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HISTORIC DISTRICT DESIGNATION ORDINANCE

AN ORDINANCE TO DESIGNATE THE HOGANSVILLE HISTORIC DISTRICT, TO PROVIDE FOR ISSUANCE OF CERTIFICATES OF APPROPRIATENESS; TO PROVIDE FOR AN APPEALS PROCEDURE, TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOGANSVILLE.

SECTION I - PURPOSE

In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the City of Hogansville, Georgia, are among its most valued and important assets and the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people; and

In order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historical and aesthetic attractions to tourists and thereby promote and stimulate business; and

In order to provide for the designation, protection, preservation and rehabilitation of historic properties in the City of Hogansville;

The Hogansville City Council hereby declares it to be the purpose and intent of this Ordinance to designate the Hogansville Historic District and to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, and landscape features having a special historical, cultural or aesthetic interest or value within the designated district, in accordance with the provisions of this Ordinance, the City's Historic Preservation Ordinance and the Hogansville Design Manual.

SECTION II - DEFINITIONS

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building means a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. The term "building" may refer to a historically related complex such as a courthouse and jail or a house and barn.

Certificate of appropriateness means a document evidencing approval by the historic preservation commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

Commission means the City of Hogansville Historic Preservation Commission.

Exterior architectural features means the architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

Exterior environmental features mean all those aspects of the landscape or the development of a site that affect the historical character of the property.

Historic district means a geographically definable area, possessing a significant concentration, linkage, or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history. A historic district shall further mean an area designated by the Hogansville City Council as a historic district pursuant to the criteria established in section IV B of this Ordinance.

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Historic property means an individual building, structure, site, or object including the adjacent area necessary for the proper appreciation thereof designated by the Hogansville City Council as a historic property pursuant to the criteria established in section IV C of this Ordinance.

Material change in appearance means a change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, or landscape feature within a historic district, such as:

- (1) A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
- (2) Demolition or relocation of a historic structure;
- (3) Commencement of excavation for construction purposes;
- (4) A change in the location of advertising visible from the public right-of-way; or
- (5) The erection, alteration, restoration or removal of any buildings or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features.

Object means a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Site means the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the site itself maintains historical or archaeological value regardless of the value of any existing structure.

Structure means a work made up of interdependent and inter-related parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.

SECTION III - BOUNDARIES

- (1) Boundaries of the district known as the "Hogansville Historic District" are as duly designated and cited by Ordinance of the City Council dated December 15, 2003, and shown upon the official Zoning Map of the City of Hogansville. Said map shall be kept in the office of the zoning administrator as a public record. Boundaries may be enlarged or otherwise changed only by the legal designation protocol set forth in the City's Historic Preservation Ordinance, dated _____.
- (2) Significant other buildings or structures. The following structures and sites not within the historic district shall be designated as significant for preservation:

Shank-Strain	204 Taliaferro
Jennings	213 Taliaferro
Water Tower	(near school property)
Amphitheater	(near school property)
Darden-Harris	100 Brazel
Bigham-Whipple	102 Brazel
McKee	302 N. Highway 29

(3) Certificate of appropriateness required; building permits.

- (a) No material change in the appearance of the historic property or of a structure, site, or work of art within the historic district shall be made or be permitted to be made by the owner or occupant thereof unless and until application for a certificate of appropriateness has been submitted to and approved by the City of Hogansville Historic Preservation Commission (commission). Such application shall be accompanied by such drawings, photographs, or plans as may be required by the commission.
- (b) In all cases where a certificate of appropriateness is required by this chapter, the city manager or his designated representative charged with issuance of building permits shall not issue any building permit for work of any nature that may materially change the exterior appearance of the historic property or structure, unless the certificate is granted. The rejection of a certificate of appropriateness shall be binding on the city manager or other officer charged with issuing building permits. Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on a historic property, which maintenance or repair does not involve a material change in design, material, or outer appearance thereof, nor to prevent any property owner from making any use of his property not prohibited by other laws, ordinances, or regulations.
- (c) The department of transportation and any contractors, including cities and counties, performing work funded by the department of transportation are exempt from this chapter. Local governments, including the city, are exempt from the requirement of obtaining certificates of appropriateness; provided, however, that local governments shall notify the commission no fewer than 45 days prior to beginning any undertaking within the historic district or affecting a historic property that would otherwise require a certificate of appropriateness and allow the commission an opportunity to comment.

(4) Certificate of appropriateness; applications; procedure; appeals.

- (a) Prior to reviewing an application for a certificate of appropriateness, the commission shall take such action as may reasonably be required to inform the owners of any property likely to be affected materially by the application and shall give the applicant and such owners an opportunity to be heard. In cases where the commission deems it necessary, it may hold a public hearing concerning the application.
- (b) The commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change in appearance would not have a substantial adverse effect on the esthetic, historical, or architectural significance and value of the historic property or the historic district. In making this determination, the commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance; architectural style; general design, arrangement, texture, and material of the architectural features involved; and the relationship thereof to the exterior architectural style and pertinent features of other structures in the immediate neighborhood.
- (c) In its review of applications for certificates of appropriateness, the commission shall not consider interior arrangement or uses having no effect on exterior architectural features. Present and intended land use of a historic property shall not be a factor in the commission's determination.
- (d) The commission shall approve or reject an application for a certificate of appropriateness within 45 days after the filing thereof by the owner of a historic property or of a structure, site, or work of art located within a historic district. The commission shall notify owner of record by letter if the application is approved. Evidence of approval shall be by a certificate of appropriateness issued by the commission. Failure of the commission to act within the 45-day period shall constitute approval, and no other evidence of approval shall be needed.
- (e) In the event the commission rejects an application, it shall state its reasons for doing so in writing and shall transmit a record of such action and the reasons therefor, in writing, to the applicant. The commission may suggest alternative courses of action it thinks proper if it

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disapproves of the application submitted. The applicant, if he so desires, may make modifications to the plans and may resubmit the application at any time after doing so.

- (f) Where such action is authorized in writing by the Hogansville City Council and is reasonably necessary or appropriate for the preservation of a unique historic property, the commission may enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise of the property or any interest therein.
 - (g) Where, by reason of unusual circumstances, the strict application of any provision of this article would result in exceptional practical difficulty or undue hardship upon any owner of any specific property, the commission, in passing upon applications, shall have the power to vary or modify strict adherence to the provisions or to interpret the meaning of the provision so as to relieve such difficulty or hardship; provided, however, that such variance, modification, or interpretation shall remain in harmony with the general purpose and intent of the provisions so that the architectural or historical integrity or character of the property shall be conserved. In granting variances, the commission may impose such reasonable and additional stipulations and conditions as will in its judgment best fulfill the purpose of this article. A hardship of the applicant's own making shall not be considered reason for variance.
 - (h) The commission shall keep a record of all applications for certificates of appropriateness and of all its proceedings.
 - (i) Any person adversely affected by any determination made by the commission relative to the issuance or denial of a certificate of appropriateness may appeal such determination to the City Council who may, after conducting an administrative hearing, approve, modify and approve, or reject the determination made by the commission if the City Council finds that the commission abused its discretion in reaching its decision. The decision of the City Council shall be made in writing, stating its findings and reasons, with a copy served upon all interested parties. The decision of the City Council shall be final. Aggrieved parties may, within 30 days of a final decision, petition the Superior Court of Troup County, Georgia, for a writ of certiorari.
- (5) Building permits to conform to certificate of appropriateness.
- (a) Building permits issued based upon a certificate of appropriateness shall be conformed to the requirements of such certificate. A certificate of appropriateness shall expire six months after its date of issuance, but may be renewed if the building permit has been renewed. In the event work is not performed in accordance with the certificate, the city manager or his designated representative charged with construction standards and enforcement shall issue a stop work order and all work shall cease.
 - (b) The city manager shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in the exterior appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of this chapter, or to prevent any illegal act or conduct with respect to such historic property or historic district.

(6) Enforcement; penalties and fines.

Any person who owns or occupies a building or structure that has been designated a historic property or that is located within a historic district, who shall intentionally do anything prohibited by this chapter, or who shall willfully fail to do anything required by this chapter that results in a material change in appearance of the designated property shall be cited to appear before the municipal court for violation of this chapter and, upon conviction, shall be punished by a fine not to exceed \$1,000.00. Each day a violation continues after initial citation shall constitute a separate offense.