

ORDINANCE NO. 2023- 003

AN ORDINANCE TO ESTABLISH A HISTORIC PRESRVATION COMMISSION IN THE CITY OF BLAKELY TO PROVIDE FOR DESIGNATION OF HISTORIC PROPERTIES OR HISTORIC DISTRICTS; TO PROVIDE FOR ISSUANCE OF CERTIFICATES OF APPROPRIATENESS; TO PROVIDE FOR AN APPEALS PROCEDURE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

BE IT ORDAINED by the Mayor and City Council of the City of Blakely as follows:

Section I

Purpose

In support and furtherance of its findings and determination that the historical, cultural, and aesthetic heritage of the City of Blakely, is among their most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity, and general welfare of the people;

In order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historical and aesthetic attractions 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;

The Mayor and Council of the City of Blakely hereby declare it to be the purpose and intent of this ordinance to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation, and use of places, districts, sites, buildings, cemeteries, structures, objects, landscape features, and works of art having a special historical, cultural, or aesthetic interest or value, in accordance with the provisions of the ordinance.

Section II

Definitions

- A. Certificate of Appropriateness: Means a document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.
- B. Exterior Architectural Features: Means the architectural style, general design, and general arrangement of the exterior of a 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, and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

- C. Exterior Environmental Features: Means all those aspects of the landscape or the development of the site that affect the historical character of the property.
- D. Historic District: Means a geographically definable area designated by the Mayor and Council as a historic district pursuant to the criteria established in Section IV B of this ordinance.
- E. Historic Property: Means an individual building, structure, site, object or work of art including the adjacent area necessary for the property appreciation thereof designated by the Blakely City Council as a historic property pursuant to the criteria established in Section IV C of this ordinance.
- F. 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, landscape feature, or work of art within a historic district, such as:
 - 1. A reconstruction or alteration of the size, shape, or façade 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 building or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features.

Section III

Creation of a Historic Preservation Commission

A. Creation of the Commission

There is hereby created a commission whose title shall be “City of Blakely Historic Preservation Commission” (hereinafter “Historic Preservation Commission”).

B. Historic Preservation Commission Position within the City of Blakely.

This Historic Preservation Commission shall be part of the planning functions of the City of Blakely.

C. Historic Preservation Commission members: Number, Appointment, Terms and Compensation

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

All members of the Historic Preservation Commission shall serve a term of two (2) years. All members shall serve until their successors have been appointed.

D. Statement of the Historic Preservation Commission's Powers

The Historic Preservation Commission shall be authorized to:

1. Prepare and maintain an inventory of all property within the City of Blakely having the potential for designation as a historic property;
2. Recommend to the City Council specific places, districts, sites, buildings, structures, objects, or works of art to be designated by the ordinance as historic properties or historic districts;
3. Review applications for Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this ordinance;
4. Recommend to the Mayor and Council that the designation of any place, district, site, building, structure, objects or work of art as a historic property or as a historic district be revoked or removed;
5. Restore or preserve any historic properties acquired by the City of Blakely.
6. Promote the acquisition by the City of Blakely of façade easements and conservation easements in accordance with the provisions of the "Façade and Conservation Easements Act of 1976" (O.C.G.A. 44-10-1 through 5):
7. Conduct educational programs in historic properties located within the City and on general historic preservation activities;
8. Make such investigations and studies of matters relating to historic preservation including consultation with historic preservation experts, the Blakely City Council, or the Historic Preservation Commission itself may from time to time, deem it necessary or appropriate for the purposes of preserving historic resources;
9. Seek out local, state, federal, and private funds for historic preservation, with the consent of the Blakely City Council and make recommendations concerning the most appropriate use of any funds acquired to the Blakely City Council.
10. Submit to the Historic Preservation Section of the Department of Natural Resources a list of historic projects or historic districts designated;
11. Perform historic preservation activities as the official agency of the City of Blakely Historic Preservation Program;

- 12. The City of Blakely Planning Director will serve as staff to the Historic Preservation Commission.
- 13. Receive donations, grants, funds, or gifts of historic property “with the consent of the Blakely City Council” and acquire and sell historic properties “with the consent of the Blakely City Council”.
- 14. Review and make comments to the Historic Preservation Section of the Department of Natural Resources concerning the nomination of properties within its jurisdiction to the National Register of Historic Places; and
- 15. Participate in private, state, and federal historic preservation programs and with the consent of the Blakely City Council enter into agreements to do the same.

E. Historic Preservation Commission’s Power to Adopt Rules and Standards

The Historic Preservation Commission shall adopt rules and standards for the transaction of its business, and for consideration of applications for property designations and Certificates of Appropriateness, such as By-Laws, removal of membership provisions, and design guidelines and criteria. The Historic Preservation Commission shall have the flexibility to adopt rules and standards without amendment to this ordinance. 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. A quorum shall consist of a majority of the members.

F. Conflict of Interest

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

G. Records of Historic Preservation Commission Meetings

A public record shall be kept of the Historic Preservation Commission’s resolutions, proceedings, and actions.

Section IV

Recommendations and Designation of Historic Districts and Properties

A. Preliminary Research by Historic Preservation Commission

- 1. Historic Preservation 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 Blakely.
- 2. Historic Preservation Commission’s power to recommend districts and buildings to the Blakely City Council for designation: The Historic Preservation Commission

and shall present to the Blakely City Council recommendations for historic districts properties.

Prior or 3. Historic Preservation Commission's documentation of proposed designation: to the Historic Preservation Commission's recommendation of a historic district historic property to the Blakely City Council, the Historic Preservation Commission shall prepare a report 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. historic, non-historic, intrusive) of individual properties therein, or showing boundaries of individual historic properties;
- d. a statement justifying district or individual property boundaries; and
- e. representative photographs.

B. Designation of a Historic District

1. 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:

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- 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;
 - c. cause such area, by reason of such factors, to constitute a visibly perceptible section of the municipality.

and 2. Boundaries of a Historic District: Boundaries of a Historic District shall be included in this ordinance and in separate ordinances designating such districts, shall be shown on the official zoning map of the City of Blakely.

3. Evaluation of properties within Historic Districts: Individual properties within historic districts shall be classified as:

- a. historic (contributes to the district);
- b. non-historic (does not contribute but does not detract from the district, as provided in B.1); and
- c. intrusive (detracts from the district as provided for in B.1.)

C. Designation of a Historic Property

1. Criteria for selection of historic properties: A historic property is a building, structure, site, object, work of art, including the adjacent area necessary for proper appreciation or use thereof, deemed worthy of preservation by reason of value to the City of Blakely, Early County, State of Georgia, or local region, 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 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 Blakely, Early County, State of Georgia,
county,
 - d. it is a site of natural aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the municipality, state, or region.
2. Boundary Description: Boundaries shall be included in the separate ordinances designating such properties and shall be shown on the official zoning map of the City of Blakely.

D. Designation of Historic Districts and Historic Properties

1. Application for designation of Historic Districts or Property: Designations may be proposed by the Mayor and City Council, the Historic Preservation Commission, or:
 - a. for historic districts – a historical society, neighborhood association, or group of property owners may apply to the Historic Preservation Commission for designation.
 - b. for historic properties – a historical society, neighborhood association, or property owner may apply to the Historic Preservation Commission for designation.
2. Required components of a Designation Ordinance: Any ordinance designating any property or district as historic shall:
 - a. list each property in a proposed historic district or describe the proposed individual historic property;
 - b. set forth the name(s) of the owner(s) of the designated property or properties;

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- c. require that a Certificate of Appropriateness be obtained from the Historic Preservation Commission prior to any material change in appearance of designated property; and
- d. require that the property or district be shown on the official zoning map of the City of Blakely.

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- 3. Required public hearings: The Historic Preservation Commission and Mayor and Council shall hold a public hearing on any proposed ordinance for the designation of any historic district or property within the appropriate jurisdiction. Notice of hearing shall be published in at least three (3) consecutive issues in the principal newspaper of local circulation, and written notice of the hearing shall be mailed the Historic Preservation Commission to all owners and occupants of such properties. All such notices shall be published or mailed not less than ten (10) no more than twenty (20) days prior to the date set for the public hearing. A notice sent via the United States mail to the last-known owner of the property shown on the Early County tax roll 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 owner and occupant under this ordinance.

- 4. Recommendations on proposed designations: A recommendation to affirm, modify, or withdraw the proposed ordinance for designation shall be made by the Historic Preservation Commission within fifteen (15) days following the public hearing and shall be in the form of a resolution to the Mayor and Council.

- 5. Action by the Mayor and City Council on Historic Preservation Commission recommendations: Following receipt of the Historic Preservation Commission's recommendation, the Mayor and Council may adopt the ordinance as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.

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- 6. Notification of Historic Preservation Section: No less than thirty (30) days prior making a recommendation on any ordinance designating a property or district as historic, the Historic Preservation Commission must submit the report, required in Section IV, (3), to the Historic Preservation Division of the Department of Natural Resources.

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- 7. Notification of Adoption of ordinance for designation: Within thirty (30) days following the adoption of the ordinance for designation by the Mayor and 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 Mayor and Council which notice shall apprise said owners and occupants the necessity of obtaining a Certificate of Appropriateness prior to undertaking any material change in appearance of the historic property designated or within historic district designated. A notice sent via the United States mail to the last

known owner of the property shown on the Early County tax roll 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 ordinance.

8. Notification of other agencies regarding designation: The Commission shall notify all necessary agencies within the City of Blakely of the ordinance for designation, including the local historical organization.
9. Moratorium on applications for alteration or demolition while ordinance for designation is pending: if an ordinance for designation is being considered, the Historic Preservation Commission shall have the power to freeze the status of the involved property.

Section V

Application to Historic Preservation Commission for Certificate of Appropriateness

A. 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 appearance of such historic property, or of a structure, site, object, or work of art within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a Certificate of Appropriateness has been submitted to, and approved by, the Historic Preservation Commission.

B. Approval of New Construction Within Designated Districts.

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

C. Guidelines and Criteria for Certificates of Appropriateness.

When considering applications for Certificates of Appropriateness to existing buildings, the Secretary of the Interior's "Standards for Historic Preservations Projects" including the Secretary's "Standards for Rehabilitation" shall be used as a guideline along with any other criteria adopted by the Historic Preservation Commission.

D. Submission of Plans for Historic Preservation 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 relocation shall be accompanied by post-demolition or relocation plans for the site.

E. Acceptable Historic Preservation Commission Reaction to Application for Certificate of Appropriateness.

1. 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 aesthetic, historic, architectural significance and value of the historic property or the historic district. In making this determination, the Historic Preservation Commission shall consider, in addition to any other pertinent factors, the 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.
2. 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 aesthetic, historic, or architectural significance and value of the historic property or the historic district.

F. Public Hearings on Applications for Certificates of Appropriateness, Notice, and Right to be Heard.

At least seven (7) days prior to review of a Certificate of Appropriateness, the Historic Preservation Commission shall take such action as may reasonably be required to inform the owners of any property likely to be affected by reason of the application, and shall give applicant and such owners an opportunity to be heard. In cases where the Historic Preservation Commission deems it necessary, it may hold a public hearing concerning the application.

G. Interior Alteration.

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

H. Technical Advice.

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

I. Deadline for Approval or Rejection of Application for Certificate of Appropriateness.

1. The Historic Preservation Commission shall approve or reject an application or 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 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 Historic Preservation Commission. Notice of the issuance or denial of a Certificate of Appropriateness shall be sent

by United States mail to the applicant and all other persons who have requested such notice in writing filed with the Historic Preservation Commission

2. 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.

J. Necessary Actions to be Taken by Historic Preservation Commission upon rejection of Application for Certificate of Appropriateness.

1. In the event the Historic Preservation Commission rejects an application, it shall state its reasons for doing so, and shall transfer a record of such actions and reasons, in writing to the applicant. The Historic Preservation Commission 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.

2. In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a Certificate of Appropriateness by the Historic Preservation Commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such case, no building permit shall be issued.

K. Under Hardship.

Where, by reason of unusual circumstances, the strict application of any provision of this ordinance would result in the exceptional practical difficulty or undue 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 that the architectural or historical integrity or character of the property, shall be conserved and substantial justice done. In granting variances, the Historic Preservation Commission may impose such reasonable and additional stipulations and conditions as will, in its judgement, best fulfill the purpose of this ordinance. Undue hardship shall not be a situation of the person's own making.

L. Requirement of Conformance with Certificate of Appropriateness.

1. All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the Historic Preservation Commission shall issue a cease and desist order and all work shall cease.

2. The Mayor and Council or the Historic Preservation Commission shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district, except those changes made in

compliance with the
conduct with respect to

provision of this ordinance or to prevent any illegal act or
such historic property or historic district.

M. 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.

N. Recording of Applications for Certificate of Appropriateness.

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

O. Acquisition of Property.

The Historic Preservation Commission may, where such action is authorized by the Blakely City Council, and is reasonable, 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.

P. Appeals.

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 such determination to the Mayor and Council. Any such appeal must be filed with the Mayor and Council within fifteen (15) days after the issuance of the determination pursuant to Section V, I(1) of this ordinance, or, in the case of a failure of the Historic Preservation Commission to act, within fifteen (15) days of the expiration of the forty-five day period allowed for Historic Preservation Commission action, Section VI(1) of this ordinance. The Mayor and City Council may approve, modify, or reject the determination made by the Historic Preservation Commission, if the governing body finds that the Historic Preservation Commission abused its discretion in reaching its decision. Appeals from decision of the Mayor and City Council may be taken to the Superior Court of Early County in the manner provided by law for appeals from the conviction in the City of Blakely Municipal Court.

Section VI

Demolition or Relocation of a Historic Property or Properties Within a Historic District

A. Applications for Certificates of Appropriateness for Demolition or Relocation.

The Historic Preservation Commission shall have the authority to deny Certificates of Appropriateness for demolition or relocation.

B. Public Hearing.

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

C. Consideration of Post-Demolition or Post-Relocation Plans.

The Commission shall not grant Certificates of Appropriateness for demolition or relocation without reviewing at the same time the post-demolition or post-relocation plans for the site.

D. Demolition/Relocation Criteria.

Upon receipt of an application for a Certificate of Appropriateness for demolition or relocation, the Historic Preservation Commission shall use the criteria described in Section V, E of this ordinance to determine whether to deny the application or issue a Certificate of Appropriateness for demolition or relocation.

Section VII

Maintenance of Historic Properties and Building and Zoning Code Provisions

A. 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 damage, or to sustain the existing form, and that does not involve a material change in design, material, or other appearance thereof, does not require a Certificate of Appropriateness.

B. Failure to Provide Ordinary Maintenance or Repair.

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

1. The Historic Preservation 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 exterior architectural features, or the deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.
2. In the event the Historic Preservation 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 this situation. The owner of such property will have thirty (30) days in which to do this.

3. In the event that the condition is not remedied in thirty (30) days, the owner shall be punished as provided in Section VII of this ordinance and, at the direction of the Mayor and Council, the Historic Preservation Commission may perform such maintenance or repair as is necessary to prevent deterioration by neglect.

C. Affirmation of Existing Building and Zoning Codes.

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

Section VIII

Penalty Provisions

Violations of any provision of this ordinance shall be punished in the manner as provided for punishment of violations of other validly enacted ordinances of the City of Blakely.

Section IX

Severability

In the event that any section, sub-section, 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, sub-section, sentence, clause, or phrase so declare or adjudged invalid or unconstitutional were not originally a part thereof.

Section X

Repealer


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

Section XI

Effective Date

This ordinance shall become effective on the 6th day of June, 2023.

CITY OF BLAKELY

By: 
Mayor, Travis Wimbush

Attest: Melinda Crook
Clerk, Melinda Crook