

89-34 Historic Preservation

Addresses Comprehensive Plan Action Items (2.1.1, 4.1.3, 4.2.4, 4.3.2)

(a) Creation of Lafayette Preservation Commission

- (1)** The Lafayette Preservation Commission is hereby created for the following purposes:
 - a.** To provide for designation of Historic Properties: Historic Cultural Resources, Historic Landmarks, and Historic Neighborhoods;
 - b.** To provide for an Appeals Procedure, as defined herein;
 - c.** To stimulate revitalization of business districts and historic neighborhoods and to protect and enhance local historical and aesthetic attractions to tourists and thereby promote business; and
 - d.** To establish uniform procedures for the protection, enhancement and perpetuation of places, districts, sites, buildings, structures, and works of public art having a special historical, cultural or aesthetic significance, interest or value.
- (2) Membership:** The Commission shall consist of seven (7) members, one (1) of which will be a licensed architect. Any member to be appointed must be a registered voter and domiciled in Lafayette Parish, Louisiana at the time of his/her appointment and he/she must remain a registered voter and domiciled in Lafayette Parish, Louisiana during his/her term of office. All members shall serve at the pleasure of the appointing authority.

(3) Appointment and Terms

- a.** The City-Parish President shall appoint one (1) member as his direct appointment.
- b.** Six (6) members shall be the direct appointments of the Lafayette City-Parish Council as a whole.

One (1) appointment shall be a person who resides outside of the corporate limits of the City of Lafayette.

One (1) appointment shall be a minority as defined by LA. R.S. 38:2233.2.

One (1) appointment shall be a person who is a licensed architect.

- c.** In making appointments, preference shall be given to individuals with demonstrated interest or expertise in historic preservation, including representatives from historical, cultural, business, educational, archeological, architectural, developmental, artistic, commercial, and preservation organizations.
- d.** Subsequent to all original appointments, all members shall be appointed for terms of four (4) years.
- e.** The limitations of service shall be three (3) consecutive terms but in no case to exceed twelve (12) consecutive years. In the case of the initial appointments, prior service on the Commission shall be counted toward this term limitation.
- f.** Service of one-half (1/2) or more of an unexpired term shall be considered a term within the meaning of this limitation.

- g.** In order for an individual to be considered for reappointment to this Commission, on which that person served the maximum length of time allowed, a period of four (4) years must elapse since the last day of service.
 - h.** Vacancies shall be filled by appointment in the same manner as the original appointments and members may be re-appointed for another term if eligible.
 - i.** The appointing authority for any appointment shall communicate, in writing, to the Clerk of the City-Parish Council the name of the appointee, the name of the Board, Commission, and/or Local Agency for which the appointment has been made and the date of the appointment. All appointments to any Board, Commission and/or Local Agency shall be memorialized by adoption of an ordinance or resolution of the Lafayette City-Parish Council.
- (4) Officers/Quorum:** The Commission shall elect, as its first meeting and annually thereafter, a Chairman, Vice-Chairman, and a Secretary from its membership. The term of each officer shall be for one (1) year, with eligibility for reelection. Three (3) members of the Commission shall constitute a quorum for all purposes.
- a.** Meetings of the Commission shall be held at the call of the Chairman and at such other time as the Commission may determine.
 - b.** The Commission may establish any policy, procedure, rule and/or regulation concerning the conduct of its affairs, including but not limited to, the conduct of its meetings as the Commission in its sole discretion shall deem necessary for the conduct of its business.
 - c.** The staff of the Lafayette Preservation Commission, to the extent funds are available, may provide public information and technical assistance to owners of historic assets, including, but not limited to:

Lafayette Preservation Commission brochures;

Periodic newsletters and mailings;

Neighborhood workshops;

Annual reports;

Glossary of terms; and

List of architects, contractors, subcontractors, and crafts people working on older structures in the area for possible aid and guidance.

- d.** For exercising and coordinating its functions as specified, the Lafayette Preservation Commission shall be provided with a staff person, to the extent that funds are available, from LCG.

(5) Powers and Authorities: The basic functions of the Commission shall be as follows:

- a.** To provide for designation of Historic Resources;
- b.** To establish the criteria for designation of Historic Resources, the procedures for nomination, designation and rescission of Historic Properties, Historic Landmarks, Historic Cultural Resources, and Historic Neighborhoods and to make an annual review of Historic Resources;

- c. To designate or recommend designation of any site, building, structure, monument, area or other landmark deemed appropriate by said Commission, which is located within the Parish of Lafayette, as historic and worthy of preservation;
 - d. To promote restoration and preservation of any properties owned or acquired by LCG which have been designated as Historic Properties;
 - e. To conduct educational programs on historic preservation;
 - f. To investigate and study such matters relating to historic preservation which the Commission may from time to time deem necessary or appropriate for the purpose of preserving historic resources;
 - g. To review zoning for areas affecting historic sites, districts and neighborhoods;
 - h. To promote tax incentives and financial incentives;
 - i. To review all public and private projects affecting historically significant properties;
 - j. To recommend appropriate legislation for the preservation of any building, structure, site, monument, area or other landmark which said Commission has so named or designated;
 - k. To set the standards for review of demolition permits with reference to properties designated as Historic Properties and to review all applications for permits proposing demolition of all or any part of any building, structure, monument or other landmark which said Commission has so named and designated;
 - l. To provide for an Appeals Procedure as defined herein;
 - m. To stimulate revitalization of business districts and historic neighborhoods and to protect and enhance local historical and aesthetic attractions to tourists and thereby promote business;
 - n. To prepare and maintain an up-to-date inventory of Historic Properties;
 - o. To establish uniform procedures for the protection, enhancement and perpetuation of places, districts, sites, buildings, structures and works of public art having a special historical, cultural or aesthetic significance, interest or value; and
 - p. To make further recommendations concerning historic preservation and carry out such further functions and duties as may be assigned to it from time to time by LCG.
- (6) Criteria for Designation of Historic Assets**
- a. The Lafayette Preservation Commission shall review and identify potential landmarks and adopt procedures to consider them for designation as Historic Assets as specified herein.
 - b. Four types of designation are used for Historic Assets

Historic Neighborhood

Historic Landmark

Historic Property

Cultural Resource

- c. The factors to be considered by the Lafayette Preservation Commission in determining whether a particular subdivision should be designated as a ***Lafayette Historic Neighborhood*** shall include, but need not be limited to, the following:

Its location is the site of a subdivision that was surveyed and recorded in the Lafayette Parish Courthouse before 1945, with a concentration of buildings contained therein that were constructed in or moved to the development before 1945.

It is identified with a person or persons who significantly contributed to the history, culture, or development of the Parish of Lafayette, State of Louisiana, or the United States;

It exemplifies the culture, economic, social or aesthetic heritage of the Parish of Lafayette;

It embodies distinguishing characteristics of an architectural type of style or represents the work of an architect or master builder on a local level whose individual work is a fine example of a period, a type, a method of construction, or the use of a native material;

It occupies a unique location or possesses a singular physical characteristic that makes it an established or familiar visual feature in the Lafayette community; and

It is part of a group of related properties in an area which attains significance by being part of or related to a square, park or other distinctive area which exemplifies an historical period, cultural connection, or architectural motif unique to the development of the Parish of Lafayette;

- d. The factors to be considered by the Lafayette Preservation Commission in determining whether a particular property should be designated as a ***Lafayette Historic Landmark*** shall include, but need not be limited to the following:

It constitutes a determination of eligibility for listing in the National Register of Historic Places, because it was evaluated under the National Register criteria and found to meet them.

Its location is the site of a significant historic event.

Meets criteria listed above in Section 6, Paragraph c, Numbers 2 through 6.

- e. The factors to be considered by the Lafayette Preservation Commission in determining whether a particular property should be designated as a ***Historic Property*** shall include, but need not be limited to, the following:

Its location is the site of a significant historic event;

It is a building identified with a person or persons who significantly contributed to the history, culture, or development of the Parish of Lafayette, State of Louisiana, or the United States;

It is a building that exemplifies the culture, economic, social or aesthetic heritage of the Parish of Lafayette;

It is a building that embodies distinguishing characteristics of an architectural type of style or represents the work of an architect or master builder on a local level whose individual work is a fine example of a period, a type, a method of construction, or the use of a native material;

It is a building that occupies a unique location or possesses a singular physical characteristic that makes it an established or familiar visual feature in the Lafayette community; and

It is a building that is part of a group of related properties in an area which attains significance by being part of or related to a square, park or other distinctive area which exemplifies an historical period, cultural connection, or architectural motif unique to the development of the Parish of Lafayette;

- f. The factors to be considered by the Lafayette Preservation Commission in determining whether a particular item should be designated as a ***Historic Cultural Resource*** shall include, but need not be limited to, the following:

It is a sign, bell, structure, or piece of art or workmanship that is permanently installed at the site of a significant historic event, or is identified with a person or persons who has/have made a significant contribution to the history, culture or development of Lafayette, or commemorates a significant event or cultural characteristic, or history or development of Lafayette;

It is a building, that is identified with a person or persons who significantly contributed to the history, culture, or development of the City or Parish of Lafayette, and is not necessarily of Statewide or National Significance and does not necessarily embody distinguishing characteristics of an architectural style, a master builder, an architectural period or type, method of construction or use of a native material.

Meets criteria listed above in Section 6, Paragraph c, Numbers 3, 5, and 6.

- g. Any structure, property, site, object, or area that meets one or more of the above criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration.
 - h. Generally, a property must be a minimum of fifty (50) years old to be considered for nomination for Historic Property designation. However, properties achieving particular significance in the community within the past fifty (50) years will be considered for nomination at the discretion of the Lafayette Preservation Commission.
 - i. The Lafayette Preservation Commission shall not consider interior arrangement or the use of a designated Historic Property.
 - j. All properties in the Parish of Lafayette listed on the National Register of Historic Places shall be considered for Historic designation.
- (7) Procedures for Nomination, Designation and Recission of Historic Landmarks, Historic Properties and Historic Cultural Resources, (hereinafter referred to as Historic Properties)
- a. Nomination

The Lafayette Preservation Commission shall consider for Historic Property or neighborhood designation any property or subdivision nominated by motion of any Commission member or by the owner of record of the proposed property.

Notice of proposed designation shall be sent by certified or registered mail, at the discretion of the sender, to the owner of record of the property proposed for Historic Property designation, describing the property proposed, stating the property's significance, and announcing a public hearing by the Lafayette Preservation Commission to consider said designation. Such notification shall be sent to the owner of record at least twenty (20) days prior to any public hearing. When nominating historic neighborhoods, notice to property owners is not required.

The Lafayette Preservation Commission shall also send notice of a proposed designation to all agencies having previously requested notification of such proceedings, and to any other parties requesting to be informed by the Lafayette Preservation Commission of such proceedings.

The Lafayette Preservation Commission shall also cause notice of the proposed designation to be published at least seven (7) days prior to the public hearing in the official journal of the Parish of Lafayette and shall post notice of the hearing in the place where the Lafayette Preservation Commission regularly meets.

The Lafayette Preservation Commission may solicit expert testimony regarding the historic and architectural importance of the building structure, site, monument, area or other landmark under consideration for designation.

The Lafayette Preservation Commission may present testimony or documentary evidence of its own to establish a record regarding the historic and architectural importance of the proposed Historic Property or Neighborhood.

The Lafayette Preservation Commission shall send to the owners of the property proposed for designation a list of the experts solicited to testify regarding the proposed designation, a brief statement of the matters upon which the experts are expected to testify, and copies of all documentary evidence to be introduced by the Lafayette Preservation Commission.

- A. Said list and statement shall be sent to the owners of the property proposed for designation at least fifteen (15) days prior to the date of the public hearing on said designation, provided that nothing herein shall be construed to prohibit the Lafayette Preservation Commission from soliciting new or additional expert testimony or from acquiring new or additional documentary evidence within the fifteen (15) day time period specified herein upon reasonable notice to the owners of the property for designation, and nothing herein shall be construed to prohibit the introduction of such additional testimony or evidence at any public hearing of the Lafayette Preservation Commission.

The Lafayette Preservation Commission shall afford the owner of said proposed property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of the proposed property.

Any interested party may present testimony or documentary evidence regarding the proposed Historic Property or Neighborhood designation at the public hearing.

Prior to the final decision regarding the proposed designation, the owner of the property shall present to the Lafayette Preservation Commission a written statement declaring either support or opposition to the proposed designation. No property or portion thereof shall be designated as a Historic Property without the express written consent of the property owner.

(b) Designation

- (1) Within forty-five (45) days after a public hearing, the Lafayette Preservation Commission shall render its final decision regarding the proposed designation and shall give written notice of its decision to the owner of the property for designation setting forth the reasons thereof.
 - a. An official map identifying all historical locations and areas designated under this Chapter may be maintained and periodically amended to reflect locations of such historical properties.
 - b. LCG may provide Historic Property signs to all owners of such designated properties. Any such signs shall be removed and returned to LCG upon termination of Historic Property status for any reason or cause whatsoever.

(2) Rescission

- a. Requests for rescission of Historic Property designation shall be submitted by the property owner, in writing, to the Office of the Lafayette Preservation Commission.
- b. No Historic Property designation shall be rescinded until a public hearing is held by the Lafayette Preservation Commission and the Lafayette City-Parish Council as provided herein.
- c. The Lafayette Preservation Commission shall hold a public hearing on the request for rescission of Historic Property designation within forty-five (45) days of receipt of the request for such rescission.
- d. After the public hearing of the Lafayette Preservation Commission, the Lafayette City-Parish Council shall hold a public hearing on the request for rescission of Historic Property designation. Said hearing of the Council shall be held within forty-five (45) days after the public hearing of the Lafayette Preservation Commission.
- e. If the Council approves the request for rescission of Historic Property designation, the designation shall be deemed immediately rescinded. If the Council does not approve the request for rescission, the rescission shall occur automatically upon the expiration of sixty (60) days after the date of the Council public hearing.
- f. In all cases rescission of Historic Property designation shall occur automatically upon the expiration of one hundred fifty (150) days after receipt by the Office of the Lafayette Preservation Commission of a request for such rescission.

(3) Annual Review of Historic Properties

- a. An annual review of all designated Historic Properties shall be held by the Lafayette Preservation Commission to insure the continued compliance with the criteria for Historic Property designation. Any designated Historic Property which fails to maintain the criteria for Historic Property designation may have its Historic Property designation revoked. The question of revocation of a Historic Property designation may be placed on the agenda of a Lafayette Preservation Commission meeting only by a Commission member or the Commission staff.
- b. In its annual review of Historic Properties, the Lafayette Preservation Commission shall be guided by the following general standards:

The distinguishing original qualities or character of a building, structure, or site and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided whenever possible.

Alterations to a building, structure, or site and its environment that have no historical basis and seek to create an earlier or inaccurate appearance shall be strongly discouraged.

Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site should be treated with sensitivity.

Deteriorated architectural features should be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

Contemporary design for alterations and additions to existing properties should not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment. Whenever possible, new additions or alterations to structures should be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

(c) Applications for Demolition Permits

- (1) Applications for demolition permits for designated Historic Properties shall be submitted in writing to PZD.
- (2) Permits for the demolition of a Historic Property shall not be issued until a public hearing is held by the Lafayette Preservation Commission and the Lafayette City-Parish Council on the proposed demolition. In the case of disapproval by the Council of a request for such a demolition permit, the permit shall not be issued until the time period established by Subsection E of this Section has expired.
- (3) The Lafayette Preservation Commission shall hold a public hearing on the application for a permit for the demolition of a Historic Property within forty-five (45) days receipt of the application for such a permit.
- (4) After the public hearing of the Lafayette Preservation Commission, the Lafayette City-Parish Council shall hold a public hearing on the application for a permit for the demolition of a Historic Property. Said hearing of the Council shall be held within forty-five (45) days after the public hearing of the Lafayette Preservation Commission.
- (5) If the Lafayette City-Parish Council approves the request for the demolition permit after a public hearing, the permit shall be issued without further delay. If the Council does not approve the request for the demolition permit, the permit shall be issued upon the expiration of sixty (60) days after the date of the Council public hearing.
- (6) In all cases, permits for the demolition of a Historic Property shall be issued upon the expiration of one hundred fifty (150) days after receipt by PZD of an application for such a demolition permit.

(d) Standards for Review for Demolition Permits

In considering applications for demolition permits for Historic Properties the Lafayette Preservation Commission and the Lafayette City-Parish Council shall be guided by the following general standards.

- (1) Whether the Historic Property for which application is made continues to maintain sufficient criteria for Historic Designation.
- (2) Whether the applicant has explored preservation options and whether such options exist, including but not limited to:
 - a. Sale of the Historic Property or parts thereof to a person/persons interested in preserving the historical significance of the property.
 - b. Relocation of the historically significant portion of the property to another site.
 - c. Incorporation of the historically significant portion of the property into any new designs, uses or development of the Historic Property.

- d. The granting or dedication of a façade easement.
- (3) Whether maintenance, restoration and/or preservation of the property is economically feasible in its present condition.
- (4) Whether measures less drastic than demolition would allow a reasonable return on the owner's investment in the property.
- (5) Whether the Historic Property is one of the last remaining examples of its kind in the neighborhood, city, parish, region, state or country.
- (6) Whether there are definite plans for reuse of the property if the demolition is carried out, and what effect such plans will have on the architectural, cultural, historical, archeological, social, aesthetic, or environmental character of the surrounding area, as well as the economic impact of the new development.

(e) Hardship Variances

Where, by reason of topographical conditions, irregularly shaped lots, or because of unusual circumstances applicable solely to the particular applicant, strict enforcement of the provision of this ordinance would result in serious undue hardship particularly affecting said applicant, then the Lafayette Preservation Commission, in passing upon the application, shall have the power to vary or modify this ordinance.

(f) Enforcement Powers

- (1) The Lafayette Preservation Commission shall have the power to institute suit in any court of competent jurisdiction, to prevent any unlawful action in violation of the provisions of this ordinance or of any of the rules and regulations adopted by said Commission in conformity with it.
- (2) Any owner, agent, lessee, or other person acting for or in conjunction with him/her, who shall violate the ordinance or law or rules, regulations, or decisions of the Lafayette Preservation Commission, shall be fined not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each violation, except as hereinafter provided. Any owner, agent, lessee, or other person acting for or in conjunction with him/her, who shall demolish a Historic Property without having received a valid permit may be fined a single fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00)

(g) Procedures for Appeals

- (1) Appealable Decisions of Lafayette Preservation Commission:
 - a. Any person or persons of standing aggrieved by any decision, act, or failure to act, or proceeding of the Lafayette Preservation Commission, shall have the right to apply in writing to the Lafayette City-Parish Council ("Council") for a reversal or modification thereof.
- (2) Procedure for the Council in making a Disposition of Appeal from Appealable Decisions of the Lafayette Preservation Commission:
 - a. In the course of the disposition of any appeal from an appealable decision of the Lafayette Preservation Commission, the Council shall have the right to stay any further action or enforcement of such decision until the Council renders its final decision on said appeal.
 - b. All appeals from appealable decisions of the Lafayette Preservation Commission to the Council shall be made in writing ten (10) days of the date of notification of said decision. In the case of

notification by mail, the said ten (10) day period shall commence on the mailing date of the notification.

- c. The Council shall consider a proper appeal at its next appropriate scheduled meeting following the receipt of said appeal, provided that the Council shall consider said appeal no more than sixty (60) days after receipt.
- d. In the course of the disposition of appeals as authorized, the Council shall conduct a hearing in which the property owner or the appellant shall be afforded the right to present evidence to support his/her position and a reasonable opportunity to be heard.
- e. At the close of the hearing, the Council may affirm, reverse, or modify the decision of the Lafayette Preservation Commission.

(h) Procedures for Administration

- (1) The Commission shall have the power to designate and appoint from among its members various committees with such powers and duties as the Commission may prescribe, provided that said powers and duties do not violate any law of the State of Louisiana or the Lafayette City-Parish Government.
- (2) The Commission shall keep an accurate record of all of its meetings and shall, at least annually, give to the Lafayette City-Parish Council both a written and oral report on the Commission's activities for the prior year. The Commission shall provide to the Clerk of the Lafayette City-Parish Council, copies of the minutes of each of its meetings.
- (3) If the Lafayette City-Parish Council determines that this Commission is an entity which must be audited, the Council shall have the right, by separate Council Resolution: (1) to select and designate an auditor for the Commission; (2) to determine the cost of any such audit; and (3) to determine how the cost of such audit shall be paid. Furthermore, the Lafayette City-Parish Council will have the right to designate a private auditor to make any audit which it desires concerning the financial affairs of this Commission.
- (4) The annual proposed budget of the Commission, if any exists, shall be submitted by the Commission to the Lafayette City-Parish President no later than sixty (60) days before the end of the Commission's fiscal year. The City-Parish President shall have the proposed budget reviewed and shall submit his/her findings, if any, to the Lafayette City-Parish Council, together with his/her recommendations, if any within thirty (30) days after his/her receipt of the proposed budget. The Lafayette City-Parish Council shall approve each annual budget for this Commission and shall have the ability to approve and/or deny any part or portion of the proposed budget of this Commission.
- (5) The Lafayette City-Parish Attorney, or his designee, shall serve as the legal advisor of this Commission.
- (6) The Commission shall be subject to the general policy for all boards, commissions and/or agencies established in any Resolution by the Lafayette City-Parish Council.
- (7) Should any portion of this Ordinance be declared unconstitutional by a Court of competent jurisdiction, the remaining clauses will remain in full force and effect.
- (8) This Ordinance shall become effective immediately upon the signature of the Lafayette City-Parish President, the elapse of ten (10) days after receipt of the City-Parish President without signature or veto, or upon an override of a veto, whichever occurs first.

(9) All Ordinances or Resolutions, or parts thereof in conflict herewith, are hereby repealed.

(i) Status of Existing Historic Properties Amendment To Ordinance

After any amendment to this Ordinance, owners of Historic Properties previously designated shall be allowed to have their Historic Property designation rescinded in accordance with the rescission procedures, even if the rescission provisions are later amended or deleted. Owners of Historic Property designated under this present Ordinance shall always have the right to rescind or demolish their properties as provided for herein.