

Town of Abita Springs

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CLERK OF COURT
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FINANCIAL DIRECTOR
NIKI MENDOW

INTERGOVERNMENTAL AFFAIRS
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ATTORNEY
EDWARD DEANO

CERTIFIED BUILDING OFFICIAL
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PUBLIC WORKS DIRECTOR
JOHNNY CLAY

PUBLIC WORKS CLERK
KRISTIN TORTORICH



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GREG LEMONS

ALDERMEN
GINA KILPATRICK HARPER
(MAYOR PRO-TEM)

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DANIEL J. CURTIS
RYAN MURPHY
LESLIE BLITCH WELLIVER

UTILITY MANAGER
DEBRA MACLEAN

UTILITY CLERK II
LINDA MEEKER

PLANNING & ZONING DIRECTOR
CINDY CHATELAIN

TOWN MARSHAL
MIKE SLEMMER

INSTRUMENT 2018-009 ORDINANCE # _____

AN ORDINANCE OF THE BOARD OF ALDERMEN OF THE TOWN OF ABITA SPRINGS; TO ENACT SECTION 9-307.1, TO AMEND AND REORDAIN SECTIONS 9-123, 9-303, 9-304, 9-305, 9-307 (a), (b), (d), (e) and (f), 9-310, AND REPEAL SECTION 9-126 OF THE TOWN OF ABITA SPRINGS CODE OF ORDINANCES, TO REQUIRE THAT ANY AMENDMENTS TO THE GUIDELINES, CRITERION AND REQUIREMENTS FOR THE ISSUANCE OF A CERTIFICATE OF APPROPRIATENESS BE ADOPTED BY ORDINANCE BY THE BOARD OF ALDERMEN, TO GRANT ADDITIONAL AUTHORITY TO THE HISTORIC COMMISSION, AND TO PROVIDE FOR RELATED MATTERS.

BE IT ORDAINED that Section 9-123 of the Town of Abita Springs Code of Ordinances be amended and reordained to read as follows:

Section 9-123. – Powers and duties

The historic district commission is hereby authorized, empowered and directed to establish

reasonable rules of procedure; and regulations regarding the guidelines, criterion and requirements for issuance of a Certificate of Appropriateness. Such rules and regulations shall be in accordance with Section 9 Chapter 2 of this Code and the provisions of R.S. 25:731 to 25:745, 1950, as may be amended from time to time. The historic district commission shall have all power and authority conferred upon it by law or ordinance.

However, any regulations regarding the guidelines, criterion and requirements for the issuance of a Certificate of Appropriateness must be adopted by an ordinance of the Board of Aldermen of the Town of Abita Springs.

38 **BE IT FURTHER ORDAINED that Section 9-126 is repealed.**

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40 **BE IT FURTHER ORDAINED that Section 9-303 of the Town of Abita Springs Code of**
41 **Ordinances be amended and reordained to read as follows:**

42 Section 9-303 Certificate of Appropriateness required

43 A Certificate of Appropriateness issued by the historic district commission shall be
44 required before a work permit is issued for work within the historic district as follows:

45 (1) Demolition of a historic building;

46 (2) Moving a historic building;

47 (3) Material change in the exterior appearance of an existing building classified
48 as historic by additions or reconstruction, alteration, or maintenance involving
49 exterior color change;

50 (4) Any new construction of a principal building or accessory building or
51 structure subject to view from a public street;

52 (5) Change in existing walls and fences, or construction of new walls and fences,
53 if along public street rights-of-way;

54 (6) Material change in the exterior appearance of existing nonrated buildings by
55 additions, reconstruction, or alteration, if subject to view from a public street.

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57 **BE IT FURTHER ORDAINED that Section 9-304 of the Town of Abita Springs Code of**
58 **Ordinances be amended and reordained as follows:**

59 Section 9:304 – Application for Certificate of Appropriateness.

60 Application for a Certificate of Appropriateness shall be made in the office of the
61 planning director on forms provided therefore, obtainable at the office of the planning
62 director. Detailed drawings, plans, or specifications shall not be required but each
63 application shall be accompanied by such sketches, drawings, photographs, descriptions,
64 or other information showing the proposed exterior alterations, additions, changes, or
65 new construction as are reasonably required for the historic commission to make a
66 decision. Such application, except for color change only, must be filed no later than ten
67 days prior to any meeting of the historic district commission at which such application is
68 to be heard.

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BE IT FURTHER ORDAINED that Section 9-305 (a) and(d) of the Town of Abita Springs Code of Ordinances be amended and reordained as follows:

Section 9-305 Action on application for certificate of appropriateness

(a) The director of the planning department shall transmit the application for a certificate of appropriateness, together with the supporting information and material, to the historic district commission for review. The historic district commission shall hold a public hearing upon each application for a certificate of appropriateness affecting a property under its control except in those instances where the commission has determined that the application for a certificate of appropriateness is not a substantive change and further that the commission has determined that the certificate complies with standards adopted by the commission. Notice of the time and place of the hearing shall be given by publication in the form of a legal advertisement appearing in the official journal of the town at least seven days before such a hearing and by the posting of the notice on or at the main entrance of the town hall or wherever else the historic commission determines to regularly conduct its meetings.

(d) No building permits shall be authorized by the mayor and board of aldermen which affects a sight or structure in the historic district without a certificate of appropriateness except as otherwise permitted by the provisions of state law, the code of ordinances and the Abita Spring Design Review Guidelines adopted by the Historic Commission and the Board of Aldermen.

BE IT FURTHER ORDAINED that Section 9-307 (a), (b), (d), (e) and (f) of the Town of Abita Springs Code of Ordinances be amended and reordained as follows:

Section 9:307 – Developmental standards

(a) *Preservation of historic buildings*

In the granting of a certificate of appropriateness the following standards shall apply:

A building or structure, classified as historic or any part thereof, or any appurtenance related thereto including but not limited to walls, fences, light

100 fixtures, steps, paving, and signs shall only be moved, reconstructed, altered or
101 maintained in a manner that will preserve the historical and architectural character
102 of the building, structure or appurtenances thereto, as provided for in the Design
103 Review Guidelines adopted by the Historic Commission and the Board of
104 Aldermen.

105 *(b) Demolition of historic buildings*

106 The standards and procedures for the granting of a certificate of appropriateness
107 for the demolition of a historic are as follows:

108 Whenever a property owner shows that a building classified as historic is
109 incapable of earning an economic return on its value, as appraised by a qualified
110 real estate appraiser, and the historic district commission fails to approve the
111 issuance of a certificate of appropriateness, such building may be demolished.
112 Before a demolition permit is issued, notice of proposed demolition shall be given
113 for a period of four months as follows:

114 Notice shall be posted on the premises of the building or structure proposed for
115 demolition in a location clearly visible from the street. In addition, notice shall be
116 published in the official journal of the town at least three times prior to
117 demolition, final notice of which shall be less than 15 days prior to the date of
118 issuing the permit, and the first notice of which shall be published not more than
119 15 days after the application for a permit to demolish is filed. The purpose of this
120 section is to further the purposes of this chapter by preserving historic buildings
121 which are important to education, culture, traditions, and the economic values of
122 the town, and to afford the town, interested persons, historical societies, or
123 organizations the opportunity to acquire or to arrange for the preservation of such
124 buildings. The historic district commission may at any time during such a stay
125 approve a certificate of appropriateness in which event a permit shall be issued
126 without further delay.

127 *(d) Protective maintenance of historic buildings*

128 Historic buildings shall be maintained to meet minimum safety requirements of
129 the town as now practiced or as may be set forth in a building code adopted by the

130 town and the Abita Springs Design Review Guidelines as adopted by the Historic
131 Commission and the Board of Aldermen.

132 (e) *Nonrated buildings.* The standard for the issuance of a certificate of
133 appropriateness for the nonrated buildings are as follows:

134 The construction of a new building or structure, and the moving, reconstruction,
135 alteration, major maintenance, or repair involving a color change—materially
136 affecting the external appearance of any existing nonrated building, structure, or
137 appurtenance thereof shall be generally of such form, proportion, mass
138 configuration, building material, texture, color, and location on a lot as will be
139 compatible with other buildings in the historic district, and particularly with
140 buildings designated as historic, and with squares and places to which it is
141 visually related, as provided by the Abita Springs Design Review Guidelines and
142 the Board of Aldermen.

143 (f) *Visual compatibility factors.* Within the historic district, new construction and
144 existing buildings and structures and appurtenances thereof which are moved,
145 reconstructed, materially altered, changed in color or repaired shall be visually
146 compatible with buildings, squares, and places to which they are visually related
147 generally in terms of the following factors: height, proportion of building’s front
148 façade, proportion of openings within the facility, rhythm of solids to voids in
149 front facades, rhythm of buildings on streets, rhythm of entrance and/or porch
150 projection, relationship of materials, texture, color and roof shapes, walls of
151 continuity, scale of a building, and directional expression of front elevation, as
152 provided by the Abita Springs Design Review Guidelines adopted by the Abita
153 Springs Historic Commission and the Board of Aldermen.

154
155 **BE IT FURTHER ORDAINED that the Town of Abita Springs Code of Ordinances be**
156 **amended by adding thereto Section 9-307.1 to read as follows:**

157 Section 9-307.1 – Additional powers of the historic district commission

158 In addition to the authority granted to the historic district commission, it is empowered
159 to:

- 160 A) Make periodic reports to the Board of Aldermen

- 161 B) Provide information to property owners and others involving the preservation
162 of the district
163 C) Render advice on sidewalk construction and repair
164 D) Render advice on tree planting
165 E) Name or designate any site, location, structure, or monument within the area
166 served by the Town of Abita Springs as worthy of preservation whether within or
167 outside the confines of the historic district and to exercise all other powers and
168 functions of a landmark commission.
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170 **BE IT FURTHER ORDAINED that Section 9-310 of the Town of Abita Springs Code of**
171 **Ordinances be amended and reordained as follows:**

172 Section 9-310 – Administration; amendments.

173 The provisions of this chapter shall be administered with and as part of the zoning
174 ordinance of the Town. This chapter may be amended from time to time as provided in
175 Section 9-123 of this Code.
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177

178 An Ordinance introduced by Alderman Berrigan and seconded by Alderman Murphy on this 27th
179 day of November, 2018.
180

181 Ordinance adopted on a motion of Alderman Berrigan and seconded by Alderman Murphy on
182 this 18th day of December, 2018.
183

184 YEAS: 4, Aldermen Berrigan, Curtis, Kilpatrick-Harper, and Murphy

185 NAYS: 0

186 ABSENT: 1, Alderman Blich Welliver ABSTAIN: 0
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188 Presented to the Mayor by the Clerk on December 21, 2018 at 1:25pm
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HONORABLE GREG LEMONS, MAYOR

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KATHY ARMAND, TOWN CLERK