

**HISTORIC PRESERVATION ORDINANCE
FOR
AUGUSTA, GEORGIA**

Augusta Planning & Development Department
Amended June, 2015
Updated – September 2011

CHAPTER 4

HISTORIC PRESERVATION

ARTICLE 1

IN GENERAL

§ 7-4-1. PURPOSE.

The historical, cultural and architectural heritage of Augusta-Richmond County is among its most valued and important assets and the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people. Therefore, in order to stimulate revitalization of the business districts and historic neighborhoods of Augusta-Richmond County, and to protect and enhance local historical, cultural, and architectural attraction to tourists and thereby promote and stimulate business; in order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and 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 promote the reuse and recycling of existing building stock in Augusta-Richmond County and thereby conserve increasingly scarce landfill space and valuable natural resources.

The Augusta-Richmond County Commission hereby declares it to be the purpose and intent of this Chapter to establish a uniform procedure for the protection, enhancement, and perpetuation of places, districts, buildings, structures, objects, landscape features and works of art having a historical, cultural or architectural interest or value.

§ 7-4-2. DEFINITIONS.

(a) 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.

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

(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 designated by the Commission as a historic district pursuant to the criteria established in § 7-4-13 of this Chapter.

(e) Historic property. An individual building, structure, site, object or work of

art, and may include the adjacent area necessary for the proper appreciation thereof, designated by the Commission as a historic property pursuant to the criteria established in § 7-4-14 of this Chapter.

(f) Material change in appearance. A change that will affect the exterior architectural or environmental features of any building, structure, site, object, landscape feature or work of art within a historic property or 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;

(5) The erection, alteration, restoration or removal of any building or other structure within a historic property or district, including walls, fences, steps and pavements or other appurtenant features.

ARTICLE 2

HISTORIC PRESERVATION COMMISSION

§ 7-4-3. CREATION.

There is hereby created a commission whose title shall be The Augusta-Richmond County Historic Preservation Commission, hereinafter referred to as Historic Preservation Commission.

§ 7-4-4. MEMBERS--APPOINTMENT; QUALIFICATIONS; TERMS AND COMPENSATION.

(a) The Commission shall consist of ten (10) members (plus an additional two members should the Richmond County Delegation choose to appoint two members) to be appointed for four (4) year terms. All members shall be residents of Augusta-Richmond County. Nominations shall be solicited from the Board of Trustees of Historic Augusta, Inc. from at-large community recommendations.

(b) To the extent available, at least five (5) members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology, historic preservation or related disciplines. The remaining members may be nonprofessionals, but must have demonstrated special interest, experience or education in regional history, historic architecture or the preservation of historic resources.

(c) Except as provided herein, members of the City of Augusta Historic Preservation Commission and members of the Richmond County Historic Preservation Commission who were serving on said commissions on January 1, 1997, all having had their terms expire, shall serve until their successors are appointed and qualified. Two of the existing members shall have their terms terminate on March 31, 1997.

(d) The following members of said Commissions shall continue to serve until their successors are appointed by the Commissioner representing the respective District, and qualified, and are to represent the districts as herein set forth, to wit:

District 1
District 2
District 3
District 4
District 5
District 6
District 7
District 8
District 9
District 10

(e) The successors to the members representing Districts 1, 3, 5, 7, and 9 shall serve until April 1, 1998, or until their successors are appointed and qualified.

(f) The successors to the members representing Districts 2, 4, 6, 8, and 10 shall serve until April 1, 2000, or until their successors are appointed and qualified.

(g) Members of the Historic Preservation Commission appointed by the Commissioner of the respective Districts to succeed those appointed in subsection (e) and (f) hereof shall serve for terms of office of four (4) years and until their successors are appointed and qualified.

(h) Should the Richmond County Legislative Delegation choose to appoint two (2) members as provided in the Consolidation Act, such members shall serve for a term of four (4) years and until their successors are appointed and qualified. In the event the appointing authority of the Legislative Delegation is removed from the Consolidation Act, this subsection shall automatically be repealed.

(i) All terms shall expire on March 31 of the applicable year, and new terms shall begin on April 1 of the applicable year.

(j) Members shall not receive a salary, although they may be reimbursed for expenses.

(k) Members who fail to attend three (3) consecutive Historic Preservation Commission meetings will forfeit their seat upon the Commission. Commission By-Laws may provide for the conditions of excused absence from Commission meetings.

(l) In the event that vacancies upon the Historic Preservation Commission for any period of time remain unfilled, a Historic Preservation Commission consisting of six (6) or more members may exercise all powers delegated to the Historic Preservation Commission under this Chapter, until the vacancies are filled.

§ 7-4-5. STATEMENT OF POWERS.

The Historic Preservation Commission shall be authorized to:

(a) Prepare and maintain an inventory of all property within Augusta-Richmond County, Georgia, having the potential for designation as a historic property. This inventory may be maintained in conjunction with Historic Augusta, Inc. or an independent organization with similar purposes;

(b) Recommend to the Commission specific places, districts, sites, buildings, structures, objects or works of art to be designated by ordinance as historic properties or historic districts;

(c) Review applications for Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this Chapter;

(d) Recommend to the Commission that the designation of any place, district, site, building, structure, object or work of art as a historic property or as a historic district be revoked or removed;

(e) Restore or preserve any historic properties owned by Augusta-Richmond County, Georgia as authorized by Commission;

(f) Promote the acquisition of facade easements and conservation easements by the Commission in accordance with the provisions of the Facade and Conservation Easements Act of 1976, as amended (O.C.G.A. §§ 44-10-1 through 44-10-5);

(g) Conduct educational programs on historic properties located within Augusta-Richmond County, Georgia and on general historic preservation activities;

(h) Make such investigations and studies of matters relating to historic preservation, including consultation with historic preservation experts, as the Commission or the Historic Preservation Commission itself may, from time to time, deem necessary or appropriate for the purposes of this Chapter;

(i) Seek out local, state, federal and private funds for historic preservation, and make recommendations to the Commission concerning the most appropriate uses of any funds acquired;

(j) Submit to the Historic Preservation Section of the Department of Natural Resources a list of historic properties or historic districts designated;

(k) Perform historic preservation activities as the official agency of the Augusta-Richmond County historic preservation program.

(l) Employ and compensate persons, as authorized by Commission, to carry out responsibilities of the Historic Preservation Commission;

(m) Elect from among its members, a member or members to carry out responsibilities of the Commission;

(n) Receive donations, grants, funds or gifts of historic property and acquire and sell historic properties on behalf of the Commission. In regard to such historic property, the Commission shall not obligate the Historic Preservation Commission without prior consent;

(o) Review the nomination of historic properties or historic districts to the National Register of Historic Places and Georgia Register of Historic Places and make comments upon such nominations to the Historic Preservation Section of the Department of Natural Resources;

(p) Participate in private, state and federal historic preservation programs and with the consent of the Commission enter into agreements to do the same;

(q) Advise the appropriate officials of the Augusta-Richmond County Fire Department as to the utilization of alternative compliance concepts for historic properties pursuant to O.C.G.A. §§ 8-2-200 through 8-2-222 and O.C.G.A. § 25-2-13 where these code sections have been made applicable to historic properties in Augusta-Richmond

County. Said advice will ensure that compliance with state and local fire prevention laws is accomplished while maintaining the highest degree of historic integrity in affected historic properties;

- (r) Issue Citations for violations of this Chapter;
- (s) Petition the appropriate court to enjoin actions in violation of this Chapter;
- (t) Institute any other appropriate action to enforce compliance with the terms of this Chapter;
- (u) Exercise all other powers implicit or explicit in any other provision of this Chapter.

§ 7-4-6. POWER TO ADOPT RULES AND STANDARDS.

The Historic Preservation Commission shall adopt rules and standards for the transaction of its business, for consideration of applications for designations and certificates of Appropriateness, including, By-laws, membership provisions, and design guidelines. The Historic Preservation Commission shall provide for the time and place of regular meetings and a method for the calling of special meetings. The Historic Preservation Commission shall select such officers as it deems appropriate from among its members. The Chairman of the Historic Preservation Commission shall be entitled to vote upon any issue, motion or resolution, as any other member. (Ord. # 5971, October 21, 1997)

§ 7-4-7. CONFLICT OF INTEREST.

At any time the Historic Preservation Commission is to undertake any official action which will affect a monetary or other vested interest of a member of the Historic Preservation Commission, that member shall reveal the existence of that interest to the Historic Preservation Commission at the next meeting thereof after the member becomes aware of the conflict of interest and shall abstain from voting on that matter. The ownership of property by a Historic Preservation Commission member within a proposed historic district containing twenty-five or more separately-owned parcels of property shall not be such an interest as to invoke the prohibitions of this Section.

At any time the Historic Preservation Commission reviews a project in which a member of the Historic Preservation Commission has an ownership or other vested interest, that member shall be forbidden, as a Commission member, from voting or discussing the project, other than answering a direct question.

§ 7-4-8. HISTORIC PRESERVATION COMMISSION'S AUTHORITY TO RECEIVE FUNDING FROM VARIOUS SOURCES.

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

§ 7-4-9. RECORDS OF HISTORIC PRESERVATION COMMISSION

MEETINGS.

A public record shall be kept of the Historic Preservation Commission's resolutions, proceedings and actions. This public record may consist of an ordinary tape recording or from time to time, at the discretion of the Commission, may be supplemented by the use of a court reporter or such other written record as the Commission may establish.

§ 7-4-10. ATTENDANCE OF LAW ENFORCEMENT OFFICER AT HISTORIC PRESERVATION COMMISSION MEETINGS.

An officer of the Richmond County Sheriff's Department shall be in attendance at Historic Preservation Commission meetings, at the behest of the Commission, in order to assure the orderliness of the proceedings.

§ 7-4-11. DUTIES OF COMPTROLLER.

The Augusta-Richmond County comptroller shall provide the Historic Preservation Commission with the necessary tax information to facilitate the purposes of this Chapter and shall see that this information is kept current.

ARTICLE 3

RECOMMENDATION AND DESIGNATION OF HISTORIC DISTRICTS AND PROPERTIES

§ 7-4-12. PRELIMINARY RESEARCH BY COMMISSION.

(a) The Historic Preservation Commission may compile and collect information and conduct surveys of historic resources within Augusta-Richmond County.

(b) The Historic Preservation Commission may present to the Commission recommendations for the designation of historic districts and properties.

(c) Prior to the Historic Preservation Commission's recommendation of a historic district or historic property to the Commission for designation, the Historic Preservation Commission shall prepare a report consisting of:

(1) a physical description;

(2) a statement of the historical, cultural, and/or architectural significance of the proposed historic district or historic property, except that such statement of significance will not be required in the case of a historic property or district already listed upon the National Register of Historic Places, or upon the Georgia Register of Historic Places;

(3) a map showing the proposed historic district boundaries and the classification (i.e. contributing/historic, contributing/non-historic, noncontributing) of individual properties therein, or a map showing the boundaries of the proposed historic property;

(4) a statement justifying historic district or individual historic property boundaries, except that such statement in justification will not be required if such proposed boundaries are the same as those embraced within the listing of the district or property upon the National Register of Historic Places or Georgia Register of Historic Places; and

(5) representative photographs. (Ord. 5927, May 19, 1997)

§ 7-4-13. DESIGNATION OF A HISTORIC DISTRICT.

(a) Criteria for selection of historic districts. A historic district is a geographically definable area which contains buildings, structures, sites, objects, landscape features and works of art or a combination thereof, which:

(1) have special character or historic, cultural or architectural, value or interest;

(2) represent one or more periods, styles or types of architecture typical of one or more eras in the history of Augusta-Richmond County or the state or region;

(3) cause such area, by reason of such factors, to constitute a visibly perceptible section of Augusta-Richmond County;

(4) a district, once listed upon the National Register of Historic Places or upon the Georgia Register of Historic Places shall be presumed to possess the necessary characteristics for designation as a historic district under this ordinance.

(b) Boundaries of a historic district. The 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 Augusta-Richmond County, Georgia. Said boundaries, as depicted on said map, shall constitute the official description of said historic districts for the purposes of this Chapter and for the purposes of the separate ordinances designating such districts.

In the event that the official zoning map of Augusta-Richmond County, Georgia does not depict the area proposed for designation as a historic district, the Commission may, in its discretion, identify such other map upon which to depict the boundaries of the historic district. In this case the map so identified by the Commission shall constitute the official description of said historic district for the purposes of this Chapter and for the purposes of the separate ordinance designating such district.

(c) Evaluation of properties within historic districts. Individual properties within historic districts shall be classified as:

(1) contributing/historic (contributes to the district in terms of design, historical association, and/or setting);

(2) contributing/non-historic (a property less than fifty years old which compliments and does not detract from the overall character of the district in terms of design, historical association, and/or setting);

(3) non-contributing (a property which detracts from the district in terms of design, style, building type, historical association, and/or setting). (Ord. 5927, May 19, 1997)

§ 7-4-14. DESIGNATION OF A HISTORIC PROPERTY.

(a) Criteria for selection of historic properties. A historic property is a building, structure, site, object or work of art which may include the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation for reason of value to Augusta-Richmond County, the State of Georgia, or this Geographical region, 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 past architectural style;

(3) it is a place or structure associated with an event or person of historic or cultural significance to Augusta-Richmond County, Georgia, or to the state, region or

nation;

(4) it is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of Augusta-Richmond County, Georgia, or of the state, region or nation;

(5) a property, once listed upon the National Register of Historic Places or upon the Georgia Register of Historic Places shall be presumed to possess the necessary characteristics for designation as a historic property.

(b) Boundary description. A description of the boundaries shall be included in the separate ordinances designating such properties and the boundaries shall be depicted on the official Zoning Map of Augusta-Richmond County, Georgia. Said boundaries, as depicted on said map, shall constitute the official description of said historic property for the purposes of this Chapter and for the purposes of the separate ordinances designating such properties.

In the event that the official Zoning Map of Augusta-Richmond County, Georgia does not depict the area proposed for designation as a historic property, the Commission may, in its discretion, identify such other map upon which to depict the boundaries of the historic property. In this case the map so identified by the Commission shall constitute the official description of said historic property for the purposes of this Chapter and for the purposes of the separate ordinance designating such property. (Ord. 5927, May 19, 1997)

§ 7-4-15. REQUIREMENTS FOR ADOPTING AN ORDINANCE FOR THE DESIGNATION OF HISTORIC DISTRICTS AND HISTORIC PROPERTIES.

(a) Application for designation of historic districts or historic property. Designations may be proposed by the Commission, the Historic Preservation Commission or:

(1) for historic districts - a preservation organization, historical society, neighborhood association or group of property owners may apply to the Commission for designation;

(2) for historic properties - a preservation organization, historical society, neighborhood association or property owner may apply to the Commission for designation.

(b) Required components of an ordinance. Any ordinance designating any property or district as historic shall:

(1) describe the area encompassed within the proposed historic district or describe the proposed individual historic property;

(2) reference the name(s) of the owner(s) of the designated property or properties as shown on the official Augusta-Richmond County tax records at the time of the adoption of the ordinance. In the event that the official tax records, for whatever reason,

do not encompass the property or properties proposed for designation, the record owner(s) of the property, as determined by a title investigation conducted to appropriate legal standards under Georgia law, shall be referenced;

(3) require compliance with the provisions of this Chapter; and

(4) require that the property or district be shown on the official zoning Map of Augusta-Richmond County, Georgia, or such other official map as identified by the Commission pursuant to § 7-4-13 or 7-4-14 hereof.

(c) Required public hearing and notices. The Historic Preservation Commission 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 one (1) issue of the official legal organ of Augusta-Richmond County and written notice of the hearing shall be mailed by the Commission to all owners and occupants of such properties that are affected. This notice: (i) shall contain the time and place for the hearing, (ii) shall reference this Chapter, (iii) shall describe the fact that the establishment of a historic district or historic property pursuant to this Chapter has been proposed, and (iv) shall generally describe the area encompassed by the historic district or historic property proposed. All such notices shall be published or mailed not less than fifteen (15) days nor more than forty-five (45) days prior to the date set for the public hearing. A notice sent via the United States mail to the last owner of record of the property shown on the official Augusta-Richmond County tax records or record owner of the property, 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.

(d) Recommendations on proposed designations. A recommendation to adopt, to adopt in modified form, or to reject the proposed ordinance 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 Commission.

(e) Commission action on Commission recommendation. Following receipt of the Historic Preservation Commission's recommendation, the Commission may adopt the ordinance as proposed, reject the ordinance, or, after consultation with the Commission, may adopt the ordinance with any modifications it deems necessary.

(f) Notification of the State Historic Preservation Section. Prior to making a recommendation on any ordinance designating a property or district as historic, the Historic Preservation Commission may transmit the report required at § 7-4-12 of this Code to the Historic Preservation Section of the Georgia Department of Natural Resources.

(g) 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, and all building contractors licensed in Augusta-Richmond County, shall be given written notification of such designation by the Commission, which notice shall apprise said owners, occupants, and contractors of the necessity of compliance with this Chapter and specifically, 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 United States Mail to the last known owner of the property shown on the official Augusta-Richmond County tax records and, where different from the address of such record tax owner, 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. Building contractors, licensed in Augusta-Richmond County shall similarly be notified as aforesaid, but failure of such building contractor to be sent such notice shall in no way affect the validity of an ordinance for designation.

(h) Notification of other agencies regarding designation. The Historic Preservation Commission shall notify all affected agencies within Augusta-Richmond County of the ordinance for designation, as well as the local neighborhood, historical and preservation organizations. Failure of such agencies or organizations to receive such notification shall in no way affect the validity of such ordinance for designation.

(i) Moratorium on applications for alteration or demolition while ordinance for designation is pending. If the procedure for the designation of an historic district or historic property has been initiated as provided for in this Section, the Commission shall have the power to recommend to the Building Inspector a moratoria on the issuance of building permits and demolition permits involving the property or properties proposed for designation.

(j) Authority to rescind designation. The Commission has the authority to rescind the ordinance designating a historic district or historic property following receipt of a recommendation from the Commission, provided that a public hearing has been held by the Historic Preservation Commission, prior to the Commission's recommendation, providing the opportunity for public comment. Notification for such public hearing shall be the same as provided for in § 7-4-15 hereof. (Ord. 5927, May 19, 1997)

ARTICLE 4

APPLICATION TO PRESERVATION COMMISSION FOR CERTIFICATE OF APPROPRIATENESS

§ 7-4-16. APPROVAL OF ALTERATIONS OR NEW CONSTRUCTION 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 exterior appearance of a structure, site, object or work of art within such historic property or property within such historic district, shall be made or be permitted to be made unless or until the application for a Certificate of Appropriateness has been submitted to and approved by the Historic Preservation Commission.

§ 7-4-17. APPROVAL OF NEW CONSTRUCTION WITHIN DESIGNATED DISTRICTS.

The Historic Preservation Commission shall issue Certificates of Appropriateness for new structures constructed within designated historic districts or upon the grounds of a designated historic property if these structures conform in design, scale, building materials, setback and landscaping to the character of the historic district or property or as specified in the design criteria once developed or adopted by the Commission.

§ 7-4-18. GUIDELINES AND CRITERIA FOR CERTIFICATES OF APPROPRIATENESS.

When considering applications for Certificates of Appropriateness impacting existing buildings, the Secretary of the Interior's Standards for Historic Preservation Projects including the Secretary's Standards for Rehabilitation, as revised as of the date of application for a Certificate of Appropriateness, shall be used as a criteria for design review along with any other standards or design review guidelines once developed or adopted by the Commission for use in reference to specific historic districts or historic properties. When dealing with difficult technical questions, the Historic Preservation Commission shall have the power to seek technical advice from outside its membership on any application, within approved budgetary limitations.

§ 7-4-19. ISSUANCE OF BUILDING AND DEMOLITION PERMITS.

Building Permits And Demolition Permits must not be issued until the issuing official has examined the official Historic District and Historic Property Map to see if the property is affected by historic designation. If the property is so affected, the issuing authority must direct the applicant to the Commission to apply for a Certificate of Appropriateness. The subsequent issuance of a Building Permit or Demolition Permit shall be contingent upon the obtention of a Certificate of Appropriateness for the proposed change.

§ 7-4-20. SUBMISSION OF PLANS TO COMMISSION.

An application for a Certificate of Appropriateness shall be accompanied by such drawings, photographs, plans or other documentation as may be required by the Historic Preservation Commission. Applications involving demolition or post-relocation shall be accompanied by post-demolition or relocation plans for the site. The Historic Preservation Commission shall not require that the plans and specifications be prepared by professionals, but only that such documentation be prepared in such a way as to be easily understood by the Commission members.

§ 7-4-21. ACCEPTABLE COMMISSION REACTION TO APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS.

(a) The Historic Preservation Commission shall approve the application and issue a Certificate of Appropriateness if it finds that the proposed material change(s) in appearance would not have a substantial adverse effect on the historic or architectural significance, integrity, and value of the historic property or property within a historic district. In making this determination, the Historic Preservation Commission shall consider the factors described in §§ 7-4-17 and 7-4-18 above, 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.

(b) The Historic Preservation Commission shall deny a certificate of Appropriateness if it finds that the proposed material change(s) in appearance would have substantial adverse effects on the historical or architectural significance, integrity and value of the historic property or property within the historic district, based upon those same factors as described in § 7-4-21 (a) above.

§ 7-4-22. HEARINGS ON APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS, NOTICES, AND RIGHT TO BE HEARD.

At least fifteen (15) days and no more than forty-five (45) days prior to the review of a Certificate of Appropriateness, the Commission shall take action as follows to inform interested parties, and shall give the applicant and interested parties an opportunity to be heard at the Historic Preservation Commission meeting where the request for a Certificate of Appropriateness is to be considered:

(a) The Historic Preservation Commission shall cause a sign to be posted upon the parcel of property subject of the application at least fifteen (15) days before the meeting of the Historic Preservation Commission where the application is to be considered, said sign to remain in place substantially until the time of said meeting. Said sign shall state:

(1) the fact that an application for a Certificate of Appropriateness pursuant to the Historic Preservation ordinance has been filed for the posted property;

(2) the name of the applicant; and

(3) the time and place of the Historic Preservation Commission meeting where the application is to be considered. The sign may contain such other

information as the Historic Preservation Commission may deem appropriate. The overall design and size of such sign shall be of such character as to be likely to attract the eye of passersby.

(b) At its discretion, the Historic Preservation Commission may, in its bylaws, or on a case by case basis, undertake to provide such other notice as it deems appropriate.

§ 7-4-23. INTERIOR ALTERATIONS.

In review of applications for Certificates of Appropriateness, the Historic Preservation Commission shall not consider interior arrangement, use or decoration, having no effect on exterior architectural features, whether or not visible from the exterior of the structure.

§ 7-4-24. TECHNICAL ADVICE.

When dealing with difficult technical questions, the Historic Preservation Commission shall have the power to seek technical advice from outside its members on any application and within approved budgetary limitations.

§ 7-4-25. DEADLINE FOR APPROVAL OR REJECTION OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS.

(a) 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 structure, site, object or work of art 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 via United States Mail to the applicant.

(b) Failure of the Historic Preservation Commission to act within said forty-five (45) days shall constitute approval, and no other evidence of approval shall be needed.

§ 7-4-26. NECESSARY ACTIONS TO BE TAKEN BY COMMISSION UPON REJECTION OF APPLICATION FOR CERTIFICATE OF APPROPRIATENESS.

(a) In the event the Historic Preservation Commission rejects an application for a Certificate of Appropriateness, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons in writing to the applicant. The Historic Preservation Commission may suggest alternatives it believes would ensure approval if it disapproves of the application as submitted. The applicant, if he or she so desires, may make modifications to the plans and, after making such modifications, may re-submit the application at any time after doing so. Rejected applications, unless modified in a good faith effort to comply with the provisions of this Chapter and the findings of the Historic Preservation Commission, may not be re-submitted for one (1) year following rejection.

(b) In cases where the application for a Certificate of Appropriateness concerns a proposed change in a structure which would require the obtention of a building permit,

the rejection of the application for a Certificate of Appropriateness by the Historic Preservation 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.

§ 7-4-27. UNDUE HARDSHIP.

Where, by reason of unusual circumstances, the strict application of any provision of this Chapter would result in exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the Historic Preservation 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 Chapter. An undue hardship shall not be a situation of the person's own making.

§ 7-4-28. REQUIREMENT OF CONFORMANCE WITH CERTIFICATE OF APPROPRIATENESS.

(a) 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, such work will constitute a violation of this Chapter and the Historic Preservation Commission shall issue a cease and desist order and all work shall cease.

(b) Where this ordinance would require the obtention of a Certificate of Appropriateness and work upon a structure is undertaken without a Certificate of Appropriateness having been obtained, such work will constitute a violation of this Chapter and the Historic Preservation Commission shall issue a cease and desist order and all work shall cease.

(c) Work which constitutes a violation of § 7-4-28 (a) or (b) above or the failure to obey a cease and desist order issued pursuant to this Chapter shall constitute a separate and continuing violation of this Chapter.

(d) The Augusta Commission or the Historic Preservation Commission shall be authorized to institute any appropriate action or proceeding in any court of competent jurisdiction to prevent any material change in the appearance of a designated historic property or property within a historic district, not made in compliance with the provisions of this Chapter or to prevent any illegal act or conduct with respect to such historic property or historic district.

(e) *The Augusta Commission, including its various departments, authorities, commissions, committees and boards, shall not be bound by the requirements of this article; provided however, that the Augusta Commission shall notify the Historic Preservation Commission 45 days prior to beginning an undertaking that would otherwise*

require a Certificate of Appropriateness and allow the Historic Preservation Commission an opportunity to comment.

§ 7-4-29. CERTIFICATE OF APPROPRIATENESS VOID IF WORK NOT COMMENCED.

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

§ 7-4-30. RECORDING OF 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 said applications in the fashion provided at § 7-4-22 above.

§ 7-4-31. FEE TO ACCOMPANY AN APPLICATION FOR A CERTIFICATE OF APPROPRIATENESS.

The Commission, in its by-laws, may require a reasonable fee to accompany an application for a Certificate of Appropriateness.

§ 7-4-32. APPEALS.

(a) Any person adversely affected by any determination made by the Historic Preservation Commission relative to the issuance or denial of a Certificate of Appropriateness may appeal to the Augusta Commission within thirty (30) days after the issuance of the determination pursuant to § 7-4-25 (a) of this Chapter.

(b) The appeal shall be filed in writing with the Clerk of Commission, and shall state the name and address of the appellant, and the identification number of the Certificate of Appropriateness being appealed.

(c) An appeal hearing before the Mayor and Augusta Commission shall be scheduled within sixty (60) days of the appeal's filing. This may be conducted as part of the Augusta Commission's regular meeting agenda.

(d) The hearing shall be advertised pursuant to O.C.G.A. § 50-14-1.

(e) At least one week prior to the hearing, the Mayor and Commission shall receive from the Director of Planning and Development a complete record of the Historic Preservation Commission's action, including all information, evidence, and documents considered by the Historic Preservation Commission in reaching their determination, and minutes of the hearing. If the appellant wants the Mayor and Commission to have a complete transcript of the hearing before the Historic Preservation Commission, a request may be filed in writing to the Planning and Development Department within thirty (30) days of the scheduled hearing. Furnishing of the transcript may incur fees at the discretion of the Director of Planning and Development.

(f) The hearing before the Mayor and Augusta Commission shall be conducted as follows:

1. The appellant party shall be entitled to a minimum of ten (10) minutes to present its argument in support of the appeal.
2. Opponents to the appeal shall then be entitled to a minimum of ten (10) minutes to present their argument in opposition to the appeal.
3. Either side may allocate its allotment of time to any number of speakers; prior to the meeting, each side shall provide to the Clerk of Commission a list of speakers and the amount of time to be allocated to each speaker. If a side's speakers do not agree with respect to allocation of time, the Mayor shall have discretion to announce the manner in which time for that side's argument period shall be allocated.
4. At the Mayor's discretion, additional time may be granted for arguments, but such time must be granted equally both to appellants and opponents.
5. At the conclusion of the opponents' argument, the appellant party shall be entitled to a rebuttal not greater than three (3) minutes.
6. Following the rebuttal, the Mayor and Augusta Commission shall be empowered to ask any questions of the appellant, opponents, staff, or other individuals as necessary.

(g) In this hearing, the Mayor and Augusta Commission shall review the Historic Preservation Commission's action on a Certificate of Appropriateness petition to determine if such action constituted an abuse of discretion, pursuant to O.C.G.A. § 44-10-28(j).

(h) Should the Mayor and Augusta Commission find that the Historic Preservation Commission did not abuse its discretion, they may affirm the HPC's determination.

(i) Should the Mayor and Augusta Commission find that the Historic Preservation Commission did abuse its discretion, they may modify or reverse HPC's determination.

(j) Appeals from decisions of the Mayor and Augusta Commission made pursuant to this chapter may be taken to the Superior Court of the Augusta Judicial Circuit in the manner provided by law.

ARTICLE 5

DEMOLITION OR RELOCATION OF A HISTORIC PROPERTY OR PROPERTIES WITHIN A HISTORIC DISTRICT

§ 7-4-33. APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS FOR DEMOLITION OR RELOCATION.

The Historic Preservation Commission shall have the authority to approve, approve with conditions, or deny Certificates of Appropriateness for demolition or relocation. The proposed demolition or relocation of all or any portion of a historic property or property within a historic district shall require the obtention of a Certificate of Appropriateness for demolition or relocation.

§ 7-4-34. PUBLIC HEARING.

A public hearing shall be scheduled for each application for a Certificate of Appropriateness for demolition or relocation.

§ 7-4-35. NOTICE OF PUBLIC HEARING PURSUANT TO AN APPLICATION FOR CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OR RELOCATION.

Notice as provided for at § 7-4-22 above shall be provided in the context of an application for a Certificate of Appropriateness for demolition or relocation, and, in addition, notice of such public hearing containing the information as described at § 7-4-22 above shall be published in at least one (1) issue of the official legal organ of Augusta-Richmond County not less than five (5) nor more than thirty (30) days prior to the date set for the public hearing.

§ 7-4-36. VIOLATION.

The demolition or relocation of a historic property, or property within a historic district without the obtention of a Certificate of Appropriateness shall constitute a violation of this Chapter of a high and aggravated nature.

§ 7-4-37. CONSIDERATION OF POST-DEMOLITION OR POST-RELOCATION PLANS.

The Historic Preservation Commission shall not grant Certificates of Appropriateness for demolition or relocation without having first reviewed the post-demolition or post-relocation plans for the site.

§ 7-4-38. DEMOLITION/RELOCATION CRITERIA.

Upon receipt of an application for a Certificate of Appropriateness for demolition or relocation, the Historic Preservation Commission shall apply the criteria described in § 7-4-18 of this Chapter to determine whether to grant or deny the application for a Certificate of Appropriateness for demolition or relocation.

§ 7-4-39. FEE TO ACCOMPANY APPLICATION FOR CERTIFICATE OF APPROPRIATENESS FOR DEMOLITION OR RELOCATION.

The Historic Preservation Commission, in its by-laws, may require a reasonable fee to accompany an application for a Certificate of Appropriateness for demolition or relocation.

§ 7-4-40. BINDING UPON THE COMMISSION.

The Commission, including its various departments, authorities, commissions, committees and boards shall be bound by the requirements of this article.

§ 7-4-41 thru § 7-4-50 RESERVED.

ARTICLE 6

MAINTENANCE OF HISTORIC PROPERTIES AND BUILDING AND ZONING CODE PROVISIONS

§ 7-4-51. ORDINARY MAINTENANCE OR REPAIR.

Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property or property within a historic district to correct deterioration, decay or damage, or to sustain the existing form, that does not involve a material change in design, materials or outer appearance thereof, does not require a Certificate of Appropriateness, and may be undertaken once approved by the designated staff person for the Commission without consultation with the Historic Preservation Commission. Any person considering a change to a historic building that is believed to constitute no more than ordinary maintenance or repair must consult the designated staff person to assure that in fact such change constitutes merely ordinary maintenance and repair. In the absence of the employment of a designated staff person, such approvals may be made by a member or members of the Historic Preservation Commission duly elected by the members of the Historic Preservation Commission. Ordinary maintenance includes exterior painting and/or a change in exterior paint color, and does not require a Certificate of Appropriateness or approval by the designated staff person.

§ 7-4-52. FAILURE TO PROVIDE ORDINARY MAINTENANCE OR REPAIR.

Owners of historic properties or of properties within a historic district 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 such deterioration by neglect:

(a) The Historic Preservation Commission shall have the authority to monitor the condition of historic properties and properties within a historic district 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 exterior architectural features, or the deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.

(b) In the event the Historic Preservation Commission determines that there has been a failure to provide ordinary maintenance or repair, the Historic Preservation Commission will notify the owner of the property and set forth the steps necessary to comply with the provisions of this Section. The owner of such property will have ten (10) days to apply for the appropriate Certificate of Appropriateness.

(c) In the event that a COA is not applied for within ten (10) days, as referenced in (b) of this Code Section; the Historic Preservation Commission shall notify the appropriate City Department of the situation.

AS AMENDED AUGUST 2010

§ 7-4-53. AFFIRMATION OF EXISTING BUILDING AND ZONING CODES.

Nothing in this Chapter shall be construed as to exempt property owners from complying with existing building and zoning codes of Augusta-Richmond County.

§ 7-4-54 thru § 7-4-60. RESERVED.

ARTICLE 7

MISCELLANEOUS PROVISIONS

§ 7-4-61. CERTIFIED LOCAL GOVERNMENT PROGRAM.

The Historic Preservation Commission shall at least annually monitor compliance with all certified Local Government Program requirements and take or recommend such steps as may be necessary to have Augusta-Richmond County qualify and remain qualified as a certified Local Government pursuant to various state or federal government requirements.

§ 7-4-62. SEVERABILITY.

In the event that any section, subsection, sentence, clause or phrase of this Chapter shall be declared or adjudged invalid or unconstitutional, such declaration or adjudication shall in no manner affect the other sections, sentences, clauses, or phrases of this Chapter, 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.

§ 7-4-63. AMENDMENTS.

This Chapter may be amended by the Commission upon recommendation by the Historic Preservation Commission. No amendment shall become effective unless such recommendation shall be made by the Historic Preservation Commission, or until the Historic Preservation Commission has had an opportunity to review the amendment upon the direction of Commission and has made a recommendation concerning the proposed amendment.

§ 7-4-64. TEMPORARY PROVISION FOR HPA (HISTORIC PRESERVATION AREA) ZONES EXISTING UNDER PRIOR LAW.

Notwithstanding any provision herein to the contrary, HPA (Historic Preservation Area) Zones which existed as of December 31, 1995 pursuant to City of Augusta ordinance no. 5648 shall continue to exist and enjoy the protection of such prior law, until the redesignation of said HPA zones as historic districts or historic properties pursuant to the provisions of this Chapter, but in no event shall the provisions of said prior law continue in force beyond the effective date of this Chapter for any purpose. Upon the adoption of this Chapter and the appointment and confirmation of a Historic Preservation Commission pursuant to Article 2 above, said Commission shall succeed to all the rights, powers, and duties of the Historic Preservation Commission created pursuant to City of Augusta Ordinance No. 5648.

Any clause or provision of this Ordinance declared invalid shall not affect the validity of the Ordinance as a whole or any part thereof.

This ordinance shall become effective upon adoption.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Duly adopted by the Augusta Commission this _____ day of _____, 20____ .