

RULES OF PROCEDURE
HISTORIC PRESERVATION COMMISSION
CITY OF BLAKELY

SECTION 1
AUTHORITY AND PURPOSE

1. The City of Blakely Historic Preservation Commission (hereafter referred to as the "Commission") was established in accordance with the City of Blakely Historic Preservation Ordinance, adopted by the Mayor and the Council of the City of Blakely on June 6, 2023, effective the same date, and under the general authority of the Georgia Historic Preservation Act, Official Code of Georgia Annotated, Sections 44-10-26 through 44-10-31 as amended or revised.
2. The purpose of the Commission, as set out in the City of Blakely Historic Preservation Commission Ordinance, is 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.
3. Specifically, the Commission is charged with identifying and recommending to the Mayor and City Council certain historic places, districts, sites, buildings, structures, and works of art for designation as Historic Districts or Historic Landmarks and with processing applications for Certificates of Appropriateness for:
 1. any changes in the external appearance of existing, both designated historic and non- historic, structures and appurtenant features
 2. design of new structures within specified historic sites and districts
 3. the demolition of designated historic landmarks or sites and the demolition of historic properties within designated historic districts

SECTION 2
POWERS OF THE COMMISSION (AS STATED FROM THE ORDINANCE)

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 and Downtown Development Authority Executive 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.

SECTION 3 JURISDICTION

1. The jurisdiction of the Commission shall be of places, districts, sites, buildings, cemeteries, structures, objects, landscape features, and works of art having a special historical, cultural, or aesthetic interest or value nominated by the Commission and designated by the Mayor and City Council of the City of Blakely as having special historical, cultural, or aesthetic interest or value, in accordance with the City of Blakely Historic Preservation Commission Ordinance.
2. The jurisdiction for purposes of reviewing applications for Certificates of Appropriateness, as required by the provisions of the City of Blakely Historic Preservation Commission Ordinance, shall be delineated on the Official Zoning Map of the City of Blakely or other map as appropriate, kept on file retained by the City of Blakely in the City of Blakely offices at City Hall and the Office of the Downtown Development Authority.

SECTION 4 MEMBERS, OFFICERS, & DUTIES

1. **MEMBERSHIP:** The Historic Preservation Commission shall consist of five (5) members appointed by the Mayor and Council. All members shall be residents of the City of Blakely and shall be persons who have demonstrated special interest, experience or education in history, architecture, or the preservation of historic resources.
2. **TERMS:** 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.
3. **APPOINTMENT:** Members shall be appointed by the Mayor and Council.
4. **COMPENSATION:** Members of the Commission shall not receive a salary for their services although they may be reimbursed for city-approved expenses.
5. **CHAIRPERSON:** A chairperson shall be elected by the majority of the Commission annually. The Chairman shall serve no more than two (2) consecutive, one (1) year terms. The Chairperson shall decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Commission in session at the time. The Chairperson shall appoint any committees found necessary to investigate any matters before the Commission. The Chairman may vote on any matters before the Commission, unless prohibited by special or personal interest as set out in these Rules.
6. **VICE/CO-CHAIRPERSON:** A vice/co-chairperson shall be elected by the majority of the Commission annually. The Vice-chairman shall serve as Chairman in the absence of the Chairman, and at such times shall have the same powers and duties as the Chairman. Upon the resignation or

disqualification of the Chairman, the Vice-Chairman shall assume the chairmanship for the remainder of the unexpired term. In such an event, the Commission shall elect a new Vice-Chairman at its next regular meeting.

7. **ELECTIONS:** Election of officer(s) shall be held at the first regular meeting in January. If such a regular meeting is canceled or a quorum lacking, then the election shall be held within 30 days thereafter at a regular or special meeting.
8. **ATTENDANCE AT MEETINGS:** It shall be the duty of all Historic Preservation Commission members to inform the chairperson and HPC staff of any anticipated absence and notification shall be immediately after receipt of the agenda. A regular member who misses three (3) consecutive regular meetings in a calendar year, and should there be no adequate excuse for such absence, the Chairperson, with the concurrence of a majority of the entire Commission, shall recommend to the local governing board (city council), that a vacancy be declared and that the vacated position be filled. Absences due to sickness, death, or other emergencies of like nature shall be regarded as approved absences and shall not affect the member's status on the Commission; except that in the event of a long illness or other such case for prolonged absence the member may be replaced.
9. **VACANCIES:** If any vacancy occurs, whether for reasons of failure to attend or for other reasons, the Chairperson or HPC staff member shall immediately notify the Mayor and Council and request that a new member be appointed for the remainder of the term of the vacant member.

SECTION 5 MEETINGS

1. **REGULAR MEETINGS:** Regular meetings of the Commission shall be held on the fourth Thursday of each month at 5:30 p.m. in the Alexander Building at 214 Court Square. Meetings may be held at some other convenient place if directed by the Chairman in advance of the meeting.
2. **SPECIAL MEETINGS:** Special meetings of the Commission may be called at any time by the Chairperson or HPC Staff. At least twenty-four (24) hours notice of the time and place of special meetings shall be given, by the Chairperson or HPC Staff to each member of the Commission; provided, that this requirement may be waived by action of a majority of all the members.
3. **CANCELLATION OF MEETINGS:** Whenever there is no business for the Commission, the Chairperson or HPC Staff may dispense with a regular meeting by giving notice to all the members not less than twenty-four (24) hours prior to the time set for the meeting.
4. **QUORUM:** A quorum shall consist of three (3) members of the Commission.
5. **VIRTUAL PARTICIPATION:** A commission member may participate in discussion and voting

virtually twice a year, and shall be considered to have been present at the meeting.

6. **AGENDA:** The order of business at regular meetings shall be as follows: (1) determination of quorum; (2) call to order; (3) approval of minutes; (4) old business; (5) new business; (6) other updates (7) public comments; (8) adjournment.
7. **OPEN MEETINGS:** All meetings shall be open to the public in accordance with Georgia Law.
8. **CONDUCT OF MEETINGS:** Meetings shall be directed by the Chairperson in accordance with these Rules, subject to the latest edition of Robert's Rules of Order and majority recommendations by the Commission in session at the time.
9. **DECISIONS OF THE COMMISSION:** Decisions of the Commission shall be determined by majority vote of the members present and voting, provided a quorum is present. Decisions may be made by voice vote unless any member requests a roll call vote.

SECTION 6 CONFLICTS 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.

1. **IMPARTIALITY REQUIRED:** No Commission member shall, in any manner, discuss any application with any parties prior to the Commission's deliberations on such application, except as authorized in advance by the Chairperson; provided, however, that members may seek and/or receive information pertaining to the application from any other member of the Commission or its staff prior to the hearing.

Members of the Commission shall not express individual opinions on the proposed judgment of any application with any person prior to the determination of that application, except in accordance with these rules. Violation of this rule shall be cause for dismissal from the Commission. Each member of the Commission shall be thoroughly familiar with all statutes, laws, ordinances, and rules of procedure relating to the Commission as time and circumstance permit.

SECTION 7 APPLICATION PROCEDURES

1. **APPLICATION FEES:** Anyone requesting a Certificate of Appropriateness shall pay \$75 for demolition. The application fee shall be waived for demolition if the structure is more than 50%

damaged by fire or natural disaster.

2. **CERTIFICATE OF APPROPRIATENESS:** An application for a Certificate of Appropriateness must be filed with the HPC Staff at least 15 days prior to the next scheduled meeting of the Commission, accompanied by elevations, sketches, drawings, photographs, specifications, descriptions, etc. of the proposed project.
3. **TIME PERIOD TO BEGIN CONSTRUCTION:** Once the Certificate of Appropriateness has been approved by the Commission, the applicant has 15 days to obtain a building permit (if applicable) and 6 months from Commission approval to begin construction.
4. **NOTICE TO ABUTTING PROPERTY OWNERS:** Prior to reviewing an application for 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 materially by the application and shall give the applicant and such owners the opportunity to be heard.
 - Shall publish notice of the pending application in the official organ of the county.
 - Post notice in the form of a sign in a conspicuous place on the property in question.

PUBLIC HEARINGS:

- **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.

DEMOLITION OR RELOCATION:

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

1. **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.
2. **Public Hearing.** A public hearing shall be scheduled for each application for a Certificate of Appropriateness for demolition or relocation.
3. **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.

4. **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 the historic preservation ordinance to determine whether to deny the application or issue a Certificate of Appropriateness for demolition or relocation.

Criteria for Acting on Certificate of Appropriateness: The Commission shall approve 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 this determination, the commission shall consider, in addition to any other pertinent factors, 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 other structures in the immediate neighborhood. The commission shall also be guided by the most current edition of the Secretary of the Interior's Standards for the Treatment of Historic Properties, along with any other design guidelines, criteria and policy statements adopted by the commission.

TYPES OF DECISIONS

1. **Approval.** When considering an application for a certificate of appropriateness, the commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change in appearance would not have a substantial adverse effect on the aesthetic, historical or architectural significance and value of the designated historic property or designated historic district.
2. **Approval with conditions.** If the commission identifies elements of a proposed material change in appearance which are not in compliance with the design review criteria, the commission may make recommendations or set such conditions and/or changes which render the application for a certificate of appropriateness in compliance, thereby avoiding a substantial adverse effect on the aesthetic, historical or architectural significance and value of the designated historic property of designated historic district. If the applicant agrees to such conditions and/or changes, the commission shall approve the application and issue a certificate of appropriateness.
3. **Denial.** When considering an application for a certificate of appropriateness, the commission shall deny the application for a certificate of appropriateness if it finds that the proposed material change in appearance is not in compliance with the design review criteria and will

have a substantial adverse effect on the aesthetic, historical or architectural significance and value of the designated historic property or designated historic district. The commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he so desires, may make modifications to the plans and may resubmit the application at any time after doing so.

UNDER HARDSHIP/UNUSUAL CIRCUMSTANCES

Where, by reason of unusual circumstances, the strict application of any provision of this chapter would result in the exceptional practical difficulty or undue hardship upon any owner of a specific property, the commission in passing upon applications, shall have the power to vary or modify strict adherence to such provision, or to interpret the meaning of such 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 such provisions, so that the architectural or historic 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 owner's or occupant's own making.

Reconstruction, Alteration, New Construction or Renovation:

The commission shall issue certificates of appropriateness for the above proposed actions if those actions conform in design, scale, building materials, setbacks, and site features, and to the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

Relocation: A decision by the commission approving or denying a certificate of appropriateness for the relocation of a building, structure or object shall be guided by:

1. The historic character and aesthetic interest of the building, structure, or object contributes to its present setting.
2. 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.
3. Whether the building, structure, or object can be moved without significant damage to its physical integrity.
4. Whether the proposed relocation is compatible with the historic and architectural character of the building, structure, site or object.

Demolition: In reviewing an application for demolition or other certificate of appropriateness the Commission may, on request of the applicant, consider unusual circumstances as provided by the City of Blakely Ordinance for Historic Preservation Section 27 and these rules if presented by the applicant. The applicant shall have the burden of establishing that unusual circumstances exist. The Commission may publish policies establishing requirements for the submission of appropriate evidentiary information. A decision by the commission approving or denying a certificate of appropriateness for the demolition of buildings, structures, sites, or objects shall be guided by:

1. Photograph(s) and description of existing building. Photographs should be clearly labeled to show areas of structural deterioration.
2. Indication of status of building or structure as Historic (Contributing), Non-historic (Non-contributing) or intrusive.
3. If seeking demolition of an historic (contributing) building, evidence as required by Commission policy, that the conditions of unusual circumstances as defined by Ordinance and these rules have been established. Document that a building classified as historic is incapable of earning economic return on its value, as appraised by a qualified real estate appraiser or structural report by a licensed structural engineer itemizing structural condition and discussion why building is incapable of being repaired. A report by a licensed restoration contractor may also be required. Provide drawings to adequately describe site use after demolition.
4. Explanation of the proposed use for the site after demolition, including, plans, drawings and other pertinent information required for new structures, and their parking areas (if applicable) or any other category of use as set out in the Rules.

Time for Decisions: The Commission shall approve or reject an application for a certificate of appropriateness within forty-five (45) days after the filing of a complete application. Failure of the commission to act within the forty-five (45) day period shall constitute approval, and no other evidence of approval shall be needed. Where a mutual agreement has been made by the applicant and the commission for an extension of the time limit, additional time may be taken.

Notice of Action: Notice of the approval, approval with conditions or denial of a Certificate of Appropriateness in letter form, clearly describing the nature of the work which has been approved, shall be sent by United States mail to the property owner and applicant as well as to persons who request such written notice.

Denied Applications: In the event the commission rejects a Certificate of Appropriateness application, it shall state its reasons, in letter format, for doing so as a part of its record of such action. The 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. The denial of an application for a certificate of appropriateness shall be binding on the zoning administrator and, in such a case of denial; no building permit shall be issued.

CONSIDERATION OF APPLICATIONS:

Any party may appear in person or by agent or attorney at the meeting. The order of business for consideration of applications for Certificate of Appropriateness shall be as follows:

1. The Chairperson, or such persons as he or she shall direct, shall give a preliminary statement describing the application.
2. The applicant shall present the arguments in support of the application.
3. Persons opposed to granting the application shall present the arguments against the application.
4. Statements or arguments submitted by any official, commission, or department of the City of Blakely, any state agency, or any local historical, preservation, or neighborhood association shall be presented as directed by the Chairman.
5. The Chairman, or such person as he or she shall direct, shall summarize the evidence which has been presented, giving all parties an opportunity to make objections or corrections.
6. The Chairman calls for a motion for the Application for Certificate of Appropriateness, and if submitted, a motion for a request for consideration of unusual circumstances whether to approve, approve with conditions, or deny. The Commission may, in its discretion, view the premises and obtain additional facts concerning any application before arriving at a decision. All decisions of the Commission shall be supported by appropriate findings of fact and, where necessary, shall be accompanied by such conditions and/or recommendations as it may determine to be reasonable under the circumstances.

MODIFICATIONS OF APPLICATIONS

An approved or pending application for a Certificate of Appropriateness may be modified by a written request from the applicant to the Commission. Such a request shall include a description of the proposed change and shall be accompanied by elevations, plans or sketches, where necessary. If the Commission finds that the modifications constitute a substantial change which might affect surrounding property owners, it shall request the applicant to notify affected property owners following the procedures set out in Section 6 (C) before taking action on the modification. The Commission shall thereupon treat the request in the same manner as any other application as outlined in Section 6.

**SECTION 8
MAINTENANCE OF HISTORIC PROPERTIES**

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 the 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 9
APPEALS**

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 the 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 the 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 10
AMENDMENTS**

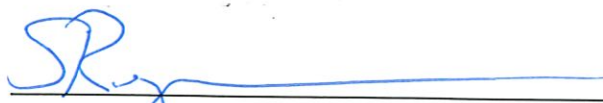
These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than three (3) members of the Commission, provided that such amendment shall have first been presented to the membership in writing at a regular or special meeting preceding the meeting at which the vote is taken.



Jan Barron, HPC Chairperson



Kimberly Hope Fleming, HPC Vice/Co-Chairperson



Susanne Reynolds, HPC Staff