

ORDINANCE 2017-001

AN ORDINANCE TO ESTABLISH A HISTORIC PRESERVATION COMMISSION IN THE CITY OF PATTERSON TO PROVIDE FOR DESIGNATION OF HISTORIC PROPERTIES OR HISTORIC DISTRICTS; TO PROVIDE FOR ISSUANCE OF CERTIFICATIONS OF APPROPRIATENESS; TO PROVIDE FOR AN APPEALS PROCEDURE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

BE IT ORDAINED BY THE PATTERSON CITY COUNCIL.

SECTION I—Purpose

In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the CITY OF PATTERSON is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people;

In order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historic and aesthetic attractions to tourists and thereby promote and stimulate business;

In order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and

In order to enhance the opportunities for federal or state programs to do the same;

The PATTERSON CITY COUNCIL hereby declares it to be the purpose and intent of this Ordinance to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, and landscape features having special historical, cultural or aesthetic interest or value, in accordance with the provisions of the Ordinance.

SECTION II – Definitions

- A. “Building” – A building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.
- B. “Certificate of Appropriateness” – Means a document evidencing approval by the Historic Preservation Commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.
- C. “Exterior Architectural Features” – Means the architectural style, general design and general arrangement of the exterior of a building, structure or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.
- D. “Exterior Environmental Features” – Means all those aspects of the landscape or the development of a site which affect the historic character of the property.
- E. “Historic District” – Means a geographically definable area, possessing a significant concentration, linkage, or continuity or sites, buildings, structures or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements

separated geographically but linked by association or history. A Historic District shall further mean an area designated by the PATTERSON CITY COUNCIL as a Historic District pursuant to the criteria established in Section IV B of this Ordinance.

- F. "Historic Property" – Means an individual building, structure, site, or object including the adjacent area necessary for the proper appreciation thereof designated by the PATTERSON CITY COUNCIL as a historic property pursuant to the criteria established in Section IV C of this Ordinance.
- G. "Material Change in Appearance" – Means a change that will affect either the exterior architectural or environmental features of a historic property or any building, structure, site, object, or landscape feature within a historic district, such as:
 - a. A reconstruction or alteration of the size, shape or façade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
 - b. Demolition or relocation of a historic structure;
 - c. Commencement of excavation for construction purposes;
 - d. A change in the location of advertising visible from the public right-of-way; or
 - e. The erection, alteration, restoration or removal of any buildings or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features, except exterior paint alterations.
- H. "Object" – An object is a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.
- I. "Site" – A site is the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.
- J. "Structure" – A structure is a work made up of interdependent and inter-related parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.

SECTION III – Creation of a Historic Preservation Commission

- A. Creation of the Commission:

There is hereby created a commission whose title shall be PATTERSON HISTORIC PRESERVATION COMMISSION (hereinafter "Commission").

- B. Commission Position within the City Government:

The Commission shall be part of the planning functions of the CITY OF PATTERSON.

- C. Commission Members: Number, Appointment, Terms and Compensation:

The Commission shall consist of five (5) members appointed by the Mayor and ratified by the City Council. All members shall be residents of PATTERSON and shall be persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources.

Members shall serve three-year terms. Members may not serve more than two (2) consecutive terms. In order to achieve staggered terms, initial appointments shall be: one (1) member for one (1) year; two (2) members for two (2) years; and two (2) members for three (3) years. Members shall not receive a salary, although they may be reimbursed for expenses.

D. Statement of Commission's Power:

1. The Preservation Commission shall be authorized to:
 - a. Prepare and maintain an inventory of all property within the CITY OF PATTERSON having the potential for designation as historic property;
 - b. Recommend to the PATTERSON CITY COUNCIL specific districts, sites, buildings, structures, or objects to be designated by ordinance as historic properties or historic districts;
 - c. Review application for Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this Ordinance;
 - d. Recommend to the PATTERSON CITY COUNCIL that the designation of any district, site, building, structure or object as a historic property or as a historic district be revoked or removed;
 - e. Restore or preserve any historic properties acquired by the CITY OF PATTERSON;
 - f. Promote the acquisition by the CITY OF PATTERSON of façade easements and conservation easements, as appropriate, in accordance with the provisions of the *Georgia Uniform Conservation Easement Act of 1992 (O.C.G.A., Section 44-10.1 through 5)*;
 - g. Conduct educational programs on historic properties located within the City and on general historic preservation activities;
 - h. Make such investigation and studies of matters relating to historic preservation, including consultation with historic preservation experts, the PATTERSON CITY COUNCIL or the Commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
 - i. Seek out local, state, federal or private funds for historic preservation, and make recommendations to the PATTERSON CITY COUNCIL concerning the most appropriate uses of any funds acquired;
 - j. Submit to the Historic Preservation Division of the Department of Natural Resources a list of historic properties or historic districts designated;
 - k. Perform historic preservation activities as the official agency of the CITY OF PATTERSON historic preservation program;
 - l. Employ persons, if necessary, to carry out the responsibilities of the Commission
 - m. Receive donations, grants, funds, of gifts of historic property and acquire and sell historic properties. The Preservation Commission shall not obligate the CITY OF PATTERSON without prior consent.
 - n. Review and make comments to the Historic Preservation Division of the Department of Natural Resources concerning the nomination of properties within its jurisdiction to the National Register of Historic Places; and

- o. Participate in private, state and federal historic preservation programs and with the consent of the PATTERSON CITY COUNCIL, enter into agreements to do the same.

E. Commission's Power to Adopt Rules and Standards:

- 1. The Preservation Commission shall adopt rules and standards for the transaction of its business and for consideration of application for designation of Certificates of Appropriateness, such as by-laws, removal of membership provision, and design guidelines and criteria. The Preservation Commission shall have the flexibility to adopt rules and standards without amendment to this Ordinance. The Commission shall provide for the time and place of regular meetings and a method for the calling of special meetings. The Commission shall select such officers as it deems appropriate from among its members. A quorum shall consist of a majority of the members.

F. Conflict of Interest:

- 1. The Commission shall be subject to all conflict of interest laws set forth in Georgia Statutes and in the CITY OF PATTERSON Charters.

G. Commission's Authority to Receive Funding from Various Sources:

- 1. The Commission shall have the authority to accept donations and shall ensure that these funds do not displace appropriated governmental funds.

H. Records of Commission Meetings:

A public record shall be kept of the Commission resolution, proceedings and actions.

SECTION IV – Maintenance of Historic Properties and Building and Zoning Code Provisions

A. Ordinary Maintenance or Repair:

Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay, or to sustain the existing form, and that does not involve material change in design, material or outer appearance thereof, does not require a Certificate of Appropriateness.

B. Affirmation of Existing Building and Zoning Codes:

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

SECTION V – Penalty Provisions

Violations of any provisions of this Ordinance shall be punished in the same manner as provided for punishment of violations of validly enacted Ordinances of the CITY OF PATTERSON.

SECTION VI – Severability

In the event that any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjunction shall in manner affect the other sections, subsections, sentence, clause or phrases of this Ordinance, which shall remain in full force and effect, as if the section subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally part thereof.

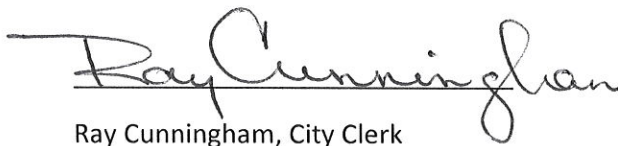
SECTION VII – Repealer

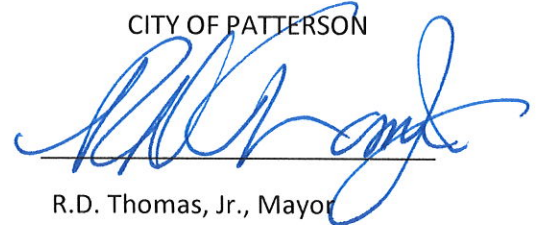
All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

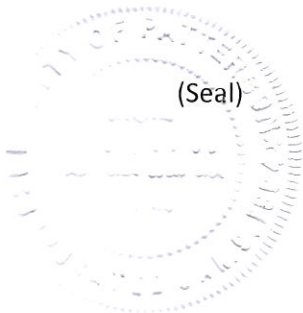
THEREFORE BE IT ORDAINED, that the PATTERSON CITY COUNCIL does hereby ordain, resolve and enact foregoing Historic Preservation Commission Ordinance for the CITY OF PATTERSON

Adopted this 8 day of June, 2017

ATTEST:


Ray Cunningham, City Clerk

CITY OF PATTERSON

R.D. Thomas, Jr., Mayor



First Reading: May 11, 2017

Second Reading: June 8, 2017

PATTERSON CITY COUNCIL

Jake Echols Yes No
Jake Echols, Mayor Pro Tem

(Absent) Yes No
Teresa Leggett, Councilmember

David Smith Yes No
David Smith, Councilmember

Joan Teglas Yes No
Joan Teglas, Councilmember

(Vacant Seat), Councilmember