

ORDINANCE #321

AN ORDINANCE establishing standards for demolition of buildings in the Bernice Historic District: and establishing a Bernice Historic Advisory Commission charged with making non-binding recommendations on any alteration, relocation, or new construction in the Bernice Historic District.

WHEREAS, the Town Council is desirous of promoting the educational, cultural, and economic welfare of the public of the Town, preserving and protecting historic structures and neighborhoods which serve as visible reminders of the history and cultural heritage of the town, region, state, and nation, and furthermore, it is the purpose of this Ordinance to strengthen the economy of the Town by stabilizing and improving property values in historic areas.

NOW THEREFORE, BE IT ORDAINED BY the Bernice Town Council on behalf of the Town of Bernice in legal session convened, as follows, to-wit:

SECTION 1: DEFINITIONS

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

B. Building. Any covered structure intended for shelter or housing enclosure of economic activities related to persons, animals, or chattels. The term "building" shall be construed to include the term "structure."

C. Historic. A Building is classified as historic when it is at least fifty years of age and is of significant local, regional, or national historic, architectural, and/or cultural value.

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

SECTION 2: DEMOLITION OF HISTORIC BUILDINGS

Whenever a property owner shows that a building classified as historic and located in the Bernice Historic District delineated in Section 3 is incapable of earning any economic return of its value, as appraised by a qualified real estate appraiser, or if new construction can be demonstrated by a property owner to the highest and best use of the building site, such building may be demolished, provided however, that before a demolition permit is issued, notice of proposed demolition shall be given three (3) times during a period of thirty (30) days to afford the Town, interested persons, historical societies, or organizations the opportunity to acquire or to arrange for the preservation of such buildings.

SECTION 3: DEFINITION HISTORIC DISTRICT

The original town of Bernice, designated as the "Bernice Historic District," is as specified hereto.

All that property lying within the following described boundaries:

Beginning at First Street and running south to Eighth Street, and beginning at Elm Street and running east to Pine Street.

SECTION 4: COMMISSION ESTABLISHED

There is hereby created a commission to be known as the Bernice Historic District Advisory Commission.

SECTION 5: PURPOSE

The purpose of the Bernice Historic District Advisory Commission shall be to endorse plans as presented or, when deemed necessary, to make recommendations for changes to property owners upon all proposed alterations, relocations, and new construction within the boundaries of the Historic District and any other actions necessary to implement the intent of this ordinance. Commission recommendations shall not be binding. However, the Commission shall make itself available to assist owners of properties on which alteration, relocation, or new construction is contemplated in complying with recommendations. The Commission shall also assist property owners interested in pursuing investment tax credits for historic rehabilitation to meet the requirements for that program.

SECTION 6: RECOMMENDATION AND APPOINTMENT OF MEMBERS

The Commission shall consist of five(5) members. They shall be appointed by the Town Council as follows:

One(1) person qualified as a historian, architect, archaeologist, or historic preservationist; one(1) representative of business in the Historic District; one(1) property owner in the Historic District; and two(2) other residents.

SECTION 7: TERM VACANCIES

During the process of initiating the Commission, members shall be appointed as follows: Two(2) members shall be appointed for one(1) year; two(2) members for two(2) years; and one(1) member for three(3) years. The members may serve consecutive terms. Any vacancy shall be filled within sixty(60) days.

SECTION 8: BY-LAWS

The Commission shall make such by-laws as it may deem necessary for the conduct of its affairs not inconsistent with the laws of the Parish and State. Presence of three(3) members of the Commission at a meeting shall constitute a quorum. The Commission shall meet quarterly

unless there are no permit applications for alteration, relocation, or new construction in the Historic District pending. Special meetings may also be held at any time on the written request of any one of the five(5) members or on the call of the Chairman of the Commission. The Commission shall make a report on its recommendation and activities to the Mayor and Town Council after every meeting.

SECTION 9: STAFFING

The Bernice Main Street Manager shall serve as staff for the Commission and such members of the Mayor's staff as he/she shall recommend with approval of the Town Council.

SECTION 10: PROCEDURES

When application for a Building Permit for any alteration, relocation, or new construction on the Bernice Historic District is made, the Building Inspector shall notify the Bernice Historic District Advisory Commission and make available to it a copy of all required application materials submitted. The Commission shall meet with the applicant to explain its recommendations on rehabilitation plans. The major focus of any recommendations for change or endorsement of plans as presented shall be to help property owners to avoid any action which might tend to impede present or future federal tax benefits arising from location in the Historic District.

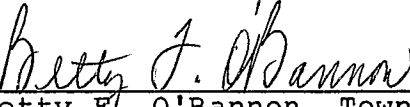
SECTION 11: CRITERIA TO BE USED BY THE COMMISSION IN MAKING RECOMMENDATIONS

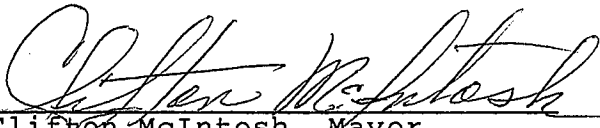
The criteria to be used by the Commission in making recommendations are as follows:

- A) To the extent feasible with economic realities, efforts should be encouraged to provide compatible use for buildings requiring minimal building, building site, and environment alteration.
- B) Removal, destruction, or alteration of original characteristics of unique architectural features should be discouraged.
- C) Surface cleaning of structures by the gentlest means possible should be encouraged. Sandblasting and abrasive chemical cleaning methods that will damage historic building material should be avoided.
- D) Contemporary design and alterations and additions to existing buildings should not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material, and such design is compatible in size, scale, material, and character to the property, neighborhood, and environment.
- E) In the case of new construction, compatibility with surrounding buildings in scale, size, and material should be encouraged.

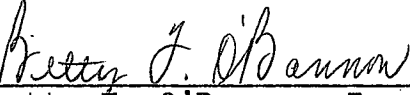
If any provision of this ordinance or the applications thereof to any person or circumstance is held to be invalid, illegal, or unconstitutional, the remainder of this ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. On a motion by Alderman Rhodell Montgomery, seconded by Alderman Alvin Green, to declare this ordinance adopted on this 13th day of April, 1993. Motion Passed.  
5 Yeas, 0 Nays.

  
Betty F. O'Bannon, Town Clerk

  
Clifton McIntosh, Mayor

I, Betty F. O'Bannon, do hereby certify that the above is a true and correct copy of said ordinance.

  
Betty F. O'Bannon, Town Clerk

AMENDMENTS TO ORDINANCE #321

SECTION 6: RECOMMENDATION AND APPOINTMENT OF MEMBERS

The Commission shall consist of six(6) members. They shall be appointed by the Town Council as follows:

Two(2) persons qualified as historian, architect, archaeologist, historic preservationist or cultural geographer; one(1) representative of business in the Historic District; one(1) property owner in the Historic District; and two(2) other residents.

SECTION 7: TERM VACANCIES

During the process of initiating the Commission, members shall be appointed as follows: Two(2) members shall be appointed for one year; two(2) for two years; and two(2) members for three years. The members may serve consecutive terms. Any vacancy shall be filled within sixty(60) days.