

**Application for Text Amendment(s)
To Zoning Ordinance**

Case Number: T22-05
Date Received: 11-9-22

Public Hearing Dates:

~~Planning Commission~~ 11-15-22 5:30pm 1st City Council 12-1-22 ~~7:00pm~~ 9:00am 2nd City Council 12-15-22 7:00pm
Historic Preservation Commission

APPLICANT INFORMATION

Applicant <u>City of Cartersville Planning & Dev.</u> (printed name)	Office Phone <u>770-387-5600</u>
Address _____	Mobile/ Other Phone _____
City _____ State _____ Zip _____	Email _____
<u>David Hardegree</u> Representative's printed name (if other than applicant)	Phone (Rep) _____
_____	Email (Rep) _____
Representative Signature _____	Applicant Signature _____
Signed, sealed and delivered in presence of: _____	My commission expires: _____
Notary Public	

1. Existing Text to be Amended: Chapter 9.25, Historic Preservation

Article II, Section 9.25-32 (C), Subsection _____

Existing Text Reads as Follows: See attached

2. Proposed Text:

Proposed Text Reads as Follows: See attached

(Continue on additional sheets as needed)

**Application for Text Amendment(s)
To Zoning Ordinance**

Case Number: T22-05
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3. Reason(s) for the Amendment Request: To correct ordinance conflicts identified by
audit for the Certified Local Government program.

(Continue on additional sheets as needed)



City of Cartersville

PLANNING AND DEVELOPMENT

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120
Telephone: 770-387-5600 • Fax: 770-387-5605 • www.cityofcartersville.org

MEMO

To: BZA
From: Randy Mannino/ David Hardegree
CC: Keith Lovell
Date: November 8, 2022
Re: CLG Review Status Update

Every 3 years, the State Historic Preservation Office (SHPO) conducts audits of the jurisdictions holding the Certified Local Government (CLG) certification. This is a certification awarded to City's or Counties with Historic Preservation ordinances and Commissions. In 2021, the City submitted the requested documentation to SHPO for review. SHPO noted three deficiencies, two being with one section of the HPC ordinance, Sec. 9.25-32(c):

(c) Historic preservation commission members. Number, appointment, terms, and compensation. The commission shall consist of seven (7) members appointed by the City Council of the City of Cartersville. All members shall be residents of, own and operate a business in, or own real property in the city. Preference shall be given to persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources, but such preference is not required in making such appointments.

SHPO's interpretation of the state Historic Preservation Act is reflected in the following findings:

- 1) Comment: Sec.25-32.(c)of Cartersville's Historic Preservation Ordinance states "All members shall be residents of, own and operate a business in, or own real property in the city,"

44-10-24 of the Georgia Historic Preservation Act states "*all the members shall reside within the historic preservation jurisdiction of their respective municipality or county.*"

- 2) Comment: Sec.25-32.(c) of Cartersville's Historic Preservation Ordinance states "all the members shall reside within the historic preservation jurisdiction of their respective municipality or county."

44-10-24 of the Georgia Historic Preservation Act states "A majority of the members of any such commission shall have demonstrated special interest, experience, or education in history or architecture."

To bring the deficiencies into compliance with SHPOs finding, the following amendment is proposed to Sec. 9.25-32(c)::

(c) Historic preservation commission members: Number, appointment, terms, and compensation. The commission shall consist of seven (7) members appointed by the City Council of the City of Cartersville. A majority of the members of any such commission shall have demonstrated special interest, experience, or education in history or architecture; all the members shall reside within the historic preservation jurisdiction of the city.

The “historic preservation jurisdiction” is defined in the state Historic Preservation Act as:

(6) “Historic preservation jurisdiction,” in the case of a county, means the unincorporated area of the county; and, in the case of a municipality, such term means the area within the corporate limits of the municipality.

O.C.G.A. § 44-10-22

Historic Preservation Act residency requirements:

(a) The local governing body of a municipality or county electing to enact an ordinance to provide for the protection, enhancement, perpetuation, or use of historic properties or historic districts shall establish or designate a historic preservation commission. Such local governing body shall determine the number of members of the commission, which shall be at least three, and the length of their terms, which shall be no greater than three years. A majority of the members of any such commission shall have demonstrated special interest, experience, or education in history or architecture; all the members shall reside within the historic preservation jurisdiction of their respective municipality or county except as otherwise provided by subsection (b) of this Code section; and all shall serve without compensation. In establishing such a commission and making appointments to it, a local governing body may seek the advice of any state or local historical agency, society, or organization.

(b) The local governing body of a county and the local governing body or bodies of one or more municipalities lying wholly or partially within such county may establish or designate a joint historic preservation commission. If a joint commission is established, the local governing bodies of the county and the municipality or municipalities involved shall determine the residence requirements for members of the joint commission.

O.C.G.A. § 44-10-24

The other deficiency cited in the findings is all board members must attend at least one state training session every 3 years. This finding is primarily due to lack of training opportunities and conflicts with availability during Covid.



City of Cartersville

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September 23, 2022

Paige Jennings
Certified Local Government Coordinator
Historic Preservation Division
Department of Community Affairs
60 Executive Park South, NE
Atlanta, GA 30329

RE: City of Cartersville CLG Evaluation Response Letter

Dear Ms. Jennings,

Thank you for providing the review and comments in your letter dated September 30, 2021. This letter and the accompanying documentation is the City's response to your findings. Please review and provide any additional comments as needed.

There are (3) supporting documents accompanying this letter:

- 1) Your letter of findings dated 9-30-21 with highlighted deficiencies;
- 2) The City's proposed text amendment to bring our HPC ordinance into compliance with OCGA 44-10-24; and
- 3) A summary of training for HPC members and staff from 2017-2020. I think this was accidentally omitted from the CLG submission.

Our intent is to proceed with the required text amendment before the end of the year. Training attendance needs to be a priority over the next two years.

Please contact me if additional information is required.

Sincerely,

David Hardegree, AICP
City of Cartersville
Planning and Development Department
PO Box 1390
Cartersville, GA 30120
(O) 770-387-5614
www.cityofcartersville.org

09/30/2021

Cartersville
David Hardegree
City Planner
PO Box 1390
Cartersville, GA, 30120

Re: 2021 Certified Local Government Evaluation Review

Dear Mr. David Hardegree,

Thank you for providing all the documentation requested for the 2021 Certified Local Government Evaluation Report. Cartersville continues to grow and develop its historic preservation program and I look forward to working with you on those endeavors. I encourage City staff and members of the Historic Preservation Commission to continue to take advantage of training opportunities provided by the Historic Preservation Division, the Georgia Alliance of Preservation Commissions, and other preservation groups regionally and nationally.

The Georgia Historic Preservation Division (HPD) is required to periodically evaluate the Certified Local Governments in Georgia to verify their continued compliance with the requirements of the program. At the time of your 2021 evaluation report, Cartersville was found to be **out of compliance** with the *Georgia Certified Local Government Program: Application and Procedures*.

Please do not hesitate to reach out if I can provide any clarity regarding this evaluation. I want to see your preservation program succeed and I'm happy to help ensure that it does. I can be reached at (404) 486-6442 or paige.jennings@dca.ga.gov for any questions or concerns.

Sincerely,



Paige Jennings
Certified Local Government Coordinator
Georgia Historic Preservation Division

Pursuant to the Terms of the Certification of this Local Government by the US Department of the Interior, National Park Service, the following minimum standards are being evaluated.

1. The CLG enforces the appropriate legislation for the designation and protection of historic properties and cooperate with the State Historic Preservation Officer (SHPO) in these matters as referenced in the "Minimum Requirements" section of the *Procedures: Georgia Certified Local Government Program*, as amended.
 - ✗ **CLG observes requirements under the Georgia Historic Preservation Act (GHPA).**
 - **See comments**
 - ✓ CLG has a process for designation of landmarks and/or historic districts that requires public hearings for all designations.
2. The CLG maintains an adequate and qualified Historic Preservation Commission (HPC), as defined by GHPA
 - ✓ CLG maintains a HPC with at least three members.
 - ✓ All members of the HPC have demonstrated special interest, competence, or knowledge in historic preservation.
 - ✓ To the extent available in the community, HPC members are appointed from the disciplines of architecture, history, architectural history, planning, archaeology, or other historic preservation-related fields.
 - ✗ **The requirements for HPC membership are not more stringent or comprehensive than the requirements for the Georgia National Register Review Board.**
 - ✓ The HPC's geographic area of authority coincides with the boundaries of the local government's authority.
 - ✗ **All HPC members reside in this area of authority.**
 - ✓ The HPC has the authorities granted to it in GHPA.
 - ✗ Each Commission member, and anyone serving the Commission in a technical assistance/professional staff capacity, attended at least one informational or educational meeting every three years pertaining to historic preservation.
 - Commission members of Cartersville's HPC have not attended a training session or event in the past four years
 - ✓ The CLG has designated a paid staff member or a person working under contract as a source of technical/administrative/professional assistance to be responsible for the operations of the Commission.
2. The CLG maintains a system for survey and inventory of historic properties.
 - ✓ CLG has an active survey program and a plan for re-survey.
 - HPD recommends surveys be updated every 10-15 years. Cartersville's last survey occurred in 2009. Cartersville is considered a **Category I CLG** for grant purposes and is **only eligible for survey grants** until a new survey is completed.
 - ✓ Survey data is readily integrated into HPD's inventories.
 - ✓ CLG follows guidelines for conducting local surveys, as approved by HPD, and shall not be inconsistent with the Secretary of the Interior's "Standards for Identification and Evaluation."

- ✓ Survey data is accessible to the public, except when disclose may cause significant invasion of privacy, risk harm to the historic resources, or impede the use of traditional religious site by practitioners.
 - ✓ Survey data is maintained in a safe and secure location.
 - ✓ Survey data is available through the duplicate or original files at HPD.
3. The CLG provides for adequate public participation in the local historic preservation programs, including the process of recommending properties for nomination to the National Register of Historic Places.
- ✓ All meetings of the HPC are publicly announced, be open to the public, and have a previously advertised agenda.
 - ✓ Commission meetings occur at regular intervals; a commission must meet as often as necessary to complete its work in a timely fashion, no less than once a year. Public notice must be provided prior to any special meetings.
 - ✓ Careful minutes of decisions and actions of the HPC, including the reasons for making the decisions, are kept on file and available for public inspection.
 - ✓ All decisions of the HPC must be made in a public forum.
 - ✓ Applicants are provided written notification of the HPC's decision.
 - ✓ The rules of procedure adopted by the HPC are available for public inspection.
 - ✓ During the process of reviewing properties for nomination to the National Register, the HPC provides an opportunity for public comments.
2. The CLG performs satisfactorily in the responsibilities delegated to it
- ✓ The CLG submitted a report of its activities to HPD when requested, not less than every four calendar years.

Comments:

- **Ordinance:** Please note that the historic preservation division does not provide legal review or guidance. Following are HPD's comments regarding Cartersville's historic preservation ordinance. Cartersville should consult with the county's local legal counsel regarding comments made by the HPD and respond to the comments made below within a year from the date of this letter.
 - **Comment:** Sec.25-32.(c) of Cartersville's Historic Preservation Ordinance states "All members shall be residents of, own and operate a business in, or own real property in the city,"
 - 44-10-24 of the Georgia Historic Preservation Act states "all the members shall reside within the historic preservation jurisdiction of their respective municipality or county."
 - **Comment:** Sec.25-32.(c) of Cartersville's Historic Preservation Ordinance states "all the members shall reside within the historic preservation jurisdiction of their respective municipality or county."
 - 44-10-24 of the Georgia Historic Preservation Act states "A majority of the members of any such commission shall have demonstrated special interest, experience, or education in history or architecture."
- **Training:** Each Commission member, and anyone serving the Commission in a technical assistance/professional staff capacity, attended at least one informational or educational meeting every three years pertaining to historic preservation. At the time of Cartersville's evaluation in 2021,

none of Cartersville's commission members have not attended any training sessions or events in the past four years.

- **Remediation:** All HPC members and any staff serving the HPC in a technical capacity must attend a historic preservation-related training session before Cartersville is evaluated again in 2025.

City Attorney's recommended amendments (Highlighted) to conform with state law OCGA 44-10-24.

Ordinance no. _____

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES CHAPTER 9.25 - HISTORIC PRESERVATION. ARTICLE II. - HISTORIC PRESERVATION COMMISSION. SEC. 9.25-32. – HISTORIC PRESERVATION COMMISSION is hereby amended by deleting Paragraph (c) and replacing it as follows:

1.

Sec. 9.25-32. Historic Preservation Commission.

(c) *Historic preservation commission members: Number, appointment, terms, and compensation.* The commission shall consist of seven (7) members appointed by the City Council of the City of Cartersville. **A majority of the members of any such commission shall have demonstrated special interest, experience, or education in history or architecture; all the members shall reside within the historic preservation jurisdiction of the city.**

Members shall serve three-year terms. In order to achieve staggered terms, initial appointments shall be: two (2) members for two (2) years; and three (3) members for three (3) years. Members shall not receive a salary, although they may be reimbursed for expenses by the city council. The city council will have the authority to remove any member of the historic preservation commission appointed by it for cause, on written charges, after a public hearing.

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention and any ordinance or part thereof not amended shall remain in effect and be unchanged.

BE IT AND IT IS HEREBY ORDAINED.

FIRST READING: _____
SECOND READING: _____

MATTHEW J. SANTINI, MAYOR

ATTEST: _____
JULIA DRAKE, CITY CLERK

Ordinance no. _____

Now be it and it is hereby ordained by the Mayor and City Council of the City of Cartersville, that the CITY OF CARTERSVILLE CODE OF ORDINANCES CHAPTER 9.25 - HISTORIC PRESERVATION. ARTICLE II. - HISTORIC PRESERVATION COMMISSION. SEC. 9.25-37. – DEFINITIONS is hereby amended by deleting this section and replacing it as follows:

1.

Sec. 9.25-37. Definitions

Certificate of preservation means a document representing 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. This is also referred to as a certificate of appropriateness in O.C.G.A. § 44-10-20 et seq. and the terms are interchangeable under the ordinance.

Design guideline or *guideline* means a recommendation by the historic preservation commission that adheres to traditional and commonly recognized historic preservation practices. A guideline is not a requirement.

Design standard or *standard* means a design requirement for a certificate of preservation but may be varied or deemed not applicable by the historic preservation commission.

Exterior architectural features means the architectural style, general design and arrangement of the exterior of a building or other structure, including, but not limited to building material and the type and style of windows, doors, signs, and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

Exterior environmental features and *landscape features* means all those aspects of the landscape or the development of a site which affect the historical character of the property, i.e., walls, fences, paving, walks, drives, etc., but not plants, trees, or flowers of any kind.

Historic, for the purposes of historic preservation, means a historic structure is one that is fifty (50) years of age or older. A historic structure may be contributing or non-contributing.

Historic district means a geographically definable area which contains structures, buildings, objects, sites, works of art, or a combination thereof which exhibit a special historical, architectural, or environmental character as designated by the commission.

***Historic preservation jurisdiction* means the area within the corporate limits of the city.**

Historic property means an individual building, structure, site, object, or work of art which exhibits a special historical or architectural character as designated by the commission.

Material change in appearance means a change that will affect either the exterior architectural or environmental features of a historic property or any buildings, structure site, object, landscape feature or work of art 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 or design of advertising visible from the public right-of-way on any historic property; or
- (5) The erection, alteration, restoration, or removal of any building, structure, object, or work of art within a historic property, including walls, fences, steps, and pavements or other appurtenant features.

2.

It is the intention of the city council and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances, City of Cartersville, Georgia, and the sections of this ordinance may be renumbered to accomplish such intention and any ordinance or part thereof not amended shall remain in effect and be unchanged.

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FIRST READING: _____

SECOND READING: _____

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ATTEST: _____
JULIA DRAKE, CITY CLERK

11/9/2022

Cartersville
David Hardegree
City Planner
PO Box 1390
Cartersville, GA, 30120

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 - ✓ CLG observes requirements under the Georgia Historic Preservation Act (GHPA).
 - See comments
 - **SATISFIED**
 - ✓ CLG has a process for designation of landmarks and/or historic districts that requires public hearings for all designations.
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 - **Comment:** Sec.25-32.(c) of Cartersville’s Historic Preservation Ordinance states “all the members shall reside within the historic preservation jurisdiction of their respective municipality or county.”
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 - **Remediation:** All HPC members and any staff serving the HPC in a technical capacity must attend a historic preservation-related training session before Cartersville is evaluated again in 2025. - **SATISFIED (9/29/2022)**