A. The Historic Preservation Commission shall approve or approve with conditions the Application and issue a Certificate of Appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property. In making this determination, the HPC shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design arrangement, texture, and materials of the architectural feature involved, and the relationship thereof to the exterior architectural style, and pertinent features of the other structures, buildings, objects, or works of art in the immediate neighborhood in accordance with the adopted design guidelines.
- B. The Historic Preservation Commission shall deny a Certificate of Appropriateness if it finds that the proposed material change(s) in appearance would have substantial adverse effects on the aesthetic, historic, architectural significance, and value of the historic property.

Section 3.516 Technical Advice

When dealing with difficult technical questions, the Historic Preservation Commission shall have the power to seek expert advice within approved budgetary limitations.

Section 3.517 Necessary Actions to be taken by Historic Preservation Commission Upon Rejection Of Application For Certificate of Appropriateness

- A. In the event the Historic Preservation Commission rejects an application, it shall state its reasons for doing so, and shall

transmit a record of such actions and reasons, in writing, to the applicant. The HPC may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.

- B. In cases where the application covers a material change in the appearance of a structure, building, object, cultural landscape, or work of art which would require the issuance of a building permit, the rejection of the application for a Certificate of Appropriateness by the HPC shall be binding upon the Building Official or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.

Section 3.518 Stopping Work Commenced Without Permit

A stop work order may be issued by the Building Official on work not in compliance with an issued Certificate of Appropriateness. Any such work shall be considered a violation of this chapter subject to any and all appropriate fines and penalties.

Section 3.519 Certificate of Appropriateness Void If Construction Not Commenced

A Certificate of Appropriateness shall become void unless construction is commenced within 12 months from date of issuance, but can be extended for up to two-one year periods for good cause shown.

Section 3.520 Recording of Applications For Certificates Of Appropriateness

The Historic Preservation Commission shall keep a public record of all applications for certificates of appropriateness, and of all the HPC's proceedings in connection with said applications.

Section 3.521 Demolition or Relocation Applications

- A. Unlawful Demolition or Relocation of Buildings A Certificate of Appropriateness must be obtained before demolition or relocation of any designated landmark, or building or structure in a designated historic district.
- B. Authority to Comment on Demolition or Relocation Permit Applications

The HPC shall have the authority to approve or deny a Certificate of Appropriateness for a permit to demolish or relocate a structure, building, object, or work of art from, to, or within a historic district.

- C. Actions Acceptable in Reaction to Application

For Demolition Permit or Relocation Permit.

The HPC shall have the authority to approve, approve with conditions, or deny a Certificate of Appropriateness for a demolition permit or relocation permit within its jurisdiction.

D. Consideration of Pre-Demolition Plans

A public hearing shall be scheduled for each application for demolition. Notice shall be given in Baton Rouge's official journal and/or newspaper of general circulation within Baton Rouge at least one time not less than ten (10) days nor more than twenty (20) days prior to the public hearing.

E. Demolition or Relocation Criteria

The Historic Preservation Commission's decision concerning the Certificate of Appropriateness for demolition or relocation of a historic site, landmark, or building shall be based on the following criteria:

1. The structure is of such interest or quality that it would reasonably meet national, state, or local criteria for designation as a historic property.
2. The structure, building, object or work of art is of such unusual or uncommon design, texture or materials that it could not be reproduced or be reproduced only with great difficulty and expense.
3. Retention of the structure, building, object or work of art would aid substantially in preserving and protecting a structure, building, object, work of art, or district which meets 1 or 2 herein above.

Where the HPC determines that one or more of these criteria are met, no Certificates of Appropriateness shall be issued and the application shall be denied.

F. Demolition by Neglect

If the review board determines that a building or landmark is being "demolished by neglect," the review board shall notify the record owner or owners of the building of this preliminary finding, stating the reasons therefore, and shall give the record owner 90 days from the date of the notice in which to commence work rectifying the specifics provided by the review board. Such notice shall be accomplished in the following manner:

1. By certified mailing to the last known address of the record owner or owners; or
2. If the procedure outlined in (1) above is not successful, then such notice shall be attached to the building or landmark twice within a week.

Upon the record owner failing to commence work, the review board shall notify the record owner or owners in the manner provided above

to appear at the next public hearing of the review board. The review board's staff or representative shall present to the review board at such public hearing the reasons for the notice, and the record owner or owners shall have the right to present any rebuttal thereto. If, thereafter, the review board shall determine that the building or landmark is being "demolished by neglect," and no efforts are being made to preserve it, the city may through the director of its department of planning and inspection or other appropriate officer or agency of the city, bring charges against the owner or owners for the violation of this article; and the city may cause such property to be repaired at its expense at such time as funds are appropriated; and in which event the city may file an affidavit of the department of planning and inspection to this effect in the office of the chancery clerk of this parish, which notice shall constitute a lien and privilege against the property.

Section 3.522 Maintenance of Historic Property

A. Ordinary Repair

Ordinary maintenance or repair of any exterior architectural feature in or on a historic property that does not involve a material change in design, material, or outer appearance thereof is excluded from review.

B. Conformity to Existing Building Codes

Nothing in this Ordinance shall be construed as to exempt property owners from complying with existing building codes adopted by Baton Rouge, nor to prevent any property owner from making use of his property not prohibited by other statutes, ordinances, or regulations.

Section 3.523 Undue Hardship

Where, by reason of unusual circumstances, the strict application of any provision of this Ordinance would result in exceptional practical difficulty or undue hardship upon any owner of a specific property, the Historic Preservation Commission, in passing upon applications, shall have the power to vary or modify strict adherence to said provisions, or to interpret the meaning of said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship; provided such variances, modifications, or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property shall be conserved, and substantial justice done. In granting variances, the Historic Preservation Commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Ordinance.

Section 3.524 Appeals

Any person adversely affected by any determination made by the Historic Preservation Commission relative to the issuance or denial of a Certificate of Appropriateness may appeal such determination to the Metropolitan Council; the appeal must be filed with the Council Administrator's Office within 10 days after notification is sent. The Metropolitan Council may approve, modify, or reject the determination made by the Historic Preservation Commission.

Appeals from decisions of the Metropolitan Council made pursuant to this ordinance may be taken to the District Court of the City-Parish, in the manner provided by law.

Section 3.525 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 HPC may make an 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 a showing by the HPC 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 3.526 Penalty Provisions

- A. Any owner, agent, lessee, or other person acting for or in conjunction with him, who violates the ordinance or law or rules, regulations, or decision of the Historic Preservation Commission, shall for each offense be fined not less than \$100 dollars.
- B. Any owner, agent, lessee, or other person acting for or in conjunction with him, who demolishes a structure or edifice without having been issued a Certificate of Appropriateness, shall be fined a single fine of not less than five thousand dollars (\$5,000) nor more than \$100,000 based upon the historical significance of the structure or edifice as designated in the historic building survey of the district.
- C. For violations other than demolition without a Certificate of Appropriateness, each day that a violation continues constitutes a separate offense.

Section 3.527 Severability

In the event that any section, subsection, sentence, clause, or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, sentences, clauses, or phrases of this chapter, which shall remain in full force and effect, as if the section, subsection, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

Section 3.528 Amendments

This Ordinance, including the official Historic District and Landmark Map, may be amended by the Metropolitan Council on its own motion, or on recommendation of the Historic Preservation Commission; but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Historic Preservation Commission for review and recommendation. All amendments to Historic Districts and Landmarks shall follow the procedure set forth in Section 3.507.D of this ordinance, known as "Procedure for Designation of Historic Districts and Landmarks."

Amendments to the Design Guidelines for new construction or alterations within a designated historic district or involving designated landmarks must be approved by the Metropolitan Council on its own motion, or on recommendation of the Historic Preservation Commission; but no amendment shall become effective unless it shall have been proposed or shall have been submitted to the Historic Preservation Commission for review and recommendation. All amendments to the Design Guidelines shall follow the procedure set forth in Section 3.508.B of this Ordinance, known as "Procedure for Adoption of Design Guidelines."

Section 3.529 Definitions

Architectural Elements: Parts of a building that are 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.

Certificate of Appropriateness: A document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property
Certified local government: a local, state and federal partnership that provides technical assistance and small grants to local governments who are seeking to preserve their architectural and cultural heritage for future generations. In Louisiana, becoming a CLG makes a community eligible to apply for the Louisiana Main Street Program, and for Certified Local Government Historic Preservation Planning Grants. The Division

of Historic Preservation also provides technical assistance such as Historic District Commission Training and statewide community design workshops.

Decorative Details: Ornamentation or embellishment. These include cornices, lintels, arches, balustrades, chimneys, shutters, columns, and other common details. When used, details should create a unifying effect on the building and should be compatible with the context of the neighborhood.

Exterior Architectural Features: The architectural style, general design, and general arrangement of the exterior of a building, structure, object or work of art, including, but not limited to, the kind or texture of the building material and the type and the style of all windows, doors, signs, and other appurtenant architectural fixtures, features, details, or elements relative to the foregoing.

Historic Building Survey: A building inventory of all historic buildings in a study area including an evaluation of properties.

Historic District: A geographically definable area that contains structures, buildings, objects, sites, works of art, or a combination thereof that exhibit a special historical, architectural, or environmental character as designated by the Mayor-President and Metropolitan Council.

Historic Property: Property designated by the Historic Preservation Ordinance as either being within a Historic District or as a Landmark.

Landmark: An individual structure, building, object, site, or work of art which exhibits a special historical, architectural, or environmental character as designated by the Mayor-President and Metropolitan Council.

Materials: The surface building fabric which contributes to the exterior character and appearance of a building.

Material Change in Appearance: A change that will affect either the exterior architectural or environmental features of a historic property visible from the public right-of-way, and may include any one or more of the following:

1. A reconstruction or alteration of the size, shape, or facade of a historic property, including any of its architectural elements or details;
2. Demolition of a historic property;
3. Commence of excavation for construction purposes;
4. A change in the location of advertising visible from the public right-of-way on any historic property;
5. The erection, alteration, restoration, or removal of any building, structure, object or work of art within a historic property, including walls, fences, steps, and pavements, or other appurtenant features.

Ordinary Repair: Maintenance work required for the upkeep of a historic building, as well as the repair and replacement of historic features with like materials."

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not be affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. All ordinances or parts of ordinances in conflict are hereby repealed.