

On motion by **Councilman Marino** and seconded by **Councilman Rau**, the following ordinance was introduced:

**ORDINANCE NO. 4653**

**An ordinance of the Gretna Council repealing and replacing  
Chapter 52-Historic Preservation.**

**WHEREAS**, the City of Gretna has interest in the health safety and welfare of its citizens; and,

**WHEREAS**, it is in the best interest of the citizens of the City of Gretna to preserve and protect the historic structure in the city; and

**WHEREAS**, the repeal and replacement of the historic preservation chapter of the code will create opportunities for enhancement and development of the historic district; and

**WHEREAS**, the repeal and replacement of the historic preservation chapter will make the administration of improvements to the historic district more efficient.

**NOW, THEREFORE, BE IT ORDAINED**, by the Gretna City Council, acting as Legislative authority for said city that:

**CHAPTER 52 - HISTORIC PRESERVATION BE REPEALED AND REPLACED  
to read as follows:**

**CHAPTER 52 - HISTORIC PRESERVATION**

**Sec. 52-1. - Definitions.**

For the purpose of this chapter, the following definitions shall apply:

***Alteration.*** Any change because of new construction, repair or maintenance, which changes the architectural integrity of an historic district, building or landmark.

***Applicant.*** The record owner of the site and/or buildings located thereon, the lessee thereof or a person holding a "bona fide" contract to purchase same.

***Application.*** The form required by the city administration for consideration by the Historic District Commission of any private building, structure or edifice, including fences, boundary walls, signs, or steps to be erected, altered, restored, moved or demolished in the historic districts; including but not limited to plot plans, surveys, elevations, photographs, architectural drawing, ornamental detail drawings, light pattern details and all other constructing documents as may be required by the administration or commission.

**Building.** Any structure or any part of such structure when subdivided by division walls or party walls extending to or above the roof and without openings in such separate walls. The term "building" shall be construed as if followed by the words "or any part thereof."

**Construction.** The erection of any on-site improvements on any parcel of ground.

**Demolition.** The complete, partial or constructive removal of a building from any site.

**Economic return.** The capacity of a building to generate revenue in the form of fair market rents. When the fair market rents less expenses for a building equal zero, the building shall be considered incapable of generating any net economic return on its value.

**Exterior.** All outside surfaces of any building.

**Exterior architectural features.** Exterior elements including but not be limited to, the architectural style, general design and general arrangement of the exterior of a structure, including the kind and texture of the building material, the type and style of all roofs, windows, doors, and signs.

**Historic building.** A building at least 50 years old with significant architectural value and integrity.

**Historic district.** An area designated by the city council as an historic district and declared to be subject to jurisdiction of this chapter.

**Landmark and landmark site.** An unimproved parcel of ground (landmark site) or parcel with improvements (landmark) of particular historic, architectural or cultural significance, which said parcel or parcels, plus improvements, if any:

- (1) Exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
- (2) Identify with historic persons or with important events in national, state or local history; or
- (3) Embody distinguishing characteristics of an architectural type inherently valuable for a study of a period, style or method of construction; of indigenous materials or craftsmanship; or
- (4) Represent notable work of a master builder, designer or architect whose individual ability has been recognized.

**Neglect of historic building.** The maintenance of any building resulting in deterioration of a building to the extent that either creates or permits unsightly, hazardous or unsafe conditions and/or conditions that will lead to the permanent loss of the whole or any part of the structure.

**Ordinary repairs and standard maintenance.** Work done on a building to prevent deterioration, decay or damage of a building on any part thereof in order to restore same as nearly as practical to its condition prior to such deterioration, decay or damage.

***Substantive change.*** Changes which alter the historical or architectural character such as windows, columns, porches, doors and exterior ornamental decorative.

**Sec. 52-2. - Purpose.**

The purpose of this chapter is to promote the preservation of historic districts, buildings and landmarks for the educational, cultural, economic, and general welfare of the public through the preservation, protection, and regulation of such districts, buildings, and landmarks, within the city; to safeguard the cultural, social, economic, political, and architectural history of the city; to preserve and enhance the environmental quality of neighborhoods; to ensure the appropriateness of renovations and new construction in the district; to strengthen the city's economic base by the stimulation of the tourist industry; to establish and improve property values; to foster economic development; and to manage growth.

**Sec. 52-3. – Historic District Commission; appointment; term.**

A Historic District Commission (HDC) is hereby established and shall consist of (7) seven members recommended by the city council and appointed by the Mayor to four year terms of service. Members shall include one architect and one historian. The architect, the historian and two members shall be appointed at the beginning of the regular term of the mayor and city council. The remaining three members shall be appointed at the beginning of the third year of the regular term of the city council and mayor. In the event that an appointment of a specific discipline is not forthcoming within 60 days of a vacancy, the mayor may appoint a resident of a historic district or property owner of a historic district property without such qualification, subject to the approval of the council. In the event that an appointment by the mayor is not forthcoming within 60 days of a vacancy, the council may appoint and fill such vacancy. Nothing shall preclude the mayor from removing or replacing an appointment, with council approval and nothing shall prohibit the reappointment of any prior member of the committee to the new term.

**Sec. 52-4. - Same—Powers and duties.**

The historic district commission shall exercise only those duties which may be assigned to it by the mayor and the city council.

**Sec. 52-5. - Same—Areas of jurisdiction.**

(a) The Mechanickham-Gretna Historic District is hereby bounded by the east side of Gulf Drive, the north side of Sixth Street to the west side of Dolhonde, on the West; the north side of Twelfth Street on the South; the east side of Amelia Avenue on the East; and the Mississippi River on the North. The Mechanickham-Gretna Historic District map shall be on file in the city clerk's office where it is available for reference and review during normal business hours.

(b) The McDonoghville Historic District is hereby bounded by the east side of Ocean Avenue from the river to the Fourth Street right-of-way to the west side of Hancock Street to the Orleans Parish line and Mississippi River. The McDonoghville Historic District map shall be on file in the city clerk's office where it is available for reference and review during normal business hours.

(c) The National Register Historic District mostly included within the Mechanickham-Gretna Historic District. The National Register Historic District map shall be on file in the city clerk's office where it is available for reference and review during normal business hours.

(d) Any other local historic district that is established by the city council upon nomination of the mayor and approval by the Historic District Commission.

(e) The McDonoghville Cemetery.

(f) Any other historic building or landmark that is declared by the city council upon nomination of the mayor.

(g) Ceramic blue letter sidewalk tiles (or similar ceramic tile lettering) and bronze letter street identifiers are hereby declared landmarks.

**Sec. 52-6. - Historic district powers and regulations.**

(a) No private building, structure or edifice, including fences, boundary walls, signs, or steps shall be erected, altered, restored, moved or demolished within a district until a certificate of appropriateness has been provided by the Historic District Commission and the city has issued a permit for the activity. Ordinary repairs and standard maintenance shall not require such approval. Similarly, there shall be no excavating or moving of subsoil from earthworks of historical or archaeological importance without such approval.

(b) The Historic District Commission shall consider the exterior architectural features and the relationship of the exterior of the buildings concerned with all others in the district to avoid incongruity. In all instances, the city and HDC shall regulate those elements of the outside of a building, structure or edifice, including fences, boundary walls, signs, or steps that can be viewed from a public street.

(c) The style, scale, materials, and location of signs as defined in Article IV of Chapter 102 of this code within a district shall also require a certificate of appropriateness from the Historic District Commission prior to zoning and permitting by the city. No certificate of appropriateness shall be issued for a sign or display that does not comply with the requirements of the sign ordinance found in Article IV of Chapter 102 of this code; however a certificate of appropriateness may be more restrictive than the requirements found for signs or displays in Article IV of Chapter 102 of this code.

(d) No structure within an historic district shall be allowed to deteriorate due to neglect. All property shall be reasonably maintained to prevent or avoid deterioration described the definition, "demolition."

**Sec. 52-7. Procedures for Application of Certificate of Appropriateness**

A. Whenever the Director of Building , Regulatory, and/or Permits becomes aware that an application has been filed for a permit affecting a property under the jurisdiction of the

preservation commission, the city shall immediately notify chairman of the HDC that such an application has been filed.

B. The City shall make a preliminary determination on the completeness of an application however the Historic District Commission shall have the final authority to determine when a filed application is complete and contains all required information. An application deemed incomplete by the commission shall not be considered to have been filed for the purposes of this ordinance.

C. The Historic District Commission shall establish a regular schedule for the hearings of the commission. One hearing shall be scheduled for each month unless no application for a certificate of has been submitted. However, the HDC must meet at least once every three (3) months even if no applications for a certificate of appropriateness have been submitted.

D. Notice of the time and place of a scheduled public meeting of the Historic District Commission shall be given by publication in a newspaper having general circulation in the city and placed on the City's official web site at least four (4) days before such meeting and by posting such notice on the bulletin board in the lobby of city hall.

E. At the scheduled public hearing, the applicant for a certificate of appropriateness shall have the right to present any relevant information pertaining to the application. Likewise, the city, the HDC, staff, and members of the public shall have the right to present any additional relevant information pertaining to the application. The HDC shall follow city council's rules of procedure specifying in detail how a public hearing shall be conducted and when comments and information from different sources shall be heard.

F. The HDC, at a public hearing, shall have the right to recommend changes and modifications to enable the applicant to meet the requirements of the HDC. The HDC may choose to convert the public hearing to a preliminary conference after an application for a certificate of appropriateness has been filed.

G. The commission shall act upon an application, either approving, denying, or conducting a preliminary hearing and then deferring action until the next meeting of the commission, giving consideration to the factors set forth in Section 52-6 and 52-9 hereof. Evidence of approval of the application shall be by certificate of appropriateness issued by the commission and, whatever its decision, notice in writing shall be given to the applicant and the city building official within 48 hours.

H. The issuance of a certificate of appropriateness shall not relieve an applicant of the requirement for a companion building permit, special use permit, variance, or other authorization and compliance with any other requirement or provision of the laws of the city concerning zoning, construction, repair, or demolition. In all such cases, applicants are encouraged to apply first for a certificate of appropriateness as other city agencies will be advised by the commission in making their subsequent decisions.

I. No building permit which affects the historic district shall be issued by the city official prior to the issuance of a certificate of appropriateness by the commission. Even if a building permit is not otherwise required by the city ordinances for construction, alteration, demolition, or relocation of any resource, a certificate of appropriateness from the commission is required.

J. Application for a historic district certificate of appropriateness shall be made in the office of the building official. Each application shall be accompanied by a \$50.00 administration fee. Such application must be filed no later than 3 business days prior to any meeting of the HDC at which time such application is to be heard.

#### **Section 52-8. Submission Requirements to HDC for Exterior Changes**

A. The owner of any property within the Historic District shall apply for a certificate of appropriateness from the Commission before the commencement of any work in:

- (1) Demolition of an historic building.
- (2) Moving an historic building.
- (3) Material change by additions, reconstruction or alterations in the exterior appearance of existing buildings classified as historic.
- (4) Any new construction of a building or accessory building or structure if subject to view from a public street.
- (5) Change in existing walls and fences or construction of new walls and fences, if along a public street.
- (6) Change in the exterior appearance of existing non-historic buildings by additions, reconstruction, alteration or maintenance of exterior, if subject to view from a public street.

B. The application therefore shall be made to the HDC, accompanied by the full plans and specifications thereof so far as they relate to the proposed appearance, texture, materials, and architectural design of the exterior, including the front, sides, rear and roof of such buildings, alterations or addition of any building or outbuilding, party wall, courtyard, sidewalk, driveway, parking area, fence or other dependency thereof.

#### **Sec. 52-9. Certificate of Appropriateness - Criteria.**

The HDC shall adhere to and seek compatibility of structures in the district in terms of size, texture, scale, and site plan. The following guidelines shall be applied in evaluating applications:

##### *(1) New construction.*

a. All new construction shall be visually compatible with the buildings and environment with which they are related.

b. The general design, scale, gross volume, arrangement, site, plan, texture, material and exterior architectural features of new construction shall be in harmony with its surroundings and shall not impair the historic character of the neighborhood.

c. No one architectural style shall be imposed.

d. Quality and excellence in design shall be major determinants.

##### *(2) Exterior alterations.*

a. All exterior alterations to a building shall be compatible with the building itself and other buildings with which it is related, as provided in (1)b above and in applying these standards, the original design of the building shall be considered.

b. Exterior alterations shall not affect the architectural character or historic quality of the building.

(3) *Signs.*

a. *General prohibitions of miscellaneous signs.* The display of signs of a miscellaneous character visible from public streets, within an historic district of the city, except as otherwise provided in this code is prohibited.

b. *Signs must conform to character of section.* Approval of the display of a sign in any historic district shall be granted by the commission only when they meet the requirements of Article IV of Chapter 102 of this code and, the appearance, color, size, position method of attachment, texture of materials and design of such signs conform to the quaint and distinctive character of an historic district or do not injuriously affect it or impair the value of the community or those buildings having architectural or historical value.

c. *What signs may advertise.* No sign shall be displayed in an historic district unless it advertises a bona fide business conducted in or on the premises.

d. *Only one sign per bona fide business.* Each bona fide business shall be allowed only one sign.

e. *Recommended Surface area of certain signs.*

1. Single-faced wall sign - no more than eight square feet
2. Double-faced attached sign - no more than 16 square feet
3. Detached sign – no more than 28 square feet per side

f. No sign shall be displayed in any manner whatsoever to disfigure or conceal any architectural feature or detail of any building

(4) *Demolition.* In considering an application for the demolition of a landmark or a building in an historic district, the following shall be considered:

a. The historic or architectural significance of the building.

b. The importance of the building to the historic character of the district.

c. The special character and aesthetic interest that the building adds to the district.

d. The difficulty or impossibility of reproducing such a building because of its design, texture, material or detail.

e. The future utilization of the site.

f. *Cost considerations in restoration.* Whenever a property owner shows that a building classified as historic is incapable of earning any economic return on its value, as appraised by a qualified real estate appraiser, or if new construction can be demonstrated by a property owner to be the highest and best use of the building site, such building may be demolished provided, however, that before a demolition permit is issued, notice of proposed demolition shall be given three times during a period of 30 days to afford interested persons the opportunity to acquire or to arrange for the preservation of such buildings.

(5) *Restriction of intrusions.* The reconstruction of buildings legally nonconforming to the surrounding uses and destroyed by fire, storms or other Acts of God shall be governed by the provisions of all applicable building codes and ordinances. In addition, the city shall regulate the exterior design of such buildings as stipulated by the provisions of this chapter.

(6) *Prohibition of aerials, antennas, and satellites, restrictions on solar panels.* The construction or installation of aerials, antennas, satellite dishes, or solar panels of any type within an historic district shall require a historic district permit. Permits of aerials, antennas and satellite dishes shall not be denied when the installation is not visible from the street. Permits for solar panels shall not be denied when the installation is ten feet or more behind the front wall of the structure, 12 inches or more below ridgeline of the installation area of the structure, and less than eight inches above the roof surface.

#### **Sec. 52-10 Recommendation and Action Thereon**

The Historic District Commission shall, upon due consideration, render its decision concerning the submitted application, which may include such changes, if any, as in its judgment are reasonably necessary to comply with the requirements of this Ordinance, and send its decision, in writing, to the applicant and the Building Inspector. If the permit is approved, the Building Inspector shall promptly issue a permit for such work in conformance with the HDC's decision.

#### **Sec. 52- 11 Appeals**

- A. Any person or persons aggrieved by any decision, act or proceedings of the Historic District Commission shall have a right to an appeal before the City Council for reversal or modification thereof; such appeal shall be lodged with the City Clerk, and the Mayor, or presiding officer of the City Council, shall have the right to stay all further action until the City Council shall have had an opportunity to rule thereon. Any such appeal shall be taken within 5 days, exclusive of holidays and weekends from date of the written decision, and the City Council may consider said appeal at its next general or special meeting, but, in any event, not more than forty-five days thereafter. The City Council may affirm a decision of the Historic District Commission by majority vote of all its members. The City Council shall have the right to reverse, change or modify any decision of the Historic District Commission by majority vote of all its members.
- B. Any person or persons aggrieved by any decision of the city council shall have the right to file a civil suit within 30 days from the date of the decision in a court of competent jurisdiction under the usual rules of procedure governing same.

#### **Sec. 52-12. - Enforcement powers.**

Upon request, the building official shall make all necessary inspections in connection with the enforcement of this chapter. The building official shall have the same right to inspect premises in connection with the enforcement of this chapter as he now has in relation to other violations under his jurisdiction.



Failure to comply with the provisions of this chapter the rules and procedures of the city shall constitute a misdemeanor and shall be punishable under Section 1-6 of the city Code of Ordinances.

The city shall have the right to enforce any violations of this chapter by civil action for injunctive relief or other appropriate remedy brought on in the name of the city.

**Sec. 52-13. - Injunctions.**

Whenever any person has engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of this chapter, the city may make application to the appropriate court for an order enjoining such act or practice, or requiring such person to refrain from such prospective violation or to remedy such violation by restoring the affected property to its previous condition. Upon a showing by the city that such person has engaged or is about to engage in such act or practice, a permanent or temporary injunction, temporary restraining order or other appropriate action shall be granted without bond.

**Sec. 52-14. - Neglect of historic structure.**

(a) In the event the city determines that a building or landmark is being demolished or allowed to deteriorate by neglect, it shall notify the owner of the preliminary finding, to appear at the next meeting of the Historic District Commission, and direct the owner to within 15 days from the date of notice to begin rectifying the conditions determined to be causing the demolition by neglect. Such notice shall be issued by certified mail to the last known address of the owner; or if the owner cannot be located, then the notice shall be attached to the building or landmark twice within a month.

(b) At the noticed meeting of the Historic District Commission the owner shall appear and give evidence concerning the initial determination of demolition by neglect.

(c) If after the hearing, the historic district advisory committee determines: (1) that the property is a contributing element to the historic district, and (2) that the building or landmark is being demolished or allowed to deteriorate by neglect, and (3) the owner has failed to commence work sufficient to remediate the cited conditions, the city may, through the building official or other appointed officer, bring charges against the owner for the violation of this chapter; and the city may cause such property to be repaired at its expense, which expense shall be paid by the owner and the city may file an affidavit to that in the office of the recorder of mortgages for the Parish of Jefferson, which notice shall constitute a lien and privilege against the property.

(d) If it is determined by the Historic District Commission that the property is not a contributing factor to the historic district the owner may be cited by the city under the provisions of Section 42-103(c) of this Code.

(e) If it is determined by the Historic District Commission that the owner has commenced work sufficient to remediate the cited conditions, no further action shall be taken by the city for a period of 60 days.

Provided that a majority of the City of Gretna Council have voted in favor of this ordinance, this ordinance shall have the full force and effect of law at midnight on the tenth day

following the Clerk's presentment of the same to the Mayor, in accordance with Louisiana Revised Statutes 33:406(c)(2) unless the Mayor returns the same, unsigned, to the Clerk during that ten-day period.

This ordinance having been submitted to a vote, the vote thereon was as follows:

Yeas: **Councilmen Marino, Rau, Crosby, Miller and Berthelot**

Nays: None

Absent: None

**ADOPTED: FEBRUARY 11, 2015**

**APPROVED: FEBRUARY 12, 2015**

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**CITY CLERK  
CITY OF GRETN  
STATE OF LOUISIANA**

Ordinance presented to the  
Mayor on February 12, 2015

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**MAYOR  
CITY OF GRETN  
STATE OF LOUISIANA**

Ordinance returned from the  
Mayor on February 12, 2015

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**CITY CLERK**

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**CITY CLERK**

**Attachment D: A map(s) clearly defining the boundaries of all historic districts designated by local ordinance**

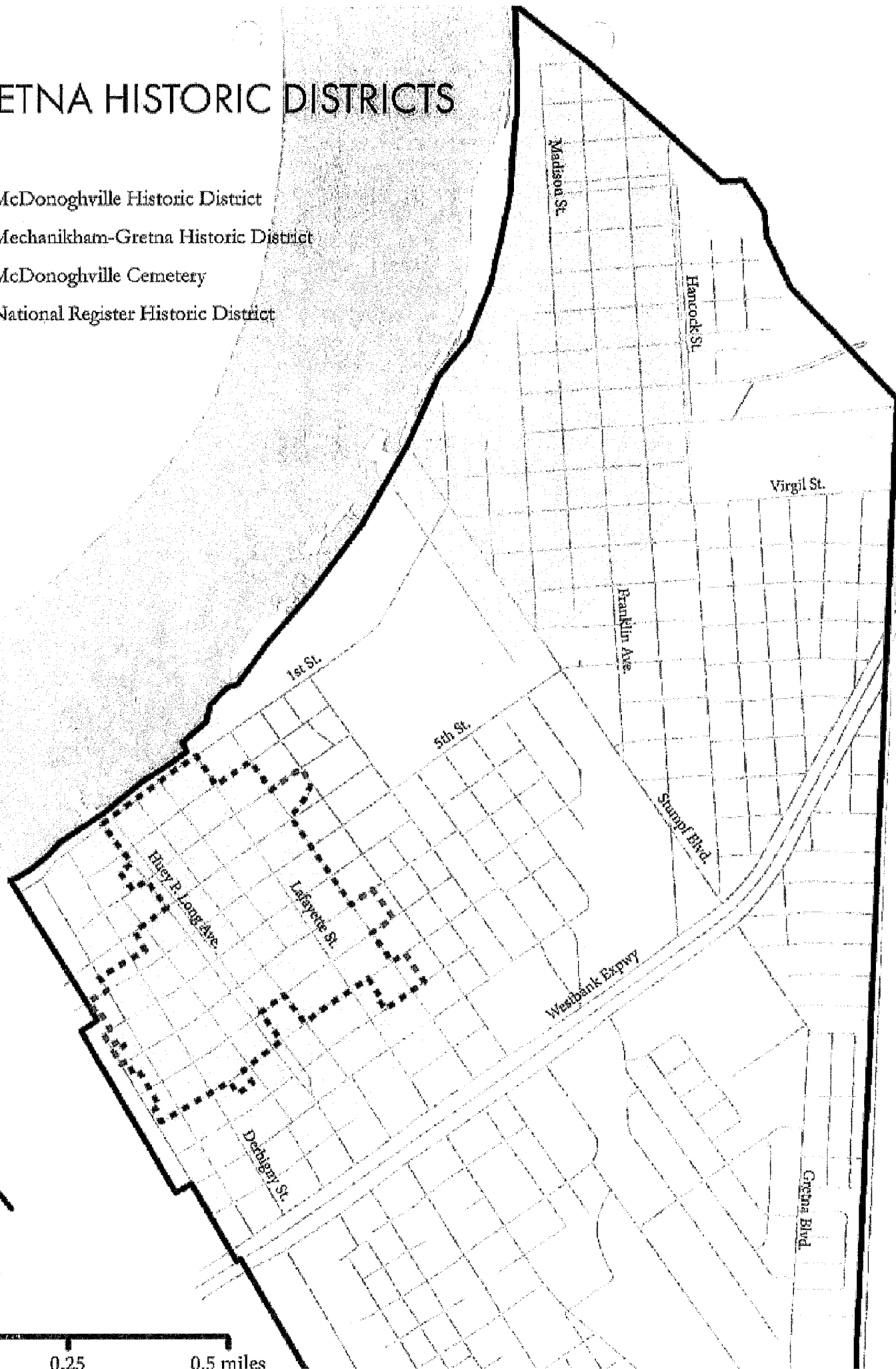
# GRETNA HISTORIC DISTRICTS

McDonoghville Historic District

Mechanikham-Gretna Historic District





McDonoghville Cemetery

■ ■ National Register Historic District



0 0.25 0.5 miles

# Legend

-  National Registry Historic District
-  McDonoghville Historic District
-  Gretna Historic Districts
-  Gretna City Limits

## City of Gretna, Louisiana Historic Districts



**McDonogh Cemetary**

**McDonoghville Historic District**

**Mechanickham-Gretna Historic District**

**National Register Historic District**

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0.6 0.25 0 0.5 Miles



