

CHATHAM COUNTY HISTORIC PRESERVATION ORDINANCE

SECTION I

Purpose

It is the finding and determination of the Board of Commissioners of Chatham County, Georgia (hereinafter "Board of Commissioners") that the historical, cultural, and aesthetic heritage of Chatham County 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. Therefore, it is the purpose and intent of the Ordinance to establish a uniform procedure to provide for the protection, enhancement, perpetuation and use of areas having a special historical, cultural, or aesthetic interest or value.

SECTION II

Definitions

- A. 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.
- B. Exterior Architectural Features – Means the architectural style, general design, and general arrangement of the exterior of a resource, 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.
- C. Historic District – Means a geographically definable area, urban or rural, which contains resources which:
1. Have special character or special historic (typically at least fifty-years old) or aesthetic interest or value;
 2. Represent one or more periods or styles of architecture typical of one or more eras in the history of the County of Chatham, State of Georgia or region; and
 3. Cause such area, by reason of such factors, to constitute a visibly perceptible section of the County.
- A Historic District shall further mean an area designated by the Board of Commissioners as a Historic District pursuant to the criteria established in Section IV.B. of this Ordinance.
- D. Historic Property – Means a resource, typically at least fifty years old, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of its value to the County of Chatham, State of Georgia or region for one or more of the following reasons:
1. It is an outstanding example of a resource representative of its era;
 2. It is one of the few remaining examples of a past architectural style;

3. It is a resource associated with an event or person of historic or cultural significance to Chatham County, State of Georgia or the region; or
 4. It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of Chatham County, State of Georgia or the region.
- E. Material Change – Means a change that will affect only the exterior architectural features of a historic property or of any resource within a historic district, and may include any one or more of the following:
1. A reconstruction or alteration of the size, shape, or façade of a resource, including relocation of any doors or windows or removal or alteration of any architectural features, details, or elements including awnings;
 2. Demolition or relocation of a resource;
 3. The erection, alteration, restoration, or removal of any resource within a designated historic district or historic property, including walls, fences, steps, and pavements, or other appurtenant features, except color alterations;
 4. The erection or alteration of any sign over three square feet and visible from a public right-of-way within a historic district except for those signs permitted under Sec. 7-1.6 of the Chatham County Zoning Ordinance.
- F. Resource – Means any building, structure, site or work of art within a designated historic district or historic property.

SECTION III

Historic Preservation Commission

- A. Creation and Composition. There is hereby created a commission whose title shall be “CHATHAM COUNTY HISTORIC PRESERVATION COMMISSION” (hereinafter “Commission”) which shall consist of nine (9) members appointed by the Board of Commissioners. All members shall be residents of Chatham County and shall be persons who have demonstrated special interest in the preservation of historic resources. The Commission shall include at least five (5) representatives of professions which are directly related to historic preservation such as architecture, architectural history, planning, archaeology, law, or building construction or restoration.
- B. Terms of Office. 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: three (3) members for one (1) year; three (3) members for two (2) years; and three members (3) for three (3) years.
- C. Serve without pay. Members shall not receive a salary, although they may be reimbursed for expenses.
- D. Statement of the Commission’s Powers. The Commission shall be authorized to:
1. Prepare and maintain an inventory of all property within its respective historic preservation jurisdiction having the potential for designation as historic.

2. Review applications for designation of historic properties and historic districts, and make recommendations to the Board of Commissioners on those properties or districts eligible 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 Board of Commissioners that the designation of a historic district or historic property be revoked or removed;
 5. Make such investigations and studies of matters relating to historic preservation as the Board of Commissioners or the Commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources. Any such request for investigations or studies shall be made directly to the Executive Director of the Chatham County-Savannah Metropolitan Planning Commission for evaluation with regard to the agency's work program;
 6. Seek out local, state, federal, or private funds for historic preservation, and make recommendations to the Board of Commissioners concerning the most appropriate uses of any funds acquired; and
 7. Submit to the Historic Preservation Division of the Georgia Department of Natural Resources a list of historic properties and historic districts designated.
- E. Rules of Procedure. The Commission shall adopt rules and standards for the transaction of its business and for consideration of applications for designation of historic properties and historic districts and for Certificates of Appropriateness. Such rules shall include By-Laws and removal of membership provisions. Standards shall include "Design Guidelines and Criteria" to be developed for each property or district designated in accordance with the provisions of this ordinance. The Commission shall have the flexibility to adopt rules and standards without amendment to this Ordinance.
- F. Conflict of Interest. The Commission shall be subject to all conflict of interest laws set forth in the Official Code of Georgia Annotated and in the Chatham County Code of Ethics, the provisions of which are hereby incorporated by reference.
- G. Records of Commission Meetings. A public record shall be kept of the Commission's resolutions, proceedings and actions.
- H. Preservation Professional. The Executive Director of the Chatham County-Savannah Metropolitan Planning Commission, or his designee, shall be the Preservation Professional. The Preservation Professional and staff shall provide support services to the Commission.

SECTION IV

Recommendation and Designation of Historic Districts and Historic Properties

A. Preliminary Research by Commission

1. Commission's mandate to conduct a survey of historic resources. The Commission shall compile and collect information on historic resources within Chatham County to identify areas which may be appropriate for protection under the provisions of this ordinance. This shall be the list entitled Unincorporated

Chatham County Historic and Cultural Resources List in the Comprehensive Plan.

2. Commission's power to recommend districts and properties to the Board of Commissioners for designation. The Commission shall present to the Board of Commissioners recommendations for historic districts and historic properties. Such properties or districts shall first have been listed on the Unincorporated Chatham County Historic and Cultural Resources List found in the Chatham County-Savannah Comprehensive Plan. If such property is not listed, the Preservation Professional shall evaluate and determine its eligibility for listing prior to the Commission's recommendation.
3. Commission's documentation of proposed designation. Prior to the Commission's recommendation of a historic property or historic district to the Board of Commissioners for designation, the Commission shall prepare a Report for Nomination consisting of:
 - a. A physical description; including but not limited to boundaries, street patterns, styles, materials, geographical features, and other character-defining features of a historic property or historic district;
 - b. A statement of the historic, cultural, architectural, and/or aesthetic significance;
 - c. A map showing boundaries;
 - d. A map showing contributing resources;
 - e. A statement justifying boundaries; and
 - f. Representative photographs.

B. Designation of a Historic District

1. Criteria for the selection of historic districts. A historic district is a geographically definable area, urban or rural, which contains resources, which:
 - a. Have special character or special historic or aesthetic interest or value;
 - b. Represent one or more periods or styles of architecture typical of one or more eras in the history of the County of Chatham, State of Georgia or region; and
 - c. Cause such area, by reason of such factors, to constitute a visibly perceptible section of the County.
2. Boundaries of a historic district. Boundaries of a historic district shall be shown on the official Zoning Map of Chatham County, Georgia.
3. Identification of resources within historic districts. Individual resources within historic districts shall be shown on the "Contributing Resources Map" for the district and shall be classified as:
 - a. Contributing (contributes to the district); or
 - b. Non-contributing (does not contribute to the district, as provided for in B.1.).

C. Designation of a Historic Property

1. Criteria for selection of historic properties. A historic property is a resource, including the adjacent area necessary for the proper appreciation or use thereof, deemed worth of preservation by reason of value to the County of Chatham, the State of Georgia or region for one of the following reasons:
 - a. It is an outstanding example of a resource representative of its era;
 - b. It is one of the few remaining examples of a past architectural style;
 - c. It is a place or resource associated with an event or persons of historical or cultural significance to the County of Chatham, 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 County of Chatham, State of Georgia or region.
- 2. Boundaries of a historic property. Boundaries of a historic property shall be shown on the official Zoning Map of Chatham County, Georgia.
- 3. Identification of resources within a historic property. Individual resources within a historic property shall be shown on the “Contributing Resources Map” for the property and shall be classified as:
 - a. Contributing (contributes to the property); or
 - b. Non-contributing (does not contribute to the property, as provided for in D.1.).

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

- 1. Required components of a designation ordinance. Any ordinance designating any property or district as historic shall:
 - a. Include the “Design Guidelines and Criteria” developed for the property or district;
 - b. List each property in a proposed historic district or describe the proposed individual historic property;
 - c. Set forth the name(s) of the owner(s) of the designated property or properties;
 - d. Require that a Certificate of Appropriateness be obtained from the Commission prior to any material change in appearance; and
 - e. Require that the boundaries of the property or district be shown on the Official Zoning Map of Chatham County, Georgia.
- 2. Require public hearings. The Commission or the Board of Commissioners shall hold a public hearing on any proposed ordinance for the designation of any historic district or historic property. Notice of the hearing shall be published in at least three (3) consecutive issues in the principle 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 and mailed not less than ten (10) or 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 County tax digest and a notice sent via attention of the occupant shall constitute legal notification to the owner and occupant under this ordinance.
- 3. Owner comment. During the hearing at which the Commission or the Board of Commissioners is reviewing the proposed designation, property owners shall be given the opportunity to comment on the proposed designation. Owners of private property in districts with multiple owners shall be given the opportunity to concur in or object to the proposed designation.
- 4. Notification of Historic Preservation Division. No less than thirty (30) days prior to making a recommendation on any designation ordinance, the Commission must submit the report, required in Section III(D)(7) to the Historic Preservation Division 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 following the Public Hearing and shall be in the form of a resolution to the Board of Commissioners.

6. The Board of Commissioners' actions on the Commission's recommendation. Following the receipt of the Commission's recommendation, the Board of Commissioners may adopt the ordinance as proposed, may adopt the ordinance with any amendments they deem necessary, or reject the ordinance.
7. Owner notification. Within thirty (30) days following the adoption of the designation ordinance, the owners shall receive written notification of the designation and the notice shall tell them that a Certificate of Appropriateness (COA) must be obtained from the Historic Preservation Commission prior to any material change in appearance.

SECTION V

Application to Commission for Certificate of Appropriateness

- A. Certificate of Appropriateness required. After the designation by ordinance of a historic district or historic property, a Certificate of Appropriateness approved and issued by the Commission shall be required for any of the following, except as permitted under (V) (C) Staff Review in this Section:
 1. Demolition of any resource located in the historic district or historic property.
 2. Moving a resource into, within or out of the historic district or historic property.
 3. Material change in the exterior appearance of a resource located in the historic district or historic property by additions or alterations.
 4. Any new construction of a building or structure in a historic district or historic property subject to view from a public right-of-way.
 5. Addition or change of awnings subject to view from a public right-of-way.
 6. Material change in existing walls or fences or construction of new walls or fences subject to view from a public right-of-way.
 7. Erection or placement of any internally illuminated sign or of any other sign exceeding three square feet in size except as permitted under Sec. 7.1.7 of the Chatham County Sign Ordinance.
- B. Building permit. A building permit shall not be issued without a Certificate of Appropriateness. In cases where a building permit is not required, a Certificate of Appropriateness shall be required before construction can begin. In-kind maintenance and signs under three square feet are exempt from this requirement.
- C. Staff Review. A Certificate of Appropriateness approved by the Preservation Professional, under procedures established in the rules of the Commission, shall be required before a permit is issued for certain undertakings. The list of undertakings such as awnings, roof materials, windows and door replacement shall be set by majority vote of the entire membership of the Commission and may be added to or deleted from by a majority vote of the entire membership of the Commission.
- D. Submission of plans to the Commission. An application for a Certificate of Appropriateness shall be accompanied by drawings, photographs, plans, and documentation required by the Commission. Such application, and supplementary information, shall be filed by the published cut-off date.

- E. Jurisdiction. 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.
- F. Public hearings on applications for Certificates of Appropriateness. Except as provided for in Section V,(C) above, the Commission shall hold a public hearing at which each proposed Certificate of Appropriateness is discussed. The Commission shall give the applicant an opportunity to be heard at the Certificate of Appropriateness hearing.
- G. Action on application for Certificate of Appropriateness. The Preservation Professional shall present the application for a Certificate of Appropriateness, together with a recommendation for approval, approval with conditions, or disapproval to the Commission. The Commission shall approve the application or approve with conditions and issue a Certificate of Appropriateness if it finds that the proposed material change(s) would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or historic district based on the "Design Guidelines and Criteria" for the property or district.
- H. Exterior Work that does not require a Certificate of Appropriateness. General exterior maintenance and exterior repairs with in-kind material does require a Certificate of Appropriateness. However, the property owner should contact the Preservation Professional to discuss the level of work to occur and provide a photograph to show the subject property and the area or items to be repaired for verification.
- I. Development Standards
 - 1. Preservation of contributing resources within a historic district or historic property. Contributing resources, or any appurtenances related thereto visible from a public right-of-way, including but not limited to walls, fences, steps, and signs, shall only be altered, reconstructed, moved, or maintained only in a manner that will preserve the historic and exterior architectural features of the resource or appurtenance thereto. For the purposes of this section, exterior architectural features shall include but not be limited to the architectural style, scale, general design, and general arrangement of the exterior of the resource, including the kind and texture of the building material, the type and style of all roofs, windows, doors and signs. In considering proposals for the exterior alterations of contributing resources and in applying the development standards, the documented original design of the resource may be considered.
 - 2. New Construction. A decision by the Commission approving or denying a Certificate of Appropriateness for new construction of a building shall be guided by the following principles:
 - a. New buildings or structures shall be constructed to a height generally equal to the average height and proportions of existing resources from the historic period which characterizes the district or property or the contributing resource to which it is visually related.
 - b. The scale of new buildings or structures shall be generally consistent with the size and proportions of existing resources from the historic period which characterizes the district or property or the contributing resource to which it is visually related.

- c. The proportion of the width of new buildings or structures to the width of their lot shall reflect the prevailing rhythm of contributing resources within the district or property or the contributing resource to which it is visually related.
 - d. The front walls of new buildings or structures shall be set back equal distance from the street right-of-way as adjacent contributing resources.
 - e. The roof forms of new buildings or structures shall be generally consistent with roof shapes, pitches, and materials of contributing resources which characterize the district or property or the contributing resource to which it is visually related.
 - f. The façade pattern of new buildings or structures shall generally reflect the rhythm of door and window openings established by contributing resources which characterize the district or property or the contributing resources to which it is visually related.
3. Reconstruction, alteration, or renovation. A decision by the Commission approving or denying a Certificate of Appropriateness for the reconstruction, alteration, or renovation of a resource shall be guided by the following principles:
- a. The architectural character of a resource shall be retained and preserved. The removal of distinctive materials or alteration of features and external spatial relationships that characterize a resource shall be avoided.
 - b. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic resources shall not be constructed.
 - c. Distinctive materials, features, finishes, construction techniques, or examples of craftsmanship that characterize a resource shall be preserved.
 - d. Where deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
4. Relocation. A decision by the Commission approving or denying a Certificate of Appropriateness for the relocation of a resource shall be guided by:
- a. The historic character and aesthetic interest the resource contributed 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 resource can be moved without significant damage to its physical integrity; and
 - d. Whether the proposed relocation area is compatible with the historic and architectural character of the resource.
5. Demolition. A decision by the Commission approving or denying a Certificate of Appropriateness for the demolition of a resource shall be guided by:
- a. The historic or architectural significance of the resource;
 - b. The importance of the resource to the ambiance of the district or property;
 - c. The difficulty or the impossibility of reproducing such a resource because of its design, texture, material, detail, or unique location;
 - d. Whether the resource is one of the last remaining examples of its kind in the district or county;

- e. Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the district or property would be;
 - f. Whether reasonable measures can be taken to save the resource from collapse; and
 - g. Whether the resource is capable of earning reasonable economic return on its value.
- J. Design Guidelines and Criteria. In addition to the general development standards listed above, the Commission shall prepare a supplementary document for each designated historic district or historic property which shall be entitled “Design Guidelines and Criteria” and shall establish specific review standards which reflect the individual character of the district or property. Such standards shall be adopted in the designation ordinance for the historic district or historic property.
- K. Undue hardship. When, by reason of unusual circumstances, the strict application of any provision of this Ordinance would result in exceptional practical difficulty or undue economic hardship upon any owner of a specific resource, the Commission, in passing upon applications, shall have the power to modify strict adherence to said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship; provided such waivers, modifications or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historic integrity, or character of the resource, shall be conserved and substantial justice done. In granting waivers, 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.
- L. Action on application for Certificate of Appropriateness
- 1. The Commission shall hear all applications meeting the filing requirements at the next scheduled meeting, or if a quorum is not present, at a special meeting held within fourteen (14) calendar days from the scheduled meeting. 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 notices in writing filed with the Commission.
 - 2. 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 may make modifications to the plans and may resubmit at any time after doing so.
 - 3. In cases where the application covers a material change in the appearance of a resource 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.
- M. Requirement of conformance with Certificate of Appropriateness

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 Chatham County Director of Inspections shall issue a cease and desist order and all work shall cease.
 2. The Chatham County Director of Inspections shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance to a designated historic property or within a designated historic district, except those changes made in compliance with the provisions of this ordinance.
- N. Certificate of Appropriateness void if construction not commenced. A Certificate of Appropriateness shall become void unless construction has commenced within twelve (12) months of date of issuance or has been renewed for an additional twelve (12) months by the Commission. One renewal shall be permitted.
- O. Recording of applications for Certificates 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 said application.
- P. 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 Board of Commissioners. Any such appeal must be filed with the Board of Commissioners within fifteen (15) days after the issuance of the determination. The Board of Commissioners may approve, modify, or reject the determination made by the Commission, if the appeals body finds that the Commission abused its discretion in reaching its decision. Design criteria shall not be the basis for appeal of an adverse decision. Appeals from decisions of the Board of Commissioners may be taken to the Superior Court of Chatham County in the manner provided by law for appeals from zoning decisions of the Board of Commissioners. Decisions of the Preservation Professional shall be appealed first to the Commission.
- Q. Maintenance of Contributing Resources and Zoning Code Provisions
1. Ordinary maintenance or repair. Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a resource 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.
 2. Failure to provide ordinary maintenance or repair. Property owners of historic properties or properties within historic districts shall not allow their resources to deteriorate by failing to provide ordinary maintenance or repair. The Commission shall be charged with the following responsibilities regarding demolition by neglect.
 - a. The Commission shall monitor the condition of resources within historic properties and historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and exterior openings which allow the elements or vermin to enter, or the deterioration of a resource's structural system shall constitute a failure to provide ordinary maintenance or repair.

- b. In the event the Commission determines a failure to provide ordinary maintenance or repair, the Commission shall 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 shall have thirty (30) days in which to remedy the situation.
 - c. In the event that the condition is not remedied in thirty (30) days, the issue shall be remanded to the Building Inspections Department of Chatham County for legal action.
 3. Affirmation of existing building and zoning codes. Nothing in this ordinance shall be construed as to exempt property owners from complying with existing County building and zoning codes, nor prevent any property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.

SECTION VII

Penalty Provisions

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

SECTION VIII

Severability

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 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.

SECTION IX

Repealed

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