

AN ORDINANCE CREATING A "HISTORICAL PRESERVATION DISTRICT" IN THE CITY OF WINNFELD, LOUISIANA, SETTING FORTH PROVISIONS FOR THE REGULATION THEREOF, AND PROVIDING AN EFFECTIVE DATE THEREFOR.

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

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Winnfield, Louisiana that the Code of Ordinances of the City of Winnfield, Louisiana is hereby amended by adding a Chapter and Sections, to be numbered Chapter 22, Sections 22-1 through Sections 22-14, which said Chapter and Sections reads as follows:

CHAPTER 22. HISTORICAL PRESERVATION

Sec. 22-1 Creation and delineation of historical districts.

The Board of Aldermen of the City of Winnfield may from time to time create district(s) for the preservation and protection of historical structures and neighborhoods which serve as a visible reminder of the history and cultural heritage of the City, region, state and nation, and furthermore it is the purpose of this Chapter to strengthen the economy of the City by stabilizing and improving the property values in historical areas. Such historical areas shall be known as "Historical Districts."

Each Historical District shall be composed of an area of the City of Winnfield designated by the Board of Aldermen as such. The Historical Districts of the City of Winnfield shall include the following, to wit:

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

Sec.22-2 Historical Preservation Commission established; purpose.

Compliance with the provisions of this Chapter 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 Chapter, such Commission being referred to herein as the Winnfield Historical Preservation Commission" and referred to herein as the "WHP-Commission"

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

Sec 22-3. Members; appointment.

The WHP-Commission shall consist of seven (7) residents of the City of Winnfield to be appointed by the Mayor, subject to confirmation by the Board of Aldermen, with the members of the WHP-Commission to include at least the following:

- (a) One (1) Civil Engineer, Landscape Engineer or Architect licensed by the State of Louisiana;
- (b) One (1) owner of a historic building or buildings within the designated historical districts.

Sec 22-4. Terms; vacancies; recall.

(a) The members of the WHP-Commission shall be initially appointed as follow. Two (2) members for an initial term of two (2) years; three (3) members for an initial term of three (3) years; and two (2) members for an initial term of four (4) years. Whenever the term of a member expires, his/her successor shall be appointed for a term of four (4) years. Members may serve unlimited 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 on motion of the Mayor with a majority vote of the Board of Aldermen, for cause shown. Such action may be addressed at any regular or special called meeting of the Mayor and Board of Aldermen.

Sec 22-5. Chairman; committees.

The WHP-Commission shall annually select a chairman from among its members by majority vote. The chairman may appoint from among its members such committees as are necessary for the administration of the WHP-Commission.

The Main Street Manager shall serve the WHP-Commission as Executive Director. He shall receive and date applications for permits, prepare, with the advice and consent of the Chairman, the agendas for the meetings of the WHP-Commission; set and meetings of the WHP-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 WHP-Commission; and serve as an advisor to the WHP-Commission.

The mayor may designate, from time to time, such existing City employees to assist the WHP-Commission as necessary to carry out the purpose for which it was created and established.

Sec. 22-6. Additional authority of the WHP-Commission.

The WHP-Commission shall have the authority:

- (a) To recommend any site, location, area, structure, building or monument within the City to the to the Board of Aldermen 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 historical importance and for the improvement of the historical districts;
- (c) To make application, with the approval of the Board of Aldermen, 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) thereof;
- (e) To make periodic reports to the Mayor and Board of Aldermen; and
- (f) To provide information to property owners and others involving preservation and promotion of the historical districts.

Sec. 22-7. Meetings

The WHP-Commission shall meet as often as is necessary to carry out its duties, but not less than once each quarter. Meetings shall be held upon the call of the Chairman of the WHP-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 (½) of the members shall constitute a quorum.

The WHP-Commission may adopt bylaws, rules, procedures and standards, as it deems necessary, for the conduct of its affairs, not inconsistent with the laws of the City or of the State of Louisiana. All such bylaws, rules, procedures and/or standards, or any subsequent amendment thereto, shall be approved by the Board of Aldermen prior to becoming effective.

Sec. 22-8. Submission of plans for exterior changes to WHP-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,

- (b) If earthworks of historical or archaeological importance exist in any historical district, there shall be no excavating or moving or earth, rock or subsoil without a certificate of appropriateness from the WHP-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 WHP-Commission.
- (d) The WHP-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) 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 WHP-Commission prior to initiating the action.
- (f) Demolition which has been ordered by the Board of Aldermen or by a Court of competent jurisdiction shall not require the approval of nor the issuance of a certificate from the WHP-Commission; however, the WHP-Commission shall received prior reasonable notice of condemnation proceedings pending before the Board of Aldermen.

Sec. 22-9. Certificate of appropriateness.

- (a) The owner and/or contractor, prior to initiating any works described in Sec 22-8 (a), (b) or (c) shall submit an application for a certificate of appropriateness accompanied by reasonable plans and specifications of the work to the WHP-Commission in the manner set forth herein.
- (b) The WHP-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 WHP-Commission. The WHP-Commission shall report, in writing, to the Building Inspector for the City of Winfield within ten (10) days of the hearing and consideration of the application, its recommendations on the necessary permits. A copy of the report and recommendations shall also be sent to the applicant. Failure to respond within the ten (10) day limit shall be deemed a recommendation of approval. The WHP-Commission shall keep a record of all applications for certificates of appropriateness and of all actions taken under this Chapter.
- (c) No building or demolition permit shall be issued by the City of Winfield which affects a site or structure in any historical district without a certificate of appropriateness, except as otherwise permitted by Sec 22-8 (e) and (f).

Sec. 22-10. Same - - Criteria.

The criteria to be used by the WHP-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 a historic building, 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 WHP-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 advice of the WHP-Commission prior to initiating any substantial change, modification, renovation, restoration, construction or demolition, except as provided in Sec 22-8 (e) and (f).

Sec. 22-11 Same — Action thereon.

- (a) If the WHP-Commission recommends disapproval of an application, the Building Inspector shall within five (5) days of receiving such disapproval, forward notice of the action along with a copy of the written report to the Mayor and Board of Aldermen, which shall then hear and address the matter at the next available meeting, either regular or special called, giving the applicant, the WHP-Commission and all interested parties an opportunity to be heard. The Board of Aldermen shall, at such meeting, approve or disapprove the application. Such hearing shall be held to provide the applicant with not less than 10 days notice of said hearing, and must be held within forty-five (45) days of the receipt of the report containing the disapproval.

- (b) Any other person aggrieved by a decision of the WHP-Commission either approving or disapproving any application may apply in writing for a reversal or modification thereof. Such request must be in writing and must be received within five (5) days of the receipt by the Building Inspector of the report from the WHP-Commission; in the event the WHP-Commission files no report, the application by the aggrieved person must be received within five (5) days of the expiration of time for the WHP-Commission to have filed its report.

- (c) The Mayor shall have the right to stall further action until the Board of Aldermen considers the decision. The matter shall be heard as set forth in paragraph (a), above, with notice being given to the applicant, the WHP-Commission and the aggrieved person under those guidelines.

Sec. 22-12. Appeals.

Any person aggrieved by any decision of the board of Aldermen 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 La. R. S. 25:741 B.

Sec. 22-13. Penalties; continuing violations.

Anyone violating any provision of this Chapter shall be subject to a fine of not more than FIVE HUNDRED and 00/100 DOLLARS (\$500.00) for each violation. Each day that any such violation shall continue shall constitute a separate violation

Sec. 22-14. Definition.

"Exterior architectural features" shall include but not be limited to the color, composition, architectural style, general design and texture of the building materials, and the type and style of all

roofs, windows, doors and light fixtures.

A "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 WHP-Commission, or a building listed in the National Register of Historic Places.

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

BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED that this ordinance is deemed severable and, accordingly, should any part or portion hereof be declared invalid or unconstitutional, then the rest and remainder of the ordinance which can be enforced without regard to such invalid or unconstitutional part or portion shall remain in full force and effect.

The ordinance was offered by Alderman Williams, seconded by Alderman Caldwell.

AYES: 5
NAYS: 0
ABSTAINING: 0

Thereupon the Mayor declared the ordinance passed by a vote of 5 yeas and 0 nays, on the 8th day of October, 1996, at a regular meeting of the Mayor and Board of Aldermen of the City of Winnfield.


CITY CLERK


MAYOR

I, Missy Hyman, the duly qualified and appointed Clerk of the City of Winnfield, State of Louisiana, do hereby certify that the above and foregoing ordinance is a true and correct copy from the minutes of the regular meeting of the Mayor and Board of Aldermen of the City of Winnfield held on October 8, 1996.

Winnfield, Louisiana October 28, 1996

Missy Hyman, City Clerk