

ORDINANCE NO. 98-545

AN ORDINANCE AMENDING ORDINANCE NO. 459-93 TO REDEFINE THE BOUNDARIES OF THE NEW IBERIA NATIONAL REGISTER HISTORIC DISTRICT AND THE NEW IBERIA DOWNTOWN HISTORIC COMMERCIAL DISTRICT.

BE IT ORDAINED by the Board of Trustees of the City of New Iberia that:

Section 1. That Section 1.1 of Ordinance No. 459-93 is hereby amended to read as follows:

SECTION 1.1 NEW IBERIA NATIONAL REGISTER HISTORIC DISTRICT

The geographical area of the New Iberia National Register Historic District is as follows:

Beginning at and including 829 East Main Street, including all properties on both sides of Main Street, from the rear or Southern boundary line of all properties on the South side of Main Street, and the North side of Bayou Teche for all properties on the North side of Main Street; and moving in a Westerly direction to Weeks Street. Also included is the Temple Gates of Prayer on the corner of Weeks and Charles Street.

Section 2. That Section 1.2 of Ordinance No. 459-93 is hereby amended to read as follows:

SECTION 1.2 NEW IBERIA DOWNTOWN HISTORIC COMMERCIAL DISTRICT

The geographical area of the New Iberia Downtown Historic Commercial District is as follows:

On the Eastern boundary, beginning on the East side of Main Street and the 100 block of Center Street and moving westerly on Washington Street to Dark Alley (including the 500 block of W. Washington Street, the Iberia Parish Courthouse which is bounded on the South by the 100 block of W. Washington, East by the 300 block of South Iberia, West by the 300 block of South Providence and ending at the railroad track and 300 block of E. Washington, also the historic St. Peter's Cemetery in the 300 block of French Street) with the exception of residences of the South side of Washington Street designated as 607, 609 and 613 West Washington Street; thence running in a Northerly direction along Hopkins Street to the North side of Bayou Teche including all properties on the Western side of Hopkins Street to the rear property lines from Jane Street to Washington Street; thence running along the Northern side of Bayou Teche to the point where the extension of Center Street would intersect with Bayou Teche, thence a Southerly direction along Center, including all properties on the Eastern side of Center Street to the rear property lines from Main Street to Washington Street to the point of beginning at the intersection of Center Street and East Washington Street, including the Bayou Teche and all properties within boundaries indicated and the outer limits of the district are to include all adjacent property to the rear of the property line and the exceptions noted.

Section 3. Any Ordinance or part thereof in conflict herewith is hereby repealed.

Section 4. If any clause, sections, or portion of this Ordinance shall be declared illegal, null, and void, or unconstitutional by any court of competent jurisdiction, the remaining clauses, sections, and portions shall remain in full force and effect, the provisions of this Ordinance being severable.

The Ordinance was adopted by the following votes:

YEAS: Stephen Sonnier, Peggy Gerac, Robert Suire, Larry Langlinais, Louis Brown, Jr. and Dan Doerle
NAYS: None
ABSENT: Mary Wyble

This Ordinance was declared adopted on this the 6th day of October, 1998.

/s/ Ruth Fontenot
Ruth Fontenot, Mayor

/s/ Sally M. Angers
Sally M. Angers, City Clerk

ORDINANCE NUMBER 459-93

AN ORDINANCE ESTABLISHING THE "NEW IBERIA HISTORIC DISTRICTS" AND ESTABLISHING THE "NEW IBERIA. HISTORIC DISTRICTS ADVISORY COMMISSION" CHARGED WITH MAKING RECOMMENDATIONS ON ANY ALTERATION, RELOCATION, NEW CONSTRUCTION, OR DEMOLITION OF ANY LOCAL LANDMARKS IN THE NEW IBERIA HISTORIC DISTRICTS AND ANY OTHER LOCAL HISTORICAL LANDMARKS DESIGNATED BY SAID COMMISSION.

WHEREAS, the Board of Trustees is desirous of promoting the educational, cultural, and economic welfare of the City Public by preserving and protecting historic structures and neighborhoods which serve as visible reminders of the history and cultural 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 any designated historical landmarks;

I. NOW, THEREFORE, BE IT ORDAINED by the Board of Trustees of New Iberia, in legal session convened, as follows, to wit:

SECTION 1: HISTORIC DISTRICTS ESTABLISHED

There are hereby created two Historic Districts, one of which shall be designated as the New Iberia National Register Historic District, and the other of which shall be designated as the New Iberia Downtown Commercial Historic District.

SECTION 1.1 NEW IBERIA NATIONAL REGISTER HISTORIC DISTRICT

The geographical area of the New Iberia National Register Historic District is as follows:

On the East boundary, beginning at 829 East Main Street and moving easterly to 317 East Main Street and ending at The Shadows on the Teche, a National Historic Trust Property. Bounded on the North by the Bayou Teche (including the Bayou Teche) and South by the south side of Main Street and including the historic Synagogue on Charles Street at the corner of Weeks Street.

SECTION 1.2 NEW IBERIA DOWNTOWN HISTORIC COMMERCIAL DISTRICT

The geographical area of the New Iberia Downtown Historic Commercial District is as follows:

On the East boundary, beginning at 333 E. Main Street and the 100 block of Center Street and moving westerly on Washington Street to Dark Alley including the 500 block of West Washington Street. Bounded on the South by the Bayou Teche and continuing northerly and including the 500 block of West Washington and the historic St. Peter's Cemetery in the 300 block of French Street. Also including the Iberia Parish Court House which is bounded on the south by the 100 block of West Washington, East by the 300 block of South Iberia and West by the 300 block of South Providence and ending at the railroad track and the 300 block of East Washington.

The complete survey of historic properties in the Historic Districts, is as specified in Attachment A hereto.

SECTION 2: STATEMENT OF SIGNIFICANCE

The New Iberia Historic Districts are significant in the following respects:

1. The Downtown Commercial Historic District is architecturally

significant on the local and state levels as an important example of a small urban commercial center which has never lost its function as the town's focus of civic activity.

2. New Iberia's National Historic Register District includes The Shadow's on the Teche, a restored residence owned and operated as a museum and educational center by the National Historic Preservation Trust.

3. New Iberia's historic districts are architecturally significant on the state level because of the surviving visual and historic relationship between the central downtown residential and commercial areas and the Bayou Teche.

4. The Downtown Commercial Historic District is significant in the area of commerce because it is a reminder of New Iberia's importance as an interior port and commercial center.

5. New Iberia is recognized for its collection of historic public, commercial and residential buildings, and these have proved increasingly attractive to residents, business interests and tourists.

6. The city has a tradition of preservation activities which promote and protect the health, safety, prosperity education, and general welfare of the people living in and visiting New Iberia

SECTION 3: DEFINITIONS

1. 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.

2. 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".

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

4. Certificate of Appropriateness. A Certificate of Appropriateness is a document issued by the New Iberia Historic Districts 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 as defined in Section 3 of this ordinance.

SECTION 4: COMMISSION ESTABLISHED

There is hereby created a Commission to be known as the New Iberia Historic Districts Advisory Commission.

SECTION 5: PURPOSE

The purpose of the New Iberia Historic Districts 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, demolitions and new construction within the boundaries of the Historic Districts and other actions necessary to implement the intent of this ordinance. The Commission shall make itself available to assist owners of properties on which alterations, relocations, demolitions 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. The Commission shall promote community awareness of historic preservation and its value to the

City of New Iberia.

SECTION 6: APPOINTMENT OF MEMBERS

The Commission shall consist of seven (7) members, all of who shall either reside in the City, own immovable property in the "New Iberia Historic Districts", be gainfully employed within the "Historic Districts" or live within the "Historic Districts". Five

(5) of the members shall be one representative from each of the following commissions or civic organizations; New Iberia City Zoning Commission, New Iberia Parish Tourist Commission, New Iberia Chamber of Commerce, the New Iberia Downtown Merchants Association and the Hopkins Street Merchants Association. The two (2) remaining members shall be appointed by the Mayor and all appointments shall be subject to approval by a majority vote of the Board of Trustees.

All Commission members shall have a demonstrated interest, competence, or knowledge in historic preservation. Members shall include professional members from the disciplines of architecture, history, architectural history, planning, archaeology or other related fields, to the extent that such professionals are available in the community. In addition, the Commission shall include lay members who have demonstrated special interest, experience or knowledge of these disciplines.

SECTION 7: APPOINTMENTS & TERM

During the process of initiating the Commission, members shall be appointed as follows: Two 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.

SECTION 7.1: VACANCIES:

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 Board of Trustees.

SECTION 7.2: MEMBER RECALL

Any member may be recalled at any time by the Board of Trustees 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 Board of Trustees if said member is absent from more than 50% of the commission meetings in any calendar year.

SECTION 8: 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 Board of Trustees. Commission bylaws shall be set forth in this Section 8 of this ordinance as approved by the Board of Trustees. Any change of

bylaws shall be approved by the Board of Trustees.

SECTION 8.1: QUORUM

Presence of five members of the Commission shall constitute a quorum.

SECTION 8.2: MEETINGS

The Commission shall meet quarterly in the chambers of the Board of Trustees. Special meetings may also be held at any time on the written request of any one of the seven 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 New Iberia giving not less than seven 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.

SECTION 8.3: OFFICERS

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 of 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 Board of Trustees.
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 Board of Trustees as required by Section 8.5 of this ordinance.
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.

SECTION 8.4: 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.

SECTION 8.5 REPORTING

The Commission shall make a report on its recommendations and activities to the Mayor and Board of Trustees at the second Board of Trustees 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.

SECTION 9: STAFFING

The New Iberia Historic Districts 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 10 days from the conclusion of each regular quarterly meeting. The Recording Secretary shall have such other duties as may be assigned by Commission Chairman or the Mayor.

SECTION 10: RESPONSIBILITIES

The New Iberia Historic Districts 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 ordinance.
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 ordinance, which is located within the City of New Iberia, as historic or worthy of preservation.
4. Review requests for building permits and make comments and recommendation to applicants regarding historic preservation in the designated Historic Districts.
5. Promote restoration and preservation of any properties owned or acquired by the City of New Iberia 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 ordinance 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 Board of Trustees 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 Board of Trustees, for federal funds when appropriate and available.

SECTION 11: DESIGNATION OF LOCAL HISTORICAL LANDMARKS

The New Iberia Historic Districts 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 New Iberia or the State of Louisiana.
3. The property exemplifies the cultural, economic, social or aesthetic heritage of the City of New Iberia.
4. The property occupies a unique location or possesses a singular physical characteristic that makes it an established or familiar visual feature in the New Iberia 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 New Iberia. Any structure, property, site, object, or area that meets one 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 years shall be considered for nomination at the discretion of the New Iberia Historic Districts Advisory Commission.

Interior arrangement or use of a property shall not be considered in the designation of Local Historical Landmarks.

SECTION 11.1: 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:

NOMINATION

1. The New Iberia Historic Districts 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.
2. 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 property's significance and announcing a

public meeting of the New Iberia Historic Districts Advisory 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.

3. Notice of the any proposed designation shall be published along with the notice of the commission meetings as set forth in section 8.2 of this ordinance.

4. The New Iberia Historic Districts 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.

5. The New Iberia Historic Districts 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.

6. Any interested party may present testimony or documentary evidence regarding the proposed designation at the commission hearing scheduled to consider such designation.

7. The New Iberia 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.

8. Prior to the final decision or recommendation regarding the proposed designation, the owner of the property shall present to the New Iberia Historic Districts Advisory Commission a written or oral statement declaring either support or opposition to the proposed designation.

DESIGNATION

1 . 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.

2. 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 Iberia Parish a Certificate of Notification that such property has been designated as a historical landmark and falls under the rules of this ordinance.

SECTION 12: PROCEDURES

1. The New Iberia Historic Districts 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 Districts or those designated as Local Historical Landmarks.

2. When application for a regular Building Permit for any alteration, relocation or new construction in the new Iberia Historic Districts is made, the Building Inspector shall notify the Historic District Advisory Commission and make available to it a copy of all required application materials submitted. No extra copies shall be required of any applicant for this purpose.

3. The Commission shall be allowed to meet with the applicant to explain its recommendations. If such a meeting cannot be scheduled for any reason, the Commission can alternatively send a written, non binding proposal or recommendation to the applicant. The major focus of any recommendation for change or endorsement of plans as presented shall be to help property owners avoid any action that might tend to impede present or future federal tax benefits arising

from location in the Historic District, and to help New Iberia maintain the integrity of its Historic Districts.

4. No special building permit or any other permit or application to the Commission shall be required for and no regular building permit shall be denied or refused after said ten (10) day period because of any action or inaction of the Commission.

5. The Commission shall make recommendation regarding the exterior architectural features including, but not 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 considered in the recommendations of the New Iberia Historic Districts Advisory Commission.

SECTION 13: 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.

SECTION 14: LIMITS OF THE COMMISSION

Neither this Ordinance nor any amendments thereto, shall empower the Commission or any other commission or board operating under the New Iberia Board of Trustees with the authority to issue or deny permits, or any other authorizations to change or alter property; nor shall any such ordinance empower the Commission or other boards to enact rules to conform to any policy or guidelines, herewith or hereafter created.

II BE IT FURTHER ORDAINED that if any provisions of this Ordinance or the application thereof to any person or circumstance is held to be invalid, illegal or unconstitutional, the remainder of this Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

III. BE IT FURTHER ORDAINED that all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

IV. BE IT FURTHER ORDAINED that this Ordinance shall be binding and shall come into effect after publication in accordance with

law.

V. BE IT FURTHER ORDAINED that it is the intentions of the Board of Trustees and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of New Iberia, Louisiana and the sections of this ordinance may be numbered to accomplish such intentions.

VI. BE IT FURTHER ORDAINED that if any section or any phrase or clause of this Ordinance is found to be unconstitutional in any manner by final judgment of Court, the invalidity shall be limited to that particular section or part of section or phrase or clause, and shall not affect the remaining portions of the Ordinance that shall remain enforceable; it being the intention of the Board of Trustees that the said section, or part of section, or clause, or phrase thereof, shall be deemed severable and shall not affect the remaining provisions of the Ordinance.

The above Ordinance was introduced on the 5th day of October, 1993.

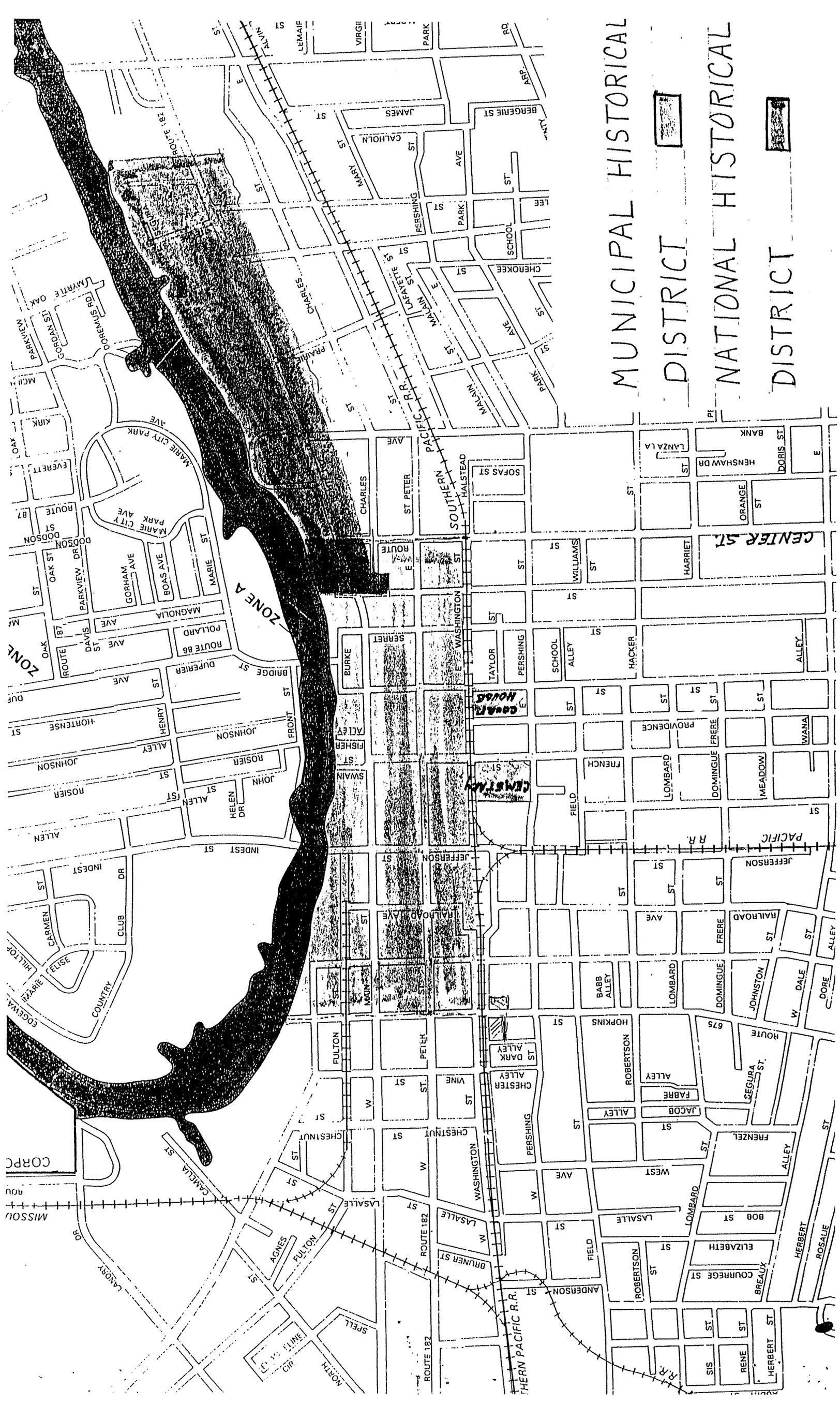
The above Ordinance having been submitted to a vote by the Mayor, the vote thereupon was recorded, to-wit:

YEAS: Stephen Sonnier, Peggy L. Gerac, Robert Suire, Harold "Chip" Lopez, Bill Desormeaux, Elton Broussard, Jr. and Larry Langlinais
NAYS: None
ABSENT: None

THEREUPON THE ORDINANCE was declared passed by a vote of 7 yeas to 0 nays on this, the 16th day of November, 1993, at a regular session of the Mayor and Board of Trustees of the City of New Iberia.

/s/ Cliff Aucoin
MAYOR

/s/ Sally M. Angers
CITY CLERK



MUNICIPAL HISTORICAL
DISTRICT

NATIONAL HISTORICAL
DISTRICT