



RULES OF PROCEDURE

According to the Historic Preservation Ordinance, the Historic Preservation Commission shall adopt rules for the transaction of its business and consideration of applications with approval from the Mayor and the Cartersville City Council.

A public record shall be kept of the Historic Preservation Commission's resolutions, proceedings, and actions in the office of the City of Cartersville Planning and Development Department.

SECTION ONE: CERTIFICATES OF APPROPRIATENESS

The City of Cartersville Historic Preservation Commission, under the Historic Preservation Ordinance, has the authority to review applications for Certificates of Appropriateness and take the following actions: approve, approve with conditions, or deny same in accordance with the provisions of this ordinance.

- 1.1 **Application:** Each application for a Certificate of Preservation shall be made on an official application form and shall be filed at the offices of the Planning and Development Department. The staff shall note time and date of receipt on the application.
- 1.2 **Required Information:** All information called for in the application shall be furnished by the applicant as prescribed in the application form and criteria checklist.
- 1.3 **Records:** The staff shall maintain an application book which shall be kept posted to date. The staff shall enter the number of the application, name of applicant, street address of the premises, date, and final disposition of the case by the Historic Preservation Commission. All continuances, postponements, and other steps taken and acts done shall be noted in the application book.
- 1.4 **Application Numbers:** Applications, including continued applications, filed in proper form shall be docketed and placed on the agenda of the Historic Preservation Commission according to their application numbers. Incomplete applications shall not receive an application number or be docketed until all information has been received.
- 1.5 **Deadlines:** To be placed on the agenda, applications must be filed by the close of business day on the first Tuesday of each month. If the deadline for applications falls on

a day when the City of Cartersville government offices are closed, the deadline shall be the next day that government offices are open. Complete applications filed by the deadline will be entered on the agenda for the regular meeting of the Historic Preservation Commission held on the third Tuesday of that month. Applications received after the deadline will be entered on the agenda of the next regular meeting of the Historic Preservation Commission. If a special called meeting of the Historic Preservation Commission is held prior to the next regular meeting, late applications will be entered on the agenda of the called meeting, provided there is sufficient time for staff review and publication of legal notice (if required by the Historic Preservation Ordinance). Applications delayed for insufficient data will be entered in the same manner provided for late applications, after a complete application has been filed.

- 1.6 **Advertising:** The staff shall place an advertisement in the legal organ of the county, which will be published at least seven days prior to the meeting of the Historic Preservation Commission, to provide notice of demolition applications which will be heard. The staff shall transmit the application together with all other supporting information to the Historic Preservation Commission. The Historic Preservation Commission shall act upon applications on its agenda at the next scheduled meeting, or if a quorum is not present, at a special meeting held within 14 calendar days of such scheduled meeting. Demolitions of minor outbuildings within historic districts shall not require legal notice.
- 1.7 **Order of Business:** Any applicant may appear in person or by agent or attorney at the meeting. The order of business for consideration of applications for Certificates of Appropriateness shall be as follows:
 - 1.7.1 The chairman shall call the application by application number and address according to agenda, and check for conflicts of interest among Historic Preservation Commission members.
 - 1.7.2 The staff shall give a report and recommendation concerning the application.
 - 1.7.3 The chairman shall call on the applicant for additional information or comments.
 - 1.7.4 Historic Preservation Commission members may address questions to the staff and applicant.
 - 1.7.5 The chairman shall call for a motion that the application for Certificate of Preservation be approved, approved with conditions, denied, or continued for further information. Chairman shall call for discussion and a vote.
- 1.8 **Commission Decision:** The Historic Preservation Commission may consider but shall not be bound by precedent. Each case shall be decided upon its merits, applying the Ordinance and design guidelines.
- 1.9 **Decisions by Staff:** The Historic Preservation Commission staff may issue a Certificate of Preservation for the approval, approval with conditions, or denial of the types of application requests listed below. Staff is not required to grant this review and, at staff's discretion, may opt for review by the Historic Preservation Commission. If the petitioner wishes to appeal staff's decision, a complete application for the project will then be placed on the Historic Preservation Commission agenda.

- 1.9.1 **Reroofing.** Staff may issue a Certificate of Preservation for reroofing materials provided that no other significant alterations (e.g., removal of architectural features, dormers, chimneys, etc.) are proposed.
 - 1.9.2 **Backyard Fence.** Staff may issue a Certificate of Preservation for the construction of a backyard fence provided that 1) the property is not a corner lot, and 2) the proposed fence is of appropriate height and materials.
 - 1.9.3 **Backyard Deck.** Staff may issue a Certificate of Preservation for the construction of a backyard deck provided that the deck does not require the removal or alteration of the existing building or structure, and provided that the proposed deck is not visible from the street.
 - 1.9.4 **Signs in Historic Districts.** Staff may issue a Certificate of Preservation for the installation of signs within historic districts provided that they comply with the City of Cartersville sign ordinance.
- 1.10 **Resubmittal After Denial:** For one year following the issuance of a denial by the Historic Preservation Commission, the secretary may refuse to place a previously denied application for a Certificate of Preservation on the Historic Preservation Commission's agenda without benefit of a public hearing if 1) there is no change in the application for a Certificate of Preservation, or 2) there is no significant material change in the property under consideration.

SECTION TWO: RECOMMENDATIONS FOR DESIGNATION

The Historic Preservation Commission under ordinance has the power to recommend to the Mayor and the City Council specific places, districts, sites, buildings, structures, objects, or works of art to be designated by ordinance as historic properties based on the criteria established in the Historic Preservation Ordinance.

- 2.1 **Preliminary Research by the Historic Preservation Commission:** The Historic Preservation Commission shall have the authority to compile and collect information and conduct surveys of resources within the City of Cartersville.
- 2.2 **Recommendations of Historic Districts and Landmarks:** The Historic Preservation Commission under the Historic Preservation Ordinance has the power to recommend historic districts and landmarks to the Mayor and City Council for designation.
- 2.3 **Procedure for Designation of Historic Districts and Landmarks.**
 - 2.3.1 **Application for Designation of Historic Districts and Landmarks:** Groups may apply to the Historic Preservation Commission for the designation of property, or the Historic Preservation Commission, acting as mandated by the Historic Preservation Ordinance, may recommend designations to the Mayor and City Council. A letter stating the applicant's name, relationship to the property to be considered, and the justification for the application shall be considered sufficient for application. The Historic Preservation Ordinance recognizes the following groups as being eligible to apply to the Historic Preservation Commission for designation under the ordinance:

2.3.1.1 **Historic District.** A historical society, neighborhood association, group of property owners, or the Mayor and City Council may apply to the Historic Preservation Commission for designation.

2.3.1.2 **Landmark.** A historical society, property owner, or the Mayor and City Council may apply to the Historic Preservation Commission for designation.

2.3.2 **Designation of Historic Districts and Landmarks.**

2.3.2.1 **Preparation of a Report on Proposed Designations:** The Historic Preservation Commission shall prepare formal reports when nominating historic districts or local landmarks. These reports shall be used to educate the community and to provide a permanent record of the designation. The report will follow guidelines for nominating property to the National Register of Historic Places (National Preservation Act of 1966), and shall consist of two parts: 1) a physical description, and 2) a description of historical significance. This report will be submitted to the Historic Preservation Office of the Department of Natural Resources.

2.3.2.2 **Historic Preservation Commission Recommendation:** Prior to the designation of any historic district or landmark, the Historic Preservation Commission shall first consider the merits of such a designation in accordance with the provisions of this chapter at a public hearing and shall recommend approval, approval with conditions, or denial of any request in a timely manner to the Mayor and City Council.

2.3.2.3 **Required Public Hearings and Notification Procedures:** The Historic Preservation Commission and the local governing body shall hold separate public hearings on the proposed ordinance for designation. Notice of the hearings shall be published in at least three consecutive issues of the legal organ of Bartow County and/or in a newspaper of general circulation within Bartow County, and written notice of the hearings shall be mailed by the Historic Preservation Commission to all owners and occupants of such properties. All such notices shall be published or mailed out not less than 10 days nor more than 20 days prior to the date set for the public hearings. A letter sent via the United States Postal Service to the last known owner of the property, as shown on the most recent tax digest, shall constitute legal notification of owners under this chapter. Included with the required notification to each property owner within a proposed designation shall be a questionnaire, which may be returned to the Historic Preservation Commission, to ascertain the degree of interest in and support for the proposed designation amongst that segment of the community directly affected by the proposal. Such questionnaire shall be used for informational purposes only and is not to be binding on the Mayor and City Council.

- 2.3.2.4 Requirements for Designation Ordinances:** Any ordinance designating any historic property shall describe the exterior boundaries of each historic district or each landmark to be designated, set forth the name(s) of the owner(s) of the designated property or properties as listed on the most recent tax digest, and require that a Certificate of Preservation be obtained from the Historic Preservation Commission prior to any physical/material change in appearance of the designated historic property.
- 2.3.2.5 Requirements Regarding Historic Property Boundaries:** Any ordinance designating any property as Historic Property shall require that the designated historic property be shown on the official zoning map adopted by the Mayor and City Council and be kept as a public record to provide notice of such designation.
- 2.3.2.6 Notification of Historic Preservation Office:** Prior to any Historic Preservation Commission recommendation on designation, and prior to the Mayor and City Council's public hearing to consider designating any property or properties under the Historic Preservation Ordinance, the Historic Preservation Commission must submit a report on the historic, cultural, architectural, or aesthetic significance of each place, district, site, building, structure, object, or work of art to the Historic Preservation Office of the Department of Natural Resources. Thirty days will be allowed to prepare written comments.
- 2.3.2.7 Decision:** A decision to approve, approve with conditions, or deny the designation shall be made following the public hearing, and shall be in the form of a recommendation to the Mayor and City Council.
- 2.3.2.8 Notification of Adoption of Ordinance for Designation:** Within 30 days immediately following the adoption of the ordinance for designation by the Mayor and City Council, the owners and occupants of each designated historic property shall be given written notification of such designation by the Historic Preservation Commission, which notice shall apprise said owners and occupants of the necessity of obtaining a Certificate of Preservation prior to undertaking any physical/material change in appearance of the historic property designated.
- 2.3.2.9 Moratorium on Applications for Alterations or Demolitions While an Ordinance for Designation is Pending:** If an ordinance for designation has been recommended by the Historic Preservation Commission to the Mayor and City Council, the Historic Preservation Commission shall have the power to delay an application for alteration or demolition for properties under consideration for up to 60 days.
- 2.3.2.10 Permits Prior to Designation:** Any building permit issued prior to the recommendation of an ordinance for designation may continue until its six-month expiration. However, if the work described in any building permit has not begun within six months from the date of permit issuance, or once construction has begun, construction is

discontinued for a period in excess of six months, said permit shall expire and be canceled by the building official.

- 2.3.2.11 **Authority to Rescind Designation:** The Mayor and City Council have the authority to rescind the designation following receipt of a recommendation from the Historic Preservation Commission and receipts of comments at a public hearing noticed in accordance with the provisions for designation.

Amended: December 20, 2005