

Historic Preservation Ordinance Guide

Step 1 - Draft a Historic Preservation Ordinance

Georgia has a [model historic preservation ordinance](#) that any city or county can adopt, based on the provisions in the [Georgia Historic Preservation Act](#) [O.C.G.A. 44-10-20].

Resources:

- [National Register Districts vs. Local districts](#)
- [Legal Basis for Preservation Ordinances](#)
- [Public Relations Tips](#)

Step 2 - City Adopts the Ordinance

Elected officials should advertise and hold public hearings in accordance with local policy for passage of any ordinance. Talk to your city attorney for guidance.

Step 3 - City Appoints Historic Preservation Commission (HPC) Members

Georgia Historic Preservation Commissions (HPCs) must have a minimum of three (3) members. All members must have their primary residence in the municipality for which they are serving as a Commissioner, i.e., they must be able to vote for the elected body that appoints them. Owning property within a historic district is not necessary, nor can it fill the residency requirement. Neither does owning a business within the municipality but living outside of the jurisdiction. If an interested property owner wants to be involved but doesn't meet the residency requirement, they can serve in a non-voting ex-officio capacity or on a subcommittee of the HPC.

Resources:

- [What does an HPC do?](#)
- [Article: Local Government Historic Preservation Commissioners](#)
- [HPC Members Resume Form](#)
- [Article: Historic Preservation Commission Members Attend Training \(2011\)](#)

Step 4 - HPC Adopts Rules of Procedure

Rules of Procedure and Bylaws provide a format and guidance for the operations of the Historic Preservation Commission. The information is gathered from the historic preservation ordinance and written in a way that is easy to understand. It also gives the HPC an opportunity to elaborate on policies in the preservation ordinance. Bylaws and Rules of Procedure do not need to be approved by Mayor and Commission, so these policies can be adapted more easily.

Bylaws often include membership requirements, establish a regular meeting time and place, determine what constitutes a quorum and contain a conflict of interest policy. [Sample HPC Bylaws](#)

Rules of Procedure contain information that the general public needs to know when interacting with the HPC, such as how meetings are conducted, what is needed to include in a Certificate of Appropriateness applications, and how property is designated. [Sample Rules of Procedure](#)

Step 5 - HPC Surveys Historic Resources and Studies Potential Designations

Determining where historic district boundaries should be drawn begins with a survey. A local district survey does not need to be as detailed as required for a National Register of Historic Places nomination. A simple windshield survey meaning what one can glean from driving (or walking!) all the streets in town will suffice. A binder with photographs, addresses and brief descriptions of each property's architectural or historical significance is an acceptable survey method.

You don't know what needs to be protected until you know what you have! Two good sources to learn about historic buildings are [House Types in Georgia](#) and Virginia and Lee McAlester's, *A Field Guide to American Houses*. [ISBN# 0-394-73969-8].

Resources:

- [What is Considered Historic?](#)
- [Sample residential survey form](#)
- [Benefits of Local Historic Districts](#)
- [Good News in Tough Times: Historic Preservation and the Georgia Economy](#)

Step 6 - Determine Boundaries for Designated Properties or Districts

A local historic district is a geographically definable area possessing a significant concentration of sites, buildings, etc. united by past events or aesthetically by plan or physical development. A local historic district can include historic and non-historic buildings.

[How are District Boundary Lines Established?](#)

Step 7 - Develop Nomination Report

Next, the HPC (and sometimes a neighborhood, merchants or historical society) nominates districts and/or individual sites and structures to the local governing body (city council or county commission) for designation. The HPC prepares a Nomination Report on the historic, cultural, architectural, or aesthetic significance of the designation. The Nomination Report should be submitted to the Historic Preservation Division* for comments and suggestions at least 30 days before the designation occurs.

The Nomination Report includes:

- Statement of the Significance of the property/district
- Physical description of the proposed boundaries
- Map showing Boundaries and Classification of Properties
- Representative Photographs.

The research done for the Nomination Report is the information that should be presented at the public hearing (see next step).

* Send Nomination Reports by Certified Mail (so that you have a record of it being sent) to:

Certified Local Government Coordinator
DNR Historic Preservation Division
2610 GA Hwy 155, SW
Stockbridge, GA 30281

Resources:

- [Sample Nomination Report, Wrens GA \(minus map and photographs\)](#)
- [Educate the Public: 5 Myths About Property Ownership](#)

Step 8 - Draft Designation Ordinance

Within fifteen (15) days following the public hearing, the HPC prepares a Designation Ordinance for local elected officials to review and vote on. The local elected body may vote to designate the historic property/historic district as it is recommended, they may amend the boundaries, or they may reject the proposal entirely.

The Designation Ordinance should include:

- A listing of all designated properties, and all property owners must be named;
- Individual properties must be described, or, in the case of a district, the boundaries of the district must be described.
- Designated property must be shown on the official zoning map or tax map.
- Language stating that a Certificate of Appropriateness (COA) must be obtained before a material change in appearance occurs.

Within 30 days following the adoption of the Designation Ordinance, the owners and occupants must receive written notification of the designation and the notice should tell them that a COA must be obtained from the HPC prior to any material change in appearance. This is a good time to educate owners about the application procedure and the design guidelines the commission will be using.

Resources:

- [Model Designation Ordinance](#)
- [Sample Designation Ordinance, McDonough GA](#)

Step 9 - Draft Design Guidelines

Design guidelines are an illustrated manual which the HP commission uses to interpret the preservation standards in the ordinance. Guidelines guide the applicants work and the commissions decisions.

Design guidelines can also be an effective public relations tool. By providing property owners with clear, accurate information about the care and maintenance of their old building and how to achieve compatibility for infill construction, design guidelines can show your commission to be the supportive preservation partner it is.

Want to ensure that new structures fit in along Main Street and your historic neighborhoods? Make sure that new construction is "FRESH" with this guide!

[FRESH - Determining Compatibility for New Structures in a Historic District](#)

If your HP commission is ready to start design review, you need design guidelines.

Here are some examples:

- [The Secretary of the Interiors Standards & Guidelines](#)
- [Consultants Directory](#)

Step 10 - Hold Public Hearings and Designate Property/District

A public hearing should be scheduled for comments on the recommended historic property or historic district designations. Following the public hearing, the local governing body may adopt the ordinance designating historic property as it is recommended, they may amend the ordinance, or reject the proposal entirely.

Instead of just thinking of the public hearing process as a hoop to jump through, take the opportunity to energize your community about its historic past! Show interesting old photographs and flattering new shots of the properties to be designated, serve refreshments, hand out brochures and fact sheets, etc., in addition to making your presentation and answering questions. Also, consider holding two public hearings, as there will undoubtedly be questions that come up that you can't answer right away but should address.

Requirements for a public hearing:

- Notice of Hearing must be published three times in the local newspaper.
- Written notice must be mailed to all owners and occupants within proposed district ([Sample Hearing Notice](#))
- Notices must be published or mailed 10-20 days before the hearing.

[Educate the Public: Frequently Asked Questions about local historic districts](#)

Step 11 - Residents Apply for Certificates of Appropriateness before making exterior alterations.

Once a designation occurs, the preservation commission begins its authorized function as a design review board. That is, the commission holds regularly scheduled public meetings to review and approve applications for Certificate of Appropriateness (COAs) to protect the visual characteristics that contribute to the historic significance of your community. A COA is simply a document stating that the proposed work is appropriate for the historic district and meets criteria in the local ordinance and design guidelines. A COA is required before making a material change in appearance to a property and before a building permit can be issued. Work completed without a Certificate of Appropriateness can lead to fines, permit delays and the reversal of any unapproved alterations.

A completed application is submitted to the Historic Preservation Commission. Property owners usually attend the commissions regularly scheduled public meeting to present their work proposal and answer any questions the commission or other citizens in the community may have about it. The commission discusses the project, measures it against criteria in the preservation ordinance and the districts design guidelines, and then votes on the proposal. If approved, the applicant receives the Certificate of Appropriateness in the mail. If denied, the HPC will state why (in writing) and the applicant has an opportunity to make changes to the proposal and re-submit it. For a particularly complex construction project, the citizen commission or board may consult with the State Historic Preservation Office, but its review and decision is completely independent of the state.

Contact your Historic Preservation Commission for specific information about what work requires a Certificate of Appropriateness, how the design review process works, and to obtain an application for proposed exterior work.

- [Sample COA application, Madison GA](#)