

AN ORDINANCE  
ENTITLED *12-103*  
AN ORDINANCE REPEALING SECTION 3 OF  
ORDINANCE 08-111; REPEALING PRIOR ORDINANCES  
IN CONFLICT AND FOR OTHER PURPOSES.

WHEREAS, it is in the best interests of the City of Albany, Georgia that decisions as to certificates of appropriateness in the Historical District be made by the Historic Preservation Commission, subject to appeal to the City Commission; and

WHEREAS, this Ordinance will comply with the requirements of O.C.G.A. § 44-10-25, et. seq.,

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Albany, Georgia and it is hereby ordained by authority of same:

SECTION 1. Section 3 of Ordinance 08-111 is repealed.

SECTION 2. Except as modified by Sections 1 and 2 of Ordinance 08-111, those provisions of City Ordinance 96-116 are reaffirmed and expressly incorporated herein by reference.

SECTION 3. This Ordinance shall become effective immediately upon adoption.

SECTION 4. All Ordinances, or parts of Ordinances, in conflict herewith are repealed.

*Lorothy B. Hubbard*  
MAYOR

ATTEST:

*Sanja Orlob*  
CITY CLERK

Adopted: *February 28, 2012*

Introduced By Commissioner: *Christopher Pike*  
Date(s) read: *Feb 28, 2012*

MAR 05 2012

AN ORDINANCE 11-108  
ENTITLED

AN ORDINANCE AMENDING CITY ORDINANCE 96-116 SO AS TO PROVIDE THAT THE HISTORIC PRESERVATION COMMISSION SHALL MAKE DECISIONS CONCERNING APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS AS IT RELATES TO SIGNAGE IN THE HISTORICAL DISTRICT; REPEALING PRIOR ORDINANCES IN CONFLICT AND FOR OTHER PURPOSES.

WHEREAS, it is in the best interests of the City of Albany, Georgia that decisions as to signage in the Historical District be made by the Historic Preservation Commission, subject to appeal to the City Commission,


NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Albany, Georgia and it is hereby ordained by authority of same:

SECTION 1. The written determination of the Historic Preservation Commission ("HPC") as to whether to grant or deny a certificate of appropriateness regarding signage shall be final, subject to the right of any person adversely affected by any determination made by HPC relative to the issuance or denial of a certificate of appropriateness regarding signage to appeal such determination to the City Commission. The appeal process is set forth in Section V, paragraph P of City Ordinance 96-116, the same being expressly incorporated by reference. Review of any decision by the City Commission may be taken to the Dougherty Superior Court by writ of certiorari as set forth in City Code Sec. 22-3.

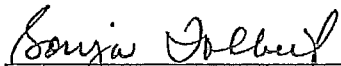
SECTION 2. Except as set forth above, the provisions of City Ordinances 96-116 and 08-111 shall remain in full force and effect.

SECTION 3. This Ordinance shall become effective immediately upon adoption.

SECTION 4. All Ordinances, or parts of Ordinances, in conflict herewith are repealed.

  
MAYOR

ATTEST:

  
CITY CLERK

Adopted: May 24, 2011

Introduced By Commissioner: Dorothy Hubbard  
Date(s) read: May 24, 2011

A JOINT RESOLUTION AND ORDINANCE  
ENTITLED

08-111 City 08-018 Co.

AN ORDINANCE OF THE CITY OF ALBANY, GEORGIA AND A RESOLUTION OF DOUGHERTY COUNTY, GEORGIA AMENDING CITY ORDINANCE 96-116 AND COUNTY RESOLUTION 96-023 SO AS TO CHANGE TO EIGHT THE NUMBER OF MEMBERS; TO PROVIDE THAT THE APPROPRIATE GOVERNING AUTHORITY SHALL MAKE DECISIONS CONCERNING APPLICATIONS FOR CERTIFICATE OF APPROPRIATENESS INCLUDING ONES INVOLVING DEMOLITION OR RELOCATION; REPEALING PRIOR ORDINANCES IN CONFLICT AND FOR OTHER PURPOSES.

WHEREAS, the City of Albany, Georgia (the "City") and Dougherty County, Georgia (the "County") under Ordinance No. 96-116 (City) and Ordinance No. 96-023 (County) established a Historic Preservation Commission,

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the City of Albany, Georgia and it is hereby ordained by authority of same and BE IT RESOLVED by the Board of Commissioners of Dougherty County, Georgia and it is hereby resolved by authority of same:

SECTION 1. *Historic Commission Members* - The Historic Preservation Commission shall consist of eight members. The Building Inspector for the City and County shall no longer be a voting member of the Historic Preservation Commission. No member of this Commission shall be entitled to compensation. The appointment process and terms shall remain as in the original ordinance.

SECTION 2. *Technical Advice* - The Historic Preservation Commission shall have the power to seek technical advice from outside its members on any application. Without limiting the generality of the foregoing, the Building Inspector of the City and County, as well as the Planning Director and members of his/her staff shall be available to attend meetings as deemed necessary by the Historic Preservation Commission.

SECTION 3. *The Historic Preservation Commission Powers And Duties Concerning Review Of Applications For Certificate Of Appropriateness Including Ones Involving Demolition Or Relocation* shall continue in full force and effect. The written determination of the Historic Preservation Commission shall be forwarded to the appropriate governing authority for final action. Within a maximum forty-five (45) days of its receipt of such determination, the appropriate governing authority shall issue or deny the certificate of appropriateness. Denials shall be in writing and mailed to the applicant. Dissatisfied applicants may by way of *certiorari* seek review in the

Dougherty Superior Court.

SECTION 4. Except as set forth above, the provisions of City Ordinance 96-116 and County Resolution 96-023 shall remain in full force and effect.

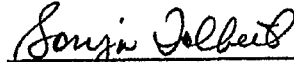
SECTION 5. This Ordinance and Resolution shall become effective immediately.

SECTION 6. All City Ordinances, or parts of City Ordinances, and all County Resolutions, or parts of County Resolutions, in conflict herewith are repealed.

CITY OF ALBANY

  
MAYOR

ATTEST:

  
CITY CLERK

Adopted: *May 27, 2008*

Introduced By Commissioner: *Langstaff*

Date(s) read: *May 27, 2008*

DOUGHERTY COUNTY, GEORGIA

  
CHAIRMAN

ATTEST:

  
COUNTY CLERK

Adopted: *6/16/08*

Introduced By Commissioner: *N/A*

Date(s) read: *N/A*

# HISTORIC PRESERVATION ORDINANCE

96-116

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

BE IT ORDAINED by the Albany City Commission and the Dougherty County Commission:

## Section I

### Purpose

In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the City of Albany and Dougherty County, is among their 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 historical 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 provide for the designation protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same;

The Albany City Commission and the Dougherty County Commission hereby declare 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, cemeteries, structures, objects, landscape features and works of art having a special historical, cultural or aesthetic interest or value, in accordance with the provisions of the ordinance.

## Section II

### Definitions

- A. "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.

- B. "Exterior Architectural Features" - Means the architectural style, general design and general arrangement of the exterior of a building or other structure, 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.
- C. "Exterior Environmental Features" - Means all those aspects of the landscape or the development of a site which affect the historical character of the property.
- D. "Historic District" - Means a geographically definable area designated by the Albany City Commission or the Dougherty County Commission as a historic district pursuant to the criteria established in Section IV B of this ordinance.
- E. "Historic Property" - Means an individual building, structure, site, object or work of art including the adjacent area necessary for the property appreciation thereof designated by the Albany City Commission or the Dougherty County Commission as a historic property pursuant to the criteria established in Section IV C of this ordinance.
- F. "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, landscape feature or work of art within a historic district, such as:
1. A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
  2. Demolition or relocation of a historic structure;
  3. Commencement of excavation for construction purposes;
  4. A change in the location of advertising visible from the public right of way; or
  5. The erection, alteration, restoration or removal of any building or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features.

### Section III

#### Creation of an Historic Preservation Commission

A. Creation of the Commission

There is hereby created a commission whose title shall be "Albany Dougherty Historic Preservation Commission" (hereinafter "Historic Preservation Commission").

B. Historic Preservation Commission Position within the City of Albany and Dougherty County

This Historic Preservation Commission shall be part of the planning functions of the City of Albany and Dougherty County.

C. Historic Preservation Commission Members: Number, Appointment, Terms and Compensation

The Historic Preservation Commission shall consist of nine (9) members appointed by the Albany City Commission and the Dougherty County Commission. All members shall be residents of Dougherty County and shall be persons who have demonstrated special interest, experience or education in history, architecture, or the preservation of historic resources. The City of Albany shall appoint four (4) members residing within the corporate limits of the City of Albany and the Dougherty County Commission shall appoint (4) members from Dougherty County.

Furthermore, the members of the Historic Preservation Commission shall include the building inspector of Albany and Dougherty County.

All members of the Historic Preservation Commission shall serve a term of two (2) years. All members shall serve until their successors have been appointed.

D. Statement of the Historic Preservation Commission's Powers

The Historic Preservation Commission shall be authorized to:

1. Prepare and maintain an inventory of all property within Dougherty County having the potential for designation as an historic property;
2. Recommend to the Albany City Commission or Dougherty County Commission specific places, districts, sites, buildings, structures, objects, or works of art to

- be designated by the ordinance as historic properties or historic districts;
3. Review applications for Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this ordinance;
  4. Recommend to the Albany City Commission or Dougherty County Commission that the designation of any place, district, site, building, structure, objects or work of art as a historic property or as a historic district be revoked or removed;
  5. Restore or preserve any historic properties acquired by the City of Albany or Dougherty County.
  6. Promote the acquisition by the City of Albany and Dougherty County of facade easements and conservation easements in accordance with the provisions of the "Facade and Conservation Easements Act of 1976" (O.C.G.A.. 44-10-1 through 5);
  7. Conduct educational programs on historic properties located within Dougherty County and on general historic preservation activities;
  8. Make such investigations and studies of matters relating to historic preservation including consultation with historic preservation experts, the Albany City Commission, Dougherty County Commission, or the Historic Preservation Commission itself may from time to time, deem it necessary or appropriate for the purposes of preserving historic resources;
  9. Seek out local, state, federal and private funds for historic preservation, "with the consent of the Albany City Commission and/or Dougherty County Commission" and make recommendations concerning the most appropriate use of any funds acquired "to the Albany City Commission and/or Dougherty County Commission".
  10. Submit to the Historic Preservation Section of the Department of Natural Resources a list of historic projects or historic districts designated;
  11. Perform historic preservation activities as the official agency of the City of Albany and Dougherty County historic preservation program;
  12. The Albany Dougherty Planning Commission will serve as staff to the Historic Preservation Commission.
  13. Receive donations, grants, funds or gifts of historic property "with the consent of the Albany City Commission and/or Dougherty County Commission" and acquire and sell historic properties "with the consent of the Albany City



- Commission and/or Dougherty County Commission”.
14. Review and make comments to the Historic Preservation Section of the Departments of Natural Resources concerning the nomination of properties within its jurisdiction to the National Register of Historic Places; and
  15. Participate in private, state and federal historic preservation programs and with the consent of the Albany City Commission and Dougherty County Commission, enter into agreements to do the same.

E. Historic Preservation Commission’s Power to Adopt Rules and Standards

The Historic Preservation Commission shall adopt rules and standards for the transaction of its business, and for consideration of applications for property designations and Certificates of Appropriateness, such as By-Laws, removal of member ship provisions, and design guidelines and criteria. The Historic Preservation Commission shall have the flexibility to adopt rules and standards without amendment to this ordinance. The Historic Preservation Commissions shall provide for the time and place of regular meetings and a method for the calling of special meetings. The Historic Preservation Commissions 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

At any time the Historic Preservation Commission reviews a project in which a member of the Historic Preservation Commission has ownership or other vested interest, that member will be forbidden from presenting, voting or discussing the project, other than answering a direct question.

G. Records of Historic Preservation Commission Meetings

A public record shall be kept of the Historic Preservation Commission’s resolutions, proceedings and actions.

## Section IV

### Recommendations and Designation of Historic Districts and Properties

A. Preliminary Research by Historic Preservation Commission

1. Historic Preservation Commission’s mandate to conduct a survey of local historical resources: The Commission shall compile and collect information, and

conduct surveys of historic resources within Dougherty County.

2. Historic Preservation Commission's power to recommend districts and buildings to the Albany City Commission and Dougherty County Commission for designation: The Historic Preservation Commission shall present to the Albany City Commission and Dougherty County Commission recommendations for historic districts and properties.
3. Historic Preservation Commission's documentation of proposed designation: Prior to the Historic Preservation Commissions' recommendation of a historic district or historic property to the Albany City Commission and Dougherty County Commission for designation, the Historic Preservation Commission shall prepare a report consisting of:
  - a. a physical description;
  - b. a statement of the historical, cultural, architectural and/or aesthetic significance;
  - c. a map showing district boundaries and classification (i.e. historic, non-historic, intrusive) of individual properties therein, or showing boundaries of individual historic properties;
  - d. a statement justifying district or individual property boundaries; and
  - e. Representative photographs.

B. Designation of a Historic District

1. Criteria for selection of historic districts: A historic district is a geographically definable area, which contains buildings, structures, sites, objects, landscape features and works of art or a combination thereof, which:
  - a. have special character or special historic/aesthetic value or interest;
  - b. Represent one or more periods, styles or types of architecture typical of one or more eras in the history of the municipality, county, state or region; and
  - c. cause such area, by reason of such factors, to constitute a visibly perceptible section of the municipality or county.
2. Boundaries of a Historic District: Boundaries of a Historic District shall be included in this ordinance and in separate ordinances designating such districts,

and shall be shown on the official zoning map of the City of Albany and Dougherty County.

3. Evaluation of properties within Historic Districts: Individual properties within historic districts shall be classified as:
  - a. Historic (contributes to the district);
  - b. non-historic (does not contribute but does not detract from the district, as provided for in B.1.); and
  - c. intrusive (detracts from the district as provided for in B.1.)

C. Designation of a Historic Property

1. Criteria for selection of historic properties: A historic property is a building, structure, site, object, work of art, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the City of Albany, Dougherty County, State of Georgia, or local region, for one of the following reasons:
  - a. it is an outstanding example of a structure representative of its era;
  - b. it is one of the few remaining examples of past architectural style;
  - c. it is a place or structure associated with an event or persons of historic or cultural significance to the City of Albany, Dougherty County, State of Georgia, or the region; or
  - d. it is a site of natural aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the municipality, county, state or region.
2. Boundary Description: Boundaries shall be included in the separate ordinances designating such properties and shall be shown on the official zoning map of the City of Albany and Dougherty County.

D. Designation of Historic Districts and Historic Properties

1. Application for designation of Historic Districts or Property: Designations may be proposed by the Albany City Commission, the Dougherty County Commission, the Historic Preservation Commission, or:
  - a. for historic districts - a historical society, neighborhood association,

or group of property owners may apply to the Historic Preservation Commission for designation.

b. for historic properties - a historical society, neighborhood association, or property owner may apply to the Historic Preservation Commission for designation.

2. Required components of a Designation Ordinance: Any ordinance designating any property or district as historic shall:

a. list each property in a proposed historic district or describe the proposed individual historic property;

b. set forth the name(s) of the owner(s) of the designated property or properties;

c. require that a Certificate of Appropriateness be obtained from the Historic Preservation Commission prior to any material change in appearance of the designated property; and

d. require that the property or district be shown on the official zoning map of the City of Albany and Dougherty County.

3. Required public hearings: The Historic Preservation Commission, and either the Albany City Commission or the Dougherty County Commission, shall hold a public hearing on any proposed ordinance for the designation of any historic district or property within the appropriate jurisdiction. notice of the hearing shall be published in at least three (3) consecutive issues in the principal newspaper of local circulation, and written notice of the hearing shall be mailed by the Historic Preservation Commission to all owners and occupants of such properties. All such notices shall be published or mailed not less than ten (10) no more than twenty (20) days prior to the date set for the public hearing. A notice sent via the United States mail to the last-known owner of the property shown on the Dougherty County tax roll and a notice sent via United States mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this ordinance.

4. Recommendations on proposed designations: A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the Historic Preservation Commission within fifteen (15) days following the public hearing and shall be in the form of a resolution to the Albany City Commission or Dougherty County Commission, as appropriate.

5. Albany City Commission and Dougherty County Commission action on Historic Preservation Commission recommendations: Following receipt of the Historic Preservation Commission's recommendation, the Albany City Commission or Dougherty County Commission may adopt the ordinance as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.
6. Notification of Historic Preservation Section: No less than thirty (30) days prior to making a recommendation on any ordinance designating a property or district as historic, the Historic Preservation Commission must submit the report, required in Section IV, A(3), to the Historic Preservation Division of the Department of Natural Resources.
7. Notification of Adoption of ordinance for designation: Within thirty (30) days following the adoption of the ordinance for designation by the Albany City Commission or the Dougherty County Commission, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site or work of art located within a designated historic district, shall be given written notification of such designation by the Albany City Commission or Dougherty County Commission which notice shall apprise said owners and occupants of the necessity of obtaining a Certificate of Appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via the United States mail to the last known owner of the property shown on the Dougherty County tax roll and a notice sent via United States mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this ordinance.
8. Notification of other agencies regarding designation: The Commission shall notify all necessary agencies within the City of Albany and Dougherty County of the ordinance for designation, including the local historical organization.
9. Moratorium on applications for alteration or demolition while ordinance for designation is pending: If an ordinance for designation is being considered, the Historic Preservation Commission shall have the power to freeze the status of the involved property.
10. Previously Established Districts; The district designated in Section IV, Section 20-48 of the Code of Ordinances of the City of Albany, Georgia maintains its previous designation and all provisions of this ordinance shall apply. The boundaries of the district are defined as follows: "That portion of the city described as being bound on the east by the west bank of the Flint River; on the south by the alley lying immediately south of Mercer Avenue; on the west by the alley lying immediately west of Davis Street; and on the north by the alley lying immediately north of Fourth Avenue, is hereby

designated as the Albany Historic District. A plat showing the boundaries of such historic district is on file in the office of the city clerk and is incorporated in this article by reference as fully as if set forth verbatim.”

## Section V

### Application to Historic Preservation Commission for Certificate of Appropriateness

A. Approval of alterations or new construction in historic districts or involving historic properties

After the designation by ordinance of a historic property or of a historic district, no material change in the appearance of such historic property, or of a structure, site, object or work of art within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until the application for a Certificate of Appropriateness has been submitted to, and approved by, the Historic Preservation Commissions.

B. Approval of new construction within designated districts

The Historic Preservation Commission shall issue Certificates of appropriateness to new structures constructed within designated historic districts if these structures conform in design, scale, building materials, setback and landscaping to the character of the district specified in the design criteria developed by the Historic Preservation Commission.

C. Guidelines and Criteria for Certificates of Appropriateness

When considering applications for Certificates of appropriateness to existing buildings, the Secretary of the Interior’s “Standards for Historic Preservation Projects” including the Secretary’s “Standards for Rehabilitation” shall be used as a guideline along with any other criteria adopted by the Historic Preservation Commission.

D. Submission of plans for Historic Preservation Commission

An application for a Certificate of Appropriateness shall be accompanied by such drawings, photographs, plans or other documentation as may be required by the Historic Preservation Commissions. Applications involving demolition or relocation shall be accompanied by post-demolition or relocation plans for the site.

E. Acceptable Historic Preservation Commission reaction to application for Certificate of Appropriateness

1. The Historic Preservation Commission shall approve the application and issue a Certificate of Appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic or architectural significance and value of the historic property or the historic district. In making this determination, the Historic Preservation Commission shall consider, in addition to any other pertinent factors, the design arrangement, texture and material of the architectural features involved, and the relationship thereof to the exterior architectural style, and pertinent features of the other structures in the immediate neighborhood.
2. The Historic Preservation Commissions shall deny a Certificate of Appropriateness if it finds that the proposed material change(s) in appearance would have substantial adverse effects on the aesthetic, historic or architectural significance and value of the historic property or the historic district.

F. Public hearings on applications for Certificates of Appropriateness, notices, and right to be heard

At least seven (7) days prior to review of a Certificate of Appropriateness, the Historic Preservation Commission shall take such action as may reasonably be required to inform the owners of any property likely to be affected by reason of the application, and shall give applicant and such owners an opportunity to be heard. In cases where the Historic Preservation Commission deems it necessary, it may hold a public hearing concerning the application.

G. Interior alterations

In its review of applications for Certificates of Appropriateness, the Historic Preservation Commission shall not consider interior arrangement or use having no effect on exterior architectural features.

H. Technical advice

The Historic Preservation Commission shall have the power to seek technical advice from outside its members on any application.

I. Deadline for approval or rejection of application for Certificate of Appropriateness

1. The Historic Preservation Commission shall approve or reject an application or a Certificate of Appropriateness within forty-five (45) days after the filing thereof by the owner or occupant of a historic property, or of a structure, site, object, or

work of art located within a historic district. Evidence of approval shall be by a Certificate of Appropriateness issued by the Historic Preservation Commission. Notice of the issuance or denial of a Certificate of Appropriateness shall be sent by United States mail to the applicant and all other persons who have requested such notice in writing filed with the Historic Preservation Commission.

2. Failure of the Historic Preservation Commission to act within said forty-five (45) days shall constitute approval and no other evidence of approval shall be needed.

J. Necessary actions to be taken by Historic Preservation Commissions upon rejection of application for Certificate of Appropriateness

1. In the event the Historic Preservation Commission rejects an application, it shall state its reasons for doing so, and shall transfer a record of such actions and reasons, in writing to the applicant. The Historic Preservation Commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.
2. In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a Certificate of Appropriateness by the Historic Preservation Commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such as case, no building permit shall be issued.

K. Under Hardship

Where, by reason of unusual circumstances, the strict application of any provision of this ordinance would result in the exceptional practical difficulty or undue hardship upon any owner of a specific property, the Historic Preservation Commission, in passing upon applications, shall have the power to vary or modify strict adherence to said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship; provided such variances, modifications or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity or character of the property, shall be conserved and substantial justice done. In granting variances, the Historic Preservation Commission may impose such reasonable and additional stipulations and conditions as will, in its judgement, best fulfill the purpose of this ordinance. Undue hardship shall not be a situation of the persons' own making.



L. Requirement of conformance with Certificate of Appropriateness

1. All work performed pursuant to an issued Certificate of Appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the Historic Preservation Commission shall issue a cease and desist order and all work shall cease.
2. The Albany City Commission, Dougherty County Commission, or the Historic Preservation Commission shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district, except those changes made in compliance with the provision of this ordinance or to prevent any illegal act or conduct with respect to such historic property or historic district.

M. Certificate of Appropriateness void if construction not commenced

A Certificate of Appropriateness shall become void unless construction is commenced within six (6) months of date of issuance. Certificates of Appropriateness shall be issued for a period of eighteen (18) months and are renewable.

N. Recording of applications for Certificate of Appropriateness

The Historic Preservation Commission shall keep a public record of all applications for Certificates of Appropriateness, and of all the Commission's proceedings in connection with said application.

O. Acquisition of property

The Historic Preservation Commission may, where such action is authorized by the Albany City Commission or Dougherty County Commission, and is reasonable necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, to the property or any interest therein.

P. Appeals

Any person adversely affected by any determination made by the Historic Preservation Commission relative to the issuance or denial of a Certificate of Appropriateness may appeal such determination to the Albany City Commission or Dougherty County Commissions. Any such appeal must be filed with the Albany City Commission or Dougherty County Commission within fifteen (15) days after the issuances of the determination pursuant to Section V, I(1) of this ordinance, or, in the case of a failure of the Historic Preservation

Commission to act, within fifteen (15) days of the expiration of the forty-five (45) day period allowed for Historic Preservation Commission action, Section VI(1) of this ordinance. The Albany City Commission and Dougherty County Commission may approve, modify, or reject the determination made by the Historic Preservation Commission, if the governing body finds that the Historic Preservation Commission abused its discretion in reaching its decision. Appeals from decision of the Albany City Commission or Dougherty County Commission may be taken to the Superior Court of Dougherty County in the manner provided by law for appeals from conviction for City of Albany and Dougherty County ordinance violations.

## Section VI

### Demolition or Relocation of a Historic Property or Properties Within a Historic District

#### A. Applications for Certificates of Appropriateness for Demolition or Relocation

The Historic Preservation Commission shall have the authority to deny Certificates of Appropriateness for demolition or relocation.

#### B. Public hearing

A public hearing shall be scheduled for each application for a Certificate of Appropriateness for demolition or relocation.

#### C. Consideration of post-demolition or post-relocation plans

The Commission shall not grant Certificates of Appropriateness for demolition or relocation without reviewing at the same time the post-demolition or post-relocation plans for the site.

#### D. Demolition/relocation criteria

Upon receipt of an application for a Certificate of Appropriateness for demolition or relocation, the Historic Preservation Commission shall use the criteria described in Section V, E of this ordinance to determine whether to deny the application or issue a Certificate of Appropriateness for demolition or relocation.

## Section VII

### 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 damage, or to sustain the existing form, and that does not involve a material change in design; material or outer appearance thereof, does not require a Certificate of Appropriateness.

#### B. Failure to provide ordinary maintenance or repair

Property owners of historic property or properties within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The Historic Preservation Commission shall be charged with the following responsibilities regarding deterioration by neglect:

1. The Historic Preservation Commission shall monitor the condition of historic properties and existing buildings in historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and openings which allow the elements and vermin to enter, the deterioration of exterior architectural features, or the deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.
2. In the event the Historic Preservation Commission determines a failure to provide ordinary maintenance or repair, the Commission will notify the owner of the property and set forth the steps which need to be taken to remedy the situation. The owner of such property will have thirty (30) days in which to do this.
3. In the event that the condition is not remedied in thirty (30) days, the owner shall be punished as provided in Section VII of this ordinance and, at the direction of the Albany City Commission or the Dougherty County Commission, the Historic Preservation Commission may perform such maintenance or repair as is necessary to prevent deterioration by neglect. The owner of the property shall be liable for the cost of such maintenance and repair performed by the Historic Preservation Commission.

#### C. Affirmation of existing building and zoning codes

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

**Section VII**

Penalty Provisions

Violations of any provisions of this ordinance shall be punished in the same manner as provided for punishment of violations of other validly-enacted ordinances of the City of Albany and Dougherty County.

**Section IX**

Severability

In the event that any section, sub-section, sentence, clause or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, sentences, clauses, or phrases of this ordinance, which shall remain in full force and effect, as if the section, sub-section, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

**Section X**

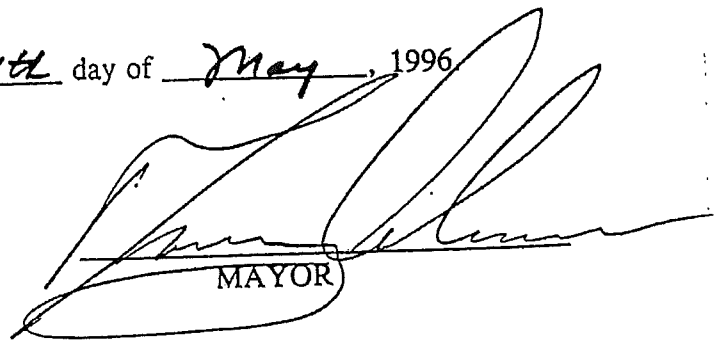
Repealer

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

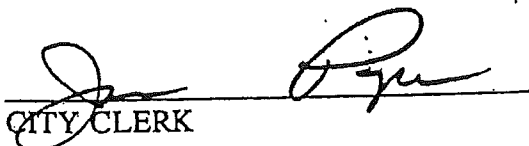
**Section XI**

Effective Date

This ordinance shall become effective on the 14th day of May, 1996.

  
MAYOR

ATTEST:

  
CITY CLERK

ADOPTED: May 14, 1996