

ORDINANCE NO. 1658 OF 2014

**ORDINANCE AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES
OF THE CITY OF RUSTON, LOUISIANA RELATING TO THE HISTORIC
DISTRICT OF THE CITY OF RUSTON.**

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

**NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF
THE CITY OF RUSTON, LOUISIANA:**

§1. The Code of Ordinances of the City of Ruston, Louisiana ("Code") is amended to add Article XII. Historic District to Chapter 8 as follows:

Article XII. Historic District.

Sec. 8-275. Historic District Boundary.

The following area of the City of Ruston is hereby designated as the Ruston Historic District (the "Ruston Historic District"), to wit:

The area zoned Core Center District, further defined as that area bordered on the north by Georgia Avenue, on the east by Bonner Street, on the south by Texas Avenue and on the West by Monroe Street, and the two blocks bound on the north by Alabama Avenue, on the east by Sparta Street, on the south by the KCS Railroad, and on the West by Bonner Street.

Sec. 8-276. Definitions.

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.

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

Historic. A building may be 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. Any party or property owner aggrieved by an action or inaction of the Commission or by any provision of the Article who contends the subject property should not be classified as historic shall have a right to appeal directly to the Board of Aldermen on the issue of whether or not the property should be classified as historic and thereafter to the city, district and appellate court of this state on that issue. In such event the Commission, Board of Aldermen or City of Ruston shall have the burden of proof that the structure in question has obvious significant architectural and/or historical value. Should any owner prevail in such an action, he shall be entitled to recover all court costs and reasonable attorney's fees for any such appeals.

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.

Sec. 8-277. Ruston Historic District Advisory Commission

- (a) Creation. There is hereby created a Commission to be known as the Ruston Historic District Advisory Commission (the "Commission").
- (b) Purpose. The purpose of the Commission shall be to endorse plans as presented, or, when deemed necessary, to make recommendations for changes to plans as presented, to property owners relating to proposed alterations, relocations, and new construction within the boundaries of the Ruston Historic District and any other actions necessary to implement the intent of this Article. 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 any recommendations made by the Commission. The Commission shall also assist property owners interested in pursuing investment tax credits or other tax incentives for historic rehabilitation to meet the requirements of any program.
- (c) Members. The members of the Ruston Planning and Zoning Commission and the Ruston Zoning Administrator shall constitute the members of the Ruston Historic District Advisory Commission.
- (d) Chairperson. The chairperson of the Commission shall be the Zoning Administrator.
- (e) Staff. The Ruston Main Street Manager shall serve as staff for the Commission as well as other persons designated by the Mayor.

Sec. 8-278. Procedures.

- (a) When application for a regular building permit for any alteration, relocation or new construction in the Ruston Historic District is made, the Building Official shall notify the Chairperson of the Commission and make available a copy of all required application materials submitted. No extra copies shall be required of any applicant for this purpose.
- (b) The Commission, after review of application materials submitted, shall be allowed to meet with the applicant within ten (10) days of the date of application at a time and place acceptable to applicant to explain any recommendations regarding submitted plans for alteration, relocation or new construction. If such a meeting cannot be scheduled for any reason, the Commission may alternatively send written, nonbinding recommendations to applicant. The primary focus of any recommendations for change or endorsement of plans as presented shall be to assist property owners in avoiding actions which might impede eligibility for present or future federal tax benefits arising from location in the Ruston Historic District.
- (c) No special building permit or any other permit or application to the Commission shall be required for any reason, and no regular building permit shall be denied or refused after said ten (10) day period because of any action or inaction of the Commission.
- (d) This Article shall not apply to or affect churches or residences presently used or occupied as such, and presently located within the area designated as the Ruston Historic District. Should a church or residence cease to exist on the site or lot where same is presently located for a period of one calendar year, then the said site or lot shall come under the provisions of this Article. For purposes of this paragraph and this Article, the words "site" or "lot" shall have the same meaning as that given the word "lot" in the Zoning Ordinance of the City of Ruston.
- (e) This Article shall not empower the Commission with the authority to issue or deny permits, or any other authority to regulate property; nor empower the Commission to enact regulations providing the Commission the authority to require specific actions to be taken by building owners to conform to any policy or guidelines.

Sec. 8-279. Criteria. The criteria to be used by the Commission in making recommendations are as follows:

- (a) all construction shall be in compliance with Section 3.1.14 Core Center requirements of the Ruston Zoning Code for the Core Center District.

- (b) to the extent feasible with economic realities, efforts should be encouraged to provide compatible uses for buildings requiring minimal building, building site and environmental alteration;
- (c) removal, destruction or alteration of original characteristics or unique architectural features should be discouraged;
- (d) surface cleaning of structures by the gentlest means possible should be encouraged;
- (e) in a rehabilitation project, use of materials matching or compatible with those already used in the building as to composition, design, color, texture and other visual qualities should be encouraged;
- (f) 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;
- (g) in the case of new construction compatibility with surrounding buildings in scale, size, and materials should be encouraged

Sec. 8-280. Demolition.

A building classified as historic and located in the Ruston Historic District may be demolished when a property owner shows that the building is incapable of earning any net economic return on its value, as documented by a qualified real estate appraiser, or the property owner shows that new construction represents the highest and best use of the building site, as documented by a qualified real estate appraiser. However, before a demolition permit is issued, notice of proposed demolition shall be published by the Commission at its cost in the official journal of the City three (3) times within a period of thirty (30) days to afford the City, interested persons, historical societies, or other organizations the opportunity to acquire or to facilitate the preservation of such building. After the expiration of such thirty (30) day period, a demolition permit may be issued.

§2. If any section, paragraph, sentence, clause and/or phrase of this Ordinance or the application thereof is declared unconstitutional, unenforceable or invalid by the valid judgment of any court of competent jurisdiction such unconstitutionality, unenforceability or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses and/or phrases of this Ordinance, since the same would have been enacted by the City of Ruston without the incorporation in this Ordinance of any such unconstitutional, unenforceable or invalid section, paragraph, sentence, clause or phrase. To this end, the provisions of this Ordinance are hereby declared severable.

§3. All other Ordinances, or any parts thereof, which are in conflict with the provisions of this Ordinance, are hereby repealed. To the extent that any provision or provisions of this Ordinance are inconsistent or in conflict with any other provision of the Code of Ordinances or any regulation of the City, the provisions of this Ordinance shall be deemed to control.

§4. This Ordinance shall become effective upon final adoption and publication of same in the manner prescribed by law.

This Ordinance was introduced on November 3, 2014, by Alderwoman Marie Riggs, Notice of Public Hearing was published on November 7, 2014. A Public Hearing was held, the title having been read and the Ordinance considered, on motion to adopt, by Alderman Glenda Howard, seconded by Alderman Jedd Lewis, a record vote was taken and the following result was had:

YEA: ALDERWOMAN GLENDA HOWARD
 ALDERWOMAN ROSALIND F. JONES
 ALDERMAN JEDD LEWIS
 ALDERMAN JIM PEARCE
 ALDERWOMAN MARIE S. RIGGS

NAY: NONE

ABSENT: NONE

WHEREUPON, the presiding officer declared the above Ordinance duly adopted on the 1st day of December 1, 2014.

ATTEST:



EMMETT GIBBS, CLERK



DAN HOLLINGSWORTH, MAYOR