

Chapter 10.5

HISTORIC DISTRICT*

Sec. 10.5-1. Description.

The geographical area of the St. Martinville Central Business District designated as the "St. Martinville Historic District" is as follows:

Beginning at 214 South Main Street moving northerly to 101 North Main Street; thence easterly beginning at 101 East Bridge Street to 225 East Bridge Street; thence southerly at the Church Green including the St. Martin of Tours Parish Hall, St. Martin of Tours Catholic and the St. Martin of Tours Rectory; thence to 201 South Main Street ending at 219 South Main Street.

The geographical area described above is the area that was entered into the National Register of Historic Places under the provisions of the National Historic Preservation Act of 1966, on the 27th day of January, 1983. The Louisiana Historic Sites Survey of 1982, lists forty-two (42) buildings within the boundaries of the "Historic District", three-fourths of which date from c.1820 to c.1910. The two (2) major elements in the district are the church square and the surrounding old commercial-residential sector. There are ten (10) intrusions listed in the survey, but they do not significantly threaten the district's overall historic character.

The complete survey of historic properties in the "Historic District", is as specified in attachment A hereto.
(Ord. No. 93-1, § 1, 1-19-93)

Editor's note—Attachment A referenced in § 10.5-1 is not set out at length in this chapter, but is on file and available for inspection in the city offices.

***Editor's note**—Ord. No. 93-1, §§ 1—13, adopted Jan. 19, 1993, enacted provisions pertaining to a historic district. Such ordinance did not specify manner of codification, but has been codified as superseding Ord. No. 92-1, adopted Apr. 6, 1992, which pertained to the same subject matter. Provisions of Ord. No. 93-1 have been designated by the editor as Ch. 10.5, §§ 10.5-1—10.5-23.

Cross references—Building regulations, Ch. 7; planning and development, Ch. 17; zoning, App. A; subdivisions, App. B; flood damage prevention, App. C.

Sec. 10.5-2. Statement of significance.

The St. Martinville Historic District is significant in the following respects:

- (1) It is architecturally significant on the local and state levels as an important example of a small urban commercial center. In addition, it is architecturally significant on the state level because of the surviving visual relationship between the central church square and the surrounding town.
 - (2) It is significant in the area of exploration/settlement on the state level because of the unusual role the Catholic Church played in its development.
 - (3) It is locally significant in the area of commerce because it is a visual reminder of St. Martinville's importance as an interior port and commercial center.
- (Ord. No. 93-1, § 2, 1-19-93)

Sec. 10.5-3. Definitions.

(a) *Accessory structure.* A detached subordinate building located on the same building site with the main building, the use of which is incidental to that of the main buildings.

(b) *Building.* Any covered structure intended for shelter, housing, enclosure or economic activities related to persons, animals or chattels. The term "building" shall be construed to include the term "structure".

(c) *Historic.* A building may be classified as historic when it is at least fifty (50) years of age and is of obvious significant local, regional, or national historic, architectural, and/or cultural value.

(d) *Certificate of appropriateness.* A certificate of appropriateness is a document issued by the St. Martinville Historic District Advisory Commission indicating its approval of plans for exterior alteration, construction, removal, or demolition of a designated landmark or of a structure within a designated landmark area or the historic district.

(Ord. No. 93-1, § 3, 1-19-93)

Sec. 10.5-4. Commission established.

There is hereby created a commission to be known as the St. Martinville Historic District Advisory Commission.
(Ord. No. 93-1, § 4, 1-19-93)

Sec. 10.5-5. Purpose of commission.

The purpose of the St. Martinville Historic District Advisory Commission shall be to endorse plans as presented, or, when deemed necessary, to make recommendations for changes to property owners upon all proposed alterations, relocations, and new construction within the boundaries of the historic district and other actions necessary to implement the intent of this chapter. The commission shall make itself available to assist owners of properties on which alterations, relocations, or new construction are contemplated in complying with recommendations. The commission shall also assist property owners interested in pursuing investment tax credits for historic rehabilitation to meet the requirements for that program.
(Ord. No. 93-1, § 5, 1-19-93)

Sec. 10.5-6. Recommendation and appointment of commission members.

The commission shall consist of seven (7) members, all of who shall either reside in the city, own immovable property in the St. Martinville Historic District, be gainfully employed within the historic district or live within the historic districts. Four (4) of the members shall be one (1) representative from each of the following commissions or civic organizations; St. Martinville City Zoning Commission, St. Martinville Tourist Commission, St. Martinville Chamber of Commerce, and the St. Martinville Downtown Development Association. The three (3) remaining members shall be appointed by the mayor and all appointments shall be subject to approval by a majority vote of the city council.
(Ord. No. 93-1, § 6, 1-19-93)

Sec. 10.5-7. Commission appointments and term.

During the process initiating the commission, numbers shall be appointed as follows: Two (2) members shall be appointed for a

term of two (2) years. Three members shall be appointed for a term of three (3) years. And two (2) members shall be appointed for four (4) years. All commissioners shall draw lots to determine the individual's terms. All re-appointments shall replace the designated representative commissions or organizations and shall be for four (4) years. In making appointments, preference shall be given to individuals with demonstrated interest or expertise in historic preservation, including representatives from historical, cultural, business, educational, archaeological, architectural, development, artistic, commercial and preservation organizations. (Ord. No. 93-1, § 7, 1-19-93)

Sec. 10.5-8. Vacancies on commission.

Any vacancies become the responsibility of the representative organization and should be filled within sixty (60) days. All new members of the commission shall familiarize themselves with the purpose and objectives of the commission, and shall attend appropriate training as directed by the chairman. Commissioners may serve consecutive terms with majority vote from the city council.

(Ord. No. 93-1, § 7.1, 1-19-93)

Sec. 10.5-9. Commission member recall.

Any member may be recalled at any time by the city council for gross inefficiency, fraud or studied neglect, but only after an open hearing and upon notice specifying the complaint involved. Notice shall be given to the mayor and the city council if said member is absent from more than fifty (50) percent of the commission meetings in any calendar year.

(Ord. No. 93-1, § 7.2, 1-19-93)

Sec. 10.5-10. Commission bylaws.

The 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 the approval of the city council.

Commission bylaws shall be set forth in this section as approved by the city council. Any change of bylaws shall be approved by the city council.

(Ord. No. 93-1, § 8, 1-19-93)

Editor's note—The city has advised that the above referenced bylaws will be set out at such time as they are finalized and approved.

Sec. 10.5-11. Quorum.

Presence of five (5) members of the commission shall constitute a quorum.

(Ord. No. 93-1, § 8.1, 1-19-93)

Sec. 10.5-12. Commission meetings.

The commission shall meet quarterly in the chambers of the city council. Special meetings may also be held at any time on the written request of any one (1) of the seven (7) members or on the call of the chairman of the commission or the mayor.

All meetings are open to the general public. Notice of such meetings will be published in the official journal of the City of St. Martinville giving not less than seven (7) days' notice and providing instructions for persons wishing to be placed on the agenda for the meeting. A duplicate notice of all meetings will be posted in City Hall.

(Ord. No. 93-1, § 8.2, 1-19-93)

Sec. 10.5-13. Officers of commission.

Officers shall be elected annually and shall begin serving a one-year term on July 1st of each year. Officers shall be elected by a majority of the eligible voting members present in person.

Except as hereinafter provided, the officers of the commission shall each have such powers and duties as generally pertain to their respective offices, as well as those that from time to time may be conferred by the membership or the chairman of the commission.

The commission officers and their respective duties are as follows:

- (1) *Chairman.* The chairman shall preside at all meetings of the commission, but may at his or her discretion or at the suggestion of other members arrange for another member to preside at the meetings. The chairman shall perform such duties as are usually incumbent upon that officer and such duties as directed by the city council.
- (2) *Vice-chairman.* The vice-chairman shall have such duties and responsibilities as the chairman may from time to time prescribe. The vice-chairman will preside over meetings in the absence of the chairman.
- (3) *Secretary.* The secretary shall periodically review all written records of the commission to ensure that they are in good order. The secretary shall be responsible for making a quarterly report to the city council as required by section 10.5-15.
- (4) *Temporary Officers.* In case of the absence or disability of any officer of the commission and of any person authorized to act in his or her place during such periods of absence or disability, the chairman may from time to time delegate the powers and duties of such officer to any other officer or any other member of the commission.

(Ord. No. 93-1, § 8.3, 1-19-93)

Sec. 10.5-14. Committees.

The commission shall establish committees on an as-needed basis in order to concentrate efforts on a specific task or purpose relating to the overall purpose of this commission. Such committees, if any, shall be chaired by a commission member and may consist of appointments of persons outside of the commission itself. Committees shall meet as necessary upon the call of the committee chairman and shall report to the full commission at its next regular quarterly meeting following the committee meeting.

(Ord. No. 93-1, § 8.4, 1-19-93)

Sec. 10.5-15. Commission reporting.

The commission shall make a report on its recommendations and activities to the mayor and city council at the second city

HISTORIC DISTRICT

§ 10.5-17

council meeting following the quarterly or special call meetings. Upon written request, any immovable property owner shall be furnished with a copy of the minutes of any particular meeting, containing the supporting or pivotal factors or considerations. (Ord. No. 93-1, § 8.5, 1-19-93)

Sec. 10.5-16. Staffing of commission.

The "St. Martinville Historic District Advisory Commission", shall be staffed by a paid member of the city's administration, a director or paid secretary of the chief administrator or another staff member designated by the local government. The designated person may also be a planner or other staff member of a parish, state, or regional agency that provides services to the local government under the terms of a contract. The designated person shall have the title of recording secretary and shall perform the duties as described below.

Recording secretary. The recording secretary shall record and maintain in good order minutes of all meetings and all records and correspondence of the commission, and shall mail copies of the minutes of each commission meeting to all commission members within ten (10) days from the conclusion of each regular quarterly meeting. The recording secretary shall also have such other duties as may be assigned by the commission chairman or the mayor.

(Ord. No. 93-1, § 9, 1-19-93)

Sec. 10.5-17. Responsibilities of commission.

The St. Martinville Historic District Advisory Commission shall:

- (1) Prepare and maintain an up-to-date inventory of districts, structures, neighborhoods, etc., in book form including an official map identifying historical sites and landmark areas.
- (2) 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, in accordance with the provisions of this chapter.

- (3) Designate or recommend designation of any site, building, structure, monument, area, or other landmark deemed appropriate by the commission according to the standards of this chapter, which is located within the City of St. Martinville, as historic or worthy of preservation.
- (4) Approve or deny certificates of appropriateness in accordance with the procedures and guidelines as described herein.
- (5) Promote restoration and preservation of any properties owned or acquired by the City of St. Martinville which have been designated as landmarks or historic preservation districts.
- (6) Establish and promote a facade easement or acquisition program. For the purposes of this chapter a facade easement is a less than fee interest in an historic property acquired through donation or purchase and carried as a deed restriction to protect the appearance of the building exterior.
- (7) Conduct educational programs on historic preservation.
- (8) Investigate and study such matters relating to historic preservation as the city council or said commission itself may from time to time deem necessary or appropriate for the purposes of preserving historic resources.
- (9) Review zoning for areas affecting historic sites, districts, and neighborhoods.
- (10) Investigate tax incentives and financial incentives.
- (11) Review all public and private projects affecting historically significant properties.
- (12) Recommend appropriate local legislation for the preservation of any building, structure, site, monument, area or other landmark which said commission has so named or designated.
- (13) Recommend application, with the approval of the city council, for federal funds when appropriate and available.
- (14) Review all applications for building permits proposing erection, alteration, restoration or moving of any building, struc-

ture, site, monument, area or other landmark which said commission has so named and designated, and to issue or deny certificates of appropriateness accordingly.

- (15) Review all applications for demolition permits proposing demolition of all or part of any building, structure, monument, or other landmark which said commission has so named and designated, and to issue or deny certificates of appropriateness accordingly.
- (16) Work with the owner of a landmark property throughout the year following a refusal to issue a certificate of appropriateness pursuant to an application for a demolition permit, and to seek alternative economic uses for the landmark property.
- (17) Renew its denial of a certificate of appropriateness for demolition of a landmark property if deemed appropriate for additional time periods as required.
- (18) Implement the provisions contained, herein and any rules and regulations the commission may adopt in conformity to it.

(Ord. No. 93-1, § 10, 1-19-93)

Sec. 10.5-18. Designation of local historical landmarks.

The St. Martinville Historic District Advisory Commission shall review and identify potential landmarks and adopt procedures to consider them for designation as a local historical landmark. Properties to be considered for nomination as a local historical landmark shall, upon investigation by the commission, be considered using the following guidelines:

- (1) The location is the site of a significant historic event.
- (2) The property is identified with a person or persons who significantly contributed to the history, culture, or development of the City of St. Martinville or the State of Louisiana.
- (3) The property exemplifies the cultural, economic, social or aesthetic heritage of the City of St. Martinville.

- (4) The property occupies a unique location or possesses a singular physical characteristic that makes it an established or familiar visual feature in the St. Martinville community.
- (5) The property is a group of related properties in an area which represents a significant aesthetic or visual character or exemplifies a historical period, cultural connection, or architectural motif unique to the development of the City of St. Martinville.

Any structure, property, site, object, or area that meets one (1) 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.

Generally a property must be a minimum of fifty (50) years old to be considered for nomination for local landmark designation. However, properties achieving particular significance in the community within the past fifty (50) years shall be considered for nomination at the discretion of the St. Martinville Historic District Advisory Commission.

Interior arrangement or use of a property shall not be considered in the designation of local historical landmarks.
(Ord. No. 93-1, § 11, 1-19-93)

Sec. 10.5-19. Procedures for nomination and designation of local landmarks.

The following procedure shall be adhered to in designating any building, structure, site, monument, or other landmark as worthy of preservation:

- (1) *Nomination.*
 - a. The St. Martinville Historic District Advisory Commission shall consider for landmark designation any property nominated by motion of any commission member or by the owner of record of the proposed property.
 - b. Notice of a proposed designation shall be sent by certified or registered mail (return receipt) to the owner of record of the property proposed for landmark designation, describing the property proposed, stating the prop-

erty's significance and announcing a public meeting of the St. Martinville Historic District Commission to consider such designation. Such notification shall be sent to the owner of the record at least twenty (20) days prior to the meeting.

- c. Notice of any proposed designation shall be published along with the notice of the commission meetings as set forth in section 10.5-12.
- d. The St. Martinville Historic District Advisory Commission or the owner of record of the proposed property may solicit expert testimony regarding the historic and architectural importance of the proposed property.
- e. The St. Martinville Historic District Advisory Commission shall afford the owner of said proposed property reasonable opportunity to present testimony or documentary evidence regarding the historic and architectural importance of the proposed landmark property or properties.
- f. Any interested party may present testimony or documentary evidence regarding the proposed designation at the commission hearing scheduled to consider such designation.
- g. The St. Martinville Historic District Advisory Commission shall maintain a record of all testimony and documentary evidence submitted to said commission for consideration of a proposed landmark designation.
- h. Prior to the final decision or recommendation regarding the proposed designation, the owner of the property shall present to the St. Martinville Historic District Advisory Commission a written or oral statement declaring either support or opposition to the proposed designation.

(2) *Designation.*

- a. At the next regular meeting following the hearing, the commission shall render its final decision or recommendation regarding the proposed designation and shall give written notice of its decision or recommendation to the owner of the property setting forth the reasons therefor.

- b. Within thirty (30) days of the date upon which the commission makes a final designation of any property, the commission shall cause to be filed in the records of the office of the clerk of court for St. Martin Parish a certificate of notification that such property has been designated as a historical landmark and falls under the rules of this chapter.
(Ord. No. 93-1, § 11.1, 1-19-93)

Sec. 10.5-20. Procedures.

The St. Martinville Historic District Advisory Commission shall establish procedures which will ensure that it will function effectively and appropriately in regards to any alteration, relocation, new construction, or demolition involving buildings falling within the historic district or those designated as local historical landmarks.

(Ord. No. 93-1, § 12, 1-19-93)

Sec. 10.5-21. Certificate of appropriateness.

An application for a certificate of appropriateness shall be submitted to and approved by the St. Martinville Historic District Advisory Commission before any of the following actions are implemented which affect the exterior architectural appearance of any designated landmark, or property within a designated landmark area or the historic district.

- (1) Any construction, alteration or removal requiring a building permit from the City of St. Martinville.
- (2) Any demolition in whole or in part requiring a permit from the City of St. Martinville or
- (3) Any construction, alteration, demolition or removal affecting a significant exterior architectural feature of a designated landmark in a landmark area or the historic district.

For the purpose of this chapter, exterior architectural features shall include, but need not be limited to, the color, architectural style general design and general arrangement of building, material, the type and style of all roofs, windows, doors, light fixtures, signs and other appurtenant fixtures. The style, scale, material,

size and location of outdoor advertising signs and bill posters within a designated landmark area shall also be under the control of the St. Martinville Historic District Advisory Commission. (Ord. No. 93-1, § 12.1, 1-19-93)

Sec. 10.5-22. Applications for certificates of appropriateness.

(a) *Demolition or building permit.* A building or demolition permit cannot be issued for any structure within the historic district or a structure designated as a local landmark until a certificate of appropriateness has been issued by the commission.

Applications for demolition and building permits will be screened by the city inspector to determine whether or not the property is located within historic district or is a designated local landmark.

If the application involves a building within the historic district or a designated landmark, the application and related plans will be forwarded within seven (7) days by the city to the commission prior to issuing a building or demolition permit.

(b) *Commission recommendation.* The St. Martinville Historic District Advisory Commission shall consider the application at its next regular meeting or may call a special meeting in order to accommodate the property owner. The owner of the property in question is invited and encouraged to attend this meeting to communicate the plans regarding the proposed changes to the building.

The commission may offer suggestions to the property owner and work with the property owner in order to gather information, materials, and artisans which will ensure that the goals of the property owner and of the commission are met.

After gathering all pertinent information and appropriate discussion with the property owner, the commission, upon due consideration shall render its decision in writing to the applicant and the city inspector. If the certificate of appropriateness is approved, the city inspector shall promptly issue the requested permit for such work in conformance with the commission's decision.

§ 10.5-22

ST. MARTINVILLE CODE

(c) *Appeals.* Any person or persons aggrieved by any decision, act or proceeding of the commission shall have a right to apply in writing to the city council for reversal or modification thereof; 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 in ten (10) days from date of the written decision, and the city council may consider said appeal at its next general meeting, but in any event within forty-five (45) days thereafter.

The city council may affirm or may reverse or change a decision of the commission by a majority vote of all of its members.

(d) *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 commission 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 commission or 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 order shall be granted without bond.

(Ord. No. 93-1, § 12.2, 1-19-93)

Sec. 10.5-23. Criteria to be used by the commission in making recommendations.

The criteria to be used by the commission in making recommendations are as follows:

- (1) To the extent feasible with economic realities, efforts should be strongly encouraged to provide compatible uses for buildings requiring minimal building, building site and environmental alterations.
- (2) Removal, destruction or alteration of original characteristics or unique architectural features of buildings should be discouraged.
- (3) Surface cleaning of structures by the gentlest means possible should be encouraged.

- (4) In a rehabilitation project, use of materials matching or compatible with those already used in the buildings as to composition, design, color, texture and other visual qualities should be encouraged.
 - (5) Contemporary design and alterations and additions to existing buildings should not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible in size, scale, material and character to the property, neighborhood and environment.
 - (6) In the case of new construction, compatibility with surrounding buildings in scale, size, and materials should be encouraged.
- (Ord. No. 93-1, § 13, 1-19-93)