

**Section 3.5 Historic Preservation Commission**

**Section 3.501 Title of the Historic Preservation Commission**

The title of the Historic Preservation Commission shall be the "East Baton Rouge Parish Historic Preservation Commission" hereafter referred to as the "Historic Preservation Commission" or the "HPC". Historic Preservation Commission members shall be appointed by the Metropolitan Council of the City of Baton Rouge-Parish of East Baton Rouge.

**Section 3.502 Recommendation and Appointment of Members**

- A. The initial Historic Preservation Commission shall consist of seven (7) members, who shall be residents of the City-Parish. The members shall be appointed by majority vote of the Metropolitan Council.
- B. A Chairman and Vice-Chairman shall be elected annually from the members on the Historic Preservation Commission.

**Section 3.503 Terms, Vacancies, and Qualifications**

- A. The members of the Historic Preservation Commission, who are to be appointed by the Metropolitan Council shall hold office for a term of four (4) years.
- B. Any Historic Preservation Commission member who fails to attend 75% of all regularly schedule meetings in any calendar year is no longer eligible to serve on the HPC.
- C. Any vacancy in membership appointed by the Metropolitan Council shall be filled for the unexpired term by appointment by the Metropolitan Council as heretofore provided; none of the Metropolitan Council appointed members of the HPC shall serve more than two (2) consecutive full, four (4) year terms; and the Metropolitan Council shall have the authority to remove any member of HPC appointed by it for cause, on written charges, after a public hearing.
- D. All members shall serve without compensation but may be reimbursed for actual expenses incurred in the performance of their duties.
- E. Members on the Commission shall have qualifications in the field of historic preservation. Qualifications may include training or experience in architecture, history, architectural history, art history, planning, archaeology, real estate development, construction, or landscape architecture.
- F. Members shall not vote on issues in which they have a conflict of interest.

**Section 3.504 Administration and Committees**

- A. The "East Baton Rouge Parish Historic Preservation Commission" shall be considered a part of the planning functions of City-Parish Government, and shall be administrated by the staff of the Office of the Planning Commission. Nominal expenses necessary to carry out the duties of the HPC will be budgeted through the aforementioned department.
- B. The recording secretary for the HPC will be designated by the Planning Director and all files, records, and minutes of the HPC will be maintained by the Planning Commission.
- C. The Parish Attorney shall be the ex officio attorney for the HPC. The HPC may designate and appoint, from among its members, various committees with such powers and duties as the HPC may have and prescribe.

**Section 3.505 Rules, Regulations, and Guidelines**

- A. Rules of the Historic Preservation Commission  
  
The Historic Preservation Commission shall adopt rules for the transaction of its business and consideration of applications; shall provide for the time and place of regular open meetings, with proper public notification, and for the calling of special meetings. The HPC shall meet monthly, but meetings may be held at any time by the HPC on written request of any of the members or on the call of the Chairman of the Commission or the Mayor-President. The Historic Preservation Commission shall adopt rules of procedure with approval from the Metropolitan Council. A quorum shall consist of a majority of the members. The latest edition of "Roberts' Rules of Order" shall determine

the order of business at all meetings. Copies of the rules, regulations, and guidelines shall be available in the Office of the Planning Commission.

B. Records of Historic Preservation Commission Meetings

A public record shall be kept of the Historic Preservation Commission's resolutions, proceedings, and actions in the Office of the Planning Commission.

C. Statement of the Historic Preservation Commission's Powers

The East Baton Rouge Parish Historic Preservation Commission shall be authorized to:

1. Prepare an inventory of all property within its respective historic preservation jurisdiction having the potential for designation as historic property;
2. Recommend to the Metropolitan Council specific places, districts, sites, buildings, structures, objects, or works of art to be designated by ordinance as historic properties;
3. Review applications for Certificates of Appropriateness, and approve, approve with conditions, or deny same in accordance with the provisions of this Ordinance;
4. Recommend to the Metropolitan Council that the designation of any place, district, site, building, structure, object, or work of art as historic property be revoked or removed;
5. Recommend to the City-Parish restoration or preservation guidelines of any properties acquired by the City-Parish Government;
6. Promote the acquisition by the City-Parish of facade easements;
7. Conduct educational programs on historic properties located within its historic preservation jurisdiction;
8. Make such investigation and studies of matters relating to historic preservation as the local governing body or the HPC may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
9. Seek out state and federal funds for historic preservation, and make recommendations to the Metropolitan Council concerning the most appropriate uses of any funds acquired;
10. Consult with historic preservation experts;
11. Apply for Certified Local Government status to the Division of Historic Preservation of the Department of Culture, Recreation, and Tourism;
12. Perform historic preservation activities as the official agency of the Baton Rouge City-Parish historic preservation program;
13. Receive such volunteer services as are available and appropriate, and employ persons and services within the limits of funds budgeted by the Metropolitan Council to carry out the responsibilities of the HPC in an appropriate manner;
14. Recommend to the Metropolitan Council the acquisition or sale of historic properties or the acceptance by the City-Parish of donations, grants, funds, or gifts of historic property on behalf of the HPC;
15. To recommend to the Metropolitan Council such financial and/or other incentives that can be expected to encourage the preservation of the community's historic resources and provide a positive incentive to affected property owners;
16. Attend or take advantage of any training available through state, federal or private agencies to further the education of the Historic Preservation Commission members in accordance with established budget constraints.

**Section 3.506 Purpose**

- A. The Historic Preservation Commission shall have for its purpose the preservation and stewardship of all structures in designated Historic Districts. The HPC shall have for its further purpose the guardianship of those individual properties which have

architectural, historical, or cultural value and which should be preserved for the benefit of the people and the state.

To Wit, the goals of the East Baton Rouge Parish Historic Preservation Commission are as follows:

1. Protect, enhance, and perpetuate resources that represent distinctive and significant elements of the city's historical, cultural, social, economic, political, archaeological, and architectural identity;
2. Insure the harmonious, orderly, and efficient growth and development of historic properties in the City-Parish;
3. Strengthen civic pride and cultural stability through neighborhood conservation;
4. Stabilize the economy of the City-Parish through the continued use, preservation, and revitalization of its resources;
5. Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
6. Promote the use of resources for the education, pleasure and welfare of the people of the City of Baton Rouge/Parish of East Baton Rouge; and
7. Provide a review process for the preservation and appropriate development of the City-Parish's resources.

### **Section 3.507 Designation of Local Historic Districts and Landmarks**

#### **A. Preliminary Research by the Historic Preservation Commission**

1. Historic Preservation Commission's Mandate to Conduct a Survey of Local Historical Resources: The Historic Preservation Commission shall have the authority to compile and collect information and conduct surveys of resources within Baton Rouge.
2. Historic Preservation Commission's power to recommend historic districts and landmarks to the Metropolitan Council for Designation: the Historic Preservation Commission shall present to the Metropolitan Council nominations for historic districts and local landmarks.
3. Preparation of a report on proposed designations: The Historic Preservation Commission shall prepare formal reports when nominating historic districts or local landmarks. These reports shall be used to educate the community and to provide a permanent record of the designation. The report will follow guidelines for nominating property to the National Register of Historic Places (National Preservation Act of 1966), and shall consist of two (2) parts: a) a physical description, and b) a description of historic significance. This report will be submitted to the Division of Historic Preservation of the Department of Culture, Recreation, and Tourism.

#### **B. Criteria for a Local Historic District**

Criteria for selection of historic districts: A historic district is a geographically definable area, which contains structures, sites, buildings, objects, works of art, places, cultural landscapes or a combination thereof, which:

1. Have special character or special cultural value, historic/aesthetic value or interest;
2. Represent one or more periods of styles of architecture typical of one or more eras in the history of the city-parish, state, or region;
3. Cause such area, by reason of such factors, to constitute a visibly perceptible section of the municipality or city-parish;
4. Evaluation of Properties within Historic Districts: Individual properties within historic districts shall be classified as:

- a. National Register Listed or National Register Eligible Major Contributing Historic Element- A building that is fifty years old or more that makes a compelling architectural statement or is a strong presence in the downtown.
- b. Contributing Historic Element- A building that is fifty years old or more that is a worthy representative example of its period style of architecture.
- c. Modest Contributing Element- A building that is fifty years old or more that may not be, in and of itself, a worthy example of its period or style of architecture but which contributes to the scene owing to its massing, fenestration pattern and/or surviving architectural details.
- d. Non-Contributing Element- A building that is fifty years old or more that has been modified on the exterior beyond recognition.

C. Designation of Criteria for a Local Landmark

Criteria for selection of Landmarks: A landmark is a building, structure, site, place, object, cultural landscape or work of art, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the City of Baton Rouge/Parish of East Baton Rouge, State of Louisiana, or local region, for one or more of the following reasons:

It is an outstanding example of a building, structure, object, or work of art representative of its era;

It is one of the few remaining examples of past architectural style;

It is a place, building, site, object, work of art or structure associated with an event or a person of historic or cultural significance to Baton Rouge, State of Louisiana, or the region.

It is a site or place of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the city-parish, state or region.

D. Local Historic Districts and Landmarks Boundary Description

Boundaries shall be clearly defined for historic districts and landmarks on an official "Historic District and Landmark Map" adopted by the Metropolitan Council and drawn at a scale sufficient to clearly ascertain district and landmark boundaries and located on the Official Zoning Map. These boundaries will be included in the separate ordinances designating local districts and landmarks. Boundaries specified in legal notices shall be no smaller than one-quarter page, and shall normally coincide with the boundaries finally designated. This shall not preclude the deletion of property from the adopted district that had been noticed as intended for inclusion. Districts shall be shown on the Official Map adopted by the Metropolitan Council.

E. Procedure for Designation of Local Historic Districts and Landmarks

1. Application for designation of Historic Districts and Landmarks

- a. Historic District - A historical society, neighborhood association, group of property owners, or the Mayor-President and the Metropolitan Council may apply to the Historic Preservation Commission for designation.
- b. Landmark - A historical society, property owner, or the Mayor-President and the Metropolitan Council may apply to the Historic Preservation Commission for designation.

2. Local Historic Districts and Landmarks Questionnaire

Each property owner within a proposed designation shall receive a questionnaire, which may be returned to the HPC, to ascertain the degree of interest in and support for the proposed designation amongst all properties within the proposed local historic district directly affected by the proposal. Such questionnaire shall be used for information purposes only and is not to be binding on the Metropolitan Council. All questionnaires shall be published or mailed out during the designation process and at least thirty (30) days prior to Public Hearings. Questionnaires are sent via the United States Mail to the last known owner of the property, as shown on the most recent tax digest.

3. Historic Preservation Commission Recommendation

Prior to the designation of any local historic district or landmark, the HPC shall first consider the merits of such a designation in accordance with the provisions of this ordinance at a public hearing and shall recommend approval, approval with conditions, or denial of any request in a timely manner. The HPC shall draft and recommend the proposed historic district or landmark to the Planning Commission and Metropolitan Council at a public hearing. Adoption of the historic district or landmark by the Planning Commission and Metropolitan Council may only be considered after the HPC's recommendation and following a public hearing. The HPC shall transmit its recommendation and the Report required in Section 3.508 of this chapter to the Metropolitan Council for its consideration.

4. Required Public Hearings and Notifications Procedures

The Historic Preservation Commission and the local governing body shall hold separate public hearings on the proposed ordinance for designation. Notice of the hearings shall be published in at least three (3) consecutive issues of the official journal of Baton Rouge and/or in a newspaper of general circulation within Baton Rouge, and written notice of the hearings shall be mailed by the HPC to all owners and occupants of such properties. All such notices shall be published or mailed out not less than ten (10) nor more than twenty (20) days prior to the date set for the Public Hearings. A letter sent via the United States Mail to the last known owner of the property, as shown on the most recent tax digest, shall constitute legal notification of owners under this ordinance.

5. Requirements for Designation Ordinances

Any ordinance designating any historic property shall describe the exterior boundaries of each historic district or each landmark to be designated, set forth the name(s) of the owner(s) of the designated property or properties, as listed on the most recent tax digest, and require that a Certificate of Appropriateness be obtained from the HPC prior to any material or exterior change in appearance of the designated historic property.

6. Requirements Regarding Historic Property Boundaries

Any ordinance designating any property as Historic Property shall require that the designated historic property be shown on the Official Zoning Map adopted by the Metropolitan Council and kept as a public record to provide notice of such designation.

7. Notification of Adoption of Ordinance for Designation

Within thirty (30) days immediately following the adoption of the ordinance for designation by the Metropolitan Council, the owners and occupants of each designated historic property shall be given written notification of such designation by the Historic Preservation Commission; which notice shall apprise said owners and occupants of the necessity of obtaining a Certificate of Appropriateness prior to undertaking any material or exterior change in appearance of the historic property designated.

8. Moratorium on Applications for Alterations or Demolitions

While An Ordinance for Designation is Pending: If an ordinance for designation has been recommended by the HPC to the Metropolitan Council, the HPC shall have the power to delay an application for alteration or demolition for properties under consideration for up to 90 days. Any building permit issued prior to the recommendation of an ordinance for designation may continue until its six-month expiration. However, if the work described in any building permit has not begun within six months from the date of permit issuance; or once construction has begun, if it is discontinued for a period in excess of six months; said permit shall expire unless extended and be cancelled by the Building Official.

9. Authority to Rescind Designation

The Metropolitan Council has the authority to rescind the designation following receipt of a recommendation from the HPC and receipt of comments at a public hearing noticed in accordance with the provisions for designation.

### **Section 3.508      Design Guidelines for Local Historic Districts and Landmarks**

#### A.      Design Guidelines Intent

1.      Design Guidelines are intended to identify the characteristic features of the designation that will be used in determining the compatibility of new construction or alterations. The responsibility of the HPC is to ensure that the changes in the local historic districts/landmarks reflect the East Baton Rouge Local Historic District/Landmark Guidelines, as well as reflect the original use of the property.
2.      The Design Guidelines established by the HPC are not regulatory and do not set or interpret agency policy or law. They are intended to provide technical advice about maintaining, repairing, or replacing elements and materials without compromising the character of the new or existing structures, buildings, objects, or works of art to within a local historic district.

#### B.      Design Guidelines Composition

1.      The HPC shall recommend to the Planning Commission and Metropolitan Council a set of "Design Guidelines" appropriate for all historic district(s) and landmark(s). The guidelines are intended to identify the characteristic features of the designation that will be used in determining the compatibility of new construction or alterations and any other quality deemed by the HPC to contribute to the character of the historic property.
2.      The established "Design Guidelines" shall consist of the following:
  - a.      Purpose and Goals of the HPC
  - b.      Secretary of Interior Standards for the Treatment of Historic Properties
  - c.      Certificate of Appropriateness Process
  - d.      Local Historic Districts/Landmarks Summary
  - e.      Local Historic Districts/Landmarks Boundary Maps
  - f.      Architectural Styles
  - g.      Building Guidelines

#### C.      Procedure for Adoption and Amending Design Guidelines

1.      The Historic Preservation Commission must draft and recommend the proposed Design Guidelines to the Planning Commission and Metropolitan Council at a public hearing. Adoption of the Guidelines by the Planning Commission and Metropolitan Council may only be considered after the HPC's recommendation and following a public hearing as follows:
  - a.      The Historic Preservation Commission and the Planning Commission and Metropolitan Council shall hold a public hearing on the adoption of the Design Guidelines. Notice of the hearing shall be published in at least three (3) consecutive issues in the official journal and/or in a newspaper of general circulation within Baton Rouge. All such notices shall be published not less than ten (10) nor more than twenty (20) days prior to the date set for the public hearing.

### **Section 3.509      Architectural Building Surveys for Local Historic Districts and Landmarks**

#### A.      Architectural Building Survey Intent

The purpose of the Architectural Building Survey is to document, evaluate, acquire, and preserve archeological and historic sites locally designated within a district or as local

landmark. The intent of the survey is to understand the architectural significance of all locally designated districts/landmark.

B. Architectural Building Survey Composition

1. The HPC shall recommend to the Planning Commission and Metropolitan Council an Architectural Building Survey for all historic districts and landmarks.
2. All structures, buildings, objects, and works of art shall be surveyed. The Architectural Building Survey shall consist of the following:
  - a. Location/Address
  - b. Name of Property, if known
  - c. Map/Parcel Number
  - d. National Register Landmark Status
  - e. National Register Historic District Status
  - f. Building Classification: Contributing, Modest Contributing, or Non-contributing
  - g. Year
  - h. Architectural Style(s)
  - i. Historic Information
  - j. Photograph(s)

C. Procedure for Adoption and Amending Architectural Building Survey

1. Before a historic district/landmark is designated, an Architectural Building Survey must be completed.
2. The Architectural Building Survey must be reviewed and approved by the State of Louisiana Office of Historic Preservation for accuracy prior to public hearing.
3. The Historic Preservation Commission must recommend the proposed Architectural Building Survey to the Planning Commission and Metropolitan Council at a public hearing. Adoption of the Architectural Building Survey by the Planning Commission and Metropolitan Council may only be considered after the HPC's recommendation and following a public hearing as follows:
  - a. The Historic Preservation Commission and the Planning Commission and Metropolitan Council shall hold a public hearing on the adoption of the Design Guidelines. Notice of the hearing shall be published in at least three (3) consecutive issues in the official journal and/or in a newspaper of general circulation within Baton Rouge. All such notices shall be published not less than ten (10) nor more than twenty (20) days prior to the date set for the public hearing.
4. After the approval of the Architectural Building Survey, the Historic Preservation Commission shall update the survey every five (5) years to reflect changes of all locally designated historic districts/landmarks.

**Section 3.510 Historic Preservation Commission Approval Within Historic District/Landmark**

- A. After designation by ordinance of a historic district/landmark, no new construction, demolition, or material change in the appearance of such historic property, shall be made or be permitted to be made by the owner or occupant thereof, unless or until an application for a Certificate of Appropriateness has been submitted to and approved by the Planning Director/his designee and the Historic Preservation Commission Chairman or the Historic Preservation Commission.

- B. The Planning Director/his designee and the Historic Preservation Commission Chairman or the HPC shall review and may approve, or approve with conditions, and issue Certificates of Appropriateness to new construction, demolition, or material change in the appearance of such historic property.
- C. The provisions of this Section shall not apply to existing site plans and building permits.

**Section 3.511 Certificate of Appropriateness**

- A. A Certificate of Appropriateness (COA) is required for all exterior changes, even those that do not require a building permit. Ordinary maintenance and repair are excluded. A Certificate of Appropriateness (COA) may be issued at two levels: Staff Level or Commission Level.
- B. Whenever any application for a Certificate of Appropriateness is filed with the Planning Commission office, the Planning Commission office shall immediately notify the permit office of the Department of Public Works that the application has been filed. Similarly, when the permit office of the Department of Public Works becomes aware that an application has been filed for a permit affecting a property under the jurisdiction of the HPC, the office shall immediately notify the HPC and Planning Commission office that such an action has been filed.
- C. The applicant shall, upon request, have the right to a preliminary conference with the HPC staff for the purpose of learning whether changes or adjustments to the application could be made to make it more consistent with the commission's standards.
- D. Certificate of Appropriateness Procedure
  - 1. Minor changes outlined in this subsection and the East Baton Rouge Local Historic District/Landmark Guidelines can be approved on a Staff Level by the Planning Director/his designee and the Historic Preservation Commission Chairman. Appeals of a Staff Level decision may be appealed to the Historic Preservation Commission.
  - 2. Major changes outlined in this subsection and the East Baton Rouge Local Historic District/Landmark Guidelines can only be approved by the Historic Preservation Commission (Commission Level). Appeals of a HPC decision may be appealed to the Metropolitan Council.
  - 3. The Certificate of Appropriateness review policies for Staff Level and Commission Level are the following:
    - a. All items that require a building permit must be reviewed on a Commission Level (Public Hearing).
    - b. All items that **do not** require a building permit must be reviewed on a Staff Level.
- E. Certificate of Appropriateness Application Process
  - 1. Staff Level
    - a. An application for Certificate of Appropriateness shall be accompanied by such drawings, photographs, or plans as may be required by the Historic Preservation Commission. Applications are submitted with required documentation to Planning Commission office.
    - b. Staff approval of a Certificate of Appropriateness does not require, a hearing or application deadline.
    - c. When a staff level Certificate of Appropriateness is received, the Historic Preservation Commission (HPC) shall receive notice to provide comment within three (3) days of receipt of notification.
    - d. The certificate will be issued when the Planning Director/his designee and the Historic Preservation Commission Chairman determines that the proposed work complies with the HPC guidelines. Planning Director/his designee and the Historic Preservation Commission Chairman can set any conditions on an approved application to ensure compliance with the adopted guidelines.
    - e. Within fourteen (14) working days after receipt of an application, the Planning Director/his designee and the Historic Preservation Commission Chairman shall investigate the Staff Level Certificate of Appropriateness application and shall either approve, modify or deny such application. Failure by the Planning Director/his designee and the Historic

Preservation Commission Chairman to reach and render a decision within fourteen (14) working days of the date of filing the application, then the application will be heard by the Historic Preservation Commission at its upcoming scheduled meeting, unless an applicant has requested that the Planning Director/his designee and the Historic Preservation Commission Chairman delay its decision beyond fourteen (14) working days period otherwise required.

- f. At the upcoming HPC meeting the Planning Commission staff shall give a report regarding Staff Level Certificate of Appropriateness applications reviewed.
- g. Approved staff level applications can be revised and reviewed by the Planning Director/his designee and the Historic Preservation Commission Chairman if the revision does not require a permit. If the proposed revision requires a permit it must be reviewed on the Commission Level (Public Hearing).
- h. Any person adversely affected by any determination made by the Planning Director/his designee and the Historic Preservation Commission Chairman relative to the issuance or denial of a Staff Level Certificate of Appropriateness may appeal such determination to the Historic Preservation Commission. The appeal must be filed with the Planning Commission Office within ten (10) days after Planning Director/his designee and the Historic Preservation Commission Chairman decision. The application will be scheduled to be heard by the Historic Preservation Commission at the next public hearing. The Historic Preservation Commission may approve, modify, or reject the determination made by the Planning Director/his designee and the Historic Preservation Commission Chairman.

2. Commission Level (Public Hearing)

- a. An application for Certificate of Appropriateness shall be accompanied by such drawings, photographs, or plans as may be required by the Historic Preservation Commission. Applications are submitted with required documentation to Planning Commission office.
- b. The HPC shall have the authority to determine when a filed application is complete and contains all required information. An application deemed incomplete by the HPC shall not be considered to have been filed for the purpose of this ordinance. The HPC shall develop standard application forms and its written guidelines shall specify what information an applicant shall attach to each form.
- c. At the public hearing, the applicant for a Certificate of Appropriateness shall have the right to present any relevant information pertaining to the application. Likewise, the city, the HPC and its staff, and members of the public shall have the right to present any additional relevant information pertaining to the application. The HPC shall issue rules of procedure specifying in detail how a public hearing shall be conducted and when comments and information from different sources shall be heard.
- d. The HPC, at a public hearing, shall have the right to recommend changes and modifications to enable the applicant to meet the requirements of the commission. If the HPC chooses to do this at a public hearing, then the time during which the HPC must render its decision, as set forth below in Paragraphs i and j, shall be extended by thirty (30) days in order to permit the applicant to prepare new drawings or other submissions which prove necessary.
- e. The Historic Preservation Commission shall approve or approve with conditions the application and issue a Certificate of Appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property. In making this determination, the HPC shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design arrangement, texture, and materials of the architectural feature involved, and the relationship thereof to the exterior architectural style, and pertinent features of the other structures, buildings, objects, or works of art in the immediate neighborhood in accordance with the adopted design guidelines.
- f. The Historic Preservation Commission shall deny a Certificate of Appropriateness if it finds that the proposed material change(s) in

appearance would have substantial adverse effects on the aesthetic, historic, architectural significance, and value of the historic property.

- g. 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 HPC 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 resubmit the application at any time after doing so.
- h. In cases where the application covers a material change in the appearance of a structure, building, object, cultural landscape, or work of art which would require the issuance of a building permit, the rejection of the application for a Certificate of Appropriateness by the HPC shall be binding upon the Building Official or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.
- i. Within not more than forty-five (45) days after the hearing on an application, the HPC shall act upon it, either approving, denying, approving with conditions, or deferring action until the next meeting of the commission. Evidence of approval of the application shall be by Certificate of Appropriateness issued by the HPC and, whatever its decision, notice in writing shall be given to the applicant and the City Building Official.
- j. Failure by the HPC to reach and render a decision within sixty (60) days of the date of filing of the application with the HPC shall be taken to constitute approval of the application by the HPC, unless an applicant has requested that the commission delay its decision beyond the sixty (60) day period otherwise required.
- k. No Certificate of Appropriateness shall be effective for a period of ten days subsequent to the Commission's decision. If during that ten (10) day period an appeal is made to the Metropolitan Council, the decision of the Commission shall automatically be stayed pending Metropolitan Council review.

#### F. Public Notification

##### 1. Staff Level

- a. Upon a property owners request for a Certificate of Appropriateness, the property owner shall request the Planning Commission Office to post a sign on or adjacent to the property that is the subject Certificate of Appropriateness request. The sign shall be red, a minimum size of 11" x 17" and shall include the following information printed in a minimum font size of twenty (20): type of application, case number, and phone number and website for the City-Parish Planning Commission. The cost of the sign shall be paid by the applicant. If the property under consideration does not front on a public street, an additional sign must be posted at the nearest public street. Such signs shall be posted by the Planning Commission Office within five (5) calendar days after receiving application. The applicant is responsible for removal of the sign after the Planning Director/his designee and the Historic Preservation Commission Chairman has rendered a decision.

##### 2. Commission Level (Public Hearing)

- a. Notice of the time and place of a scheduled public hearing on an application for a Certificate of Appropriateness shall be given by publication in the official journal at least 10 days before such hearing.
- b. A supplemental notice of the time and place of the public hearing shall be mailed via regular mail from the Office of the Planning Commission not less than fifteen (15) days in advance of the hearing to all owners of real property within one hundred fifty (150) feet of the boundaries of the land upon the Certificate of Appropriateness is requested. For the purpose of notice requirements to abutting property owners, the names and addresses of such owners shall be deemed to be those on the current Geographic Information System in the office of the East Baton Rouge Planning Commission. Failure of owners to receive supplemental notice of hearing shall in no way affect the validity of the action taken.

- c. Upon a property owners request for a Certificate of Appropriateness, the property owner shall request the Planning Commission Office to post a sign on or adjacent to the property that is the subject Certificate of Appropriateness request. The sign shall be red, a minimum size of 11" x 17" and shall include the following information printed in a minimum font size of twenty (20): type of application, case number, and phone number and website for the City-Parish Planning Commission. The cost of the sign shall be paid by the applicant. If the property under consideration does not front on a public street, an additional sign must be posted at the nearest public street. Such signs shall be posted by the Planning Commission Office not less than fifteen (15) calendar days prior to the date of the public hearing to be held by the Historic Preservation Commission. The applicant is responsible for removal of the sign after the Historic Preservation Commission has rendered a decision.
- G. Any person who violates this subsection is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a Certificate of Appropriateness is obtained or the property is restored to the condition it was in immediately prior to the violation.

**Section 3.512 Interior Alterations and Exceptions**

- A. In its review of applications for Certificates of Appropriateness, the Planning Director/his designee and the Historic Preservation Commission Chairman or the Historic Preservation Commission shall not consider interior arrangement or use having no effect on exterior architectural features.
- B. Temporary fences on private property shall not require a Certificate of Appropriateness or a permit and shall be allowed in all zoning districts provided that the property is located on a parade route. Temporary fences installed shall be no more than four (4) feet in height and one (1) foot from the sidewalk. Temporary fences shall only be erected no more than two (2) days prior to the scheduled parade and removed within two (2) days after the conclusion of the parade. If more than one parade is scheduled within a two (2) week period for the particular route on which the property is located, the fence may remain no longer than two (2) days after the last scheduled parade. In no instance shall the fencing be within the public right-of-way or restrict access along streets or sidewalks.

**Section 3.513 Certificate of Appropriateness Demolition or Relocation Applications**

- A. A Certificate of Appropriateness must be obtained before demolition or relocation of any designated landmark, building, or structure in a local historic district/landmark.
- B. The HPC shall have the authority to approve or deny a Certificate of Appropriateness for a permit to demolish or relocate a structure, building, object, or work of art from, to, or within a local historic district/landmark.
- C. Demolition or Relocation Criteria
  - 1. The Historic Preservation Commission's decision to deny a Certificate of Appropriateness for demolition or relocation of a local historic site, landmark, or building shall be based on the following criteria:
    - a. The structure, building, object or work of art is of such interest or quality that it would reasonably meet national, state, or local criteria for designation as a historic property.
    - b. The structure, building, object or work of art is of such unusual or uncommon design, texture or materials that it could not be reproduced or be reproduced only with great difficulty and expense.
    - c. Retention of the structure, building, object or work of art would aid substantially in preserving and protecting a structure, building, object, work of art, or district which meets 1 or 2 herein above.
  - 2. Where the HPC determines that one or more of these criteria are met, no Certificates of Appropriateness shall be issued and the application shall be denied.
  - 3. The Historic Preservation Commission's decision to approve a Certificate of Appropriateness for demolition or relocation of a local historic site, landmark, or building shall be based on the following criteria:

- a. The structure, building, object or work of art poses an imminent threat to public health or safety.
  - b. No economically viable use of the property exists.
  - c. The cost to repair the structure exceeds the appraised value.
4. Where the HPC determines that one or more of these criteria are met, a Certificate of Appropriateness shall be issued and the application shall be approved.

D. Demolition or Relocation Application Submittals

1. Records depicting the original construction of the structure, including drawings, pictures, and/or written descriptions.
2. Records depicting the current condition of the structure, including drawings, pictures, and/or written descriptions.
3. The assessed value of the structure and property according to the two most recent tax assessments.
4. Proposed plan for property after demolition/relocation of structure.
5. The current fair market value of the structure and property as determined by an independent licensed appraiser.
6. A study of restoration of the structure or property, performed by a licensed architect, engineer or financial analyst, analyzing the physical feasibility (including architectural and engineering analyses) and financial feasibility (including pro forma profit and loss statements for a ten (10) year period, taking into consideration redevelopment options and all incentives available) of adaptive use of restoration of the structure and property.
7. A report regarding the nature, imminence, and severity of the threat, as performed by a licensed architect or engineer.
8. A report regarding both the cost of restoration of the structure and the feasibility (including architectural and engineering analyses) of restoration of the structure, as performed by a licensed architect or engineer.

E. Demolition or Relocation Procedure

1. An application for Certificate of Appropriateness for demolition/relocation shall be accompanied by such drawings, photographs, or plans as may be required by the Historic Preservation Commission. Applications are submitted with required documentation to Planning Commission office.
2. The HPC shall have the authority to determine when a filed application is complete and contains all required information. An application deemed incomplete by the HPC shall not be considered to have been filed for the purpose of this ordinance. The HPC shall develop standard application forms and its written guidelines shall specify what information an applicant shall attach to each form.
3. The HPC shall have the authority to approve, approve with conditions, or deny a Certificate of Appropriateness for demolition/relocation within local historic district/landmark.
4. Within not more than forty-five (45) days after the hearing on an application, the HPC shall act upon it, either approving, denying, approving with conditions, or deferring action until the next meeting of the commission. Evidence of approval of the application shall be by Certificate of Appropriateness for demolition/relocation issued by the HPC and, whatever its decision, notice in writing shall be given to the applicant and the City Building Official.
5. Failure by the HPC to reach and render a decision within sixty (60) days of the date of filing of the application with the HPC shall be taken to constitute approval of the application by the HPC, unless an applicant has requested that the commission delay its decision beyond the sixty (60) day period otherwise required.
6. No Certificate of Appropriateness for demolition/relocation shall be effective for a period of ten (10) days subsequent to the Commission's decision. If during that ten (10) day period an appeal is made to the Metropolitan Council, the decision of the Commission shall automatically be stayed pending Metropolitan Council review.

F. Public Notification

1. Commission Level (Public Hearing)
  - a. Notice of the time and place of a scheduled public hearing on an application for a Certificate of Appropriateness for demolition/relocation shall be given by publication in the official journal at least ten (10) days before such hearing.
  - b. A supplemental notice of the time and place of the public hearing shall be mailed via regular mail from the Office of the Planning Commission not less than fifteen (15) days in advance of the hearing to all owners of real property within one hundred fifty (150) feet of the boundaries of the land upon the Certificate of Appropriateness is requested. For the purpose of notice requirements to abutting property owners, the names and addresses of such owners shall be deemed to be those on the current Geographic Information System in the office of the East Baton Rouge Planning Commission. Failure of owners to receive supplemental notice of hearing shall in no way affect the validity of the action taken.
  - c. Upon a property owners request for a Certificate of Appropriateness for demolition/relocation, the property owner shall request the Planning Commission Office to post a sign on or adjacent to the property that is the subject Certificate of Appropriateness request. The sign shall be red, a minimum size of 11" x 17" and shall include the following information printed in a minimum font size of twenty (20): type of application, case number, and phone number and website for the City-Parish Planning Commission. The cost of the sign shall be paid by the applicant. If the property under consideration does not front on a public street, an additional sign must be posted at the nearest public street. Such signs shall be posted by the Planning Commission Office not less than fifteen (15) calendar days prior to the date of the public hearing to be held by the Historic Preservation Commission. The applicant is responsible for removal of the sign after the Historic Preservation Commission has rendered a decision.

G. Demolition and Relocation Reapplication

If a final decision is reached denying a Certificate of Appropriateness for demolition/relocation, no further applications may be considered for the subject matter of the denied certificate for demolition or removal for one year from the date of the final decision unless:

The certificate for demolition or removal has been denied without prejudice; or

The HPC waives the time limitation because the HPC finds that there are changed circumstances sufficient to warrant a new hearing. A majority vote by the HPC is required to grant the request for waiver of the time limitation.

- H. Any person who violates this subsection is guilty of a separate offense for each day or portion of a day during which the violation is continued, from the first day the unlawful act was committed until either a Certificate of Appropriateness for demolition/relocation is obtained or the property is restored to the condition it was in immediately prior to the violation.

**Section 3.514 Certificate of Appropriateness Void If Construction Not Commenced**

A Certificate of Appropriateness shall become void unless construction is commenced within twelve (12) months from date of issuance, but can be extended for up to two-one year periods for good cause shown.

**Section 3.515 Technical Advice**

When dealing with difficult technical questions, the Historic Preservation Commission shall have the power to seek expert advice within approved budgetary limitations.

**Section 3.516 Recording of Applications for Certificates of Appropriateness**

The Historic Preservation Commission shall keep a public record of all applications for Certificates of Appropriateness, and of all the HPC's proceedings in connection with said applications.

**Section 3.517 Stopping Work Commenced Without Permit**

A stop work order may be issued by the Building Official on work not in compliance with an issued Certificate of Appropriateness. Any such work shall be considered a violation of this chapter subject to any and all appropriate fines and penalties.

### **Section 3.518          Demolition by Neglect**

#### **A.          Prevention of Demolition by Neglect**

1.          Demolition by Neglect is a serious problem affecting historic communities and neighborhoods throughout the country. It refers to the process of deterioration that occurs when routine maintenance or major repair is not performed to the extent that preservation and future restoration is jeopardized. Demolition by Neglect does not refer to purely cosmetic issues or minor deferred maintenance, or to interior conditions. It is not intended to dictate or control the aesthetics of a local historic district/landmark, but to ensure the safety and well-being of the district and landmark.
2.          All locally designated historic landmarks and all contributing structures identified by the official historic survey located in a local historic district, shall be preserved against decay, deterioration, and kept free from certain structural defects by the owner thereof or such person, persons, or entities who may have custody or control thereof.
3.          Demolition by neglect means neglect in maintaining, repairing, or securing a historic landmark or a contributing structure in a local historic district that results in substantial deterioration of an exterior feature of the building or structure or the loss of structural integrity of the building or structure that results in deterioration of the structure and threatens the preservation of the structure.
4.          The ordinance which created the Historic Preservation Commission entrusts the Commission with insuring that contributing structures located within the local historic district and landmarks designated by the Commission are not allowed to be demolished through neglect of the owner. However, if the property owner has submitted a Certificate of Appropriateness application, then the Historic Preservation Commission shall not initiate demolition by neglect proceedings until Certificate of Appropriateness is denied and the denial is final.

#### **B.          Standards**

1.          The exterior features of any building or structure found to have defects(as outlined below) located within a local historic district shall be preserved by the owner or such other person who may have legal possession, custody, and control thereof against decay and deterioration and kept free from structural defects. The owner, or other person having such legal possession, custody, and control, shall upon written request by the City stabilize or repair such exterior features if they are found to be deteriorating, or if their condition is contributing to deterioration of the property or the district, including but not limited to any of the following defects:
  - a.          Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling where such condition threatens the structural integrity of the structure.
  - b.          Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing, or buckling where such condition threatens the structural integrity of the structure.
  - c.          Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling where such condition threatens the structural integrity of the chimney.
  - d.          Deterioration or crumbling of exterior plasters or mortars where there is evidence that such condition has allowed deterioration of structural elements that threaten the structure's integrity.
  - e.          Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors where there is evidence that such condition has allowed deterioration of structural elements that threaten the structure's integrity.
  - f.          Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering where there is evidence that such condition has allowed deterioration of structural elements that threaten the structure's integrity.

- g. Rotting, holes, and other forms of decay where there is evidence that such condition has allowed deterioration of structural elements that threaten the structure's integrity.
- h. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling where there is the possibility that the architectural details will be totally lost or destroyed.
- i. Deterioration of contributing accessory structures.

C. Procedure for Enforcement

1. The Historic Preservation Commission may file a petition listing specific defects with the Department of Public Works Inspection Division indicating that a building's condition falls under the Commission's criteria of Demolition by Neglect. Whenever a petition is filed with the Department of Public Works Inspection Division a preliminary inspection must be performed within seven (7) days of the date of the petition.
2. To proceed with the citation process the Historic Preservation Commission must vote by a majority to make a preliminary finding of Demolition by Neglect and requesting an inspection. If, thereafter, a preliminary determination is made by the Commission, the owner is notified by certified mail of the defects in the building. The owner is given thirty (30) days in which to respond to the preliminary determination or obtain a Certificate of Appropriateness for the corrective work. If a Certificate of Appropriateness is issued at this point, it will detail the specific work which is necessary to correct the Demolition by Neglect conditions, and a time limit for work to begin and be completed is set. If the applicant deems that the time limit is unreasonable, they will provide details regarding the unreasonableness to the Historic Preservation Commission who will subsequently by majority vote consider extending the time. If the preliminary investigation does not substantiate the petition, the petition is resolved and no action will be taken.
3. If the owner of the property receives the letter regarding the preliminary determination, but fails to respond, the matter is referred to the Historic Preservation Commission for a citation hearing. If the owner fails to receive the letter regarding the preliminary determination after two attempts, the building is posted with a notice of the violation in accordance with the provisions of the Ordinance, and a public hearing on the citation is scheduled.
4. At the public hearing the Commission may issue a citation to the owner of the property for failure to correct the Demolition by Neglect conditions. The citation is made by a vote of the majority of the Commission on a motion recognizing the condition of the building and the owner's failure to correct the defects. The owner is invited to the public hearing to address the Commission's concerns and to show cause why a citation should not be issued. The Commission may also defer the matter to give the owner more time either to correct the deficiencies, make a proposal for repairs, or perhaps sell the property.
5. If the owner is cited for the condition of Demolition by Neglect of the property, he is given till the next regularly scheduled Historic Preservation Commission meeting to respond with a proposal to correct the defects.
6. If a Certificate of Appropriateness is issued at this point, it shall be worded to place specific constraints on the owner for initiating and completing the work.
7. Any person adversely affected by a determination that a structure is being demolished by neglect made by the Historic Preservation Commission may appeal such determination to the Metropolitan Council. The appeal must be filed with the Council Administrator's Office within 10 days after notification is sent. The Metropolitan Council may approve, modify, or reject the determination made by the Historic Preservation Commission by a favorable vote of three-fifths (3/5) of the entire membership of the Metropolitan Council.
8. If, thereafter, the Historic Preservation Commission determines that the building or landmark is being demolished by neglect, and no efforts are being made to preserve it, the City-Parish may, through the Director of its Department of Public Works, bring charges against the owner or owners for the violation of this article; and the City-Parish may cause such property to be stabilized at its expense at such time as funds are appropriated; and in which event the City-Parish may file an affidavit of the Director of the Department of Public Works to this effect in the

Mortgage Records of the Clerk of Court for the Parish of East Baton Rouge, which shall constitute a lien and privilege against the property.

### **Section 3.519 Conformity to Existing Building Codes**

- A. Nothing in this Ordinance shall be construed as to exempt property owners from complying with existing building codes adopted by Baton Rouge, nor to prevent any property owner from making use of his property not prohibited by other statutes, ordinances, or regulations.
- B. The issuance of a Certificate of Appropriateness shall not relieve an applicant for a companion building permit, special use permit, variance, or other authorization from compliance with any other requirement or provision of the laws of the city concerning zoning, construction, repair, or demolition. In all such cases, applicants are encouraged to apply first for a Certificate of Appropriateness as other agencies will be advised by the HPC in making their subsequent decisions.
- C. No building permit affecting a resource shall be issued by the city building official prior to the issuance of a Certificate of Appropriateness by the HPC even if a building permit is not otherwise required by the city ordinances for construction, alteration, demolition, or relocation of any resource, a Certificate of Appropriateness from the HPC is required.

### **Section 3.520 Maintenance of Historic Property**

#### Ordinary Repair

- 1. Ordinary maintenance or repair of any exterior architectural feature in or on a historic property that does not involve a material change appearance thereof is excluded from review.

### **Section 3.521 Undue Hardship**

Where, by reason of unusual circumstances, the strict application of any provision of this Ordinance would result in exceptional practical difficulty or undue hardship upon any owner of a specific property, the Historic Preservation Commission, in passing upon applications, shall have the power to vary or modify strict adherence to said provisions, or to interpret the meaning of said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship; provided such variances, modifications, or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity, or character of the property shall be conserved, and substantial justice done. In granting variances, the Historic Preservation Commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Ordinance.

### **Section 3.522 Appeals**

- A. Any person adversely affected by any determination made by the Planning Director/his designee and the Historic Preservation Commission Chairman relative to the issuance or denial of a Staff Level Certificate of Appropriateness may appeal such determination to the Historic Preservation Commission. The appeal must be filed with the Planning Commission Office within ten (10) days after Planning Director/his designee and the Historic Preservation Commission Chairman decision. The application will be scheduled to be heard by the Commission at the next public hearing. The Historic Preservation Commission may approve, modify, or reject the determination made by the Planning Director/his designee and the Historic Preservation Commission Chairman.
- B. Any person adversely affected by any determination made by the Historic Preservation Commission relative to the issuance or denial of a Certificate of Appropriateness may appeal such determination to the Metropolitan Council; the appeal must be filed with the Council Administrator's Office within ten (10) days after Historic Preservation Commission decision. The Metropolitan Council may approve, modify, or reject the determination made by the Historic Preservation Commission.
- C. Appeals from decisions of the Metropolitan Council made pursuant to this ordinance may be taken to the District Court of the City-Parish, in the manner provided by law.

### **Section 3.523 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 ordinance, the HPC may make an 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 a showing by the HPC 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 3.524 Penalty Provisions**

- A. Any owner, agent, lessee, or other person acting for or in conjunction with him, who violates the ordinance or law or rules, regulations, or decision of the Historic Preservation Commission, shall for each offense be fined not less than \$100 dollars.
- B. Any owner, agent, lessee, or other person acting for or in conjunction with him, who demolishes a structure or edifice without having been issued a Certificate of Appropriateness, shall be fined a single fine of not less than five thousand dollars (\$5,000) nor more than \$100,000 based upon the historical significance of the structure or edifice as designated in the historic building survey of the district.
- C. For violations other than demolition without a Certificate of Appropriateness, each day that a violation continues constitutes a separate offense.

#### **Section 3.525 Severability**

In the event that any section, subsection, sentence, clause, or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, sentences, clauses, or phrases of this chapter, which shall remain in full force and effect, as if the section, subsection, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

#### **Section 3.526 Amendments**

- A. This Ordinance, including the official Historic District and Landmark Map, may be amended by the Metropolitan Council on its own motion, or on recommendation of the Historic Preservation Commission; but no amendment shall become effective unless it shall have been proposed by or shall have been submitted to the Historic Preservation Commission for review and recommendation. All amendments to Historic Districts and Landmarks shall follow the procedure set forth in Section 3.507.
- B. Amendments to the Design Guidelines for new construction or alterations within a designated historic district or involving designated landmarks must be approved by the Metropolitan Council on its own motion, or on recommendation of the Historic Preservation Commission; but no amendment shall become effective unless it shall have been proposed or shall have been submitted to the Historic Preservation Commission for review and recommendation. All amendments to the Design Guidelines shall follow the procedure set forth in Section 3.508.

#### **Section 3.527 Definitions**

**Architectural Elements:** Parts of a building that are integral to its composition. These include balconies, roofs. Porches, chimneys, dormers, parapets, and other parts of a building that contribute to its overall shape and silhouette. The choice and arrangement of elements of a proposed building should reflect those of other buildings in the neighborhood.

**Certificate of Appropriateness:** A document evidencing approval by the Planning Director/his designee and the Historic Preservation Commission Chairman or the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property  
**Certified local government:** a local, state and federal partnership that provides technical assistance and small grants to local governments who are seeking to preserve their architectural and cultural heritage for future generations.

**Decorative Details:** Ornamentation or embellishment. These include cornices, lintels, arches, balustrades, chimneys, shutters, columns, and other common details. When used, details should create a unifying effect on the building and should be compatible with the context of the neighborhood.

**Demolition:** Any act or process that permanently, substantially destroys or razes any building, site, structure, object, or work of art in whole or part.

**Demolition by Neglect:** Neglect in maintaining, repairing, or securing an historic landmark or a building or structure in a local historic district that results in substantial deterioration of an exterior feature of the building or structure or the loss of structural integrity of the building or structure that results in deterioration of the structure and threatens the preservation of the structure.

**Exterior Architectural Features:** The architectural style, general design, and general arrangement of the exterior of a building, structure, object or work of art, including, but not limited to, the kind or texture of the building material and the type and the style of all windows,

doors, signs, and other appurtenant architectural fixtures, features, details, or elements relative to the foregoing.

**Historic Building Survey:** A building inventory of all historic buildings in a study area including an evaluation of properties.

**Historic District:** A geographically definable area that contains structures, buildings, objects, sites, works of art, or a combination thereof that exhibit a special historical, architectural, or environmental character as designated by the Mayor-President and Metropolitan Council.

**Historic Property:** Property designated by the Historic Preservation Ordinance as either being within a Historic District or as a Landmark.

**Historic Landmark:** An individual structure, building, object, site, or work of art which exhibits a special historical, architectural, or environmental character as designated by the Mayor-President and Metropolitan Council.

**Materials:** The surface building fabric which contributes to the exterior character and appearance of a building.

**Material Change in Appearance:** A change that will affect either the exterior architectural or environmental features of a historic property visible from the public right-of-way, and may include any one or more of the following:

- A. A reconstruction or alteration of the size, shape, or facade of a historic property, including any of its architectural elements or details;
- B. Demolition of a historic property;
- C. Commence of excavation for construction purposes;
- D. A change in the location of advertising visible from the public right-of-way on any historic property;
- E. The erection, alteration, restoration, or removal of any building, structure, object or work of art within a historic property, including walls, fences, steps, and pavements, or other appurtenant features.

Ordinary Repair: Maintenance work required for the upkeep of a historic building, as well as the repair and replacement of historic features with like materials.

**Object:** 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.

**Ordinary Repairs or Maintenance:** Work done on a building in order to correct any deterioration, decay of, or damage to a building on any part thereof in order to restore same as nearly as practical to its condition prior to such deterioration, decay or damage. If the work constitutes "ordinary maintenance" as defined in this section, the work may be done without a Certificate of Appropriateness.

**Site Improvements:** A modification to the grounds of a property not including the buildings or other significant structures such as garages. Such improvements may include, but are not limited to: fences, walls, greenhouses, storage sheds, light fixtures, hot tubs, swimming pools, fountains, barbeques, out-door fireplaces, playground equipment, steps or pavement.

**Staff Approval:** If the work is not "ordinary maintenance," but will result in the "change in appearance" as defined by this section, the Certificate of Appropriateness may be issued by the Planning Director/his designee and the Historic Preservation Commission Chairman.

### **Section 3.6                    Demolition and Relocation of Historic Buildings in the Downtown Development District**

- A. Unlawful Demolition or Relocation of Buildings
  1. Approval from the Planning Commission must be obtained before demolition or relocation of any historic building within the Downtown Development District, except that a historic building located in a "local historic district/landmark," must be approved by the Historic Preservation Commission. Refer to Section 3.522 for the Historic Preservation Commission appeal process.
- B. Authority to Comment on Demolition or Relocation Permit Applications
  1. The Planning Commission shall have the authority to approve or deny a request to demolish or relocate a building within the Downtown Development District, except that a historic building located in a "local historic district/landmark," must be

approved by the Historic Preservation Commission. Refer to Section 3.522 for the Historic Preservation Commission appeal process.

C. Actions Acceptable in Reaction to Application for Demolition Permit or Relocation Permit

1. The Planning Commission shall have the authority to approve, approve with conditions, or deny a request for demolition or relocation within the Downtown Development District, except that a historic building located in a "local historic district/landmark," must be approved by the Historic Preservation Commission. Refer to Section 3.522 for the Historic Preservation Commission appeal process.

D. Consideration of Pre-Demolition Plans

1. A public hearing shall be scheduled for each application for demolition or relocation. Notice shall be given in Baton Rouge's official journal and/or newspaper of general circulation within Baton Rouge at least one time not less than ten (10) days nor more than twenty (20) days prior to the public hearing.

E. Consideration of Post-Demolition Plans

1. The Planning Commission shall not grant approval for demolition permission without reviewing at the same time the plans for the historic property.

F. Demolition or Relocation Criteria

The Planning Commission's decision concerning the request for demolition or relocation of a historic building shall be based on the following criteria:

1. The structure is individually listed on the National Register of Historic Places or included in a National Register Historic District, or the structure is classified as National Register Eligible or Major Contributing in the historic building survey of the Central Business District.

G. Appeals

1. Any person adversely affected by any determination made by the Planning Commission relative to the approval or denial of a demolition or relocation application may appeal such determination to the Metropolitan Council; the appeal must be filed with the Council Administrator's Office within ten (10) days after Planning Commission decision. The Metropolitan Council may approve, modify, or reject the determination made by the Planning Commission.

Appeals from decisions of the Metropolitan Council made pursuant to this ordinance may be taken to the District Court of the City-Parish, in the manner provided by law.

H. Definitions

*Historic building*: a building that is at least fifty (50) years of age.