

Sec. 5-307. Historic districts and historic landmarks.

- (1) *Purposes.* It is the purpose of the provisions of this section related to Historic Districts, Charpentier District, and Margaret Place District to recognize, preserve, and protect the cultural and historic resources of the City of Lake Charles by preserving individual landmarks and maintaining and fostering development in areas within the city of special significance to the history and tradition of the city and the region. It is the purpose of this Ordinance to:
- (a) Protect and enhance the districts and landmarks which represent the distinctive elements of Lake Charles' historic, architectural and cultural heritage;
 - (b) Foster civic pride in accomplishments of the past;
 - (c) Protect and enhance Lake Charles' attractiveness to tourists and thereby promote and stimulate business;
 - (d) Insure the orderly, efficient and appropriate growth and development of Lake Charles;
 - (e) Promote economic stability and prosperity of the community by encouraging the most appropriate use of such significant property in Lake Charles;
 - (f) Stabilize and improve property values;
 - (g) Enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law.

The Lake Charles City Council 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, perpetuation and use of places, districts, sites, buildings, structures, objects, and landscape features having a special historical, cultural or aesthetic interest or value, in accordance with the provisions of this Ordinance.

- (2) *Definitions.*
- (a) *Building* means a structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.
 - (b) *Certificate of Appropriateness* means 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 or of a property located within a designated historic district.
 - (c) *Exterior Architectural Features* means the architectural style, general design and general arrangement of the exterior of a building, structure or object, including, but not limited to, the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural textures, features, details or elements relative to the forgoing.
 - (d) *Exterior Environmental Features* means all those aspects of the landscape or the development of a site which affect the historic character of the property.
 - (e) *Historic District* means a geographically definable area, possessing a significant concentration, linkage, or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history. A Historic District shall further mean an area designated by the Lake Charles City Council as a Historic District pursuant to the criteria establish in [Section 5-307](#) of this Ordinance.

- (f) *Historic Property* means an individual building, structure, site or object including the adjacent area necessary for the proper appreciation thereof designated by the Lake Charles City Council as a historic property pursuant to the criteria established in [Section 5-307](#) of this Ordinance.
 - (g) *Material Change in Appearance* means a change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, or landscape feature within a historic district, such as:
 - 1. A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
 - 2. Demolition or relocation of a historic structure;
 - 3. Commencement of excavation for construction purposes;
 - 4. A change in the location of advertising visible from the public right-of-way; or
 - 5. The erection, alteration, restoration or removal of any buildings or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features, except exterior paint alterations.
 - (h) *Object* means a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.
 - (i) *Site* means the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.
 - (j) *Structure* means a work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.
- (3) *Creation of a Historic Preservation Commission.* There is hereby created a commission whose title shall be "Lake Charles Historic Preservation Commission" (hereinafter "Historic Preservation Commission" or "Commission").
- (a) *Commission Members: Number, Appointment, Terms and Compensation.*
 - (i) The Historic Preservation Commission shall consist of five regular members and two alternate members. At least one member of the Commission shall be from each of the districts subject to the provisions of this Ordinance. The alternate members shall serve only when called upon to form a quorum; however, when so serving such members shall have all the powers and duties of regular members.
 - (ii) The members shall be appointed by the Mayor and approved by the City Council as follows: the positions for three regular members shall always be filled from nominations by the Calcasieu Historical Preservation Society, or the recognized preservation organization, and the remaining two regular members and two alternate members shall be proposed by the Mayor. All Historic Preservation Commission members shall have a demonstrated outstanding interest in the historic traditions of the city and experience in the preservation of the historic character and resources of Lake Charles.
 - (iii) Each member shall be a resident of the City of Lake Charles.
 - (iv) Each member shall serve a term of three years. In order to achieve staggered terms, initial appointments shall be one member for one year; two members for two years; and two members for three years. The Calcasieu Historical Preservation Society will slate one member for each of the staggered terms.

- (v) The members of the Historic Preservation Commission shall serve without compensation and shall hold no other public office.
 - (vi) If a vacancy occurs prior to the expiration of a member's term, the mayor shall appoint a member for the duration of the unexpired term within 60 days of the vacancy; vacancies in the positions nominated from the Calcasieu Historical Preservation Society shall be slated by the Calcasieu Historical Preservation Society for appointment by the Mayor.
 - (vii) A member of the Historic Preservation Commission may be removed from office by the mayor for inefficiency, neglect of duty, or malfeasance in office. Failure to attend three out of five consecutive regular meetings of the Historic Preservation Commission (and should there be no adequate excuse for such absence) shall constitute adequate grounds for removal. The vacant position shall be filled for the remainder of that member's unexpired term; vacancies in the positions nominated from the Calcasieu Historical Preservation Society shall be slated by the Calcasieu Historical Preservation Society for appointment by the Mayor.
- (b) *Chairman and vice-chairman.*
- (i) At the first regular meeting of each year, the members of the commission shall elect one of their number as chairman and one of their number as vice-chairman.
 - (ii) No member may serve more than two consecutive terms as chairman.
 - (iii) In the absence of the chairman, the vice-chairman shall act as chairman and shall have all the powers of the chairman.
 - (iv) The members of the commission shall, in the event both the chairman and vice-chairman are absent from a meeting, select a member to preside over the meeting.
 - (v) The chairman shall preside over all meetings of the commission and, in addition, may appoint committees, composed of members of the commission, as well as other persons, to serve the commission as he deems necessary.
 - (vi) The chairman may engage in discussion and vote in the same manner as any other member of the commission.
 - (vii) The chairman may suggest motions but may neither make nor second motions.
 - (viii) The Chair shall decide all points of order and procedure, subject to the historic preservation ordinance, these bylaws, and any rules of procedure or guidelines adopted by the Historic Preservation Commission, unless otherwise directed by a majority of the members in session at the time.
- (c) *Secretary.*
- (i) The director of planning, or his designated representative, shall serve as secretary to the commission.
 - (ii) The secretary shall keep the minutes of all meetings of the commission and maintain the record for each commission meeting, hearing or other proceeding.
- (d) *Quorum and necessary vote.* No business shall be transacted by the commission without a quorum which shall consist of at least four members of the commission being present. The concurring vote of at least three members shall be necessary for the commission to take any action.
- (e) *Procedures.*
- (i) The commission shall hold at least one regular meeting per month. Special meetings may be called by the chairman, or at the written request of any two members of the commission.
 - (ii) All meetings and hearings shall be open to the public and shall be conducted in

accordance with the procedures established in Section 4-201 of this Ordinance, and any rules of procedure adopted by the commission in accordance with subsection (f)(ii) of this section. However, members of the public shall be allowed by the Chair to address the Historic Preservation Commission in accordance with state law. A time limit may be set by the commission for the presentations or remarks of nonmembers.

- (iii) Any rules of procedure shall be kept on file by the Commission and be available to the public at all times and copies thereof shall be available at any meeting or hearing.
 - (iv) In the event that less than a quorum is present at any meeting of the commission, the meeting shall be rescheduled by the director of planning to a date certain as soon as practical. The secretary shall notify, in writing, all members of the Commission, the applicant and all other interested persons of the date of the rescheduled meeting.
 - (v) Prior to voting on any matter, each member shall review the entire record of the proceeding and fully inform himself of the facts and issues of the matter under consideration. If a member was absent during a public hearing conducted to consider a matter, he shall state on the record that he has complied with the provision prior to voting on the matter.
 - (vi) Conflict of interest. A member shall not cast a vote on any issue before the Historic Preservation Commission which involves the interests of that member or an organization in which that member has an ownership interest or position of control or directly represents. Neither shall a member cast a vote on any matter which could provide direct financial benefit to that member. Whenever a conflict of interest situation arises in the conduct of business, the individual member should divulge the existence and reasons for the conflict, and he shall refrain from presenting, voting on, or discussing the project, other than answering a direct question.
- (f) *Powers and duties.* The Historic Preservation Commission shall be authorized to:
- (i) Recommend to the Lake Charles City Council specific districts, sites, buildings, structures or objects to be designated by ordinance as historic properties or historic districts;
 - (ii) Adopt rules and standards for the transaction of its business and for consideration of application for designation of Certificates of Appropriateness, such as design guidelines and criteria, which are not in conflict with the provisions of this Ordinance and which shall be ratified by the City Council. The Historic Preservation Commission shall have the flexibility to adopt rules and standards without amendment to this Ordinance. All guidelines and other criteria used by the Historic Preservation Commission to make its determination as to the issuance of a Certificate of Appropriateness shall be submitted to the City Council for review and approval. Until such time as those guidelines are proposed and adopted the Historic Preservation Commission shall use the criteria set forth in subsection (10) to issue a Certificate of Appropriateness. Nothing herein shall be deemed to prevent the City Council from adopting any rules and regulations it deems necessary and appropriate for the Historic Preservation Commission to use in order to transact business or issue Certificates of Appropriateness prior to receiving a proposal regarding such matters from the commission.
 - (iii) Review application for Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this Ordinance or the design guidelines

adopted by the City Council;

- (iv) Recommend to the Lake Charles City Council that the designation of any district, site, building, structure or object as a historic property be revoked or removed;
 - (v) Prepare and maintain an inventory of all property within the City of Lake Charles designated as historic and all property having the potential for designation as historic property;
 - (vi) Conduct educational programs on historic properties located within the City and on general historic preservation activities;
 - (vii) Encourage individual listing of historic properties on the National Register of Historic Places;
 - (viii) Prepare and promote design guidelines for landmarks and historic districts;
 - (ix) Make recommendations to the City Council concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and historic districts within the city;
 - (x) Propose tax or other financial incentives, such as tax abatement program(s), for landmarks or historic districts to the City Council.
 - (xi) Prepare and submit annually to the City Council a report summarizing the work completed during the previous year.
 - (xii) To hear, review, and consider variances or special exceptions within established historic districts as provided in Sections [4-205](#) and [4-206](#)
 - (xiii) To hear, review and consider applications for conditional use permits within established historic districts as provided in [Section 4-203](#) of this Ordinance.
- (4) *Appointment of Historic Preservation Officer.* The Director of Planning or his designee shall serve as historic preservation officer. This officer shall administer this Ordinance and advise the Commission on matters submitted to it. In addition to serving as representative of the Commission, the officer is responsible for coordinating the City's preservation activities with those of state and federal agencies and with local, state, and national nonprofit preservation organizations.
- (5) *Standards for designation.* The city council shall consider the following standards in designating the boundaries of the Charpentier District, Margaret Place District, future historic districts, and individual landmarks:
- (a) The presence of structures, sites, or areas associated with the events of significance to the cultural, political, economic or social history of the city; or
 - (b) The presence of structures, sites, or areas associated with the lives of persons or institutions of significance to the cultural, political, economic or social history of the city; or
 - (c) The presence of structures which represent distinctive characteristics of a type, period or method of construction of significance to the cultural, political, economic or social history of the city.
- (6) *Procedures for designation of districts and landmarks.* The city council shall designate the boundaries of the Charpentier District, Margaret Place District, future historic districts, and historic landmarks in accordance with the procedures set forth in [Section 4-207](#) for amending this Ordinance and zoning map.
- (7) *Overlay district.* The regulations set forth in this [Section 5-307](#) are applicable to development in the Charpentier District, Margaret Place District and future historic districts and historic landmarks in addition to all other regulations in the underlying zoning district.
- (8) *Certificates of Appropriateness.* After the designation by the City Council of historic properties or historic districts, no material change in the appearance of such historic property, or of a

contributing or noncontributing building, structure, site or object within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a Certificate of Appropriateness (COA) has been submitted to and approved by the Historic Preservation Commission. A Building Permit shall not be issued without a Certificate of Appropriateness. A Certificate of Appropriateness may also be required for work not otherwise requiring a building permit. The COA shall be required in addition to, and not in lieu of, any required building permit.

- (9) *Certificate of Appropriateness for New Construction Affecting Landmarks or within Historic Districts.* No person shall carry out any new construction within a designated historic district without first obtaining a Certificate of Appropriateness in accordance with this Ordinance. The development of new buildings or structures shall conform with the underlying district regulations and shall be generally of such design, form, proportion, mass, configuration, building material, texture, color, and location on a lot as to be compatible with other buildings and structures in the district, and in particular with those buildings and structures in the immediate vicinity of the proposed new building or structure. The Historic Preservation Commission shall be guided by any adopted design guidelines for determining such compatibility.
- (10) *Criteria for Approval of a Certificate of Appropriateness.* In considering an application for a Certificate of Appropriateness, the Historic Preservation Commission shall be guided by any adopted design guidelines, and where applicable, the following from The Secretary of the Interior's Standards for Rehabilitation of Historic Buildings. Any adopted design guidelines and The Secretary of the Interior's Standards shall be made available to the property owners of historic landmarks or within historic districts.

In considering whether a Certificate of Appropriateness permitting exterior alterations shall be granted, the Historic Preservation Commission shall consider:

- (a) The extent the alteration affects the distinctive character or architectural features of the structure, including consideration of the harmony of materials, details, height, mass, proportion, rhythm, scale, setback, shape, street accessories, and workmanship;
- (b) The degree to which the proposed work would isolate the structure from its historical or architectural surroundings;
- (c) The degree to which the proposed work is compatible with the original design concept of the structure or with the general design characteristics of the era which the structure represents;
- (d) The degree to which the proposed building materials are compatible with the aesthetic and structural appearance of the structure including the texture, style, color of the materials and the proposed combination of materials such as brick, stone, concrete, shingle, wood, or stucco;
- (e) The degree to which the proposed work is compatible with the design guidelines approved by the Historic Preservation Commission; and
- (f) The degree to which the proposed work is compatible with the Department of the Interior's Standards for Historic Preservation Projects, 36 C.F.R. Section 68.1 et seq.
- (g) The Secretary of the Interior's Standards for Rehabilitation of Historic Buildings:
 - (i) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
 - (ii) The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

- (iii) Each property shall 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 architectural elements from other buildings, shall not be undertaken.
- (iv) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (v) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
- (vi) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
- (vii) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- (viii) Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- (ix) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- (x) New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(11) *Preapplication Conference.*

- (a) *Request and scheduling.* An applicant for a Certificate of Appropriateness is strongly encouraged to request at his option an informal conference with the Director of Planning or his designee prior to filing an application.
- (b) *Purpose of conference.* The preapplication conference shall be informal and its purpose shall be to discuss the proposals, views and concerns of the applicant, to convey information about The Secretary of the Interior's Standards for Rehabilitation and the adopted design guidelines and to determine if any additional information will be required of the applicant.
- (c) *Letter of understanding.* Within ten days after the preapplication conference, the Director of Planning or his designee may transmit a letter of understanding to the applicant setting forth the substance of the preapplication conference. No representation by the Historic Preservation Officer or any other city official or employee at the preapplication conference or at any other time shall be binding on the city with respect to any application subsequently submitted unless such representation is set forth in the letter of understanding or in a zoning certificate.

(12) *Routine maintenance.* Nothing in the Ordinance should be construed to prevent ordinary maintenance or repair of any exterior architectural feature of a property designated as a landmark or within a historic overlay district. Ordinary maintenance shall be defined as any work that does not constitute a change in design, material or outward appearance of the structure, and it includes in-kind replacement or repair. The Director of Planning or his designee shall be in charge of making the decisions as to what is "ordinary maintenance."

Routine maintenance does not require the issuance of a Certificate of Appropriateness. Certificates of Appropriateness are issued for all other projects. Any repair or replacement where there is a change in the design, materials, or general appearance is defined as an alteration and needs a Certificate of Appropriateness.

- (13) *Certificate of Appropriateness Application Procedure.* Prior to the commencement of any work, the owner shall file an application for a Certificate of Appropriateness with the Director of Planning or his designee. The application shall contain such drawings, photographs, plans and documentation as may be required by the Director of Planning or Commission. Typical requirements shall include:
- (a) Name, address, telephone number of applicant, and a detailed description of proposed work.
 - (b) Location and current photograph of the property and adjacent properties. Historical photographs are also helpful.
 - (c) Scaled elevation drawings of the structure and the proposed changes showing all sides of the structure which are visible by pedestrians from any public street, sidewalk or pathway.
 - (d) Building material schedules must include all facade materials: foundation, walls, trim, windows, and doors.
 - (e) Scaled site plan detailing the placement of the structure on the lot.
 - (f) Samples of materials to be used and product brochures.
 - (g) If the proposal includes signs or lettering, a scaled drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property.
 - (h) Any other information which the City Staff or Historic Preservation Commission may deem necessary in order to visualize the proposed work.

No building permit shall be issued for such proposed work until a Certificate of Appropriateness has first been issued by the Historic Preservation Officer or the Historic Preservation Commission. The Certificate of Appropriateness required by this act shall be in addition to and not in lieu of any building permit that may be required by any other ordinance of the City of Lake Charles.

- (14) *Minor exterior alterations (Minor Work) (Staff review).*
- (a) Minor Work projects are reviewed by the Director of Planning or his designee. If the Historic Preservation Officer determines that the applicant is seeking a Certificate of Appropriateness to authorize only minor exterior alterations, as defined in this section, the Director of Planning or his designee shall review the application to determine whether the proposed work complies with the regulations contained in this section and all applicable historic overlay district designation ordinances and approve or deny the application within five working days of its receipt.
 - (b) Minor exterior alterations include the installation of or alteration to awnings, gutters and downspouts; incandescent lighting fixtures, restoration of original architectural features that constitute a change from existing conditions (e.g., removing inappropriately installed aluminum windows and replacing with original wood windows); and additions and changes not visible from any street or public pathway which are located to the rear of the main structure or to an accessory structure. A Certificate of Appropriateness Checklist delineating Minor Work from Major Work is available upon request from the Director of Planning. The Director of Planning may refer Minor Work projects to the Commission for review if in staff's judgment the change involves alterations, additions, or removals that are substantial, do not meet the guidelines or are of a precedent-setting nature.

- (c) The Applicant or any City Council member may appeal the Director of Planning decision by submitting to the Commission a written request for appeal within 15 days of the Officer's decision. The written request for appeal starts the standard Certificate of Appropriateness review procedure by the Historic Preservation Commission.
- (15) *Major Work Projects (Historic Preservation Commission review).*
- (a) Major Work projects shall be reviewed by the Historic Preservation Commission. In general, major work projects involve a change in the appearance of a structure or site, and are more substantial in nature than routine maintenance or minor work projects. Examples include new construction additions or expansions of a building footprint, and requested changes in original materials.
 - (b) The Historic Preservation Commission shall review the Certificate of Appropriateness application at a regularly scheduled meeting within 30 days from the date the complete application is received. The timeline does not begin until after the application is deemed complete by the Historic Preservation Officer. An incomplete application will not be reviewed by the Commission.
 - (c) The Historic Preservation Commission shall hold a public hearing at which each proposed Certificate of Appropriateness is discussed. Notice of the hearing shall follow the procedures detailed in [Section 4-201\(4\)\(b\)](#). An opportunity will be provided for proponents and opponents of the application to present their views.
- (16) *Historic Preservation Commission Decisions.*
- (a) The Historic Preservation Commission shall approve, deny, or approve with modifications any Certificate of Appropriateness application, determining whether the proposed work is consistent with the regulations, standards, and guidelines contained in this Ordinance.
 - (b) All decisions of the Commission shall be in writing. The Commission shall state its findings pertaining to the approval, denial, or modification of the application. A copy shall be sent to the applicant. Additional copies shall be filed as part of the public record on that property and dispersed to appropriate departments, e.g., building inspection.
 - (c) 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 Commission 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 then resubmit the application at any time.

In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a Certificate of Appropriateness by the Commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.

An applicant for a Certificate of Appropriateness, or any City Council member, dissatisfied with the action of the Historic Preservation Commission relating to the issuance or denial of a Certificate of Appropriateness shall have the right to appeal to the City Council within 15 days after receipt of notification of such action. The City Council shall give notice, follow publication procedures, hold hearings, and make its decision in the same manner as provided in the general zoning ordinance of the city. In hearing an appeal, the City Council shall determine whether the proposed work is consistent with the regulations, standards, and design guidelines contained in this Ordinance.

- (17) *Demolition or relocation.* A Certificate of Appropriateness is required, and a review shall be

completed by the Historic Preservation Commission. The demolition or relocation of a historic structure is strongly discouraged and is only considered as a last resort. Both are defined as Major Work projects. The Director of Planning shall not forward the application to the Commission until it is complete.

- (a) *Required information.* The following information must be supplied by the applicant before the application is considered complete:
 - (i) Information describing the condition of the structure;
 - (ii) Estimated cost of restoration or repair;
 - (iii) Demonstration that the adaptive use or restoration of the structure has been seriously considered;
 - (iv) Any available historic records of the building (drawings, photographs);
 - (v) Architectural drawings for any proposed new constructions which are intended to replace the historic structure;
 - (vi) Demonstration that the applicant has made a serious attempt for six months to sell the structure, at market value through a multiple listing agency, to an individual or group who would restore the property on site; and
 - (vii) Any other information the staff finds appropriate for the Commission to render a decision on the application.
- (b) *Standards for relocation.* A decision by the Historic Preservation Commission approving or denying a Certificate of Appropriateness for the relocation of a building, structure, or object shall be guided by:
 - (i) Whether the structure is endangered in its original location. Relocation should not be considered without meeting this first standard;
 - (ii) The historic character and aesthetic interest the building, structure or object contributes to its present setting;
 - (iii) Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be;
 - (iv) Whether the building, structure or object can be moved without significant damage to its physical integrity; and
 - (v) Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.
- (c) *Standards for demolition permit.* A decision by the Historic Preservation Commission approving or denying a Certificate of Appropriateness for the demolition of buildings, structures, sites, trees judged to be 50 years old or older, or objects shall be guided by:
 - (i) The historic, scenic or architectural significance of the building, structure, site, tree or object;
 - (ii) The importance of the building, structure, site, tree or object to the ambiance of a district;
 - (iii) The difficulty or the impossibility of reproducing such a building, structure, site, tree, or object because of its design, texture, material, detail, or unique location;
 - (iv) Whether the building, structure, site, tree, or object is one of the last remaining examples of its kind in the neighborhood or the city;
 - (v) Whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be;
 - (vi) Whether reasonable measures can be taken to save the building, structure, site, tree, or object from collapse; and

- (vii) Whether the building, structure, site, tree, or object is capable of earning reasonable economic return on its value.
- (d) No Certificate of Appropriateness for demolition shall be issued unless the applicant has demonstrated that:
 - (i) It is not economically feasible to maintain the structure;
 - (ii) The applicant has explored preservation options, such as the sale of the structure to an individual or group interested in preserving the structure;
 - (iii) The applicant has posted on the premises of the structure, in a manner easily visible from the public way, notice of intended demolition for a period of six months prior to application for a Certificate of Appropriateness; and
 - (iv) The applicant has sought and been denied a conditional use permit for an alternate use, pursuant to [Section 5-307](#)(19).
- (18) *Emergency.* Notwithstanding any other provision of this section, where the building official determines that demolition or alteration of a structure is necessary to correct a condition that is dangerous to life, health or safety, a conditional use permit may be issued under the signatures of the building official, Historic Preservation Officer, director of planning, and the mayor.
- (19) *Alternate uses.*
 - (a) A conditional use permit may be approved, in accordance with the procedures set forth in [Section 4-203](#)(5), to permit a use not otherwise permitted in the underlying zoning district in a designated historic structure, subject to ratification by the Planning Commission, provided that the applicant has demonstrated that:
 - (i) The proposed alternate use will not alter the exterior appearance of the structure;
 - (ii) The presence of the alternate use will not establish a precedent which will change the character of the neighborhood;
 - (iii) The alternate use is economically necessary to preserve the structure; and
 - (iv) The structure has been offered for sale at market value through a multiple listing agency for its existing use for a period of six months and no bona fide offer at market appraised value has been received.
 - (b) No conditional use permit for an alternate use shall be issued for industrial or heavy commercial uses.
 - (c) In considering whether the applicant for an alternate use has demonstrated compliance with the standards in subsection (a), the historic preservation commission shall consider whether the structure for the proposed use is in a neighborhood, the characteristics of the neighborhood, whether the proposed use will irreversibly shift the character of the neighborhood, and whether the site can adequately accommodate any additional parking which may be required as a result of the change in use.
- (20) *Economic Hardship Application Procedure.*
 - (a) After receiving written notification from the Historic Preservation Commission of the denial of a Certificate of Appropriateness, an applicant may commence the hardship process. No building permit or demolition permit shall be issued after a denial unless the Commission makes a finding that hardship exists.
 - (b) When a claim of economic hardship is made due to the effect of this Ordinance, the owner must prove that:
 - (i) The property is incapable of earning a reasonable return, regardless of whether that return represents the most profitable return possible;
 - (ii) The property cannot be adapted for any other use, whether by the current owner

- or by a purchaser, which would result in a reasonable return; and
- (iii) Efforts to find a purchaser interested in acquiring the property and preserving it have failed.

The applicant shall consult in good faith with the Commission, local preservation groups and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be shown to the Commission.

The Historic Preservation Commission shall hold a public hearing on the application within 60 days from the date the application is received by the Historic Preservation Officer. Following the hearing, the Commission has 30 days in which to prepare a written recommendation to the building inspector and Historic Preservation Officer. In the event that the Commission does not act within 90 days of the receipt of the application, a permit may be granted.

All decisions of the Commission shall be in writing. A copy shall be sent to the applicant by registered mail and a copy filed with the city clerk's office for public inspection. The Commission's decision shall state the reasons for granting or denying the hardship application.

An applicant for a Certificate of Appropriateness dissatisfied with the action of the Commission relating to the issuance or denial of a certificate of appropriateness shall have the right to appeal to the City Council within 15 days after receipt of notification of such action. The City Council shall give notice, follow publication procedure, hold hearings, and make its decision in the same manner as provided in the general zoning ordinance of the city. In hearing an appeal, the City Council shall determine whether the proposed work is consistent with the regulations, standards, and design guidelines contained in this Ordinance.

- (21) *Demolition by Neglect.* No owner or person with an interest in real property designated as a landmark or included within a historic district shall permit the property to fall into a serious state of disrepair so as to result in the deterioration of any exterior architectural feature which would, in the judgment of the Commission, produce a detrimental effect upon the character of the historic district as a whole or the life and character of the property itself.

Examples of such deterioration include:

Deterioration of exterior walls or other vertical supports.

Deterioration of roof or other horizontal members.

Deterioration of exterior chimneys.

Deterioration or crumbling of exterior stucco or mortar.

Ineffective waterproofing of exterior walls, roof, or foundations, including broken windows or doors.

Deterioration of any feature so as to create a hazardous condition which could lead to the claim that demolition is necessary for the public safety. Demolition by neglect will bar a property owner from raising an economic hardship claim.

- (22) *Amendments to Certificates of Appropriateness.* A Certificate of Appropriateness can be amended, extended, varied or altered only pursuant to the standards and procedures for approval in subsections (14) or (15). An applicant who wishes to change any terms of the COA must receive prior approval from the Historic Preservation Commission, if a Major Work COA, or the Historic Preservation Officer, if a Minor Work COA.

- (23) *Limitations on approval of a Certificate of Appropriateness.* Within one year of the issuance of a Certificate of Appropriateness, or such shorter time as may be established by an approved development schedule, if any, construction shall commence in accordance with the approved COA. Failure to commence construction within that period shall, unless a prior extension shall have been granted by the commission, automatically render the COA null and void.
- (24) *Enforcement.* All work performed pursuant to a Certificate of Appropriateness issued under this Ordinance shall conform to any requirements included therein. It shall be the duty of the building inspector to inspect periodically any such work to assure compliance. In the event work is not being performed in accordance with the Certificate of Appropriateness, or upon notification of such fact by the Commission and verification by the Historic Preservation Officer, the building inspector or Historic Preservation Officer shall issue a stop work order and all work shall immediately cease. No further work shall be undertaken on the project as long as a stop work is in effect.

The Historic Preservation Commission and the Lake Charles City Council shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of the ordinance or to prevent any illegal act or conduct with respect to such historic property or historic district.

- (25) *Penalties.* Work begun or completed without a Certificate of Appropriateness can lead to the reversal of any unapproved alterations, permit delays and fines. Failure to comply with any of the provisions of this Ordinance shall be deemed a violation and the violator shall be punishable by fine of not less than \$10.00 nor more than \$25.00 for each and every day that such violation continues.
- (26) *Maps defining the boundaries.* Maps defining the boundaries of the Charpentier Historical District and the Margaret Place Historical District are located in Exhibits C and D of Ordinance No. 11601 [15813].

(Ord. No. 11601, § 1, 5-19-99; Ord. No. 15813, § 2, 4-6-11; Ord. No. 16086, § 3, 11-2-11)