

HISTORIC DISTRICT ORDINANCE FOR OPELOUSAS, LOUISIANA CERTIFIED LOCAL GOVERNMENT

8/3/2001

WHEREAS, the City Council is desirous of promoting the educational, cultural and economic welfare of the public of the City by preserving and protecting historic structures and neighborhoods which serve as visible reminders of the history and heritage of the city, region, state and nation, and furthermore it is the purpose of this ordinance to strengthen the economy of the City by stabilizing and improving property values in historic areas and encourage responsible economic development, and appreciation and recognition of our unique heritage;

I. NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Opelousas in legal session convened, as follows, to-wit:

SECTION 1. Commission Established

There is hereby created a Commission to be known as the Historic District Commission of the City of Opelousas.

SECTION 2. Recommendation and Appointment of Members

~~The commission shall consist of no fewer than five and no more than nine members, all of whom shall be residents of Opelousas or members of the Opelousas business community, and shall be appointed by the Mayor. Members may be removed for just cause.~~

SECTION 3. Term; Vacancies

Each of the members of the Commission shall be appointed for a term of four (4) years. The members of the Commission shall elect the Chairman. Whenever the term of a member of the Commission expires, the Mayor shall appoint his successor. The members may serve consecutive terms. The first commission shall have staggered terms: ¼ with one (1) year terms, ¼ with two (2) year terms, ¼ with three (3) year terms and ¼ with four (4) year terms. All commission members shall have a demonstrated knowledge of or interest, competence, or expertise in historic preservation. The commission shall seek the advice, as needed of professionals in the related disciplines of architectures, history, architectural history, or archaeology, etc.

SECTION 4. Administration and Committees

The Director of Community Development of the City of Opelousas will serve as advisor to the Commission and will act as liaison between the Commission and the Office of the Mayor. Nominal expenses necessary to carry out the duties of the Commission will be budgeted through the aforementioned department. The director will designate the Recording Secretary for the Commission and the department will maintain all files, records, and minutes of the Commission. The Commission may designate and appoint, from among its members, various committees with such powers and duties as the Commission may have and prescribe.

SECTION 5. Rules, Regulations and Guidelines; Meetings; Reports; Recommendations

The Commission shall make such rules and regulations as it may deem advisable and necessary for the conduct of its administrative affairs not inconsistent with the laws of the City and State.

The Commission shall meet monthly, unless no application for a Certificate of Appropriateness has been submitted, however, meetings may be called at any time by the Commission on the written request of any of the Commission members or on the call of the Chairman of the Commission, or on the call of the Mayor. Copies of the rules, regulations and guidelines are available at the Code Enforcement Officer's Office and the Historic District Commission Office.

SECTION 6. Purpose

The City of Opelousas Historic District Commission shall have for its purpose the preservation and stewardship of all structures in the designated Historic District of the City. The Commission shall have for its further purpose the guardianship of those areas and structures which have an architectural and historical value and which should be preserved for the benefit of the people of the City and State.

To Wit, the goals of the Opelousas Historic District are as follows:

- A. Protect, enhance and perpetuate resources which represent distinctive and significant elements of the city's historical, cultural, social, economic, political, archaeological, and architectural identity;
- B. Insure the harmonious, orderly, and efficient growth and development of the city;
- C. Strengthen civic pride and cultural stability through neighborhood conservation;
- D. Stabilize the economy of the city through the continued use, preservation, and revitalization of its resources;
- E. Protect and enhance the city's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- F. Promote the use of resources for the education, pleasure, and welfare of the people of the city of Opelousas;
- G. Provide a review process for the preservation and appropriate development of the city's resources.

SECTION 7. Definition of Historic District

The following area of the City of Opelousas is designated as the "Opelousas, Historic District," to wit:

Beginning at a point which is the intersection of a point located 100 feet south of the south right-of-way of Berthaud Avenue and the center line of the abandoned Southern Pacific Railroad, thence in a northerly direction along the center line of the abandoned Southern Pacific Railroad to a point which is 100 feet north of the projection of the north right-of-way of Church Street, thence in an easterly direction parallel to and 100 feet north of the north right-of-way of Church Street to a point which is 100 feet to the west of the west right-of-way of LA Hwy 182 (Main Street), thence in a northerly direction parallel to and 100 feet west of the west right-of-way of La Hwy 182 (Main Street) to a point which is 100 feet north of the north right-of-way of Prudhomme Lane; thence in an easterly direction parallel to and 100 feet north of the north right-of-way of Prudhomme Lane to a point that is 100 feet east of the east right-of-way of Tunica Drive; thence in a southerly direction to a point which is the intersection of the south right-of-way of Prudhomme Lane and 100 feet east of the east right-of-way of Wallior Street; thence in a southerly direction on a line that is 100 feet east of and parallel to the east right-of-way of Wallior Street to the point which is 100 feet south of the south right-of-way of U.S. Hwy 190;

thence in a westerly direction along a line that is 100 feet south of and parallel to the south right-of-way of U.S. Hwy 190 to a point which is 100 feet to the east of the east right-of-way of Oak Street, thence in a southerly direction along a line which is 100 feet to the east of and parallel to the east right-of-way of Oak Street to a point which is 100 feet to the north of the north right-of-way of Leonard Street; thence in a westerly direction along a line that is 100 feet to the north of and parallel to the north right-of-way of Leonard Street to a point which is 100 feet to the east of the projection of the east right-of-way of Azalea Street; thence in a southerly direction along a line that is 100 feet east of and parallel to the east right-of-way of Azalea Street to a point which is 100 feet south of the projection of the south right of-way of Willow Street; thence in a westerly direction along a line that is 100 feet south of and parallel to the south right-of-way of Willow Street to a point which is 100 feet east of the east right-of-way of Union Street; thence in a southerly direction along a line that is 100 feet east of and parallel to the east right-of-way of Union Street to a point which is 100 feet south of the south right-of-way of Cresswell Lane thence in a westerly direction along a line that is parallel to the south right of way of Cresswell Lane to a point that is 100 feet to the west of the west right -of-way of Union Street; thence in a northerly direction along a line that is 100 feet to the west of and parallel to the west right-of-way of Union Street to a point which is 100 feet to the south of the south right-of way of Berthaud Street; thence along a line that is 100 feet south of and parallel to the south right-of-way of Berthaud Street to its intersection with the centerline of the abandoned Southern Pacific Railroad which is also the point of beginning.

Should any portion or part of a parcel of land fall within the above described boundary of the Historic District, then the whole of set portion or parcel of land shall be considered to be within the boundaries of the Historic District.

SECTION 8. Procedures for Application of Certificate of Appropriateness

- A. Whenever any application for a certificate of appropriateness is filed with the Code Enforcement Officer, the Officer shall immediately notify the Opelousas Historic Commission that the application has been filed.
- B. The Commission shall have the 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. The Commission shall develop standard application forms and its written guidelines shall specify what information an applicant shall attach to each form.
- C. Members of the Commission shall establish a regular schedule for the meetings of the Commission. One meeting shall be scheduled for each month unless no application for a Certificate of Appropriateness has been submitted. However, the Commission has to meet at least once every quarter even if no applications for a Certificate of Appropriateness have been submitted.
- D. The applicant shall, upon request, will have the right to a preliminary conference with the commission staff or the chairman or vice-chairman for the purpose of learning whether changes or adjustments to the application could make it more consistent with the Commission's standards.

- E. Not later than six (6) days before the date set for the meeting to discuss the application, the Code Enforcement Officer shall notify the applicant at the address in the application of the date set for the meeting.
- F. At the scheduled 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 Commission, and its staff, and members of the public shall have the right to present any additional relevant information pertaining to the application.
- G. The Commission, at either a preliminary conference or hearing, shall have the right to recommend changes and modifications to enable the applicant to meet the requirement of the commission. If the commission chooses to do this at a preliminary conference after an application for a Certificate of Appropriateness has been filed, then the time during which the Commission must render its decision, shall be extended by thirty (30) days in order to permit the applicant to prepare any new drawings or other submissions which prove necessary.
- H. Within not more than fifteen (15) days after the hearing on an application, the Commission shall act upon it, either approving, denying, or deferring action until the next meeting of the Commission, giving consideration to the factors set forth in Section VII 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 Code Enforcement Officer.

- I. Failure by the Commission to reach and render a decision within forty-five (45) days of the date of filing of the application with the Commission shall be taken to constitute approval of the application by the Commission, unless the applicant has requested that the Commission delay its decision beyond the forty-five (45) day period otherwise required.
- J. The issuance of a Certificate of Appropriateness shall not relieve an applicant for a companion building permit, special use permit, variance, or other authorization from 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 Historic District Commission in making their subsequent decisions.
- K. No building permit, which affects a resource, shall be issued by the Code Enforcement Officer 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, alternation, demolition, or relocation of any resource, a Certificate of Appropriateness from the Commission is required.

SECTION 9. Submission of Plans to Commission for Exterior Changes

- A. The owner of any property within the Historic District shall apply for a permit or Certificate of Appropriateness from the Commission before the commencement of:
 - 1. The erection of any new building or other construction in the Opelousas Historic District; or
 - 2. The alteration or addition to any existing structure in the Opelousas Historic District; or

3. The repairing or demolishing of any existing building situated within the Opelousas Historic District.
 4. The relocation of any building into or out of the Historic District.
- B. The application therefore shall be made to the Code Enforcement Officer of the City of Opelousas, or comparable position, accompanied by the full plans and specifications thereof so far as they relate to the proposed appearance, texture of 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. The Code Enforcement Officer shall refer the permit request and accompanying information to the Commission for its consideration.
- C. Where, by reason of topographical conditions, irregularly shaped lots, or because of unusual circumstances applicable solely to the particular applicant, strict enforcement of the provisions of this Ordinance would result in serious undue hardship peculiarly affecting said applicant, then the Commission in passing, upon his application shall have the power to vary or modify adherence to this Ordinance provided always that its requirements insure harmony with the general purposes hereof, and will not adversely affect the Historic District as a whole.
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- D. The Commission shall deny a Certificate of Appropriateness if it finds that the proposed material changes in appearance would have substantial adverse effects on the aesthetic, historic, or architectural significance and value of the historic property or the historic district. The Commission shall not grant Certificates of Appropriateness for demolition or relocation without reviewing at the same time the post-demolition or post-relocation plans for the site.
- E. The requirement of a Certificate of appropriateness shall also apply to public property which has been designated as a historic property or which is contained in the historic district, and shall also apply to all actions by public authorities which involve historic properties and properties within the Historic District.

SECTION 10. Commission Recommendation and Action Thereon

The City of Opelousas Historic District Commission shall, upon due consideration render its decision concerning the approval or disapproval of the issuance of the permit, which may include such changes, if any, as in its judgement are reasonably necessary to comply with the requirements of this Ordinance, and send its recommendation, in writing, to the applicant and the Code Enforcement Officer. If the permit is approved, the Code Enforcement Officer shall promptly issue a permit for such work in conformance with the Commission's decision. If the permit request is denied by the Commission, the applicant shall have the right to apply in writing to the city council for reversal and modification thereof. If the Commission modifies the permit and the applicant is aggrieved by the permit modifications, the applicant shall have a right to apply in writing to the city council for reversal and modification thereof.

SECTION 11. Appeals

Any person or persons aggrieved by a decision, act or proceedings of the Opelousas Historic District 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 days 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 Opelousas 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 Opelousas Historic District Commission by majority vote of all its members.

Any person or persons aggrieved by any decision of the City Council affecting said Historic District shall have the right to file a civil suit within 30 days from date of decision in a court of competent jurisdiction under the usual rules of procedure governing same, with the right to stay order and injunctive relief provided the situation warrants it.

SECTION 12. 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 Ordinance, the City of Opelousas 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

SECTION 13. Penalties

Any owner, agent, lessee or other person acting for or in conjunction with him, who all violate the City of Opelousas Historic District Ordinance or law or rules, regulations or decisions of the Commission, shall be fined the maximum monetary amount allowed by law each day for each infraction. Each day that a violation continues shall constitute a separate offense.

SECTION 14. Stopping Work Commenced Without Permit

The Code Enforcement Officer shall promptly stop any work attempted to be done without or contrary to a permit issued under this Ordinance and shall promptly prosecute any person responsible for such a violation of this Ordinance or engage in such violation. Any officer or authorized agent of the Commission shall exercise concurrent or independent powers with the Code Enforcement Officer prosecuting violations of this Ordinance and stopping work attempted to be done without or contrary to the permits reported by the Ordinance.

SECTION 15. Provisions of Ordinance Prevail in Case of Conflict

The provisions of this Ordinance shall govern and take precedence over any other provisions of any ordinance or codes of the City of Opelousas.

SECTION 16. New Construction

Proposals for new construction in the City of Opelousas Historic should seek compatibility with existing structures through the appropriate use site planning, materials, decorative details,

architectural elements, and scale. A proposal should not draw unnecessary attention to itself in any one of these characteristics. However, a proposal should not duplicate or copy historic styles and periods. The architectural context is of primary concern.

- A. Scale: *The relationship of the building and its elements (including doors and windows) to other structures in the District.* It is important in considering scale that a careful study is made of the height, width, and mass of buildings in the immediate neighborhood and district as a whole. This study should serve to confirm or deny the appropriateness of the height, width, and mass of the proposed building. Maximum height of any new structure shall conform to The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings. In no case shall a new structure exceed a height of 75 feet above the street unless approved by the Historic District Commission.
- B. Siting: *The positioning of a building on a lot.* This process includes determining the setback of a building, the spacing of the building from adjacent buildings, and the locations of the walls, fences, walks, drives, and landscaping, if any of these are used in the overall design.
- C. Materials: The surface building fabric, which contributes to the exterior character and appearance of a building.
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- D. Decorative Details: Ornamentation or embellishment. These include cornices, lintels, arches, balustrades, chimneys, shutters, columns, and other common details. When used, details should create a unifying effect on a building and should be compatible with the context of the neighborhood.
- E. Architectural Elements: Parts of buildings that are integral to its composition: These include balconies, roofs, porches, chimneys, dormers, parapets, and other parts of a building that contribute to its overall shape and silhouette. The choice and arrangement of elements of a proposed building should reflect those buildings in the neighborhood. The building should not draw unnecessary attention to itself by failing to relate to neighboring styles. But neither should it copy these styles. The object is to compliment the context of the City of Opelousas Historic District. The City of Opelousas Historic District Commission shall follow The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings in considering all proposals for new construction and/or rehabilitation.

SECTION 17. Standards for Rehabilitation, Restoration, and Reconstruction

- A. Standards for Preservation
1. A property will be used as it was historically, or be given a new use that maximizes the retention of distinctive materials, features, spaces, and spatial

relationships. Where a treatment and use have not been identified, a property will be protected, and if necessary, stabilized until additional work may be undertaken.

2. The historic character of a property will be retained and preserved. The replacement of intact or repairable historic materials or alternation of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate, and conserve existing historic materials and features will be physically and visually compatible, identifiable, upon close inspection, and properly documented for future research.
4. Changes to properties that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. The existing condition of historic features will be evaluated to determine the appropriate level of intervention needed. Where the severity of deterioration requires repair or limited replacement of a distinctive feature, the new material will match the old in composition, design, color, and texture.
7. Chemical or physical treatments, when determined appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic material will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

When the property's distinctive materials, features, and spaces are essentially intact and thus convey the historic significance without extensive repair or replacement; when depiction at a particular period of time is not appropriate; and when a continuing or new use does not require additions or extensive alterations, preservation must be considered as a treatment.

B. Standards for Rehabilitation

1. A property shall be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property shall be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding

conjectural features or elements from other historic properties, shall not be undertaken.

4. Changes to a property that has acquired historic significance in its own right shall be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and shall be compatible with the historic material, features, size, and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

When repair and replacement of deteriorated features is necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular period of time is not appropriate, rehabilitation must be considered as a treatment.

C. Standards for Restoration

1. A property shall be used as it was historically or be given a new use which reflects the property's restoration period.
2. Materials and features from the restoration period shall be retained and preserved. The removal of materials or alteration of features, spaces, and spatial relationships that characterize the period shall not be undertaken.
3. Each property will be recognized as a physical record of its time, place, and use. Work needed to stabilize, consolidate and conserve materials and features from

