

ORDINANCE NO. 93-4

The following Ordinance was offered by Charlie Simons, who moved for its adoption and was seconded by Melvin Robinson.

AN ORDINANCE AMENDING THE ZONING CODE OF THE TOWN OF COLUMBIA, LOUISIANA, BY ADDING PROVISIONS FOR "HISTORICAL PRESERVATION DISTRICT", AND TO SET FORTH THE PROVISIONS FOR REGULATIONS THEREOF.

WHEREAS, the Town of Columbia desires to promote the educational, cultural, and economic welfare of the citizens of the Town of Columbia by preserving and protecting historical structures and neighborhoods which serve as a visible reminder of the history and cultural heritage of the Town, region, state and nation, and further desires to strengthen the economy of the Town of Columbia by stabilizing and improving property values in historic areas;

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Columbia, Louisiana legal session convened, that the Zoning of the Town of Columbia, Louisiana, be and is hereby amended as follows:

ARTICLE VII. HISTORICAL PRESERVATION

Sec. 20-175. Creation and delineation of historical districts.

The Council of the Town of Columbia may from time to time create districts for the preservation and protection of historical structures and neighborhoods to 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 Article to strength the economy of the Town by stabilizing and improving the property values in historical areas. These historical areas shall be known as "Historical Districts".

Each Historical District shall be composed of an area of the Town of Columbia designated on the zoning map of the Town of Columbia as "A Historical District". The Historical Districts of the Town of Columbia shall include the following, to-wit:

- (a) "Downtown Historical District" which includes the area of the Town of Columbia detailed on the map attached hereto and made hereof by reference which is referred to as the "Downtown Historical District".

Sec. 20-176. Historical Preservation Commission Established.

Compliance with the provisions of this zoning ordinance in so far as the same affects alterations, restorations, demolitions, and/or construction within a historical district will be subject to the provisions of this chapter with applications for such activity being subject to approval by the Commission established in this Article being referred to herein as the "Columbia Historical Preservation Commission" and referred to herein as the "CHP-Commission".

Sec. 20-177. Purpose.

The purpose of the CHP-Commission shall be to promote the educational, cultural, economical, and general welfare of the public by the preservation of buildings, monuments structures, sites and areas of historic interest on importance; to promote and improve property values; and to foster the economic development of the areas affected.

Sec. 20-178. Recommendation and appointment of members.

The CHP-Commission shall consist of eight (8) residents of the Town of Columbia to be appointed by the Mayor, subject to confirmation by the Town Council, with the members of the CHP-Commission to include at lease the following:

- (a) One (1) Civil Engineer, Landscape Engineer or Architect licensed by the state;
- (b) One (1) owner of an historical buildings within the designated historical districts;

Sec. 20-179. Terms; vacancies; recall.

(a) The members of the CHP-Commission shall be appointed as follows: One-third of the members for an initial term of two (2) years; one-third of the members for an initial term of three (3) years; and, one-third members for an initial term of four (4) years. Whenever the term of any member expires, his/her successor shall be appointed for a four-year term. The Members may serve consecutive terms.

(b) In the event a vacancy occurs prior to the end of a member's term, a successor shall be appointed to serve the remainder of that term in the same manner as the original member was appointed.

(c) Any member may be recalled at any time by a majority vote of the Council for gross inefficiency, fraud, or neglect, after an open hearing upon ten (10) days notice specifying the complaint involved.

Sec. 20-180. Staff; committees.

(a) The CHP-Commission shall annually select a chairman from among its members by majority vote. The Chairman may appoint from among its members various committees with such powers and duties as the CHP-Commission may have and prescribe.

(b) The Main Street Manager shall serve as the Executive Director of the CHP-Commission. He shall receive and date applications for permits; prepare, with the advice and consent of the Chairman, the agendas for the meetings for the CHP-Commission; set and convene meetings of the CHP-Commission so that there is not a lapse of more than thirty (30) days between the submission of an application and its consideration by the CHP-Commission; serve as an advisor to the CHP-Commission; and, forward the recommendations of the CHP-Commission to the Planning and Urban Development Director.

(c) The Office of the Town Attorney shall serve as ex officio attorney for the CHP-Commission.

(d) With the Mayor's approval, the CHP-Commission may select such other existing Town employees to assist the CHP-Commission as may be necessary to carry out the purpose for which it was created and established.

Sec. 20-181. Additional authority of the CHP-Commission.

The CHP-Commission shall have the authority:

(a) To recommend any site, location, area, structure, building, or monument within the Town to the Council as historic and worthy of preservation, whether within or outside of the confines of a historical district;

(b) To recommend appropriate legislation for the preservation of any site, location, area, structure, building, or monument of historic importance and for the improvement of the historical districts;

(c) To make application, with the approval of the Council, for state and/or federal funds when appropriate;

(d) To apply for the historic designation of a site, location, area, structure, building, or monument with the consent of the owner(s) of said site, location, area, structure, building or monument;

(e) To make periodic reports to the Council; and,

(f) To provide information to property owners and others involving preservation and promotion of the districts.

Sec. 20-182. Meetings; bylaws.

(a) The CHP-Commission shall meet as often as is necessary to carry out its duties, but not less than once each quarter. Special meetings shall be held upon the call of the Chairman of the CHP-Commission or of the Executive Director. Special meetings shall also be held upon the written request of at least two (2) members. The presence of one-half of the members shall constitute a quorum.

(b) The CHP-Commission shall make such bylaws, rules, regulations, policies, procedures and standards as it may deem necessary for the conduct of its affairs, not inconsistent with the laws of the Town and of the State of Louisiana. All such bylaws, rules, regulations, policies, procedures, standards, and any amendments thereto shall be approved by the Council prior to becoming effective.

Sec. 20-183. Submission of plans for exterior changes to CHP-Commission; certificate required.

(a) No private building, structure, or edifice, including fences, boundary walls, signs, light fixtures, steps, paving or other appurtenant fixtures shall be erected, altered, restored, moved, or demolished within any historical district until after application for a certificate of appropriateness as to the exterior architectural features has been submitted to and approved by the CHP-Commission.

(b) If earthworks of historical or archaeological importance exist in any historical district, there shall be no excavating or moving of earth, rock, or subsoil without a certificate of appropriateness from the CHP-Commission.

(c) The style, scale, material, size, and location of outdoor advertising signs and posters within historical districts shall be under the control of the CHP-Commission.

(d) The CHP-Commission shall not consider interior arrangement or use but shall consider the relationship of the exterior of the buildings, structures, and edifices concerned with all others in the district to avoid incongruity and promote harmony therewith.

(e) The CHP-Commission shall adhere to and seek compatibility of structures in the districts in terms of size, texture, scale and site plan.

(f) Nothing in this chapter shall be construed to prevent ordinary maintenance or repairs which do not involve a change of design, material, or the outward appearance thereof, nor to prevent the construction, reconstruction, alteration or demolition of any such feature which is required by the public safety because of unsafe or dangerous conditions. However, any such action must be brought before the CHP-Commission prior to initiating the action.

(g) Demolition which has been ordered by the Council or by a court of competent jurisdiction shall not require the approval of nor the issuance of a certificate from the CHP-Commission; however, the CHP-Commission shall receive prior reasonable notice of condemnation proceedings pending before the council.

(h) No review, approval, disapproval, or recommendation shall be made by the CHP-Commission until the CHP-Commission has adopted the rules, regulations, policies, procedures, and standards as set forth herein.

Sec. 20-184. Certificate of appropriateness.

(a) The owner and/or contractor, prior to initiating any works described in Sec. 20-183 (a), (b), or (c) shall submit an application for a certificate of appropriateness accompanied by reasonable plans and specifications of the work to the CHP-Commission in the manner set forth in this Article.

(b) The CHP-Commission shall hear and pass upon any application, giving consideration to the factors set forth herein within thirty (30) days of the date it is received by the CHP-Commission. The CHP-Commission shall report, in writing, to the Planning and Urban Development Director within ten (10) days of the hearing and consideration of the application, its recommendations on the permit application, including such changes or modifications as may be reasonable necessary to comply with the requirements of this chapter. The CHP-Commission shall attach the application and all documents therewith to its report and recommendation. Evidence of approval shall be in the form of a certificate of appropriateness. A copy of the report and recommendation shall be promptly sent to the applicant. Failure to respond within the ten (10) day period herein shall be deemed a recommendation of approval. The CHP-Commission shall keep a record of all applications for certificates of appropriateness and of all its actions under this chapter.

(c) No building or demolition permit shall be issued by the Planning and Urban Development Director which affects a site or structure in any historic district without a certificate of appropriateness, except as otherwise permitted by Sec. 20-183 (f) and (g).

Sec. 20-185. Same--Criteria.

(a) The criteria to be used by the CHP-Commission in making recommendations shall be as follows:

(1) To the extent that it is economically feasible, efforts to provide compatible uses of buildings requiring minimal building, building site, or environmental alterations should be encouraged;

(2) Removal, destruction, or alteration of original characteristics or unique architectural features of a building should be discouraged;

(3) In the rehabilitation of historic buildings, the use of material matching or compatible with those already used in the building as to composition, design, color, texture and other visual qualities should be encouraged;

(4) Contemporary design, in new construction and in alterations and additions should not be discouraged when such alterations and additions do not destroy significant historical, architectural, or cultural material;

(5) Demolition of a building of historical significance should be avoided if the CHP-Commission can demonstrate that it is economically feasible to preserve the building;

(6) The provisions of this Chapter shall apply to all private property in the districts established herein, including all buildings, structures, areas, sites, and their adjuncts and appurtenances, in so far as they constitute part of the entirety or "tout ensemble" of the historic district; and,

(7) The provisions of this chapter shall not apply to buildings, structures, areas, sites, public ways, or property, including any adjuncts or appurtenances thereto, owned, under the custody of, or under the

responsibility of any governmental agency of local, state, or federal government within the historic district. However, any such agency shall seek the advise of the CHP-Commission prior to initiating any substantial change, modification, renovation, restoration, construction, or demolition, except as provided in Sec. 20-183 (f) and (g).

Sec. 20-186. Same--Action thereon.

(a) If the CHP-Commission recommends approval of the application, and if such application and intended work shall conform to all other regulations, codes, ordinances, and laws of the Town, the Planning and Urban Development Director shall promptly issue a permit for such work and indicate on said permit the extent and nature of the work to be performed thereunder.

(b) If the CHP-Commission recommends disapproval of the application, the Planning and Urban Development Director shall within five (5) days of receiving such disapproval, forward notice of the action along with the written report to the Town Council, which shall give written notice to the applicant and to the CHP-Commission within ten (10) days of receipt of the report from the Planning and Urban Development Director. The Council shall then consider and hear the matter in open session, giving the applicant, the CHP-Commission, and all interested parties an opportunity to be heard under the rules established by the Council, and shall approve or disapprove the application. Said hearing shall be held not less than ten (10) days nor more than forty-five (45) days from the date notice of the hearing is given to the applicant.

(c) Any other person aggrieved by any decision of the CHP-Commission shall have the right to apply in writing to the Council for reversal or modification thereof. The Mayor or the Chairman of the Council shall have the right to stay all further action until the Council considers the decision. The Council shall give written notice within ten (10) days of receipt of the written application for reversal or modification. The Council shall then consider and hear the matter in open session, giving the applicant, the CHP-Commission, and all interested parties an opportunity to be heard under the rules established by the Council and approve or disapprove the application. Said hearing shall be held not less than ten (10) days nor more than forty-five (45) days from the date notice of the hearing is given to the applicant.

Sec. 20-187. Variances.

(a) Where, by reason of topographical conditions, irregularly shaped lots, or because of unique circumstances applicable solely to a particular applicant, strict enforcement of any criteria would result in serious undue hardship peculiarly affecting said applicant, the CHP-Commission may vary or modify adherence to this chapter, provided always that its requirements insure harmony with the general purposes hereof, and will not adversely affect an historic district as a whole or any designated landmark.

(b) The CHP-Commission shall also have the authority to appear before and recommend to any governing agency, board, commission, or council any variance from any ordinance or regulation affecting requirements for renovation or restoration of any structure within the historic districts, when the requested variance meets the conditions set forth in Sec. 20-187. (a), and does not jeopardize the public safety.

Sec. 20-188. Appeals.

Any person aggrieved by any decision of the Council affecting any historic district shall have the right to appeal within thirty (30) days from the date of said decision in any court of competent jurisdiction under the usual rules of procedure governing same, with the right to stay orders and injunctive relief as provided under LSA-R.S. 25:741 B.

Sec. 20-189. Stopping work commenced without a permit.

(a) The Planning and Urban Development Director shall promptly stop any work subject to the provisions of this chapter which is not authorized by an approved permit therefor and shall promptly bring such matter to the Office of the Town Attorney for appropriate legal action to enforce the provisions of this chapter.

(b) The CHP-Commission shall have the right to institute suit in any court of competent jurisdiction to prevent any unlawful violations of the provisions of this chapter or of any of the rules, regulations, or standards adopted in conformity with it.

Sec. 20-190. Penalties; continuing violations.

Anyone violating any provision of this chapter shall be subject to a fine of not more than FIVE HUNDRED AND NO/100 (\$500.00) for each violation. Each day that any such violation shall continue shall constitute a separate violation.

Sec. 20-191. Definitions.

"Exterior architectural features" shall include but not be limited to the color, composition, architectural style, general design, and texture of the building material, and the type and style of all roofs, windows, doors and light fixtures.

An "historic or historical building" is defined herein as a building of at least fifty (50) years of age with significant local, regional or national historical architectural and/or cultural value as determined by the CHP-Commission, or a building listed on the National Register of Historic places.

Sec. 20-192 - 199. Reserved.

BE IT FURTHER ORDAINED that all CHP-Commission members previously appointed under the provisions of Resolution 8th of December, 1992, shall remain members of the Columbia Historical Preservation Commission for the terms to which they were originally appointed.

BE IT FURTHER ORDAINED that the provisions of this ordinance shall be effective upon publication.

BE IT FURTHER ORDAINED that the provisions of this Ordinance are severable in the event that any provision shall be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect.

This Ordinance was INTRODUCED on the 13th day of April, 1993.

NOTICE PUBLISHED on the 21st day of April, 1993.


This Ordinance having been submitted in writing, introduced by Melvin Robinson and published, was then submitted to a vote as a whole, the vote thereon being as follows:

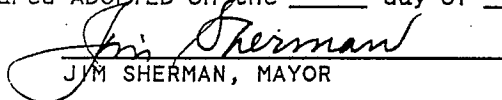
AYES: 4 (Paeton Coates, Melvin Robinson, Charlie Simons, Charles Richard)

NAYS: 0

ABSENT: 1 (Richard Keller)

And the Ordinance was declared ADOPTED on the 11th day of May, 1993.


BRENDA ASHBURN, CITY CLERK


JIM SHERMAN, MAYOR

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dec92-4/wp

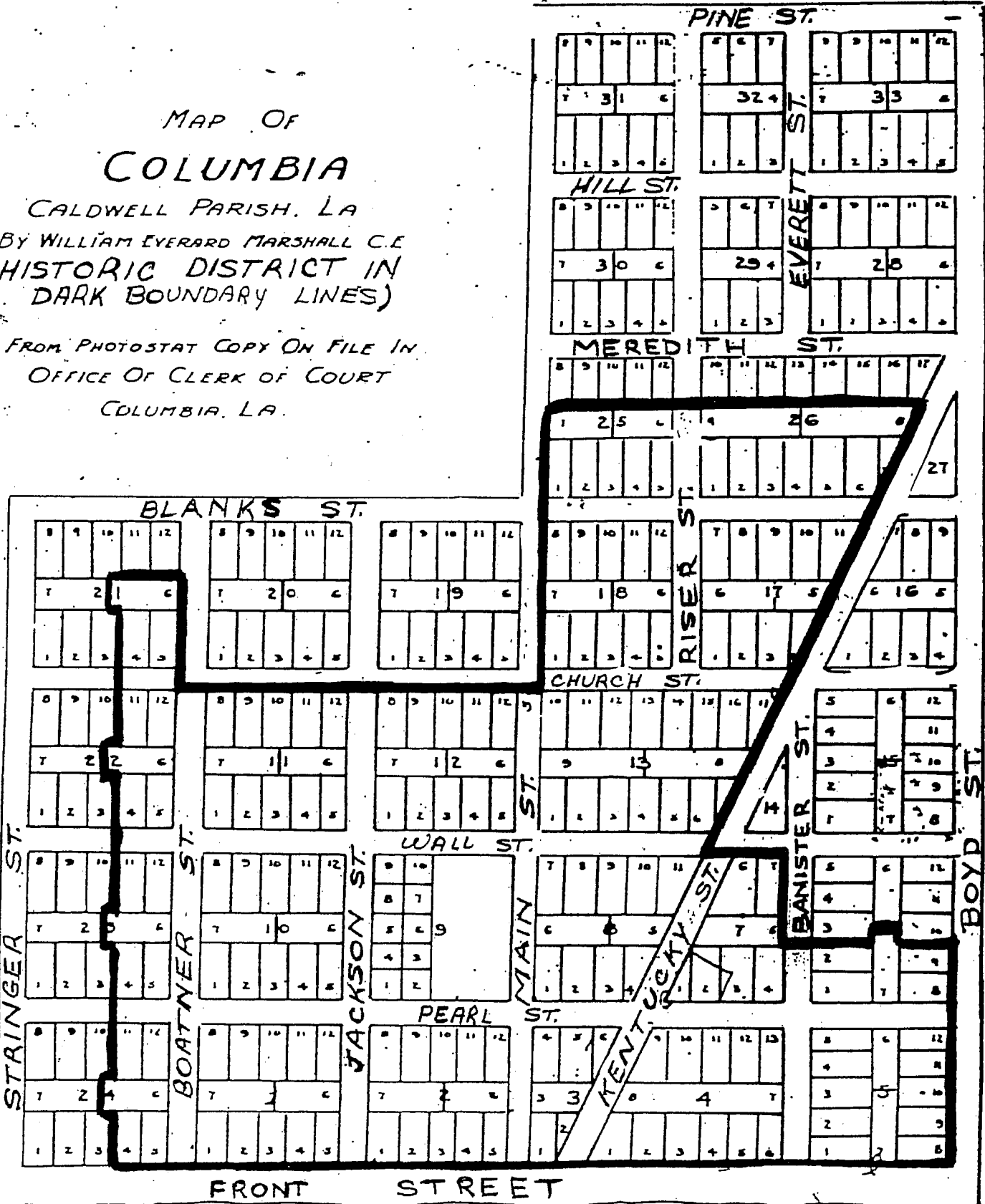
Approved 5-11-93

MAP OF
COLUMBIA

CALDWELL PARISH, LA

BY WILLIAM EVERARD MARSHALL C.E.
(HISTORIC DISTRICT IN
DARK BOUNDARY LINES)

FROM PHOTOSTAT COPY ON FILE IN
OFFICE OF CLERK OF COURT
COLUMBIA, LA.



OUACHITA RIVER