

83.5. HD - Historic District

Sec. 83.5-Rev. 5.4.04

83.5.1. Intent of District. The purpose of this district is to promote the educational, cultural, economic, and general welfare of the community through the preservation and development of its historic property, spaces, neighborhoods, and other elements which serve as visible reminders of the cultural and architectural heritage of the City of Perry and the State of Georgia. Regulations are intended to ensure the construction, reconstruction, alteration, restoration or moving of buildings and appurtenant fixtures within a designated historic district which would be consistent with the historic or architectural character of the area.

83.5.2. Superimposed District. This district is superimposed over other existing districts, and the special requirements of this district shall apply in addition to the requirements of the use district within which a specific property is located. Whenever there is a conflict between the regulations of the zoning district and the regulations of the historic district, the more restrictive regulations shall prevail.

The Historic District includes the following areas:

1. The Penn-Dixie area as depicted on the attached map.
2. The Washington-Evergreen area as depicted on the attached map.
3. The Duncan Avenue area as depicted on the attached map.
4. The Swift Street area as depicted on the attached map.
5. The Smoak-Marshall area as depicted on the attached map.
6. The Charlse Avenue area as depicted on the attached map.
7. The Downtown area as depicted on the attached map.

83.5.3. Definitions. The following words and phrases shall have the meaning in this section:

- (1) Historic District. A geographically definable area so designated by Mayor and City Council pursuant to criteria established in Section 83.5.4.1 of this ordinance.
- (2) Historic Property. A building, structure, site, object, or work of art, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of its value to the city, county, state, or region.
- (3) Material Change in Appearance. A change, visible to the traveling public, that will affect the exterior environmental or architectural features of a historic property or of any structure, site, or work of art within a historic district and may include any one or more of the following:
 - (a) 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;
 - (b) demolition or relocation of a historic property;
 - (c) commencement of excavation;

- (d) a change in the location of advertising visible from the public way on any historic property; or
 - (e) the erection, alteration, restoration, or removal of any building or other structures within a designated historic district, including walls, fences, steps, and pavements or other appurtenant features, or landscape features.
- (4) Routine Maintenance. Activities resulting in changes in the appearance of property but not constituting a material change in appearance. These activities which are generally performed more frequently are intended to maintain the condition of the property and do not require a certificate of appropriateness.
- (5) Certificate of Appropriateness: A document evidencing approval by the Planning Commission after review and comment of a proposal to make a material change in the appearance of a designated historic property or of a structure, site, work of art located within a designated historic district, which document must be obtained before such material change may be undertaken.
- (6) Designation: A decision by Mayor and Council to designate by ordinance such district as a “historic district” and thereafter prohibit all material changes in appearance of such property or within such district prior to the issuance of a certificate of appropriateness by the Planning Commission.
- (7) Exterior Architectural Features: The architectural style, general design, and general arrangement of the exterior of a building or other structure visible to the traveling public, including but limited to the kind of 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.
- (8) Exterior Environmental Features: Means all those aspects of the landscape or the development of a site which affect the historical character of the property.
- (9) Demolition: Means the razing or relocation of a structure, or portion thereof, whereby 50% of the structure, prior to demolition or relocation, is removed or destroyed.

83.5.4. Designation of Historic Districts. The following criteria and procedures shall govern the designation of historic districts by the Mayor and Council.

83.5.4.1. General Criteria. A geographically definable area, urban or rural, which contains structures, sites, objects, landscape features and works of art, or a combination thereof, which:

- (1) Have special character or special historical or aesthetic interest or value;

- (2) Represent one or more periods or styles or architecture typical of one or more eras in the history of the city, county, state or region; or
- (3) Cause such area, by reason of such factors, to constitute a visibly perceptible area of the City of Perry.

83.5.4.2. Boundary Specifications. The boundaries of any historic district shall be drawn so as to include all lands closely related to and bearing upon the character of the area to be protected, thus providing a landscaped unit and affording regulations needed to control potentially adverse environmental influences. They shall be included in each designation ordinance and shown on the official zoning maps of the City.

83.5.4.3. Classification/Descriptions. Records shall be maintained by the Commission describing the specific boundaries of each historic district as well as each property within a historic district and setting for the name(s) of the property owner(s). All buildings and structures shall be divided into three classes:

- (1) Contributing: Those buildings possessing identified historical or architectural merit of a degree warranting their preservation and contributing to the significance of the district and more than 50 years old.
- (2) Non-Contributing: Those buildings and structures not classified as contributing due to age (less than 50 years old) or integrity but which do not detract from the district. Those buildings and structures considered non-contributing because of age may later be considered as contributing.
- (3) Intrusion: Those buildings and structures which are extremely out of context or character with the majority of buildings and structures in the district, whether by design, materials, scale, workmanship or other factors and which detract from the overall integrity of the district.

83.5.5. Certificate of Appropriateness Required. After a historic district is designated, no material change in the appearance of such historic district shall be made or be permitted to be made by the owner or occupant thereof, unless and until application for a certificate of appropriateness has been submitted to the Commission and approved. Such application shall be accompanied by such drawings, photographs, or plans as may be required by the Commission.

83.5.5.1. Exemptions. The Georgia Department of Transportation and contractors (including cities and counties) performing work funded by the Georgia Department of Transportation are exempt from the provisions of Section 83.5 and local governments are exempt from the requirement of obtaining certificates of appropriateness; however, Mayor and Council shall notify the Commission 45 days prior to beginning an undertaking that would otherwise require a certificate of appropriateness and allow the Commission an opportunity to comment.

83.5.5.2. Application Review Procedure. Applications for certificates of appropriateness shall be reviewed in the following manner:

83.5.5.2.1. Development Standards. The Commission shall establish development standards regulating buildings and structures in the Historic District. A structure or building shall only be established, constructed, reconstructed, altered, demolished, moved or maintained in a manner consistent with the historical and architectural character of the district.

83.5.5.2.2. Exemption from Hearing. The Zoning Enforcement Officer may approve Certificates of Appropriateness which are in conformance with performance criteria established by the Commission. The Zoning Enforcement Officer may require a hearing before the Commission at his/her discretion.

83.5.5.2.3. Appeal to Commission. Any applicant whose Certificate of Appropriateness has been denied by the Zoning Enforcement Officer may appeal the decision to the Commission.

83.5.5.2.4. Review Criteria. The Commission shall approve a certificate of appropriateness if it finds that the proposed material change in appearance is in accordance with any published guidelines; would not have a substantial adverse effect on the aesthetic, historical, or architectural significance and value of the historic property of 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 not consider interior arrangement or use having no effect on exterior architectural features.

83.5.5.2.5. Commission Recommendation. The Commission shall approve or reject an application for a certificate of appropriateness within no more than 30 days after the filing thereof by the owner or occupant of a historic property or of a structure, site, or work of art located within a historic district. Evidence of a recommendation for approval shall be by issuance of the certificate of appropriateness. Failure of the Commission to act within said 30 days shall constitute approval. In the event the Commission rejects an application, it shall state its reasons for doing so and shall transmit a record of such notice and reasons therefore in writing, to the applicant. 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.

83.5.5.2.6. Binding Nature of Decision. 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 an application for a certificate of appropriateness shall be binding upon the Building Inspector and, in such a case, no building permit shall be

issued. Where, by reasons of unusual circumstances, the strict application of any provision of Section 83.5 would result in exceptional practical difficulty or undue hardship upon any owner of any specific property, the Commission in passing upon applications shall have power to vary or modify strict adherence to said provision or to interpret the meaning of said provision so as to relieve such difficulty or hardship; provided such variance modification, or interpretation 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 variations, the Commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the intent of the historic district.

83.5.5.2.7. Appeal. Any person adversely affected by any determination made by the Commission relative to the issuance or denial of a Certificate of Appropriateness may appeal such determination to the Mayor and Council by filing a notice of appeal with the Council as described in Section 83.5.10.

83.5.6. Maintenance of Historic Buildings.

83.5.6.1. Affirmation of Existing Building and Zoning Codes. Nothing in this Ordinance shall be constructed as to exempt property owners from complying with existing City building and zoning codes, nor prevent any property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.

83.5.7. Demolition or Relocation of Historic Buildings. The Commission shall have the authority to grant or deny certificates of appropriateness for demolition or relocation.

83.5.7.1. Public Hearing. A public hearing may be scheduled for each application for a certificate of appropriateness for demolition or relocation.

83.5.7.2. 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.

83.5.7.3. Demolition/Relocation Criteria. Upon receipt of an application for a certificate of appropriateness for demolition or relocation, the Commission shall use the criteria described of this ordinance to determine whether to deny the application or issue a Certificate of Appropriateness for demolition or relocation.

83.5.7.3.1. 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 the other structures in the immediate neighborhood.

83.5.8. New Structures. All new structures erected within a designated historic district shall be compatible in appearance, as seen by the traveling public, with existing structures located within 100 feet, on the same street, of the new structure. New structures shall not be required to be compatible with structures located outside of a designated historic district. The new structure shall be deemed compatible if the following features of the new structure are consistent with structures within 100 feet:

- 1) Finished floor elevation
- 2) Roof heights
- 3) Roof shapes
- 4) Windows
- 5) Architectural features
- 6) Building façade
- 7) Scale

Only those portions of a new structure visible to the traveling public are required to meet the requirements of this section.

83.5.9. Appeal Provision. Any person adversely affected by any determination made by the Commission relative to the issuance or denial of a Certificate of Appropriateness may appeal such determination to the Mayor and Council by filing a notice of appeal with the Council.

83.5.9.1. Public Notice. An appeal to the Mayor and Council of a Commission decision on a Certificate of Appropriateness shall require a public notice of said appeal. The Zoning Enforcement Officer shall cause to have posted in a conspicuous place on the property one (1) or more signs with orange background and black lettering; each sign shall contain information as to the appeal and the date and time of the public hearing.