

## ***ARTICLE II. HISTORIC PRESERVATION DISTRICT COMMISSION***

### **Sec. 79-11. Denham Springs Historic Preservation District Commission; composition and terms of office.**

By virtue of Louisiana enabling legislation, R.S. 25:731 et seq., as amended, the city is authorized to establish an historic preservation district commission to preserve, promote, and develop the city's historical resources and to advise the city on the designation of preservation districts, landmarks, and landmark sites and to perform such other functions as may be provided by law.

There is hereby created the Denham Springs Historic Preservation District Commission. The historic preservation district commission shall be an auxiliary of the city's planning and zoning commission.

- (1) All members of the commission shall be appointed by the mayor and approved by the city council with a majority vote and shall serve for a period of four years.
- (2) The commission shall be comprised of five members.
- (3) Each member of the commission shall reside within the city limits and at least two members of the commission shall be owners of record of property located within the historic district.
- (4) Members shall be eligible for reappointment after the expiration of their terms.
- (5) Members must demonstrate interest, competence, or expertise in historic preservation.
- (6) The commission shall seek advice as needed from professionals not serving on the commission.
- (7) The members of the commission shall serve without compensation. However, the city is authorized to make appropriations to the commission necessary for the expenses of the operation of the commission and may make additional amounts available as necessary for the acquisition, restoration, preservation, operation and management of historic properties.
- (8) Vacancies shall be filled by appointment in the same manner as original appointments.
- (9) Any member of the commission may be recalled at any time by the city council for gross inefficiency, fraud, or continuous neglect, and may be removed by the city council for the unexcused failure to attend three consecutive meetings of the commission, but only after an open hearing before the city council upon notice specifying the complaint involved.

(Ord. No. 07-18, art. I, 7-10-07; Ord. No. 11-03, art. I, 3-9-11; Ord. No. 22-05, 5-10-22)

### **Sec. 79-12. Powers of the commission.**

The commission is empowered to make recommendations to the city council for the naming or designation of any site, location, structure or monument within the area served by the city as worthy of preservation whether within or outside the confines of an historic district.

Powers of the commission shall apply to all private property as well as public property within the limits of the historic preservation district. Any government agency having a responsibility for any building, structure, area, site, or public way within the limits of the historic preservation district shall seek the advice of the commission prior to the initiation of any substantive change to any such building, structure, area, site, or public way.

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In order to preserve, promote, and develop the distinctive appearance and the historical resources of Denham Springs and to accomplish the purposes set forth in R.S. 25:731 et seq., as amended, and in this chapter these powers shall be:

- (1) The commission may conduct or cause to be conducted a continuing study and survey of resources within the city. This work may be carried out through, or in conjunction with national, state or local government agencies, suitable preservation organizations and consultants to the city.
- (2) The commission may recommend to the city the adoption of ordinances designating preservation districts, landmarks, and landmark sites.
- (3) The commission shall review applications proposing construction, substantial changes, demolition or relocation of any resource in the historic preservation district. The commission may appoint a review board, in lieu of the full commission, to study applications for certificates of appropriateness needing immediate attention. The city building official will refer to the commission any applications for building permits regarding property located in the historic preservation district. If earthwork of historical or archaeological importance exists in the historical district, there shall be no excavating or moving of earth, rock or subsoil without a certificate of appropriateness, excluding work performed by the city. In the event the city performs excavation work, the city shall restore the property or ground to its original state.
- (4) The commission has no jurisdiction considering the interior of a building or structure.
- (5) The commission, subject to the requirements of the city and state law, may apply for, receive, hold, and spend funds from private and public sources, in addition to appropriations made by the city for the purpose of carrying out the provisions of this chapter such as, but not limited to, clerical and technical assistants.
- (6) The commission is authorized, solely in the performance of its official duties and only at reasonable times, to enter upon private land for the examination or survey thereof. No member, employee, or agent of the commission shall enter any private property without the express consent of the owner of record or occupant thereof.
- (7) The commission shall adopt design standards and guidelines applicable to the historic preservation district, which address the criteria for certificates of appropriateness as more particularly set out in section 79-23, within 60 days of the first meeting of the commission, following a public hearing. The commission may thereafter amend such design standards and guidelines, following a public hearing. Notice of the time and place of any public hearing to adopt or amend the design standards and guidelines shall be given by publication in the form of a legal advertisement appearing in the official journal of the city or in a newspaper having general circulation in the city, provided it has one, at least once and at least seven days before such public hearing, and by the posting of such notice on the front door or other prominent place on or near the main entrance of the building, hall, or room where meetings of the commission are usually held at least 24 hours before the public hearing. Such design standards and guidelines, and amendments thereto, shall not become effective until approved by the city council, after a public hearing held by the city council. Such design standards and guidelines shall be a matter of public record.
- (8) The commission may make periodic reports to the governing body; provide information to property owners and others involving the preservation of the district; suggest pertinent legislation; initiate planning and zoning proposals; cooperate with other regulatory agencies and civic organizations and groups interested in historic preservation; review all applications for zoning variances and conditional uses where they affect the historic districts; render advice with reference to sidewalk construction and repair, tree planting, street improvements and also the renovation, restoration, or construction of public buildings; furnish information and assistance in connection with capital improvement programs involving the historic area; consult with the National Trust for Historic Preservation and other expert

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groups; administer such financial mechanisms as the local governing body may allocate for the welfare of the governmental unit within an historic district.

(Ord. No. 07-18, art. I, 7-10-07)

### **Sec. 79-13. Rules of procedure.**

- (a) A quorum of the members of the commission must be present to conduct business and to constitute any valid action of the commission.
- (b) The commission shall elect annually from its membership a chairman, vice-chairman and other officers as deemed appropriate. If neither the chairman nor the vice-chairman attends a particular meeting, the remaining members shall select an acting chairman from the members in attendance at such meeting.
- (c) The commission shall develop and adopt rules of procedure which shall govern the conduct of its business and decisions, and may amend such rules of procedure, following a public hearing. Notice of the time and place of any public hearing to adopt or amend such rules of procedure shall be given by publication in the form of a legal advertisement appearing in the official journal of the city or in a newspaper having general circulation in the city, provided it has one, at least once and at least seven days before such public hearing, and by the posting of such notice on the front door or other prominent place on or near the main entrance of the building, hall, or room where meetings of the commission are usually held at least 24 hours before the public hearing. Such rules of procedure, and amendments thereto, shall not become effective until approved by the city council, after a public hearing held by the city council. Such rules of procedure shall be a matter of public record.
- (d) The commission shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations and decisions. City building permit office personnel, or other such designated personnel, shall aid the commission in keeping the minutes and records of its meetings and proceedings. All such material shall be a matter of public record.
- (e) The commission shall establish its own regular meeting time; however, the first meeting shall be held within 90 days of the adoption of this chapter and regular meetings shall be scheduled at least once every three months. The chairman or any four members may call a special meeting to consider an urgent matter and must, upon request of the applicant, call a meeting within two weeks of the filing of the application. The commission shall give written public notice of any regular, special, or rescheduled meeting of the commission in accordance with R.S. 42:7.

(Ord. No. 07-18, art. I, 7-10-07)

### **Secs. 79-14—79-20. Reserved.**