

Chapter 54 HISTORIC PRESERVATION*

***Cross references:** Buildings and building regulations, ch. 18; community development, ch. 30; environment, ch. 42; planning, ch. 82; zoning, app. B.

State law references: Historic preservation districts, R.S. 25:731 et seq.

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ARTICLE I. IN GENERAL**Sec. 54-1. Short title.**

The regulations contained in this chapter shall apply to the city historic district and shall be known as the "Historic District Ordinance."

(Code 1977, § 9.5-1; Ord. No. 98-22, § 9.5-1, 8-18-1998; Ord. No. 2009-31, 11-20-2009)

Sec. 54-2. Purpose of historic district ordinance.

The city is a rich and diverse collection of architectural styles including historically significant structures, buildings and sites, which are important parts of our city's heritage and contribute to our quality of life. The purpose of the city historic district ordinance is to preserve the historical and cultural heritage of Covington, to strengthen the local economy, to stabilize and improve property values within the historic district, and to foster civic pride.

(Code 1977, § 9.5-2; Ord. No. 98-22, § 9.5-2, 8-18-1998; Ord. No. 2009-31, 11-20-2009)

Sec. 54-3. Description of the historic district.

Editor's note: The boundary of the historic district is not set out herein but is on file and available for inspection in the office of the clerk to the council.

(Ord. No. 89-18, 7-11-1989; Ord. No. 2009-31, 11-20-2009)

Sec. 54-4. Definitions.

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

Alteration - Any material change to any portion of a structure because of construction, repair, maintenance or other means.

Applicant - The owner of record of an immovable property upon which a building or other structure is or will be located; the lessee thereof with the approval of the owner of record in notarized form; or a person holding a bona fide contract to purchase an immovable property upon which a building or other structure is or will be located.

Appurtenance - A feature related to a parcel of land or to a building, fence, structure, object, site, or a related group thereof.

Building - Any covered structure intended for support, shelter, housing, enclosure or economic activities related to persons, animals, chattel or property of any kind.

Business - A commercial, service or mercantile activity engaged in as a means of livelihood.

Certificate of appropriateness - A signed and dated document evidencing the approval of the historic district commission for work proposed by an applicant.

Construction - The addition or placement of any improvement onto property located within the historic district.

Demolition - The complete or partial removal of buildings, structures, objects, or sites, including appurtenances or any other improvements.

Demolition by neglect - Inadequate maintenance or lack of maintenance of any structure, part thereof, or any other improvements thereon which results in substantial deterioration.

Downtown design guidelines - A set of guidelines provided by the city that property owners shall follow when making improvements to their properties in the historic district.

Historic - A structure at least 50 years of age and/or of significant local, regional, historic, architectural or cultural value.

Historic district - A district including its appurtenances and environmental setting, which can be linked historically through location, design, setting, materials, workmanship, and/or association, and which is significant in national, state or local history, architecture, archaeology or culture. Section 54-3 is reserved for a description of the Covington Historic District.

Materials - Building materials used on a structure or an appurtenance.

Ordinary repairs or maintenance - Work done to prevent deterioration of a structure or any part thereof by returning the structure as nearly as practical to its condition prior to such deterioration, decay or damage.

Owner of record - The owner of a parcel of land, improved or unimproved, reflected on the city tax roll and in parish deed records.

Prefabricated housing - Any housing with structural or mechanical components manufactured and assembled away from the construction site. For purposes of this definition, the following terms shall have the following meanings:

Manufactured housing - Dwelling units constructed primarily at a plant or facility on production line basis and delivered to the site as an assembled unit or in modular form. Manufactured housing specifically refers to housing built under the Manufactured Home Construction and Safety Standards set by the U.S. Department of Housing and Urban Development (HUD).

Mobile home - Prefabricated trailer-type housing units that are semi-permanently attached to land, either the owner's fee land or leasehold, such as in a mobile home park. A mobile home is a movable or portable structure designed and constructed on its own chassis and intended for connection to utilities for year-round occupancy as a dwelling. Any dwelling unit that qualifies as a modular home according to the definition herein is not considered a mobile home. Furthermore, a travel trailer is not considered a mobile home.

Modular home - Modular homes are houses divided into multiple modules or sections, which are manufactured in a remote facility and delivered to their intended site of use. The modules are then assembled on a permanent foundation without a permanent chassis, into a single residential building. Unlike other prefabricated construction, modular homes conform to all state, local and regional codes where the structure is to be located.

Travel trailer - A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling and may be hauled along a highway.

Preservation - The maintenance of a site or structure in its present condition or as originally constructed. Preservation aims at halting further deterioration and providing structural safety, but does not contemplate significant rebuilding. Preservation includes techniques of arresting or slowing deterioration and improvement of structural conditions to make a structure safe, habitable, or otherwise useful.

Relocation - Any changes in the location of a building, object, or structure in its present setting or to another setting.

Rhythm - Is the pattern in spacing of buildings or a building's features (doors, windows,

porches, etc.) being compatible with the surrounding buildings and structures in the historic district.

Scale - The size of a building or structure relative to surrounding structures. Scale refers to the visual perception of the size of a building and its elements in relation to other buildings and to people.

Sign - A sign is defined as a medium of communication, including its structure and component parts, which is used or intended to be used to attract attention to its subject matter or location usually for advertising purposes, including paint on the surface of a building. Each distinctive message painted or placed on a building or other structure shall be considered an individual sign. The following shall not be considered signs subject to city regulations: artwork, holiday or seasonal decorations, cemetery markers, machinery or equipment signs, or memorial signs or tablets (Refer to City of Covington Comprehensive Zoning Ordinance, Part 6. Sign Regulations, for additional information).

Streetscape - A street-side view or scene; a pictorial view of a street.

Structure - Anything constructed or erected, the use of which requires more or less permanent or semi-permanent location on the ground or the attachment to something having a permanent location on the ground. This includes, but is not limited to, buildings, platforms, towers, sheds, storage bins, fences, signs, air conditioner compressors, antennas, gasoline pumps, etc.

Texture of a building refers to the physical and visual texture of building and appurtenance surface materials.

(Code 1977, § 9.5-4; Ord. No. 98-22, § 9.5-4, 8-18-1998; Ord. No. 2009-31, 11-20-2009)

Cross references: Definitions generally, § 1-2.

Secs. 54-5--54-30. Reserved.

ARTICLE II. HISTORIC DISTRICT COMMISSION*

***Cross references:** Boards and commissions, § 2-131 et seq.

Sec. 54-31. Purpose.

(a) The Covington Historic District Commission (CHDC) shall carry out the intent of this chapter by reviewing applications for certificates of appropriateness for proposed construction, material alteration, demolition or relocation of any building, structure or appurtenance in the historic district.

(b) The commission shall, upon due consideration, grant or deny certificates of appropriateness and may grant certificates of appropriateness contingent upon the acceptance by the applicant of its specified recommendations.

(Code 1977, § 9.5-16; Ord. No. 98-22, § 9.5-16, 8-18-1998; Ord. No. 2009-31, 11-20-2009)

Sec. 54-32. Recommendation and appointment of members.

The historic district commission shall consist of five members, each of whom shall meet at least one of the following criteria: At least three members of the historic district commission shall own property in the historic district, at least three members shall own active businesses in the historic district, at least one member shall be a resident of the historic district, and at least one member shall be a licensed architect practicing or residing in the city. The historic district commission members may submit the names of qualified persons to the mayor for consideration for appointment. All members shall be qualified electors of the City of Covington and shall be appointed by the mayor, subject to approval by a majority vote of the city council.

(Code 1977, § 9.5-17; Ord. No. 98-22, § 9.5-17, 8-18-1998; Ord. No. 99-12, § 9.5-17, 4-20-1999; Ord. No. 2009-31, 11-20-2009)

Sec. 54-33. Term; vacancies; removal for cause.

(a) *Term.* The members of the historic district commission shall serve four-year terms, except that the terms of members of the first commission shall be staggered. Two appointments shall serve a term of four years, two appointments shall serve a term of three years and one appointment shall serve a term of two years. The members may serve consecutive terms.

(b) *Vacancy.* Vacancies shall be filled by appointment in the same manner as the original appointments and any member may be appointed for another term or terms.

(c) *Removal for cause.* Any member may be recalled at any time by the city council for gross inefficiency, fraud or study neglect, but only after an open hearing and upon notice specifying the complaint involved.

(Code 1977, § 9.5-18; Ord. No. 98-22, § 9.5-18, 8-18-1998; Ord. No. 99-12, § 9.5-18, 4-20-1999; Ord. No. 2009-31, 11-20-2009)

Sec. 54-34. Bylaws.

The historic district commission shall make such bylaws, as it may deem necessary for the conduct of its affairs not inconsistent with the laws of the city and state, subject to approval of the city council. Any change of bylaws shall be approved by the city council.

(Code 1977, § 9.5-19; Ord. No. 98-22, § 9.5-19, 8-18-1998; Ord. No. 2009-31, 11-20-2009)

Sec. 54-35. Meetings.

The historic district commission shall meet on the first Tuesday of every month. Special meetings may also be held at any time on the written request of any member of the commission, on the call of the chair of the historic district commission or the mayor and upon no less than 24-hours notice to the public and each CHDC member. The meetings are open to the public.

(Code 1977, § 9.5-20; Ord. No. 98-22, § 9.5-20, 8-18-1998; Ord. No. 2009-31, 11-20-2009)

Sec. 54-36. Compliance with law.

The historic district commission shall comply with the Open Meetings Act, R.S. 42:4.1 et seq., and all applicable laws.

(Code 1977, § 9.5-21; Ord. No. 98-22, § 9.5-21, 8-18-1998; Ord. No. 99-12, § 9.5-21, 4-20-1999; Ord. No. 2009-31, 11-20-2009)

Sec. 54-37. Minutes.

Minutes of all the historic district commission's meetings shall be kept which shall comply with the Open Meetings Act, R.S. 42:4.1 et seq., and such minutes shall be permanently kept in a special book or books.

(Code 1977, § 9.5-22; Ord. No. 98-22, § 9.5-22, 8-18-1998; Ord. No. 2009-31, 11-20-2009)

Sec. 54-38. Staffing.

Such members of the mayor's staff as he/she shall recommend shall serve as staff for the historic district commission.

(Code 1977, § 9.5-23; Ord. No. 98-22, § 9.5-23, 8-18-1998; Ord. No. 2009-31, 11-20-2009)

Sec. 54-39. Procedures.

(a) Presence of three members of the historic district commission at a meeting shall constitute a quorum. A majority of the members present in a meeting of the historic district commission must concur to constitute any valid action of the historic district commission.

(b) The historic district commission shall elect annually from its membership a chairperson and vice-chairperson.

(c) The historic district commission shall establish its own meeting times.

(d) A designated appointee of the historic district commission shall make a report on its recommendations and activities to the mayor and city council at least quarterly.

(Code 1977, § 9.5-24; Ord. No. 98-22, § 9.5-24, 8-18-1998; Ord. No. 2009-31, 11-20-2009)

Secs. 54-40--54-60. Reserved.

ARTICLE III. CERTIFICATE OF APPROPRIATENESS**Sec. 54-61. Conditions requiring a certificate of appropriateness.**

(a) No exterior feature which is visible from any public street, alley, ox lot or sidewalk of any existing building or appurtenance, shall be altered, relocated or demolished until after an application for a certificate of appropriateness of such work has been approved by the historic district commission. Likewise, no new construction which is visible from any public street, alley or sidewalk shall be undertaken without a certificate of appropriateness.

(b) A certificate of appropriateness shall not be required for interior work or ordinary repairs, maintenance and emergency work that do not materially change the proportion, scale, color, type of materials used or texture of a structure, building or appurtenance.

(c) A certificate of appropriateness shall be required when the work to be performed is deemed material by the historic district commission. Such work includes but is not limited to:

- (1) New construction of any structure or appurtenance.
- (2) Installation or erection of metal buildings or prefabricated housing.
- (3) Demolition of a structure or appurtenance.
- (4) Relocation of a structure or appurtenance.
- (5) Alteration of a structure or appurtenance, which materially changes the scale, materials used or texture of a structure, building, or appurtenance.

(d) A certificate of appropriateness shall be valid for one year from the date of issuance to the construction start date.

(Code 1977, § 9.5-36; Ord. No. 98-22, § 9.5-36, 8-18-1998; Ord. No. 2009-31, 11-20-2009)

Sec. 54-62. Criteria for issuance of certificates of appropriateness.

Each property shall be recognized as a physical record of its time, place and use. The historic district includes many styles built over a long period, which are still evolving. The historic district commission's purpose is to nurture the diversity of our city by encouraging preservation, rehabilitation and development that is compatible with the district in terms of the following design criteria: Scale, materials, texture and rhythm. In considering an application for a certificate of appropriateness, the historic district commission shall consider the proposed project and how it impacts the district in these terms. In addition, the historic district commission may consider the historical significance and condition of the structure.

(Code 1977, § 9.5-37; Ord. No. 98-22, § 9.5-37, 8-18-1998; Ord. No. 2009-31, 11-20-2009)

Sec. 54-63. Procedure for issuance of certificates of appropriateness.

(a) If a certificate of appropriateness is required, such certificate must be granted before the building permit is issued. The staff of the CHDC will provide the applicant with an application form and instructions. The applicant shall submit photos of the existing building from all sides including structures on adjacent properties. The applicant shall also submit drawings, to an indicated scale, of the proposed work showing relevant dimensions. Drawings shall include, at

minimum, a site plan showing existing and proposed structures and their distances from property lines, floor plans and exterior elevations. Exterior elevations shall show heights, have materials indicated, and show the scale of structures on adjacent properties. Information shall be submitted to the staff of the CHDC at least 14 days prior to the next regularly scheduled historic district commission meeting.

(b) Upon receiving the application for a certificate of appropriateness, the staff of the CHDC shall notify the historic district commission and forward the required application and materials. The staff of the CHDC shall post the subject property with notice of application for a certificate of appropriateness for seven days as a minimum allowable notice. The chairperson or other member designated by the chairperson shall examine each application to verify its compliance with this section and may request additional information as required by the historic district commission.

(c) The historic district commission shall meet to consider the application at the next regularly scheduled or special meeting (see meetings of the historic district commission, section 54-35) to determine if the application is to be approved or denied. The commission shall make its review and grant or deny an application for a certificate of appropriateness no later than 45 days after an application has been filed with the staff of the CHDC. In the event the commission fails to meet and make its decision within this 45-day period, the application for a certificate of appropriateness will be granted by default unless the application is tabled by the historic district commission. No application may be tabled more than one time by the historic district commission. Denial of an application for a certificate of appropriateness shall be accompanied by a statement of the reasons for denial. The historic district commission shall make recommendations to the applicant and attempt to resolve the differences between the applicant and the commission.

(d) The historic district commission shall record promptly its decisions, including such specific recommendations, if any, in writing with the staff of the CHDC with the application and documents referred to in this chapter.

(Code 1977, § 9.5-38; Ord. No. 98-22, § 9.5-38, 8-18-1998; Ord. No. 2009-31, 11-20-2009)

Secs. 54-64--54-90. Reserved.

ARTICLE IV. DEMOLITION**DIVISION 1. GENERALLY****Sec. 54-91. Demolition of buildings.**

(a) No building or structure located in the historic district shall be demolished or otherwise removed until the owner of the property has applied for a certificate of appropriateness for demolition or removal. If the historic district commission determines that the property does not contribute to the character of historic district because of age, structural condition or architecture, the commission may grant a certificate of appropriateness for immediate demolition or removal.

(b) However, if the property is determined by the historic district commission to be a contributing element in the district, the commission may delay demolition or removal for no more than 90 days. During such 90-day period, the historic district commission shall publish three times in the official city journal a notice of the proposed demolition. The purpose of this notice is to afford the city, interested persons, historic societies or organizations the opportunity to acquire or arrange for the preservation of such building. If no arrangements for the preservation of such building have been agreed upon during the 90-day period, the certificate of appropriateness for demolition or removal shall be granted to the property owner.

(Code 1977, § 9.5-50; Ord. No. 98-22, § 9.5-50, 8-18-1998; Ord. No. 2009-31, 11-20-2009)

Cross references: Buildings and building regulations, ch. 18.

Secs. 54-92--54-110. Reserved.

DIVISION 2. BY NEGLIGENCE**Sec. 54-111. Demolition by neglect--Responsibility of owners in maintenance of property.**

The owner shall preserve any structure that is within the historic district against decay, deterioration and unreasonable structural defects. The owner shall repair such structure if it has deteriorated to the extent that it creates or permits a hazardous or unsafe condition as determined by the building inspector or code enforcement officials. Demolition by neglect shall mean neglect in the maintenance and/or repair of a site or structure, resulting in, but not limited to any of the following conditions:

- (1) The deterioration of exterior walls or other vertical supports;
- (2) The deterioration of roofs or other horizontal members;
- (3) The deterioration of exterior chimneys;
- (4) The deterioration or crumbling of exterior plaster, mortar or masonry;
- (5) The ineffective weatherproofing of exterior walls, roofs, and foundation, including broken windows and doors;

(6) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition.

(Code 1977, § 9.5-51; Ord. No. 98-22, § 9.5-51, 8-18-1998; Ord. No. 99-12, § 9.5-51, 4-20-1999; Ord. No. 2009-31, 11-20-2009)

Sec. 54-112. Demolition by neglect--Action allowed by the historic district commission.

(a) If the building inspector or staff of the CHDC reports to the historic district commission that a structure is in a hazardous or unsafe condition, or is in a deteriorating condition, or is being demolished by neglect, the historic district commission shall notify the property owner to appear at a public hearing before the historic district commission at a date and time to be provided in the notice to determine if the property is in a hazardous or unsafe condition or is being demolished by neglect. Such notice shall be given as follows:

(1) By certified mail to the last known address of the recorded owner or owners as listed on the city and/or parish tax rolls; or

(2) If the above mailing procedure is not successful, notice shall be posted in a conspicuous protected place on the structure.

(b) The historic district commission may hear evidence from the building inspector, the staff of the CHDC, owner or any other interested party. If the historic district commission determines the property is in a hazardous or unsafe condition, or is in a deteriorating condition, or is being demolished by neglect, it shall notify the owner that work to correct the defects must commence within 120 days.

(Code 1977, § 9.5-52; Ord. No. 98-22, § 9.5-52, 8-18-1998; Ord. No. 99-12, § 9.5-52, 4-20-1999; Ord. No. 2009-31, 11-20-2009)

Sec. 54-113. Demolition by neglect--Penalties and fines.

If the owner fails to commence work within the time allotted as evidenced by the commission's notification, it may direct the city building inspector to levy a fine of \$100.00 for each day in violation until the necessary repairs are completed.

(Code 1977, § 9.5-53; Ord. No. 98-22, § 9.5-53, 8-18-1998; Ord. No. 99-12, § 9.5-53, 4-20-1999; Ord. No. 2009-31, 11-20-2009)

Secs. 54-114--54-140. Reserved.

ARTICLE V. MAINTENANCE, PUBLIC SAFETY AND COMPATIBILITY**Sec. 54-141. Ordinary maintenance and public safety.**

Nothing in this chapter should be construed to prevent the ordinary maintenance of a structure. This chapter shall not be construed to prevent any action of construction, alteration or demolition necessary to correct or abate the unsafe or dangerous condition, or the deteriorating condition, of any structure, or part thereof, where such condition has been declared unsafe or dangerous by the city building inspector, the staff of the CHDC, or the fire department and where the proposed actions have been declared necessary by such authorities to correct the such condition; provided, however, that only such work as is necessary to correct the unsafe or dangerous condition, or the deteriorating condition, may be performed pursuant to this section.

(Code 1977, § 9.5-65; Ord. No. 98-22, § 9.5-65, 8-18-1998; Ord. No. 2009-31, 11-20-2009)

Sec. 54-142. Metal buildings, mobile homes and trailers.

(a) Metal buildings shall only be allowed if the exterior facade of the building utilizes material compatible with the district and approved by the historic district commission.

(b) No mobile home or transportable structure shall be located or placed within the city historic district except for temporary use during the construction, reconstruction or demolition of any site with the approval of the staff of the CHDC.

(Code 1977, § 9.5-67; Ord. No. 98-22, § 9.5-67, 8-18-1998; Ord. No. 99-12, § 9.5-67, 4-20-1999; Ord. No. 2009-31, 11-20-2009)

Secs. 54-143--54-170. Reserved.

ARTICLE VI. APPEALS, ENFORCEMENT AND PENALTY**Sec. 54-171. Appeals.**

Any person aggrieved by any decision, act or proceeding of the historic district commission shall have the right to appeal in writing to the Covington City Council for reversal or modification. Any such appeal must be forwarded to the city clerk, in writing, within ten days from the date of the historic district commission's decision; and the city council may consider such appeal at its next general or special meeting, but in any event, not more than 45 days thereafter. The city council shall have the right to reverse, change or modify any decision of the historic district commission only by a majority vote of the council.

(Code 1977, § 9.5-81; Ord. No. 98-22, § 9.5-81, 8-18-1998; Ord. No. 2009-31, 11-20-2009)

Sec. 54-172. Enforcement and penalty.

(a) The historic district commission shall have the power to institute suit in any court of competent jurisdiction to prevent any unlawful action in violations of the provisions of this chapter or of any of the rules and regulations adopted by the historic district commission in conformity therewith.

(b) Any owner, agent, lessee or other person acting for or in conjunction with such owner, who shall violate this chapter or the rules, regulations or decisions of the historic district commission, shall be fined not less than \$50.00 nor more than \$100.00 for each violation. Each day the violation continues shall be deemed a separate violation.

(c) The city building inspector is empowered to issue a stop work order to any owner, agent, lessee or other person acting for or in conjunction with such owner to cease any activity in violation of this chapter or any of the rules or regulations or decisions of the historic district commission.

(d) Any owner, agent, lessee or other person acting for or in conjunction with persons who shall demolish a structure or edifice without having received an appropriate certificate of appropriateness may be fined a single fine of not less than \$1,000.00 nor more than \$10,000.00.

(Code 1977, § 9.5-82; Ord. No. 98-22, § 9.5-82, 8-18-1998; Ord. No. 99-12, § 9.5-82, 4-20-1999; Ord. No. 2009-31, 11-20-2009)