

**ORDINANCE NO. JO- -2023**

**A JOINT ORDINANCE OF THE LAFAYETTE CITY COUNCIL  
AND THE LAFAYETTE PARISH COUNCIL ADDING AN APPENDIX B AND  
AMENDING ARTICLES 2, 3, 4, AND 7 OF CHAPTER 89 OF THE LAFAYETTE CITY-  
PARISH CODE OF ORDINANCES A/K/A THE LAFAYETTE DEVELOPMENT CODE  
(LDC) REGARDING HISTORIC PRESERVATION AND  
THE LAFAYETTE HISTORIC PRESERVATION COMMISSION**

**BE IT ORDAINED** by the Lafayette City Council and the Lafayette Parish Council, that:

**WHEREAS**, the historical, cultural, and aesthetic assets of the City and Parish of Lafayette are among its most valued and important elements and the preservation of these historical, cultural, and aesthetic assets is essential to the promotion of the prosperity, general welfare, and public interest of the people of the City and Parish of Lafayette; and

**WHEREAS**, the Lafayette City Council and the Lafayette Parish Council are desirous of strengthening the City and Parish’s economic base by the stimulation of the tourism industry, fostering economic development, and stabilizing and improving property values in historic and landmark areas; and

**WHEREAS**, consistent with the comprehensive master plan for the City of Lafayette and unincorporated Lafayette Parish, the Lafayette City Council and Lafayette Parish Council desire to amend Chapter 89 of the Lafayette City-Parish Code of Ordinances regarding the Lafayette Historic Preservation Commission, all as more fully detailed herein, the same being done in furtherance of the health, safety and welfare of the citizens of the City and Parish of Lafayette.

**NOW, THEREFORE, BE IT ORDAINED** by the Lafayette City Council and Lafayette Parish Council, that:

**SECTION 1:** All of the aforescribed “Whereas” clauses are adopted as part of this Joint Ordinance.

**SECTION 2:** Article 2 of the Lafayette Development Code (“LDC”) is hereby amended, as specifically set forth in **Exhibit A** attached hereto and made a part hereof.

**SECTION 3:** Article 3 of the Lafayette Development Code (“LDC”) is hereby amended, as specifically set forth in **Exhibit B** attached hereto and made a part hereof.

**SECTION 4:** Article 4 of the Lafayette Development Code (“LDC”) is hereby amended, as specifically set forth in **Exhibit C** attached hereto and made a part hereof.

**SECTION 5:** Article 7 of the Lafayette Development Code (“LDC”) is hereby amended, as specifically set forth in **Exhibit D** attached hereto and made a part hereof.

**SECTION 6:** Appendix B of the Lafayette Development Code (“LDC”) is hereby established, as specifically set forth in **Exhibit E** attached hereto and made a part hereof.[061]

**SECTION 7:** Consistent with the principles espoused in Section 2-11(E) of the Lafayette City-Parish Consolidated Government Home Rule Charter, the Lafayette City Council and Lafayette Parish Council acknowledge and declare that the Lafayette City Council, acting independently and without the necessity of the approval of the Lafayette Parish Council, may amend, modify, revise, retract, and/or supplement the regulations governing Historic Landmarks and/or Districts to the extent that such legislative action only involves Historic Landmarks and/or Districts that are solely within the City of Lafayette. Conversely, the Lafayette Parish Council, acting independently and without the necessity of the approval of the Lafayette City Council, may amend, modify, revise, retract, and/or supplement the regulations governing Historic Landmarks and/or Districts to the extent that such legislative action only involves Historic Landmarks and/or Districts that are solely within the unincorporated areas of the Parish of Lafayette.

**SECTION 8:** All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

**SECTION 9:** After first having been adopted by a majority of the authorized membership of both the Lafayette City Council and the Lafayette Parish Council, this Ordinance shall become effective ten (10) days after signature of this Ordinance by the Lafayette Mayor-President, or the lapse of ten (10) days after receipt by the Lafayette Mayor-President without signature or veto, or upon override of a veto, whichever occurs first.

\* \* \* \* \*



<b>Recreational facility, accessory</b>	A recreational facility for the exclusive use of members and their guests, or solely for the use of employees of a permitted business use. This may include swimming pools, tennis courts, exercise facilities, and similar indoor activities. It does not include golf courses, which are classified separately.
<b>Sign</b>	See §89-90 (“Signs”)
<b>Storage</b>	Containers or bins that are used for on-site temporary storage generally for the purposes of moving.
<b>Miscellaneous</b>	
<b>Temporary Uses</b>	See §89-92 (“Temporary Uses”)

## 89-22 Overlay Districts

A set of regulations which apply to a specific geographic area in addition to the underlying zoning districts and existing zoning and development regulations is commonly known as an “overlay district.”

The Louisiana Avenue Zoning and Development Overlay District, The Louisiana Avenue Interstate 10 Zoning and Development Overlay District, and the University Avenue Zoning and Development Overlay District, shall remain in full force and effect. The standards for governing zoning and development within the overlay districts are set forth in Appendix A of this chapter.

## 89-23 Historic Districts

The description of Historic Districts and any specific regulations related thereto are set forth in Appendix B of this Chapter. These specific regulations are in addition to any applicable general Historic Preservation provisions in this Chapter, as well as the underlying zoning districts and existing zoning and development regulations applicable thereto.

## 89-24 Reserved



## 89-34 Designation of Historic Districts and Landmarks

*Action Items (2.1.1, 4.1.3, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5 4.3.2)*

### (a) Criteria for Designation

A Historic District or Landmark should exhibit one or more of the following characteristics:

- (1) Historic or Cultural Significance. The site proposed for designation should:
  - a. Have character, interest or value as part of the development, heritage, or cultural characteristics of the City of Lafayette, Parish of Lafayette, or the United States;
  - b. Be the site of an historic event;
  - c. Be identified with a person or group who influenced society; or,
  - d. Exemplify the cultural, archaeological, economic, social, political, or historic heritage of the City and/or Parish of Lafayette and its communities.
- (2) Architectural and Design Significance. The site proposed for designation should:
  - a. Embody the distinctive characteristics of a type, period, theme, method of construction or indigenous materials and craftsmanship;
  - b. Represent the work of a master architect, builder, engineer or that of significant artisans;
  - c. Possess high artistic values and design integrity;
  - d. Be a distinguishable entity in that it has not been altered to the extent that its original purpose or use is indiscernible;
  - e. Be an established and familiar visual feature of the neighborhood and community or a place of natural or aesthetic interest that contributes to the cultural or historical development of the City and/or Parish of Lafayette, State or region; or,
  - f. Be an outstanding example of a building, structure, object, or work of art representative of its era, or one of the few remaining examples of past architectural styles.

### (b) Process for Designation

#### (1) Application

##### a. Historic Districts

An historical society, neighborhood association operating within a proposed Historic District, one or more property owners owning property within a proposed Historic District, the Lafayette Consolidated Government Community Development & Planning Department, a member of the Lafayette Historic Preservation Commission, the Mayor-President, and, by Resolution, the Lafayette City Council (City of Lafayette) and/or the Lafayette Parish Council (unincorporated areas of Lafayette Parish) may apply for designation.



b. Historic Landmarks

An historical society, property owner of a proposed Historic Landmark, the Lafayette Consolidated Government Community Development & Planning Department, a member of the Lafayette Historic Preservation Commission, the Mayor-President, and, by Resolution, the Lafayette City Council (City of Lafayette) and/or the Lafayette Parish Council (unincorporated areas of Lafayette Parish) may apply for designation.

(2) Survey

a. As part of the application, applicants shall provide a survey that can be used to inform the public and to document and evaluate archaeological and historic sites for the purpose of understanding the architectural or cultural significance of all features within locally designated Historic Districts or Landmarks. The survey shall include:

1. A physical description of the proposed Historic District or Landmark, including clearly defined boundaries for the proposed Historic District, or the Landmark, and,
2. A description of its historic significance.

b. All structures, buildings, site features, objects, works of art and cultural landscapes in the proposed Historic District or Landmark shall be surveyed and evaluated and each shall be classified as:

1. Historic Element. A building, structure, site feature, object, work of art, or cultural landscape that is fifty years old or more that is culturally significant or a worthy representative example of its period style of architecture.
2. Non-Historic Element. A building, structure, site-feature, object, work of art, or cultural landscape that does not meet the criteria for a Historic Element listed above.

c. The survey shall be submitted to the State Historic Preservation Office for review and comment prior to any further action on the application.

(3) Community Survey for Historic Nominations

Each property owner within the area proposed for designation as a Historic District or each owner of a property proposed for designation as a Historic Landmark shall be sent a questionnaire, which may be returned to the Lafayette Historic Preservation Commission (“LHPC”), to ascertain the degree of interest in and support for the proposed designation by all property owners directly affected by the proposal. Such questionnaire shall be used for informational purposes only and shall not be binding on the LHPC, the appropriate Planning Commission(s) or Council(s). All questionnaires shall be mailed to the last known owner of the property at the municipal address shown in the records of the Lafayette Parish Tax Assessor’s Office at least thirty days prior to any adoption public hearings, on the designation of a Historic District or Landmark.

(4) Adoption Procedure

a. Historic Preservation Commission Action

Following receipt of the State Historic Preservation Office comments on the Survey, the LHPC shall consider the merits of designation in accordance with the applicable provisions of the Lafayette Development Code at a public hearing and shall recommend, to the appropriate Planning



or Zoning Commission(s), approval, approval with conditions, or denial of any request in a timely manner.

b. Planning Commission Action

Following receipt of the recommendation of the LHPC, the appropriate Planning or Zoning Commission(s) shall hold a public hearing on the designation and shall recommend, to the appropriate Council(s), approval, approval with conditions, or denial of any request in a timely manner.

c. Council Action

The Lafayette City Council and/or the Lafayette Parish Council, as the case may be, shall make the final determination regarding a designation, and if so designated, evidenced through the adoption of an ordinance, considering the recommendations of the LHPC and the appropriate Planning or Zoning Commission(s), at a public hearing.

d. Ordinance Requirements

Any ordinance designating a Historic District or Landmark shall describe the exterior boundaries of the Historic District or Landmark to be designated, and establish the requirement that a Certificate of Appropriateness (“COA”) be obtained from the LHPC prior to any change to the exterior of any part of a designated property that is visible from a public street.

e. Notification of Adoption of Ordinance for Designation

Within 30 days following the adoption of the ordinance for designation by the appropriate Council(s), the owners of each designated historic property shall be given written notification of such designation by the LHPC; which notice shall notify those owners of the requirement to obtain Certificates of Appropriateness.

f. Moratorium on Applications for Alterations or Demolitions

If an ordinance for designation has been recommended by the LHPC, the LHPC shall have the power to require that the Building Official delay an application for alteration or demolition for properties under consideration for up to 120 days. Any building permit issued prior to the recommendation of an ordinance for designation may continue until its expiration.

**(c) Design Guidelines for Historic Districts and Landmarks**

(1) Intent

Design Guidelines shall identify the characteristic features of the Historic District or Landmark to be used in determining the compatibility of new construction or alterations with the character and architecture of the area. It is the responsibility of the LHPC to ensure that changes, including demolition and relocation, in the Historic Districts or Landmarks are consistent with the appropriate Design Guidelines, including any Lafayette Historic District or Landmark Guidelines.

(2) Development



- a. The LHPC shall draft Design Guidelines, and working with neighborhood residents, any additional Design Guidelines specific to any post-designation of a Historic District or Landmark, all consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties.
- b. The LHPC shall hold a public hearing in order to receive comments on proposed Design Guidelines and, at the conclusion of that hearing, shall recommend to the appropriate Planning Commission(s) their approval, approval with changes, or may defer action, determining additional work is necessary.
- c. After receiving the LHPC’s recommendation, the appropriate Planning Commission(s) shall consider proposed Design Guidelines at a public hearing. Following the public hearing, the appropriate Planning Commission(s) shall recommend to the appropriate Council(s) their approval, approval with changes, all consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, or may refer them back to the LHPC for additional work.
- d. The Lafayette City Council and/or the Lafayette Parish Council, as the case may be, shall make the final determination regarding Design Guidelines, all consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, evidenced through the adoption of an ordinance, considering the recommendations of the LHPC and the appropriate Planning or Zoning Commission(s), at a public hearing.
- e. Notice of all hearings on Design Guidelines shall be published in at least three consecutive issues in the official journal. 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.
- f. All amendments to Design Guidelines shall follow the procedure set forth above in this subsection (2).

**(d) Certificates of Appropriateness (COA)**

(1) When Required

A COA shall be required for any exterior change to any property within a designated Historic District or Landmark, or the demolition or relocation of a designated Landmark or Historic Element within a Historic District, unless the change is determined to be ordinary maintenance and repair under the applicable Design Guidelines.

(2) Approval Authority

Depending on the nature of the work proposed, a COA may be issued by the by the Administrator through a staff-level approval process, or by the LHPC through a public hearing process.

(3) Submittal Requirements

Applications shall be submitted along with required documentation identified below to the office of the Community Development & Planning Department.

a. New Construction, Additions, and Alterations

Such drawings, photographs, or plans as may be required by the Administrator to permit determination of conformity with the applicable Design Guidelines.



b. Demolition or Relocation

Unless the request for demolition is made by the City of Lafayette and/or the Parish of Lafayette, in which case only the records depicting the current condition of the building and the Building Official's determination that the structure is unsafe are required, an applicant shall provide the following material:

1. Records depicting the original construction of the structure, including drawings, pictures, and/or written descriptions, if available;
2. Records depicting the current condition of the structure, including drawings, pictures, and/or written descriptions;
3. Description of the proposed use of the property after demolition/relocation of structure;
4. The current fair market value of the structure and property as determined by an independent licensed appraiser or recent sales documents; and
5. A reliable report regarding the nature, imminence, and severity of the threat, the cost of restoration or rehabilitation of the structure, and the feasibility of restoration or rehabilitation of the structure.

(4) Criteria for Approval

The decision to approve a COA shall be based on the application meeting the following criteria:

a. New Construction, Additions, and Alterations

The proposed work is consistent with the Design Guidelines applicable to the subject property.

b. Demolition or Relocation

The LHPC shall, apply the criteria and standards contained within the applicable Design Guidelines and may approve a COA for demolition or relocation.

(5) Relation to Other Ordinances

The issuance of a COA shall not relieve an applicant from any and all requirements to obtain a building permit, special use permit, variance, or other authorization required by any other provision of the Lafayette City-Parish Consolidated Government Code of Ordinances concerning zoning, construction, repair, or demolition. In all such cases, applicants are required to obtain a COA prior to obtaining other required approvals as other agencies will require the decision of the LHPC in order to make their subsequent decisions.

(6) Undue Hardship

Where, by reason of topographical conditions, irregularly shaped lots, or because of unusual circumstances applicable solely to the particular applicant, strict enforcement of the Historic Preservation provisions of this Chapter would result in serious undue hardship particularly affecting said applicant, then the LHPC, in passing upon his application shall have the power to vary or modify adherence to the Historic Preservation provisions of this Chapter; provided always that its requirements insure harmony with the general purposes hereof, and will not adversely affect a





Historic District as a whole or any Historic Landmark. Any relief granted pursuant to this paragraph shall be restricted to the minimum needed to provide the relief the applicant is requesting.

(7) Exceptions

- a. Temporary fences on private property shall not require a COA provided that the temporary fence is no more than five (5) feet in height and is in place no more than thirty (30) days. In no instance shall the fencing be within the public right-of-way or restrict access along streets or sidewalks.
- b. Ordinary maintenance or repair shall not require a COA.
- c. The Administrator may authorize work which would require a COA and is deemed necessary on an emergency basis for the preservation of a structure. Such authorization shall not constitute issuance of a COA, and the property owner must apply for a COA in a timely manner after such work is commenced. Failure to apply for a COA within ten (10) working days of the Administrator’s authorization for such work shall constitute a violation of these regulations.

(8) Stopping Work Commenced Without or Inconsistent With COA

The Building Official shall be authorized to issue a Stop Work Order related to any work involving a Historic District or Landmark, requiring a COA, that is being performed without a valid COA or is inconsistent with a valid COA. Any such work shall be considered a violation of this Chapter.

**(e) Demolition by Neglect**

(1) Prevention

- a. All locally designated Landmarks, including all Historic Elements thereon, as well as all Historic Elements located in a Historic District, shall be preserved against decay, deterioration, and kept free from structural defects by the owner thereof or such person, persons, or entities who may have custody or control thereof.
- b. Demolition by neglect shall mean neglect in maintaining, repairing, or securing a Landmark or any Historic Element thereon, or a Historic Element located in a Historic District that results in deterioration of an exterior feature of the Historic Element, or the loss of structural integrity of the Historic Element that threatens the condition of the Historic Element or its structure.
- c. The LHPC shall ensure that all locally designated Landmarks including all Historic Elements thereon, as well as all Historic Elements located in a Historic District designated by the LHPC are not allowed to be demolished through neglect of the owner. However, if the property owner has submitted a COA application, then the LHPC shall not finalize demolition by neglect proceedings until the COA is denied and all appeals have been exhausted.

(2) Standards

The exterior features of any locally designated Landmarks including all Historic Elements thereon, as well as all Historic Elements located in a Historic District found to have defects shall be rehabilitated by the owner or such other person who may have legal possession, custody, and control thereof protecting 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 Administrator stabilize or repair such features if they are found to be deteriorating, or if their condition is contributing to



deterioration of the property or the Historic 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 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 integrity of the structure;
- c. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling where such condition threatens the integrity of the chimney;
- d. Deterioration or crumbling of exterior plasters or mortars where there is evidence that such condition has allowed deterioration of 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 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 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 lost or destroyed; or
- i. Deterioration of accessory structures.

(3) Procedure for Enforcement of Demolition by Neglect

- a. The LHPC may, by majority vote, identify a Landmark or any Historic Element thereon, or a Historic Element located in a Historic District as a candidate for potential Demolition by Neglect violations and request that the Administrator perform an inspection of said identified property.
- b. The Administrator shall present the findings of the inspection to the LHPC at its next available meeting following the completion date of the inspection. Based upon the reported finding of the inspection and the standard for Demolition by Neglect herein, the LHPC shall declare, by majority vote, whether or not the identified property is in violation of the Demolition by Neglect provisions. If the identified property is found to meet one or more of the applicable criteria of the Demolition by Neglect provisions herein, then the Administrator shall commence enforcement proceedings through the Administrative Adjudication Bureau pursuant to 89-170 and utilize its procedural processes therein.



**(e) How are decisions made?**

- (1) The Administrator will submit the building survey to the State Historic Preservation Office for review and comment, as appropriate, and, for the designation of a Historic District, conduct the community survey required.
- (2) Following the receipt of the State Historic Preservation Office comments on the building survey and, if applicable, the results of the community survey, the LHPC shall consider the merit of designation at a public hearing and shall recommend approval, approval with conditions, or denial of any request in a timely manner.
- (3) Following receipt of the recommendation of the LHPC, the appropriate Planning Commission(s) shall hold a public hearing on the designation and shall recommend approval, approval with conditions, or denial of any request in a timely manner.
- (4) Following the receipt of the recommendations of the LHPC and the appropriate Planning Commission(s), the Lafayette City Council and/or the Lafayette Parish Council, as the case may be, shall make the final determination regarding a designation, considering the recommendations of the LHPC and the appropriate Planning Commission(s), at a public hearing.

**(f) What are the standards for approval?**

See §89-34.

**(g) How is a decision appealed?**

Any Appeal of a decision of the Council(s) relative to the designation of a Historic District or Landmark shall be taken to the 15<sup>th</sup> Judicial District Court of the Parish of Lafayette within thirty (30) days of the date of the Council(s) action.

## 89-71 Certificates of Appropriateness

**(a) When does this process apply?**

A Certificate of Appropriateness (“COA”) shall be required for any exterior change to any property within a designated Historic District or Landmark, or the demolition or relocation of a designated Landmark or Historic Element within a Historic District. Notwithstanding the foregoing, a COA is not required if the change(s) is determined to be ordinary maintenance and repair under the applicable Design Guidelines.

**(b) How do I start the process?**

An application for a COA, in the form provided by CD&P, shall be filed with the Administrator.

**(c) How do I know if my application is complete?**

See §89-34.

**(d) What kind of public notice is required?**



The following notice is required prior to action by the Lafayette Historic Preservation Commission:

Type	When provided
<b>Publication and Posting</b>	<ul style="list-style-type: none"> <li>• Publish 10 days before the scheduled hearing.</li> <li>• Post a copy of the notice at the principal office of the public body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.</li> </ul>

**(e) How are decisions made?**

**(1) Staff Level**

- a. COAs for those changes that do not involve substantive changes of design, material, or of the outward appearance, and which are consistent with applicable Design Guidelines may be approved by the Administrator without a public hearing provided that no work is performed prior to the issuance of the COA except as has been authorized by the Administrator as an emergency repair.
- b. The Administrator may approve, approve with modifications, or deny such application. The Administrator’s decision is considered final, subject to approval on a consent agenda at the next available meeting of the LHPC.
- c. The LHPC will create a consent agenda for approval of the Administrator’s decisions on the issuance of a staff level COA. The LHPC may approve those consent agenda items, in globo, at the public hearing. The LHPC may remove any item from the consent agenda and place it upon the regular agenda of the next available meeting and conduct a public hearing on that item. The LHPC may approve, approve with modifications, or deny such application.
- d. The applicant for a staff level COA that is denied by the Administrator may appeal such denial to the LHPC for consideration at a public hearing by filing an appeal in writing to the office of the Community Development & Planning Department within ten (10) working days from transmission of the denial to the applicant.
- e. Approved COAs may be revised by the Administrator if the revision meets the requirements of a staff level application. All other revisions to an approved COA shall follow the public hearing level procedures in Section 89-71(e)(2).

**(2) Public Hearing Level**

- a. Any application for a COA that involves substantive changes of design, material, or of the outward appearance, or which is inconsistent with applicable Design Guidelines, all applications for demolition and relocation, any application seeking approval for work done without first obtaining a COA, or those applications referred by the Administrator, may only be approved by the LHPC after a public hearing.
- b. Within forty-five (45) days after the filing of an application, the LHPC shall act upon it and shall state its reasons for its decision and shall transmit a record of such actions and reasons, in writing, to the applicant.
- c. The LHPC shall approve the application with or without conditions and issue a COA if it finds that the proposed work is consistent with the applicable Design Guidelines and the applicable approval criteria established in the Lafayette Development Code.



d. In cases where the application covers work that would require the issuance of a building permit, the rejection of the application for a COA by the LHPC 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.

e. If the LHPC approves an application over which objections are raised during the review process, whether by an LHPC member or the public, the COA shall not be issued for a period of ten (10) calendar days following the date of the LHPC's decision. If during that period an appeal is made to the appropriate Council(s), the decision of the LHPC shall automatically be stayed pending Council(s) review.

f. Approved COAs may be revised by the Administrator if the revision meets the requirements of a staff level application. All other revisions to an approved COA shall follow the public hearing level procedures in Section 89-71(e)(2)..

g. Effect of Denial of an Application for Demolition and Relocation

If a COA for demolition/relocation is denied, no further applications may be considered for the subject matter of the denied application for one (1) year from the date of the final decision unless the LHPC, by majority vote, waives the time limitation, finding that there are changed circumstances sufficient to warrant a new hearing.

**(f) What are the standards for approval?**

See §89-34.

**(g) For how long is my Certificate of Appropriateness valid?**

A COA shall become void unless the approved work is commenced within twelve (12) months of the date of issuance, and completed within twelve (12) months of commencement, but may be extended by the Administrator, in consultation with the LHPC chairman, for up to two (2), one-year periods for good cause shown.

**(h) How is a decision appealed?**

**(1)** Any person adversely affected by any determination made by the LHPC relative to the issuance or denial of a COA may appeal such determination to the appropriate Council(s); the appeal must be filed with the Clerk of the Council for the appropriate Council(s) within ten (10) calendar days of the date of the LHPC decision. The Chairman of the Council(s) with whom the appeal has been lodged shall have the right to stay all further action until the Council(s) renders its decision on the appeal. The appeal shall be placed on the agenda(s) of either a regular or special meeting of the appropriate Council(s), as may be determined by the Chairman of the appropriate Council(s) considering the complexity of the issues, anticipated time to review, and such other consideration as are appropriate, but in no event more than forty-five (45) days from the date of the filing of the appeal. The appropriate Council(s) may approve, approve with modifications, or reverse the decision made by the LHPC.

**(2)** Any Appeal of a decision of the Council(s) relative to the issuance of COAs shall be taken to the 15<sup>th</sup> Judicial District Court of the Parish of Lafayette within thirty (30) days of the date of the Council(s) action.



### **(b) Authority and Duties**

The function of the Hearing Examiner is to:

- (1) Review subdivision plat applications which qualify under either R.S. 33:113 or 33:113.1 for approval without public hearing or which qualify for consideration and administrative approval.
- (2) When a plat application comes before the Hearing Examiner under Article 4 of this Chapter, approve or certify certain plats involving minor modifications of existing parcels.
- (3) On a monthly basis, provide the appropriate Planning and Zoning Commission with a summary of all plats acted upon by the Hearing Examiner, so that the appropriate Planning and Zoning Commission may review, analyze and otherwise monitor the activities of the Hearing Examiner.
- (4) Enforce the provisions of both state law and applicable subdivision regulations relative to the creation of illegal subdivisions and the territorial jurisdiction covered by the respective subdivision regulations. In that regard, the Hearing Examiner may take any one or more of the following actions:
  - a. Deny the granting of building permits for the construction of improvements upon property which are subdivided without compliance with these subdivision regulations.
  - b. Turn over to legal counsel for the LCG any found violations for purpose of prosecution under R.S. 33:114.
  - c. Resort to such other remedies as are provided by state law or local ordinance.
- (5) Grant extensions of letters of credit as provided in Article 4 of this Chapter.

## **89-124 Areawide Development Review Committee**

### **(a) Establishment**

There is established an Areawide Development Review Committee (“ADRC”) consisting of representatives of the various LCG departments and agencies, committees or boards with control over public facilities or services, or public or private utilities or franchises.

### **(b) Authority and Duties**

- (1) The ADRC may review plats is reviewed for compliance with drainage, transportation, zoning, utilities, and similar requirements of this Chapter, and
- (2) Make a recommendation of approval, conditional approval or denial to the Hearing Examiner or appropriate Planning and Zoning Commission.

## **89-125 Lafayette Historic Preservation Commission**

*Action Items (2.1.1, 4.1.3, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.3.2)*

### **(a) Lafayette Historic Preservation Commission**



- (1) The Lafayette Preservation Commission (previously designated under 89-34) shall continue in existence but shall hereinafter be known as the Lafayette Historic Preservation Commission (“LHPC”). The LHPC shall serve as a “Historic District Commission” pursuant to Louisiana Revised Statutes §25:732 to aid in the preservation and protection of buildings, sites, monuments, structures and areas of historic interest or importance through their protection, maintenance and development as historic landmarks and their recognition as such in the history and traditions of the state and nation; to establish and improve property values; and to foster the economic development of the areas affected.
- (2) **Membership:** The LHPC shall consist of seven (7) members, one (1) of which shall be a licensed architect. Two (2) alternate members shall also be appointed. A quorum of the LHPC shall consist of a total of four (4) members, which may include alternates. In an effort to maximize the number of members in attendance at LHPC meetings, even when a quorum is otherwise present, alternates may also be called upon to serve. When so serving, alternate members shall have all the powers and duties of regular members. Any member to be appointed must be a registered voter and domiciled in either the City of Lafayette corporate limits or in the unincorporated portions of Lafayette Parish, Louisiana at the time of his/her appointment and he/she must remain a registered voter and domiciled in either the City of Lafayette corporate limits or in the unincorporated portions of Lafayette Parish, Louisiana during his/her term of office. All members shall serve at the pleasure of the appointing authority.
- (3) **Appointment and Terms**
  - a. The Mayor-President shall appoint the members of the LHPC.
    1. One (1) appointment shall be a minority as defined by LA. R.S. 38:2233.2.
    2. One (1) appointment shall be a person who is a licensed architect.
  - b. LHPC appointments shall be subject to approval, jointly, by majority vote of each the Lafayette City Council and Lafayette Parish Council.
  - c. In making appointments, preference shall be given to individuals with demonstrated interest or expertise in historic preservation, including representatives from historical, cultural, business, educational, archeological, architectural, developmental, artistic, commercial, and preservation organizations.
  - d. All members shall be appointed for terms of four (4) years.
  - e. The limitations of service shall be three (3) consecutive terms but in no case to exceed twelve (12) consecutive years. Service of one-half (1/2) or more of an unexpired term shall be considered a term within the meaning of this limitation.
  - f. In order for an individual to be considered for reappointment to the LHPC, on which that person served the maximum length of time allowed, a period of four (4) years must elapse since the last day of service.
  - g. Vacancies shall be filled by appointment in the same manner as the original appointments and members may be re-appointed for another term if eligible.
  - h. The appointing authority for any appointment shall communicate, in writing, to the Clerk of the Lafayette Parish Council and the Lafayette City Council the name of the appointee to the LHPC and the date of the appointment.





- (4) **Officers/Quorum:** The LHPC shall elect, at its first meeting and annually thereafter, a Chairman and Vice Chairman from its membership. The term of each officer shall be one (1) year, with eligibility for reelection. Four (4) members of the LHPC shall constitute a quorum for all purposes.
- a. Meetings of the LHPC shall be held at the call of the Chairman and at such other time as the LHPC may determine.
  - b. The LHPC may establish any policy, procedure, rule and/or regulation concerning the conduct of its affairs, including but not limited to, the conduct of its meetings as the LHPC in its sole discretion shall deem necessary for the conduct of its business.
  - c. The staff of the LHPC, to the extent funds are available, may provide public information and technical assistance to owners of Landmarks or properties within Historic Districts, including, but not limited to:
    1. Lafayette Historic Preservation Commission brochures;
    2. Periodic newsletters and mailings;
    3. Neighborhood workshops;
    4. Annual reports;
    5. Glossary of terms; and
    6. List of architects, contractors, subcontractors, and crafts people working on older structures in the area for possible aid and guidance.
  - d. For exercising and coordinating its functions as specified, the LHPC shall be provided with a staff person, to the extent that funds are available, from LCG.
- (5) **Committees:** The LHPC shall have the power to designate and appoint, from among its members, various committees with such powers and duties as the LHPC may prescribe, provided that said powers and duties do not violate any law of the State of Louisiana, the City of Lafayette, the Parish of Lafayette, and/or the Lafayette City-Parish Consolidated Government.
- (6) **Powers and Authorities:** The powers and authorities of the LHPC shall be as follows:
- a. Protect, enhance, and perpetuate resources that represent distinctive and significant elements of the City and Parish of Lafayette's historical, cultural, social, economic, political, archaeological, and architectural identity;
  - b. Provide a review process for the preservation and appropriate development of the City and Parish's resources, including the development and approval of Design Guidelines for use in this purpose as well as review applications for Certificates of Appropriateness on private property, and approve, approve with modifications, or deny the Certificates of Appropriateness in accordance with the provisions of the Lafayette Development Code;
  - c. To conduct educational programs on historic preservation;
  - d. Advise any governmental agency of the State or local government prior to the initiation of any substantive change, modification, renovation, restoration or construction to or upon any historic site within the LHPC's jurisdiction, pursuant to Louisiana Revised Statutes §25:742;





- e. Prepare an inventory of all property within its jurisdiction having the potential for designation as historic property;
- f. Recommend to the appropriate Planning Commission(s) and the appropriate Council(s) specific places, districts, sites, buildings, structures, objects, or works of art to be designated by ordinance as historic properties;
- g. Recommend to the appropriate Planning Commission(s) and the appropriate Council(s) that the designation of any historic place, district, site, building, structure, object, or work of art as historic property be revoked or removed;
- h. Recommend restoration or preservation guidelines of any properties acquired by the City of Lafayette, Parish of Lafayette, and/or the Lafayette City-Parish Government;
- i. Promote the acquisition by the City of Lafayette, Parish of Lafayette, and/or the Lafayette City-Parish Government of preservation easements;
- j. Make such investigation and studies of matters relating to historic preservation as the appropriate Council(s) or the LHPC may, from time to time, deem necessary or appropriate;
- k. Apply for State and federal funds for historic preservation, and make recommendations to the appropriate Council(s) concerning the most appropriate uses of any funds acquired;
- l. Consult with experts;
- m. Maintain Certified Local Government status with the Division of Historic Preservation of the Department of Culture, Recreation, and Tourism;
- n. Perform historic preservation activities as the official agency of the Lafayette City-Parish Consolidated Government;
- o. Recommend to the appropriate Council(s) the acquisition or sale of historic properties or the acceptance by the City of Lafayette, Parish of Lafayette, and/or the Lafayette City-Parish Government of donations, grants, funds, or gifts of historic property on behalf of the LHPC;
- p. Recommend to the appropriate Council(s) incentives that can be expected to encourage the preservation of the community's historic resources and provide a positive incentive to affected property owners;
- q. To review zoning for areas affecting Historic Districts and Landmarks;
- r. To promote tax incentives and financial incentives;
- s. To review all public and private projects affecting historically significant resources;
- t. To recommend appropriate legislation for the preservation of any building, structure, site, monument, area or other landmark named or designated as historic;
- u. To set the standards for review of demolition or relocation permits with reference to properties designated as Landmarks or properties within Historic Districts and to review all applications for permits proposing demolition or relocation of all or any part of any building, structure, monument or other landmark named and designated as historic;
- v. To stimulate revitalization of business districts and historic neighborhoods and to protect and enhance local historical and aesthetic attractions to tourists and thereby promote business;



- w. To prepare and maintain an up-to-date inventory of all Historic Districts and Landmarks;
  - x. To establish uniform procedures for the protection, enhancement and perpetuation of places, districts, sites, buildings, structures and works of public art having a special historical, cultural or aesthetic significance, interest or value;
  - y. To make further recommendations concerning historic preservation and carry out such further functions and duties as may be assigned to it from time to time by LCG; and
  - z. To institute suit in any court of competent jurisdiction to prevent any unlawful action in violation of the provisions regarding Historic Preservation or of any of the rules and regulations adopted by the Lafayette City Council and/or the Lafayette Parish Council.
- (6) The Lafayette City-Parish Attorney, or his/her designee, shall serve as the legal advisor to the LHPC.
- (7) **REPORTS:** The LHPC shall keep an accurate record of all of its meetings and shall, at least annually, give to the Lafayette City Council and Lafayette Parish Council a written report on the activities of the LHPC for the prior year. The LHPC shall provide to the Clerk of the Lafayette City Council and the Lafayette Parish Council copies of the minutes of each of its meetings.
- (8) **AUDIT:** To the extent that the LHPC should be audited, the Lafayette City Council and the Lafayette Parish Council shall have the right, jointly, by ordinance, to (1) select and designate the auditor for the LHPC; (2) determine the cost of any such audit; and (3) determine how the cost of such audits shall be paid. Furthermore, the Lafayette City Council and the Lafayette Parish Council will have the right, jointly, by ordinance, to designate a private auditor to make any audit, which they desire, concerning the financial affairs of this LHPC.
- (9) **BUDGET:** The annual proposed budget of the LHPC, if any exists, shall be submitted by the LHPC to the Lafayette City Council and the Lafayette Parish Council no later than thirty (30) days before the end of the LHPC's fiscal year. The Lafayette City Council and the Lafayette Parish Council shall, jointly, by resolution, approve or deny the proposed budget, or any part or portion thereof, for the LHPC.
- (10) **APPEAL:** Any person adversely affected by any decision, act, or proceeding of the LHPC may appeal to the appropriate Council(s); the appeal must be filed with the Clerk of the Council for the appropriate Council(s) within ten (10) calendar days of the LHPC decision. The Chairman of the Council(s) with whom the appeal has been lodged shall have the right to stay all further action until the Council(s) renders its decision on the appeal. The appeal shall be placed on the agenda(s) of either a regular or special meeting of the appropriate Council(s), as may be determined by the Chairman of the appropriate Council(s) considering the complexity of the issues, anticipated time to review, and such other consideration as are appropriate, but in no event more than forty-five (45) days from the date of the filing of the appeal. The appropriate Council(s) may approve, approve with modifications, or reject the decision, act, or proceeding of the LHPC.

**89-126 to 89-149 Reserved**



<b>Recreational facility, accessory</b>	A recreational facility for the exclusive use of members and their guests, or solely for the use of employees of a permitted business use. This may include swimming pools, tennis courts, exercise facilities, and similar indoor activities. It does not include golf courses, which are classified separately.
<b>Sign</b>	See §§89-90 (“Signs”)
<b>Storage</b>	Containers or bins that are used for on-site temporary storage generally for the purposes of moving.
<b>Miscellaneous</b>	
<b>Temporary Uses</b>	See §§89-92 (“Temporary Uses”)

## 89-22 Overlay Districts

A set of regulations which apply to a specific geographic area in addition to the underlying zoning districts and existing zoning and development regulations is commonly known as an “overlay district.”

The Louisiana Avenue Zoning and Development Overlay District, The Louisiana Avenue Interstate 10 Zoning and Development Overlay District, and the University Avenue Zoning and Development Overlay District, shall remain in full force and effect. The standards for governing zoning and development within the overlay districts are set forth in Appendix A of this chapter.

## 89-23 Reserved Historic Districts

The description of Historic Districts and any specific regulations related thereto are set forth in Appendix B of this Chapter. These specific regulations are in addition to any applicable general Historic Preservation provisions in this Chapter, as well as the underlying zoning districts and existing zoning and development regulations applicable thereto.

## 89-2389-24 Reserved



## **89-34 Designation of Historic Districts and Landmarks**

### **Preservation**

*Action Items (2.1.1, 4.1.3, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5 4.3.2)*

#### **(a) Criteria for Designation**

A Historic District or Landmark should exhibit one or more of the following characteristics:

(1) Historic or Cultural Significance. The site proposed for designation should:

- a. Have character, interest or value as part of the development, heritage, or cultural characteristics of the City of Lafayette, Parish of Lafayette, or the United States;
- b. Be the site of an historic event;
- c. Be identified with a person or group who influenced society; or,
- d. Exemplify the cultural, archaeological, economic, social, political, or historic heritage of the City and/or Parish of Lafayette and its communities.

(2) Architectural and Design Significance. The site proposed for designation should:

- a. Embody the distinctive characteristics of a type, period, theme, method of construction or indigenous materials and craftsmanship;
- b. Represent the work of a master architect, builder, engineer or that of significant artisans;
- c. Possess high artistic values and design integrity;
- d. Be a distinguishable entity in that it has not been altered to the extent that its original purpose or use is indiscernible;
- e. Be an established and familiar visual feature of the neighborhood and community or a place of natural or aesthetic interest that contributes to the cultural or historical development of the City and/or Parish of Lafayette, State or region; or,
- f. Be an outstanding example of a building, structure, object, or work of art representative of its era, or one of the few remaining examples of past architectural styles.

#### **(b) Process for Designation**

(1) Application

a. Historic Districts

An historical society, neighborhood association operating within a proposed Historic District, one or more property owners owning property within a proposed Historic District, the Lafayette Consolidated Government Community Development & Planning Department, a member of the Lafayette Historic Preservation Commission, the Mayor-President, and, by Resolution, the Lafayette City Council (City of Lafayette) and/or the Lafayette Parish Council (unincorporated areas of Lafayette Parish) may apply for designation.



#### b. Historic Landmarks

An historical society, property owner of a proposed Historic Landmark, the Lafayette Consolidated Government Community Development & Planning Department, a member of the Lafayette Historic Preservation Commission, the Mayor-President, and, by Resolution, the Lafayette City Council (City of Lafayette) and/or the Lafayette Parish Council (unincorporated areas of Lafayette Parish) may apply for designation.

#### (2) Survey

a. As part of the application, applicants shall provide a survey that can be used to inform the public and to document and evaluate archaeological and historic sites for the purpose of understanding the architectural or cultural significance of all features within locally designated Historic Districts or Landmarks. The survey shall include:

1. A physical description of the proposed Historic District or Landmark, including clearly defined boundaries for the proposed Historic District, or the Landmark, and,
2. A description of its historic significance.

b. All structures, buildings, site features, objects, works of art and cultural landscapes in the proposed Historic District or Landmark shall be surveyed and evaluated and each shall be classified as:

1. Historic Element. A building, structure, site feature, object, work of art, or cultural landscape that is fifty years old or more that is culturally significant or a worthy representative example of its period style of architecture.
2. Non-Historic Element. A building, structure, site-feature, object, work of art, or cultural landscape that does not meet the criteria for a Historic Element listed above.

c. The survey shall be submitted to the State Historic Preservation Office for review and comment prior to any further action on the application.

#### (3) Community Survey for Historic Nominations

Each property owner within the area proposed for designation as a Historic District or each owner of a property proposed for designation as a Historic Landmark shall be sent a questionnaire, which may be returned to the Lafayette Historic Preservation Commission (“LHPC”), to ascertain the degree of interest in and support for the proposed designation by all property owners directly affected by the proposal. Such questionnaire shall be used for informational purposes only and shall not be binding on the LHPC, the appropriate Planning Commission(s) or Council(s). All questionnaires shall be mailed to the last known owner of the property at the municipal address shown in the records of the Lafayette Parish Tax Assessor’s Office at least thirty days prior to any adoption public hearings, on the designation of a Historic District or Landmark.

#### (4) Adoption Procedure

##### a. Historic Preservation Commission Action

Following receipt of the State Historic Preservation Office comments on the Survey, the LHPC shall consider the merits of designation in accordance with the applicable provisions of the



Lafayette Development Code at a public hearing and shall recommend, to the appropriate Planning or Zoning Commission(s), approval, approval with conditions, or denial of any request in a timely manner.

b. Planning Commission Action

Following receipt of the recommendation of the LHPC, the appropriate Planning or Zoning Commission(s) shall hold a public hearing on the designation and shall recommend, to the appropriate Council(s), approval, approval with conditions, or denial of any request in a timely manner.

c. Council Action

The Lafayette City Council and/or the Lafayette Parish Council, as the case may be, shall make the final determination regarding a designation, and if so designated, evidenced through the adoption of an ordinance, considering the recommendations of the LHPC and the appropriate Planning or Zoning Commission(s), at a public hearing.

d. Ordinance Requirements

Any ordinance designating a Historic District or Landmark shall describe the exterior boundaries of the Historic District or Landmark to be designated, and establish the requirement that a Certificate of Appropriateness (“COA”) be obtained from the LHPC prior to any change to the exterior of any part of a designated property that is visible from a public street.

e. Notification of Adoption of Ordinance for Designation

Within 30 days following the adoption of the ordinance for designation by the appropriate Council(s), the owners of each designated historic property shall be given written notification of such designation by the LHPC; which notice shall notify those owners of the requirement to obtain Certificates of Appropriateness.

f. Moratorium on Applications for Alterations or Demolitions

If an ordinance for designation has been recommended by the LHPC, the LHPC shall have the power to require that the Building Official delay an application for alteration or demolition for properties under consideration for up to 120 days. Any building permit issued prior to the recommendation of an ordinance for designation may continue until its expiration.

**(c) Design Guidelines for Historic Districts and Landmarks**

(1) Intent

Design Guidelines shall identify the characteristic features of the Historic District or Landmark to be used in determining the compatibility of new construction or alterations with the character and architecture of the area. It is the responsibility of the LHPC to ensure that changes, including demolition and relocation, in the Historic Districts or Landmarks are consistent with the appropriate Design Guidelines, including any Lafayette Historic District or Landmark Guidelines.

(2) Development



- a. The LHPC shall draft Design Guidelines, and working with neighborhood residents, any additional Design Guidelines specific to any post-designation of a Historic District or Landmark, all consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties.
- b. The LHPC shall hold a public hearing in order to receive comments on proposed Design Guidelines and, at the conclusion of that hearing, shall recommend to the appropriate Planning Commission(s) their approval, approval with changes, or may defer action, determining additional work is necessary.
- c. After receiving the LHPC’s recommendation, the appropriate Planning Commission(s) shall consider proposed Design Guidelines at a public hearing. Following the public hearing, the appropriate Planning Commission(s) shall recommend to the appropriate Council(s) their approval, approval with changes, all consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, or may refer them back to the LHPC for additional work.
- d. The Lafayette City Council and/or the Lafayette Parish Council, as the case may be, shall make the final determination regarding Design Guidelines, all consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties, evidenced through the adoption of an ordinance, considering the recommendations of the LHPC and the appropriate Planning or Zoning Commission(s), at a public hearing.
- e. Notice of all hearings on Design Guidelines shall be published in at least three consecutive issues in the official journal. 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.
- f. All amendments to Design Guidelines shall follow the procedure set forth above in this subsection (2).

**(d) Certificates of Appropriateness (COA)**

(1) When Required

A COA shall be required for any exterior change to any property within a designated Historic District or Landmark, or the demolition or relocation of a designated Landmark or Historic Element within a Historic District, unless the change is determined to be ordinary maintenance and repair under the applicable Design Guidelines.

(2) Approval Authority

Depending on the nature of the work proposed, a COA may be issued by the by the Administrator through a staff-level approval process, or by the LHPC through a public hearing process.

(3) Submittal Requirements

Applications shall be submitted along with required documentation identified below to the office of the Community Development & Planning Department.

a. New Construction, Additions, and Alterations

Such drawings, photographs, or plans as may be required by the Administrator to permit determination of conformity with the applicable Design Guidelines.





b. Demolition or Relocation

Unless the request for demolition is made by the City of Lafayette and/or the Parish of Lafayette, in which case only the records depicting the current condition of the building and the Building Official's determination that the structure is unsafe are required, an applicant shall provide the following material:

1. Records depicting the original construction of the structure, including drawings, pictures, and/or written descriptions, if available;
2. Records depicting the current condition of the structure, including drawings, pictures, and/or written descriptions;
3. Description of the proposed use of the property after demolition/relocation of structure;
4. The current fair market value of the structure and property as determined by an independent licensed appraiser or recent sales documents; and
5. A reliable report regarding the nature, imminence, and severity of the threat, the cost of restoration or rehabilitation of the structure, and the feasibility of restoration or rehabilitation of the structure.

(4) Criteria for Approval

The decision to approve a COA shall be based on the application meeting the following criteria:

a. New Construction, Additions, and Alterations

The proposed work is consistent with the Design Guidelines applicable to the subject property.

b. Demolition or Relocation

The LHPC shall, apply the criteria and standards contained within the applicable Design Guidelines and may approve a COA for demolition or relocation.

(5) Relation to Other Ordinances

The issuance of a COA shall not relieve an applicant from any and all requirements to obtain a building permit, special use permit, variance, or other authorization required by any other provision of the Lafayette City-Parish Consolidated Government Code of Ordinances concerning zoning, construction, repair, or demolition. In all such cases, applicants are required to obtain a COA prior to obtaining other required approvals as other agencies will require the decision of the LHPC in order to make their subsequent decisions.

(6) Undue Hardship

Where, by reason of topographical conditions, irregularly shaped lots, or because of unusual circumstances applicable solely to the particular applicant, strict enforcement of the Historic Preservation provisions of this Chapter would result in serious undue hardship particularly affecting said applicant, then the LHPC, in passing upon his application shall have the power to vary or modify adherence to the Historic Preservation provisions of this Chapter; provided always that its requirements insure harmony with the general purposes hereof, and will not adversely affect a





Historic District as a whole or any Historic Landmark. Any relief granted pursuant to this paragraph shall be restricted to the minimum needed to provide the relief the applicant is requesting.

(7) Exceptions

a. Temporary fences on private property shall not require a COA provided that the temporary fence is no more than five (5) feet in height and is in place no more than thirty (30) days. In no instance shall the fencing be within the public right-of-way or restrict access along streets or sidewalks.

b. Ordinary maintenance or repair shall not require a COA.

c. The Administrator may authorize work which would require a COA and is deemed necessary on an emergency basis for the preservation of a structure. Such authorization shall not constitute issuance of a COA, and the property owner must apply for a COA in a timely manner after such work is commenced. Failure to apply for a COA within ten (10) working days of the Administrator's authorization for such work shall constitute a violation of these regulations.

(8) Stopping Work Commenced Without or Inconsistent With COA

The Building Official shall be authorized to issue a Stop Work Order related to any work involving a Historic District or Landmark, requiring a COA, that is being performed without a valid COA or is inconsistent with a valid COA. Any such work shall be considered a violation of this Chapter.

**(e) Demolition by Neglect**

(1) Prevention

a. All locally designated Landmarks, including all Historic Elements thereon, as well as all Historic Elements located in a Historic District, shall be preserved against decay, deterioration, and kept free from structural defects by the owner thereof or such person, persons, or entities who may have custody or control thereof.

b. Demolition by neglect shall mean neglect in maintaining, repairing, or securing a Landmark or any Historic Element thereon, or a Historic Element located in a Historic District that results in deterioration of an exterior feature of the Historic Element, or the loss of structural integrity of the Historic Element that threatens the condition of the Historic Element or its structure.

c. The LHPC shall ensure that all locally designated Landmarks including all Historic Elements thereon, as well as all Historic Elements located in a Historic District designated by the LHPC are not allowed to be demolished through neglect of the owner. However, if the property owner has submitted a COA application, then the LHPC shall not finalize demolition by neglect proceedings until the COA is denied and all appeals have been exhausted.

(2) Standards

The exterior features of any locally designated Landmarks including all Historic Elements thereon, as well as all Historic Elements located in a Historic District found to have defects shall be rehabilitated by the owner or such other person who may have legal possession, custody, and control thereof protecting 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 Administrator stabilize or repair such features if they are found to be deteriorating, or if their condition is contributing to



deterioration of the property or the Historic 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 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 integrity of the structure;
- c. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling where such condition threatens the 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 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 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 lost or destroyed; or
- i. Deterioration of accessory structures.

### (3) Procedure for Enforcement of Demolition by Neglect

- a. The LHPC may, by majority vote, identify a Landmark or any Historic Element thereon, or a Historic Element located in a Historic District as a candidate for potential Demolition by Neglect violations and request that the Administrator perform an inspection of said identified property.
- b. The Administrator shall present the findings of the inspection to the LHPC at its next available meeting following the completion date of the inspection. Based upon the reported finding of the inspection and the standard for Demolition by Neglect herein, the LHPC shall declare, by majority vote, whether or not the identified property is in violation of the Demolition by Neglect provisions. If the identified property is found to meet one or more of the applicable criteria of the Demolition by Neglect provisions herein, then the Administrator shall commence enforcement proceedings through the Administrative Adjudication Bureau pursuant to 89-170 and utilize its procedural processes therein.

*Action Items (2.1.1, 4.1.3, 4.2.4, 4.3.2)*



### ~~(a) Creation of Lafayette Preservation Commission~~

~~(1) The Lafayette Preservation Commission is hereby created for the following purposes:~~

- ~~a. To provide for designation of Historic Assets: Historic Neighborhoods, Historic Landmarks, Historic Properties, and Historic Cultural Resources;~~
- ~~b. To provide for an Appeals Procedure, as defined herein;~~
- ~~c. To stimulate revitalization of business districts and historic neighborhoods and to protect and enhance local historical and aesthetic attractions to tourists and thereby promote business; and~~
- ~~d. To establish uniform procedures for the protection, enhancement and perpetuation of places, districts, sites, buildings, structures, and works of public art having a special historical, cultural or aesthetic significance, interest or value.~~

~~(2) **Membership:** The Commission shall consist of seven (7) members, one (1) of which will be a licensed architect. Any member to be appointed must be a registered voter and domiciled in either the City of Lafayette Corporate limits or in the unincorporated portions of Lafayette Parish, Louisiana at the time of his/her appointment and he/she must remain a registered voter and domiciled in either the City of Lafayette Corporate limits or in the unincorporated portions of Lafayette Parish, Louisiana during his/her term of office. All members shall serve at the pleasure of the appointing authority.~~

### ~~(3) Appointment and Terms~~

~~a. The Mayor-President shall appoint the members of the Lafayette Preservation Commission.~~

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

~~2. One (1) appointment shall be a person who is a licensed architect.~~

~~b. Preservation Commission appointments shall be subject to approval, jointly, by majority vote of each the Lafayette City Council and Lafayette Parish Council.~~

~~c. In making appointments, preference shall be given to individuals with demonstrated interest or expertise in historic preservation, including representatives from historical, cultural, business, educational, archeological, architectural, developmental, artistic, commercial, and preservation organizations.~~

~~d. Subsequent to all original appointments, all members shall be appointed for terms of four (4) years.~~

~~e. The limitations of service shall be three (3) consecutive terms but in no case to exceed twelve (12) consecutive years. In the case of the initial appointments, prior service on the Commission shall be counted toward this term limitation.~~

~~f. Service of one half (1/2) or more of an unexpired term shall be considered a term within the meaning of this limitation.~~

~~g. In order for an individual to be considered for reappointment to this Commission, on which that person served the maximum length of time allowed, a period of four (4) years must elapse since the last day of service.~~

~~h. Vacancies shall be filled by appointment in the same manner as the original appointments and members may be re-appointed for another term if eligible.~~



- ~~i. The appointing authority for any appointment shall communicate, in writing, to the Clerk of the Lafayette Parish Council and the Lafayette City Council the name of the appointee, the name of the Board, Commission, and/or Local Agency for which the appointment has been made and the date of the appointment. All appointments to any Board, Commission and/or Local Agency shall be memorialized by joint adoption of an ordinance or resolution of the Lafayette Parish Council and the Lafayette City Council.~~
- ~~(4) **Officers/Quorum:** The Commission shall elect, at its first meeting and annually thereafter, a Chairman and Vice Chairman from its membership. The term of each officer shall be one (1) year, with eligibility for reelection. Four (4) members of the Commission shall constitute a quorum for all purposes. The Director of the Development and Planning Department, or a designated representative thereof, shall serve as the Secretary to the Commission.~~
  - ~~a. Meetings of the Commission shall be held at the call of the Chairman and at such other time as the Commission may determine.~~
  - ~~b. The Commission may establish any policy, procedure, rule and/or regulation concerning the conduct of its affairs, including but not limited to, the conduct of its meetings as the Commission in its sole discretion shall deem necessary for the conduct of its business.~~
  - ~~c. The staff of the Lafayette Preservation Commission, to the extent funds are available, may provide public information and technical assistance to owners of Historic Assets, including, but not limited to:
 
    - ~~1. Lafayette Preservation Commission brochures;~~
    - ~~2. Periodic newsletters and mailings;~~
    - ~~3. Neighborhood workshops;~~
    - ~~4. Annual reports;~~
    - ~~5. Glossary of terms; and~~
    - ~~6. List of architects, contractors, subcontractors, and crafts people working on older structures in the area for possible aid and guidance.~~~~
  - ~~d. For exercising and coordinating its functions as specified, the Lafayette Preservation Commission shall be provided with a staff person, to the extent that funds are available, from LCG.~~
- ~~(5) **Powers and Authorities:** The basic functions of the Commission shall be as follows:
 
  - ~~a. To provide for designation of Historic Resources;~~
  - ~~b. To establish the criteria for designation of Historic Resources, the procedures for nomination, designation and rescission of Historic Assets: Historic Neighborhoods, Historic Landmarks, Historic Properties, Historic Cultural Resources, and to make an annual review of Historic Resources;~~
  - ~~c. To designate or recommend designation of any site, building, structure, monument, area or other landmark deemed appropriate by said Commission, which is located within the Parish of Lafayette, as historic and worthy of preservation;~~
  - ~~d. To promote restoration and preservation of any properties owned or acquired by LCG which have been designated as Historic Assets;~~
  - ~~e. To conduct educational programs on historic preservation;~~~~



- ~~f. To investigate and study such matters relating to historic preservation which the Commission may from time to time deem necessary or appropriate for the purpose of preserving historic resources;~~
- ~~g. To review zoning for areas affecting historic sites, districts and neighborhoods;~~
- ~~h. To promote tax incentives and financial incentives;~~
- ~~i. To review all public and private projects affecting historically significant resources;~~
- ~~j. To recommend appropriate legislation for the preservation of any building, structure, site, monument, area or other landmark which said Commission has so named or designated;~~
- ~~k. To set the standards for review of demolition permits with reference to properties designated as Historic Assets and to review all applications for permits proposing demolition of all or any part of any building, structure, monument or other landmark which said Commission has so named and designated;~~
- ~~l. To provide for an Appeals Procedure as defined herein;~~
- ~~m. To stimulate revitalization of business districts and historic neighborhoods and to protect and enhance local historical and aesthetic attractions to tourists and thereby promote business;~~
- ~~n. To prepare and maintain an up-to-date inventory of Historic Assets;~~
- ~~o. To establish uniform procedures for the protection, enhancement and perpetuation of places, districts, sites, buildings, structures and works of public art having a special historical, cultural or aesthetic significance, interest or value; and~~
- ~~p. To make further recommendations concerning historic preservation and carry out such further functions and duties as may be assigned to it from time to time by LCG.~~

**(b) Criteria for Designation of Historic Assets**

- ~~(1) The Lafayette Preservation Commission shall review and identify potential landmarks and adopt procedures to consider them for designation as Historic Assets as specified herein.~~
- ~~(2) Four types of designation are used for Historic Assets~~
  - ~~a. Historic Neighborhood~~
  - ~~b. Historic Landmark~~
  - ~~c. Historic Property~~
  - ~~d. Cultural Resource~~
- ~~(3) The factors to be considered by the Lafayette Preservation Commission in determining whether a particular subdivision should be designated as a **Lafayette Historic Neighborhood** shall include, but need not be limited to, one or more of the following:~~
  - ~~a. Its location is the site of a subdivision that was surveyed and recorded in the Lafayette Parish Courthouse before 1945, with a concentration of buildings contained therein that were constructed in or moved to the development before 1945.~~
  - ~~b. It is identified with a person or persons who significantly contributed to the history, culture, or development of the Parish of Lafayette, State of Louisiana, or the United States;~~



- ~~e. It exemplifies the culture, economic, social or aesthetic heritage of the Parish of Lafayette;~~
- ~~d. It embodies distinguishing characteristics of an architectural type of style or represents the work of an architect or master builder on a local level whose individual work is a fine example of a period, a type, a method of construction, or the use of a native material;~~
- ~~e. It occupies a unique location or possesses a singular physical characteristic that makes it an established or familiar visual feature in the Lafayette community; and~~
- ~~f. It is part of a group of related properties in an area which attains significance by being part of or related to a square, park or other distinctive area which exemplifies an historical period, cultural connection, or architectural motif unique to the development of the Parish of Lafayette;~~
- ~~(4) The factors to be considered by the Lafayette Preservation Commission in determining whether a particular property should be designated as a **Lafayette Historic Landmark** shall include, but need not be limited to one or more of the following:~~
  - ~~a. It constitutes a determination of eligibility for listing in the National Register of Historic Places, because it was evaluated by the Lafayette Preservation Commission under the National Register criteria and found to meet them.~~
  - ~~b. Its location is the site of a significant historic event.~~
  - ~~e. Meets one or more of the criteria listed above in 89-34(b)(3), Letters b, to f.~~
- ~~(5) The factors to be considered by the Lafayette Preservation Commission in determining whether a particular property should be designated as a **Historic Property** shall include, but need not be limited to, one or more of the following:~~
  - ~~a. Its location is the site of a significant historic event;~~
  - ~~b. It is a building identified with a person or persons who significantly contributed to the history, culture, or development of the Parish of Lafayette, State of Louisiana, or the United States;~~
  - ~~e. It is a building that exemplifies the culture, economic, social or aesthetic heritage of the Parish of Lafayette;~~
  - ~~d. It is a building that embodies distinguishing characteristics of an architectural type of style or represents the work of an architect or master builder on a local level whose individual work is a fine example of a period, a type, a method of construction, or the use of a native material;~~
  - ~~e. It is a building that occupies a unique location or possesses a singular physical characteristic that makes it an established or familiar visual feature in the Lafayette community; and~~
  - ~~f. It is a building that is part of a group of related properties in an area which attains significance by being part of or related to a square, park or other distinctive area which exemplifies an historical period, cultural connection, or architectural motif unique to the development of the Parish of Lafayette;~~
- ~~(6) The factors to be considered by the Lafayette Preservation Commission in determining whether a particular item should be designated as a **Historic Cultural Resource** shall include, but need not be limited to, one or more of the following:~~
  - ~~a. It is a sign, bell, structure, or piece of art or workmanship that is permanently installed at the site of a significant historic event, or is identified with a person or persons who has/have made a significant contribution to the history, culture or development of Lafayette, or commemorates a significant event or cultural characteristic, or history or development of Lafayette;~~



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

~~c. Meets one or more of the criteria listed above in 89-34(b)(3), Letters c, e, and f.~~

~~(7) Any structure, property, site, object, or area that meets one or more of the above criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration.~~

~~(8) Generally, a property must be a minimum of fifty (50) years old to be considered for nomination for Historic Asset designation. However, properties achieving particular significance in the community within the past fifty (50) years will be considered for nomination at the discretion of the Lafayette Preservation Commission.~~

~~(9) The Lafayette Preservation Commission shall not consider interior arrangement or the use of a designated Historic Asset.~~

~~(10) All properties in the Parish of Lafayette listed on the National Register of Historic Places shall be considered for Historic designation.~~

~~**(c) Procedures for Nomination, Designation and Rescission of Historic Neighborhoods, Historic Landmarks, Historic Properties, and Historic Cultural Resources (hereinafter referred to as Historic Assets)**~~

~~**(1) Nomination**~~

~~a. The Lafayette Preservation Commission shall consider for Historic Asset designation any resource, property or subdivision nominated by motion of any Commission member or requested by the owner of record of the proposed asset.~~

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

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

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

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

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

~~g. The Lafayette Preservation Commission shall send to the owners of the asset proposed for designation a list of the experts solicited to testify regarding the proposed designation, a brief statement of the matters upon~~





which the experts are expected to testify, and copies of all documentary evidence to be introduced by the Lafayette Preservation Commission.

- ~~A. Said list and statement shall be sent to the owners of the asset proposed for designation at least fifteen (15) days prior to the date of the public hearing on said designation, provided that nothing herein shall be construed to prohibit the Lafayette Preservation Commission from soliciting new or additional expert testimony or from acquiring new or additional documentary evidence within the fifteen (15) day time period specified herein upon reasonable notice to the owners of the asset for designation, and nothing herein shall be construed to prohibit the introduction of such additional testimony or evidence at any public hearing of the Lafayette Preservation Commission.~~
- ~~h. The Lafayette Preservation Commission shall afford the owner of said proposed asset reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of the proposed asset.~~
- ~~i. Any interested party may present testimony or documentary evidence regarding the proposed Historic Register designation at the public hearing.~~
- ~~j. Prior to the final decision regarding the proposed designation, the owner of the asset shall present to the Lafayette Preservation Commission a written statement declaring either support or opposition to the proposed designation. No property or portion thereof shall be designated as a Historic Property, Historic Landmark, or Cultural Resources without the express written consent of the owner.~~

## ~~(2) Designation~~

- ~~a. Within forty five (45) days after a public hearing, the Lafayette Preservation Commission shall render its final decision regarding the proposed designation and shall give written notice of its decision to the owner of the property, landmark, or cultural resource for designation setting forth the reasons therefor; provided, however, that if the Commission requires additional time for study, it may extend the period during which to give written notice of its decision for an additional forty five (45) days by notifying the owner in writing at least twenty (20) days prior to the expiration of the initial forty five (45) day period. The Commission may further extend the period during which to render its decision if the owner of the property gives consent in writing.~~
- ~~a. An official map identifying all historical locations and areas designated under this Chapter shall be maintained and periodically amended to reflect locations of such Historic Assets.~~
- ~~b. LCG may provide Historic Register signs to all owners of such designated Historic Assets. Any such signs shall be removed and returned to LCG upon termination of Historic Register status for any reason or cause whatsoever.~~

## ~~(3) Rescission~~

- ~~a. Requests for rescission of Historic Register designation shall be submitted by the property owner, in writing, to the Office of the Lafayette Preservation Commission.~~
- ~~a. No Historic Register designation shall be rescinded until a public hearing is held by the Lafayette Preservation Commission and the Lafayette Parish and City Councils as provided herein.~~
- ~~b. The Lafayette Preservation Commission shall hold a public hearing on the request for rescission of Historic Register designation within forty five (45) days of receipt of the request for such rescission.~~





- ~~c. After the public hearing of the Lafayette Preservation Commission, the Lafayette Parish Council and the Lafayette City Council shall hold a joint public hearing on the request for rescission of Historic Register designation. Said hearing of the Councils shall be held within forty five (45) days after the public hearing of the Lafayette Preservation Commission.~~
- ~~d. If the Councils jointly approve the request for rescission of Historic Register designation, the designation shall be deemed immediately rescinded. If the Councils do not approve the request for rescission, the rescission shall occur automatically upon the expiration of sixty (60) days after the date of the Councils' public hearing.~~
- ~~e. In all cases, rescission of Historic Asset designation shall occur automatically upon the expiration of one hundred fifty (150) days after receipt by the Office of the Lafayette Preservation Commission of a request for such rescission.~~

#### **(4) Annual Review of Historic Assets**

- ~~a. An annual review of all designated Historic Assets shall be held by the Lafayette Preservation Commission to ensure the continued compliance with the criteria for Historic Asset designation. Any designated Historic Asset which fails to maintain the criteria for Historic Register designation may have its Historic Asset designation revoked. The question of revocation of a Historic Register designation may be placed on the agenda of a Lafayette Preservation Commission meeting only by a Commission member or the Commission staff.~~
- ~~b. In its annual review of Historic Assets, the Lafayette Preservation Commission shall be guided by the following general standards:
  - ~~a. The distinguishing original qualities or character of a building, structure, or site and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided whenever possible.~~
  - ~~b. Alterations to a building, structure, or site and its environment that have no historical basis and seek to create an earlier or inaccurate appearance shall be strongly discouraged.~~
  - ~~c. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site should be treated with sensitivity.~~
  - ~~d. Deteriorated architectural features should be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.~~
  - ~~e. Contemporary design for alterations and additions to existing structures should not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the structure, neighborhood or environment. Whenever possible, new additions or alterations to structures should be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.~~~~

#### **(5) Applications for Demolition Permits**

- ~~a. Applications for demolition permits for designated Historic Assets shall be submitted in writing to DPD.~~



- ~~b. Permits for the demolition of a Historic Asset shall not be issued until a public hearing is held by the Lafayette Preservation Commission and the Lafayette Parish and City Councils on the proposed demolition. In the case of disapproval by the Councils of a request for such a demolition permit, the permit shall not be issued until the time period established by Subsection E of this Section has expired.~~
- ~~c. The Lafayette Preservation Commission shall hold a public hearing on the application for a permit for the demolition of a Historic Asset within forty-five (45) days receipt of the application for such a permit.~~
- ~~d. After the public hearing of the Lafayette Preservation Commission, the Lafayette City Council and Lafayette Parish Council shall hold a joint public hearing on the application for a permit for the demolition of a Historic Asset. Said hearing of the Councils shall be held within forty-five (45) days after the public hearing of the Lafayette Preservation Commission.~~
- ~~e. If the Councils jointly approve the request for the demolition permit after a public hearing, the permit shall be issued without further delay. If the Councils do not approve the request for the demolition permit, the permit shall be issued upon the expiration of sixty (60) days after the date of the Councils' public hearing.~~
- ~~f. In all cases, permits for the demolition of a Historic Asset shall be issued upon the expiration of one hundred fifty (150) days after receipt by DPD of an application for such a demolition permit.~~

**~~(6) Standards for Review for Demolition Permits~~**

~~In considering applications for demolition permits for Historic Assets the Lafayette Preservation Commission and the Councils shall be guided by the following general standards:~~

- ~~a. Whether the Historic Asset for which application is made continues to maintain sufficient criteria for Historic Designation.~~
- ~~b. Whether the applicant has explored preservation options and whether such options exist, including but not limited to:
 
  - ~~1. Sale of the Historic Asset or parts thereof to a person/persons interested in preserving the historical significance of the Asset.~~
  - ~~2. Relocation of the historically significant portion of the Historic Asset to another site not outside of the original historic context of the Asset.~~
  - ~~3. Incorporation of the historically significant portion of the Historic Asset into any new designs, uses or development.~~
  - ~~4. The granting or dedication of a façade easement.~~~~
- ~~c. Whether maintenance, restoration and/or preservation of the property is economically feasible in its present condition.~~
- ~~d. Whether measures less drastic than demolition would allow a reasonable return on the owner's investment in the Historic Asset.~~
- ~~e. Whether the Historic Asset is one of the last remaining examples of its kind in the neighborhood, city, parish, region, state or country.~~
- ~~f. Whether there are definite plans for reuse of the Historic Asset if the demolition is carried out, and what effect such plans will have on the architectural, cultural, historical, archeological, social, aesthetic, or environmental character of the surrounding area, as well as the economic impact of the new development.~~

**~~(7) Hardship Variances~~**



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

### ~~(8) Enforcement Powers~~

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

### ~~(9) Procedures for Appeals~~

#### ~~a. Appealable Decisions of Lafayette Preservation Commission:~~

~~Any person or persons of standing aggrieved by any decision, act, or failure to act, or proceeding of the Lafayette Preservation Commission ("Appealable Decision"), shall have the right to apply jointly in writing to the Lafayette Parish Council and Lafayette City Council ("Councils") for a reversal or modification thereof.~~

- ~~d. Procedure for the Councils in making a Disposition of Appeal from Appealable Decisions of the Lafayette Preservation Commission:~~
  - ~~1. In the course of the disposition of any appeal from an Appealable Decision of the Lafayette Preservation Commission, the Councils shall have the right to stay any further action or enforcement of such decision until the Councils jointly render their final decision on said appeal.~~
  - ~~2. All appeals from an Appealable Decision of the Lafayette Preservation Commission to the Councils shall be made in writing ten (10) days of the date of notification of said decision. In the case of notification by mail, the said ten (10) day period shall commence on the mailing date of the notification.~~
  - ~~3. The Councils shall consider a proper appeal at their next appropriate scheduled joint meeting following the receipt of said appeal, provided that the Councils shall consider said appeal no more than sixty (60) days after receipt.~~
  - ~~4. In the course of the disposition of appeals as authorized, the Councils shall conduct a joint hearing in which the property owner or the appellant shall be afforded the right to present evidence to support his/her position and a reasonable opportunity to be heard.~~
  - ~~5. At the close of the joint hearing, the Councils may, acting jointly, affirm, reverse, or modify the decision of the Lafayette Preservation Commission. Notwithstanding anything herein to the contrary, in the event the Councils fail to jointly agree on the Disposition of Appeal, the decision, act, or failure to act, or proceeding of the Lafayette Preservation Commission shall be deemed affirmed.~~



#### **(10) Procedures for Administration**

- ~~a. The Commission shall have the power to designate and appoint from among its members various committees with such powers and duties as the Commission may prescribe, provided that said powers and duties do not violate any law of the State of Louisiana or the Lafayette City Parish Government.~~
- ~~b. The Commission shall keep an accurate record of all of its meetings and shall, at least annually, give to the Lafayette City Council and Lafayette Parish Council a written report on the activities of the Commission for the prior year. The Commission shall provide to the Clerk of the Councils copies of the minutes of each of its meetings.~~
- ~~c. If the Lafayette City Council and Lafayette Parish Council determine that this Commission is an entity which must be audited, the Councils shall have the right, by joint resolution: (1) to select and designate an auditor for the Commission; (2) to determine the cost of any such audit; and (3) to determine how the cost of such audit shall be paid. Furthermore, the Councils will have the right to designate a private auditor to make any audit which it desires concerning the financial affairs of this Commission.~~
- ~~d. The annual proposed budget of the Commission, if any exists, shall be submitted by the Commission to the Lafayette Mayor President no later than sixty (60) days before the end of the Commission's fiscal year. The Mayor President shall have the proposed budget reviewed and shall submit his/her findings, if any, to the Councils, together with his/her recommendations, if any within thirty (30) days after his/her receipt of the proposed budget. The Councils shall approve, by Joint Resolution, each annual budget for this Commission and shall have the ability to approve and/or deny any part or portion of the proposed budget of this Commission.~~
- ~~e. The Lafayette City Parish Attorney, or his designee, shall serve as the legal advisor of this Commission.~~
- ~~f. The Commission shall be subject to the general policy for all boards, commissions and/or agencies established in any Joint Resolution by the Councils.~~

#### **(11) Status of Existing Historic Assets Amendment To Ordinance**

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

#### **(12) Alternative Compliance to Regulations for Historic Assets**

~~The Administrator may provide alternative compliance to regulations for Historic Assets within Articles 2, 3 and 4 herein, except in cases where doing so would: (1) pose a health or safety risk; and/or (2) all proposed work, including repairs, alterations and work required because of a change of occupancy or use, constitutes a substantial improvement to the Historic Asset as defined by the International Building Code (IBC). Alternative compliance may be provided.~~

~~**Applicability.** Alternative compliance may be applied for any Historic Asset that meets one or more of the following criteria:~~

- ~~a. Listed, or certified as eligible for listing, by the State Historic Preservation Officer or the Keeper of the National Register of Historic Places, in the National Register of Historic Places;~~



- ~~b. Designated as historic under an applicable state or local law;~~
- ~~c. Certified as a contributing resource within a National Register, state designated or locally designated historic district or neighborhood; or~~
- ~~d. Where, in the opinion of the Lafayette Preservation Commission and Administrator, compliance with the requirements herein would threaten or destroy the historic significance of the Historic Asset.~~

## 89-35 Improvement Guarantees

℞ *Purpose: this section is in accordance with Actions Items 3.15.1, 6.3.3, and 6.8.3.*

### (a) Applicability

In each new subdivision, the subdivider and LCG shall agree on the type, location, and extent of necessary public improvements depending on the characteristics of the proposed development and its relationship to surrounding areas, and according to the standards and criteria as outlined in this Chapter.

### (b) General Requirements

- (1) The following improvements are minimum general requirements. These shall be constructed at the subdivider's expense and stipulated in the subdivision improvements agreement in a manner approved by the appropriate Planning and Zoning Commission as part of the plat approval.
  - a. Roads, grading, base and surfacing.
  - b. Curbs and gutters, if required.
  - c. Sidewalks, if required.
  - d. Sanitary sewer, laterals and mains, if required.
  - e. Storm sewers or storm drainage system, as required.
  - f. Water distribution system, if required.
  - g. Fire hydrants, if required.
  - h. Street lighting, if required by PW.
  - i. Permanent reference monuments and monument boxes.
  - j. Other facilities as may be specified or required in this Chapter, by the appropriate Planning and Zoning Commission.

### (c) Completion of Improvements

Before the final plat is approved for recording, all applicants shall:

- (1) Complete all improvements, in accordance with the Action Letter and approved construction plans and to the satisfaction of LCG PW and LUS.



considering the complexity of the issues, anticipated time to review and such other considerations as are appropriate.

- (2) The appropriate Council shall review the appeal and, after public hearing, shall, by motion, second and a vote of a majority of the Council members present, if a quorum of the authorized membership is present, approve, disapprove, or modify the action of the appropriate Planning and Zoning Commission.

**(f) What are the standards for approval?**

- (1) The appropriate Council shall only consider those issues specifically raised by the appellant.
- (2) To the extent that there is no disagreement between the appellant, the appropriate Commission and/or any opponents to the subdivision application, those matters shall not be before the Council.

**(g) How is a decision appealed?**

Appeal of any Council action shall be made to the 15th Judicial District Court for the Parish of Lafayette within thirty (30) days of the date of the Council action.

## Division 7. Historic PreservationReserved

### 89-70 Designation of Historic Districts and LandmarksReserved.

**(a) When does this process apply?**

This section applies to the designation of Historic Districts and Landmarks in the City of Lafayette and the unincorporated areas of Lafayette Parish.

**(b) How do I start the process?**

- (1) An application for designation of Historic Districts and Landmarks, in the form provided by CD&P, shall be filed with the Administrator.

**(c) How do I know if my application is complete?**

See §89-34.

**(d) What kind of public notice is required?**

The following notice is required prior to action by the Lafayette Historic Preservation Commission and appropriate Planning Commission(s):

<u>Type</u>	<u>When provided</u>
<u>Publication and Posting</u>	<ul style="list-style-type: none"> <li>• <u>Publish 10 days before the scheduled hearing.</u></li> <li>• <u>Post a copy of the notice at the principal office of the public body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.</u></li> </ul>



**(e) How are decisions made?**

- (1) The Administrator will submit the building survey to the State Historic Preservation Office for review and comment, as appropriate, and, for the designation of a Historic District, conduct the community survey required.
- (2) Following the receipt of the State Historic Preservation Office comments on the building survey and, if applicable, the results of the community survey, the LHPC shall consider the merit of designation at a public hearing and shall recommend approval, approval with conditions, or denial of any request in a timely manner.
- (3) Following receipt of the recommendation of the LHPC, the appropriate Planning Commission(s) shall hold a public hearing on the designation and shall recommend approval, approval with conditions, or denial of any request in a timely manner.
- (4) Following the receipt of the recommendations of the LHPC and the appropriate Planning Commission(s), the Lafayette City Council and/or the Lafayette Parish Council, as the case may be, shall make the final determination regarding a designation, considering the recommendations of the LHPC and the appropriate Planning Commission(s), at a public hearing.

**(f) What are the standards for approval?**

See §89-34.

**(g) How is a decision appealed?**

Any Appeal of a decision of the Council(s) relative to the designation of a Historic District or Landmark shall be taken to the 15<sup>th</sup> Judicial District Court of the Parish of Lafayette within thirty (30) days of the date of the Council(s) action.

## **89-71 Certificates of Appropriateness Reserved.**

**(a) When does this process apply?**

A Certificate of Appropriateness (“COA”) shall be required for any exterior change to any property within a designated Historic District or Landmark, or the demolition or relocation of a designated Landmark or Historic Element within a Historic District. Notwithstanding the foregoing, a COA is not required if the change(s) is determined to be ordinary maintenance and repair under the applicable Design Guidelines.

**(b) How do I start the process?**

An application for a COA, in the form provided by CD&P, shall be filed with the Administrator.

**(c) How do I know if my application is complete?**

See §89-34.

**(d) What kind of public notice is required?**

The following notice is required prior to action by the Lafayette Historic Preservation Commission:





<u>Type</u>	<u>When provided</u>
<u>Publication and Posting</u>	<ul style="list-style-type: none"> <li>• Publish 10 days before the scheduled hearing.</li> <li>• Post a copy of the notice at the principal office of the public body holding the meeting, or if no such office exists, at the building in which the meeting is to be held.</li> </ul>

**(e) How are decisions made?**

**(1) Staff Level**

a. COAs for those changes that do not involve substantive changes of design, material, or of the outward appearance, and which are consistent with applicable Design Guidelines may be approved by the Administrator without a public hearing provided that no work is performed prior to the issuance of the COA except as has been authorized by the Administrator as an emergency repair.

b. The Administrator may approve, approve with modifications, or deny such application. The Administrator’s decision is considered final, subject to approval on a consent agenda at the next available meeting of the LHPC.

c. The LHPC will create a consent agenda for approval of the Administrator’s decisions on the issuance of a staff level COA. The LHPC may approve those consent agenda items, in globo, at the public hearing. The LHPC may remove any item from the consent agenda and place it upon the regular agenda of the next available meeting and conduct a public hearing on that item. The LHPC may approve, approve with modifications, or deny such application.

d. The applicant for a staff level COA that is denied by the Administrator may appeal such denial to the LHPC for consideration at a public hearing by filing an appeal in writing to the office of the Community Development & Planning Department within ten (10) working days from transmission of the denial to the applicant.

e. Approved COAs may be revised by the Administrator if the revision meets the requirements of a staff level application. All other revisions to an approved COA shall follow the public hearing level procedures in Section 89-71(e)(2).

**(2) Public Hearing Level**

a. Any application for a COA that involves substantive changes of design, material, or of the outward appearance, or which is inconsistent with applicable Design Guidelines, all applications for demolition and relocation, any application seeking approval for work done without first obtaining a COA, or those applications referred by the Administrator, may only be approved by the LHPC after a public hearing.

b. Within forty-five (45) days after the filing of an application, the LHPC shall act upon it and shall state its reasons for its decision and shall transmit a record of such actions and reasons, in writing, to the applicant.

c. The LHPC shall approve the application with or without conditions and issue a COA if it finds that the proposed work is consistent with the applicable Design Guidelines and the applicable approval criteria established in the Lafayette Development Code.





d. In cases where the application covers work that would require the issuance of a building permit, the rejection of the application for a COA by the LHPC 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.

e. If the LHPC approves an application over which objections are raised during the review process, whether by an LHPC member or the public, the COA shall not be issued for a period of ten (10) calendar days following the date of the LHPC's decision. If during that period an appeal is made to the appropriate Council(s), the decision of the LHPC shall automatically be stayed pending Council(s) review.

f. Approved COAs may be revised by the Administrator if the revision meets the requirements of a staff level application. All other revisions to an approved COA shall follow the public hearing level procedures in Section 89-71(e)(2)..

g. Effect of Denial of an Application for Demolition and Relocation

If a COA for demolition/relocation is denied, no further applications may be considered for the subject matter of the denied application for one (1) year from the date of the final decision unless the LHPC, by majority vote, waives the time limitation, finding that there are changed circumstances sufficient to warrant a new hearing.

**(f) What are the standards for approval?**

See §89-34.

**(g) For how long is my Certificate of Appropriateness valid?**

A COA shall become void unless the approved work is commenced within twelve (12) months of the date of issuance, and completed within twelve (12) months of commencement, but may be extended by the Administrator, in consultation with the LHPC chairman, for up to two (2), one-year periods for good cause shown.

**(h) How is a decision appealed?**

(1) Any person adversely affected by any determination made by the LHPC relative to the issuance or denial of a COA may appeal such determination to the appropriate Council(s); the appeal must be filed with the Clerk of the Council for the appropriate Council(s) within ten (10) calendar days of the date of the LHPC decision. The Chairman of the Council(s) with whom the appeal has been lodged shall have the right to stay all further action until the Council(s) renders its decision on the appeal. The appeal shall be placed on the agenda(s) of either a regular or special meeting of the appropriate Council(s), as may be determined by the Chairman of the appropriate Council(s) considering the complexity of the issues, anticipated time to review, and such other consideration as are appropriate, but in no event more than forty-five (45) days from the date of the filing of the appeal. The appropriate Council(s) may approve, approve with modifications, or reverse the decision made by the LHPC.

(2) Any Appeal of a decision of the Council(s) relative to the issuance of COAs shall be taken to the 15<sup>th</sup> Judicial District Court of the Parish of Lafayette within thirty (30) days of the date of the Council(s) action.



### **(b) Authority and Duties**

The function of the Hearing Examiner is to:

- (1) Review subdivision plat applications which qualify under either R.S. 33:113 or 33:113.1 for approval without public hearing or which qualify for consideration and administrative approval.
- (2) When a plat application comes before the Hearing Examiner under Article 4 of this Chapter, approve or certify certain plats involving minor modifications of existing parcels.
- (3) On a monthly basis, provide the appropriate Planning and Zoning Commission with a summary of all plats acted upon by the Hearing Examiner, so that the appropriate Planning and Zoning Commission may review, analyze and otherwise monitor the activities of the Hearing Examiner.
- (4) Enforce the provisions of both state law and applicable subdivision regulations relative to the creation of illegal subdivisions and the territorial jurisdiction covered by the respective subdivision regulations. In that regard, the Hearing Examiner may take any one or more of the following actions:
  - a. Deny the granting of building permits for the construction of improvements upon property which are subdivided without compliance with these subdivision regulations.
  - b. Turn over to legal counsel for the LCG any found violations for purpose of prosecution under R.S. 33:114.
  - c. Resort to such other remedies as are provided by state law or local ordinance.
- (5) Grant extensions of letters of credit as provided in Article 4 of this Chapter.

## **89-124 Areawide Development Review Committee**

### **(a) Establishment**

There is established an Areawide Development Review Committee (“ADRC”) consisting of representatives of the various LCG departments and agencies, committees or boards with control over public facilities or services, or public or private utilities or franchises.

### **(b) Authority and Duties**

- (1) The ADRC may review plats is reviewed for compliance with drainage, transportation, zoning, utilities, and similar requirements of this Chapter, and
- (2) Make a recommendation of approval, conditional approval or denial to the Hearing Examiner or appropriate Planning and Zoning Commission.

## **89-125 Lafayette Historic Preservation Commission**

*Action Items (2.1.1, 4.1.3, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.3.2)*

### **(a) Lafayette Historic Preservation Commission**



- (1) The Lafayette Preservation Commission (previously designated under 89-34) shall continue in existence but shall hereinafter be known as the Lafayette Historic Preservation Commission (“LHPC”). The LHPC shall serve as an “Historic District Commission” pursuant to Louisiana Revised Statutes §25:732 to aid in the preservation and protection of buildings, sites, monuments, structures and areas of historic interest or importance through their protection, maintenance and development as historic landmarks and their recognition as such in the history and traditions of the state and nation; to establish and improve property values; and to foster the economic development of the areas affected.
- (2) **Membership:** The LHPC shall consist of seven (7) members, one (1) of which shall be a licensed architect. Two (2) alternate members shall also be appointed. A quorum of the LHPC shall consist of a total of four (4) members, which may include alternates. In an effort to maximize the number of members in attendance at LHPC meetings, even when a quorum is otherwise present, alternates may also be called upon to serve. When so serving, alternate members shall have all the powers and duties of regular members. Any member to be appointed shall be a registered voter and domiciled in either the City of Lafayette corporate limits or in the unincorporated portions of Lafayette Parish, Louisiana at the time of his/her appointment and he/she must remain a registered voter and domiciled in either the City of Lafayette corporate limits or in the unincorporated portions of Lafayette Parish, Louisiana during his/her term of office. All members shall serve at the pleasure of the appointing authority.
- (3) **Appointment and Terms**
- a. The Mayor-President shall appoint the members of the LHPC.
- One (1) appointment shall be a minority as defined by L.A. R.S. 38:2233.2.
  - One (1) appointment shall be a person who is a licensed architect.
- b. LHPC appointments shall be subject to approval, jointly, by majority vote of each the Lafayette City Council and Lafayette Parish Council.
- c. In making appointments, preference shall be given to individuals with demonstrated interest or expertise in historic preservation, including representatives from historical, cultural, business, educational, archeological, architectural, developmental, artistic, commercial, and preservation organizations.
- d. All members shall be appointed for terms of four (4) years.
- e. The limitations of service shall be three (3) consecutive terms but in no case to exceed twelve (12) consecutive years. Service of one-half (1/2) or more of an unexpired term shall be considered a term within the meaning of this limitation.
- f. In order for an individual to be considered for reappointment to the LHPC, on which that person served the maximum length of time allowed, a period of four (4) years must elapse since the last day of service.
- g. Vacancies shall be filled by appointment in the same manner as the original appointments and members may be re-appointed for another term if eligible.
- h. The appointing authority for any appointment shall communicate, in writing, to the Clerk of the Lafayette Parish Council and the Lafayette City Council the name of the appointee to the LHPC and the date of the appointment.



- (4) Officers/Quorum:** The LHPC shall elect, at its first meeting and annually thereafter, a Chairman and Vice Chairman from its membership. The term of each officer shall be one (1) year, with eligibility for reelection. Four (4) members of the LHPC shall constitute a quorum for all purposes.
- a. Meetings of the LHPC shall be held at the call of the Chairman and at such other time as the LHPC may determine.
  - b. The LHPC may establish any policy, procedure, rule and/or regulation concerning the conduct of its affairs, including but not limited to, the conduct of its meetings as the LHPC in its sole discretion shall deem necessary for the conduct of its business.
  - c. The staff of the LHPC, to the extent funds are available, may provide public information and technical assistance to owners of Landmarks or properties within Historic Districts, including, but not limited to:
    - 1. Lafayette Historic Preservation Commission brochures;
    - 2. Periodic newsletters and mailings;
    - 3. Neighborhood workshops;
    - 4. Annual reports;
    - 5. Glossary of terms; and
    - 6. List of architects, contractors, subcontractors, and crafts people working on older structures in the area for possible aid and guidance.
  - d. For exercising and coordinating its functions as specified, the LHPC shall be provided with a staff person, to the extent that funds are available, from LCG.
- (5) Committees:** The LHPC shall have the power to designate and appoint, from among its members, various committees with such powers and duties as the LHPC may prescribe, provided that said powers and duties do not violate any law of the State of Louisiana, the City of Lafayette, the Parish of Lafayette, and/or the Lafayette City-Parish Consolidated Government.
- (6) Powers and Authorities:** The powers and authorities of the LHPC shall be as follows:
- a. Protect, enhance, and perpetuate resources that represent distinctive and significant elements of the City and Parish of Lafayette's historical, cultural, social, economic, political, archaeological, and architectural identity;
  - b. Provide a review process for the preservation and appropriate development of the City and Parish's resources, including the development and approval of Design Guidelines for use in this purpose as well as review applications for Certificates of Appropriateness on private property, and approve, approve with modifications, or deny the Certificates of Appropriateness in accordance with the provisions of the Lafayette Development Code;
  - c. To conduct educational programs on historic preservation;
  - d. Advise any governmental agency of the State or local government, ~~other than the governing body,~~ prior to the initiation of any substantive change, modification, renovation, restoration



- or construction to or upon any historic site within the LHPC's jurisdiction, pursuant to Louisiana Revised Statutes §25:742;
- e. Prepare an inventory of all property within its jurisdiction having the potential for designation as historic property;
  - f. Recommend to the appropriate Planning Commission(s) and the appropriate Council(s) specific places, districts, sites, buildings, structures, objects, or works of art to be designated by ordinance as historic properties;
  - g. Recommend to the appropriate Planning Commission(s) and the appropriate Council(s) that the designation of any historic place, district, site, building, structure, object, or work of art as historic property be revoked or removed;
  - h. Recommend restoration or preservation guidelines of any properties acquired by the City of Lafayette, Parish of Lafayette, and/or the Lafayette City-Parish Government;
  - i. Promote the acquisition by the City of Lafayette, Parish of Lafayette, and/or the Lafayette City-Parish Government of preservation easements;
  - j. Make such investigation and studies of matters relating to historic preservation as the appropriate Council(s) or the LHPC may, from time to time, deem necessary or appropriate;
  - k. Apply for State and federal funds for historic preservation, and make recommendations to the appropriate Council(s) concerning the most appropriate uses of any funds acquired;
  - l. Consult with experts;
  - m. Maintain Certified Local Government status with the Division of Historic Preservation of the Department of Culture, Recreation, and Tourism;
  - n. Perform historic preservation activities as the official agency of the Lafayette City-Parish Consolidated Government;
  - o. Recommend to the appropriate Council(s) the acquisition or sale of historic properties or the acceptance by the City of Lafayette, Parish of Lafayette, and/or the Lafayette City-Parish Government of donations, grants, funds, or gifts of historic property on behalf of the LHPC;
  - p. Recommend to the appropriate Council(s) incentives that can be expected to encourage the preservation of the community's historic resources and provide a positive incentive to affected property owners;
  - q. To review zoning for areas affecting Historic Districts and Landmarks;
  - r. To promote tax incentives and financial incentives;
  - s. To review all public and private projects affecting historically significant resources;
  - t. To recommend appropriate legislation for the preservation of any building, structure, site, monument, area or other landmark named or designated as historic;
  - u. To set the standards for review of demolition or relocation permits with reference to properties designated as Landmarks or properties within Historic Districts and to review all applications for permits proposing demolition or relocation of all or any part of any building, structure, monument or other landmark named and designated as historic;



- v. To stimulate revitalization of business districts and historic neighborhoods and to protect and enhance local historical and aesthetic attractions to tourists and thereby promote business;
  - w. To prepare and maintain an up-to-date inventory of all Historic Districts and Landmarks;
  - x. To establish uniform procedures for the protection, enhancement and perpetuation of places, districts, sites, buildings, structures and works of public art having a special historical, cultural or aesthetic significance, interest or value;
  - y. To make further recommendations concerning historic preservation and carry out such further functions and duties as may be assigned to it from time to time by LCG; and
  - z. To institute suit in any court of competent jurisdiction to prevent any unlawful action in violation of the provisions regarding Historic Preservation or of any of the rules and regulations adopted by the Lafayette City Council and/or the Lafayette Parish Council.
- (6) The Lafayette City-Parish Attorney, or his/her designee, shall serve as the legal advisor to the LHPC.
- (7) **REPORTS:** The LHPC shall keep an accurate record of all of its meetings and shall, at least annually, give to the Lafayette City Council and Lafayette Parish Council a written report on the activities of the LHPC for the prior year. The LHPC shall provide to the Clerk of the Lafayette City Council and the Lafayette Parish Council copies of the minutes of each of its meetings.
- (8) **AUDIT:** To the extent that the LHPC should be audited, the Lafayette City Council and the Lafayette Parish Council shall have the right, jointly, by ordinance, to (1) select and designate the auditor for the LHPC; (2) determine the cost of any such audit; and (3) determine how the cost of such audits shall be paid. Furthermore, the Lafayette City Council and the Lafayette Parish Council will have the right, jointly, by ordinance, to designate a private auditor to make any audit, which they desire, concerning the financial affairs of this LHPC.
- (9) **BUDGET:** The annual proposed budget of the LHPC, if any exists, shall be submitted by the LHPC to the Lafayette City Council and the Lafayette Parish Council no later than thirty (30) days before the end of the LHPC's fiscal year. The Lafayette City Council and the Lafayette Parish Council shall, jointly, by resolution, approve or deny the proposed budget, or any part or portion thereof, for the LHPC.
- (10) **APPEAL:** Any person adversely affected by any decision, act, or proceeding of the LHPC may appeal to the appropriate Council(s); the appeal must be filed with the Clerk of the Council for the appropriate Council(s) within ten (10) calendar days of the LHPC decision. The Chairman of the Council(s) with whom the appeal has been lodged shall have the right to stay all further action until the Council(s) renders its decision on the appeal. The appeal shall be placed on the agenda(s) of either a regular or special meeting of the appropriate Council(s), as may be determined by the Chairman of the appropriate Council(s) considering the complexity of the issues, anticipated time to review, and such other consideration as are appropriate, but in no event more than forty-five (45) days from the date of the filing of the appeal. The appropriate Council(s) may approve, approve with modifications, or reject the decision, act, or proceeding of the LHPC.

**89-12589-126 to 89-149 Reserved**