

TITLE XV:

LAND USAGE

Chapter 151

**Historic Preservation
Commission**

CHAPTER 151: HISTORIC PRESERVATION COMMISSION

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§ 151.01 PURPOSE

- (A) In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of Pike County, Georgia is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people;
- (B) 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;
- (C) In order to enhance the opportunities for federal tax relief of property owners under relevant provisions of federal or state law;
- (D) In order to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same:
 - (1) The County Commissioners of Pike County declare it to be the purpose and intent of this chapter to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures and landscape features having a special historical, cultural or aesthetic interest or value in accordance with the provisions of this chapter.

(Ord. passed 11-9-94)

§ 151.02 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (A) **BUILDING.** A structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. **BUILDING** may refer to a historically-related complex such as a courthouse and jail or a house and barn.
- (B) **CERTIFICATE OF APPROPRIATENESS.** 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.
- (C) **EXTERIOR ENVIRONMENTAL FEATURES.** All those aspects of the landscape or the development of a site which affect the historical character of the property.
- (D) **HISTORIC DISTRICT.** A geographically definable area, possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past event 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 Commissioners of Pike County as a Historic District pursuant to the criteria established in this chapter.

- (E) HISTORIC PROPERTY. An individual building, structure, site or object, including the adjacent area necessary for the proper appreciation thereof, designated by the Commissioners of Pike County as a historic property pursuant to the criteria established in this chapter.
 - (F) MATERIAL CHANGE IN APPEARANCE. A change that will affect either the exterior, architectural or environmental features of a historic property of 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 structures within a historic property or district, including walls, fences, steps and pavements or other appurtenant features.
 - (G) OBJECT. An object is 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.
 - (H) SITE. 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 location itself maintains historical or archaeological value regardless of the value of any existing structure.
 - (I) STRUCTURE. A work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.
- (Ord. passed 11-9-94)

§ 151.03 CREATION OF HISTORIC PRESERVATION COMMISSION

- (A) Creation of the Commission. There is created a Commission whose title shall be “Pike County Historic Preservation Commission” (hereinafter “Commission”).
- (B) Commission position within the Pike County government. The Preservation Commission shall be considered a part of the planning functions of Pike County.
- (C) Commission members: number, appointment, terms and compensation.
 - (1) The Historic Preservation Commission shall consist of five members appointed by the Pike County Commissioners who shall be residents of Pike County or who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources.
 - (2) To the extent available in Pike County: at least three members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning archaeology or related professions and at least one member shall be appointed from among professionals in the disciplines of building construction or real property appraisal.
 - (3) Members shall serve three-year terms. Members may not serve more than two consecutive terms. In order to achieve staggered terms, initial appointments shall be: one member for one year; two members for two years; and two members for three

years. Members shall not receive a salary, although they may be reimbursed for expenses.

- (D) Statement of the Commission's powers. The Preservation Commission shall be authorized to:
- (1) Prepare an inventory of all property within its respective historic preservation jurisdiction having the potential for designation as historic property;
 - (2) Recommend to the Pike County Commissioners specific places, districts, sites, buildings, structures or works of art to be designated by ordinance as historic properties or historic districts;
 - (3) Review applications for certificates of appropriateness and grant or deny same in accordance with the provisions of this chapter;
 - (4) Recommend to the Pike County Commissioners that the designation of any place, district, site, building, structure or work of art as an historic property or as an historic district be revoked or removed;
 - (5) Restore or preserve any historic properties acquired by Pike County;
 - (6) Promote the acquisition by Pike County of facade easements and conservation easements in accordance with the provisions of Ga. Code §§ 44-10-1 et seq., the Georgia Uniform Conservation Easement Act.
 - (7) Conduct an educational program on historic properties located within its historic preservation jurisdiction;
 - (8) Make such investigations and studies of matters relating to historic preservation as the local governing body or the Commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
 - (9) Seek out state and federal funds for historic preservation and make recommendations to the Pike County Commissioners concerning the most appropriate uses of any funds acquired;
 - (10) Submit to the Historic Preservation Section of the Department of Natural Resources a list of historic properties or historic districts designated;
 - (11) Perform historic preservation activities as the official agency of Pike County's historic preservation program;
 - (12) Employ persons, if necessary, to carry out the responsibilities of the Commission;
 - (13) Receive donation grants, funds or gifts of historic property and to acquire and sell historic properties. The Commission shall not obligate Pike County without prior consent;
 - (14) Review and make comments to the State Historic Preservation Office concerning the nomination of properties within its jurisdiction to the National Register of Historic Places.
- (E) Commission's power to adopt rules of procedure. The Commission shall adopt rules for the transaction of its business and consideration of applications for designations and certificates of appropriateness such as by-laws, removal of membership provisions and design guidelines and criteria. The Commission shall have the flexibility to adopt rules of procedure without amendment to this chapter. The Commission shall provide for the time and place of regular meetings and a method for the calling of special meetings. The Commission shall select such officers as it deems appropriate from among its members. A quorum shall consist of a majority of the members. The latest edition of Robert's Rules of Order shall determine the order of business at all meetings.

- (F) Commission's authority to receive funding from various sources. The Commission shall have the authority to accept donations and shall insure that these funds do not displace appropriated governmental funds.
 - (G) Records of Commission meetings. A public record shall be kept of the Commission's resolutions, proceedings and action.
- (Ord. passed 11-9-94)

§ 151.04 RECOMMENDATION AND DESIGNATION OF HISTORIC DISTRICTS AND PROPERTIES

- (A) Preliminary research by Commission.
 - (1) Commission's mandate to conduct a survey of local historical resources. The Commission shall compile and collect information and conduct surveys of historic resources within Pike County.
 - (2) Commission's power to recommend districts and buildings to the Commissioner of Pike County for designation. The Commission shall present to the Commissioners of Pike County recommendations for historic districts and properties.
 - (3) Commission's documentation of proposed designation. Prior to the Commission's recommendation of a historic district or historic property to the Commissioners of Pike County for designation, the Commission shall prepare a report for nomination consisting of:
 - (a) A physical description;
 - (b) A statement of the historical, cultural, architectural and/or aesthetic significance;
 - (c) A map showing district boundaries and classification (i.e. historic, non-historic, intrusive) of individual properties therein or showing boundaries of individual historic properties;
 - (d) A statement justifying district or individual property boundaries; and
 - (e) Representative photographs.
- (B) Designation of a historic district.
 - (1) Criteria for selection of historic districts. An historic district is a geographically definable area which contains buildings, structures, sites, objects and landscape features or a combination thereof which:
 - (a) Have special character or special historic/aesthetic value or interest;
 - (b) Represent one or more periods, styles or types of architecture typical of one or more eras in the history of the county, state or region; and
 - (c) Cause such area, by reason of such factors, to constitute a visibly perceptible section of the municipality or county.
 - (2) Boundaries of a historic district. Boundaries of a historic district shall be included in the separate ordinances designating such districts and shall be shown on the Official Zoning Map of Pike County, Georgia.
 - (3) Evaluation of properties within historic districts. Individual properties within historic districts shall be classified as:
 - (a) Historic (contributes to the district);
 - (b) Non-historic (does not contribute but does not detract from the district, as provided for in subdivision (B)(1)); and
 - (c) Intrusive (detracts from the district as provided for in subdivision (B)(1)).

- (C) Designation of a historic property. A historic property is a building, structure, site or object, including the adjacent area necessary for the proper appreciation or use thereof deemed worthy of preservation by reason of value to the nation, Pike County or the State of Georgia for one of the following reasons:
- (1) It is an outstanding example of a structure representative of its era;
 - (2) It is one of the few remaining examples of a past architectural style;
 - (3) It is a place or structure associated with an event or persons of historic or cultural significance to Pike County, the State of Georgia or the region; or
 - (4) It is the site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the county, state or region.
- (D) Requirements for adopting an ordinance for the designation of historic districts and historic properties.
- (1) Application for designation of historic districts or property. Designations may be proposed by the Commissioners of Pike County, the Commission, or:
 - (a) For historic districts, a historical society, neighborhood association or group of property owners may apply to the Commission for designation;
 - (b) For historic properties, a historical society, neighborhood association or property owner may apply to the Commission for designation.
 - (2) Required components of a designation ordinance. Any ordinance designating any property or district as historic shall:
 - (a) List each property in a proposed historic district or describe the proposed individual historic property;
 - (b) Set forth the name(s) of the owner(s) of the designated property or properties;
 - (c) Require that a certificate of appropriateness be obtained from the Commission prior to any material change in appearance of the designated property; and
 - (d) Require that the property or district be shown on the Official Zoning Map of Pike County, Georgia and kept as a public record to provide notice of such designation.
 - (3) Require public hearings. The Commission and the Commissioners of Pike County shall hold a public hearing on any proposed ordinance for the designation of any historic district or property. Notice of the hearing shall be published in the principal newspaper of local circulation and written notice of the hearing shall be mailed by the Commission to all owners and occupants of such properties. All such notices shall be published or mailed not less than 15 nor more than 45 day(s) prior to the date set for the public hearing. A notice sent via the United States mail to the last-known owner of the property shown on the Pike County tax digest and a notice sent via attention of the occupant shall constitute legal notification to the owner and occupant under this chapter.
 - (4) Notification of the Office of Historic Preservation. No less than 30 days prior to making a recommendation on any ordinance designating a property or district as historic, the Commission must submit the report required in this section to the Office of Historic Preservation of the Department of Natural Resources.
 - (5) Recommendations on proposed designations. A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the Commission within 15 days following the public hearing and shall be in the form of a resolution to the Commissioners of Pike County.

- (6) Commissioners of Pike County action on the Commission's recommendation. Following receipt of the Commission recommendations, the Commissioners of Pike County may adopt the ordinance as proposed, may adopt the ordinance with any amendments it deems necessary or reject the ordinance.
- (7) Notification of adoption of ordinance for designation. Within 30 days following the adoption of the ordinance for designation by the Commissioners of Pike County, the owners and occupants of each designated historic property and the owners and occupants of each structure, site or work of art located within a designated historic district shall be given written notification of such designation by the Commissioners of Pike County, which notice shall apprise said owners and occupants of the necessity of obtaining a certificate of appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via the United States mail to the last-known owner of the property shown on the Pike County tax digest and a notice sent via United States mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this chapter.
- (8) Notification of other agencies regarding designation. The Commission shall notify all necessary agencies within Pike County of the ordinance for designation.
- (9) Moratorium on applications for alteration or demolition while ordinance for designation is pending. If an ordinance for designation is being considered, the Commission shall have the power to freeze the status of the involved property.

(Ord. passed 11-9-94)

§ 151.05 APPLICATION TO PRESERVATION COMMISSION FOR CERTIFICATE OF APPROPRIATENESS

- (A) Approval of material change in appearance in historic districts or involving historic properties. After the designation by ordinance of a historic property or of a historic district, no material change in the appearance of such historic property or of a historic or non-historic building, structure, site or object within such historic district shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a certificate of appropriateness has been submitted to and approved by the Commission.
- (B) Submission of plans to Commission. An application for a certificate of appropriateness shall be accompanied by drawings, photographs, plans and documentation required by the Commission.
- (C) Interior alterations. In its review of applications for certificates of appropriateness, the Commission shall not consider interior arrangement or use having no effect on exterior architectural features.
- (D) Technical advice. The Commission shall have the power to seek technical advice from outside its members on any application.
- (E) Public hearings on applications for certificates of appropriateness, notices and right to be heard.
 - (1) The Commission shall hold a public hearing at which each proposed certificate of appropriateness is discussed. Notice of the hearing shall be published in the principal newspaper of local circulation in the county and written notice of the hearing shall be mailed by the Commission to all owners and occupants of the proposed property. The

written and published notice shall be provided in the same manner and time frame as notices are provided before a public hearing for rezoning.

- (2) The Commission shall give the property owner and/or applicant an opportunity to be heard at the certificate of appropriateness hearing.
- (F) Acceptable Commission reaction to applications for certificate of appropriateness. The Commission may approve the certificate of appropriateness as proposed, approve the certificate of appropriateness with any modifications it deems necessary or reject it. The Commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic 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 following criteria for each of the following acts:
- (1) Reconstruction, alteration, new construction or renovation. The Commission shall issue certificates of appropriateness for the above proposed actions if those actions conform in design, scale, building material, setback and landscaping and to the Secretary of Interior's standards for rehabilitation and guidelines for rehabilitating historic buildings.
 - (2) Relocation. A decision by the Commission approving or denying a certificate of appropriateness for the relocation of a building, structure or object shall be guided by:
 - (a) The historic character and aesthetic interest the building, structure or object contributes to its present setting;
 - (b) Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be;
 - (c) Whether the building, structure or object can be moved without significant damage to its physical integrity;
 - (d) Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.
 - (3) Demolition. A decision by the Commission approving or denying a certificate of appropriateness for the demolition of buildings, structures, sites or objects shall be guided by:
 - (a) The historic, scenic or architectural significance of the building, structure, site or object;
 - (b) The importance of the building, structure, site or object to the ambiance of a district;
 - (c) The difficulty or the impossibility of reproducing such a building, structure, site or object because of its design, texture, material, detail or unique location;
 - (d) Whether the building, structure, site or object is one of the last remaining examples of its kind in the neighborhood or the city;
 - (e) Whether there are definite plans for use of the property if the proposed demolition is carried out and what the effect of those plans on the character of the surrounding area would be;
 - (f) Whether reasonable measures can be taken to save the building, structure, site or object from collapse;
 - (g) Whether the building, structure, site or object is capable of earning reasonable economic return on its value.

- (G) Undue hardship. When, by reason of unusual circumstances, the strict application of any provision of the ordinance would result in the exceptional practical difficulty or undue economic hardship upon any owner of a 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 provisions so as to relieve such difficulty or hardship; provided such variances, modifications or interpretations shall remain in harmony with the general purpose and intent of said provisions so that the architectural or historical integrity or character of the property shall be conserved and substantial justice done. 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 chapter. An undue hardship shall not be a situation of the person's own making.
- (H) Deadline for approval or rejection of application for certificate of appropriateness.
 - (1) The Commission shall approve or reject an application for a certificate of appropriateness within 45 days after the filing thereof by the owner or occupant of a historic property or of a building structure, site or object located within a historic district. Evidence of approval shall be by a certificate of appropriateness issued by the Commission. Notice of the issuance or denial of a certificate of appropriateness shall be sent by United States mail to the applicant and all other persons who have requested such notice in writing filed with the Commission.
 - (2) Failure of the Commission to act within said 45 days shall constitute approval and no other evidence of approval shall be needed.
- (I) Necessary action to be taken by Commission upon rejection of application for certificate of appropriateness.
 - (1) In the event the Commission rejects an application, it shall state its reasons for doing so and shall transmit a record of such action and reasons, in writing, to the applicant. The Commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.
 - (2) In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a certificate of appropriateness by the Commission shall be binding upon the Building Inspector or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.
- (J) Certificate of appropriateness void if construction not commenced. A certificate of appropriateness shall become void unless construction is commenced within six months of date of issuance. Certificates of appropriateness shall be issued for a period of 18 months and are renewable.
- (K) Recording applications for certificate of appropriateness. The Commission shall keep a public record of all applications for certificates of appropriateness and of all the Commission's proceedings in connection with the application.
- (L) Acquisition of property. The Commission may, where such action is authorized by the Commissioners of Pike County and is reasonably necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange or otherwise to the property or any interest therein.
- (M) Appeals. 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 Commissioners of Pike County. Any such appeal must be filed with the Commissioners of Pike County within 15 days after the issuance of the determination pursuant to this chapter or, in the case of a failure of the Commission to act, within 15 days of the expiration of the 45-day period allowed from the Commission action. The Commissioners of Pike County may approve, modify or reject the determination made by the Commission, if the governing body finds that the Commission abused its discretion in reaching its decision. Appeals from decision of the Commissioners of Pike County may be taken to the Superior Court of Pike County in the manner provided by law for appeals from conviction for Pike County ordinance violations.

(Ord. passed 11-9-94)

§ 151.06 MAINTENANCE OF HISTORIC PROPERTIES AND DEPARTMENT OF COMMUNITY DEVELOPMENT CODE PROVISIONS

- (A) Ordinary maintenance or repair. Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay or to sustain the existing form and that does not involve a material change in design, material or outer appearance thereof does not require a certificate of appropriateness.
- (B) Failure to provide ordinary maintenance or repair. Property owners of historic properties or properties within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The Commission shall be charged with the following responsibilities regarding deterioration by neglect:
 - (1) The Commission shall monitor the condition of historic properties and existing buildings in historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and openings which allow the elements and vermin to enter and the deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.
 - (2) In the event the Commission determines a failure to provide ordinary maintenance or repair, the Commission will notify the owner of the property and set forth the steps which need to be taken to remedy the situation. The owner of such property will have 30 days in which to do this.
 - (3) In the event that the condition is not remedied in 30 days, the owner shall be punished as provided in this chapter and, at the direction of the Commissioners of Pike County, the Commission may perform such maintenance or repair as is necessary to prevent deterioration by neglect. The owner of the property shall be liable for the cost of such maintenance and repair performed by the Commission.
- (C) Affirmation of existing Department of Community Development Codes. Nothing in this chapter shall be construed as to exempt property owners from complying with existing county Department of Community Development codes, nor to prevent any property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.

(Ord. passed 11-9-94)