

**Chapter 9**  
**HISTORIC PRESERVATION\***

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\***Cross references**--Buildings, construction and related activities, Ch. 5; trees and landscaping, Ch. 20; zoning, Ch. 22.

**State law references**--The Uniform Act for the Application of Building and Fire Related Codes to Existing Buildings, O.C.G.A. § 8-2-200 et seq.; buildings presenting special hazards to persons or property, O.C.G.A. § 25-2-13; grants to municipal corporations for repairs on facilities of historical value, O.C.G.A. § 36-40-1 et seq.; Facade and Conservation Easements Act of 1976, O.C.G.A. § 44-10-1 et seq.; Georgia Historic Preservation Act, O.C.G.A. § 44-10-20 et seq.

Section 9-95A ARTICLE V. CERTIFICATE OF APPROPRIATENESS

Section 9-96 Required for change in appearance.

After the designation by ordinance of a historic property or of a historic district, no material change in the exterior appearance of such historic property, or of a structure, site, object or work of art within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, until a certificate of appropriateness has been granted by the commission. (Ord. of 1-12-87(5), § IV)

Section 9-97 Not required for ordinary repairs or change of paint color; maintenance.

(a) Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay or damage, 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. Change in paint color does not require the issuance of

a certificate of appropriateness, but property owners are encouraged to seek advice from the commission when changing paint color. Application of all forms of siding, including aluminum, vinyl, asphalt, or other forms does constitute a material change and requires a certificate of appropriateness.

(b) Owners of designated historic properties or properties located within a designated historic district shall be required to maintain their property in accordance with existing laws of the city which provide for the same. The Thomasville Historic Preservation Commission does not have the power to require special maintenance of historic properties or historic districts. The commission may, however, request the appropriate city officials to take action on properties being neglected or not maintained.

(Ord. of 1-12-87(5), § V)

#### Section 9-98 Conformity of new structures required.

After the designation by ordinance of a historic district, all new structures constructed within a designated historic district shall require a certificate of appropriateness which the commission shall issue if these structures conform in design, scale, building materials, setback and landscaping to the character of the district specified in the design criteria developed by the commission. (Ord of 1-12-87(5), § IV)

#### Section 9-99 Guidelines and criteria.

When considering applications for certificates of appropriateness to existing buildings, the Secretary of the Interior's Standards for Historic Preservation Projects may be used as a guideline along with any other criteria adopted by the commission. The commission may develop design guidelines specifically for the city to use in evaluating applications for certificates of appropriateness.

(Ord. of 1-12-87(5), § IV)

#### Section 9-100 Submission of plans.

An application for a certificate of appropriateness shall be accompanied by such drawings, photographs, plans or other documentation as may be required by the commission. Applications involving demolition or relocation shall be accompanied by post-demolition or relocation plans for the site. An application for a certificate of appropriateness shall be accompanied by a nonrefundable fee in the amount of twenty-five dollars (\$25.00).

(Ord. of 1-12-87(5), § IV)

#### Section 9-101 Issuance.

The commission shall issue a certificate of appropriateness if it finds that the proposed new construction or material change in the appearance of existing structure would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property of 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 the other structures in the immediate neighborhood.

(Ord. of 1-12-87(5), § IV)

Section 9-102 Denial.

The commission shall deny a certificate of appropriateness if it finds that the proposed new construction or material change in the appearance of existing structure would have substantial adverse effects on the aesthetic, historic or architectural significance and value of the historic property or the historic district. A certificate of appropriateness may not be denied on the basis of exterior paint color, but property owners are encouraged to seek advice from the commission when selecting paint color.  
(Ord. of 1-12-87(5), § IV)

Section 9-103 Reasons for rejections required; building official bound.

(a) If 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 actions it thinks proper if it 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.

(b) 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.  
(Ord. of 1-12-87(5), § IV)

Section 9-104 Public hearing; notice; right to be heard.

At least seven (7) days prior to review of 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 by reason of the application, and shall give 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.  
(Ord. of 1-12-87(5), § IV)

Section 9-105 Interior alterations not considered.

In its review of applications for certificates of appropriateness, the commission shall not consider interior arrangement, use, or finish having no effect on exterior architectural features.  
(Ord. of 1-12-87(5), § IV)

Section 9-106 Technical advice.

The commission shall have the power to seek technical advice from outside its members on any application.  
(Ord. of 1-12-87(5), § IV)

Section 9-107 Time limit for action on application.

(a) The commission shall approve or reject an application for a certificate of appropriateness

within sixty (60) days after the filing thereof by the owner or occupant of a historic property, or of a structure, site, object, or work of art located within a historic district. An application will not be considered filed until all required information is submitted with the application. Evidence of approval shall be 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.

(Ord. of 1-12-87(5), § IV)  
(2005 (9-107), Amended, 07/11/2005)

#### Section 9-108 Undue hardship.

Where, by reason of unusual circumstances, the strict application of any provision of this chapter would result in the exceptional practical difficulty or undue 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 such provisions, or to interpret the meaning of such provisions, so as to relieve the difficulty or hardship, provided such variances, modifications or interpretations shall remain in harmony with the general purpose and intent of such 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 judgement, best fulfill the purpose of this chapter. An undue hardship shall not be a situation of the person's own making.

(Ord. of 1-12-87(5), § IV)

#### Section 9-109 Compliance required; legal proceedings authorized.

(a) All work performed pursuant to an issued certificate of appropriateness shall conform to the requirements of such certificate. If work is performed not in accordance with such certificate, the commission shall issue a cease and desist order and all work shall cease.

(b) The city council or the commission 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 provision of this chapter or to prevent any illegal act or conduct with respect to such historic property or historic district.

(Ord. of 1-12-87(5), § IV)

#### Section 9-110 Time limit on commencement of construction.

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.

(Ord. of 1-12-87(5), § IV)

#### Section 9-111 Record of proceedings required.

The commission shall keep a public record of all applications for certificates of appropriateness, and of all the commission's proceedings in connection with such application.

(Ord. of 1-12-87(5), § IV)

Section 9-112 Authority to negotiate for acquisition.

The commission may, where such action is authorized by the city council 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 of the property or any interest therein.

(Ord. of 1-12-87(5), § IV)

Section 9-113 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 city council. Any such appeal must be filed with the city council within fifteen (15) days after the issuance of the determination pursuant to subsection (a) of section 9-107. The 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 city council may be taken to the superior court of the county in the manner provided by law for appeals from conviction for city ordinance violations.

(Ord. of 1-12-87(5), § IV)