

ORDINANCE

HISTORIC PRESERVATION

CITY OF HAHIRA

9-2-93
3-93

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A. **"Building"** - A building is 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.

Definitions

SECTION II

The Hahira City Council, Hahira, Georgia hereby declares it to be the purpose and intent of this Ordinance 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, in accordance with the provisions of the Ordinance.

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;

In order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; 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;

In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the City of Hahira, 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;

Purpose

SECTION I

BE IT ORDAINED BY THE HAHIRA CITY COUNCIL, OF HAHIRA, GEORGIA.

AN ORDINANCE TO ESTABLISH A HISTORIC PRESERVATION COMMISSION IN THE CITY OF HAHIRA TO PROVIDE FOR DESIGNATION OF HISTORIC PROPERTIES OR HISTORIC DISTRICTS; TO PROVIDE FOR ISSUANCE OF CERTIFICATES OF APPROPRIATENESS; TO PROVIDE FOR AN APPEALS PROCEDURE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

ORDINANCE

B. **"Certificate of Appropriateness"** - Means a document evidencing approval by the Historic Preservation Commission 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 Architectural Features"** - Means to 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, as more fully described in the Design Guidelines for the City of Hahira, a copy of which is identified as Appendix "A", copy of which is attached hereto and hereby incorporated by reference.

D. **"Exterior Environmental Features"** - Means all those aspects of the landscape or the development of a site which affect the historical character of the property.

E. **"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 Hahira City Council as a Historic District pursuant to the criteria established in Section IV B of this Ordinance.

F. **"Historic Property"** - Means an individual building, structure, site, or object including the adjacent area necessary for the proper appreciation thereof designated by the Hahira City Council as a historic property pursuant to the criteria established in Section IV C of this Ordinance.

G. **"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, signs and pavements, or other appurtenant features.

Members shall serve three-year terms. Members may not serve more than two (2) consecutive terms. In order to achieve staggered terms, initial appointments shall be: one (1) member for one (1) year; two (2) members for two (2) years; and two (2) members for three (3) years. Members shall not receive a salary, although they may be reimbursed for expenses.

To the extent available in the City of Hahira, at least three (3) members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology or related professions and at least one (1) member shall be appointed from among professionals in the disciplines of building construction or real property appraisal.

The Commission shall consist of five (5) members appointed by the Mayor and ratified by the Commission. All members shall be residents of the City of Hahira and shall be persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources.

C. Commission Members: Number, Appointment, Terms and Compensation

The Preservation Commission shall be part of the planning functions of the City of Hahira.

B. Commission Position within the City of Hahira

There is hereby created a council whose title shall be "HAHIRA HISTORIC PRESERVATION COMMISSION" (hereinafter "Commission").

A. Creation of the Commission

Creation of a Historic Preservation Commission

SECTION III

I. "Structure" - A structure is 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.

I. "Site" - A site is 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.

H. "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.

1. Prepare and maintain an inventory of all property within the City of Hahira having the potential for designation as historic property;
2. Recommend to the Hahira City Council specific districts, sites, buildings, structures, or objects 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 Ordinance;
4. Recommend to the Hahira City Council that the designation of any district, site, building, structure or object as a historic property or as a historic district be revoked or removed;
5. Restore or preserve any historic properties acquired by the City of Hahira;
6. Promote the acquisition by the City of Hahira of facade easements and conservation easements in accordance with the provisions of the "Facade and Conservation Easements Act of 1976" (O.C.G.A., Section 44-10.1 through 5);
7. Conduct educational programs on historic properties located within the City of Hahira and on general historic preservation activities;
8. Make such investigations and studies of matters relating to historic preservation including consultation with historic preservation experts, the Hahira City Council or the Commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
9. Seek out local, state, federal or private funds for historic preservation, and make recommendations to the Hahira City Council 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 the Hahira historic preservation program;
12. Employ persons, if necessary, to carry out the responsibilities of the Commission;
13. Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties. The Preservation Commission shall not obligate the City of Hahira without prior consent;

The Preservation Commission shall be authorized to:

D. Statement of the Commission's Powers:

- 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 the City of Hahira.
- A. **Preliminary Research by Commission:**

Districts and Properties

Recommendation & Designation of Historic

SECTION IV

A public record shall be kept of the Commission resolutions, proceedings and actions.

- H. **Records of Commission Meetings:**

The Commission shall have the authority to accept donations and shall insure that these funds do not displace appropriated governmental funds.

- G. **Commission's Authority to Receive Funding from Various Sources:**

The Commission shall be subject to all conflict of interest laws set forth in Georgia Statutes and in the City of Hahira Code of Ordinance and Code of Ethics, the provisions of which are hereby incorporated by reference.

- F. **Conflict of Interest:**

The Preservation Commission shall adopt rules and standards for the transaction of its business and for consideration of applications for designations and Certificates of Appropriateness, such as By-Laws, removal of membership provisions, and design guidelines and criteria. The Preservation Commission shall have the flexibility to adopt rules and standards without amendment to this Ordinance. 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.

- E. **Commission's Power to Adopt Rules and Standards:**

15. Participate in private, state and federal historic preservation programs and with the consent of the Hahira City Council enter into agreements to do the same.

14. Review and make comments to the Historic Preservation Section of the Department of Natural Resources concerning the nomination of properties within its jurisdiction to the National Register of Historic Places; and

2. **Commission's Power to Recommend Districts and Buildings to the Hahira**
Commission's for Designation: The Commission shall present to the Hahira City Council 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 Hahira City Council 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.
- A copy of the Report for Nomination is identified for purposes of this document as Appendix "B", a copy of which attached hereto and hereby incorporated by reference.
- 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 municipality, 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 the City of Hahira, Georgia.
 3. **Evaluation of properties within Historic Districts:** Individual properties within historic districts shall be classified as:
 - a. Historic (contributes to the district);

- 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;

2. **Required Components of a Designation Ordinance:** Any ordinance designating any property or district as historic shall:

- 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.
1. **Application for Designation of Historic Districts or Property:** Designations may be proposed by the Hahira City Council or the Commission:

D. **Requirements for Adopting and Ordinance for the Designation of Historic Districts and Historic Properties:**

- a. It is an outstanding example of a structure representative of its era;
- b. It is one of the few remaining examples of a past architectural style;
- c. It is a place or structure associated with an event or persons of historic or cultural significance to the City of Hahira, State of Georgia, or the region; or
- d. It is the site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the municipality, county, state or region.

1. **Criteria for selection of Historic Properties:** 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, City of Hahira, or the State of Georgia, for one of the following reasons:

C. **Designation of a Historic Property:**

- a. Non-historic (does not contribute but does not detract from the district, as provided for in B.1.); and
- b. Intrusive (detracts from the district as provided for in B.1.).

7. **Notification of Adoption of Ordinance for Designation:** Within thirty (30) days following the adoption of the ordinance for designation by the Commission, 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 Commission 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 City of Hahira tax roll 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 ordinance.

6. **Hahira City Council Action on the Commission's Recommendation:** Following receipt of the Commission recommendation, the Hahira City Council may adopt the ordinance as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.

5. **Recommendations on Proposed Designations:** A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the Commission within fifteen (15) days following the Public Hearing and shall be in the form of a resolution to the Hahira City Council.

4. **Notification of Historic Preservation Section:** No less than thirty (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 Section IV, A 3, to the Historic Preservation Section of the Department of Natural Resources.

3. **Require Public Hearings:** The Commission and the Hahira City Council 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 at least three (3) consecutive issues 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 ten (10) nor more than twenty (20) days 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 City of Hahira tax roll and a notice sent via attention of the occupant shall constitute legal notification to the owner and occupant under this ordinance.

d. Require that the property or district be shown on the Official Zoning Map of the City of Hahira, Georgia and kept as a public record to provide notice of such designation.

c. Require that a Certificate of Appropriateness be obtained from the Commission prior to any material change in appearance of the designated property; and

The Commission shall have the power to seek technical advice from outside its members on any application.

Technical Advice:

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.

Interior Alterations:

An Application for a Certificate of Appropriateness shall be accompanied by drawings, photographs, plans and documentation required by the Commission, as further set forth on the Application for Certificate of Appropriateness, attached thereto as Appendix "C" and hereby incorporated by reference.

Submission of Plans to Commission:

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.

Historic Properties:

Approval of Material Change in Appearance in Historic Districts or Involving

for Certificate of Appropriateness

Application to Preservation Commission

SECTION V

the Commission shall have the power to freeze the status of the involved property.

Moratorium on Applications for Alternation or Demolition while Ordinance for Designation is Pending: If an ordinance for designation is being considered,

Notification of other Agencies Regarding Designation: The Commission shall notify all necessary agencies within the City of Hahira of the ordinance for designation.

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D.

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B.

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E. Public Hearings on Applications for Certificates of Appropriateness, Notices, and Right to be Heard:

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 city 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.

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:

Commission Action: The Commission may approve the Certificate of Appropriateness as proposed, approve the Certificate of Appropriateness with any modifications it deems necessary, or reject it.

1. 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:

a. 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 as further specified in the Design Guidelines for the City of Hahira, a copy of which is attached hereto as Appendix "A", and to the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, a copy of which is attached hereto as Appendix "D" and hereby incorporated by reference.

b.

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:

1. The historic character and aesthetic interest the building, structure or object contributes to its present setting.

2. 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.

When, by reason of unusual circumstances, the strict application of any provision of this 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 said provisions, or to interpret the meaning of said 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 Ordinance. An undue hardship shall not be a situation of the person's own making.

G. Undue Hardship:

1. The historic, scenic or architectural significance of the building, structure, site, or object.
2. The importance of the building, structure, site, or object to the ambiance of a district.
3. The difficulty or the impossibility of reproducing such a building, structure, site, or object because of its design, texture, material, detail, or unique location.
4. Whether the building, structure, site or object is one of the last remaining examples of its kind in the neighborhood or the city.
5. 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.
6. Whether reasonable measures can be taken to save the building, structure, site or object from collapse.
7. Whether the building, structure, site or object is capable of earning reasonable economic return on its value.

c. **Demolition:** A decision by the Commission approving or denying a Certificate of Appropriateness for the demolition of buildings, structure, sites, or objects shall be guided by:

3. Whether the building, structure or object can be moved without significant damage to its physical integrity.
4. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.

- 1. All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the Commission shall issue a cease and desist order and all work shall cease.
- 2. The Hahira Commission or the Council shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of this ordinance or to prevent any illegal act or conduct with respect to such historic property or historic district.

J. Requirement of Conformance with 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 actions 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 officers charged with issuing building permits and, in such a case, no building permit shall be issued.

K. Certificate of Appropriateness:

1. Necessary Action to be Taken by Commission upon Rejection of Application for

- 1. The Commission shall approve or reject an application for a Certificate of Appropriateness within forty-five (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 forty-five (45) days shall constitute approval, and no other evidence of approval shall be needed.

H. Deadline for Approval or Rejection of Application for Certificate of Appropriateness:

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.

A. Ordinary Maintenance or Repair:

Building and Zoning Code Provisions

Maintaining of Historic Properties and

SECTION VI

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 Hahira City Council. Any such appeal must be filed with the Hahira Commission within fifteen (15) days after the issuance of the determination pursuant to Section V. H 1 of this Ordinance or, in the case of a failure of the Commission to act, within fifteen (15) days of the expiration of the forty-five (45) day period allowed from the Commission action, Section V. H 2 of this Ordinance. The Hahira City Council 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 Hahira City Council may be taken to the Superior Court of the City of Hahira in the manner provided by law for appeals from conviction for the City of Hahira ordinance violations.

N. Appeals:

The Commission may, where such action is authorized by the Hahira Commission 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. Acquisition of Property:

The Commission shall keep a public record of all applications for Certificates of Appropriateness, and of all the Commission's proceedings in connection with said application.

L. Recording a Applications for Certificate of Appropriateness:

A Certificate of Appropriateness shall become void unless construction is commenced within six (6) months of date of issuance. Certificates of Appropriateness shall be issued for a period of eighteen (18) months and are renewable.

K. Certificate of Appropriateness Void if Construction not Commenced:

In the event that any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the

Severability

SECTION VIII

Violations of any provisions of this Ordinance shall be punished in the same manner as provided for punishment of violations of validly-enacted Ordinances of the City of Habira, Georgia.

Penalty Provisions

SECTION VII

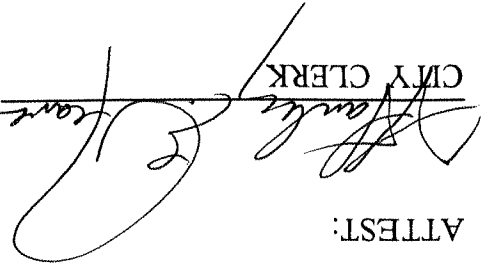
Nothing in this Ordinance shall be construed as to exempt property owners from complying with existing City or County building and zoning codes, nor the prevent any property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.

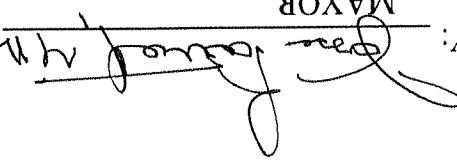
C. Affirmation of Existing Building and Zoning Codes:

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, 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 thirty (30) days in which to do this.
3. In the event that the condition is not remedied in thirty (30) days, the owner shall be punished as provided in Section VII of this Ordinance and, at the direction of the Habira City Council, 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.

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:

ATTEST:

CITY CLERK

BY: 
MAYOR

HAHIRA CITY COUNCIL

APPROVED:

Date of Implementation: 4th day of August, 1994.

Adopted this 2nd day of September, 1993.

THEREFORE BE IT RESOLVED, that the Hahira City Council do hereby ordain, resolve and enact the foregoing Historic Preservation Council Ordinance for the City of Hahira, Georgia.

This Ordinance shall become effective on DEC. 16, 1993.

Effective Date

SECTION X

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

Repealer

SECTION IX

other sections, sentences, clauses, or phrases of this Ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.