

## Chapter 11.5 - HISTORICAL PRESERVATION

(Ord. No. 99-3872, § 1, 6-10-99)

### Sec. 11.5-27. - Definition of historic district.

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

The eight-block downtown area of Bastrop, Louisiana, containing the Morehouse Parish Courthouse (the "courthouse square"), and the one-block areas immediately adjacent and to the northwest, north, northeast, west, east, southwest, and south of said courthouse square.

(Ord. No. 99-3872, § 1, 6-10-99)

### Sec. 11.5-28. - 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 any work in:
- (1) The erection of any new building or other construction in the Bastrop Historic District; or
  - (2) The alteration or addition to any existing structure in the Bastrop Historic District; or
  - (3) The painting, repairing or demolishing of any existing building situated within the Bastrop Historic District; or
  - (4) The relocation of any building into or out of the Bastrop Historic District.
- (b) The application therefore shall be made to the commission, accompanied by the full plans and specifications thereof so far as they relate to the proposed appearance, color, texture or 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.
- (c) Where, by reason of topographical conditions, irregularly shaped lots, or because of unusual circumstance applicable solely to the particular applicant, strict enforcement of the provisions of this article would result in serious undue hardship peculiarly affecting said applicant, then the commission, in passing upon his applications, shall have the power to vary or modify adherence to this article provided always that its requirements insure harmony with the general purposes hereof, and will not adversely affect the historic district as a whole.

(Ord. No. 99-3872, § 1, 6-10-99)

### Sec. 11.5-29. - Commission recommendations and action thereon.

The Bastrop 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 article, 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 commission's decision.

(Ord. No. 99-3872, § 1, 6-10-99)

### Sec. 11.5-30. - Appeals.

Any person or persons aggrieved by any decision, act or proceedings of the Bastrop Historical District Commission shall have a right to apply in writing to the board of aldermen for reversal or modification thereof; and the mayor, or presiding officer of the board of aldermen, shall have the right to stay all further action until the board of aldermen 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 board of aldermen may consider said appeal at its next general or special meeting, but, in any event, not more than forty-five (45) days thereafter. The board of aldermen may affirm a decision of the Bastrop Historic District Commission by majority vote of all its members. The board of aldermen shall have the right to reverse, change or modify any decision of the Bastrop Historic District Commission by majority vote of all its members.

Any person or person aggrieved by any decision of the board of aldermen affecting such historic district shall have the right to file a civil suit within thirty (30) days from date of decision in a court of competent jurisdiction under the usual rules governing same, with the right to stay order and injunctive relief provided the situation warrants it.

(Ord. No. 99-3872, § 1, 6-10-99)

Sec. 11.5-31. - 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 article, 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. 99-3872, § 1, 6-10-99)

Sec. 11.5-32. - Penalties.

Any owner, agent, lessee or other person acting for or in conjunction with him, who shall violate the Bastrop Historic District Ordinance or law or rules, regulations or decisions of the commission, shall be fined not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each infraction. Each day that a violation continues shall constitute a separate infraction.

(Ord. No. 99-3872, § 1, 6-10-99)

Sec. 11.5-33. - Stopping work commenced without permit.

The building inspector shall promptly stop any work attempted to be done without or contrary to a permit issued under this article or engaged in such violation. Any officer or authorized agent of the commission shall exercise concurrent or independent powers with the building inspector in prosecuting violations of this article and stopping work attempted to be done without or contrary to the permits reported by the ordinance.

(Ord. No. 99-3872, § 1, 6-10-99)

Sec. 11.5-34. - Provisions of ordinance prevail in case of conflict.

The provisions for new construction in the Bastrop Historic District shall govern and take precedence over any ordinance or codes of the City of Bastrop, Louisiana.

(Ord. No. 99-3872, § 1, 6-10-99)

Sec. 11.5-35. - New construction.

Proposals for new construction in the Bastrop Historic District should seek compatibility with existing structures through the appropriate use of 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.

- (1) *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 be 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 seventy-five (75) feet above the street.
- (2) *Siting: The positioning of a building on a lot.* This process includes determining the setback of a building, the spacing of this building from adjacent buildings, and the location of the walls, fences, walks, drives, and landscaping, if any of these are used in the overall design.
- (3) *Materials:* The surface building fabric which contributes to the exterior character and appearance of a building.
- (4) *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.
- (5) *Architectural elements: Parts of a building 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 in a proposed building should reflect those of other 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 Bastrop Historical District.

The Bastrop 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.

(Ord. No. 99-3872, § 1, 6-10-99)

Sec. 11.5-36. - Fences.

Fence design must be in harmony with the nature of the district.

The following fencing materials are not acceptable: barbed wire, chainlink, concrete block, stockade, plywood, hardboard, or asbestos board.

(Ord. No. 99-3872, § 1, 6-10-99)

Sec. 11.5-37. - Floodlights.

The Bastrop Historic District shall not be illuminated by privately controlled floodlights or other illumination except as approved by the historic district commission or as permitted specifically by this article.

(Ord. No. 99-3872, § 1, 6-10-99)

Sec. 11.5-38. - Overhanging balconies.

No overhanging balconies or galleries may be removed, but new or additional balconies may be erected if they conform to the distinctive architecture of the Bastrop Historic District. The permit for all such new construction or any renovation shall be subject to the requirements of this article.

(Ord. No. 99-3872, § 1, 6-10-99)

Sec 11.5-39. - Signs.

(a) *Definitions:*

*Display* includes erect, paint, repaint, place, replace, hang, rehang, repair, maintain paint directly upon a building or other structure, inlay, embed in, or otherwise exhibit in public view.

*Sidewalk signs* are portable signs upon which messages are placed to catch the attention of customers passing a merchant's place of business by foot or automobile. The signs may be of the "sandwich board type" or "single standard type" with a weighted base.

*Sign* shall include any symbol, device, image, poster, flag, banner, billboards, design or directional sign used for advertising purposes, whether painted upon, attached to, erected on, or otherwise maintained on any premises containing any words, letters, or parts of letters, figures, numerals, phrases, sentences, emblems, devices trade names or trade marks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business or a commodity or product, which is visible from any public street and is used to attract attention.

- (b) *Signs must conform to character of section.* In addition to the prohibitions contained in this section, approval of the display of a sign in the Bastrop Historic District of the city shall be granted by the commission only when such signs and the plans therefor, so far as they relate to the appearance, color, size, position, method of attachment, texture of materials and design, conform to the quaint and distinctive character of the Bastrop Historic District or do not injuriously affect it or impair the value to the community of those buildings having architectural or historical worth.
- (c) *No signs to be displayed in certain places.* No sign shall be displayed from the parapet or roofs of any buildings in the historic district. No sign shall be displayed or placed in any manner whatsoever so as to disfigure or conceal any significant architectural feature or detail of any building.
- (d) *What signs may advertise.* No sign shall be displayed in the Bastrop Historic District unless such sign advertises a bona fide business conducted in or on the premises and, if it does so, no more than fifty (50) percent of the area of such sign may be used to advertise products or commodities actually sold on the premises. This is exclusive of any preexisting, historic/"ghost" signs.
- (e) *Number of primary signs.* In general, one primary sign is allowed to each store, shop, or bona fide place of business, and this sign shall be no larger than the maximum stipulated in this article.
- (1) In the case of a business operated on a corner lot that faces two streets, one primary sign on each street is allowed and shall be regulated as if each side were a separate storefront.
  - (2) In the case of a single sign being inappropriate, multiple primary signs may be used, the total face area of which may not exceed the maximum size stipulated in this article.

- (f) *Surface area of signs.* The surface area of any sign shall be in direct proportion to the amount of front footage of each ownership and shall be as follows:
  - (1) For single faced signs, attached flat against the wall and including painted wall signs there shall be allowed one hundred forty-four (144) square inches of sign surface to each foot of building frontage.
  - (2) For double faced signs, suspended by brackets or arms perpendicularly from the wall of a building, the surface area shall be the sum of the area of each face not to exceed thirty (30) square inches of sign surface area to each foot of lot frontage.
  - (3) In the case of multiple businesses operating at a single location, the total face area of signage may be increased to one and one-half (1½) times the maximum stipulated in this article.
- (g) *Secondary signs.* In addition to the primary sign(s) referred to in section 11.5-239(e), small secondary signs may be used to identify the following:
  - (1) Entrance doors
  - (2) Operating hours
  - (3) Temporary signs
- (h) *Temporary signs.* Temporary signs of a promotional nature may be placed on the interior of store windows. In no case may they remain longer than sixty days. A permit is not required for the placement of a temporary sign. Temporary signs may be placed on the exterior of a building for the following special situations:
  - (1) For the identity of real estate for sale.
  - (2) For political advertisement. Except for signs larger than two (2) feet by two (2) feet yard sign, no application is required.
  - (3) For promotion by nonprofit organizations. In no case may these signs exceed the size limitations of this article.
- (i) *Portable and changeable letter signs.* No portable or changeable letter signs may be erected or allowed to remain within the Bastrop Historic District.
- (j) *Illuminated signs.* No illuminated signs may be constructed or erected within the Bastrop Historic District without the express approval of the historic district commission.
  - (1) Concealed lighting is recommended. Bulbs may not be exposed. The light should enhance the sign as well as the building on which it is mounted.
  - (2) Internally illuminated signs are not permitted.
  - (3) Flashing, or intermittent signs (exclusive of historic signs) are not permitted.
- (k) *Signs no longer complying as to advertisement to be taken down.* Any sign displayed which no longer advertises a bona fide business (exclusive of historic or "ghost" signs) conducted upon the premises shall, upon notification by the Bastrop Historic District Commission or its agent (who is hereby specifically authorized to so proceed), be taken down, removed or obliterated within five (5) days after such notification and failure to so comply on the part of the owner, occupant, agent or person having the beneficial use of any building or premises upon which sign may be found shall subject such person to the penalty provided in section 11.5-232.
- (l) *Building code applicable to signs.* All signs under this section shall be further governed by existing regulations of the building code for the city which are not in conflict with this section.
- (m) *Application for signs to be submitted to commission.* All applications for permits to display signs within the historic district of the city shall be submitted to the historic district commission office for approval before a permit therefor may be issued in conformity with section 11.5-229.

- (n) *Form of application to display signs; accompanying drawings.* Application for a permit to display signs in the historic district of the city shall be made to the commission upon forms furnished by the commission. Such an application shall also be accompanied by sketches and drawings in triplicate showing details of construction and foundation when required by the building code of the city and shall delineate the size, shape, design, coloring, lighting, and position in relation to the building from or upon which it shall be displayed.
- (o) *[Sidewalk signs.]* No more than one (1) sidewalk sign per business is allowed and it must conform to the following:
- (1) *Size:* That portion of a sidewalk sign that bears a message shall be no more than one thousand two hundred (1,200) square inches. The height of the sign may not exceed seventy (70) inches. The depth of the sign will not exceed more than twenty-four (24) inches at the base, which will be the maximum depth of the sign.
  - (2) *Message area materials:* The message portion of a sidewalk sign shall not exceed one thousand two hundred (1,200) square inches, and be made of black board or white board for hand written signs. Preprinted signs that are attached to the sign holder must be professionally printed. Printed signs may be on paper, plastic, vinyl or metal. No fluorescent colors are permitted as a sign background or lettering.
  - (3) *Sign construction:* Sidewalk signs of the standard type or sandwich type may be purchased or constructed and deemed acceptable for use, provided that they are consistent with the requirements of this section. Constructed signs may be fabricated from metals, including aluminum, mill finished or colored, welded iron, or wood frames with the approved message area sign materials. All constructed signs must be well built of sturdy materials, and neatly finished with a weatherproof material, stain, or paint.
  - (4) *Safety considerations:* Sidewalk signs placed on the sidewalk by merchants are the merchant's responsibility. The City of Bastrop, The Friends of Main Street, The Main Street Committee, or the historic committee assume no liability for any injury caused by trips and falls that may be construed as being caused by the use of, placement of, or construction of any sidewalk sign. Should any lawsuit or claim be asserted against the City of Bastrop as a result of injury, damage or loss that is caused by a sidewalk sign, the merchant who places the sign on the sidewalk shall hold harmless and indemnify the City of Bastrop for any loss or expense that it incurs as a result, and shall defend the City of Bastrop against any and all claims. Any merchants that avail themselves of the right to use sidewalk signs under the authority of this section agree to be bound by the foregoing hold harmless, indemnification and defense obligations owed to the City of Bastrop, as defined herein.

(Ord. No. 99-3872, § 1, 6-10-99; Ord. No. 08-4182, 8-14-08; Ord. No. 09-4188, 2-12-09; Ord. No. 08-4169, 8-14-08; Ord. No. 09-4193, 11-12-09)

Sec. 11.5-40. - Aerials, antennas, etc., prohibited.

The construction of aerials, antennas, or satellite dishes of any type within the Bastrop Historic District is prohibited without the express approval of the Bastrop Historic District Commission.

(Ord. No. 99-3872, § 1, 6-10-99)

Sec. 11.5-41. - Minimum maintenance requirements.

In order to insure the protective maintenance of resources, the exterior features of such properties shall be maintained to meet the requirements of the city's minimum housing code and the city's building code.

(Ord. No. 99-3872, § 1, 6-10-99)

Sec. 11.5-42. - Demolition by neglect.

- (a) Any resource which is a landmark and all resources within a preservation district shall be preserved by the owner or such other person or persons as may have the legal custody or control thereof against decay and deterioration and free from unreasonable structural defects. The owner or other person having legal custody and control thereof shall repair such resource if it is found to have one or more of the following defects:
- (1) Deterioration to the extent that creates or permits a hazardous or unsafe condition as determined by the city building inspector.
  - (2) Deterioration, as determined by the city building inspector, of a building characterized by one or more of the following:
    - a. Those buildings which have parts thereof which are so attached that they may fall and injure persons or property.
    - b. Deteriorated or inadequate foundations.
    - c. Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads with safety.
    - d. Members of walls or other vertical supports that split, lean, list, or buckle due to defective material, workmanship, or deterioration.
    - e. Members of walls or other vertical supports that are insufficient to carry imposed loads with safety.
    - f. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material, workmanship or deterioration.
    - g. Members of ceilings, roof, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety.
    - h. Fireplaces or chimneys which list, bulge, or settle due to defective material, workmanship, or deterioration.
    - i. Any fault, defect, or condition in the building which renders the same structurally unsafe or not properly watertight.
- (b) If the commission makes a preliminary determination that a resource is being demolished by neglect, it shall direct the city building official to notify the owner(s) of the resource of this preliminary determination, stating the reasons therefore, and shall give the owner of record thirty (30) days from the date of mailing of such notice or the posting thereof on the property, whichever comes later, to commence work to correct the specific defects as determined by the commission. Said notice shall be given as follows:
- (1) By certified mail, restricted delivery, mailed to the last known address of the record owner(s) as listed on the city and/or parish tax rolls.
  - (2) If the above mailing procedure is not successful, notice shall be posted in a conspicuous, protected place on the resource.
- (c) If the owner(s) fail(s) to commence work within the time allotted as evidenced by a building permit, the commission shall notify the owner(s) in the manner provided above to appear at a public hearing before the commission at a date, time and place to be specified in said notice, which shall be mailed or posted at least thirty (30) days before said hearing. For the purpose of insuring lawful notice, a hearing may be continued to a new date and time. The commission shall receive evidence on the issue of whether the subject resource should be repaired and the owner(s) may present evidence in rebuttal thereto. If, after such hearing, the commission shall determine that the resource is being

demolished by neglect, it may direct the city building official to take appropriate action against the owner(s) if the necessary repairs are not completed within ninety (90) days of the determination by the commission that the subject building or structure is being demolished by neglect.

(Ord. No. 99-3872, § 1, 6-10-99)