

ORDINANCE NO. _____

An Ordinance Adopting Appendix C to the Code of Ordinances of the City of Patterson Creating an Historic District, Describing the Boundaries Thereof, Rules Related Thereto, and an Historic District Commission

WHEREAS, the City Council 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 heritage of the city, region, state and nation, and furthermore it is the purpose of this ordinance to strengthen the economy of the City by stabilizing and improving property values in Historic areas;

Be it ordained by the Council of the City of Patterson, Louisiana, in legal session convened, that Appendix C to the Code of Ordinances of the City of Patterson Creating an Historic District, Describing the Boundaries Thereof, Rules Related Thereto, and an Historic District Commission, is hereby adopted and enacted to read as follows:

Sec. 1. Established.

There is hereby created a commission to be known as the Patterson Historic District Commission of the city.

Sec. 2. Recommendation and appointment of members.

The Historic District Commission shall consist of nine members. They shall be appointed by the mayor as follows: two members who reside in the Historic District, one representative of the downtown business community and six other citizens of the city.

Sec. 3. Term; vacancies.

Each of the initial members of the Historic District Commission shall be appointed as follows: Three initial members shall be appointed for an initial term of two years; three initial members for an initial term of three years; and three initial members for an initial term of five years.

Whenever the term of a member of the commission expires, the mayor shall appoint a successor. The terms of all members serving successor terms shall be for three years.

Whenever a member fails or chooses not to complete his/her term of office, the mayor shall appoint a replacement member to complete the term then in effect.

The members may serve consecutive terms.

Sec. 4. Employees; attorney; committees.

The Historic District Commission, with the approval of the Mayor, may select such employees as may be necessary to carry out the purpose for which it is created. The city attorney shall be ex officio the attorney for the commission. The commission may designate and appoint, from among its members, various committees with such powers and duties as the commission may have and prescribe.

Sec. 5. Rules and regulations; meetings; reports; recommendations.

The Historic District Commission shall make such rules and regulations as it may deem advisable and necessary for the conduct of its affairs consistent with laws of the city and state. The commission shall meet quarterly, but meetings may be held at any time by the commission on the written request of any of the seven members or the mayor, and a meeting shall be held within thirty days of the filing of an application for a Certificate of Appropriateness for the purpose of taking appropriate action in connection with that application. The commission shall make quarterly reports to the city council containing a statement of its activities. It shall make its recommendations for the future, but recommendations may be made by the city council to the commission at any time. Regular quarterly meetings, and all special call meetings, shall be subject to Louisiana's Open Meetings laws to the extent those laws are applicable.

Sec. 6. Purpose.

The Patterson Historic District Commission shall have for its purpose the preservation of all such buildings in the Historic District section of the city as, in the opinion of the commission, shall have architectural and Historic value and which should be preserved for the benefit of the people of the city and state.

Sec. 7. Description of area of Historic District.

The following area of the city is hereby designated as Patterson Historic District:

- 1) All tracts, parcels of land and building sites situated between Church Street and Catherine Street and which are bounded by the west side of Main Street; and
- 2) All tracts, parcels of land and building sites, or any portion thereof, which are bounded by the east side of Main Street and are situated between an imaginary straight line forming is continuation of the north side of Church Street and an imaginary line forming the south side of Catherine Street.

Sec. 8. Submission of plans for exterior changes; permit application; location of mobile homes or manufactured housing.

(a) Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

"Building" means any edifice, structure, or building, or any part thereof, including particularly, but without limitation, houses, sheds, garages, business offices, mobile homes, manufactured homes, manufactured housing, car ports, schools, porches, gymnasiums, outbuildings, and the like.

"Mobile home", "manufactured home", and "manufactured housing" mean a structure or trailer, or semitrailer, transportable in one or more sections, which is designed, constructed and equipped as a dwelling place, living abode, office, or sleeping place, either permanently or temporarily, and is either equipped for use as a conveyance on highways or which is built on a permanent chassis and designed to be used as a dwelling, office or other structure, with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating and air conditioning and electrical systems contained therein.

(b) Permit application required; exceptions.

Before the commencement of any work on the erection of any new building or in the alteration or addition to, or painting, or repainting or demolishing of any existing building, any portion of which is to front on any public street or alley in the Patterson Historic District, an application shall be made to the commission, by the owner, for a permit therefor so far as it relates to the proposed appearance, color, texture or materials and architectural design of the exterior, including the front, sides, rear and roof of such buildings, alterations or additions or of any outbuilding, party wall, courtyard, fence or other dependency thereof, except that the repainting of the building the same color as before, or repairing manmade or natural damage to preexisting condition, shall not require an application or permit of the commission.

(c) Permanent mobile, manufactured homes prohibited.

No mobile home, manufactured home, or manufactured housing shall be located or placed within the Patterson Historic District, except for use on a temporary basis during the erection of any new building or in the alteration or addition to, or painting or repainting or demolishing of any existing building located within the Patterson Historic District. An application shall be made to the commission, by the owner, for a permit for temporary location of a mobile home, manufactured home, or manufactured housing within the Patterson Historic District, and upon expiration of the temporary permit, the owner shall cause the same to be immediately removed from the Patterson Historic District.

Sec. 9. Commission recommendation; issuance of permit.

The Historic District Commission shall, upon due consideration, report thereon promptly its recommendations, including such changes if any, as in its judgment are reasonably necessary to comply with the requirements of this article, by sending them, in writing, to the building inspector with the application and documents referred to in this article and if they are found by the building inspector to comply reasonably with requirements of this article and if such application and intended work shall conform also to all other regulations, ordinances and laws of the city, the building inspector shall issue promptly a permit for such work and indicate on such permit the extent and nature of the work to be performed thereunder.

Sec. 10. Appeal

Any person or persons aggrieved by any decision, act or proceedings of the Historic District Commission shall have a right to apply in writing to the City Council for reversal or modification thereof; and the Mayor, or presiding officer of the City Council, shall have the right to stay all further action until the City Council shall have had an opportunity to rule thereon. Any such appeal shall be taken at its next regular or special meeting, but, in any event, not more than forty-five days thereafter. The City Council may affirm a decision of the Historic District Commission by majority vote of all its members. The City Council shall have the right to reverse, change or modify any decision of the Historic District Commission by majority vote of all its members.

Any person or persons aggrieved by any decision of the City Council affecting said Historic District shall have the right to file a civil suit with thirty days from date of decision to a court of competent jurisdiction under the usual rules of procedure governing same, with the right to stay order and injunctive relief provided the situation warrants it.

Sec. 11. Removal of sheds and marquees.

There shall be no restrictions against the removal of sheds supported by wooden columns, and such sheds, as well as any marquees, may not be repaired when in a dangerous condition, but must be removed. But any changes may be made only after first securing a written order or permit required by this article and may be executed only in accordance therewith.

Sec. 13. Standards for Rehabilitation, Restoration and Reconstruction

A. Standards for Preservation

1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial relationships. Where a treatment and use have not been identified, a property will be protected, and if necessary, stabilized until additional work may be undertaken.

2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.

3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable upon close inspection, and properly documented for future research.

4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.

6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature the new material will match the old in composition, design, color, and texture.

7. Chemical or physical treatments, when determined appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

When the property's distinctive materials, features, and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement; when depiction at a particular period of time is not appropriate; and when a continuing or new use does not require additions or extensive alterations, Preservation must be considered as a treatment.

B. Standards for Rehabilitation

1. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.

2. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.

3. 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 elements from other historic properties, shall not be undertaken.

4. Changes to a property that have acquired historic significance in their own right shall be retained and preserved.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.

7. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.

9. New additions, exterior alternations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and shall be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction shall be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular period of time is not appropriate, Rehabilitation must be considered as a treatment.

C. Standards for Restoration

1. A property shall be used as it was historically or be given a new use which reflects the property's restoration period.

2. Materials and features from the restoration period shall be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period shall not be undertaken.

3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from the restoration period shall be physically and visually compatible, identifiable upon close

inspection, and properly documented for future research.

4. Materials, features, spaces, and finishes that characterize other historical periods shall be documented prior to their alteration or removal.

5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize the restoration period shall be preserved.

6. Deteriorated features from the restoration period 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, where possible, materials.

7. Replacement of missing features from the restoration period shall be substantiated by documentary and physical evidence. A false sense of history shall not be created by adding conjectural features, features from other properties, or by combining features that never existed together historically.

8. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

9. Archeological resources affected by a project shall be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

10. Designs that were never executed historically shall not be constructed.

When the property's design, architectural, or historical significance during a particular period of time outweighs the potential loss of extant materials, features, spaces, and finishes that characterize other historical periods; when there is substantial physical and documentary evidence for the work; and when contemporary alterations and additions are not planned, Restoration may be considered as a treatment. Prior to undertaking work, a particular period of time, i.e., the restoration period, should be selected and justified, and a documentation plan for Restoration developed.

D. Standards for Reconstruction

1. Reconstruction shall be used to depict vanished or non-surviving portions of a property when documentary and physical evidence is available to permit accurate reconstruction with minimal conjecture, and such reconstruction is essential to the public understanding of the property.

2. Reconstruction of a landscape, building, structure, or object in its historic location shall be preceded by a thorough archeological investigation to identify and evaluate those features and artifacts which are essential to an accurate reconstruction. If such resources must be disturbed, mitigation measures shall be undertaken.

3. Reconstruction shall include measures to preserve any remaining historic materials, features, and spatial relationships.

4. Reconstruction shall be based on the accurate duplication of historic features and elements substantiated by documentary or physical evidence rather than on conjectural designs or the availability of different features from other historic properties. A reconstructed property shall re-create the appearance of the nonsurviving historic property in materials, design, color, and texture.

5. A reconstruction shall be clearly identified as a contemporary recreation.

6. Designs that were never executed historically shall not be constructed.

When a contemporary depiction is required to understand and interpret a property's historic value (including the re-creation of missing components in a historic district or site); when no other property with the same associative value has survived; and when sufficient historical documentation exists to ensure an accurate reproduction, Reconstruction may be considered as a treatment.

The Historic District Commission shall follow The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings in considering all proposals for new construction and/or rehabilitation.

Sec 14. Fences

Fence design must be in harmony with the nature of the district. The following fencing materials are generally acceptable: iron picket, brick, wood picket. The following fencing materials are not acceptable: barbed wire, chainlink, concrete block, stockade, plywood, hardboard, or asbestos board.

Sec. 15. Stopping work commenced without permit.

The building inspector shall promptly stop any work attempted to be done without or contrary to a permit issued under this article and shall promptly prosecute any person responsible for such a violation or engaged in such violation. Any officer or authorized agent of the commission shall exercise concurrent or independent powers with the building inspector in prosecuting violations of this article and stopping work attempted to be done without or contrary to the certificate required by this article.

Sec. 16. Penalty; continuing violations.

Any owner, agent, lessee or other person acting for or in conjunction with him/her, who shall violate the Historic District Ordinance or law or rules, regulations or decisions of the Commission shall be punished as provided in Section 1-8 of the City's Code of Ordinances. A provision for revocation or refusal of a permit or other provision not imposing a fine or

imprisonment shall not be deemed a provision for a specific penalty within the meaning of the forgoing sentence. Each day that any violation of any safety regulation contained in this article shall continue constitutes a separate offense.

Sec. 17. Injunctions.

Whenever any person has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of this article, the commission may make application to the appropriate court for an order enjoining such act or practice, or requiring such person to refrain from such prospective violation or to remedy such violation by restoring the affected property to its previous condition. Upon showing by the commission, the building inspector, or the city that such person has engaged or is about to engage in such act or practice, a permanent or temporary injunction, temporary restraining order, or other appropriate order shall be granted without bond.

Section 18. Stopping Work Commenced Without Permit

The Building Inspector shall promptly stop any work attempted to be done without or contrary to a permit issued under this Ordinance and shall promptly prosecute any person responsible for such a violation of the Ordinance or engaged in such violation. Any officer authorized agent of the Commission shall exercise concurrent or independent powers with the Building Inspector in prosecuting violations of this Ordinance and stopping work attempted to be done without or contrary to the certificates reported by the Ordinance.

Sec. 19. Minimum Maintenance Requirements

In order to insure the protective maintenance of resources, the exterior features of such properties shall be maintained to meet the requirements of the City's Minimum Housing Code and the City's Building Code.

Sec. 20. Demolition by Neglect

A. Any resource which is a landmark and all resources within a preservation district shall be preserved by the owner or such other person or persons as may have the legal custody or control thereof against decay and deterioration and free from unreasonable structural defects. The owner or other person having legal custody and control thereof shall repair such resource if it is found to have one or more of the following defects:

1. Deterioration to the extent that creates or permits a hazardous or unsafe condition as determined by the City Building Inspector.

2. Deterioration, as determined by the City Building Inspector, of a building characterized by one or more of the following:

- a. Those buildings which have parts thereof which are so attached that they may fall and injure persons or property.

- b. Deteriorated or inadequate foundations.
- c. Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads with safety.
- d. Members of walls or other vertical supports that split, lean, list, or buckle due to defective material, workmanship, or deterioration.
- e. Members of walls or other vertical supports that are insufficient to carry imposed loads with safety.
- f. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material, workmanship or deterioration.
- g. Members of ceilings, roof, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety.
- h. Fireplaces or chimneys which list, bulge, or settle due to defective material, workmanship, or deterioration.
- i. Any fault, defect or condition in the building which renders the same structurally unsafe or not properly watertight.

B. If the Commission makes a preliminary determination that a resource is being demolished by neglect, it shall direct the City Building Official to notify the owner(s) of the resource of this preliminary determination, stating the reasons therefore, and shall give the owner of record thirty (30) days from the date of mailing of such notice or the posting thereof on the property, whichever comes later, to commence work to correct the specific defects as determined by the commission.

Said notice shall be given as follow:

1. By certified mail, restricted delivery, mailed to the last known address of the record owner(s) as listed on the City and/or Parish tax rolls.
2. If the above mailing procedure is not successful, notice shall be posted in a conspicuous, protected place on the resource.

C. If the owner(s) fail(s) to commence work within the time allotted as evidenced by a Building Permit, the Commission shall notify the owner(s) in the manner provided above to appear at a public hearing before the Commission at a date, time and place to be specified in said notice, which shall be mailed or posted at least thirty (30) days before said hearing. For the purpose of insuring lawful notice, a hearing may be continued to a new date and time. The Commission shall receive evidence on the issue of whether the subject

Building Permit, the Commission shall notify the owner(s) in the manner provided above to appear at a public hearing before the Commission at a date, time and place to be specified in said notice, which shall be mailed or posted at least thirty (30) days before said hearing. For the purpose of insuring lawful notice, a hearing may be continued to a new date and time. The Commission shall receive evidence on the issue of whether the subject resource should be repaired and the owner(s) may present evidence in rebuttal thereto. If, after such hearing, the Commission shall determine that the resource is being demolished by neglect, it may direct the City Building Official to take appropriate action against the owner(s) if the necessary repairs are not completed within ninety (90) days of the determination by the Commission that the subject building or structure is being demolished by neglect.

Said Ordinance having been introduced on the 11th day of March, 2014, by notice of Public Hearing having been published on the 17, 21, & 26th day of March, 2014, said Public Hearing having been held, title having been read and Ordinance considered, on motion by Councilman Mendoza, seconded by Councilman Rentrop to adopt the Ordinance. A record vote was taken and the following result was had:

YEAS: Mendoza, Rentrop, Sawyer and Turner

NAYS: None

ABSENT: Russo

Whereupon, the Ordinance was declared adopted on this 1st Day of April, 2014.

/s/

RODNEY A. GROGAN, MAYOR

ATTEST:

/s/

PAMELA WASHINGTON, CITY CLERK