

HISTORIC NEIGHBORHOOD PRESERVATION ORDINANCE

1. Intent

The purpose of this ordinance is to protect the City of Senoia's historic neighborhoods from incompatible development and to advance long term plans for these areas. The town finds that its historic neighborhoods are important cultural and economic assets, critical to Senoia's downtown development, heritage tourism and heritage education goals, and ultimately to the public's long-term interest.

Zoning standards and regulations should protect these areas while advancing community development goals and furthering and protecting the public's health, safety and welfare. New construction in these areas should complement rather than interrupt, obscure, or otherwise damage or destroy the historic neighborhoods.

2. Description of District

Historic Neighborhoods shall be those areas listed and described herein and further delineated on the Official Zoning Map of the City of Senoia, which is incorporated, by reference, and made a part of this ordinance.

Historic Neighborhoods shall include that area listed in the National Register of Historic Places on March 17, 1989 as the Senoia Historic District. Additional Historic Neighborhoods may be designated after public hearing and following the process and protocols described herein.

3. Applicability

Within the designated Historic Neighborhoods, the provisions of this ordinance shall apply to:

- a) New construction, building additions, and material changes to the exterior of existing buildings, as described below,
- b) Relocation of existing buildings, into or out of the Historic Neighborhoods,
- c) Proposed demolition of existing structures, and
- d) Other applicable issues, if specified herein.

Historic Neighborhoods shall function as overlay districts to the Zoning Ordinance of Senoia.

4. Definitions

“*Building*” - A building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.

“*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.

“*Exterior Architectural Features*” - Means the architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

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

“*Historic Neighborhood*” - Means a geographically definable area, possessing a significant concentration, linkage, or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development, listed and described within this Article, and further delineated on the Official Zoning Map of the City of Senoia.

“*Historic Property*” - Means an individual building, structure, site, or object including the adjacent area necessary for the proper appreciation thereof designated by the Senoia City Council as a historic property pursuant to the criteria established in Section 10.6.3 of this Article.

“*Material Change in Appearance*” - Means a change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, or landscape feature within a historic district, such as:

- 1) A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
- 2) Demolition or relocation of a historic structure;
- 3) Commencement of excavation for construction purposes;
- 4) A change in the location of advertising visible from the public right-of-way; or
- 5) The erection, alteration, restoration or removal of any buildings or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features.

“*Object*” - An object is a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

"Site" _ A site is the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

"Structure" _ A structure is a work made up of interdependent and inter-related parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.

5. Creation of a Historic Preservation Commission

5.1 Creation of the Commission

There is hereby created a commission whose title shall be "Senoia Historic Preservation Commission" (hereinafter "Commission").

5.2 Commission position within the City of Senoia

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

5.3 Commission members: Number, Appointment, Terms and Compensation

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

To the extent available in the City of Senoia, at least two members shall be appointed from among professionals in the disciplines of architecture, history, architectural history, planning, archaeology or related professions, at least one member shall be appointed from among professionals in the disciplines of building construction or real property appraisal, and two members, to the extent available, shall be residents of Senoia's Historic Neighborhood(s). Further, one of the five members shall be a member of the Senoia Planning Commission.

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

5.4 Statement of the Commission's Powers

The Preservation Commission shall be authorized to:

Prepare and maintain an inventory of all property within the City of Senoia having the potential for designation as historic property;

Recommend to the Senoia City Council specific districts, sites, buildings, structures, or objects to be designated by ordinance as historic properties or historic districts;

Review applications for Certificates of Appropriateness, and recommend to the Senoia City Council to grant or deny same in accordance with the provisions of this Ordinance;

Promote the acquisition by the City of Senoia of facade easements and conservation easements, as appropriate, in accordance with the provisions of the *Georgia Uniform Conservation Easement Act of 1992* (O.C.G.A., Section 44-10-1 through 5);

Conduct educational programs on historic properties located within the City of Senoia and on general historic preservation activities;

Make such investigations and studies of matters relating to historic preservation including consultation with historic preservation experts, the Senoia City Council or the Commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;

Seek out local, state, federal or private funds for historic preservation, and make recommendations to the Senoia City Council concerning the most appropriate uses of any funds acquired;

Submit to the Historic Preservation Division of the Department of Natural Resources a list of historic properties or historic districts designated;

Perform historic preservation activities as the official agency of the Senoia historic preservation program;

Employ persons, if necessary, to carry out the responsibilities of the Commission;

Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties. The Preservation Commission shall not obligate the City of Senoia without prior consent;

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

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

5.5 Commission's power to Adopt Rules and Standards

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

provide for the time and place of regular meetings and a method for the calling of special meetings. The Commission shall select such officers as it deems appropriate from among its members. A quorum shall consist of a majority of the members.

5.6 Conflict of Interest

The Commission shall be subject to all conflict of interest laws set forth in Georgia statutes, in the City of Senoia's Charter, and/or in the City Code.

5.7 Commission's Authority to Receive Funding from Various Sources:

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

5.8 Records of Commission Meetings:

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

6. Recommendation and Designation of Historic Districts and Properties

6.1 Preliminary Research by Commission

6.1.1 Commission's Mandate to Conduct a Survey of Local Historical Resources

The Commission shall compile and collect information and conduct surveys of historic resources within the City of Senoia.

6.1.2 Commission's Power to Recommend Districts and Buildings to the Senoia City Council for Designation

The Commission shall present to the Senoia City Council recommendations for historic districts and properties.

6.1.3 Commission's Documentation of Proposed Designation

Prior to the Commission's recommendation of a historic district or historic property to the Senoia City Council for designation, the Commission shall prepare a Report for Nomination consisting of:

- a) a physical description;
- b) a statement of the historical, cultural, architectural and/or aesthetic significance;
- c) a map showing district boundaries and classification (i.e. contributing, noncontributing) of individual properties therein, or showing boundaries of individual historic properties;

- d) a statement justifying district or individual property boundaries;
and
- e) representative photographs.

6.2 Designation of a Historic Neighborhood

6.2.1 Criteria for Selection of Historic Districts:

A historic neighborhood is a geographically definable area, which contains buildings, structures, sites, objects, and landscape features or a combination thereof, which:

- a) have special character or special historic/aesthetic value or interest;
- b) represent one or more periods, styles or types of architecture typical of one or more eras in the history of the municipality, county, state or region; and
- c) cause such area, by reason of such factors, to constitute a visibly perceptible section of the municipality or county.

6.2.2 Boundaries of a Historic Neighborhood

Boundaries of a Historic District shall be shown on the Official Zoning Map of the City of Senoia, Georgia.

6.2.3 Evaluation of properties within Historic Neighborhoods

Individual properties within historic districts shall be classified as:

- a) contributing (contributes to the district);
- b) non-contributing (does not contribute to the district, as provided in 10.6.2.1).

6.3 Designation of a Historic Property

6.3.1 Criteria for Selection of Historic Properties

A historic property is a building, structure, site, or object; including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the nation, City of Senoia, or the State of Georgia, for one of the following reasons:

- a) it is an outstanding example of a structure representative of its era;

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

6.4 Requirements for Adopting and Ordinance for the Designation of Historic Neighborhoods and Historic Properties:

6.4.1 Application for Designation of Historic Neighborhoods or Property:

Designations may be proposed by the Senoia City Council, the Commission, or:

- a) for historic neighborhoods - a historical society, neighborhood association or group of property owners may apply to the Commission for designation;
- b) for historic properties - a historical society, neighborhood association or property owner may apply to the Commission for designation.

6.4.2 Required Components of a Designation Ordinance:

Any ordinance designating any property or neighborhood as historic shall:

- a) list each property in a proposed historic neighborhood or describe the proposed individual historic property;
- b) set forth the name(s) of the owner(s) of the designated property or properties;
- c) require that a Certificate of Appropriateness be obtained from the Commission prior to any material change in appearance of the designated property; and
- d) require that the property or district be shown on the Official Zoning Map of the City of Senoia, Georgia and kept as a public record to provide notice of such designation.

6.4.3 Required Public Hearing

The Commission and the Senoia City Council shall hold a joint 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 two (2) consecutive issues in the principal newspaper of local circulation, and written notice of the hearing shall be mailed by the Commission to all owners and occupants of such properties. All

such notices shall be published or mailed not less than fifteen (15) 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-known owner of the property shown on the Coweta County tax digest and a notice sent via attention of the occupant shall constitute legal notification to the owner and occupant under this ordinance.

6.4.4 Notification of Historic Preservation Division

No fewer than thirty (30) days prior to making a recommendation on any ordinance designating a property or district as historic the Commission must submit the report, required in 10.6.1.3 above, to the Historic Preservation Division of the Department of Natural Resources.

6.4.5 Recommendations on Proposed Designations

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

6.4.6 Senoia City Council Action on the Commission's Recommendation

Following receipt of the Commission recommendation, the Senoia City Council may adopt the ordinance as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.

6.4.7 Notification of Adoption of Ordinance for Designation

Within thirty (30) days following the adoption of the ordinance for designation by the Senoia City Council, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site or work of art located within a designated historic district, shall be given written notification of such designation by the Senoia City Council, which notice shall notify said owners and occupants of the necessity of obtaining a Certificate of Appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated.

A notice sent via the United States mail to the last-known owner of the property shown on the City of Senoia tax digest 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 article.

6.4.8 Notification of other Agencies Regarding Designation

The Commission shall notify all necessary agencies within the City of Senoia of the ordinance for designation.

6.4.9 Moratorium on Applications for Alteration or Demolition while Ordinance for Designation is Pending

If an ordinance for designation is being considered, the Commission shall have the power to freeze the status of the involved property.

7. Application for Certificate of Appropriateness

7.1 Approval of Material Change in Appearance 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 appearance of such historic property, or of a contributing or non-contributing building, structure, site or object within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a Certificate of Appropriateness has been submitted to the Commission and approved by the Mayor and Council. A Building Permit shall not be issued without a Certificate of Appropriateness.

7.2 Submission of Plans to Commission

An Application for a Certificate of Appropriateness shall be accompanied by drawings, photographs, plans and documentation required by the Commission.

7.3 Interior Alterations

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.

7.4 Technical Advice

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

7.5 Meeting on Applications for Certificates of Appropriateness, Notices, and Public Hearings.

At least 7 days prior to review of a Certificate of Appropriateness, the Commission shall conspicuously post a sign on the affected property stating the date, time, location and purpose of the meeting at which the application will be reviewed in order to inform the applicant and adjacent owners of property likely to be affected, and shall afford the applicant and such owners an opportunity to be heard at the meeting.

In cases where the Commission deems it necessary, it may advertise and hold a public hearing concerning the application. Not less than seven (7) days prior to the day of the hearing, the Commission publish notice in the newspaper having the greatest general circulation within the city, and mail written notice to all owners of the subject property, as shown on the most recent tax digest. A sign shall be posted conspicuously on the affected property stating the date, time, location and purpose of the hearing.

The Commission shall give the property owner and/or applicant an opportunity to be heard at the public hearing. Other interested persons may be afforded a reasonable opportunity to be heard.

7.6 Acceptable Commission Reaction to Applications for Certificate of Appropriateness

Commission Action: The Commission may recommend to the Senoia City Council that it approve the Certificate of Appropriateness as proposed, approve the Certificate of Appropriateness with any conditions it deems reasonable, or deny it. Where the recommendation is for denial, the Commission shall state its findings in support thereof.

The Mayor and Council, at its next regular meeting following receipt of the Commission's recommendation, shall act upon the application and issue a Certificate of Appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or the historic district

In making recommendations, the Commission shall consider, in addition to any other pertinent factors, the following criteria for each of the following acts:

7.6.1 Reconstruction, Alteration, New Construction or Renovation

The Commission shall recommend Certificates of Appropriateness for the above proposed actions if those actions conform in design, scale, building material, setback and site features, and to the *Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*.

7.6.2 Relocation

A recommendation by the Commission to approve or deny a Certificate of Appropriateness for the relocation of a building, structure, or object shall be guided by:

- a) the historic character and aesthetic interest the building, structure or object contributes 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 building, structure or object can be moved without significant damage to its physical integrity; and
- d) whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.

7.6.3 Demolition

A recommendation by the Commission to approve or deny a Certificate of Appropriateness for the demolition of buildings, structure, sites, trees judged to be 50 years old or older, or objects shall be guided by:

- a) the historic, scenic or architectural significance of the building, structure, site, tree, or object;
- b) the importance of the building, structure, site, tree, or object to the ambiance of a district;
- c) the difficulty or the impossibility of reproducing such a building, structure, site, tree, or object because of its design, texture, material, detail, or unique location;
- d) whether the building, structure, site, tree, or object is one of the last remaining examples of its kind in the neighborhood or the city;
- e) whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be;
- f) whether reasonable measures can be taken to save the building, structure, site, tree, or object from collapse; and
- g) whether the building, structure, site, tree, or object is capable of earning a reasonable economic return on its value.

7.7 Undue Hardship

When, by reason of unusual circumstances, the strict application of any provision of this article would result in the exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the Mayor and Council, 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 Mayor and Council may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this article. An undue hardship shall not be a situation of the person's own making.

7.8 Deadline for Approval or Rejection of Application for Certificate of Appropriateness

The Commission shall make its recommendation on an application for a Certificate of Appropriateness within forty-five (45) days after the filing thereof by the owner or occupant of a historic property, or of a building structure, site, or object located within a

historic district. Notice of the recommendation on a Certificate of Appropriateness shall be sent by United States mail to the applicant and all other persons who have requested such notice in writing filed with the Commission. The Mayor and Council shall take final action on the grant or denial of a Certificate of Appropriateness at the next regular meeting occurring more than 45 days after filing of the application on the presumption that failure of the Commission to act within said 45 day period constitutes a recommendation for approval.

7.9 Necessary Action to be Taken upon Rejection of Application for Certificate of Appropriateness

In the event the Mayor and Council denies an application, it shall state its reasons for doing so, and shall transmit a written record of such actions and reasons, in writing, to the applicant. The Mayor and Council may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.

In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a Certificate of Appropriateness 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.

7.10 Requirement of Conformance with Certificate of Appropriateness

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 Building Official shall issue a cease and desist order and all work shall cease.

The Senoia City Council shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of this ordinance or to prevent any illegal act or conduct with respect to such historic property or historic district.

7.11 Certificate of Appropriateness void if construction not commenced

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

7.12 Recording Applications for Certificate of Appropriateness

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

7.13 Acquisition of Property

The Commission may, where such action is authorized by the Senoia City Council and is reasonably necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, to the property or any interest therein.

7.14 Appeals

Any person adversely affected by any determination made by the Mayor and Council relative to the issuance or denial of a Certificate of Appropriateness may petition the Superior Court of Coweta County, Georgia, for a writ of certiorari. Any such petition must be filed with the Court within thirty (30) days after the issuance of the determination pursuant to 10.7.7 of this article.

8. Maintenance of Historic Properties and Building and Zoning Code Provisions

8.1 Ordinary Maintenance or Repair

Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a Certificate of Appropriateness.

8.2 Failure to Provide Ordinary Maintenance or Repair

Property owners of historic properties or properties within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The Commission shall be charged with the following responsibilities regarding deterioration by neglect:

The Commission shall monitor the condition of historic properties and existing buildings in historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and openings which allow the elements and vermin to enter, the deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.

In the event the Commission determines a failure to provide ordinary maintenance or repair, the Commission will notify the owner of the property and set forth the steps which need to be taken to remedy the situation. The owner of such property will have thirty (30) days in which to do this.

In the event that the condition is not remedied in thirty (30) days, the owner shall be punished as provided in Section 10.9 of this article and, at the direction of the Senoia City Council, the Commission may perform such maintenance or repair as is necessary to prevent deterioration by neglect. The owner of the property shall be liable for the cost of such maintenance and repair performed by the Commission.

8.3 Affirmation of Existing Building and Zoning Codes

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

8. Penalty Provisions

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

9. 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.

10. Repealer

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