

**THE FOLLOWING ORDINANCE WAS MOVED FOR INTRODUCTION BY COUNCIL MEMBER BURGUIÈRES; SECONDED FOR INTRODUCTION BY COUNCIL MEMBER ELLIS; MOVED FOR ADOPTION BY COUNCIL MEMBER BURGUIÈRES; AND SECONDED FOR ADOPTION BY COUNCIL MEMBER BUCHHOLZ**

**ORDINANCE NO. 12-32.**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF MANDEVILLE TO ESTABLISH CHAPTER 7 THERETO, TO CREATE A CITY OF MANDEVILLE HISTORIC PRESERVATION DISTRICT, TO PROVIDE FOR THE ESTABLISHMENT OF THE HISTORIC PRESERVATION DISTRICT COMMISSION, TO GRANT THE POWERS THERETO, DEFINE THE BOUNDARIES OF THE DISTRICT AND TO PROVIDE FOR RELATED MATTERS**

**WHEREAS**, the Mandeville City Council has established a Historic Preservation Study Committee pursuant to LA R.S. 25:733; and

**WHEREAS**, the Historic Preservation Study Committee submitted a report to the Mandeville Planning Commission on September 11, 2012; and

**WHEREAS**, the Mandeville Planning Commission held a public hearing on the Study Committee Report on October 2, 2012 and the Planning Commission adopted a resolution at their meeting held on November 13, 2012 to adopt the report submitted by the Study Committee and submitted said report as their written report to the City Council; and

**WHEREAS**, such report includes the following proposed ordinance:

An ordinance to amend the Mandeville Code of Ordinances of the City of Mandeville to establish chapter 7 thereto, to create a City of Mandeville Historic Preservation District, to provide for the establishment of the Historic Preservation District Commission, to grant the powers thereto, define the boundaries of the district and to provide for related matters; and

**WHEREAS**, the City Council desires to promote 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 strengthen the economy of the City by stabilizing and improving property values in historic areas; and

**WHEREAS**, today there are over 2300 communities in the U.S and 46 communities in the State of Louisiana with preservation ordinances having goals and intents similar to those being proposed herein. These community experiences have generally shown that such ordinances help protect historic places from undesirable demolitions, developments or uses; and

**WHEREAS**, historic properties give each community its distinctive look and feel and contribute by providing ambiance, character and charm; and

**WHEREAS**, Historic Preservation Districts foster and protect an architecturally rich living environment for citizens, visitors, and future generations; and

**WHEREAS**, the City desires to protect homes and businesses against the devaluing effects of unsightly or inappropriate development on nearby properties; and

**WHEREAS**, preservation ordinances typically regulate the design of new construction as well as changes to existing structures to ensure new buildings fit in appropriately with historic neighborhoods; and

**WHEREAS**, recent events are dictating a change in character to the context of Mandeville and it is important that the City direct these changes in a manner that preserves the character, proportion and scale of the community as it has evolved over a period of 175 years; and

**WHEREAS**, the City recognizes the evolution of design and it is important to respect, encourage and assist individual expression to maintain the unique character of old Mandeville; and

**WHEREAS**, it is the intent of the City to make properties eligible for financial incentives through the Historic Preservation District designation; and

**WHEREAS**, the creation of a Historic Preservation District is consistent with the City's Comprehensive Land Use Plan, adopted in 2007, wherein were made explicit references to preserving and enhancing the historic and cultural resources that have shaped Mandeville's Identity. The policies of the Comprehensive Plan encourage the identification, preservation and protection of significant buildings, and districts as well as sites of historical, natural historical, architectural, archaeological or cultural significance; and

**WHEREAS**, the City Council has received the favorable recommendation of the Planning & Zoning Commissions of the City of Mandeville; and

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Mandeville that the City Council hereby creates a Historic Preservation District and authorizes the powers and duties of the Mandeville Historic Preservation District Commission;

An Ordinance to create and empower the Mandeville Historic Preservation District Commission (Commission) to regulate, preserve, and protect historic districts and landmarks within the City

of Mandeville (City); and provides for the powers, duties, authority, and standards of said Commission.

**Section 7-1: Purpose of the Historic Preservation District**

The purpose of the District is to promote the educational, cultural, economic, and general welfare of the City pursuant to the provisions of Sections 731 to 745 Title 25 of the Louisiana Revised Statutes and other statutory and constitutional authority supplemental thereto. The regulations established in this chapter are intended to preserve and protect the historical architecturally worthy buildings, structures, sights, monuments, streetscapes, squares, and neighborhoods of the District. In particular, this District seeks:

- A. To maintain neighborhood character and integrity by focusing special attention on the maintenance of the built environment and the enhancement of physical, social and economic resources and the accommodation of desirable change.
- B. To promote reinvestment in the neighborhood by fostering stable property values and enhancing the economic viability of the District and the City as a whole.
- C. To preserve the mature architectural character of the District.
- D. To set standards for the maintenance of the eclectic architectural quality of the District by guiding new construction on parcels to be compatible with existing scale and architectural styles.
- E. To foster the harmonious, orderly, and efficient growth, development, and redevelopment of the District and City as whole.

**Section 7-2: Mandeville Historic Preservation District Commission Established:**

The City Council of the City of Mandeville hereby creates a commission to be known as the Mandeville Historic Preservation District Commission (Commission), for the purpose of regulating historic districts and historic landmarks designated within the City of Mandeville pursuant to the State Constitution of 1974 and Louisiana Revised Statutes 25:731 et seq and the provisions of this ordinance.

**Section 7-3: Mandeville Historic Preservation District Commission Provisions:**

**A. Commission Structure**

- 1. Membership/appointment. The Commission shall consist initially of five (5) members who shall be of voting age appointed by the Mayor and shall be subject to approval by a majority vote of the City Council. At least three (3) members shall be officially domiciled in the District and all shall

be residents of the City.

2. A chairman and vice-chairman shall be elected annually from the members of said Commission. The Commission may create and fill such other officers as it may determine necessary. The term of the Chairman and other officers shall be one year, with eligibility for re-election.
3. Members shall serve without compensation.
4. Vacancies shall be filled by appointment in the same manner as the original appointments.

**B. Terms of appointed members.**

1. **Length of terms.** Each of the members of the Commission shall be appointed for a term of four (4) years except initial membership as described below. The Commission members may be reappointed and serve consecutive terms.
2. **Staggered terms.** Initial appointed members of the Commission shall be appointed for staggered terms as follows: one (1) member shall be appointed for a term of one (1) year; one (1) member shall be appointed for a term of two (2) years; one (1) member shall be appointed for a term of three (3) years; two (2) members shall be appointed for a term of four (4) years. Successors shall serve four (4) year terms thereafter.

**C. Qualifications for membership.**

The following characteristics or attributes shall serve as guidelines in making appointments to the Commission:

1. Any person of voting age, interested in Mandeville's historical, cultural and architectural endowment environment.
2. Architects, historic preservationists or others with a technical background in a related field.
3. No member of the Commission shall also be an elected official of this state or any political subdivision thereof. In addition, no member of the Commission shall also be an employee of the City or a member of the City's Planning Commission or the Zoning Commission or a member of any other City board, commission or advisory group.

#### **D. Removal**

The City Council may, by a vote of a majority of its members, remove any member of the Commission, after notice and public hearing, for inefficiency, neglect of duty or malfeasance in office.

#### **E. Rules and Records of Proceedings, Meetings and Quorum**

1. The Commission shall adopt rules of procedure not in conflict with any applicable laws of this state or ordinances of this City. However, in no case shall a quorum be authorized which consists of less than a majority of the membership of the Commission. Action shall be taken only by a majority vote of the entire membership. Meetings of the Commission shall be held at the call of its Chairman and at such other times as the Commission may determine. Meetings of the Commission shall be open to the public, except for closed or executive sessions convened in accordance with law.
2. The Commission shall keep minutes of its proceedings and shall keep records of its examinations and other official actions, all of which shall be filed and maintained in the office of the Planning Department and shall be public records. All testimony, objections thereto, and rulings thereon shall be recorded electronically and such recordation shall be further maintained in the offices of the City Planning Department in accordance with law.
3. Members of the 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 Appropriateness has been submitted.
4. The Commission shall issue 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. Commission Budget**

Nominal expenses necessary to carry out the duties of the Commission shall be budgeted by the City Council. The expenditures of the Commission shall be within the amounts budgeted.

#### **G. Administration**

The Director of Planning of the City shall serve as the administrator (Administrator) to the Commission and shall act as liaison between the Commission and the Office of the Mayor. The recording secretary for the Commission shall be designated by the Mayor, and files, records, and minutes of the Commission shall be maintained by the Planning Department. The City Attorney shall be the ex officio attorney for the Commission. The Commission

shall also rely on other appropriate City Departments, Agencies and consultants in carrying out the aforementioned duties and responsibilities.

**Section 7-4: Applicability**

The regulations of the District shall apply to exterior architectural features related to those buildings and/or structures that are classified as Significant, Contributing or Landmark on the Historic Preservation District Survey, and to new construction. Landmarks and satellites located wheresoever in the City shall also be subject to the jurisdiction of the Commission. Nothing in this ordinance shall be construed to prevent ordinary maintenance, repairs or other such activities that would involve the modification of, but not limited to, paint color, exterior hardware and light fixtures. Detached accessory buildings, as defined by the CLURO, shall be excluded from the regulations of the District unless specifically identified as Significant, Contributing or Landmark on the Historic Preservation District Survey.

**Section 7-5 Designation as Historic Landmarks Commission**

The Commission shall serve as the City's Landmarks Commission under the Laws of Louisiana.

**Section 7-6: Duties and Responsibilities.** The Commission shall be charged with the following duties and responsibilities:

- a. The Commission is authorized to conduct public hearings on matters provided for in this ordinance.
- b. The Commission shall hold public hearings to make recommendations to the City Council to adopt and amend the classifications of properties, including landmarks and the designation of satellites, which shall be designated on the Historic Survey.
- c. The Commission may recognize significant buildings, structures or landmarks as Historic and advise the owners of such properties of the physical and financial benefits of a historic designation.
- d. The Commission may recommend amendments to this ordinance to the City Council for the Council's adoption.
- e. The Commission shall have the power to vary or modify adherence to this Ordinance, providing such modification insures harmony with the general purposes hereof, and will not adversely affect the District as a whole.

### Section 7-7 Classification of Structures

Within the District, including satellites, buildings, structures and landmarks shall be surveyed, classified and designated into one of the following classifications:

- A. **Significant:** A structure or landmark having the highest degree of architectural or historical merit and may also have national, statewide and/or local importance.
- B. **Contributing:** A structure or landmark which is not Significant in itself, but due to its position in the streetscape or neighborhood contributes to the overall character or ambiance of that area.
- C. **Non contributing:** Those buildings and structures not classified as Significant, or Contributing, or Landmark and not contributing to the overall District character.
- D. **Landmark.** An unimproved parcel of ground (landmark site), or such parcel with improvements or such improvements without grounds (landmark), wheresoever located in the City, subject to the jurisdiction of the Commission.

### Section 7-8: Definitions

- A. **Administrator.** The Director of the Department of Planning & Development.
- B. **Applicant.** The record owner of the site and/or buildings located thereon, or a person holding a "bona fide" contract to purchase same.
- C. **Building.** Any structure, or any other construction built for the shelter or enclosure of person, animals or chattels, or any part of such structure when subdivided by division walls or part walls extending to or above the roof and without openings in such separate walls. The term "a building" shall be construed as if followed by the words "or any part thereof."
- D. **Certificate of Appropriateness.** A document produced through administrative or Commission action evidencing applicable approval of work in the District proposed by an applicant.
- E. **Commission.** The Mandeville Historic Preservation District Commission.
- F. **Construction.** The erection of any building or structure on any parcel of ground located within an historic district or on a landmark site, whether the site is presently improved, unimproved, or hereafter becomes unimproved by "demolition," "demolition by neglect," destruction of the improvements located thereon by fire, windstorm, or other casualty, or otherwise.
- G. **Demolition.** The partial or complete removal of a building on or from any site.
- H. **Exterior.** All outside surfaces of any building.
- I. **Historic.** Any building or structure classified as Significant, Contributing or Landmark on the Historic Preservation District Survey.

- J. **Mandeville Historic Preservation District (District).** An area designated by the City Council of Mandeville as an historic preservation district and declared to be subject to jurisdiction of the Commission.
- K. **Historic Preservation District Survey.** A listing that catalogs and classifies buildings, structures and landmarks
- L. **Historic Preservation District Survey Map.** A graphical depiction of the Historic Preservation District Survey.
- M. **Landmark and Landmark Site.** An unimproved parcel of ground (landmark site) or parcel with improvements, or such improvements without grounds (landmark), wheresoever located in the City of Mandeville, subject to the jurisdiction of the Commission, of particular historic, architectural, or cultural significance, such 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) are identified with historic personages or with important events in national, state, or local history; or (3) embody distinguishing characteristics of an architectural type, specimen, inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship; or (4) are representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized.
- N. **Non-Substantive.** The following shall be considered Non-Substantive changes if in compliance with the design standards outlined in this ordinance:
  - a. New Construction
  - b. Exterior Modifications
  - c. Additions
- O. **Ordinary Repairs and Maintenance.** Work done on a building in order to correct any deterioration, decay of, or damage to, a building or any part thereof in order to restore same as nearly as is practical to its condition prior to such deterioration, decay or damage.
- P. **Satellite.** A Building, structure or landmark located outside the boundaries of the District which has been determined to come under the jurisdiction of the Commission.

### **Section 7-9: Boundaries**

The boundaries of the District are the center lines of Galvez Street, Florida Street, Jackson Avenue, and Lakeshore Drive. Properties which are deemed Historic or Landmarks which lie outside of the District boundaries may be included as District satellites and shall be considered to be within the District and shall be subject to the regulations of the District.



## **Section 7-10 Administratively Approved Certificate of Appropriateness for Non-Substantive Changes**

Applications for Certificates of Appropriateness for a non-substantive change within the District or to a Satellite may be granted by the Administrator, who shall consult with any design professionals provided by the City for consulting services, after the review of the standard for a Certificate of Appropriateness listed below. Such approvals shall be granted under procedures established by and not in conflict with the ordinances of the City of Mandeville.

## **Section 7-11: Certificate of Appropriateness Process**

- A. An application for a Certificate of Appropriateness may be handled concurrently with an application for a building permit.
- B. The Administrator shall refer applications for Certificates of Appropriateness for Demolition or Relocation of any building, structure or landmark to the Commission for approval.
- C. The Administrator shall have the authority to determine when a filed application is complete and contains all required information. An application deemed incomplete shall not be considered to have been filed for the purposes of this ordinance.
- D. The applicant shall have the right to a preliminary conference with the Administrator for the purpose of learning whether changes or adjustments to the application could make it more consistent with the standards for a Certificate of Appropriateness.
- E. The Administrator may refer any application that does not appear to meet the applicable standards required herein to the Commission for a decision on the issuance of a Certificate of Appropriateness after a preliminary conference as required herein, whereupon a public hearing shall be scheduled.
- F. Notice of the time and place of a scheduled public hearing on an application for a Certificate of Appropriateness which has been referred by the Administrator to the Commission shall be given by publication in a newspaper having general circulation in the City at least four (4) days before such hearing and by complying in all other ways with notification procedures and the open meeting laws of the State of Louisiana.
- G. 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 Commission and its staff, and members of the public shall have the right to present any additional relevant information pertaining to the application.
- H. The issuance of a Certificate of Appropriateness shall not relieve an applicant of the

requirement to obtain a building permit, special use permit, variance, or other authorization from compliance with any other requirement or provision of any ordinances of the City concerning zoning, construction, repair, or demolition.

**Section 7-12. Certificates of Appropriateness for Demolitions, Relocations, and other applicable changes.**

The owner of any property within the District shall apply for a Certificate of Appropriateness by the Commission before the commencement of any work in:

1. Demolishing of any existing building or structure designated as Significant or Contributing on the Historic Preservation District Survey
2. Relocation of any building or structure designated as Significant or Contributing on the Historic Preservation District Survey within, into or out of the District.
3. Any other application referred by the Administrator.

**Section 7-13 Standards for Certificate of Appropriateness**

In evaluating Certificates of Appropriateness the following documents may provide guidance:

1. *The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring & Reconstructing Historic Buildings.*
2. *Louisiana Speaks Pattern Book*
3. Mandeville Design Guidelines

**A. Standards for New Construction.** Proposals for new construction in the District shall seek compatibility with existing structures through the appropriate use of site planning, materials, decorative details, architectural elements, and scale. A proposed new construction should not draw unnecessary attention to itself in any one of these characteristics. However, a new construction should not necessarily duplicate or copy historic styles and periods. The architectural context is of primary concern as described by the guidelines below.

1. All new construction shall be visually compatible with the buildings and environment with which they are related.
2. The general design, scale, gross volume, arrangement of site plan, texture, material and exterior architectural features of new construction shall be in harmony with its surroundings and shall not impair the collective character and function or "tout ensemble" of the neighborhood.
3. No one architectural style shall be imposed, and individual expression should be encouraged.

4. Quality and excellence in design should be the major determinants.
5. Vehicular oriented design shall be discouraged.

## **B. Standards for Preservation, Rehabilitation, Restoration, and Reconstruction**

1. **Preservation** places a premium on the retention of historic fabric through conservation, maintenance and repair. Respect is shown to the building's continuum over time, through successive occupancies, and the respectful changes and alterations which have been made.
2. **Rehabilitation** emphasizes the retention and repair of historic materials, with more latitude for replacement. Both Preservation and Rehabilitation standards focus attention on those materials, features, finishes, spaces, and special relationships that together give a property its historic character.
3. **Restoration** focuses on the retention of materials from the most significant time in the properties history, while permitting the removal of materials from other periods.
4. **Reconstruction** establishes limited opportunities to re-create a non-surviving structure, site, or object in all new materials.
5. Relative importance in history and physical condition shall be the determining factor in which of the above treatments should be used on individual properties that are deemed "Significant" or "Contributing". Proposed use and mandated code requirements shall also be taken into consideration in determining the extent of preservation.
6. "Significant" and "Contributing" properties which are to be elevated shall maintain as much of their historic context and architectural integrity as is reasonable, and compatible with buildings with which it is related.
7. Additions to "Significant" and "Contributing" properties may be contemporary or may reference design motifs from the historic property, shall be clearly differentiated from the historic building and be compatible in terms of mass, materials, relationship of solids and voids, color, and texture. New additions may shall not obscure, damage, or destroy character defining features of the historic building.

## **C. Demolition and/or Relocation of Buildings Located Within the Mandeville Historic Preservation District.**

1. Demolition of Significant buildings, structures and landmarks requires the approval of the Commission. In considering an application for the demolition of such building, landmark or structure in the District, the following shall be considered:
  - (a) The historic or architectural significance of the building.
  - (b) The importance of the building to the collective character and function

- "tout ensemble" 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.
2. Demolition or relocation of Contributing buildings, structures and landmarks is discouraged and every effort should be made to restore historic context which might have been altered.

**Section 7-14 Appeals**

- A.** Any person or persons aggrieved by any decision, act or proceedings of the Administrator shall have the right to appeal in writing to the Commission for reversal thereof; and the Chairman of the Commission shall have the right to stay all further actions until the Commission shall have had an opportunity to rule thereon. Any such appeal shall be taken no more than 10 days from the date of the written decision of the Administrator, and the Commission may consider said appeal at its next general or special meeting, but in any event, not more than 45 days thereafter. The Commission shall affirm, reverse, or modify any decision of the Administrator by a majority vote of all its members.
- B.** Any person or persons aggrieved by any decision, act or proceedings of the Commission shall have a right to apply in writing to the City Council for reversal or modification thereof, to be heard under the rules and procedures established by the City Council. The Mayor 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 no more than 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 45 days thereafter. The City Council may affirm a decision of the Commission by majority vote of all its members. The City Council shall affirm, reverse or modify any decision of the Commission by a majority vote of all its members.
- C.** Any person or persons aggrieved by any decision of the City Council affecting the District shall have the right to file a civil suit within thirty 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.

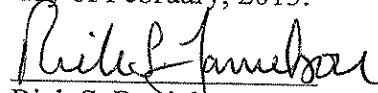
The Ordinance being submitted to a vote, the vote thereon was as follows:

**AYES: 5(Danielson, Madden, Ellis, Buchholz, Burguières)**  
**NAY: 0**  
**ABSTENTIONS: 0**

ABSENT: 0

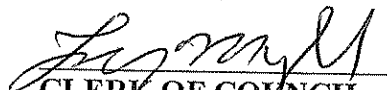
And the Ordinance was declared adopted this the 7<sup>th</sup> day of February, 2013.

  
Lorraine Myhal  
Clerk of Council

  
Rick S. Danielson  
Mayor Pro Tem

**SUBMITTAL TO MAYOR**

The foregoing Ordinance was **SUBMITTED** by me to the Mayor of the City of Mandeville this 8<sup>th</sup> day of February, 2013 at 9:00 o'clock a.m.

  
CLERK OF COUNCIL

**APPROVAL OF ORDINANCE**

The foregoing Ordinance is by me hereby **APPROVED**, this 8<sup>th</sup> day of February, 2013 at 9:15 o'clock a.m.

  
DONALD J. VILLERE, MAYOR

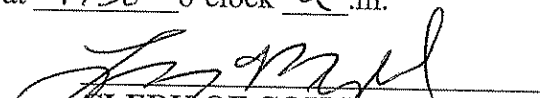
**VETO OF ORDINANCE**

The foregoing Ordinance is by me hereby **VETOED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2013, at \_\_\_\_\_ o'clock \_\_\_\_ .m.

\_\_\_\_\_  
DONALD J. VILLERE, MAYOR

**RECEIPT FROM MAYOR**

The foregoing Ordinance was **RECEIVED** by me from the Mayor of the City of Mandeville this 8<sup>th</sup> day of February, 2013 at 9:30 o'clock a.m.

  
CLERK OF COUNCIL