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**Historical Preservation
Chapter 62
Ordinance Amendment
June 27, 2017
DRAFT**

7 **Changes:**

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

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, §§ I—
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 department director or his designated staff of the City
121 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 ~~Community Development~~ Department of the City of St. Marys. The ordinance from which this chapter
216 derives shall supersede and replace, in its entirety, any and all past ordinances related to historic
217 preservation within the City of St. 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-officialCommunity Development Director~~ of the city determines that there is a conflict
315 of interest as outlined in this section, he shall issue a stop-work order immediately and call an
316 emergency meeting of the commission. The ~~building-officialCommunity Development Director~~ will
317 present his findings to the commission and the commission may either:

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

320 (2) Overturn the decision of the ~~building-officialCommunity Development Director~~ and allow the
321 project to proceed without further 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 or reclassifications within the**
380 **St. Marys Historic District.**

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

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

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

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

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

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

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

404 (Ord. of 3-8-10, § 1)

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

406 (a) *Criteria for selection of properties.* A historic property is a building, structure, site or work of art,
407 including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of

408 preservation by reason of value to the city, the county, the state or coastal area, for one or more of
409 the following reasons:

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

417 (b) *Boundaries of historic property.* Boundaries of a historic property shall be specified on tax maps;
418 these boundaries will be included in separate ordinances designating historic properties; boundaries
419 specified in legal notices shall correspond with the boundaries finally designated; historic properties
420 shall be shown on the official zoning map of the city.

421 (Ord. of 3-8-10, § 1)

422 **Sec. 62-90. - General matters affecting the designation of additional historic districts, historic**
423 **properties or historic buffer areas.**

424 (a) *Application for designation of historic district or historic property.* Designations may be proposed by
425 the City of St. Marys City Council, the historic preservation commission, or:

- 426 (1) *For historic districts*—A historical society, neighborhood association or group of property owners
427 may apply to the historic preservation commission for designation.
- 428 (2) *For historic properties*—A historical society, neighborhood association or property owner may
429 apply to the historic preservation commission for designation.

430 (b) *Required public hearings.* The commission or the City of St. Marys shall hold public hearing on the
431 proposed ordinance for designation of any historic district or property. Notice of the hearing shall be
432 published in at least three consecutive issues in the principal newspaper of local circulation, and
433 written notice of the hearing shall be mailed by the historic preservation commission to all owners
434 and occupants of such properties. All such notices shall be published or mailed not less than ten, nor
435 more than 20 days prior to date set for the public hearing. A letter sent via the United States Mail to
436 the last-known owner of the property, as recorded on the tax rolls in the county tax assessor's office,
437 and a notice sent via "attention of the occupant" shall constitute legal notification to the owner and
438 occupant under this chapter.

439 (c) *Notification of property owners of proposed designation.* Any ordinance recommending any property
440 as a part of a historic district or as a historic property for designation shall:

- 441 (1) Describe each property to be designated, which shall include, as a minimum:
 - 442 a. A physical description.
 - 443 b. A statement of the historical, cultural, architectural and or aesthetic significance.
 - 444 c. A map showing district boundaries and classification (i.e., contributing, noncontributing, or
445 historic, nonhistoric, vacant, intrusive) of individual properties therein, or showing
446 boundaries of individual historic properties.
 - 447 d. Tax parcel number and other site related data.
 - 448 e. Representative color photographs of all facades of the building and any significant details
449 (digital ok).
 - 450 f. Photographs of the streetscape approaching the site from both directions (digital ok).
- 451 (2) Set forth the names of all known present and historic owners of the properties to be designated.

- 452 (3) After designation of the area a certificate of appropriateness must be obtained from the historic
453 preservation commission prior to any material change in appearance to the property as defined
454 in the definition section of this chapter.
- 455 (d) *Requirements regarding district boundaries.* Any ordinance designating any property as a historic
456 property, or as part of a historic district area, shall require that the designated property district be
457 shown on the official zoning map of the city and kept as public record to provide notice of such
458 designation.
- 459 (e) *Notification of historic preservation division.* No less than 30 days prior to the recommendation on
460 any ordinance designating any property or district as historic, the historic preservation commission
461 must submit a report on the historic, cultural, architectural or aesthetic significance of each place,
462 district, site, building/structure or work of art to the historic preservation division of the department of
463 natural resources. Once a historic district or historic property has been designated by the city
464 council, the historic preservation commission shall work with the Coastal Georgia CRC area planning
465 and development commission historic preservation planner to provide whatever additional
466 information is needed by the historic preservation division to nominate the designated district or site
467 to the National Register of Historic Places.
- 468 (f) *Recommendations on proposed designations.* A recommendation to affirm, modify or withdraw the
469 proposed ordinance for designation shall be made within 15 days following the public hearing, and
470 shall be in the form of a resolution by the City of St. Marys City Council.
- 471 (g) *The City of St. Marys City Council actions on the commission's recommendation.* Following receipt of
472 the commission recommendation, the City of St. Marys City Council may adopt the ordinance as
473 proposed, may adopt the ordinance with any amendments they deem necessary, or reject the
474 ordinance.
- 475 (h) *Notification of adoption of ordinance for designation.* Within 30 days immediately following the
476 adoption of the ordinance for designation, the owners and occupants of each designated historic
477 property, and the owners and occupants of each building, structure, site, object or work of art located
478 within a designated historic district shall be given written notification of such designation by the City
479 of St. Marys City Council, which notice shall apprise the owners and occupants of the necessity of
480 obtaining a certificate of appropriateness for undertaking any material change in appearance of a
481 property which is a part of a designated district or site. A notice sent via the United States Mail to the
482 last-known owner of the property, as recorded on the tax rolls in the county tax assessor's office,
483 and/or a notice sent via "attention of the occupant" shall constitute legal notification to the owner and
484 occupant under this chapter.
- 485 (i) *Notification of other agencies regarding designation.* The commission shall notify all necessary
486 agencies within the city of the ordinance for designation, including the mayor and city council, the
487 planning commission and the office of building official and zoning official. The commission will also
488 notify individuals and agencies throughout the city, the county, the state and coastal area likely to be
489 interested in the ordinance.
- 490 (j) *Moratorium on applications for alteration or demolition while ordinance for designation is pending.* If
491 an ordinance for designation is being considered, the historic preservation commission shall have
492 the power to freeze the status of the involved property.

493 (Ord. of 3-8-10, § 1)

494 Secs. 62-91—62-109. - Reserved.

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

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

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

507 (Ord. of 3-8-10, § 1)

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

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

516 (Ord. of 3-8-10, § 1)

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

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

530 (Ord. of 3-8-10, § 1)

531 **Sec. 62-~~113~~112. -- ~~Material Changes changes~~ to exterior architectural and environmental features on**
532 **historic properties ~~in or within~~ historic districts.**

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

543 (b) Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior
544 architectural feature in or on a historic property, which maintenance or repair does not involve a

545 material change in design, material, or outer appearance thereof, nor to prevent any property owner
546 from making any use of his property not prohibited by other laws, ordinances, or regulations.

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

548

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

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

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

557 ~~(ea)~~ Disposition of all trees, at least ten inches in diameter, as measured at a point 48 inches above the
558 ground, in the historic district shall be determined by either the HPC or the City of St. Marys Tree
559 Board in compliance with this section. Within private parcels of the historic district, if there is an
560 immediate threat to life or property, posed by a dead or dying tree, the Community Development
561 Director has the authority to have the tree removed. Within private parcels of the historic district,
562 where a tree is dead, diseased or in otherwise poor health, as determined by the Community
563 Development Director, and is not considered an imminent threat, the tree board will have sole
564 jurisdiction ~~as to its removal~~ to authorize removal. Within private parcels of the historic district, where
565 a tree is determined to be healthy by the Community Development Director and requested to be
566 removed by either the city or a property owner, the historic preservation commission shall have sole
567 jurisdiction as to its removal. However, the HPC requires that for all live oak trees determined to be
568 removed for any reason, one new live oak of minimum diameter of 2.5 inches shall be planted on the
569 site. Replacement of other species of trees shall be replaced as per the requirements of the tree
570 board.

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

579 ~~(ec)~~ If the tree board is eliminated by direct action of council, all jurisdiction of trees on private property in
580 the historic district or historic properties shall be transferred to the HPC. In the event of any conflict
581 with the tree board ordinances, the HPC ordinance shall govern.

582 (Ord. of 3-8-10, § 1)

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

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

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

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

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

640 ~~and districts and to participate in federal programs to do the same; in order that the above~~
641 ~~activities will perpetuate the city's high quality of life for present and future generations, the~~
642 ~~Mayor and Council of the City of St. Marys hereby declare it to be the purpose and intent of this~~
643 ~~article to establish a uniform procedure for use in providing for the protection, enhancement,~~
644 ~~perpetuation and use of places, districts, sites, buildings, structures and works of art having a~~
645 ~~special historical, cultural or aesthetic interest or value, in accordance with the provisions of the~~
646 ~~article.~~

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

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

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

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

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

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

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

673 ~~d. Complete applications for any signs shall then be submitted to the historic preservation~~
674 ~~commission for review in public session with the historic preservation commission voting to~~
675 ~~approve or disapprove the submitted sign. The owner of the sign or representative~~
676 ~~authorized in writing to represent the owner, is required to be in attendance to present the~~
677 ~~application to the historic preservation commission. Owner or representative shall be~~
678 ~~authorized to make decisions for or on behalf of the owner.~~

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

681 ~~(6) Specific regulations:~~

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

684 ~~b. All freestanding or pylon signs shall be considered a special use, under the requirements~~
685 ~~of a special use listed in Ordinance No. 110. In consideration of the special use, applicant~~
686 ~~shall note the height, size (not to exceed 25 square feet on one side), location,~~
687 ~~photographs of the location, type of construction, whether the pylon sign will block any~~
688 ~~historic features, illumination, and whether the sign would create a safety or visibility~~

689 ~~problem with pedestrians or vehicles as well as other factors that the historic preservation~~
690 ~~commission would need to consider before granting approval. Materials for freestanding~~
691 ~~signs should use materials that coordinate with the surrounding properties construction~~
692 ~~design. The base of said signs shall be shielded by plants. Materials for freestanding signs~~
693 ~~should be of wood or a material that closely resembles wood in appearance.~~

694 ~~e. Other exterior wall signs shall either be attached flat against the wall or project at 90~~
695 ~~degrees from the wall for maximum of 36 inches. Signs flat on the wall shall not project out~~
696 ~~from the surface more than six inches and not create a safety or visibility problem with~~
697 ~~pedestrians or vehicles. The total size of all wall and projecting signs is 40 square foot.~~

698 ~~d. Multi tenant buildings with separate doors to the exterior may post one sign at each main~~
699 ~~entry not to exceed two square feet.~~

700 ~~e. Multi tenant buildings with one main door to the exterior shall post one sign at the main~~
701 ~~entry not to exceed six inches by 18 inches for each tenant stacked vertically.~~

702 ~~f. Signs may be illuminated from ground mounted up lamps with no spillover of light that will~~
703 ~~affect pedestrian and vehicle traffic.~~

704 ~~g. Backlit, neon, digital, LED, flashing, or changing illumination is prohibited whether located~~
705 ~~on the exterior or behind the glass and visible from the sidewalk or street.~~

706 ~~h. Non illuminated signage in the windows of exterior windows shall be no more than 20~~
707 ~~square feet to enable visibility into the building for security purposes.~~

708 ~~i. Signs with changeable or moveable letters/messages are not permitted.~~

709 ~~j. Roof signs are not permitted.~~

710 ~~k. Billboards are not permitted.~~

711 ~~l. Freestanding signs (similar to sandwich signs) may not be located on sidewalks or on~~
712 ~~street rights of way or on medians.~~

713 ~~m. One push in real estate sign not to exceed four square foot located OFF of the public ROW~~
714 ~~is permitted.~~

715 ~~n. Political signs not to exceed two square foot per sign for any registered candidate (for any~~
716 ~~city, county, or federal election), one per candidate, only on privately owned property with~~
717 ~~consent of the property owner but NOT within the right of way (ROW).~~

718 ~~e. Yard sale signs are not permitted anywhere within the historic district.~~

719 ~~p. Signs advertising businesses or activities not located on the same site as the sign are not~~
720 ~~permitted.~~

721 ~~q. Businesses or activities located outside of the historic district are not permitted to post~~
722 ~~signage of any type within the historic district.~~

723 ~~r. Intensive holiday displays (such as but not limited to festivals/activities relating to~~
724 ~~Christmas, New Years, Easter, July 4th, Rock Shrimp, Mardi Gras) shall receive a COA~~
725 ~~from the historic preservation commission, as well a city review based on the assembly~~
726 ~~portion of the city ordinances prior to 60 days of the event. Any signage regarding~~
727 ~~sponsorship shall be limited to eight inches by 24 inches.~~

728 ~~e. Paintings or works of art that do not convey a commercial message are permitted upon~~
729 ~~approval of the historic preservation commission.~~

730 ~~t. There shall be no signs advertising alcohol or products containing alcohol.~~

731 ~~u. Official flags. Official U.S. or GA. flags shall be flown in accordance with protocol~~
732 ~~established by the Congress of the United States for the stars and stripes, or State of~~
733 ~~Georgia, as applicable.~~

- 734 ~~v. Traffic safety and traffic directional signs installed within the right of way of a public street,~~
735 ~~and traffic safety and traffic directional signs along private streets driveways, and in off-~~
736 ~~street parking lots that are installed per the requirements of the city engineer or per city,~~
737 ~~state, or federal ordinance shall be permitted.~~
- 738 ~~w. Street address numbers attached to buildings (maximum letter height 12 inches) to ensure~~
739 ~~visibility for public service recognition shall be permitted.~~
- 740 ~~x. Any sign not visible from a public street does not require historic preservation commission~~
741 ~~approval.~~
- 742 ~~y. Signs pertaining to the time a business, activity, or establishment is open, and conditions~~
743 ~~under which patrons may receive service, including credit card identification signs or~~
744 ~~stickers up to a total of all such signs to a maximum of one square foot in area per main~~
745 ~~entry door.~~
- 746 ~~z. Any signage regarding "official" sponsorship of any event held on a private property shall~~
747 ~~be limited to eight inches by 24 inches and not be placed within the ROW. Sponsorship~~
748 ~~signs shall be permitted to be placed only on the parcel containing the event a maximum of~~
749 ~~30 days in advance of the event, with removal ten days after the event.~~
- 750 ~~(7) Prohibited signs. The following types of signs are prohibited in all zoning districts of the city,~~
751 ~~except as otherwise specifically provided by this section:~~
- 752 ~~a. Animated signs.~~
- 753 ~~b. Automated changeable copy signs.~~
- 754 ~~c. Flashing signs.~~
- 755 ~~d. Any air or gas filled balloons.~~
- 756 ~~e. Portable signs.~~
- 757 ~~f. Pylon signs not otherwise permitted per this section.~~
- 758 ~~g. Roof signs not permitted.~~
- 759 ~~h. Sidewalk signs not otherwise permitted per this section.~~
- 760 ~~i. Streamers and pennants.~~
- 761 ~~j. Signs that imitate an official traffic sign or signal. This includes signs that use colored lights~~
762 ~~at any location or in any manner so as to be confused with, or construed as, traffic control~~
763 ~~devices.~~
- 764 ~~k. Signs within the right of way, including those attached to traffic signs or telephone poles,~~
765 ~~trees, the ground, or vehicles of any wheeled or wheel-less type.~~
- 766 ~~l. Signs attached to trees, other natural features and utility poles.~~
- 767 ~~m. Signs attached to courtesy benches, trashcans, and similar devices, with the exception of~~
768 ~~signage related to the ownership of such items.~~
- 769 ~~n. Trailer mounted signs.~~
- 770 ~~o. Banners.~~
- 771 ~~p. Any sign or outdoor advertising display that depicts any material which is obscene as~~
772 ~~defined in O.C.G.A. § 16-12-80.~~
- 773 ~~q. Any sign or outdoor advertising display that shows nudity as defined in O.C.G.A. § 32-6-75.~~
- 774 ~~r. Signs illuminated in such a way that they cast intense light onto any residential premises or~~
775 ~~public roadways, or impair motorist vision, as determined by law enforcement personnel.~~

- ~~s. No exterior outdoor advertising or interior advertising visible from the exterior shall be erected in the city advertising or promoting the sale of alcoholic beverages.~~
 - ~~t. Signs shall not be erected, constructed or maintained so as to obstruct any fire escape, any window, door or opening used as a means of egress.~~
 - ~~u. State law prohibits the placement of any sign on city rights of way, including political signs. Signs on the city or state rights of way are considered littering and a misdemeanor and be subject to the fines for littering and for removal costs as noted herein.~~
 - ~~v. All signs prohibited by the Official Code of Georgia.~~
 - ~~w. Consistent with the Internal Revenue Code of 1954 Rev. Rule 585-89(7)(b), a private club should not advertise its facilities for nonmember patronage since this would be prima facie evidence it was engaging in business.~~
 - ~~x. Push in signs for any purpose (except real estate signs and signs not to exceed two square feet per sign for any registered candidate for any city, county, or federal election) are not permitted within the historic district or on privately owned property or within the street right-of way (ROW).~~
- ~~(8) Administration.~~
- ~~a. All signs erected within the St. Marys Historic District must have approval of the historic preservation commission.~~
 - ~~b. A certificate of appropriateness (COA) application in a form approved by the historic preservation commission must be completed, submitted to the planning director or designated staff member for completeness at least 15 days in advance of the regularly scheduled monthly meeting.~~
 - ~~c. The application will be reviewed and approved by the historic preservation commission at their regularly scheduled monthly meeting.~~
 - ~~d. The applicant for a COA must be in attendance to present their application. A written letter of authorization for another to represent them can be provided should the applicant wish to have another represent them.~~
 - ~~e. Upon approval, all signs must conform to the regulations of this article.~~
 - ~~f. The director of planning or designated staff member shall be authorized to issue sign permits after approval by the historic preservation commission in accordance with the provisions of this article.~~
 - ~~g. The city shall process all sign permit applications within 30 business days of the city's actual receipt of both a completed and approved COA and a sign permit fee. In no event, except with permission of the applicant, may the director of planning or designated staff member delay acting upon a sign permit application.~~
 - ~~h. The director of planning or designated staff member shall reject any application containing any false material statements or omissions. Any rejected application later resubmitted shall be deemed to have been submitted on the date of re-submission, instead of original submission. Should it be determined that a sign permit was issued pursuant to an application containing a false material statement or omission, the director of planning or designated staff member shall revoke said application and the subject sign shall be removed. A revocation pursuant to this section shall be appealable pursuant to this article.~~
 - ~~i. Sign permit expiration date. A sign permit shall become null and void if the sign for which the permit was issued has not been completed within 12 months after the date of issuance. No refunds will be made for a permit after the permit is issued. If later an individual desires to erect a sign at the same location, a new application for the sign must be processed, the approval process restarted from the beginning, and another fee paid in accordance with the fee schedule applicable at such time.~~

824 ~~j. Sign permit fees. No sign permit shall be issued until the appropriate application has been~~
825 ~~filed with the director of the department of planning or designated staff member and fees~~
826 ~~have been paid as adopted from time to time by the St. Marys City Council.~~

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

834 ~~1. The planning and zoning director will provide the reasons why the sign should be~~
835 ~~removed and the sign owner will be awarded the opportunity to explain why the sign~~
836 ~~should remain.~~

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

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

842 ~~(9) Nonconforming signs:~~

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

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

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

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

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

872 ~~c. City occupation taxes, public liability insurance required. It shall be a violation of this article~~
873 ~~for any person to engage in the business of erecting or maintaining signs within the city,~~

874 ~~unless and until such entity shall have paid a city occupational tax or furnished proof of~~
875 ~~payment of an occupation tax to another municipality or county, reference section 22-24 of~~
876 ~~the St. Marys Code of Ordinances, and a certificate of insurance from an insurance~~
877 ~~company authorized to do business in the state evidencing that the person or entity has in~~
878 ~~effect public liability and property damage insurance.~~

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

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

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

917 ~~2. All abandoned signs that meet the definition of a pylon sign shall be removed within~~
918 ~~60 days from the date of discontinuance. The director of planning or building may~~
919 ~~permit one 30 day extension of this removal period only in cases where special~~
920 ~~equipment is needed to remove the sign or sign structures, and removal of the~~
921 ~~structure cannot reasonably be arranged by the sign owner within the 60 day time~~
922 ~~period.~~

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

- 927 ~~i. If an abandoned monument sign contains a message panel that is removable~~
 928 ~~from the monument structure without disassembling the monument, then within~~
 929 ~~30 days of the date of discontinuance said panel shall be removed and the~~
 930 ~~portion of the monument structure that previously hold the message panel shall~~
 931 ~~be covered with durable cloth or canvas to avoid the appearance of blight, until~~
 932 ~~such time as a new sign permit is applied for and granted and an approved sign~~
 933 ~~panel is installed in said monument.~~
- 934 ~~ii. If an abandoned monument sign contains a sign copy area that is not removable~~
 935 ~~without disassembling the monument, then said sign copy area shall be modified~~
 936 ~~(e.g., painted over) or covered with durable cloth or canvas so that the sign copy~~
 937 ~~pertaining to the business or activity discontinued is no longer visible, until such~~
 938 ~~time as a new sign permit is applied for and granted and approved sign copy is~~
 939 ~~affixed on the sign copy area of said monument.~~
- 940 ~~iii. *Removal of signs not maintained.* All signs shall be maintained by the property~~
 941 ~~owner in good condition so as to present a neat and orderly appearance. The~~
 942 ~~director of the department of planning or building may remove or cause to be~~
 943 ~~removed, after proper written notice, any sign that shows gross neglect, becomes~~
 944 ~~dilapidated, or in the opinion of the chief building inspector poses a threat to~~
 945 ~~public safety. The director of the department of planning or building or his~~
 946 ~~designee will give the owner 45 days written notice, by certified mail with return~~
 947 ~~receipt requested, to correct the deficiencies or to remove the sign or signs,~~
 948 ~~except signs that pose a threat to public safety which shall be removed in accord~~
 949 ~~with this section. If the owner refuses to correct the deficiencies or remove the~~
 950 ~~sign, the director of the department of planning or building or his designee will~~
 951 ~~have the sign removed at the expense of the owner, with a lien filed against the~~
 952 ~~property. Should a permittee fail to pick up the certified mail, and said mail is~~
 953 ~~returned, this failure to pick up will not delay the termination action or create any~~
 954 ~~defense to stay any enforcement action.~~
- 955 ~~(c) When considering applications for certificates of appropriateness for new signage, the sign~~
 956 ~~ordinance of the City of St. Marys will be used along with any other criteria adopted by the~~
 957 ~~commission. Signs shall be as designated in the sign ordinance, and shall include banners, pole~~
 958 ~~mounted signs, building mounted signs, flags (but not including U.S. flags) signs painted in windows,~~
 959 ~~murals, seasonal and sale signs and sandwich board signs. Except for directional or public safety~~
 960 ~~(public ROW), real estate (on private property), political (on private property with owner's~~
 961 ~~permission), and personal (on private property) push in signs, all other types of push in signs are not~~
 962 ~~permitted at any time in the historic district. Electronic flashing signs are not permitted at any time in~~
 963 ~~the historic district. All signs shall be approved by the HPC as well as comply with the sign ordinance~~
 964 ~~as administered by the planning department. Signs shall be as designated in the sign ordinance, and~~
 965 ~~shall include banners, pole mounted signs, building mounted signs, flags (but not including U.S.~~
 966 ~~flags) signs painted in windows, murals, seasonal and sale signs and sandwich board signs.~~
- 967 ~~(d) All facades of the building and all structures or other site features visible from the public street or~~
 968 ~~public alley and directly adjacent to the public street or alley shall be within the jurisdiction of the~~
 969 ~~historic preservation commission.~~
- 970 ~~(Ord. of 3-8-10, § 1; Ord. No. 2014-021, 6-2-14)~~

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

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

978 appropriateness shall be given to the chairman and all board members of the historic preservation
979 commission no later than seven calendar days before the regularly scheduled monthly meeting of the
980 commission. No application for a COA will be considered complete without a submission date.

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

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

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

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

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

998 (Ord. of 3-8-10, § 1)

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

1000 (a) At least seven days prior to review of a certificate of appropriateness, the commission shall take
1001 such action as may reasonably be required to inform the owners of any adjacent property likely to be
1002 affected materially by the change in material appearance for which the application for a certificate of
1003 appropriateness has been made. All meetings of the commission at which applications for certificate
1004 of appropriateness are being discussed shall be open to the public.

1005 (b) At least seven days prior to review of a certificate of appropriateness, staff shall post a sign on the
1006 parcel under consideration for any request for a certificate of appropriateness. The sign shall identify
1007 the parcel, note the nature of the request, and the date and time of the public meeting.

1008 (Ord. of 3-8-10, § 1)

1009 **Sec. 62-118. - Interior alterations.**

1010 In its review of applications for certificates of appropriateness, the commission shall not consider
1011 interior arrangement or use having no effect on exterior architectural features, unless the applicant
1012 specifically requests same, or the interior is listed as part of the National Register designation.

1013 (Ord. of 3-8-10, § 1)

1014 **Sec. 62-119. - Technical advice.**

1015 When dealing with technical questions, the commission shall have the power to seek expert advice.

1016 (Ord. of 3-8-10, § 1)

1017 **Sec. 62-120. - Deadline for approval or rejection of application.**

1018 (a) The commission shall approve or reject an application for a certificate of appropriateness within not
1019 more than 45 days after the hearing of the application. Evidence of approval shall be a certificate of
1020 appropriateness issued by the commission. Notice of approval or denial of a certificate of

1021 appropriateness shall be sent by United States Mail to the applicant at the address listed on the
1022 application and all other persons who have requested such notice in writing filed with the historic
1023 preservation commission.

1024 (b) Failure of the historic preservation commission to act with said 45 days shall constitute approval, and
1025 no other evidence of approval shall be needed. Applicant may request that the HPC postpone any
1026 approval or denial of the application beyond the [45-day period.]

1027 (Ord. of 3-8-10, § 1)

1028 **Sec. 62-121. - Necessary actions taken by commission upon approval of application.**

1029 When a certificate of appropriateness is issued by the historic preservation commission, the
1030 applicant shall submit drawings and specifications and all other required data to the **Building-Community**
1031 **Development** Department of the City of St. Marys for receipt of a building permit. The building permit shall
1032 list on the face of the documents whether the property is in a historic district and if the certificate of
1033 appropriateness was approved with the date. Lack of inclusion of this data on the request for a building
1034 permit will delay processing of the application.

1035 (Ord. of 3-8-10, § 1)

1036 **Sec. 62-122. - Necessary actions taken by commission upon rejection of application.**

1037 (a) If the commission rejects an application, it shall state its reasons for doing so, and shall transmit a
1038 record of such actions and reasons, in writing, to the applicant. The commission may suggest
1039 alternative courses of action it thinks proper if it disapproves the application submitted. The
1040 applicant, if he so desires, may make modifications to the plans and may resubmit the application at
1041 any time after making said modifications. The same procedure shall be followed for resubmission as
1042 for a new submission using the data included in this chapter.

1043 (b) In cases where the application covers a material change in the appearance of a structure which
1044 would require the issuance of a building permit, the rejection of the application for a certificate of
1045 appropriateness by the commission shall be binding upon the building official. In such a case, no
1046 building permit shall be issued.

1047 (Ord. of 3-8-10, § 1)

1048 **Sec. 62-123. - ~~Reserved.~~ Signage within the Historic District**

1049 (1) Purpose. In support and furtherance of its findings and determination that the historical, cultural
1050 and aesthetic heritage of the City of St. Marys is among its most valued and important assets
1051 and that the preservation of this heritage is essential to the promotion of the health, prosperity
1052 and general welfare of the people; in order to stimulate revitalization of the waterfront district
1053 and historic neighborhoods and to protect and enhance historical and aesthetic qualities of the
1054 city for the enjoyment of the city's residents and visitors alike; in order to enhance the
1055 opportunities for federal tax relief of property owners under relevant provisions federal law; in
1056 order to provide for designation, protection, preservation and rehabilitation of historic properties
1057 and districts and to participate in federal programs to do the same; in order that the above
1058 activities will perpetuate the city's high quality of life for present and future generations, the
1059 Mayor and Council of the City of St. Marys hereby declare it to be the purpose and intent of this
1060 article to establish a uniform procedure for use in providing for the protection, enhancement,
1061 perpetuation and use of places, districts, sites, buildings, structures and works of art having a
1062 special historical, cultural or aesthetic interest or value, in accordance with the provisions of the
1063 article.

1064 (2) Definitions. For the purposes of this article and except as may be revised herein, definitions of
1065 any term shall be consistent with the definitions contained in section 46-137 of the Code of
1066 Ordinances of the City of St. Marys. In the absence of any definition listed below, the New
1067 American Dictionary, latest edition shall be used to provide the proper definition.

- 1068 (3) General. Any sign proposed to be erected within physical limits of the St. Marys Historic District
1069 regardless of the underlying zoning shall be submitted for a certificate of appropriateness (COA)
1070 from the historic preservation commission (historic preservation commission). The planning
1071 commission will not review or approve any signage within the historic district.
- 1072 (4) Adherence to historic preservation commission guidelines. All owners or prospective owners of
1073 businesses or residential properties in the historic district must adhere to historic preservation
1074 commission guidelines whose sole purpose is to retain the historic character of the district. All
1075 signs visible from the public street or public alley and/or directly adjacent to the public street or
1076 alley shall be within the jurisdiction of the historic preservation commission.
- 1077 (5) Criteria. When considering applications for certificates of appropriateness for new or revised
1078 signage in the historic district, the Historic Preservation Commission shall use the criteria
1079 contained within this ordinance.
- 1080 a. For the purposes of this section, the term signs shall include banners, fixed signage, free
1081 standing signage, flags, sandwich board signs, push-in signs, streamers, balloons, canopy
1082 advertising, umbrella advertising, mobile parked vehicle signage (but not including signs on
1083 vehicles doing business within the district), and similar advertising media. Sign requests
1084 shall be submitted on an application form as approved by the historic preservation
1085 commission with date of submission to the planningCommunity Development
1086 Department.
- 1087 b. Signs shall strictly comply with this section of Ordinance No. 62.
- 1088 c. Signs shall initially be reviewed by staff of the planningCommunity Development
1089 Department as to completeness of the submitted documents. Incomplete applications will
1090 not be accepted by the staff of the planningCommunity Development Department or
1091 reviewed by the historic preservation commission.
- 1092 d. Complete applications for any signs shall then be submitted to the historic preservation
1093 commission for review in public session with the historic preservation commission voting to
1094 approve or disapprove the submitted sign. The owner of the sign or representative
1095 authorized in writing to represent the owner, is required to be in attendance to present the
1096 application to the historic preservation commission. Owner or representative shall be
1097 authorized to make decisions for or on behalf of the owner.
- 1098 e. Signs must not distract or detract from the visual historic character of the St. Marys Historic
1099 District and shall not obscure architectural details of the building and property.
- 1100 (6) Specific regulations:
- 1101 a. No more than two exterior signs per lot. Of the two exterior signs, only one may be pylon or
1102 freestanding.
- 1103 b. All freestanding or pylon signs shall be considered a special use, under the requirements
1104 of a special use listed in Ordinance No. 110. In consideration of the special use, applicant
1105 shall note the height, size (not to exceed 25 square feet on one side), location,
1106 photographs of the location, type of construction, whether the pylon sign will block any
1107 historic features, illumination, and whether the sign would create a safety or visibility
1108 problem with pedestrians or vehicles as well as other factors that the historic preservation
1109 commission would need to consider before granting approval. Materials for freestanding
1110 signs should use materials that coordinate with the surrounding properties construction
1111 design. The base of said signs shall be shielded by plants. Materials for freestanding signs
1112 should be of wood or a material that closely resembles wood in appearance.
- 1113 c. Other exterior wall signs shall either be attached flat against the wall or project at 90
1114 degrees from the wall for maximum of 36 inches. Signs flat on the wall shall not project out
1115 from the surface more than six inches and not create a safety or visibility problem with
1116 pedestrians or vehicles. The total size of all wall and projecting signs is 40 square feet.

- 1117 d. Multi-tenant buildings with separate doors to the exterior may post one sign at each main
1118 entry not to exceed two square feet.
- 1119 e. Multi-tenant buildings with one main door to the exterior shall post one sign at the main
1120 entry not to exceed six inches by 18 inches for each tenant stacked vertically.
- 1121 f. Signs may be illuminated from ground mounted up-lamps with no spillover of light that will
1122 affect pedestrian and vehicle traffic.
- 1123 g. Backlit, neon, digital, LED, flashing, or changing illumination is prohibited whether located
1124 on the exterior or behind the glass and visible from the sidewalk or street.
- 1125 h. Non-illuminated signage in the windows of exterior windows shall be no more than 20
1126 square feet to enable visibility into the building for security purposes.
- 1127 i. Signs with changeable or moveable letters/messages are not permitted.
- 1128 j. Roof signs are not permitted.
- 1129 k. Billboards are not permitted.
- 1130 l. Freestanding signs (similar to sandwich signs) may not be located on sidewalks or on
1131 street rights-of-way or on medians.
- 1132 m. One push-in real estate sign not to exceed four square feet located OFF of the public ROW
1133 is permitted.
- 1134 n. Political signs not to exceed two square feet per sign for any registered candidate (for any
1135 city, county, or federal election), one per candidate, only on privately owned property with
1136 consent of the property owner but NOT within the right-of-way (ROW).
- 1137 o. Yard sale signs are not permitted anywhere within the historic district.
- 1138 pn. Signs advertising businesses or activities not located on the same site as the sign are not
1139 permitted.
- 1140 qo. Businesses or activities located outside of the historic district are not permitted to post
1141 signage of any type within the historic district.
- 1142 r. Intensive holiday displays (such as but not limited to festivals/activities relating to
1143 Christmas, New Years, Easter, July 4th, Rock Shrimp, Mardi Gras) shall receive a COA
1144 from the historic preservation commission, as well a city review based on the assembly
1145 portion of the city ordinances prior to 60 days of the event. Any signage regarding
1146 sponsorship shall be limited to eight inches by 24 inches.
- 1147 sp. Paintings or works of art that do not convey a commercial message are permitted upon
1148 approval of the historic preservation commission.
- 1149 t. There shall be no signs advertising alcohol or products containing alcohol.
- 1150 uq. Official flags. Official U.S. or GA. flags shall be flown in accordance with protocol
1151 established by the Congress of the United States for the stars and stripes, or State of
1152 Georgia, as applicable.
- 1153 vr. Traffic safety and traffic directional signs installed within the right-of-way of a public street,
1154 and traffic safety and traffic directional signs along private streets driveways, and in off-
1155 street parking lots that are installed per the requirements of the city engineer or per city,
1156 state, or federal ordinance shall be permitted.
- 1157 ws. Street address numbers attached to buildings (maximum letter height 12 inches) to ensure
1158 visibility for public service recognition shall be permitted.
- 1159 xt. Any sign not visible from a public street does not require historic preservation commission
1160 approval.

- 1161 yu. Signs pertaining to the time a business, activity, or establishment is open, and conditions
1162 under which patrons may receive service, including credit card identification signs or
1163 stickers up to a total of all such signs to a maximum of one square feet in area per main
1164 entry door.
- 1165 zv. Any signage regarding "official" sponsorship of any event held on a private property shall
1166 be limited to eight inches by 24 inches and not be placed within the ROW. Sponsorship
1167 signs shall be permitted to be placed only on the parcel containing the event a maximum of
1168 30 days in advance of the event, with removal ten days after the event.
- 1169 (7) Prohibited signs. The following types of signs are prohibited in all zoning districts of the city,
1170 except as otherwise specifically provided by this section:
- 1171 a. Animated signs.
- 1172 b. Automated changeable copy signs.
- 1173 c. Flashing signs.
- 1174 d. Any air- or gas-filled balloons.
- 1175 e. Portable signs.
- 1176 f. Pylon signs not otherwise permitted per this section.
- 1177 g. Roof signs not permitted.
- 1178 h. Sidewalk signs not otherwise permitted per this section.
- 1179 i. Streamers and pennants.
- 1180 j. Signs that imitate an official traffic sign or signal. This includes signs that use colored lights
1181 at any location or in any manner so as to be confused with, or construed as, traffic control
1182 devices.
- 1183 k. Signs within the right-of-way, including those attached to traffic signs or telephone poles,
1184 trees, the ground, or vehicles of any wheeled or wheel-less type.
- 1185 l. Signs attached to trees, other natural features and utility poles.
- 1186 m. Signs attached to courtesy benches, trashcans, and similar devices, with the exception of
1187 signage related to the ownership of such items.
- 1188 n. Trailer mounted signs.
- 1189 o. Banners.
- 1190 p. Any sign or outdoor advertising display that depicts any material which is obscene as
1191 defined in O.C.G.A. § 16-12-80.
- 1192 q. Any sign or outdoor advertising display that shows nudity as defined in O.C.G.A. § 32-6-75.
- 1193 r. Signs illuminated in such a way that they cast intense light onto any residential premises or
1194 public roadways, or impair motorist vision, as determined by law enforcement personnel.
- 1195 s. No exterior outdoor advertising or interior advertising visible from the exterior shall be
1196 erected in the city advertising or promoting the sale of alcoholic beverages.
- 1197 t. Signs shall not be erected, constructed or maintained so as to obstruct any fire escape,
1198 any window, door or opening used as a means of egress.
- 1199 u. State law prohibits the placement of any sign on city rights-of-way, including political signs.
1200 Signs on the city or state rights-of-way are considered littering and a misdemeanor and be
1201 subject to the fines for littering and for removal costs as noted herein.
- 1202 v. All signs prohibited by the Official Code of Georgia.

- 1203 w. Consistent with the Internal Revenue Code of 1954 Rev. Rule 585-89(7)(b), a private club
1204 should not advertise its facilities for nonmember patronage since this would be prima facie
1205 evidence it was engaging in business.
- 1206 x. Push in signs for any purpose (except real estate signs and signs not to exceed two square
1207 feet per sign for any registered candidate for any city, county, or federal election) are not
1208 permitted within the historic district or on privately owned property or within the street right-
1209 of-way (ROW).
- 1210 (8) Administration.
- 1211 a. All signs erected within the St. Marys Historic District must have approval of the historic
1212 preservation commission.
- 1213 b. A certificate of appropriateness (COA) application in a form approved by the historic
1214 preservation commission must be completed, submitted to the ~~planning~~Community
1215 Development Director or designated staff member for completeness at least 15 days in
1216 advance of the regularly scheduled monthly meeting.
- 1217 c. The application will be reviewed and approved by the historic preservation commission at
1218 their regularly scheduled monthly meeting.
- 1219 d. The applicant for a COA must be in attendance to present their application. A written letter
1220 of authorization for another to represent them can be provided should the applicant wish to
1221 have another represent them.
- 1222 e. Upon approval, all signs must conform to the regulations of this article.
- 1223 f. ~~The director of planning~~Community Development Director or designated staff member shall
1224 be authorized to issue sign permits after approval by the historic preservation commission
1225 in accordance with the provisions of this article.
- 1226 g. The city shall process all sign permit applications within 30 business days of the city's
1227 actual receipt of both a completed and approved COA and a sign permit fee. In no event,
1228 except with permission of the applicant, may the ~~director of planning~~Community
1229 Development Director or designated staff member delay acting upon a sign permit
1230 application.
- 1231 h. ~~The director of planning~~Community Development Director or designated staff member shall
1232 reject any application containing any false material statements or omissions. Any rejected
1233 application later resubmitted shall be deemed to have been submitted on the date of re-
1234 submission, instead of original submission. Should it be determined that a sign permit was
1235 issued pursuant to an application containing a false material statement or omission, the
1236 ~~director of planning~~Community Development Director or designated staff member shall
1237 revoke said application and the subject sign shall be removed. A revocation pursuant to
1238 this section shall be appealable pursuant to this article.
- 1239 i. Sign permit expiration date. A sign permit shall become null and void if the sign for which
1240 the permit was issued has not been completed within 12 months after the date of issuance.
1241 No refunds will be made for a permit after the permit is issued. If later an individual desires
1242 to erect a sign at the same location, a new application for the sign must be processed, the
1243 approval process restarted from the beginning, and another fee paid in accordance with
1244 the fee schedule applicable at such time.
- 1245 j. Sign permit fees. No sign permit shall be issued until the appropriate application has been
1246 filed with the ~~director of the department of planning~~Community Development Director or
1247 designated staff member and fees have been paid as adopted from time to time by the St.
1248 Marys City Council.
- 1249 k. Upon failure of the sign owner, lessee, or property owner to comply with this article, the
1250 ~~planning~~Community Development Director shall give written notice of intent to obtain a
1251 removal order, by registered or certified mail with return receipt requested, to the sign

1252 owner, lessee, or property owner. Among other items, provided to the sign owner will be a
1253 written notice, certified and return receipt requested, to be and appear at the next regularly
1254 scheduled meeting of the historic preservation commission to show cause why said sign
1255 should not be subject to a removal order. At such meeting the following will transpire:

- 1256 1. The ~~Community Development~~ ~~planning and zoning~~ ~~D~~director will provide the reasons
1257 why the sign should be removed and the sign owner will be awarded the opportunity
1258 to explain why the sign should remain.
- 1259 2. Afterwards, members of the general public may be granted the opportunity to speak at
1260 the discretion of the historic preservation commission chairperson. Thereafter, any
1261 member of the historic preservation commission may make a motion to take action.
- 1262 3. Upon the motion being seconded, discussion will follow customary meeting
1263 procedures as contained elsewhere in chapter 62 - Historic Preservation.

1264 (9) *Nonconforming signs.*

- 1265 a. Nonconforming signs that met all legal requirements when erected may stay in place until
1266 the deterioration of the sign or damage to the sign makes it a threat to public safety, and no
1267 repairs have been effected within five days of receipt of registered or certified notice, return
1268 receipt requested, from the ~~director of planning or building~~ **Community Development**
1269 **Department** directing that immediate repairs are necessary to protect public safety. Any
1270 sign removed in accord with this section, shall not be replaced except in accord with the
1271 current requirements of this article.
- 1272 b. Any nonconforming sign shall either be eliminated, or made to conform to the requirements
1273 of this article, when any proposed change, repair, or maintenance would constitute an
1274 expense of more than 50 percent of the lesser of the original value or replacement value of
1275 the sign.

1276 (10) *Enforcement.* This article shall be administered and enforced by the ~~director of the department~~
1277 ~~of planning or building~~ **Community Development Director** or his or her designee. In case any
1278 sign that is proposed to be erected, constructed, altered, converted, or used in violation of any
1279 provision of this article, the ~~director of the department of planning or building~~ **Community**
1280 **Development Director** may, in addition to other remedies, and after notice to the appropriate
1281 person, issue a citation for violation of the city ordinance thereby requiring the presence of the
1282 violator in municipal court; institute the filing of a petition for an injunction, or other appropriate
1283 action or proceeding to prevent such unlawful erection, construction, alteration, conversion, or
1284 use to correct or abate such violation. Additionally, the director of the department of planning or
1285 building may have the sign removed at the expense of the owner with a lien filed against the
1286 property, and may issue a citation for violation of the city ordinance to the agent that placed the
1287 sign, as well as those parties responsible for directing the agent, including the person or
1288 business owner whose name, message, and/or address, and/or telephone number appears on
1289 the sign.

- 1290 a. The city, without warning or notice to the sign owner, may remove any sign located within a
1291 public street right-of-way immediately. Signs so removed shall be immediately destroyed
1292 without any consideration of compensation to the sign owner, known or unknown.
- 1293 b. *Penalty for violation.* Any person violating any provision of this article or conditions of the
1294 issued permit, or stop-work order shall be subject to a fine up to \$1,000.00 per violation per
1295 day or by imprisonment for a period not to exceed 60 days, or both.
- 1296 c. *City occupation taxes, public liability insurance required.* It shall be a violation of this article
1297 for any person to engage in the business of erecting or maintaining signs within the city,
1298 unless and until such entity shall have paid a city occupational tax or furnished proof of
1299 payment of an occupation tax to another municipality or county, reference section 22-24 of
1300 the St. Marys Code of Ordinances, and a certificate of insurance from an insurance

1301 company authorized to do business in the state evidencing that the person or entity has in
1302 effect public liability and property damage insurance.

1303 d. *Termination of sign permit and/or city occupation license.* Violation of any provision of this
1304 article will be grounds for terminating the sign permit granted by the city to the owner
1305 and/or the occupation tax certificate of the person or entity erecting the sign. Except as
1306 otherwise provided in this article, no permit and/or occupation tax certificate shall be
1307 suspended, revoked or canceled except for cause as hereinafter defined, and the
1308 permittee is granted a public hearing before the planning commission. The permittee will
1309 be given ten days' written notice, by certified mail and return receipt requested, of the time,
1310 place and purpose of the hearing, with a statement of the reason for the suspension,
1311 revocation or canceling of such permit and/or certificate. "Cause" is the willful and/or
1312 continued violation of the provisions of this article. The termination of the permit and/or
1313 license does not in any way preclude the person or persons alleged to have violated the
1314 provisions of this article from being tried under the enforcement provisions of this article.
1315 Should a permittee fail to pick up the certified mail, and said mail is returned, this failure to
1316 pick up will not delay the termination action or create any defense to stay any enforcement
1317 action.

1318 e. *Removal of abandoned signs.* It is the intent of this section to establish reasonable time
1319 periods for the removal of abandoned signs. For purposes of this section, all signs
1320 pertaining to a business, service, institution, industry, or other activity that ceases
1321 operations shall be deemed to be abandoned. For purposes of this section, "ceases
1322 operations" shall be interpreted literally and to include cases where there is substantial
1323 evidence that a business or activity has vacated the building or grounds; provided, further,
1324 that this section shall not apply to any case where a business or activity is temporarily
1325 suspended and there is evidence that the business or activity will resume operations within
1326 a specifically designated period. It shall be the responsibility of the property owner, the
1327 operator of a business or activity discontinuing a lease if any, and the leasehold manager if
1328 any, ensuring compliance with the provisions of this section and each owner, operator, or
1329 manager shall be considered individually responsible for compliance with this section.
1330 Property owners will be given written notice, by certified mail with return receipt requested,
1331 of the appropriate procedures necessary for abandoned signs. Should a property owner fail
1332 to pick up the certified mail, and said mail is returned, this failure to pick up will not delay
1333 the termination action or create any defense to stay any enforcement action.

1334 1. All abandoned signs that meet the definition of a window sign, wall sign, off-premises
1335 directional sign, marquee or canopy sign, temporary sign requiring a permit, or
1336 temporary sign, shall be removed within ten days from the date of discontinuance.
1337 The ~~director of planning or building~~ **Community Development Director** may permit an
1338 extension of this removal period only in cases where special equipment is needed to
1339 remove the sign and removal of the sign structure cannot reasonably be arranged by
1340 the sign owner within the ten-day time period.

1341 2. All abandoned signs that meet the definition of a pylon sign shall be removed within
1342 60 days from the date of discontinuance. The ~~director of planning or~~
1343 ~~building~~ **Community Development Director** may permit one 30-day extension of this
1344 removal period only in cases where special equipment is needed to remove the sign
1345 or sign structures, and removal of the structure cannot reasonably be arranged by the
1346 sign owner within the 60-day time period.

1347 3. This section shall not apply to the structure of a monument sign, provided that it might
1348 reasonably be used by a future tenant or property owner, complies with the provisions
1349 of this article, and is maintained in good condition; provided further, that the following
1350 shall be met:

1351 i. If an abandoned monument sign contains a message panel that is removable
1352 from the monument structure without disassembling the monument, then within

1353 30 days of the date of discontinuance said panel shall be removed and the
1354 portion of the monument structure that previously held the message panel shall
1355 be covered with durable cloth or canvas to avoid the appearance of blight, until
1356 such time as a new sign permit is applied for and granted and an approved sign
1357 panel is installed in said monument.

1358 ii. If an abandoned monument sign contains a sign copy area that is not removable
1359 without disassembling the monument, then said sign copy area shall be modified
1360 (e.g., painted over) or covered with durable cloth or canvas so that the sign copy
1361 pertaining to the business or activity discontinued is no longer visible, until such
1362 time as a new sign permit is applied for and granted and approved sign copy is
1363 affixed on the sign copy area of said monument.

1364 iii. Removal of signs not maintained. All signs shall be maintained by the property
1365 owner in good condition so as to present a neat and orderly appearance. The
1366 director of the department of planning or building ~~Community Development~~
1367 Director may remove or cause to be removed, after proper written notice, any
1368 sign that shows gross neglect, becomes dilapidated, or in the opinion of the chief
1369 building inspector poses a threat to public safety. The director of the department
1370 of planning or building ~~Community Development Director~~ or his designee will give
1371 the owner 45 days written notice, by certified mail with return receipt requested,
1372 to correct the deficiencies or to remove the sign or signs, except signs that pose
1373 a threat to public safety which shall be removed in accord with this section. If the
1374 owner refuses to correct the deficiencies or remove the sign, the director of the
1375 department of planning or building ~~Community Development Director~~ or his
1376 designee will have the sign removed at the expense of the owner, with a lien filed
1377 against the property. Should a permittee fail to pick up the certified mail, and said
1378 mail is returned, this failure to pick up will not delay the termination action or
1379 create any defense to stay any enforcement action.

1380 (c) When considering applications for certificates of appropriateness for new signage, the sign
1381 ordinance of the City of St. Marys will be used along with any other criteria adopted by the
1382 commission. Signs shall be as designated in the sign ordinance, and shall include banners, pole
1383 mounted signs, building-mounted signs, flags (but not including U.S. flags) signs painted in windows,
1384 murals, seasonal and sale signs and sandwich board signs. Except for directional or public safety
1385 (public ROW), real estate (on private property), political (on private property with owner's
1386 permission), and personal (on private property) push in signs, all other types of push in signs are not
1387 permitted at any time in the historic district. Electronic flashing signs are not permitted at any time in
1388 the historic district. All signs shall be approved by the HPC as well as comply with the sign ordinance
1389 as administered by the ~~planning~~ ~~Community Development D~~ department. Signs shall be as
1390 designated in the sign ordinance, and shall include banners, pole-mounted signs, building-mounted
1391 signs, flags (but not including U.S. flags) signs painted in windows, murals, seasonal and sale signs
1392 and sandwich board signs.

1393 (d) All facades of the building and all structures or other site features visible from the public street or
1394 public alley and directly adjacent to the public street or alley shall be within the jurisdiction of the
1395 historic preservation commission.

1396 (Ord. of 3-8-10, § 1; Ord. No. 2014-021 , 6-2-14)

1397

1398 **Sec. 62-124. - Requirement of conformance with certificate of appropriateness.**

1399 (a) All work performed pursuant to an issued certificate of appropriateness, shall conform to the
1400 requirements of such certificate. In the event work is not performed in accordance with such
1401 certificate, ~~the historic preservation commission shall issue, through the office of the building~~
1402 ~~dCommunity Development Director shall issue,~~ a cease and desist order and all work shall cease.

- 1403 (b) The ~~Community Development Director~~~~building official~~ shall issue stop-work orders for projects within
 1404 the ~~preservation~~ jurisdiction of the commission ~~upon order of the commission~~ if:
- 1405 (1) Work has begun which requires a certificate of appropriateness without such certificate.
- 1406 (2) Work has begun with an expired certificate of appropriateness.
- 1407 (3) It is done not in accordance with an issued certificate of appropriateness.
- 1408 (c) In all such cases the owners of the projects involved may apply for a certificate of appropriateness
 1409 and upon the issuance of a certificate of appropriateness, the stop-work order will be removed
 1410 immediately.
- 1411 (d) If any member of the historic preservation commission observes construction from the public street
 1412 that may not be in compliance with the approved certificate of appropriateness, the commission
 1413 member shall communicate his concerns to the ~~building official~~~~Community Development Director~~ for
 1414 investigation. The commission member shall not approach the applicant or engage in any
 1415 discussions related to the building permit. Once an application for a COA is completed and submitted
 1416 for consideration, no individual member of the HPC will engage in an ex parte communication/s with
 1417 the applicant regarding the form and/or substance of the pending application, ~~nor will said member~~
 1418 ~~take any individual action in an official capacity pursuant to the COA application~~ prior to the meeting
 1419 where the applicant's COA is to be reviewed by the HPC.

1420 (Ord. of 3-8-10, § 1)

1421 **Sec. 62-125. - Certificate void if construction not commenced.**

- 1422 (a) A certificate of appropriateness shall become void unless construction is commenced within six
 1423 months of the date of issuance. A single six-month extension shall be considered by the historic
 1424 preservation commission where the delay in the start of the work has been delayed for reasons
 1425 beyond the direct control of the applicant. No further extension will be considered.
- 1426 (b) Certificates of appropriateness shall be issued for a period of 18 months and are renewable upon
 1427 written request of the holder of the certificate of appropriateness at least 30 days in advance of the
 1428 18-month period. Commencement of construction shall be defined as the date of initial application for
 1429 a building permit. Where a building permit is not required, commencement of construction shall be
 1430 defined as two weeks after the issuance of the certificate of appropriateness.

1431 (Ord. of 3-8-10, § 1)

1432 **Sec. 62-126. - Recording of applications, proceedings.**

1433 The historic preservation commission shall keep a public record of all applications for certificates of
 1434 appropriateness, and of all the commission's proceedings in connection with the application.

1435 (Ord. of 3-8-10, § 1)

1436 **Sec. 62-127. - Acquisition of property.**

1437 The commission may, where such action is authorized by the mayor and council and is reasonably
 1438 necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the
 1439 owner for the acquisition by gift, purchase, exchange or otherwise, of the property or any interest therein.

1440 (Ord. of 3-8-10, § 1)

1441 **Secs. 62-128, 62-129. - Reserved.**

1442 **Sec. 62-130. - Allegations of misconduct by any member of the historic preservation commission.**

1443 Any allegation of improper conduct by any member of the historic preservation commission shall be
 1444 referred to in writing to the City of St. Marys Ethics Board. Any person making allegations shall follow the

1445 procedures of the ethics commission regarding any allegation. The historic preservation commission shall
1446 not be involved in any manner with the complaint except to make testimony as requested by the ethics
1447 board.

1448 (Ord. of 3-8-10, § 1)

1449 Secs. 62-131—62-150. - Reserved.

1450 **DIVISION 5. - DEMOLITION OR RELOCATION PERMIT**

1451

1452 **Sec. 62-151. - Authority to comment on applications.**

1453 The commission shall have the authority to grant or deny any request for a permit to demolish or
1454 relocate a historic or historic-obscured structure within a historic district, or on a historic property.

1455 (Ord. of 3-8-10, § 1)

1456 **Sec. 62-152. - Considerations of post-demolition plans.**

1457 The commission shall not grant demolition or relocation permits without reviewing at the same time
1458 the plans for the building or other development that would replace the structure, unless found by the
1459 commission or Community Development Director to be an Emergency Demolition. Plans to be submitted
1460 shall be similar in scope and detail as required for a new construction certificate of appropriateness.

1461 (Ord. of 3-8-10, § 1)

1462 **Sec. 62-153. Requirements for the demolition or relocation of structures within the historic district.**

1463 (1) All requests for demolition or relocation of any building, wall, fence, porch, or stoop for a historic
1464 or historic-obscured property shall be submitted to the Community Development Department in an
1465 application for a Certificate of Appropriateness. All requests for demolition or relocation of
1466 buildings designated as historic or historic-obscured shall come before the Commission following
1467 the procedures of Section 62-155.

1468 (2) All requests for demolition or relocation of structures designated as nonhistoric or intrusions
1469 are subject to the requirements of Section 62-113 and to City Ordinance Chapter 18.

1470 (3) The owner of the property is responsible for any unsafe building on that property as notified in
1471 writing by the building official and can be fined up to \$1000 per day for non-compliance in shoring up
1472 the structure until the hearing process and/or any waiting period is completed.

1473 (4) The Commission will determine whether to permit demolition based upon information including, but
1474 not limited to, reports, photographs or inspection as part of a site visit by some or all members of the
1475 Commission and other individuals designated by the Commission. The opinion of a professional engineer
1476 licensed in Georgia, as describe in (5) below, that the building is unsafe or unsound or that it poses
1477 imminent threat to public health or safety is only one part of the information the Commission may use
1478 to make an informed decision. The Commission may also consider the information provided pursuant to
1479 Section 62-154 (1) e.-h. to determine whether to permit demolition.

1480 (5) A professional engineer licensed in Georgia giving a written opinion shall have primary expertise in
1481 structural engineering, and must have demonstrated credentials in rehabilitation of historic structures,
1482 including a portfolio of at least three historical projects on the Georgia Historical Registry, or historic
1483 structures within a designated Georgia Historic District and must clearly display their professional stamp
1484 on the assessment document. The Commission may consider reports from multiple professionals if
1485 necessary.

1486 (6) Any structure approved for demolition by the commission shall be dismantled in a manner ensuring
1487 reclamation of its historic materials.

1488 (7) In granting a certificate of appropriateness for demolition or relocation, the Commission may impose
1489 such reasonable and additional stipulations as will best fulfill the purposes of this ordinance.

1490 (8) When the commission determines under the standards of this section to permit demolition or
1491 relocation of a building, the issuance of a certificate of appropriateness shall be subject to a delay of
1492 demolition or relocation, and notice of the proposed demolition or relocation shall be given twelve
1493 months to be removed.

1494
1495 **Section 62-154. Application Requirements to Demolish or Relocate a Building Rated as Historic or**
1496 **Historic-obscured**

1497 (1) All demolition and relocation applications rated as historic or historic obscured shall include the
1498 following information:

1499 a. Name and address of the owner of the property

1500 b. The date of application

1501 c. A report from a professional engineer licensed in the State of Georgia as to the structural
1502 soundness of the building and its adaptability for continued use, renovation, restoration or
1503 rehabilitation. Any dangerous conditions must be identified. This report must carry the engineer's
1504 professional stamp. The report shall also include the engineer's opinion on whether the structure poses
1505 an imminent threat to public health and safety, and whether that threat can be alleviated only through
1506 demolition. The report shall include the engineer's rationale for those opinions.

1507 d. An appraisal of fair market value of the property from a qualified professional appraiser. This
1508 appraisal must include a full market sales report to include comparable sales.

1509 e. Amount paid for the property, remaining balance on any mortgage or other financing secured
1510 by the property, and annual debt service for the previous two years.

1511 f. If the property is income producing, the annual gross income from the property for the
1512 previous two years; the itemized operating and maintenance expenses for the previous two years; and

1513 depreciation deduction and annual cash flow before and after debt service for the previous two years.
1514 The Commission may require details of past rental history.

1515 g. Price asked and offers received within the previous two years. Most recent assessed values of
1516 the property and real estate taxes.

1517 h. Economic incentives and/or funding available to the applicant through federal, state, city or
1518 private programs.

1519 i. Landscape plan of property, including all existing trees, over ten inches in diameter, as
1520 measured 48 inches from ground, and any structures, utilities or facilities on the grounds.

1521 (2) The Commission retains the right to waive any of the requirements set forth in Subsections 62-
1522 154(1) d.- h. above, within thirty days from the submission of an application, at which time the
1523 Community Development Director will certify the application as complete.

1524
1525 **Section 62-155. The Process Required for Demolition and Relocation Hearings.**

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

1532
1533 (2) At the initial hearing the Commission will determine whether to permit demolition or relocation. At
1534 the hearing the applicant shall introduce the report described in Subsection 62-153(1) above. The
1535 applicant may introduce evidence of hardship—financial, structural, as found in Subsection 62-200(b)
1536 below. At this hearing the applicant or his or her representative may present, but is not limited to, the
1537 following: any documents, photos, opinions of licensed engineers, or financial information. If the
1538 hardship is claimed to be economic, the applicant shall be required to submit sufficient evidence to
1539 demonstrate that the application of the standards and regulations of this section deprives the applicant
1540 of a positive economic use or return on the subject property. Economic hardship shall be only one of the
1541 factors considered by the Commission in determining whether to allow demolition or relocation. If the
1542 commission declines to permit demolition or relocation, it shall issue in writing the reasons for the
1543 denial to the owner. If the Commission decides to permit demolition, it must proceed to the second
1544 hearing.

1545
1546 (3) At the second hearing the Commission will review plans for a new building or other development
1547 proposed for that location. This hearing is no longer about demolition, but it is held after the decision to
1548 allow demolition has been made in the belief that any new plans for the site should not have any
1549 influence on the retention or demolition of a historic building. The Commission may not issue a
1550 Certificate of Appropriateness for demolition or relocation until the applicant posts bond in an amount
1551 sufficient to ensure completion of the building or other development replacing the demolished or
1552 relocated structure, or finds that a vacant site does not create a substantial adverse impact for the site
1553 or district.

1554

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

1556
1557 Any person adversely affected by the determinations if the Commission pursuant to this Division
1558 Chapter 62 of the Code of Ordinances, City of St. Marys, Georgia, may appeal such determination to the
1559 mayor and city council under the provisions of Section 62-200 of said Ordinance.

1560
1561 **Section 62-157. Notice**

1562 Any notice required by this division of the Code of Ordinances shall be posted on the premises
1563 of the building or structure proposed for demolition or relocation in a location clearly visible from the
1564 street at least 15 days prior to the hearing. In addition, notice shall be published in a newspaper of
1565 general local circulation at least three times prior to the date of the permit, the first notice of which shall
1566 be published no more than 15 days after the application for a permit to demolish is filed.

1567
1568 **Section 62-158. Emergency Demolition Permits**

1569
1570 (1) If the Community Development Director, under recommendation of the building official
1571 determines that a landmark or existing building in the historic district poses immediate threat to the
1572 safety of the community, he or she, after properly notifying the property owner and general public, may
1573 convene an emergency meeting of the Commission. At such times, the Commission may authorize the
1574 emergency demolition of such structures or require that the owner of the property shore up such a
1575 building while the application and hearing process delineated above is carried through.

1576
1577 (2) Sufficient data, as identified in writing by the building official under the guidelines of Section 108,
1578 Unsafe Structures and Equipment of the International Property Maintenance Code, to justify the
1579 emergency demolition shall be provided to the Historic Preservation Commission for use in making the
1580 determination. Written backup of any verbal or field decisions shall be provided to the Commission
1581 within two weeks of the Emergency declaration.

1582 ~~—Demolition or relocation criteria:~~

1583 ~~(a) —The commission shall evaluate the effect the demolition or relocation of a building will have on~~
1584 ~~the historical character of the historic district or historic property affected. If the commission~~
1585 ~~determines that demolition or relocation would have a negative effect, it will deny the certificate of~~
1586 ~~appropriateness unless:~~

1587 ~~(1) —The structure has been damaged or destroyed by an act of God or fire, and the cost to repair is~~
1588 ~~greater than the cost of new.~~

1589 ~~(2) —The structure has been declared structurally unsound by a licensed GA. professional engineer~~
1590 ~~with primary area of expertise in structural engineering.~~

1591 ~~(3) —The building in question is classified as an intrusion.~~

1592 ~~(b) —Whenever a property owner shows that a building is incapable of being successfully~~
1593 ~~rehabilitated or used, such building may be demolished or relocated; provided, however, that the~~
1594 ~~issuance of a certificate of appropriateness shall be subject to a delay of demolition or relocation and~~
1595 ~~that notice of the proposed demolition or relocation shall be given as follows:~~

1596 ~~(1) — For buildings rated historic: Twelve months.~~

1597 ~~(2) — For buildings rated historic-obscured: Twelve months.~~

1598 ~~(3) — For buildings rated nonhistoric: Three months.~~

1599 ~~(4) — For buildings rated intrusion: No delay.~~

1600 ~~(c) — Notice shall be posted on the premises of the building or structure proposed for demolition in a~~
1601 ~~location clearly visible from the street. In addition, notice shall be published in a newspaper of general~~
1602 ~~local circulation at least three times prior to the date of the permit, and the first notice of which shall be~~
1603 ~~published no more than 15 days after the application for a permit to demolish is filed. The purpose of~~
1604 ~~this section is to further the purposes of this article by preserving historic buildings which are important~~
1605 ~~to the education, culture, traditions and the economic values of the city, and to give the city, interested~~
1606 ~~persons, historical societies or organizations, the opportunity to acquire or to arrange for the~~
1607 ~~preservation of such buildings. The commission may at any time during such delay approve a certificate~~
1608 ~~of appropriateness that would preserve and/or restore the structure, in which event a permit shall be~~
1609 ~~issued without further delay.~~

1610 ~~(Ord. of 3-8-10, § 1)~~

1611 ~~Sec. 62-154. — Emergency demolition permits.~~

1612 ~~(a) — If the building official determines that a landmark or existing building in a historic district poses~~
1613 ~~immediate threat to the safety of the community, he may convene an emergency meeting of the~~
1614 ~~commission. At such times the commission may authorize the emergency demolition of such structures.~~

1615 ~~(b) — Sufficient data to justify the emergency demolition shall be provided to the historic preservation~~
1616 ~~commission for use in making the determination. Written backup of any verbal or field decisions shall be~~
1617 ~~provided to the commission within two weeks of the emergency declaration.~~

1618 ~~(Ord. of 3-8-10, § 1)~~

1619 ~~Secs. 62-155 — 62-175. — Reserved.~~

1620 ~~DIVISION 6. — MAINTENANCE OF PROPERTY~~

1621

1622 ~~Sec. 62-176. — Ordinary repair.~~

1623 ~~(a) — Ordinary maintenance or repair of any exterior architectural feature in or on an existing building~~
1624 ~~that does not involve a material change in design, material or outer appearance thereof, is excluded~~
1625 ~~from review and does not require a certificate of appropriateness.~~

1626 ~~(b) — The property owner shall notify and make application to the city building department of any~~
1627 ~~proposed work to make sure that no permits are required and to avoid any uncertainty as to the scope~~
1628 ~~of work.~~

1629 ~~(Ord. of 3-8-10, § 1)~~

1630 ~~Sec. 62-177. — Conformity to existing building codes.~~

1631 ~~Nothing in this article shall be construed as to exempt property owners from complying with existing city~~
1632 ~~building codes, nor to prevent any property owner from making any use of his property not prohibited~~
1633 ~~by other statutes, ordinances or regulations.~~

1634 ~~(Ord. of 3-8-10, § 1)~~

1635 ~~Sec. 62-178. — Demolition by neglect prohibited.~~

1636 ~~Property owners of historic properties, buildings in historic buffer areas or historic districts will not allow~~
1637 ~~their buildings to deteriorate or be demolished by neglect. Demolition by neglect can result in the loss of~~
1638 ~~valuable portions of the city's heritage as well as being a hazard to public safety and a public nuisance.~~
1639 ~~The commission will be charged with the following duties and responsibilities regarding demolition by~~
1640 ~~neglect:~~

1641 ~~(1) — The commission will monitor the condition of landmarks and existing buildings in historic~~
1642 ~~districts and historic buffer areas to determine if they are being allowed to be demolished by neglect.~~
1643 ~~Such conditions as the existence of broken windows, doors and openings which allow the elements and~~
1644 ~~vermin to enter structure; the deterioration of exterior architectural features; and the deterioration of a~~
1645 ~~building's structural system shall constitute demolition by neglect.~~

1646 ~~(2) — If the commission determines a state of demolition by neglect exists, the chairman of the~~
1647 ~~commission will notify the owner and/or occupant of such property of the existence of a condition and~~
1648 ~~the steps which need to be taken to remedy it. The owner and/or occupant of such property shall have~~
1649 ~~30 days to remedy the condition or submit a plan for resolution as per section 62-199 below.~~

1650 ~~(Ord. of 3-8-10, § 1)~~

1651 Secs. 62-179—62-198. - Reserved.

1652 **DIVISION 7. - ENFORCEMENT, APPEALS, HARDSHIP AND PENALTIES**

1653

1654 **Sec. 62-199. - Enforcement and penalties.**

1655 (a) This article shall be enforced by the ~~Code Compliance Officer and/or BuildingCommunity~~
1656 ~~Development~~ Director of the City of St. Marys or their duly authorized representatives, as applicable.

1657 (b) Whenever it is necessary to make an inspection to enforce the provisions of this article, or whenever
1658 a police officer or code enforcement officer has reasonable cause to believe that there exists upon

1659 any property a condition or violation which is unsafe, dangerous, hazardous or detrimental to the
1660 public interest, the officer may enter upon the grounds of such property at all reasonable times to
1661 inspect the same; provided, however, that if such structure or property is occupied, the officer shall
1662 first present proper credentials and request entry upon such grounds. If such entry is refused, the
1663 officer shall have recourse to every remedy provided by law to secure entry upon such grounds.

1664 (c) The initial observation of any deficiency under this chapter shall consist of a courtesy letter, with
1665 notations as to the nature of the deficiency, and a request to provide a resolution plan as to how the
1666 property owner intends to address and/or eliminate the deficiency within 30 calendar days from the
1667 date of receipt of the courtesy letter. Once the resolution plan is reviewed and approved by HPC and
1668 the ~~building d~~Community Development Director, the property owner shall eliminate the deficiency
1669 within 30 calendar days. If the elimination of the deficiency is determined to take longer than 30 days
1670 as reviewed and approved by the building inspector, this shall be noted on the plan of resolution.

1671 (d) If no resolution plan is submitted within the time noted, or if the deficiency is not resolved within the
1672 time noted, then penalties will be assessed and enforced as noted below:

1673 (1) *Fine and/or sentence.* Any person convicted by a court of competent jurisdiction of violating any
1674 provision of this chapter shall be guilty of violating a duly adopted ordinance of the City of St.
1675 Marys, and shall be punished for each count either by a fine not less than \$100.00 per day not
1676 to exceed \$1,000.00 per day, or by a sentence of imprisonment not to exceed 60 days in jail, or
1677 both a fine and jail or a community work alternate as determined by the court.

1678 (2) *Powers of the court.* The court shall have the power and authority to order the violation
1679 corrected in compliance with this article and the court may require payment of restitution or
1680 impose other punishment as allowed by law.

1681 (3) *Other legal remedies.* In any case in which a violation of this chapter has occurred, the City of
1682 St. Marys, in addition to other remedies provided by law, may petition for a restraining order,
1683 injunction, abatement, or take any other appropriate legal action or proceeding through a court
1684 of competent jurisdiction to prevent, restrain, or abate such unlawful use or activity.

1685 (Ord. of 3-8-10, § 1; Ord. No. [2014-021](#) , 6-2-14)

1686 **Sec. 62-200. - Appeals/hardship.**

1687 (a) *Appeals.* Any person adversely affected by any determination made by the historic preservation
1688 commission relative to the issuance or denial of a certificate of appropriateness, may appeal such
1689 determination to the mayor and city council; the appeal must be applied for within 30 calendar days
1690 after notification of the decision is sent. The mayor and city council may approve, modify or reject the
1691 determination made by the historic preservation commission if they find the commission abused its
1692 discretion in reaching its decision ~~by violating procedures set forth in this article~~. Appeals to the
1693 mayor and city council may be appealed to the Superior Court of Camden County in a manner
1694 provided by law for appeals from conviction of ordinance violations.

1695 (b) *Hardship.* Where, by reason of unusual circumstances, the strict application of any provision of this
1696 chapter would result in the exceptional practical difficulty or undue hardship upon any owner of a
1697 specific property, the commission, in passing upon applications, shall have the power to vary or
1698 modify strict adherence to the provisions, or to interpret the meaning of the provisions, so as to
1699 relieve such difficulty or hardship; provided such variances, modifications or interpretations shall
1700 remain in harmony with the general purpose and intent of the provisions, so that the architectural or
1701 historical integrity, or character of the property, shall be conserved and substantial justice done. In
1702 granting variances, the commission may impose such reasonable and additional stipulations and
1703 conditions as will, in its judgment, best fulfill the purpose of this chapter. An undue hardship shall be
1704 a situation not of the applicant's own making, nor will economic hardship be the sole reason for
1705 request of a designation of undue hardship.

1706 (c) In the event that compliance with any sections of this chapter are the result of issues beyond the
1707 control of the citizen, thereby creating a hardship, the citizen has the right to request a determination
1708 of hardship. This determination shall be requested by the citizen via written letter to the

1709 | ~~planning~~Community Development Director~~director~~, stating the reasons for a hardship determination.
1710 | This determination shall be requested after the issuance of a courtesy letter outlining the deficiencies
1711 | and prior to the issuance of any formal citation to, the citizen.

1712 | (1) This letter shall be received within 30 calendar days of receipt of any courtesy citation.

1713 | (2) The basis for a determination of the economic hardship of the proposed action on the citizen
1714 | shall be made by the Community Development Director~~planning director~~, with appeal of any
1715 | decision to city council.

1716 | (3) The receipt of the letter by the ~~planning~~Community Development Director ~~director~~ will postpone
1717 | any other legal remedy outlined above, for the period of time that the petition is being reviewed
1718 | by the ~~planning director~~Community Development Director and in the event of an appeal, by the
1719 | council.

1720 | (4) The letter shall also outline the method and timing of the resolution of the issue, based on the
1721 | ability of the citizen to comply with this chapter.

1722 | (Ord. of 3-8-10, § 1)

1723

1724 | 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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1733 | ATTEST:

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1736

DEBORAH WALKER-REED, CITY CLERK

1737 | CITY OF ST. MARYS, GEORGIA

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1739