

STEPHENS CITY CODE

Chapter 8

**HISTORIC DISTRICTS**

# HISTORIC DISTRICT

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### **Sec. 8-1. Purpose; Intent**

In order to promote the education and the cultural, economic and general welfare of the town, the Town Council deems it essential that the qualities relating to the history of the Town be preserved. Some of these qualities are the continued existence and preservation of historic areas, building, and archeological sites and continued construction of buildings in the historic styles in keeping with the character of the area. It is further the intent of the Town council that the historic preservation commission, established within this chapter, shall work with the Planning Commission and share expertise and assistance in achieving the intent as set forth above.

(Ord. of 3-5-91. §22-1)

### **Sec. 8-2. Historic preservation commission; establishment; composition; appointment; terms of members.**

(a) A board of architectural review is hereby established, referred to in this chapter as the Historic Preservation Commission. The Commission shall consist of not more than seven members, appointed by the Town Council.

- At least one position must be an architect or an architectural historian. If no architect or architectural historian desires to serve on the Historic Preservation Commission, the Town may hire an architect or architectural historian as a consultant to provide expertise and consultation to the Commission;
- More than 50 percent of the appointed members shall be residents or property owners of the Town;
- The Town Council shall appoint at least one member active in historic preservation; a member of a historic preservation organization or board of historic property; member of the National Trust for Historic Preservation or has renovated and lived in historic building; attended a preservation conference or workshop; or is a long time member of the review board;
- All other members must have a demonstrated interest in Historic Preservation and the history and character of the Town;
- At least one member shall be appointed from the Planning Commission upon recommendation to the Commission by the Planning Commission;
- At least one member shall be a resident and property owner of the local Historic District.

(b) Each member shall be appointed for a term of four years, except as provided below. The term shall begin July 1 of the year in which the member is appointed and expire on June 30, four years hence. When a term expires, a member may be reappointed or a new member appointed to begin the next four year term. If an individual resigns or is unable to continue to serve, a new member may be appointed to complete the unfinished term.

- (1) For 1995, three members may be appointed effective June 1, 1995 to serve a two year and one month term.
- (2) For 1995, one individual may be appointed effective June 1, 1995 to serve a four year and one month term.

A secretary shall be chosen to record the activity of the Historic Preservation Commission and may be a non-member with no voting privileges.

This amendment to the Historic District Ordinance will have no effect upon the unexpired terms of the two remaining members of the HPC. (7/5/95)

**Cross reference-**Administration, Ch 2

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### **Sec. 8-3. Boundaries.**

The boundaries of the historic district shall be as marked as an overlay zoning designation on the official zoning map. The established district may be amended by the Town Council upon consultation with the Planning Commission and the Historic Preservation Commission, using the procedures in place for amending a zoning ordinance of the town.

### **Sec. 8-4. Relationship to zoning district.**

The historic district regulations promulgated by the historic preservation commission, as provided in this chapter, are intended to preserve and protect the historic or architecturally worthy buildings, structures, sites, monuments, streets, squares and neighborhoods of the historic area. In all zoning districts lying within the boundaries of the historic district, the regulations for both the zoning district and the historic district shall apply. Whenever there is a conflict between the zoning ordinances and the regulations of the historic district, the more restrictive shall apply. (Ord. of 3-5-91, §22-3)

### **Sec. 8-5. Classification of buildings and structures.**

Within the historic district, all buildings and structures shall be classified and designated on the historic building map adopted and approved by the Mayor and Town Council and made a part of the zoning map. Such buildings and structures shall be divided into two classes:

(1) *Contributing*. Those buildings classified as historic shall possess identified historical or architectural merit of a degree warranting their preservation. To be so classified the building or structure shall meet one or more of the following criteria;

- a. It is associated with a particular person, event, activity or institution of local, state or national historical significance.
- b. The exterior design or features embody or exemplify the distinctive design characteristics of one or more historic areas, style, materials, or construction methods, or exemplify the work of an acknowledged master or masters.
- c. The building, structure or site possesses an identifiable character which reflects the cultural or architectural heritage of the town.
- d. The building or structure contains qualities and/or artifacts which significantly contribute to present day knowledge and understanding of lifestyles, activities, events, or experiences of a previous era.
- e. The building or structure has a unique physical characteristic which represents an established and familiar pattern or unique visual feature of the Town.

(2) *Non-contributing*. Those buildings and structures not classified on the historic building map as historic.

These structures shall be reviewed at minimum every five years as a continuing survey of potential properties whereby property owners may be invited to change their classification designation.

### **Sec. 8-6. Development standards; preservation of historic buildings within historic district.**

(a) *Erection, reconstruction, alteration or restoration in historic district*. No building or structure, including signs, shall be erected, reconstructed, altered or restored within any historic district unless the same is approved by the historic preservation commission or, on appeal, by the Town Council as being architecturally compatible with the historic landmarks, buildings, or structures within the district.

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(b) *Destroying or moving buildings.* No structure within the historic district shall be razed, demolished or moved in whole or in part until a certificate of appropriateness is issued by the historic preservation commission, or upon appeal, issued by the Town Council.

(c) *Appeal.* Any property owner who has received final action by the historic preservation commission may appeal the decision to the Town Council, provided the appeal is noted in writing within 60 days from the date a final decision by the historic preservation commission is rendered. Unless the appeal is postponed by agreement, or the appeal is withdrawn, the Town Council shall affirm, reverse or modify the decision of the historic preservation commission within six months.

Any property owner who has received final action by the historic preservation commission and the Town Council may appeal to the circuit court for review of the action by the Town Council by filing a petition at law, setting forth the alleged illegality of the action of the Town Council, provided such petition is filed within 30 days after the final decision is rendered by the Town Council. The filing of the petition shall stay the decision of the Town Council, pending the outcome of the appeal to the court, except that the filing of such petition shall not stay the decision of the Council if such decision denies the right to raze or demolish an historic landmark, building or structure. The court may reverse or modify the decision of the Town Council, in whole or in part, if it finds upon review that the decision is contrary to law or that the decision is arbitrary and constitutes an abuse of discretion; or the circuit court may affirm the decision of the Town Council.

(d) *Criteria for approval of certificate of appropriateness.* Evidence of the approval required above shall be a certificate of appropriateness issued by the historic preservation commission. In considering a certificate of appropriateness, the historic preservation commission shall consider whether the proposal is architecturally compatible with the character of the historic district. The historic preservation commission shall use the criteria set forth by the United States Secretary of the Interior's Standards for Rehabilitation in considering all proposals.

(e) *Public notice.* Prior to issuing any certificate of appropriateness, the historic preservation commission may require public notice of the application of the certificate. The notice shall include the date, time and location of the commission's meeting. The notice shall appear at least one time in a newspaper having general circulation in the Town and shall appear no less than seven days prior to the date of each such meeting considering the application.

(f) *Additional right of appeal.* The owner of an historic landmark, building or structure within the historic district shall be entitled to raze or demolish such landmark, building or structure provided that:

- (1) He had applied to the historic preservation commission and the Town Council for such right;
- (2) The owner has for the period of time set forth below in the same schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell such landmark, building or structure, and the land pertaining thereto to the county or the town or to any person, firm corporation, government or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure and the land pertaining thereto; and
- (3) No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained.

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Any appeal which may be taken to the circuit court from the decision of the council, whether instituted by the owner or by any other proper party, notwithstanding the provisions stated here relating to a stay of the decision appealed from, shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one year after a final decision by the Council, but thereafter the owner may renew his request to the Council to approve the razing or demolition of the historic landmark, building or structure. The time schedule for offers to sell shall be as follows: Three months when the offering price is less than \$25, 000.00; four months when the offering price is \$25,000.00 or more, but less than \$40,000.00; five months when the offering price is \$40,000.00 or more, but less than \$55,000.00; six months when the offering price is \$55,000.00 or more, but less than \$75,000.00; seven months when the offering price is \$75,000.00 or more, but less than \$90,000.00; and 12 months when the offering price is \$90,000.00 or more (Ord of 3-5-91, §22-6; Ord of 10-1-91(1); Ord. of 2-1-94(1).

### **Sec. 8-7. Responsibility of Commission.**

The responsibilities of the historic preservation commission shall include the following:

- (1) Coordinate local historic preservation efforts with those of the state department of historic resources.
- (2) Sponsor public information activities when deemed appropriate, publicizing historic preservation efforts. Such activities may include speaking engagements, handouts, press releases and films.
- (3) Review projects and developments which may change or alter the historic character of an existing historic district.
- (4) Issue or deny certificates of appropriateness and formulate any additional necessary administrative procedures and regulations, which shall include prescribed requirements for applications for such certificates.
- (5) Advise persons owner property or living within historic districts on measures which they may take to preserve the historic character of their district.
- (6) Report to the Planning Commission on its activities and make recommendations in an annual report to the Planning Commission and an annual report to the Town Council concerning the operation of the historic preservation commission and the status of historic preservation within the Town.
- (7) In passing upon an application for a certificate of appropriateness, the historic preservation commission shall consider the standards set for by the United States Secretary of the Interior's standards for rehabilitation as well as the following grounds: Arresting and spectacular effects; violent contrasts of materials or colors and intense or lurid colors; a multiplicity or incongruity of details resulting in a restless and disturbing appearance; the absence of unity and coherence in composition not in consonance with the dignity and character of the present structure, in the case of repair, remodeling or enlargement of an existing building or with the prevailing character of the neighborhood in the case of a new building.
- (8) Hold public meetings as often as necessary.
- (9) Grant the right to display authorized plaques to commemorate buildings or sites which are important and significant feature in the Town.
- (10) Provide advice and recommendations to the Planning Commission on particular projects and developments as specifically requested by the Planning Commission.

All bylaws and guidelines adopted by the historic preservation commission shall be subject to the review and approval by the Town Council.  
(Ord. of 3-5-91, §22-7)

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### **Sec. 8-8. Demolition by neglect.**

No officially designated historic building, structure or site within the historic district in the Town shall be allowed to deteriorate due to neglect by the owner which would result in violation of the intent of this chapter. Demolition by neglect shall include any one or more of the following courses of action or inaction;

- (1) Deterioration of the exterior of a building to the extent that it creates or permits a hazardous or unsafe condition.
- (2) Deterioration of exterior walls or other vertical supports, horizontal members, roofs, chimneys, exterior wall elements such as siding, wooden walls, brick, plaster or mortar to the extent that it adversely affects the character of the historic district or could reasonably lead to irreversible damage to the structure.
- (3) Defective or deteriorated flooring or floor supports, or flooring or floor supports of insufficient size to carry imposed loads with safety.
- (4) Any fault or defect in the building or structure which renders the same structurally unsafe or not properly watertight.

If the historic preservation commission determines that a structure in an historic district is being demolished by neglect it shall send notification to the owners stating the reasons therefore, and shall give the owner 90 days from the date of the notice in which to commence work. If appropriate action is not taken at this time, the zoning administrator may initiate appropriate legal action as provided further in this chapter.

### **Sec. 8-9. Penalties for noncompliance.**

(a) Failure to correct a defect after a notice that the historic preservation commission has determined that a property is being demolished by neglect shall constitute a misdemeanor. Such misdemeanor shall be punished as set forth in section 1-7 of this Code. Each day that the violation continues is a separate offense.

(b) Any property owner in the historic district who does not obtain a certificate of appropriateness as required within this chapter shall be guilty of a misdemeanor and may be punished as set forth in section 1-7 of this Code.

(c) Nothing in this chapter shall be deemed to restrict or prohibit the Town Council to acquire in any legal manner any historic area, landmark, building or structure or the land pertaining thereto for the use, observation, education, pleasure and welfare of the citizens of the Town.