

## A M E N D M E N T

STATE OF GEORGIA  
CITY OF MADISON:

An amendment to the Madison City Code replacing Article IV in Chapter 42 to be entitled “Design Review Process.”

WHEREAS, the Madison City Code was adopted on May 10, 1999; and

WHEREAS, said code may be amended from time to time; and

WHEREAS, the Mayor and Council find the following amendment promotes the health, safety, morals, convenience, order, prosperity and general welfare of the City.

NOW, THEREFORE, BE IT ORDAINED by the Council that the Code is amended as follows:

1.

By replacing Article IV in Chapter 42 with the following language herein attached as “Exhibit A.”

2.

Where there is an apparent conflict in the above section of the code between specific and general provisions, the specific shall control.

3.

If any part of this amendment shall be declared invalid or unconstitutional, or if any part hereof as applied to any particular situation or circumstance shall be declared invalid or unconstitutional, such shall not be construed to affect the portions of this amendment not held invalid, or the application hereof to other circumstances not held to be invalid. It is declared as the intent hereof that this amendment would have been adopted had such invalid portion of application not been included herein.

4.

All ordinances, code sections, amendments or parts thereof in conflict herewith, and not preserved hereby, are repealed.

5.

This amendment shall take effect on February 9, 2016.

READ AND APPROVED this 9<sup>th</sup> day of February, 2016.

CITY OF MADISON, GEORGIA

By: \_\_\_\_\_  
Fred Perriman, Mayor

\_\_\_\_\_  
Richard H. Blanton, Councilmember

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Joseph V. DiLetto, Councilmember

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Carrie Peters-Reid, Councilmember

\_\_\_\_\_  
Robert D. Crawford, Councilmember

\_\_\_\_\_  
Chris Gilbert Hodges, Councilmember

Attest: \_\_\_\_\_  
Ashley Hawk, City Clerk

## **“EXHIBIT A”**

### ARTICLE IV. - DESIGN REVIEW PROCESS

#### Sec. 42-81. - Certificate of appropriateness requirement.

After the designation by ordinance of a historic property or of a historic district, no material change in appearance of the historic property or of a structure, site, or work of art within the historic district shall be made or be permitted to be made by the owner or occupant thereof unless and until completing the design review process, specifically obtaining a certificate of appropriateness which has been submitted to, approved, and issued by the commission. Local governments shall notify the commission 45 days prior to beginning an undertaking that would otherwise require a certificate of appropriateness and allow the commission an opportunity to comment.

#### Sec. 42-82. - Application for certificate of appropriateness.

An application for a certificate of appropriateness is required prior to any material change in appearance. Design review applications for certificates of appropriateness shall be submitted by the deadline set by the commission. Applications shall be accompanied by such elevations, drawings, photographs or plans as may be required by the commission and the fee established by resolution of the mayor and council. The commission shall not approve applications for demolition without reviewing at the same time post-demolition plans.

#### Sec. 42-83. - Interior Alterations.

In its review of an application for a certificate of appropriateness, the commission shall not consider changes having no effect on exterior architectural features nor interior arrangement, unless and except where interior features and arrangement impact the structural integrity of the building.

#### Sec. 42-84. - Conceptual review; preliminary proposal.

All proposals for new construction shall be presented to the commission for conceptual review and recommendations prior to submitting a design review application for certificate of appropriateness. Preliminary proposals for conceptual review shall be accompanied by such elevations, drawings, photographs or plans as may be required by the commission and the fee established by resolution of the mayor and council.

#### Sec. 42-85. - Administrative review: identified items; application modifications.

To expedite the design review process, the commission may identify within its rules of procedure items and application modifications which qualify for administrative review. Applications may be submitted at any time and shall be accompanied by such elevations, drawings, photographs or plans as may be required by the commission and the fee established by resolution of the mayor and council. Administrative review shall be limited to proposed work which constitutes either an identified administrative review item which clearly and distinctly complies with the established design criteria or a minor modification to a previously approved application for certificate of appropriateness which clearly and distinctly complies with the established design criteria. The administrative review shall follow the

procedure set forth within the commission's adopted rules of procedure. All administrative review decisions shall be reported to the commission at the next regular meeting.

Sec. 42-86. - Public hearings: notification.

At least seven days prior to reviewing a design review application for a certificate of appropriateness, the commission shall take such action as may reasonably be required to inform the owners of any property likely to be affected materially by the application and shall give the applicant and such owners an opportunity to be heard. In cases where the commission deems it necessary, it may hold a public hearing concerning the application. For such public hearings, the commission shall publish notice of the pending application in the official organ of the county and shall post notice in the form of a sign in a conspicuous place on the property in question.

Sec. 42-87. - Criteria.

When considering applications for a certificate of appropriateness, the commission shall evaluate the proposed material change in appearance for any substantial adverse effect on the aesthetic, historical, or architectural significance and value of the designated historic property or designated historic district. In making this determination, the commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance; architectural style; general design, arrangement, texture, and material of the architectural features involved; and the relationship thereof to the exterior architectural style and pertinent features of other structures in the immediate neighborhood. The commission shall also be guided by the most current edition of The Secretary of the Interior's Standards for the Treatment of Historic Properties, along with any other design guidelines, criteria and policy statements adopted by the commission.

Sec. 42-88. - Decision on application.

- (a) *Deadline for decision.* The commission shall approve or reject a complete application for a certificate of appropriateness within 45 days after the filing thereof by the owner or occupant of a designated historic property or of a building, structure, site or work of art located within a designated historic district. Failure of the commission to act within said 45 days shall constitute approval, and no other evidence of approval shall be needed. This deadline may be extended with consent of the applicant.
- (b) *Types of decision.*
  - (1) *Approval.* When considering an application for a certificate of appropriateness, the commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change in appearance would not have a substantial adverse effect on the aesthetic, historical or architectural significance and value of the designated historic property or designated historic district.
  - (2) *Approval with conditions.* If the commission identifies elements of a proposed material change in appearance which are not in compliance with the design review criteria, the commission may make recommendations or set such conditions and/or changes which render the application for a certificate of appropriateness in compliance, thereby avoiding a substantial adverse effect on the aesthetic, historical or architectural significance and value of the designated historic property or designated historic district. If the applicant agrees to such conditions and/or

changes, the commission shall approve the application and issue a certificate of appropriateness.

- (3) *Denial.* When considering an application for a certificate of appropriateness, the commission shall deny the application for a certificate of appropriateness if it finds that the proposed material change in appearance is not in compliance with the design review criteria and will have a substantial adverse effect on the aesthetic, historical or architectural significance and value of the designated historic property or designated historic district. The commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he so desires, may make modifications to the plans and may resubmit the application at any time after doing so.

#### Sec. 42-89. – Alternative action for unusual circumstances

Where, by reason of unusual circumstances, the strict application of any provision of this chapter would result in the exceptional practical difficulty or undue hardship upon any owner of a specific property, the commission in passing upon applications, shall have the power to vary or modify strict adherence to such provision, or to interpret the meaning of such 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 such provisions, so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this chapter. An undue hardship shall not be a situation of the owner's or occupant's own making.

#### Sec. 42-90. - Notification of decision.

- (a) *Applicant.* The commission shall provide notification of each decision, in writing, to each applicant. In the event that the commission rejects an application, the commission shall state its reasons for doing so within the notification.
- (b) *Mayor and council.* The commission shall provide a list of decisions to the mayor and council, and in instances of denials, shall provide to the mayor and council a copy of the notification of the applicant.
- (d) *Building official.* The commission shall provide a list of decisions to the building official or his designee. In cases where a material change in appearance would require a building permit, the denial of an application for a certificate of appropriateness by the commission shall be binding upon the building official or his designee or other administrative officer charged with issuing building permits, and in such a case, no building permit shall be issued.

#### Sec. 42-91. - Certificate of appropriateness—Scope; expiration and renewal; failure to comply; amendments.

- (a) *Scope.* A certificate of appropriateness shall be limited to those elements presented to and approved by the commission. Approval of other elements whether related or unrelated to the project presented shall not be implied.
- (b) *Expiration; renewal.* A certificate of appropriateness shall be void if work does not commence within six months of the date of issuance. A certificate of appropriateness shall permit work in compliance

thereof for a period of 12 months from the date of issuance. A renewal for a period of six months may be obtained upon submission of a request by the owner and issuance of written approval by the commission.

- (c) *Failure to comply with certificate of appropriateness.* All work performed pursuant to the issuance of a certificate of appropriateness shall conform to the requirements of such certificate and any amendments or modifications shall require review. In the event work is performed not in accordance with such certificate, the building official or his designee shall issue a stop work order, and all work shall cease. No person, firm or corporation shall undertake any work on such project as long as such stop work order shall continue in effect. Violations of this section shall be punished as provided for in section 42-4.
- (d) *Amendments or modifications.* Change work items or changes to approved plans must be submitted and approved prior to beginning work on any aspect of that plan. The owner may submit a new application for a certificate of appropriateness or request administrative review of such modifications which meet the criteria set forth in section 42-85.
- (e) *Failure to apply for a certificate of appropriateness.* A certificate of appropriateness shall be obtained prior to any material change in the appearance, including but not limited to new construction, addition, restoration, rehabilitation, renovation, remodeling, alterations, site changes, demolition or relocation. In the event work is performed without a certificate of appropriateness, the building official or his designee shall issue a stop work order and all work shall cease. No person, firm or corporation shall undertake any work on such project as long as such stop work order shall continue in effect. The owner shall submit an application for a certificate of appropriateness for the material change in appearance. At the next meeting, the commission shall review the application without prejudice, as if no work had been completed. Violations of this section shall be punished as provided for in section 42-4.

Sec. 42-92. - Same—Appeals.

Any person adversely affected by any action of the commission relative to the issuance or denial of a certificate of appropriateness may appeal such action to the mayor and council. The appeal must be filed with the city clerk within 30 days after the decision is rendered or, in the case of a failure of the commission to act, within 30 days of the expiration of the 45 day period allowed for the commission to act. The city council may approve, modify or reject the decision made by the commission, if the governing body finds that the commission abused its discretion in reaching its decision. In determining abuse of discretion, the city council shall rely on the record of the commission including the commission's findings and decision. An abuse of discretion may be found where the record contains no evidence to support the decision of the commission. Appeals from decisions of the city council may be taken to the superior court of the county in the manner provided by law for appeals from convictions of municipal ordinance violations, namely, via petition for writ of certiorari.