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Brian Maynard
COUNCIL ADMINISTRATOR TREASURER

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ORDINANCE /3125

by Benham
introduced 10-27-04
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AMENDING TITLE 7 (UNIFIED DEVELOPMENT CODE), CHAPTER 3 (ADMINISTRATIVE MECHANISMS), OF THE CODE OF ORDINANCES OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE, SO AS TO ADD SECTION 3.06 (DEMOLITION AND RELOCATION OF HISTORIC BUILDINGS IN THE DOWNTOWN DEVELOPMENT DISTRICT) THERETO.

BE IT ORDAINED by the Metropolitan Council of the Parish of East Baton Rouge and City of Baton Rouge that:

Section 1. Title 7, Chapter 3, Section 3.06 of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby added thereto, which shall read as follows:

"Sec. 3.06 Demolition and Relocation of Historic Buildings in the Downtown Development District.

A. Unlawful Demolition or Relocation of Buildings

Approval from the Planning Commission must be obtained before demolition or relocation of any historic building within the Downtown Development District.

B. Authority to Comment on Demolition or Relocation Permit Applications

The Planning Commission shall have the authority to approve or deny a request to demolish or relocate a building within the Downtown Development District.

C. Actions Acceptable in Reaction to Application For Demolition Permit or Relocation Permit

The Planning Commission shall have the authority to approve, approve with conditions, or deny a request for demolition or relocation within the Downtown Development District.

D. Consideration of Pre-Demolition Plans

A public hearing shall be scheduled for each application for demolition or relocation. Notice shall be given in Baton Rouge's official journal and/or newspaper of general circulation within Baton Rouge at least one time not less than ten (10) days nor more than twenty (20) days prior to the public hearing.

E. Consideration of Post-Demolition Plans

The Planning Commission shall not grant approval for demolition permission without reviewing at the same time the plans for the historic property.

F. Demolition or Relocation Criteria

The Planning Commission's decision concerning the request for demolition or relocation of a historic building shall be based on the following criteria:

1. The structure is individually listed on the National Register of Historic Places or included in a National Register Historic District, or the structure is classified as National Register Eligible or Major Contributing in the historic building survey of the Central Business District.

G. Appeals

Any person adversely affected by any determination made by the Planning Commission relative to the approval or denial of a demolition or relocation application may appeal such determination to the Metropolitan Council; the appeal must be filed with the Council Administrator's Office within 10 days after notification is sent. The Metropolitan Council may approve, modify, or reject the determination made by the Planning Commission.

Appeals from decisions of the Metropolitan Council made pursuant to this ordinance may be taken to the District Court of the City-Parish, in the manner provided by law.

H. Definitions

Historic building: a building that is at least 50 years of age.

Section 2. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances.

Section 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.