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**Historical Preservation  
Chapter 62  
Ordinance Amendment  
August 4, 2016  
DRAFT**

7 **Changes:**

- 8 • Membership reduced from five to four representatives within the Historic District,  
9 allowing three At-Large members from City. One member appointed from professional  
10 disciplines of architecture, history, architectural history, planning, archeology or other  
11 historic preservation related disciplines.
- 12 • Restructured review process to emphasize to emphasize classification of Section 62-86  
13 of properties.
- 14 • Combined tree process into one section and updated procedures to reflect current  
15 practices.
- 16 • Section 62-114 Guidelines and criteria for review based on “Standards of Rehabilitation”  
17 if historic or historic-obscured, or state requirements for those properties classified as  
18 Nonhistoric, Intrusions or Vacant.
- 19 • Signage section moved to accommodate flow of process, but not amended.
- 20 • Demolition section replaced with new guidelines, which, modelled on Savannah’s, utilize  
21 the classification of Section 62-86 to consider demolition or relocation of structures. The  
22 demolition amendment requires specific professional engineering qualifications  
23 outlined in 62-153, with a new application and process identified in 62-154-5.
- 24 • Minor non-substantive technical changes included.

25  
26 **Key:**

- 27 Unchanged text
- 28 ~~Stricken from text~~
- 29 Proposed new language to text
- 30 Language unchanged but moved to new location in text
- 31 New location of unchanged text

32 **ST. MARYS CITY COUNCIL**  
33 **ST. MARYS, GEORGIA**

34  
35 At the regular meeting of the St. Marys City Council, held in the St. Marys City Hall, St. Marys,  
36 Georgia:

37  
38  
39 Present:

- 40  
41 John F. Morrissey, Mayor  
42 Robert L. Nutter, Councilman, Post 1  
43 Elaine Powierski, Councilwoman, Post 2  
44 Jim Gant, Councilman, Post 3  
45 David Reilly, Councilman, Post 4  
46 Sam L. Colville, Councilman, Post 5  
47 Linda P. Williams, Councilwoman, Post 6  
48

49  
50 On motion of \_\_\_\_\_, which carried \_\_\_\_\_, the  
51 following Ordinance amendment was adopted:

52  
53 **AN AMENDMENT TO THE CODE OF ORDINANCES, CITY OF ST. MARYS, GEORGIA,**  
54 **CHAPTER 62 HISTORICAL PRESERVATION TO REDEFINE EXTERIOR ENVIRONMENTAL**  
55 **FEATURES, MEMBERSHIP, APPLICANT, WHILE RESTRUCTURING THE CHAPTER TO**  
56 **PROVIDE GUIDELINES AND CRITERIA FOR REVIEW FOR ALL MATERIAL CHANGES TO**  
57 **EXTERIOR ARCHITECTURAL AND ENVIRONMENTAL FEATURES OF HISTORIC**  
58 **PROPERTIES OR WITHIN HISTORIC DISTRICTS THROUGH THE CLASSIFICATION OF THE**  
59 **STRUCTURE, BY YEAR BUILT, AND ARCHITECTURAL STYLE; PROVIDING NEW**  
60 **GUIDELINES FOR DEMOLITION WITHIN THE DISTRICT AND NON-SUBSTANTIVE**  
61 **CHANGES TO THE TEXT.**  
62

63 Be it, and it is, hereby ordained by the Mayor and Council of the City of St. Marys, this \_\_\_ day of  
64 \_\_\_\_\_, 2016 that Section 22 of the Code of Ordinances, City of St. Marys, Georgia is  
65 hereby amended to read as follows:

66  
67 **Chapter 62 - HISTORICAL PRESERVATION**

68 FOOTNOTE(S):

69 --- (1) ---

70 **Editor's note**— Ord. of Mar. 8, 2010, amended ch. 62 in its entirety to read as herein set out. Former ch.  
71 62, §§ 62-1—62-178, pertained to similar subject matter and derived from Ord. of Aug. 25, 1984, §§ 1—  
72 VII, XI.

73 **Cross reference**— Planning commission, § 2-211 et seq.; buildings and building regulations, ch. 18;  
74 floods, ch. 54; streets, sidewalks and other public places, ch. 82; subdivisions, ch. 86; utilities, ch. 98;  
75 vegetation, ch. 102. [\(Back\)](#)

76 **State Law reference**— Heritage Trust Act of 1975, O.C.G.A. § 12-3-70 et seq.; historic areas, O.C.G.A. §  
77 12-3-50 et seq. [\(Back\)](#)

78 **ARTICLE I. - IN GENERAL**

79

80 Secs. 62-1—62-34. - Reserved.

81 **ARTICLE II. - PRESERVATION OF HISTORIC BUILDINGS & DISTRICTS**

82 **FOOTNOTE(S):**

83 --- (2) ---

84 **Cross reference**— Buildings and building regulations, ch. 18. [\(Back\)](#)

85 **State Law reference**— The Uniform Act for the Application of Building and Fire Related Codes to  
86 Existing Buildings, O.C.G.A. § 8-2-200 et seq.; buildings presenting special hazards to persons or  
87 property, O.C.G.A. § 25-2-13; grants to municipal corporations for repairs on facilities of historical value,  
88 O.C.G.A. § 36-40-1 et seq.; Facade and Conservation Easements Act of 1976, O.C.G.A. § 44-10-1 et  
89 seq.; Georgia Historic Preservation Act, O.C.G.A. § 44-10-20 et seq.; powers and duties of department of  
90 natural resources as to historic preservation, O.C.G.A. § 12-3-50; grants for preservation of historic  
91 properties, O.C.G.A. § 12-3-50.1; Georgia Register of Historic Places, O.C.G.A. § 12-3-50.2; Heritage  
92 Trust Act of 1975, O.C.G.A. § 12-3-70 et seq. [\(Back\)](#)

93 **DIVISION 1. - GENERALLY**

94

95 **Sec. 62-35. - Purpose.**

96 In support and furtherance of its findings and determination that the historical, cultural and aesthetic  
97 heritage of the City of St. Marys is among its most valued and important assets and that the preservation  
98 of this heritage is essential to the promotion of the health, prosperity and general welfare of the people; in  
99 order to stimulate revitalization of the waterfront district and historic neighborhoods and to protect and  
100 enhance historical and aesthetic qualities of the city for the enjoyment of the city's residents and visitors  
101 alike; in order to enhance the opportunities for federal tax relief of property owners under relevant  
102 provisions federal law. In order to provide for designation, protection, preservation and rehabilitation of  
103 historic properties and districts and to participate in federal programs to do the same; in order that the  
104 above activities will perpetuate the city's high quality of life for present and future generations. The Mayor  
105 and Council of the City of St. Marys hereby declare it to be the purpose and intent of this article to  
106 establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use  
107 of places, districts, sites, buildings, structures and works of art having a special historical, cultural or  
108 aesthetic interest or value, in accordance with the provisions of the article.

109 (Ord. of 3-8-10, § 1)

110 **Sec. 62-36. - Definitions.**

111 The following words, terms and phrases, when used in this article, shall have the meanings ascribed  
112 to them in this section, except where the context clearly indicates a different meaning. When a definition  
113 is required that is not listed, the New American Dictionary, latest edition, shall be the source for the  
114 definition.

115 *Alteration of structure:* The visually observable change to any element of a structure within the  
116 designated historic district.

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

120 *Building official:* The ~~planning and/or building~~ Community Development department Director or his  
121 designated staff of the City of St. Marys.

122 *Certificate of appropriateness:* A document evidencing approval by the ~~historic~~ Historic preservation  
123 Preservation commission ~~Commission~~ (HPC) of an application to make a material change in the  
124 appearance of a designated historic property or of a property located within a designated historic district.

125 *Character:* For the purposes of this article, character shall be defined as features of the structure and  
126 adjacent structures that contribute to the overall visual appearance of the street or grouping of the  
127 structures.

128 *Code compliance officer (CCO):* For the purposes of this article, any reference to code enforcement  
129 officer shall refer to the properly designated CCO.

130 *Commission:* The St. Marys Historic Preservation Commission or HPC.

131 *Demolition and/or removal of a structure:* The physical act of removing permanently any structure or  
132 any part of any structure. For the purposes of this article, the term demolition and removal shall have  
133 identical definitions ~~as outlined herein~~.

134 *Designated districts:* A historic district or historic property.

135 *Erection of structure:* The building of, or raising of, any structure from the existing grade upwards or  
136 outwards or from any floor upwards or outwards.

137 *Exterior architectural features:* To include, but not be limited to, the architectural style, general  
138 design, height of the structure, mass of the structure, and scale of the structure, the general arrangement  
139 of the exterior of a building or other structure, the kind or texture of the building material and the type and  
140 style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or  
141 elements relative to the foregoing.

142 *Exterior environmental features:* All those aspects of the landscape or the development of the site  
143 which affect the historical character of the property to include, but not be limited to, trees, walks, curbs,  
144 landscaping of any kind, trellises, sidewalks, curbs, exterior lighting features, fountains, carports, pools (in  
145 ground or above ground), heavy-duty playground equipment (fixed to ground), and/or signage. General  
146 gardening and planting of flowers and shrubs are exempt from this ordinance.

147 *Hardship:* Hardship shall be as defined in subsection 62-200(b).

148 *Height:* Height shall be as per the zoning ordinances of the City of St. Marys. Height of the structure  
149 shall not exceed the heights noted in the zoning ordinance, but may be less. Lower height based on the  
150 historic character of the surrounding structures may be enforceable by the HPC.

151 *Historic buffer district:* An area of the city that borders the historic district, but is not within the  
152 physical and legal jurisdiction of the historic preservation commission. Structures in this area may be  
153 eligible for inclusion into either the existing historic district or within a new district as designated by council  
154 and approved by the Historic Preservation Division of the Georgia Department of Natural Resources.

155 *Historic district:* Either the St. Marys Historic District or a geographically definable area which  
156 contains structures, sites, works of art or a combination thereof, which exhibit a special historical,

157 architectural or environmental character as ~~either~~ designated ~~or recommended~~ by the mayor and/or  
158 council ~~and/or~~ recommended by the HPC.

159 *Historic district survey:* An on-the-ground survey of structures within any designated historic district  
160 that identifies the salient features of the structures, listing all available historic and visual features of the  
161 structure in a format acceptable to the Historic Preservation Division of the Georgia Department of Natural  
162 Resources.

163 *Historic property:* An individual structure, site or work of art which exhibits a special historical,  
164 architectural or environmental character as either designated or recommended by the mayor and/or  
165 council and/or the HPC.

166 *Mass:* The mass of the structure is its overall bulk and visual presence of all elements of any  
167 particular structure. Mass is related to scale in that some structures having large mass are in scale in  
168 certain instances and out of scale in other instances.

169 *Material change in appearance:* A change that will affect either the exterior architectural or  
170 environmental features of a property within a designated district or site may include any one of the  
171 following. All work shall be in strict accordance with Secretary of the Interiors "Standards for Historic  
172 Preservation":

- 173 (1) A reconstruction or alteration of the size, shape, height, mass, scale or facade of an existing  
174 building or structure or a historic property, including any of its architectural elements or details.
- 175 (2) Demolition or relocation of a building or a structure.
- 176 (3) Commencement of excavation for construction purposes as noted in paragraph (1) above.
- 177 (4) A change in the location of all advertising visible from the public right-of-way, including  
178 freestanding signs, window signs, wall-mounted signs, banners, etc. All signs in the historic  
179 district shall comply with all requirements of the City of St. Marys Sign Ordinance.
- 180 (5) The erection, alteration, restoration or removal of any building or other structure, including walls,  
181 fences, steps and pavements, or other appurtenant features, except exterior paint alterations.
- 182 (6) The construction or removal of exterior environmental features.

183 *Object:* An object is a material thing of functional, aesthetic, cultural, historical or scientific value that  
184 may be, by nature or design, moveable yet related to a specific setting or environment.

185 *Relocation of a structure:* The physical relocation of a structure from its original site to a new site or  
186 location. Relocation or raising of a structure to comply with floodplain regulations is permitted.

187 *Restoration of a structure:* The repair of any element of any structure to its original appearance using  
188 identical materials or historically correct alternate materials as approved by the HPC.

189 *Scale:* The relationship of the structure to its surrounding site and/or structures. Scale is mostly a  
190 subjective analysis of the overall effect on the neighborhood of the introduction of any new structure into  
191 the existing built environment.

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

195 *Structure:* A structure is a work made up of interdependent and interrelated parts in a definite pattern  
196 of organization. Constructed by man, it is often an engineering project large in scale.

197 (Ord. of 3-8-10, § 1; Ord. No. [2014-021](#) , 6-2-14)

198 **Cross reference**— Definitions and rules of construction generally, § 1-2.

199 **Sec. 62-37. - Penalty.**

200 Violations of any provisions of this chapter shall, upon conviction, be punished as provided in section  
201 ~~4-1262-199~~.

202 (Ord. of 3-8-10, § 1)

203 Secs. 62-38—62-60. - Reserved.

204 **DIVISION 2. - HISTORIC PRESERVATION COMMISSION**

205

206 FOOTNOTE(S):

207 --- (3) ---

208 **Cross reference**— Boards and commissions, § 2-111 et seq.; zoning, ch. 110. [\(Back\)](#)

209 **Sec. 62-61. - Creation.**

210 There is created a commission, the title which shall be the "St. Marys Historic Preservation  
211 Commission", referred to in this article as the historic preservation commission ~~or HPC~~.

212 (Ord. of 3-8-10, § 1)

213 Sec. 62-62. - Position within city government.

214 The historic preservation commission shall be considered within the jurisdiction of the Planning  
215 Department of the City of St. Marys. The ordinance from which this chapter derives shall supersede and  
216 replace, in its entirety, any and all past ordinances related to historic preservation within the City of St.  
217 Marys.

218 (Ord. of 3-8-10, § 1)

219 **Sec. 62-63. - Members.**

220 The historic preservation commission shall consist of seven members appointed by majority vote of  
221 the mayor and city council, who shall be full-time residents of the City of St. Marys for a continuous period  
222 in excess of one year and have a demonstrated special interest, experience or education in history,  
223 architecture or the preservation of historic resources. There shall be no less than ~~five-four~~ members of the  
224 historic preservation commission who are residents of designated City of St. Marys Historic Districts as  
225 established in this article and subsequent ordinances. A maximum of ~~two-three~~ members of the  
226 commission may be appointed at large from the general full-time resident population of the City of St.  
227 Marys. ~~To the extent available, of which,~~ the mayor and council shall appoint at least one member from  
228 among professional members from the disciplines of architecture, history, architectural history, planning,  
229 archeology or other historic preservation related discipline such as urban planning, American Studies,  
230 American Civilization, cultural geography or cultural anthropology. Members shall serve three-year  
231 staggered terms. Members may not serve more than two consecutive terms. In order to achieve  
232 staggered terms the initial appointment shall be as follows: Two members for one year; two members for  
233 two years; and three members for three years. Members shall not receive a salary although they may be  
234 reimbursed for expenses.

235 (Ord. of 3-8-10, § 1; Ord. No. [2014-021](#) , 6-2-14)

236 **Sec. 62-64. - Powers of and authority of the historic preservation commission.**

237 The historic preservation commission shall be authorized to:

238 (1) Prepare an inventory of all property within the City of St. Marys having the potential for  
239 designation as historic property.

- 240 (2) Recommend to the Mayor and Council of the City of St. Marys specific places, sites, buildings,  
 241 structures, objects or works of art and districts to be designated by ordinance as historic  
 242 properties or historic districts.
- 243 (3) Review and/or provide guidance for any applications for certificates of appropriateness, and  
 244 grant or deny same in accordance with the provisions of this article.
- 245 (4) Recommend to the City of St. Marys City Council that the designation of any place, district, site,  
 246 building, structure, object or work of art as an historic property or as an historic district be  
 247 revoked or removed.
- 248 (5) Review the change in exterior architectural appearance or exterior environmental appearance of  
 249 any city-owned property within designated districts and sites.
- 250 (6) Monitor the condition of designated districts and sites and determine if a condition of demolition  
 251 by neglect exists. If such a condition does exist, see section 62-178 herein, for process for  
 252 correction of deficiencies.
- 253 (7) Promote the acquisition by the city of facade easements and conservation easements, as  
 254 appropriate, in accordance with the provisions of Georgia Uniform Conservation Easement Act  
 255 of 1992 (O.C.G.A. §§ 44-10-1—44-10-5).
- 256 (8) Conduct educational programs on historic properties located within the City of St. Marys and on  
 257 general historic preservation activities.
- 258 (9) Make such investigations and studies of matters relating to historic preservation, including  
 259 consultation with historic preservation experts, the City of St. Marys City Council as the historic  
 260 preservation commission itself may, from time to time, deem necessary or appropriate for the  
 261 purposes of preserving historic resources.
- 262 (10) Seek out state and federal funds for historic preservation, and make recommendations to the  
 263 City of St. Marys City Council concerning the most appropriate uses of any funds acquired.
- 264 (11) Submit to the Historic Preservation Division of the Georgia Department of Natural Resources a  
 265 list of historic properties or historic districts designated and provide the historic preservation  
 266 division whatever information is needed to nominate these to the National Register of Historic  
 267 Places.
- 268 (12) Perform historic preservation activities as the official agency of the City of St. Marys Historic  
 269 Preservation Program.
- 270 (13) Employ persons, if necessary, to carry out the responsibilities of the historic preservation  
 271 commission; the historic preservation commission shall not obligate the city without prior  
 272 consent.
- 273 (14) Receive donations, grants, funds or gifts of historic property, and to acquire and sell historic  
 274 properties; the historic preservation commission shall not obligate the city without prior consent.
- 275 (15) Restore or preserve any historic properties acquired by the city and/or the HPC as directed by  
 276 city council.
- 277 (16) Review and make comments to the historic preservation division of the department of natural  
 278 resources and/or the coastal regional commission as applicable concerning the nomination of  
 279 properties within its jurisdiction to the National Register of Historic Places.
- 280 (17) Participate in private, state and federal historic preservation programs and with the consent of  
 281 the City of St. Marys City Council, and enter into agreements to do the same.
- 282 (Ord. of 3-8-10, § 1)

283 **Sec. 62-65. - Historic preservation commission's power to adopt rules and standards.**

284 The historic preservation commission shall adopt rules for the transaction of its business and for  
285 consideration of application for designation of certificates of appropriateness, such as bylaw, removal of  
286 membership provision, and design guidelines and criteria. The historic preservation commission shall  
287 have the flexibility to adopt rules and standards without amendment to the ordinance from which this  
288 chapter derives. The historic preservation commission shall provide for the time and place of regular  
289 meetings and a method for the calling of special meetings. A quorum shall consist of a majority of the  
290 members. The commission shall select a chairman and such officers as it deems appropriate from among  
291 its members.

292 (Ord. of 3-8-10, § 1)

293 **Sec. 62-66. - Authority to receive funding from various sources.**

294 The historic preservation commission shall have the authority to accept donations and shall ensure  
295 that these funds do not displace appropriated governmental funds.

296 (Ord. of 3-8-10, § 1)

297 **Sec. 62-67. - Records of meetings.**

298 A public record shall be kept of the historic preservation commission's resolutions, proceedings and  
299 actions. The City of St. Marys shall designate staff from the ~~planning-Community Development~~  
300 ~~De~~partment to take the minutes and provide a written record of all motions, discussion on the motion  
301 and vote. ~~Planning-Community Development De~~partment staff shall also coordinate the receipt of all  
302 information necessary for HPC review and for all notifications to applicant and adjacent property owners  
303 of any pending action or the results of any action by the HPC. Minutes shall be kept in electronic form by  
304 scanned written documents. Minutes are open records available to all citizens under the Open Records  
305 Act using the open records rules and procedures.

306 (Ord. of 3-8-10, § 1)

307 **Sec. 62-68. - Conflicts of interest.**

308 (a) The historic preservation commission shall be subject to all conflict of interest laws set forth in  
309 Georgia Statutes and in the City of St. Marys Charters.

310 (b) At any time the historic preservation commission reviews a project in which a member of the  
311 commission has ownership or other economic or vested financial or property interest, that member  
312 will be forbidden from presenting, voting or discussing the project, other than answering a direct  
313 question.

314 (c) If the building official of the city determines that there is a conflict of interest as outlined in this  
315 section, he shall issue a stop-work order immediately and call an emergency meeting of the  
316 commission. The building official will present his findings to the commission and the commission may  
317 either:

318 (1) Sustain the building official and require that an application for certificate of appropriateness be  
319 resubmitted and approved before the project may proceed; or

320 (2) Overturn the decision of the building official and allow the project to proceed without further  
321 delay.

322 (Ord. of 3-8-10, § 1)

323 **Sec. 62-69. - Removal of members.**

324 If a member of the historic preservation commission misses more than three consecutive regularly  
325 scheduled meetings in any consecutive 12-month period without written notification of the chairman of the  
326 historic preservation commission, the member shall be automatically removed from the historic

327 preservation commission and the mayor and city council shall appoint a replacement according to the  
328 procedure outlined herein for membership.

329 (Ord. of 3-8-10, § 1)

330 **Sec. 62-70. - Conflict of interest complaints or alleged ethics violations.**

331 Any complaint of alleged conflict of interest or other alleged ethics violations against any member of  
332 the HPC, shall be immediately forwarded to the City of St. Marys Ethics Board for review and  
333 determination. The HPC will not be involved in the resolution of any matter brought before the ethics  
334 commission.

335 (Ord. of 3-8-10, § 1)

336 **Secs. 62-71—62-85. - Reserved.**

337 **DIVISION 3. - JURISDICTION OF COMMISSION**

338

339 **Sec. 62-86. - Designation of St. Marys Historic District.**

340 (a) Since the St. Marys Historic District has been recognized in local ordinance by the City of St. Marys  
341 and by listing in the National Register of Historic Places since 1978, this document will serve as the  
342 primary jurisdiction for the historic preservation commission.

343 (b) The boundaries of the St. Marys Historic District shall conform to the boundaries as listed in the  
344 National Register of Historic Places and as per the map official identified as Attachment A, [on file  
345 with the city] which is incorporated into this chapter by this reference thereto.

346 (c) Evaluation of the properties within the St. Marys Historic District shall be by the HPC or their  
347 designated staff or consultant. Individual properties within the historic district shall be classified as:

348 (1) Historic (more than 50 years old and contributing to the historical character of the district).

349 (2) Historic-obscured (more than 50 years old, but not contributing to the historical character of the  
350 district due to unsympathetic but not irreparable alterations).

351 (3) Nonhistoric (less than 50 years old if possessing architectural character).

352 (4) Intrusions (structures of any age which detract from the historical character of the district).

353 (5) Vacant.

354 (d) The historic preservation commission shall, subject to available funding, keep an up-to-date listing of  
355 all properties either located within the district or any properties outside of the district that become  
356 older than 50 years from any given date.

357 (Ord. of 3-8-10, § 1)

358 **Sec. 62-87. - Preliminary research by historic preservation commission.**

359 (a) *Historic preservation commission's mandate to conduct survey of local historical resources.* The  
360 historic preservation commission shall have the authority to compile and collect information and  
361 conduct historic resources surveys within the City of St. Marys.

362 (b) *Historic preservation commission's power to recommend districts and buildings to the City of St.*  
363 *Marys City Council for designation.* The commission shall present to the mayor and city council  
364 recommendations for the designation of historic districts and historic properties.

365 (c) *Historic preservation commission's documentation of proposed designation.* Prior to the historic  
366 preservation commissions recommendation of a historic district or historic property to the City of St.

367 Marys City Council for designation, the historic preservation commission shall prepare a report for  
368 nomination in accordance with requirements of the Historic Preservation Division of the Georgia  
369 Department of Natural Resources that consist of the following items. The following items shall apply  
370 for new historic districts and/or properties as well as for expansion or amendment of existing historic  
371 districts and/or properties:

- 372 (1) A physical description.
- 373 (2) A statement of the historical, cultural, architectural and or aesthetic significance.
- 374 (3) A map showing district boundaries and classification {i.e., contributing, noncontributing, or  
375 historic, nonhistoric, vacant, intrusive} of individual properties therein, or showing boundaries of  
376 individual historic properties.
- 377 (4) Representative photographs.

378 (Ord. of 3-8-10, § 1)

379 **Sec. 62-88. - Designation of additional historic districts; amendments to St. Marys Historic District.**

380 (a) *Criteria for selection of historic districts.* A historic district is a geographically definable area by itself  
381 or which is contiguous to the St. Marys Historic District, which contains structures, landscape, sites,  
382 grave markers, works of art or a combination thereof which:

- 383 (1) Have special character or special historic/aesthetic value or interest.
- 384 (2) Exemplify the history of the city, the county, the state or coastal area.
- 385 (3) Cause such area, by reason of such factors, to constitute a visibly perceptible section of the  
386 city, such as a historically compact grouping of structures.

387 (b) *Boundaries of historic district.* Boundaries of a historic district shall be specified on tax maps; these  
388 boundaries will be included in the separate ordinances designating local districts. Boundaries  
389 specified in legal notices shall coincide with the boundaries finally designated. Districts shall be  
390 shown on the official zoning map of the city.

391 (c) *Evaluation of properties within designated historic districts.* Areas within additional historic districts  
392 shall be classified as follows:

- 393 (1) Historic (more than 50 years old and contributing to the district).
- 394 (2) Historic-obscured (more than 50 years old but not contributing to the character of the district  
395 because of substantial but not irreparable changes).
- 396 (3) Nonhistoric (less than 50 years old yet possessing architectural character).
- 397 (4) Intrusions (buildings of any age which detract from the historical character of the district).
- 398 (5) Vacant lots.

399 A list of properties in the proposed historic district and their classifications shall be included in every  
400 ordinance designating a historic district.

401 (d) *Affirmation of existing zoning.* This article is not a use ordinance, and local zoning laws, where they  
402 exist, remain in effect until modified.

403 (Ord. of 3-8-10, § 1)

404 **Sec. 62-89. - Designation of historic properties.**

405 (a) *Criteria for selection of properties.* A historic property is a building, structure, site or work of art,  
406 including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of  
407 preservation by reason of value to the city, the county, the state or coastal area, for one or more of  
408 the following reasons:

- 409 (1) It is an outstanding example of a structure representative of its era.
- 410 (2) It is one of the few remaining examples of past architectural style.
- 411 (3) It is a place or structure associated with an event or person of historic or cultural significance to
- 412 the city, the county, the State of Georgia, the United States of America or the coastal region.
- 413 (4) It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or
- 414 historical development and heritage of the city, the county, the State of Georgia, the United
- 415 States of America or the coastal area.

416 (b) *Boundaries of historic property.* Boundaries of a historic property shall be specified on tax maps;

417 these boundaries will be included in separate ordinances designating historic properties; boundaries

418 specified in legal notices shall correspond with the boundaries finally designated; historic properties

419 shall be shown on the official zoning map of the city.

420 (Ord. of 3-8-10, § 1)

421 **Sec. 62-90. - General matters affecting the designation of additional historic districts, historic**

422 **properties or historic buffer areas.**

423 (a) *Application for designation of historic district or historic property.* Designations may be proposed by

424 the City of St. Marys City Council, the historic preservation commission, or:

425 (1) *For historic districts*—A historical society, neighborhood association or group of property owners

426 may apply to the historic preservation commission for designation.

427 (2) *For historic properties*—A historical society, neighborhood association or property owner may

428 apply to the historic preservation commission for designation.

429 (b) *Required public hearings.* The commission or the City of St. Marys shall hold public hearing on the

430 proposed ordinance for designation of any historic district or property. Notice of the hearing shall be

431 published in at least three consecutive issues in the principal newspaper of local circulation, and

432 written notice of the hearing shall be mailed by the historic preservation commission to all owners

433 and occupants of such properties. All such notices shall be published or mailed not less than ten, nor

434 more than 20 days prior to date set for the public hearing. A letter sent via the United States Mail to

435 the last-known owner of the property, as recorded on the tax rolls in the county tax assessor's office,

436 and a notice sent via "attention of the occupant" shall constitute legal notification to the owner and

437 occupant under this chapter.

438 (c) *Notification of property owners of proposed designation.* Any ordinance recommending any property

439 as a part of a historic district or as a historic property for designation shall:

440 (1) Describe each property to be designated, which shall include, as a minimum:

441 a. A physical description.

442 b. A statement of the historical, cultural, architectural and or aesthetic significance.

443 c. A map showing district boundaries and classification (i.e., contributing, noncontributing, or

444 historic, nonhistoric, vacant, intrusive) of individual properties therein, or showing

445 boundaries of individual historic properties.

446 d. Tax parcel number and other site related data.

447 e. Representative color photographs of all facades of the building and any significant details

448 (digital ok).

449 f. Photographs of the streetscape approaching the site from both directions (digital ok).

450 (2) Set forth the names of all known present and historic owners of the properties to be designated.

451 (3) After designation of the area a certificate of appropriateness must be obtained from the historic  
452 preservation commission prior to any material change in appearance to the property as defined  
453 in the definition section of this chapter.

454 (d) *Requirements regarding district boundaries.* Any ordinance designating any property as a historic  
455 property, or as part of a historic district area, shall require that the designated property district be  
456 shown on the official zoning map of the city and kept as public record to provide notice of such  
457 designation.

458 (e) *Notification of historic preservation division.* No less than 30 days prior to the recommendation on  
459 any ordinance designating any property or district as historic, the historic preservation commission  
460 must submit a report on the historic, cultural, architectural or aesthetic significance of each place,  
461 district, site, building/structure or work of art to the historic preservation division of the department of  
462 natural resources. Once a historic district or historic property has been designated by the city  
463 council, the historic preservation commission shall work with the Coastal Georgia CRC area planning  
464 and development commission historic preservation planner to provide whatever additional  
465 information is needed by the historic preservation division to nominate the designated district or site  
466 to the National Register of Historic Places.

467 (f) *Recommendations on proposed designations.* A recommendation to affirm, modify or withdraw the  
468 proposed ordinance for designation shall be made within 15 days following the public hearing, and  
469 shall be in the form of a resolution by the City of St. Marys City Council.

470 (g) *The City of St. Marys City Council actions on the commission's recommendation.* Following receipt of  
471 the commission recommendation, the City of St. Marys City Council may adopt the ordinance as  
472 proposed, may adopt the ordinance with any amendments they deem necessary, or reject the  
473 ordinance.

474 (h) *Notification of adoption of ordinance for designation.* Within 30 days immediately following the  
475 adoption of the ordinance for designation, the owners and occupants of each designated historic  
476 property, and the owners and occupants of each building, structure, site, object or work of art located  
477 within a designated historic district shall be given written notification of such designation by the City  
478 of St. Marys City Council, which notice shall apprise the owners and occupants of the necessity of  
479 obtaining a certificate of appropriateness for undertaking any material change in appearance of a  
480 property which is a part of a designated district or site. A notice sent via the United States Mail to the  
481 last-known owner of the property, as recorded on the tax rolls in the county tax assessor's office,  
482 and/or a notice sent via "attention of the occupant" shall constitute legal notification to the owner and  
483 occupant under this chapter.

484 (i) *Notification of other agencies regarding designation.* The commission shall notify all necessary  
485 agencies within the city of the ordinance for designation, including the mayor and city council, the  
486 planning commission and the office of building official and zoning official. The commission will also  
487 notify individuals and agencies throughout the city, the county, the state and coastal area likely to be  
488 interested in the ordinance.

489 (j) *Moratorium on applications for alteration or demolition while ordinance for designation is pending.* If  
490 an ordinance for designation is being considered, the historic preservation commission shall have  
491 the power to freeze the status of the involved property.

492 (Ord. of 3-8-10, § 1)

493 Secs. 62-91—62-109. - Reserved.

494 **DIVISION 4. - CERTIFICATE OF APPROPRIATENESS**

495

496 **Sec. 62-110. - Definition of applicant.**

497 The application for any certificate of appropriateness shall be in person by the owner(s) of the  
498 structure or parcel. In the event that the owner(s) are physically or mentally unable to present the  
499 application in person, a notarized letter authorizing another individual to represent them must be  
500 submitted at the time of the submission of the application. If the owner(s) or authorized individual as  
501 defined herein, is not present at the stated meeting, the application will be postponed without review until  
502 the next regularly scheduled meeting. Applications of any changes to exterior architectural or  
503 environmental appearance visible and adjacent to the public right of way within historic districts or historic  
504 properties shall be within the jurisdiction of the historic preservation commission. Applications for any  
505 changes to city-owned property within districts or sites shall be by department or board representative.

506 (Ord. of 3-8-10, § 1)

507 ~~Sec. 62-111. - Exterior architectural features.~~

508 ~~Approval of alterations to the exterior architectural features of existing buildings in historic districts, or~~  
509 ~~historic properties, is required. After the designation by ordinance of a historic district or a historic~~  
510 ~~property, no material change in the exterior architectural appearance of any existing building within these~~  
511 ~~areas shall be permitted to be made by the owner or occupant thereof unless or until an application for a~~  
512 ~~certificate of appropriateness has been submitted to and approved by the commission. The certificate of~~  
513 ~~appropriateness will certify that the change in exterior architectural appearance is compatible with the~~  
514 ~~historical features of the building being altered and the adjoining properties.~~

515 (Ord. of 3-8-10, § 1)

516 **Sec. 62-~~112~~111. - Approval of new construction within historic districts or historic properties.**

517 After the designation by ordinance of a historic district or historic property, no new building or  
518 structures shall be constructed until the owner or occupant thereof has submitted an application for a  
519 certificate of appropriateness to the commission and the commission has approved it. These structures or  
520 developments shall conform in design, scale, building materials, setback and other exterior architectural  
521 features to the character of the designated district and site as specified in the commission's design  
522 guidelines. Decisions of the historic preservation commission shall not override or supersede the  
523 requirements of the official zoning ordinances of the City of St. Marys without utilizing the procedures  
524 outlined in the zoning ~~Ordinance ordinance, No chapter~~ 110. All property directly abutting the project  
525 under consideration shall be notified in writing as to the presence of an application for consideration by  
526 the HPC. Notification shall be only to abutting property owners that share a property line, and shall not  
527 cross any street or right-of-way or major watercourse or feature.

528 (Ord. of 3-8-10, § 1)

529 **Sec. 62-~~113~~112. - ~~Material Changes changes~~ to exterior architectural and environmental features on**  
530 **historic properties ~~nor within~~ historic districts.**

531 (a) After the designation by ordinance of a historic district or historic property no changes in exterior  
532 environmental features or exterior architectural features of existing buildings shall occur unless an  
533 application for a certificate of appropriateness has been submitted by or for the owner to the  
534 commission and approved by the commission. Decisions of the historic preservation commission  
535 shall not override or supersede the requirements of the official zoning ordinances of the City of St.  
536 Marys without utilizing the procedures outlined in the zoning ~~Ordinance, No chapter~~ 110. All  
537 property directly abutting the project under consideration shall be notified in writing as to the  
538 presence of an application for consideration by the HPC. Notification shall be only to abutting  
539 property owners that share a property line, and shall not cross any street or right-of-way or major  
540 watercourse or feature.

541 (b) Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior  
542 architectural feature in or on a historic property, which maintenance or repair does not involve a  
543 material change in design, material, or outer appearance thereof, nor to prevent any property owner  
544 from making any use of his property not prohibited by other laws, ordinances, or regulations.

545 **Sec. 62-113 -Disposition, alteration or removal of trees in the historic district or on historic properties**

546

547 ~~\_(b) Two basic types of activities shall constitute change to exterior environmental features:~~

548 ~~(1) The removal or alteration of exterior environmental features which affect a property~~  
549 ~~historically/aesthetically. These features shall include: Trees ten inches in diameter measured at~~  
550 ~~a point 24 inches above the ground, the topography of a property, paving materials, fencing,~~  
551 ~~lighting fixtures and outbuildings.~~

552 ~~(2) The addition of exterior environmental features which will affect the historic/aesthetic qualities of~~  
553 ~~a property. These features shall include: Driveways, walkways, parking lots, fences,~~  
554 ~~outbuildings, lighting fixtures and permanent yard signs.~~

555 (ea) Disposition of all trees, at least ten inches in diameter, as measured at a point 24 inches above the  
556 ground, in the historic district shall be determined by either the HPC or the City of St. Marys Tree  
557 Board in compliance with this section. Within private parcels of the historic district, if there is an  
558 immediate threat to life or property, posed by a dead or dying tree, the Community Development  
559 Director has the authority to have the tree removed. Within private parcels of the historic district,  
560 where a tree is dead, diseased or in otherwise poor health, and is not an imminent threat, the tree  
561 board will have sole jurisdiction as to its removal. Within private parcels of the historic district, where  
562 a tree is healthy and requested to be removed by either the city or a property owner, the historic  
563 preservation commission shall have sole jurisdiction as to its removal. However, the HPC requires  
564 that for all live oak trees determined to be removed for any reason, one new live oak of minimum  
565 diameter of **2.5 inches** shall be planted on the site. Replacement of other species of trees shall be  
566 replaced as per the requirements of the tree board.

567 (eb) If a dead or damaged tree poses an immediate and/or imminent physical threat to the safety of the  
568 community, or danger to citizens, historic property or other property as evidenced by appropriate  
569 documentation by either a tree removal specialist, ~~the building director or planning or the Community~~  
570 ~~D~~irector, the ~~planning~~ Community Development Director may authorize its removal without going  
571 before the historic preservation commission, with notification to the HPC, the tree board and the city  
572 manager. The city manager will notify council of this action. Documentation shall be in writing with  
573 appropriate data as necessary to state the reasons for the immediate removal of the tree(s).

574 (ec) If the tree board is eliminated by direct action of council, all jurisdiction of trees shall be transferred to  
575 the HPC. In the event of any conflict with the tree board ordinances, the HPC ordinance shall govern.

576 (Ord. of 3-8-10, § 1)

577 **Sec. 62-114. - Guidelines and criteria for review.**

578 (a) When considering applications for certificates of appropriateness to exterior architectural and  
579 environmental features of historic properties or within historic districts, the Secretary of the Interior's  
580 "Standards of Rehabilitation" and the "St. Mary's Historic District Guidelines Study, June 30, 1986, by  
581 Galyon and Associates/PDM" shall be used as a guideline along with any other criteria adopted by  
582 the commission.

583 (b) Determine the classification of the property according to Sec. 62-86, by year built, era in context and  
584 architectural style.

585 (c) If classified as Historic or Historic-obscured, the commission shall determine that,

586 I. A property will be used as it was historically or be given a new use that requires minimal  
587 change to its distinctive materials, features, spaces, and spatial relationships.

588 II. The historic character of a property will be retained and preserved. The removal of  
589 distinctive materials or alteration of features, spaces, and spatial relationships that  
590 characterize a property will be avoided.

- 591 III. Each property will be recognized as a physical record of its time, place, and use. Changes  
592 that create a false sense of historical development, such as adding conjectural features or  
593 elements from other historic properties, will not be undertaken.  
594 IV. Changes to a property that have acquired historic significance in their own right will be  
595 retained and preserved.  
596 V. Distinctive materials, features, finishes, and construction techniques or examples of  
597 craftsmanship that characterize a property will be preserved.  
598 VI. Deteriorated historic features will be repaired rather than replaced. Where the severity of  
599 deterioration requires replacement of a distinctive feature, the new feature will match the  
600 old in design, color, texture, and, where possible, materials. Replacement of missing  
601 features will be substantiated by documentary and physical evidence.  
602 VII. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest  
603 means possible. Treatments that cause damage to historic materials will not be used.  
604 VIII. Archeological resources will be protected and preserved in place. If such resources must be  
605 disturbed, mitigation measures will be undertaken.  
606 IX. New additions, exterior alterations, or related new construction will not destroy historic  
607 materials, features, and spatial relationships that characterize the property. The new work  
608 will be differentiated from the old and will be compatible with the historic materials,  
609 features, size, scale and proportion, and massing to protect the integrity of the property  
610 and its environment.  
611 X. New additions and adjacent or related new construction will be undertaken in such a  
612 manner that, if removed in the future, the essential form and integrity of the historic  
613 property and its environment would be unimpaired.  
614 (d) If classified as non-historic, intrusions, or vacant, the commission shall determine that,  
615 i. general design arrangement is in keeping with the district.  
616 ii. scale and massing are in keeping with those surrounding.  
617 iii. context, texture and material of any architectural or environmental features involved in the change  
618 and the relationship thereof to the surroundings do not have a substantial adverse effect on the  
619 aesthetic, historic or architectural significance and value of the historic district.  
620 ~~\_(a) When considering applications for certificates of appropriateness to existing buildings, the Secretary~~  
621 ~~of the Interior's "Standards of Rehabilitation", shall be used as a guideline along with any other~~  
622 ~~criteria adopted by the commission. When considering applications for certificates of appropriateness~~  
623 ~~for new construction the City of St. Marys, Georgia's "New Construction and Design Guidelines",~~  
624 ~~shall be used as a guideline along with any other criteria adopted by the commission.~~  
625 ~~\_(b) Signs located within the St. Marys Historic District.~~  
626 ~~(1) Purpose. In support and furtherance of its findings and determination that the historical, cultural~~  
627 ~~and aesthetic heritage of the City of St. Marys is among its most valued and important assets~~  
628 ~~and that the preservation of this heritage is essential to the promotion of the health, prosperity~~  
629 ~~and general welfare of the people; in order to stimulate revitalization of the waterfront district~~  
630 ~~and historic neighborhoods and to protect and enhance historical and aesthetic qualities of the~~  
631 ~~city for the enjoyment of the city's residents and visitors alike; in order to enhance the~~  
632 ~~opportunities for federal tax relief of property owners under relevant provisions federal law; in~~  
633 ~~order to provide for designation, protection, preservation and rehabilitation of historic properties~~  
634 ~~and districts and to participate in federal programs to do the same; in order that the above~~  
635 ~~activities will perpetuate the city's high quality of life for present and future generations, the~~  
636 ~~Mayor and Council of the City of St. Marys hereby declare it to be the purpose and intent of this~~  
637 ~~article to establish a uniform procedure for use in providing for the protection, enhancement,~~  
638 ~~perpetuation and use of places, districts, sites, buildings, structures and works of art having a~~

639 special historical, cultural or aesthetic interest or value, in accordance with the provisions of the  
640 article.

641 ~~(2) Definitions. For the purposes of this article and except as may be revised herein, definitions of~~  
642 ~~any term shall be consistent with the definitions contained in section 46-137 of the Code of~~  
643 ~~Ordinances of the City of St. Marys. In the absence of any definition listed below, the New~~  
644 ~~American Dictionary, latest edition shall be used to provide the proper definition.~~

645 ~~(3) General. Any sign proposed to be erected within physical limits of the St. Marys Historic District~~  
646 ~~regardless of the underlying zoning shall be submitted for a certificate of appropriateness (COA)~~  
647 ~~from the historic preservation commission (historic preservation commission). The planning~~  
648 ~~commission will not review or approve any signage within the historic district.~~

649 ~~(4) Adherence to historic preservation commission guidelines. All owners or prospective owners of~~  
650 ~~businesses or residential properties in the historic district must adhere to historic preservation~~  
651 ~~commission guidelines whose sole purpose is to retain the historic character of the district. All~~  
652 ~~signs visible from the public street or public alley and/or directly adjacent to the public street or~~  
653 ~~alley shall be within the jurisdiction of the historic preservation commission.~~

654 ~~(5) Criteria. When considering applications for certificates of appropriateness for new or revised~~  
655 ~~signage in the historic district, the Historic Preservation Commission shall use the criteria~~  
656 ~~contained within this ordinance.~~

657 ~~a. For the purposes of this section, the term signs shall include banners, fixed signage, free~~  
658 ~~standing signage, flags, sandwich board signs, push-in signs, streamers, balloons, canopy~~  
659 ~~advertising, umbrella advertising, mobile parked vehicle signage (but not including signs on~~  
660 ~~vehicles doing business within the district), and similar advertising media. Sign requests~~  
661 ~~shall be submitted on an application form as approved by the historic preservation~~  
662 ~~commission with date of submission to the planning department.~~

663 ~~b. Signs shall strictly comply with this section of Ordinance No. 62.~~

664 ~~c. Signs shall initially be reviewed by staff of the planning department as to completeness of~~  
665 ~~the submitted documents. Incomplete applications will not be accepted by the staff of the~~  
666 ~~planning department or reviewed by the historic preservation commission.~~

667 ~~d. Complete applications for any signs shall then be submitted to the historic preservation~~  
668 ~~commission for review in public session with the historic preservation commission voting to~~  
669 ~~approve or disapprove the submitted sign. The owner of the sign or representative~~  
670 ~~authorized in writing to represent the owner, is required to be in attendance to present the~~  
671 ~~application to the historic preservation commission. Owner or representative shall be~~  
672 ~~authorized to make decisions for or on behalf of the owner.~~

673 ~~e. Signs must not distract or detract from the visual historic character of the St. Marys Historic~~  
674 ~~District and shall not obscure architectural details of the building and property.~~

675 ~~(6) Specific regulations:~~

676 ~~a. No more than two exterior signs per lot. Of the two exterior signs, only one may be pylon or~~  
677 ~~freestanding.~~

678 ~~b. All freestanding or pylon signs shall be considered a special use, under the requirements~~  
679 ~~of a special use listed in Ordinance No. 110. In consideration of the special use, applicant~~  
680 ~~shall note the height, size (not to exceed 25 square feet on one side), location,~~  
681 ~~photographs of the location, type of construction, whether the pylon sign will block any~~  
682 ~~historic features, illumination, and whether the sign would create a safety or visibility~~  
683 ~~problem with pedestrians or vehicles as well as other factors that the historic preservation~~  
684 ~~commission would need to consider before granting approval. Materials for freestanding~~  
685 ~~signs should use materials that coordinate with the surrounding properties construction~~  
686 ~~design. The base of said signs shall be shielded by plants. Materials for freestanding signs~~  
687 ~~should be of wood or a material that closely resembles wood in appearance.~~

- 688 ~~e. Other exterior wall signs shall either be attached flat against the wall or project at 90~~  
689 ~~degrees from the wall for maximum of 36 inches. Signs flat on the wall shall not project out~~  
690 ~~from the surface more than six inches and not create a safety or visibility problem with~~  
691 ~~pedestrians or vehicles. The total size of all wall and projecting signs is 40 square feet.~~
- 692 ~~d. Multi tenant buildings with separate doors to the exterior may post one sign at each main~~  
693 ~~entry not to exceed two square foot.~~
- 694 ~~e. Multi tenant buildings with one main door to the exterior shall post one sign at the main~~  
695 ~~entry not to exceed six inches by 18 inches for each tenant stacked vertically.~~
- 696 ~~f. Signs may be illuminated from ground mounted up lamps with no spillover of light that will~~  
697 ~~affect pedestrian and vehicle traffic.~~
- 698 ~~g. Backlit, neon, digital, LED, flashing, or changing illumination is prohibited whether located~~  
699 ~~on the exterior or behind the glass and visible from the sidewalk or street.~~
- 700 ~~h. Non illuminated signage in the windows of exterior windows shall be no more than 20~~  
701 ~~square feet to enable visibility into the building for security purposes.~~
- 702 ~~i. Signs with changeable or moveable letters/messages are not permitted.~~
- 703 ~~j. Roof signs are not permitted.~~
- 704 ~~k. Billboards are not permitted.~~
- 705 ~~l. Freestanding signs (similar to sandwich signs) may not be located on sidewalks or on~~  
706 ~~street rights of way or on medians.~~
- 707 ~~m. One push in real estate sign not to exceed four square foot located OFF of the public ROW~~  
708 ~~is permitted.~~
- 709 ~~n. Political signs not to exceed two square foot per sign for any registered candidate (for any~~  
710 ~~city, county, or federal election), one per candidate, only on privately owned property with~~  
711 ~~consent of the property owner but NOT within the right of way (ROW).~~
- 712 ~~o. Yard sale signs are not permitted anywhere within the historic district.~~
- 713 ~~p. Signs advertising businesses or activities not located on the same site as the sign are not~~  
714 ~~permitted.~~
- 715 ~~q. Businesses or activities located outside of the historic district are not permitted to post~~  
716 ~~signage of any type within the historic district.~~
- 717 ~~r. Intensive holiday displays (such as but not limited to festivals/activities relating to~~  
718 ~~Christmas, New Years, Easter, July 4th, Reek Shrimp, Mardi Gras) shall receive a COA~~  
719 ~~from the historic preservation commission, as well a city review based on the assembly~~  
720 ~~portion of the city ordinances prior to 60 days of the event. Any signage regarding~~  
721 ~~sponsorship shall be limited to eight inches by 24 inches.~~
- 722 ~~s. Paintings or works of art that do not convey a commercial message are permitted upon~~  
723 ~~approval of the historic preservation commission.~~
- 724 ~~t. There shall be no signs advertising alcohol or products containing alcohol.~~
- 725 ~~u. Official flags. Official U.S. or GA. flags shall be flown in accordance with protocol~~  
726 ~~established by the Congress of the United States for the stars and stripes, or State of~~  
727 ~~Georgia, as applicable.~~
- 728 ~~v. Traffic safety and traffic directional signs installed within the right of way of a public street,~~  
729 ~~and traffic safety and traffic directional signs along private streets driveways, and in off-~~  
730 ~~street parking lots that are installed per the requirements of the city engineer or per city,~~  
731 ~~state, or federal ordinance shall be permitted.~~

- 732 ~~w. Street address numbers attached to buildings (maximum letter height 12 inches) to ensure~~  
733 ~~visibility for public service recognition shall be permitted.~~
- 734 ~~x. Any sign not visible from a public street does not require historic preservation commission~~  
735 ~~approval.~~
- 736 ~~y. Signs pertaining to the time a business, activity, or establishment is open, and conditions~~  
737 ~~under which patrons may receive service, including credit card identification signs or~~  
738 ~~stickers up to a total of all such signs to a maximum of one square foot in area per main~~  
739 ~~entry door.~~
- 740 ~~z. Any signage regarding "official" sponsorship of any event held on a private property shall~~  
741 ~~be limited to eight inches by 24 inches and not be placed within the ROW. Sponsorship~~  
742 ~~signs shall be permitted to be placed only on the parcel containing the event a maximum of~~  
743 ~~30 days in advance of the event, with removal ten days after the event.~~
- 744 ~~(7) Prohibited signs. The following types of signs are prohibited in all zoning districts of the city,~~  
745 ~~except as otherwise specifically provided by this section:~~
- 746 ~~a. Animated signs.~~
- 747 ~~b. Automated changeable copy signs.~~
- 748 ~~c. Flashing signs.~~
- 749 ~~d. Any air or gas filled balloons.~~
- 750 ~~e. Portable signs.~~
- 751 ~~f. Pylon signs not otherwise permitted per this section.~~
- 752 ~~g. Roof signs not permitted.~~
- 753 ~~h. Sidewalk signs not otherwise permitted per this section.~~
- 754 ~~i. Streamers and pennants.~~
- 755 ~~j. Signs that imitate an official traffic sign or signal. This includes signs that use colored lights~~  
756 ~~at any location or in any manner so as to be confused with, or construed as, traffic control~~  
757 ~~devices.~~
- 758 ~~k. Signs within the right of way, including those attached to traffic signs or telephone poles,~~  
759 ~~trees, the ground, or vehicles of any wheeled or wheel-less type.~~
- 760 ~~l. Signs attached to trees, other natural features and utility poles.~~
- 761 ~~m. Signs attached to courtesy benches, trashcans, and similar devices, with the exception of~~  
762 ~~signage related to the ownership of such items.~~
- 763 ~~n. Trailer mounted signs.~~
- 764 ~~o. Banners.~~
- 765 ~~p. Any sign or outdoor advertising display that depicts any material which is obscene as~~  
766 ~~defined in O.C.G.A. § 16-12-80.~~
- 767 ~~q. Any sign or outdoor advertising display that shows nudity as defined in O.C.G.A. § 32-6-75.~~
- 768 ~~r. Signs illuminated in such a way that they cast intense light onto any residential premises or~~  
769 ~~public roadways, or impair motorist vision, as determined by law enforcement personnel.~~
- 770 ~~s. No exterior outdoor advertising or interior advertising visible from the exterior shall be~~  
771 ~~erected in the city advertising or promoting the sale of alcoholic beverages.~~
- 772 ~~t. Signs shall not be erected, constructed or maintained so as to obstruct any fire escape,~~  
773 ~~any window, door or opening used as a means of egress.~~

- 774 ~~u. State law prohibits the placement of any sign on city rights of way, including political signs.~~  
775 ~~Signs on the city or state rights of way are considered littering and a misdemeanor and be~~  
776 ~~subject to the fines for littering and for removal costs as noted herein.~~
- 777 ~~v. All signs prohibited by the Official Code of Georgia.~~
- 778 ~~w. Consistent with the Internal Revenue Code of 1954 Rev. Rule 585-80(7)(b), a private club~~  
779 ~~should not advertise its facilities for nonmember patronage since this would be prima facie~~  
780 ~~evidence it was engaging in business.~~
- 781 ~~x. Push in signs for any purpose (except real estate signs and signs not to exceed two square~~  
782 ~~feet per sign for any registered candidate for any city, county, or federal election) are not~~  
783 ~~permitted within the historic district or on privately owned property or within the street right~~  
784 ~~of way (ROW).~~
- 785 ~~(8) Administration.~~
- 786 ~~a. All signs erected within the St. Marys Historic District must have approval of the historic~~  
787 ~~preservation commission.~~
- 788 ~~b. A certificate of appropriateness (COA) application in a form approved by the historic~~  
789 ~~preservation commission must be completed, submitted to the planning director or~~  
790 ~~designated staff member for completeness at least 15 days in advance of the regularly~~  
791 ~~scheduled monthly meeting.~~
- 792 ~~c. The application will be reviewed and approved by the historic preservation commission at~~  
793 ~~their regularly scheduled monthly meeting.~~
- 794 ~~d. The applicant for a COA must be in attendance to present their application. A written letter~~  
795 ~~of authorization for another to represent them can be provided should the applicant wish to~~  
796 ~~have another represent them.~~
- 797 ~~e. Upon approval, all signs must conform to the regulations of this article.~~
- 798 ~~f. The director of planning or designated staff member shall be authorized to issue sign~~  
799 ~~permits after approval by the historic preservation commission in accordance with the~~  
800 ~~provisions of this article.~~
- 801 ~~g. The city shall process all sign permit applications within 30 business days of the city's~~  
802 ~~actual receipt of both a completed and approved COA and a sign permit fee. In no event,~~  
803 ~~except with permission of the applicant, may the director of planning or designated staff~~  
804 ~~member delay acting upon a sign permit application.~~
- 805 ~~h. The director of planning or designated staff member shall reject any application containing~~  
806 ~~any false material statements or omissions. Any rejected application later resubmitted shall~~  
807 ~~be deemed to have been submitted on the date of re-submission, instead of original~~  
808 ~~submission. Should it be determined that a sign permit was issued pursuant to an~~  
809 ~~application containing a false material statement or omission, the director of planning or~~  
810 ~~designated staff member shall revoke said application and the subject sign shall be~~  
811 ~~removed. A revocation pursuant to this section shall be appealable pursuant to this article.~~
- 812 ~~i. Sign permit expiration date. A sign permit shall become null and void if the sign for which~~  
813 ~~the permit was issued has not been completed within 12 months after the date of issuance.~~  
814 ~~No refunds will be made for a permit after the permit is issued. If later an individual desires~~  
815 ~~to erect a sign at the same location, a new application for the sign must be processed, the~~  
816 ~~approval process restarted from the beginning, and another fee paid in accordance with~~  
817 ~~the fee schedule applicable at such time.~~
- 818 ~~j. Sign permit fees. No sign permit shall be issued until the appropriate application has been~~  
819 ~~filed with the director of the department of planning or designated staff member and fees~~  
820 ~~have been paid as adopted from time to time by the St. Marys City Council.~~

821 ~~k. Upon failure of the sign owner, lessee, or property owner to comply with this article, the~~  
822 ~~planning director shall give written notice of intent to obtain a removal order, by registered~~  
823 ~~or certified mail with return receipt requested, to the sign owner, lessee, or property owner.~~  
824 ~~Among other items, provided to the sign owner will be a written notice, certified and return~~  
825 ~~receipt requested, to be and appear at the next regularly scheduled meeting of the historic~~  
826 ~~preservation commission to show cause why said sign should not be subject to a removal~~  
827 ~~order. At such meeting the following will transpire:~~

828 ~~1. The planning and zoning director will provide the reasons why the sign should be~~  
829 ~~removed and the sign owner will be awarded the opportunity to explain why the sign~~  
830 ~~should remain.~~

831 ~~2. Afterwards, members of the general public may be granted the opportunity to speak at~~  
832 ~~the discretion of the historic preservation commission chairperson. Thereafter, any~~  
833 ~~member of the historic preservation commission may make a motion to take action.~~

834 ~~3. Upon the motion being seconded, discussion will follow customary meeting~~  
835 ~~procedures as contained elsewhere in chapter 62—Historic Preservation.~~

836 ~~(9) Nonconforming signs.~~

837 ~~a. Nonconforming signs that met all legal requirements when erected may stay in place until~~  
838 ~~the deterioration of the sign or damage to the sign makes it a threat to public safety, and no~~  
839 ~~repairs have been effected within five days of receipt of registered or certified notice, return~~  
840 ~~receipt requested, from the director of planning or building directing that immediate repairs~~  
841 ~~are necessary to protect public safety. Any sign removed in accord with this section, shall~~  
842 ~~not be replaced except in accord with the current requirements of this article.~~

843 ~~b. Any nonconforming sign shall either be eliminated, or made to conform to the requirements~~  
844 ~~of this article, when any proposed change, repair, or maintenance would constitute an~~  
845 ~~expense of more than 50 percent of the lesser of the original value or replacement value of~~  
846 ~~the sign.~~

847 ~~(10) Enforcement. This article shall be administered and enforced by the director of the department~~  
848 ~~of planning or building or his or her designee. In case any sign that is proposed to be erected,~~  
849 ~~constructed, altered, converted, or used in violation of any provision of this article, the director of~~  
850 ~~the department of planning or building may, in addition to other remedies, and after notice to the~~  
851 ~~appropriate person, issue a citation for violation of the city ordinance thereby requiring the~~  
852 ~~presence of the violator in municipal court; institute the filing of a petition for an injunction, or~~  
853 ~~other appropriate action or proceeding to prevent such unlawful erection, construction,~~  
854 ~~alteration, conversion, or use to correct or abate such violation. Additionally, the director of the~~  
855 ~~department of planning or building may have the sign removed at the expense of the owner with~~  
856 ~~a lien filed against the property, and may issue a citation for violation of the city ordinance to the~~  
857 ~~agent that placed the sign, as well as those parties responsible for directing the agent, including~~  
858 ~~the person or business owner whose name, message, and/or address, and/or telephone~~  
859 ~~number appears on the sign.~~

860 ~~a. The city, without warning or notice to the sign owner, may remove any sign located within a~~  
861 ~~public street right of way immediately. Signs so removed shall be immediately destroyed~~  
862 ~~without any consideration of compensation to the sign owner, known or unknown.~~

863 ~~b. Penalty for violation. Any person violating any provision of this article or conditions of the~~  
864 ~~issued permit, or stop work order shall be subject to a fine up to \$1,000.00 per violation per~~  
865 ~~day or by imprisonment for a period not to exceed 60 days, or both.~~

866 ~~c. City occupation taxes, public liability insurance required. It shall be a violation of this article~~  
867 ~~for any person to engage in the business of erecting or maintaining signs within the city,~~  
868 ~~unless and until such entity shall have paid a city occupational tax or furnished proof of~~  
869 ~~payment of an occupation tax to another municipality or county, reference section 22-24 of~~  
870 ~~the St. Marys Code of Ordinances, and a certificate of insurance from an insurance~~

871 company authorized to do business in the state evidencing that the person or entity has in  
872 effect public liability and property damage insurance.

873 ~~d. Termination of sign permit and/or city occupation license. Violation of any provision of this~~  
874 ~~article will be grounds for terminating the sign permit granted by the city to the owner~~  
875 ~~and/or the occupation tax certificate of the person or entity erecting the sign. Except as~~  
876 ~~otherwise provided in this article, no permit and/or occupation tax certificate shall be~~  
877 ~~suspended, revoked or canceled except for cause as hereinafter defined, and the~~  
878 ~~permittee is granted a public hearing before the planning commission. The permittee will~~  
879 ~~be given ten days' written notice, by certified mail and return receipt requested, of the time,~~  
880 ~~place and purpose of the hearing, with a statement of the reason for the suspension,~~  
881 ~~revocation or canceling of such permit and/or certificate. "Cause" is the willful and/or~~  
882 ~~continued violation of the provisions of this article. The termination of the permit and/or~~  
883 ~~license does not in any way preclude the person or persons alleged to have violated the~~  
884 ~~provisions of this article from being tried under the enforcement provisions of this article.~~  
885 ~~Should a permittee fail to pick up the certified mail, and said mail is returned, this failure to~~  
886 ~~pick up will not delay the termination action or create any defense to stay any enforcement~~  
887 ~~action.~~

888 ~~e. Removal of abandoned signs. It is the intent of this section to establish reasonable time~~  
889 ~~periods for the removal of abandoned signs. For purposes of this section, all signs~~  
890 ~~pertaining to a business, service, institution, industry, or other activity that ceases~~  
891 ~~operations shall be deemed to be abandoned. For purposes of this section, "ceases~~  
892 ~~operations" shall be interpreted literally and to include cases where there is substantial~~  
893 ~~evidence that a business or activity has vacated the building or grounds; provided, further,~~  
894 ~~that this section shall not apply to any case where a business or activity is temporarily~~  
895 ~~suspended and there is evidence that the business or activity will resume operations within~~  
896 ~~a specifically designated period. It shall be the responsibility of the property owner, the~~  
897 ~~operator of a business or activity discontinuing a lease if any, and the leasehold manager if~~  
898 ~~any, ensuring compliance with the provisions of this section and each owner, operator, or~~  
899 ~~manager shall be considered individually responsible for compliance with this section.~~  
900 ~~Property owners will be given written notice, by certified mail with return receipt requested,~~  
901 ~~of the appropriate procedures necessary for abandoned signs. Should a property owner fail~~  
902 ~~to pick up the certified mail, and said mail is returned, this failure to pick up will not delay~~  
903 ~~the termination action or create any defense to stay any enforcement action.~~

904 ~~1. All abandoned signs that meet the definition of a window sign, wall sign, off premises~~  
905 ~~directional sign, marquee or canopy sign, temporary sign requiring a permit, or~~  
906 ~~temporary sign, shall be removed within ten days from the date of discontinuance.~~  
907 ~~The director of planning or building may permit an extension of this removal period~~  
908 ~~only in cases where special equipment is needed to remove the sign and removal of~~  
909 ~~the sign structure cannot reasonably be arranged by the sign owner within the ten-day~~  
910 ~~time period.~~

911 ~~2. All abandoned signs that meet the definition of a pylon sign shall be removed within~~  
912 ~~60 days from the date of discontinuance. The director of planning or building may~~  
913 ~~permit one 30-day extension of this removal period only in cases where special~~  
914 ~~equipment is needed to remove the sign or sign structures, and removal of the~~  
915 ~~structure cannot reasonably be arranged by the sign owner within the 60-day time~~  
916 ~~period.~~

917 ~~3. This section shall not apply to the structure of a monument sign, provided that it might~~  
918 ~~reasonably be used by a future tenant or property owner, complies with the provisions~~  
919 ~~of this article, and is maintained in good condition; provided further, that the following~~  
920 ~~shall be met:~~

921 ~~i. If an abandoned monument sign contains a message panel that is removable~~  
922 ~~from the monument structure without disassembling the monument, then within~~

923 ~~30 days of the date of discontinuance said panel shall be removed and the~~  
924 ~~portion of the monument structure that previously hold the message panel shall~~  
925 ~~be covered with durable cloth or canvas to avoid the appearance of blight, until~~  
926 ~~such time as a new sign permit is applied for and granted and an approved sign~~  
927 ~~panel is installed in said monument.~~

928 ~~ii. If an abandoned monument sign contains a sign copy area that is not removable~~  
929 ~~without disassembling the monument, then said sign copy area shall be modified~~  
930 ~~(e.g., painted over) or covered with durable cloth or canvas so that the sign copy~~  
931 ~~pertaining to the business or activity discontinued is no longer visible, until such~~  
932 ~~time as a new sign permit is applied for and granted and approved sign copy is~~  
933 ~~affixed on the sign copy area of said monument.~~

934 ~~iii. Removal of signs not maintained. All signs shall be maintained by the property~~  
935 ~~owner in good condition so as to present a neat and orderly appearance. The~~  
936 ~~director of the department of planning or building may remove or cause to be~~  
937 ~~removed, after proper written notice, any sign that shows gross neglect, becomes~~  
938 ~~dilapidated, or in the opinion of the chief building inspector poses a threat to~~  
939 ~~public safety. The director of the department of planning or building or his~~  
940 ~~designee will give the owner 45 days written notice, by certified mail with return~~  
941 ~~receipt requested, to correct the deficiencies or to remove the sign or signs,~~  
942 ~~except signs that pose a threat to public safety which shall be removed in accord~~  
943 ~~with this section. If the owner refuses to correct the deficiencies or remove the~~  
944 ~~sign, the director of the department of planning or building or his designee will~~  
945 ~~have the sign removed at the expense of the owner, with a lien filed against the~~  
946 ~~property. Should a permittee fail to pick up the certified mail, and said mail is~~  
947 ~~returned, this failure to pick up will not delay the termination action or create any~~  
948 ~~defense to stay any enforcement action.~~

949 ~~(c) When considering applications for certificates of appropriateness for new signage, the sign~~  
950 ~~ordinance of the City of St. Marys will be used along with any other criteria adopted by the~~  
951 ~~commission. Signs shall be as designated in the sign ordinance, and shall include banners, pole~~  
952 ~~mounted signs, building mounted signs, flags (but not including U.S. flags) signs painted in windows,~~  
953 ~~murals, seasonal and sale signs and sandwich board signs. Except for directional or public safety~~  
954 ~~(public ROW), real estate (on private property), political (on private property with owner's~~  
955 ~~permission), and personal (on private property) push in signs, all other types of push in signs are not~~  
956 ~~permitted at any time in the historic district. Electronic flashing signs are not permitted at any time in~~  
957 ~~the historic district. All signs shall be approved by the HPC as well as comply with the sign ordinance~~  
958 ~~as administered by the planning department. Signs shall be as designated in the sign ordinance, and~~  
959 ~~shall include banners, pole mounted signs, building mounted signs, flags (but not including U.S.~~  
960 ~~flags) signs painted in windows, murals, seasonal and sale signs and sandwich board signs.~~

961 ~~(d) All facades of the building and all structures or other site features visible from the public street or~~  
962 ~~public alley and directly adjacent to the public street or alley shall be within the jurisdiction of the~~  
963 ~~historic preservation commission.~~

964 ~~(Ord. of 3-8-10, § 1; Ord. No. 2014-021, 6-2-14)~~

965 **Sec. 62-115. - Submission of plans.**

966 In order for an application for a certificate of appropriateness to be reviewed, it must be submitted at  
967 least 15 days prior to a scheduled meeting of the commission. An application for a certificate of  
968 appropriateness shall be accompanied by such drawings, photographs or plans as may be required by  
969 the commission and as outlined on the historic commission's rules and regulations. The application for a  
970 certificate of appropriateness will be logged in by the ~~planning~~ **Community Development** Director or  
971 designated staff on the day it was received and copies of all applications for certificates of  
972 appropriateness shall be given to the chairman and all board members of the historic preservation

973 commission no later than seven calendar days before the regularly scheduled monthly meeting of the  
974 commission. No application for a COA will be considered complete without a submission date.

975 (Ord. of 3-8-10, § 1; Ord. No. [2014-021](#) , 6-2-14)

976 **Sec. 62-116. - Commission reaction to application.**

977 (a) The commission shall approve the application and issue a certificate of appropriateness if it finds that  
978 the proposed material changes in the appearance would not have a substantial adverse effect on the  
979 aesthetic, historic or architectural significance and value of the historic property or the historic district.  
980 In making this determination, the commission shall consider, in addition to any other pertinent factors  
981 as outlined herein and in other sections of the ordinance, the historical and architectural value and  
982 significance, architectural style, general design arrangement, scale, mass, context, texture and  
983 material of the architectural features involved and the relationship thereof to the exterior architectural  
984 style, and pertinent features of the site and other structures in the immediate neighborhood.

985 (b) The commission shall deny a certificate of appropriateness if it finds that the proposed material  
986 change in appearance would have identifiable adverse effects on the aesthetic, historic or  
987 architectural significance and value of the historic property or the historic district.

988 (c) The commission may make approval of a certificate of appropriateness conditional upon complying  
989 with certain situations which may be listed in the certificate. Such stipulations are to be used only to  
990 diminish the adverse impact of the changes in material appearance proposed in the application for a  
991 certificate of appropriateness.

992 (Ord. of 3-8-10, § 1)

993 **Sec. 62-117. - Public meetings; notices; right to be heard.**

994 (a) At least seven days prior to review of a certificate of appropriateness, the commission shall take  
995 such action as may reasonably be required to inform the owners of any adjacent property likely to be  
996 affected materially by the change in material appearance for which the application for a certificate of  
997 appropriateness has been made. All meetings of the commission at which applications for certificate  
998 of appropriateness are being discussed shall be open to the public.

999 (b) At least seven days prior to review of a certificate of appropriateness, staff shall post a sign on the  
1000 parcel under consideration for any request for a certificate of appropriateness. The sign shall identify  
1001 the parcel, note the nature of the request, and the date and time of the public meeting.

1002 (Ord. of 3-8-10, § 1)

1003 **Sec. 62-118. - Interior alterations.**

1004 In its review of applications for certificates of appropriateness, the commission shall not consider  
1005 interior arrangement or use having no effect on exterior architectural features, unless the applicant  
1006 specifically requests same, or the interior is listed as part of the National Register designation.

1007 (Ord. of 3-8-10, § 1)

1008 **Sec. 62-119. - Technical advice.**

1009 When dealing with technical questions, the commission shall have the power to seek expert advice.

1010 (Ord. of 3-8-10, § 1)

1011 **Sec. 62-120. - Deadline for approval or rejection of application.**

1012 (a) The commission shall approve or reject an application for a certificate of appropriateness within not  
1013 more than 45 days after the hearing of the application. Evidence of approval shall be a certificate of  
1014 appropriateness issued by the commission. Notice of approval or denial of a certificate of  
1015 appropriateness shall be sent by United States Mail to the applicant at the address listed on the

1016 application and all other persons who have requested such notice in writing filed with the historic  
1017 preservation commission.

1018 (b) Failure of the historic preservation commission to act with said 45 days shall constitute approval, and  
1019 no other evidence of approval shall be needed. Applicant may request that the HPC postpone any  
1020 approval or denial of the application beyond the [45-day period.]

1021 (Ord. of 3-8-10, § 1)

1022 **Sec. 62-121. - Necessary actions taken by commission upon approval of application.**

1023 When a certificate of appropriateness is issued by the historic preservation commission, the  
1024 applicant shall submit drawings and specifications and all other required data to the Building-Community  
1025 Development Department of the City of St. Marys for receipt of a building permit. The building permit shall  
1026 list on the face of the documents whether the property is in a historic district and if the certificate of  
1027 appropriateness was approved with the date. Lack of inclusion of this data on the request for a building  
1028 permit will delay processing of the application.

1029 (Ord. of 3-8-10, § 1)

1030 **Sec. 62-122. - Necessary actions taken by commission upon rejection of application.**

1031 (a) If the commission rejects an application, it shall state its reasons for doing so, and shall transmit a  
1032 record of such actions and reasons, in writing, to the applicant. The commission may suggest  
1033 alternative courses of action it thinks proper if it disapproves the application submitted. The  
1034 applicant, if he so desires, may make modifications to the plans and may resubmit the application at  
1035 any time after making said modifications. The same procedure shall be followed for resubmission as  
1036 for a new submission using the data included in this chapter.

1037 (b) In cases where the application covers a material change in the appearance of a structure which  
1038 would require the issuance of a building permit, the rejection of the application for a certificate of  
1039 appropriateness by the commission shall be binding upon the building official. In such a case, no  
1040 building permit shall be issued.

1041 (Ord. of 3-8-10, § 1)

1042 **Sec. 62-123. - ~~Reserved.~~ Signage within the Historic District**

1043 (1) Purpose. In support and furtherance of its findings and determination that the historical, cultural  
1044 and aesthetic heritage of the City of St. Marys is among its most valued and important assets  
1045 and that the preservation of this heritage is essential to the promotion of the health, prosperity  
1046 and general welfare of the people; in order to stimulate revitalization of the waterfront district  
1047 and historic neighborhoods and to protect and enhance historical and aesthetic qualities of the  
1048 city for the enjoyment of the city's residents and visitors alike; in order to enhance the  
1049 opportunities for federal tax relief of property owners under relevant provisions federal law; in  
1050 order to provide for designation, protection, preservation and rehabilitation of historic properties  
1051 and districts and to participate in federal programs to do the same; in order that the above  
1052 activities will perpetuate the city's high quality of life for present and future generations, the  
1053 Mayor and Council of the City of St. Marys hereby declare it to be the purpose and intent of this  
1054 article to establish a uniform procedure for use in providing for the protection, enhancement,  
1055 perpetuation and use of places, districts, sites, buildings, structures and works of art having a  
1056 special historical, cultural or aesthetic interest or value, in accordance with the provisions of the  
1057 article.

1058 (2) Definitions. For the purposes of this article and except as may be revised herein, definitions of  
1059 any term shall be consistent with the definitions contained in section 46-137 of the Code of  
1060 Ordinances of the City of St. Marys. In the absence of any definition listed below, the New  
1061 American Dictionary, latest edition shall be used to provide the proper definition.

- 1062 (3) General. Any sign proposed to be erected within physical limits of the St. Marys Historic District  
 1063 regardless of the underlying zoning shall be submitted for a certificate of appropriateness (COA)  
 1064 from the historic preservation commission (historic preservation commission). The planning  
 1065 commission will not review or approve any signage within the historic district.
- 1066 (4) Adherence to historic preservation commission guidelines. All owners or prospective owners of  
 1067 businesses or residential properties in the historic district must adhere to historic preservation  
 1068 commission guidelines whose sole purpose is to retain the historic character of the district. All  
 1069 signs visible from the public street or public alley and/or directly adjacent to the public street or  
 1070 alley shall be within the jurisdiction of the historic preservation commission.
- 1071 (5) Criteria. When considering applications for certificates of appropriateness for new or revised  
 1072 signage in the historic district, the Historic Preservation Commission shall use the criteria  
 1073 contained within this ordinance.
- 1074 a. For the purposes of this section, the term signs shall include banners, fixed signage, free  
 1075 standing signage, flags, sandwich board signs, push-in signs, streamers, balloons, canopy  
 1076 advertising, umbrella advertising, mobile parked vehicle signage (but not including signs on  
 1077 vehicles doing business within the district), and similar advertising media. Sign requests  
 1078 shall be submitted on an application form as approved by the historic preservation  
 1079 commission with date of submission to the planning**Community Development**  
 1080 Department.
- 1081 b. Signs shall strictly comply with this section of Ordinance No. 62.
- 1082 c. Signs shall initially be reviewed by staff of the planning**Community Development**  
 1083 Department as to completeness of the submitted documents. Incomplete applications will  
 1084 not be accepted by the staff of the planning**Community Development** Department or  
 1085 reviewed by the historic preservation commission.
- 1086 d. Complete applications for any signs shall then be submitted to the historic preservation  
 1087 commission for review in public session with the historic preservation commission voting to  
 1088 approve or disapprove the submitted sign. The owner of the sign or representative  
 1089 authorized in writing to represent the owner, is required to be in attendance to present the  
 1090 application to the historic preservation commission. Owner or representative shall be  
 1091 authorized to make decisions for or on behalf of the owner.
- 1092 e. Signs must not distract or detract from the visual historic character of the St. Marys Historic  
 1093 District and shall not obscure architectural details of the building and property.
- 1094 (6) Specific regulations:
- 1095 a. No more than two exterior signs per lot. Of the two exterior signs, only one may be pylon or  
 1096 freestanding.
- 1097 b. All freestanding or pylon signs shall be considered a special use, under the requirements  
 1098 of a special use listed in Ordinance No. 110. In consideration of the special use, applicant  
 1099 shall note the height, size (not to exceed 25 square feet on one side), location,  
 1100 photographs of the location, type of construction, whether the pylon sign will block any  
 1101 historic features, illumination, and whether the sign would create a safety or visibility  
 1102 problem with pedestrians or vehicles as well as other factors that the historic preservation  
 1103 commission would need to consider before granting approval. Materials for freestanding  
 1104 signs should use materials that coordinate with the surrounding properties construction  
 1105 design. The base of said signs shall be shielded by plants. Materials for freestanding signs  
 1106 should be of wood or a material that closely resembles wood in appearance.
- 1107 c. Other exterior wall signs shall either be attached flat against the wall or project at 90  
 1108 degrees from the wall for maximum of 36 inches. Signs flat on the wall shall not project out  
 1109 from the surface more than six inches and not create a safety or visibility problem with  
 1110 pedestrians or vehicles. The total size of all wall and projecting signs is 40 square feet.

- 1111 d. Multi-tenant buildings with separate doors to the exterior may post one sign at each main  
1112 entry not to exceed two square feet.
- 1113 e. Multi-tenant buildings with one main door to the exterior shall post one sign at the main  
1114 entry not to exceed six inches by 18 inches for each tenant stacked vertically.
- 1115 f. Signs may be illuminated from ground mounted up-lamps with no spillover of light that will  
1116 affect pedestrian and vehicle traffic.
- 1117 g. Backlit, neon, digital, LED, flashing, or changing illumination is prohibited whether located  
1118 on the exterior or behind the glass and visible from the sidewalk or street.
- 1119 h. Non-illuminated signage in the windows of exterior windows shall be no more than 20  
1120 square feet to enable visibility into the building for security purposes.
- 1121 i. Signs with changeable or moveable letters/messages are not permitted.
- 1122 j. Roof signs are not permitted.
- 1123 k. Billboards are not permitted.
- 1124 l. Freestanding signs (similar to sandwich signs) may not be located on sidewalks or on  
1125 street rights-of-way or on medians.
- 1126 m. One push-in real estate sign not to exceed four square feet located OFF of the public ROW  
1127 is permitted.
- 1128 n. Political signs not to exceed two square feet per sign for any registered candidate (for any  
1129 city, county, or federal election), one per candidate, only on privately owned property with  
1130 consent of the property owner but NOT within the right-of-way (ROW).
- 1131 o. Yard sale signs are not permitted anywhere within the historic district.
- 1132 pn. Signs advertising businesses or activities not located on the same site as the sign are not  
1133 permitted.
- 1134 go. Businesses or activities located outside of the historic district are not permitted to post  
1135 signage of any type within the historic district.
- 1136 r. Intensive holiday displays (such as but not limited to festivals/activities relating to  
1137 Christmas, New Years, Easter, July 4th, Rock Shrimp, Mardi Gras) shall receive a COA  
1138 from the historic preservation commission, as well a city review based on the assembly  
1139 portion of the city ordinances prior to 60 days of the event. Any signage regarding  
1140 sponsorship shall be limited to eight inches by 24 inches.
- 1141 sp. Paintings or works of art that do not convey a commercial message are permitted upon  
1142 approval of the historic preservation commission.
- 1143 t. There shall be no signs advertising alcohol or products containing alcohol.
- 1144 ug. Official flags. Official U.S. or GA. flags shall be flown in accordance with protocol  
1145 established by the Congress of the United States for the stars and stripes, or State of  
1146 Georgia, as applicable.
- 1147 vr. Traffic safety and traffic directional signs installed within the right-of-way of a public street,  
1148 and traffic safety and traffic directional signs along private streets driveways, and in off-  
1149 street parking lots that are installed per the requirements of the city engineer or per city,  
1150 state, or federal ordinance shall be permitted.
- 1151 ws. Street address numbers attached to buildings (maximum letter height 12 inches) to ensure  
1152 visibility for public service recognition shall be permitted.
- 1153 xt. Any sign not visible from a public street does not require historic preservation commission  
1154 approval.

- 1155 yu. Signs pertaining to the time a business, activity, or establishment is open, and conditions  
1156 under which patrons may receive service, including credit card identification signs or  
1157 stickers up to a total of all such signs to a maximum of one square feet in area per main  
1158 entry door.
- 1159 zv. Any signage regarding "official" sponsorship of any event held on a private property shall  
1160 be limited to eight inches by 24 inches and not be placed within the ROW. Sponsorship  
1161 signs shall be permitted to be placed only on the parcel containing the event a maximum of  
1162 30 days in advance of the event, with removal ten days after the event.
- 1163 (7) Prohibited signs. The following types of signs are prohibited in all zoning districts of the city,  
1164 except as otherwise specifically provided by this section:
- 1165 a. Animated signs.
- 1166 b. Automated changeable copy signs.
- 1167 c. Flashing signs.
- 1168 d. Any air- or gas-filled balloons.
- 1169 e. Portable signs.
- 1170 f. Pylon signs not otherwise permitted per this section.
- 1171 g. Roof signs not permitted.
- 1172 h. Sidewalk signs not otherwise permitted per this section.
- 1173 i. Streamers and pennants.
- 1174 j. Signs that imitate an official traffic sign or signal. This includes signs that use colored lights  
1175 at any location or in any manner so as to be confused with, or construed as, traffic control  
1176 devices.
- 1177 k. Signs within the right-of-way, including those attached to traffic signs or telephone poles,  
1178 trees, the ground, or vehicles of any wheeled or wheel-less type.
- 1179 l. Signs attached to trees, other natural features and utility poles.
- 1180 m. Signs attached to courtesy benches, trashcans, and similar devices, with the exception of  
1181 signage related to the ownership of such items.
- 1182 n. Trailer mounted signs.
- 1183 o. Banners.
- 1184 p. Any sign or outdoor advertising display that depicts any material which is obscene as  
1185 defined in O.C.G.A. § 16-12-80.
- 1186 q. Any sign or outdoor advertising display that shows nudity as defined in O.C.G.A. § 32-6-75.
- 1187 r. Signs illuminated in such a way that they cast intense light onto any residential premises or  
1188 public roadways, or impair motorist vision, as determined by law enforcement personnel.
- 1189 s. No exterior outdoor advertising or interior advertising visible from the exterior shall be  
1190 erected in the city advertising or promoting the sale of alcoholic beverages.
- 1191 t. Signs shall not be erected, constructed or maintained so as to obstruct any fire escape,  
1192 any window, door or opening used as a means of egress.
- 1193 u. State law prohibits the placement of any sign on city rights-of-way, including political signs.  
1194 Signs on the city or state rights-of-way are considered littering and a misdemeanor and be  
1195 subject to the fines for littering and for removal costs as noted herein.
- 1196 v. All signs prohibited by the Official Code of Georgia.

- 1197 w. Consistent with the Internal Revenue Code of 1954 Rev. Rule 585-89(7)(b), a private club  
1198 should not advertise its facilities for nonmember patronage since this would be prima facie  
1199 evidence it was engaging in business.
- 1200 x. Push in signs for any purpose (except real estate signs and signs not to exceed two square  
1201 feet per sign for any registered candidate for any city, county, or federal election) are not  
1202 permitted within the historic district or on privately owned property or within the street right-  
1203 of-way (ROW).
- 1204 (8) Administration.
- 1205 a. All signs erected within the St. Marys Historic District must have approval of the historic  
1206 preservation commission.
- 1207 b. A certificate of appropriateness (COA) application in a form approved by the historic  
1208 preservation commission must be completed, submitted to the planningCommunity  
1209 Development Director or designated staff member for completeness at least 15 days in  
1210 advance of the regularly scheduled monthly meeting.
- 1211 c. The application will be reviewed and approved by the historic preservation commission at  
1212 their regularly scheduled monthly meeting.
- 1213 d. The applicant for a COA must be in attendance to present their application. A written letter  
1214 of authorization for another to represent them can be provided should the applicant wish to  
1215 have another represent them.
- 1216 e. Upon approval, all signs must conform to the regulations of this article.
- 1217 f. The director of planningCommunity Development Director or designated staff member shall  
1218 be authorized to issue sign permits after approval by the historic preservation commission  
1219 in accordance with the provisions of this article.
- 1220 g. The city shall process all sign permit applications within 30 business days of the city's  
1221 actual receipt of both a completed and approved COA and a sign permit fee. In no event,  
1222 except with permission of the applicant, may the director of planningCommunity  
1223 Development Director or designated staff member delay acting upon a sign permit  
1224 application.
- 1225 h. The director of planningCommunity Development Director or designated staff member shall  
1226 reject any application containing any false material statements or omissions. Any rejected  
1227 application later resubmitted shall be deemed to have been submitted on the date of re-  
1228 submission, instead of original submission. Should it be determined that a sign permit was  
1229 issued pursuant to an application containing a false material statement or omission, the  
1230 director of planningCommunity Development Director or designated staff member shall  
1231 revoke said application and the subject sign shall be removed. A revocation pursuant to  
1232 this section shall be appealable pursuant to this article.
- 1233 i. Sign permit expiration date. A sign permit shall become null and void if the sign for which  
1234 the permit was issued has not been completed within 12 months after the date of issuance.  
1235 No refunds will be made for a permit after the permit is issued. If later an individual desires  
1236 to erect a sign at the same location, a new application for the sign must be processed, the  
1237 approval process restarted from the beginning, and another fee paid in accordance with  
1238 the fee schedule applicable at such time.
- 1239 j. Sign permit fees. No sign permit shall be issued until the appropriate application has been  
1240 filed with the director of the department of planningCommunity Development Director or  
1241 designated staff member and fees have been paid as adopted from time to time by the St.  
1242 Marys City Council.
- 1243 k. Upon failure of the sign owner, lessee, or property owner to comply with this article, the  
1244 planningCommunity Development Director shall give written notice of intent to obtain a  
1245 removal order, by registered or certified mail with return receipt requested, to the sign

1246 owner, lessee, or property owner. Among other items, provided to the sign owner will be a  
1247 written notice, certified and return receipt requested, to be and appear at the next regularly  
1248 scheduled meeting of the historic preservation commission to show cause why said sign  
1249 should not be subject to a removal order. At such meeting the following will transpire:

1250 1. The ~~Community Development~~planning and zoning ~~D~~director will provide the reasons  
1251 why the sign should be removed and the sign owner will be awarded the opportunity  
1252 to explain why the sign should remain.

1253 2. Afterwards, members of the general public may be granted the opportunity to speak at  
1254 the discretion of the historic preservation commission chairperson. Thereafter, any  
1255 member of the historic preservation commission may make a motion to take action.

1256 3. Upon the motion being seconded, discussion will follow customary meeting  
1257 procedures as contained elsewhere in chapter 62 - Historic Preservation.

1258 (9) Nonconforming signs.

1259 a. Nonconforming signs that met all legal requirements when erected may stay in place until  
1260 the deterioration of the sign or damage to the sign makes it a threat to public safety, and no  
1261 repairs have been effected within five days of receipt of registered or certified notice, return  
1262 receipt requested, from the director of planning or building ~~Community Development~~  
1263 Department directing that immediate repairs are necessary to protect public safety. Any  
1264 sign removed in accord with this section, shall not be replaced except in accord with the  
1265 current requirements of this article.

1266 b. Any nonconforming sign shall either be eliminated, or made to conform to the requirements  
1267 of this article, when any proposed change, repair, or maintenance would constitute an  
1268 expense of more than 50 percent of the lesser of the original value or replacement value of  
1269 the sign.

1270 (10) Enforcement. This article shall be administered and enforced by the director of the department  
1271 of planning or building ~~Community Development Director~~ or his or her designee. In case any  
1272 sign that is proposed to be erected, constructed, altered, converted, or used in violation of any  
1273 provision of this article, the director of the department of planning or building ~~Community~~  
1274 Development Director may, in addition to other remedies, and after notice to the appropriate  
1275 person, issue a citation for violation of the city ordinance thereby requiring the presence of the  
1276 violator in municipal court; institute the filing of a petition for an injunction, or other appropriate  
1277 action or proceeding to prevent such unlawful erection, construction, alteration, conversion, or  
1278 use to correct or abate such violation. Additionally, the director of the department of planning or  
1279 building may have the sign removed at the expense of the owner with a lien filed against the  
1280 property, and may issue a citation for violation of the city ordinance to the agent that placed the  
1281 sign, as well as those parties responsible for directing the agent, including the person or  
1282 business owner whose name, message, and/or address, and/or telephone number appears on  
1283 the sign.

1284 a. The city, without warning or notice to the sign owner, may remove any sign located within a  
1285 public street right-of-way immediately. Signs so removed shall be immediately destroyed  
1286 without any consideration of compensation to the sign owner, known or unknown.

1287 b. Penalty for violation. Any person violating any provision of this article or conditions of the  
1288 issued permit, or stop-work order shall be subject to a fine up to \$1,000.00 per violation per  
1289 day or by imprisonment for a period not to exceed 60 days, or both.

1290 c. City occupation taxes, public liability insurance required. It shall be a violation of this article  
1291 for any person to engage in the business of erecting or maintaining signs within the city,  
1292 unless and until such entity shall have paid a city occupational tax or furnished proof of  
1293 payment of an occupation tax to another municipality or county, reference section 22-24 of  
1294 the St. Marys Code of Ordinances, and a certificate of insurance from an insurance

1295 company authorized to do business in the state evidencing that the person or entity has in  
1296 effect public liability and property damage insurance.

1297 d. *Termination of sign permit and/or city occupation license.* Violation of any provision of this  
1298 article will be grounds for terminating the sign permit granted by the city to the owner  
1299 and/or the occupation tax certificate of the person or entity erecting the sign. Except as  
1300 otherwise provided in this article, no permit and/or occupation tax certificate shall be  
1301 suspended, revoked or canceled except for cause as hereinafter defined, and the  
1302 permittee is granted a public hearing before the planning commission. The permittee will  
1303 be given ten days' written notice, by certified mail and return receipt requested, of the time,  
1304 place and purpose of the hearing, with a statement of the reason for the suspension,  
1305 revocation or canceling of such permit and/or certificate. "Cause" is the willful and/or  
1306 continued violation of the provisions of this article. The termination of the permit and/or  
1307 license does not in any way preclude the person or persons alleged to have violated the  
1308 provisions of this article from being tried under the enforcement provisions of this article.  
1309 Should a permittee fail to pick up the certified mail, and said mail is returned, this failure to  
1310 pick up will not delay the termination action or create any defense to stay any enforcement  
1311 action.

1312 e. *Removal of abandoned signs.* It is the intent of this section to establish reasonable time  
1313 periods for the removal of abandoned signs. For purposes of this section, all signs  
1314 pertaining to a business, service, institution, industry, or other activity that ceases  
1315 operations shall be deemed to be abandoned. For purposes of this section, "ceases  
1316 operations" shall be interpreted literally and to include cases where there is substantial  
1317 evidence that a business or activity has vacated the building or grounds; provided, further,  
1318 that this section shall not apply to any case where a business or activity is temporarily  
1319 suspended and there is evidence that the business or activity will resume operations within  
1320 a specifically designated period. It shall be the responsibility of the property owner, the  
1321 operator of a business or activity discontinuing a lease if any, and the leasehold manager if  
1322 any, ensuring compliance with the provisions of this section and each owner, operator, or  
1323 manager shall be considered individually responsible for compliance with this section.  
1324 Property owners will be given written notice, by certified mail with return receipt requested,  
1325 of the appropriate procedures necessary for abandoned signs. Should a property owner fail  
1326 to pick up the certified mail, and said mail is returned, this failure to pick up will not delay  
1327 the termination action or create any defense to stay any enforcement action.

1328 1. All abandoned signs that meet the definition of a window sign, wall sign, off-premises  
1329 directional sign, marquee or canopy sign, temporary sign requiring a permit, or  
1330 temporary sign, shall be removed within ten days from the date of discontinuance.  
1331 The director of planning or building **Community Development Director** may permit an  
1332 extension of this removal period only in cases where special equipment is needed to  
1333 remove the sign and removal of the sign structure cannot reasonably be arranged by  
1334 the sign owner within the ten-day time period.

1335 2. All abandoned signs that meet the definition of a pylon sign shall be removed within  
1336 60 days from the date of discontinuance. The director of planning or  
1337 building **Community Development Director** may permit one 30-day extension of this  
1338 removal period only in cases where special equipment is needed to remove the sign  
1339 or sign structures, and removal of the structure cannot reasonably be arranged by the  
1340 sign owner within the 60-day time period.

1341 3. This section shall not apply to the structure of a monument sign, provided that it might  
1342 reasonably be used by a future tenant or property owner, complies with the provisions  
1343 of this article, and is maintained in good condition; provided further, that the following  
1344 shall be met:

1345 i. If an abandoned monument sign contains a message panel that is removable  
1346 from the monument structure without disassembling the monument, then within

1347 30 days of the date of discontinuance said panel shall be removed and the  
1348 portion of the monument structure that previously held the message panel shall  
1349 be covered with durable cloth or canvas to avoid the appearance of blight, until  
1350 such time as a new sign permit is applied for and granted and an approved sign  
1351 panel is installed in said monument.

1352 ii. If an abandoned monument sign contains a sign copy area that is not removable  
1353 without disassembling the monument, then said sign copy area shall be modified  
1354 (e.g., painted over) or covered with durable cloth or canvas so that the sign copy  
1355 pertaining to the business or activity discontinued is no longer visible, until such  
1356 time as a new sign permit is applied for and granted and approved sign copy is  
1357 affixed on the sign copy area of said monument.

1358 iii. Removal of signs not maintained. All signs shall be maintained by the property  
1359 owner in good condition so as to present a neat and orderly appearance. The  
1360 director of the department of planning or building **Community Development**  
1361 **Director** may remove or cause to be removed, after proper written notice, any  
1362 sign that shows gross neglect, becomes dilapidated, or in the opinion of the chief  
1363 building inspector poses a threat to public safety. The director of the department  
1364 of planning or building **Community Development Director** or his designee will give  
1365 the owner 45 days written notice, by certified mail with return receipt requested,  
1366 to correct the deficiencies or to remove the sign or signs, except signs that pose  
1367 a threat to public safety which shall be removed in accord with this section. If the  
1368 owner refuses to correct the deficiencies or remove the sign, the director of the  
1369 department of planning or building **Community Development Director** or his  
1370 designee will have the sign removed at the expense of the owner, with a lien filed  
1371 against the property. Should a permittee fail to pick up the certified mail, and said  
1372 mail is returned, this failure to pick up will not delay the termination action or  
1373 create any defense to stay any enforcement action.

1374 (c) When considering applications for certificates of appropriateness for new signage, the sign  
1375 ordinance of the City of St. Marys will be used along with any other criteria adopted by the  
1376 commission. Signs shall be as designated in the sign ordinance, and shall include banners, pole  
1377 mounted signs, building-mounted signs, flags (but not including U.S. flags) signs painted in windows,  
1378 murals, seasonal and sale signs and sandwich board signs. Except for directional or public safety  
1379 (public ROW), real estate (on private property), political (on private property with owner's  
1380 permission), and personal (on private property) push in signs, all other types of push in signs are not  
1381 permitted at any time in the historic district. Electronic flashing signs are not permitted at any time in  
1382 the historic district. All signs shall be approved by the HPC as well as comply with the sign ordinance  
1383 as administered by the planning **Community Development Department**. Signs shall be as  
1384 designated in the sign ordinance, and shall include banners, pole-mounted signs, building-mounted  
1385 signs, flags (but not including U.S. flags) signs painted in windows, murals, seasonal and sale signs  
1386 and sandwich board signs.

1387 (d) All facades of the building and all structures or other site features visible from the public street or  
1388 public alley and directly adjacent to the public street or alley shall be within the jurisdiction of the  
1389 historic preservation commission.

1390 (Ord. of 3-8-10, § 1; Ord. No. 2014-021 , 6-2-14)

1391

1392 **Sec. 62-124. - Requirement of conformance with certificate of appropriateness.**

1393 (a) All work performed pursuant to an issued certificate of appropriateness, shall conform to the  
1394 requirements of such certificate. In the event work is not performed in accordance with such  
1395 certificate, the historic preservation commission shall issue, through the office of the building director,  
1396 a cease and desist order and all work shall cease.

1397 (b) The building official shall issue stop-work orders for projects within the preservation jurisdiction of the  
1398 commission upon order of the commission if:

1399 (1) Work has begun which requires a certificate of appropriateness without such certificate.

1400 (2) Work has begun with an expired certificate of appropriateness.

1401 (3) It is done not in accordance with an issued certificate of appropriateness.

1402 (c) In all such cases the owners of the projects involved may apply for a certificate of appropriateness  
1403 and upon the issuance of a certificate of appropriateness, the stop-work order will be removed  
1404 immediately.

1405 (d) If any member of the historic preservation commission observes construction from the public street  
1406 that may not be in compliance with the approved certificate of appropriateness, the commission  
1407 member shall communicate his concerns to the building director for investigation. The commission  
1408 member shall not approach the applicant or engage in any discussions related to the building permit.  
1409 Once an application for a COA is completed and submitted for consideration, no individual member  
1410 of the HPC will engage in an ex parte communication/s with the applicant regarding the form and/or  
1411 substance of the pending application, nor will said member take any individual action in an official  
1412 capacity pursuant to the COA application prior to the meeting where the applicant's COA is to be  
1413 reviewed by the HPC.

1414 (Ord. of 3-8-10, § 1)

1415 **Sec. 62-125. - Certificate void if construction not commenced.**

1416 (a) A certificate of appropriateness shall become void unless construction is commenced within six  
1417 months of the date of issuance. A single six-month extension shall be considered by the historic  
1418 preservation commission where the delay in the start of the work has been delayed for reasons  
1419 beyond the direct control of the applicant. No further extension will be considered.

1420 (b) Certificates of appropriateness shall be issued for a period of 18 months and are renewable upon  
1421 written request of the holder of the certificate of appropriateness at least 30 days in advance of the  
1422 18-month period. Commencement of construction shall be defined as the date of initial application for  
1423 a building permit. Where a building permit is not required, commencement of construction shall be  
1424 defined as two weeks after the issuance of the certificate of appropriateness.

1425 (Ord. of 3-8-10, § 1)

1426 **Sec. 62-126. - Recording of applications, proceedings.**

1427 The historic preservation commission shall keep a public record of all applications for certificates of  
1428 appropriateness, and of all the commission's proceedings in connection with the application.

1429 (Ord. of 3-8-10, § 1)

1430 **Sec. 62-127. - Acquisition of property.**

1431 The commission may, where such action is authorized by the mayor and council and is reasonably  
1432 necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the  
1433 owner for the acquisition by gift, purchase, exchange or otherwise, of the property or any interest therein.

1434 (Ord. of 3-8-10, § 1)

1435 **Secs. 62-128, 62-129. - Reserved.**

1436 **Sec. 62-130. - Allegations of misconduct by any member of the historic preservation commission.**

1437 Any allegation of improper conduct by any member of the historic preservation commission shall be  
1438 referred to in writing to the City of St. Marys Ethics Board. Any person making allegations shall follow the

1439 procedures of the ethics commission regarding any allegation. The historic preservation commission shall  
1440 not be involved in any manner with the complaint except to make testimony as requested by the ethics  
1441 board.

1442 (Ord. of 3-8-10, § 1)

1443 Secs. 62-131—62-150. - Reserved.

1444 **DIVISION 5. - DEMOLITION OR RELOCATION PERMIT**

1445

1446 **Sec. 62-151. - Authority to comment on applications.**

1447 The commission shall have the authority to grant or deny any request for a permit to demolish or  
1448 relocate a historic or historic-obscured structure within a historic district, or on a historic property.

1449 (Ord. of 3-8-10, § 1)

1450 **Sec. 62-152. - Considerations of post-demolition plans.**

1451 The commission shall not grant demolition or relocation permits without reviewing at the same time  
1452 the plans for the building or other development that would replace the structure, unless found by the  
1453 commission or Community Development Director to be an Emergency Demolition. Plans to be submitted  
1454 shall be similar in scope and detail as required for a new construction certificate of appropriateness.

1455 (Ord. of 3-8-10, § 1)

1456 **Sec. 62-153. Requirements for the demolition or relocation of historic and historic-obscured**  
1457 **structures.**

1458 (1) Demolition of historic and historic-obscured structures is deemed detrimental to the public interest  
1459 and shall only be permitted pursuant to the prescriptions of this section:

1460 All requests for demolition of any building, wall, fence, porch, or stoop for a historic or historic-obscured  
1461 property shall apply for a Certificate of Appropriateness with the Community Development Department:

1462 a. All requests for structures not designated as historic or historic-obscured shall refer to Chapter 18,  
1463 Buildings and Building Regulations, for demolition or relocation and proceed to Sec. 62-155(3) for  
1464 review.

1465 b. All requests designated as historic or historic-obscured shall come before the Commission following  
1466 the procedures of Sec. 62-155, by providing the information required in Sec. 62-154.

1467 (2) If the applicant seeks a certificate of appropriateness to relocate a historic or historic-obscured  
1468 structure, the applicant must demonstrate that the absence of the relocated structure will not have a  
1469 substantial adverse effect on the aesthetic, historical, or architectural significance and value of the  
1470 historic property or the historic district.

1471 (3) The owner of the property is responsible for any unsafe building on that property as notified in  
1472 writing by the building official and can be fined up to \$1000 per day for non-compliance in shoring up  
1473 the structure until the hearing process and/or any waiting period is completed.

1474 (4) The Commission will determine whether to permit demolition based upon information including, but  
1475 not limited to, reports, photographs or inspection as part of a site visit by some or all members of the  
1476 Commission and other individuals designated by the Commission. The opinion of a professional engineer  
1477 licensed in Georgia, as describe in (5) below, that the building is unsafe or unsound or that it poses  
1478 imminent threat to public health or safety is only one part of the information the Commission may use  
1479 to make an informed decision. The Commission may also consider the information provided pursuant to  
1480 Section 62-154 (1) e.-h. to determine whether to permit demolition.

1481 (5) A professional engineer licensed in Georgia giving a written opinion required by this Division of the  
1482 Ordinances of the City of St. Marys, Georgia, must have primary expertise in structural engineering, and  
1483 must have demonstrated credentials in rehabilitation of historic structures, preferably a portfolio of at  
1484 least three historical projects on the Georgia Historical Registry, or historic structures within a  
1485 designated Georgia Historic District and must clearly display his or her professional stamp on the  
1486 assessment document. The Commission may consider reports from multiple professionals if necessary.

1487 (6) Any structure approved for demolition by the commission shall be dismantled in a manner ensuring  
1488 reclamation of its historic materials.

1489 (7) In granting a certificate of appropriateness for demolition or relocation, the Commission may impose  
1490 such reasonable and additional stipulations as will best fulfill the purposes of this ordinance.

1491 (8) When the commission determines under the standards of this section to permit demolition or  
1492 relocation of a building, the issuance of a certificate of appropriateness shall be subject to a delay of  
1493 demolition or relocation, and notice of the proposed demolition or relocation shall be given twelve  
1494 months to be removed.

1495 **Section 62-154. Application Requirements to Demolish or Relocate a Building Rated as Historic or**  
1496 **Historic-obscured**  
1497

1498 (1) All demolition and relocation applications rated as historic or historic obscured shall include the  
1499 following information:

1500 a. Name and address of the owner of the property

1501 b. The date of application

1502 c. A report from a professional engineer licensed in the State of Georgia as to the structural  
1503 soundness of the building and its adaptability for continued use, renovation, restoration or  
1504 rehabilitation. Any dangerous conditions must be identified. This report must carry the engineer's  
1505 professional stamp. The report shall also include the engineer's opinion on whether the structure poses  
1506 an imminent threat to public health and safety, and whether that threat can be alleviated only through  
1507 demolition. The report shall include the engineer's rationale for those opinions.

1508 d. An appraisal of fair market value of the property from a qualified professional appraiser. This  
1509 appraisal must include a full market sales report to include comparable sales.

1510 e. Amount paid for the property, remaining balance on any mortgage or other financing secured  
1511 by the property, and annual debt service for the previous two years.

1512 f. If the property is income producing, the annual gross income from the property for the  
1513 previous two years; the itemized operating and maintenance expenses for the previous two years; and  
1514 depreciation deduction and annual cash flow before and after debt service for the previous two years.  
1515 The Commission may require details of past rental history.

1516 g. Price asked and offers received within the previous two years. Most recent assessed values of  
1517 the property and real estate taxes.

1518 h. Economic incentives and/or funding available to the applicant through federal, state, city or  
1519 private programs.

1520 (2) The Commission retains the right to waive any of the requirements set forth in Subsections 62-  
1521 154(1) d.- h. above, within thirty days from the submission of an application, at which time the  
1522 Community Development Director will certify the application as complete.

1523  
1524 **Section 62-155. The Process Required for Demolition and Relocation Hearings.**

1525 (1) The Commission shall evaluate certified complete applications for demolition or relocation pursuant  
1526 to the two-hearing procedure described in Subsections 62-155 (2) and (3) below. If the applicant is  
1527 dissatisfied with the Commission’s decision at any of these hearings the applicant may appeal to City  
1528 Council pursuant to the procedures described in Subsection 62-156. The Commission may not grant a  
1529 Certificate of Appropriateness for demolition or Relocation until the hearing and determinations  
1530 described in Subsection 62-155 (3) have taken place. The Commission may allow any or all of the  
1531 hearings and determinations described herein to take place concurrently with any applicable notice  
1532 required by Subsection 62-153 (8) above.

1533  
1534 (2) At the initial hearing the Commission will determine whether to permit demolition or Relocation. At  
1535 the hearing the applicant shall introduce the report described in Subsection 62-153(1) above. The  
1536 applicant may introduce evidence of hardship—financial, structural, as found in Subsection 62-200(b)  
1537 below. At this hearing the applicant or his or her representative may present, but is not limited to, the  
1538 following: any documents, photos, opinions of licensed engineers, or financial information. If the  
1539 hardship is claimed to be economic, the applicant shall be required to submit sufficient evidence to  
1540 demonstrate that the application of the standards and regulations of this section deprives the applicant  
1541 of a positive economic use or return on the subject property. Economic hardship shall be only one of the  
1542 factors considered by the Commission in determining whether to allow demolition or relocation. The  
1543 decision to approve or deny demolition or relocation is made after this initial hearing. If the commission  
1544 declines to permit demolition or relocation, it shall issue in writing the reasons for the denial to the  
1545 owner. If the Commission decides to permit demolition, it must proceed to the second hearing.

1546  
1547 (3) At the second hearing the Commission will review plans for a new building or other development  
1548 proposed for that location. This hearing is no longer about demolition, but it is held after the decision to

1549 allow demolition has been made in the belief that any new plans for the site should not have any  
1550 influence on the retention or demolition of a historic building. The Commission may not issue a  
1551 Certificate of Appropriateness for demolition or relocation until the applicant posts bond in an amount  
1552 sufficient to ensure completion of the building or other development replacing the demolished or  
1553 relocated structure, or finds that a vacant site does not create a substantial adverse impact for the site  
1554 or district.

1555  
1556 **Section 62-156. The Appeal of a Denial of Demolition Decision**

1557  
1558 Any person adversely affected by the determinations if the Commission pursuant to this Division  
1559 Chapter 62 of the Code of Ordinances, City of St. Marys, Georgia, may appeal such determination to the  
1560 mayor and city council under the provisions of Section 62-200 of said Ordinance.

1561  
1562 **Section 62-157. Notice**

1563 Any notice required by this division of the Code of Ordinances shall be posted on the premises  
1564 of the building or structure proposed for demolition or relocation in a location clearly visible from the  
1565 street at least 15 days prior to the hearing. In addition, notice shall be published in a newspaper of  
1566 general local circulation at least three times prior to the date of the permit, the first notice of which shall  
1567 be published no more than 15 days after the application for a permit to demolish is filed.

1568  
1569 **Section 62-158. Emergency Demolition Permits**

1570  
1571 (1) If the Community Development Director, under recommendation of the building official  
1572 determines that a landmark or existing building in the historic district poses immediate threat to the  
1573 safety of the community, he or she, after properly notifying the property owner and general public, may  
1574 convene an emergency meeting of the Commission. At such times, the Commission may authorize the  
1575 emergency demolition of such structures or require that the owner of the property shore up such a  
1576 building while the application and hearing process delineated above is carried through.

1577  
1578 (2) Sufficient data, as identified in writing by the building official under the guidelines of Section 108,  
1579 Unsafe Structures and Equipment of the International Property Maintenance Code, to justify the  
1580 emergency demolition shall be provided to the Historic Preservation Commission for use in making the  
1581 determination. Written backup of any verbal or field decisions shall be provided to the Commission  
1582 within two weeks of the Emergency declaration.

1583 ~~Demolition or relocation criteria:~~

1584 ~~(a) The commission shall evaluate the effect the demolition or relocation of a building will have on~~  
1585 ~~the historical character of the historic district or historic property affected. If the commission~~  
1586 ~~determines that demolition or relocation would have a negative effect, it will deny the certificate of~~  
1587 ~~appropriateness unless:~~

1588 ~~(1) The structure has been damaged or destroyed by an act of God or fire, and the cost to repair is~~  
1589 ~~greater than the cost of new.~~

1590 ~~(2) The structure has been declared structurally unsound by a licensed GA. professional engineer~~  
1591 ~~with primary area of expertise in structural engineering.~~

1592 ~~(3) — The building in question is classified as an intrusion.~~

1593 ~~(b) — Whenever a property owner shows that a building is incapable of being successfully~~  
1594 ~~rehabilitated or used, such building may be demolished or relocated; provided, however, that the~~  
1595 ~~issuance of a certificate of appropriateness shall be subject to a delay of demolition or relocation and~~  
1596 ~~that notice of the proposed demolition or relocation shall be given as follows:~~

1597 ~~(1) — For buildings rated historic: Twelve months.~~

1598 ~~(2) — For buildings rated historic-obscured: Twelve months.~~

1599 ~~(3) — For buildings rated nonhistoric: Three months.~~

1600 ~~(4) — For buildings rated intrusion: No delay.~~

1601 ~~(c) — Notice shall be posted on the premises of the building or structure proposed for demolition in a~~  
1602 ~~location clearly visible from the street. In addition, notice shall be published in a newspaper of general~~  
1603 ~~local circulation at least three times prior to the date of the permit, and the first notice of which shall be~~  
1604 ~~published no more than 15 days after the application for a permit to demolish is filed. The purpose of~~  
1605 ~~this section is to further the purposes of this article by preserving historic buildings which are important~~  
1606 ~~to the education, culture, traditions and the economic values of the city, and to give the city, interested~~  
1607 ~~persons, historical societies or organizations, the opportunity to acquire or to arrange for the~~  
1608 ~~preservation of such buildings. The commission may at any time during such delay approve a certificate~~  
1609 ~~of appropriateness that would preserve and/or restore the structure, in which event a permit shall be~~  
1610 ~~issued without further delay.~~

1611 ~~(Ord. of 3-8-10, § 1)~~

1612 ~~Sec. 62-154. — Emergency demolition permits.~~

1613 ~~(a) — If the building official determines that a landmark or existing building in a historic district poses~~  
1614 ~~immediate threat to the safety of the community, he may convene an emergency meeting of the~~  
1615 ~~commission. At such times the commission may authorize the emergency demolition of such structures.~~

1616 ~~(b) — Sufficient data to justify the emergency demolition shall be provided to the historic preservation~~  
1617 ~~commission for use in making the determination. Written backup of any verbal or field decisions shall be~~  
1618 ~~provided to the commission within two weeks of the emergency declaration.~~

1619 ~~(Ord. of 3-8-10, § 1)~~

1620 ~~Secs. 62-155 — 62-175. — Reserved.~~

1621 ~~DIVISION 6. — MAINTENANCE OF PROPERTY~~

1622

1623 ~~Sec. 62-176. — Ordinary repair.~~

1624 ~~(a) — Ordinary maintenance or repair of any exterior architectural feature in or on an existing building~~  
1625 ~~that does not involve a material change in design, material or outer appearance thereof, is excluded~~  
1626 ~~from review and does not require a certificate of appropriateness.~~

1627 ~~(b) — The property owner shall notify and make application to the city building department of any~~  
1628 ~~proposed work to make sure that no permits are required and to avoid any uncertainty as to the scope~~  
1629 ~~of work.~~

1630 ~~(Ord. of 3-8-10, § 1)~~

1631 ~~Sec. 62-177. — Conformity to existing building codes.~~

1632 ~~Nothing in this article shall be construed as to exempt property owners from complying with existing city~~  
1633 ~~building codes, nor to prevent any property owner from making any use of his property not prohibited~~  
1634 ~~by other statutes, ordinances or regulations.~~

1635 ~~(Ord. of 3-8-10, § 1)~~

1636 ~~Sec. 62-178. — Demolition by neglect prohibited.~~

1637 ~~Property owners of historic properties, buildings in historic buffer areas or historic districts will not allow~~  
1638 ~~their buildings to deteriorate or be demolished by neglect. Demolition by neglect can result in the loss of~~  
1639 ~~valuable portions of the city's heritage as well as being a hazard to public safety and a public nuisance.~~  
1640 ~~The commission will be charged with the following duties and responsibilities regarding demolition by~~  
1641 ~~neglect:~~

1642 ~~(1) — The commission will monitor the condition of landmarks and existing buildings in historic~~  
1643 ~~districts and historic buffer areas to determine if they are being allowed to be demolished by neglect.~~  
1644 ~~Such conditions as the existence of broken windows, doors and openings which allow the elements and~~  
1645 ~~vermin to enter structure; the deterioration of exterior architectural features; and the deterioration of a~~  
1646 ~~building's structural system shall constitute demolition by neglect.~~

1647 ~~(2) — If the commission determines a state of demolition by neglect exists, the chairman of the~~  
1648 ~~commission will notify the owner and/or occupant of such property of the existence of a condition and~~  
1649 ~~the steps which need to be taken to remedy it. The owner and/or occupant of such property shall have~~  
1650 ~~30 days to remedy the condition or submit a plan for resolution as per section 62-199 below.~~

1651 ~~(Ord. of 3-8-10, § 1)~~

1652 Secs. 62-179—62-198. - Reserved.

1653 **DIVISION 7. - ENFORCEMENT, APPEALS, HARDSHIP AND PENALTIES**

1654

1655 **Sec. 62-199. - Enforcement and penalties.**

- 1656 (a) This article shall be enforced by the Code Compliance Officer and/or Building Director of the City of  
1657 St. Marys or their duly authorized representatives, as applicable.
- 1658 (b) Whenever it is necessary to make an inspection to enforce the provisions of this article, or whenever  
1659 a police officer or code enforcement officer has reasonable cause to believe that there exists upon  
1660 any property a condition or violation which is unsafe, dangerous, hazardous or detrimental to the  
1661 public interest, the officer may enter upon the grounds of such property at all reasonable times to  
1662 inspect the same; provided, however, that if such structure or property is occupied, the officer shall  
1663 first present proper credentials and request entry upon such grounds. If such entry is refused, the  
1664 officer shall have recourse to every remedy provided by law to secure entry upon such grounds.
- 1665 (c) The initial observation of any deficiency under this chapter shall consist of a courtesy letter, with  
1666 notations as to the nature of the deficiency, and a request to provide a resolution plan as to how the  
1667 property owner intends to address and/or eliminate the deficiency within 30 calendar days from the  
1668 date of receipt of the courtesy letter. Once the resolution plan is reviewed and approved by HPC and  
1669 the building director, the property owner shall eliminate the deficiency within 30 calendar days. If the  
1670 elimination of the deficiency is determined to take longer than 30 days as reviewed and approved by  
1671 the building inspector, this shall be noted on the plan of resolution.
- 1672 (d) If no resolution plan is submitted within the time noted, or if the deficiency is not resolved within the  
1673 time noted, then penalties will be assessed and enforced as noted below:
  - 1674 (1) *Fine and/or sentence.* Any person convicted by a court of competent jurisdiction of violating any  
1675 provision of this chapter shall be guilty of violating a duly adopted ordinance of the City of St.  
1676 Marys, and shall be punished for each count either by a fine not less than \$100.00 per day not  
1677 to exceed \$1,000.00 per day, or by a sentence of imprisonment not to exceed 60 days in jail, or  
1678 both a fine and jail or a community work alternate as determined by the court.
  - 1679 (2) *Powers of the court.* The court shall have the power and authority to order the violation  
1680 corrected in compliance with this article and the court may require payment of restitution or  
1681 impose other punishment as allowed by law.
  - 1682 (3) *Other legal remedies.* In any case in which a violation of this chapter has occurred, the City of  
1683 St. Marys, in addition to other remedies provided by law, may petition for a restraining order,  
1684 injunction, abatement, or take any other appropriate legal action or proceeding through a court  
1685 of competent jurisdiction to prevent, restrain, or abate such unlawful use or activity.

1686 (Ord. of 3-8-10, § 1; Ord. No. [2014-021](#) , 6-2-14)

1687 **Sec. 62-200. - Appeals/hardship.**

- 1688 (a) *Appeals.* Any person adversely affected by any determination made by the historic preservation  
1689 commission relative to the issuance or denial of a certificate of appropriateness, may appeal such  
1690 determination to the mayor and city council; the appeal must be applied for within 30 calendar days  
1691 after notification of the decision is sent. The mayor and city council may approve, modify or reject the  
1692 determination made by the historic preservation commission if they find the commission abused its  
1693 discretion in reaching its decision ~~by violating procedures set forth in this article~~. Appeals to the  
1694 mayor and city council may be appealed to the Superior Court of Camden County in a manner  
1695 provided by law for appeals from conviction of ordinance violations.
- 1696 (b) *Hardship.* Where, by reason of unusual circumstances, the strict application of any provision of this  
1697 chapter would result in the exceptional practical difficulty or undue hardship upon any owner of a  
1698 specific property, the commission, in passing upon applications, shall have the power to vary or  
1699 modify strict adherence to the provisions, or to interpret the meaning of the provisions, so as to  
1700 relieve such difficulty or hardship; provided such variances, modifications or interpretations shall  
1701 remain in harmony with the general purpose and intent of the provisions, so that the architectural or  
1702 historical integrity, or character of the property, shall be conserved and substantial justice done. In  
1703 granting variances, the commission may impose such reasonable and additional stipulations and  
1704 conditions as will, in its judgment, best fulfill the purpose of this chapter. An undue hardship shall be

1705 a situation not of the applicant's own making, nor will economic hardship be the sole reason for  
1706 request of a designation of undue hardship.

1707 (c) In the event that compliance with any sections of this chapter are the result of issues beyond the  
1708 control of the citizen, thereby creating a hardship, the citizen has the right to request a determination  
1709 of hardship. This determination shall be requested by the citizen via written letter to the ~~planning~~  
1710 ~~director, HPC,~~ stating the reasons for a hardship determination. This determination shall be  
1711 requested after the issuance of a courtesy letter outlining the deficiencies and prior to the issuance of  
1712 any formal citation ~~to,~~ the citizen.

1713 (1) This letter shall be received within 30 calendar days of receipt of any courtesy citation.

1714 (2) The basis for a determination of the economic hardship of the proposed action on the citizen  
1715 shall be made by the ~~planning director~~HPC, with appeal of any decision to city council.

1716 (3) The receipt of the letter by the ~~planning HPC director~~ will postpone any other legal remedy  
1717 outlined above, for the period of time that the petition is being reviewed by the ~~planning~~  
1718 ~~director~~HPC and in the event of an appeal, by the council.

1719 (4) The letter shall also outline the method and timing of the resolution of the issue, based on the  
1720 ability of the citizen to comply with this chapter.

1721 (Ord. of 3-8-10, § 1)

1722

1723 This Amendment shall become effective upon passage.

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**ST. MARYS CITY COUNCIL**

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**ST. MARYS, GEORGIA**

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\_\_\_\_\_  
JOHN F. MORRISSEY, MAYOR

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1732 ATTEST:

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DEBORAH WALKER-REED, CITY CLERK

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CITY OF ST. MARYS, GEORGIA

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