

City of Valdosta Land Development

Chapter 238 Historic Preservation

Article 1 General Provisions

Section 238-1 Purpose and Intent

(A) Purpose. The purpose of this Chapter is:

- (1) To support and further the findings and determinations made by the Mayor and City Council that the historical, cultural, and aesthetic heritage of the City of Valdosta 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 community.
- (2) To further the goal to preserve its historic and cultural resources and maintain its quality of life as stated in the comprehensive plan.
- (3) 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.
- (4) To provide procedures that ensure that the overall standards of private development, landscaping, streets, sidewalks, signs, public areas and public improvements in the Valdosta Local Historic District support the preservation and enhancement of the historic character of Valdosta and are compatible with the character-defining features that make it worthy of historic significance.
- (5) To ensure that actions taken by the City Council regarding rezonings, special use permits, variances and subdivisions of property in the Valdosta Local Historic District support the preservation and enhancement of the historic character of Valdosta and are compatible with the character-defining features that make it worthy of historic significance.
- (6) To enhance the opportunities for federal or state tax benefits under relevant provisions of their respective tax laws.
- (7) To conform to the requirements of O.C.G.A. Section 44-10-26 (The Georgia Historic Preservation Act - Acts 1980, pages 1723-1729).

(B) Intent. The intent of this Chapter is to:

- (1) Promote the general welfare, aesthetics and public education of the citizens of the City of Valdosta through the perpetuation of areas and individual structures that provide a valuable sense of civic pride, contain genuine historic significance and promote the enjoyment of our cultural heritage.
- (2) Prevent the loss or devaluation of the buildings, structures and other features that contribute to the historic significance and economic health of the Valdosta Local Historic District.
- (3) Promote the economic health of downtown Valdosta by protecting and enhancing the unique historic and aesthetic qualities that ensure the attractiveness of the central business district for commerce and tourism.
- (4) Stimulate revitalization of historic neighborhoods and to stabilize and improve property values.

Section 238-2 Valdosta Local Historic District

(A) Boundary Map. The boundaries of the Valdosta Local Historic District are shown on the City of Valdosta Historic District Map, as maintained by the Planning and Zoning Division. The provisions of this Chapter shall apply to all parcels of land, within the boundaries of the Valdosta Local Historic District. Any parcel of land that is wholly or partially within the boundary shall be included.

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- (B) District Subareas. The Valdosta Local Historic District is divided into three (3) Subareas, as shown on the City of Valdosta Historic Preservation Map, which shall be known as:
 - (1) Residential Subarea I;
 - (2) Residential Subarea II; and
 - (3) Commercial Subarea III
- (C) Contributing and Noncontributing Properties. Properties within the Valdosta Local Historic District shall be classified as contributing or noncontributing to the District, and shall be depicted on the most recent version of the Contributing/Noncontributing Survey Map as maintained by the Planning and Zoning Division.
- (D) Boundary Amendments. Amendments to the boundaries of the Valdosta Local Historic District shall be authorized pursuant to the procedures, as set forth in Article 3 of this Chapter.

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Article 2 Historic Preservation Commission

Section 238-3 Commission Membership, Appointment, Term, Training and Compensation

(A) Commission Membership.

- (1) There is hereby created a Commission whose title shall be "Valdosta Historic Preservation Commission" (hereinafter "Commission").
- (2) The Commission shall consist of seven (7) members appointed by the City Council. All members shall reside within the city, and shall include representation for each of the district subareas. Members shall have demonstrated special interest, experience or knowledge in historic preservation. To the extent that such professionals are available in Valdosta, members shall be appointed from the disciplines of architecture, history, architectural history, historic preservation, planning, archaeology, or other disciplines related to historic preservation.
- (3) Members shall serve three (3) year terms. In order to achieve staggered terms, initial appointments shall be: two (2) members for one (1) year; two (2) members for two (2) years; and three (3) members for three (3) years. In the event of a vacancy, the appointment shall be for the unexpired term in the same manner as the initial appointment.
- (4) Members shall attend one of the Georgia Alliance of Preservation Commissions Historic Preservation Commission Training sessions held bi-annually within eight (8) months of appointment. Additionally, each member shall attend at least one historic preservation educational session on an annual basis.
- (5) Members shall serve without compensation, although they may be reimbursed for expenses incurred.

Section 238-4 Commission Position within the City

The Commission shall be part of the planning functions of the City. The Commission shall make its reports and recommendations to the Mayor and City Council.

Section 238-5 Powers and Duties

(A) The Commission shall be authorized to:

- (1) Prepare and maintain an inventory of all property within the City having the potential for designation as historic property.
- (2) Recommend to the City Council specific districts, sites, buildings, structures, and works of art to be designated by ordinance as historic properties or historic districts.
- (3) Review applications for Certificates of Appropriateness, and grant or deny the same in accordance with the provisions of this Chapter using the City of Valdosta Design Guidelines and the Secretary of the Interior Standards for the Treatment of Historic Properties.
- (4) Conduct educational programs on historic properties within the City and on general historic preservation activities.
- (5) Restore or preserve any historic properties acquired by the City with the City's consent.
- (6) Make such investigations and studies of matters relating to historic preservation, including the consultation with historic preservation experts, as the City Council or Commission may from time to time deem necessary or appropriate for the purposes of preserving historic resources.

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- (7) Promote the acquisition by the City of Valdosta 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).
 - (8) Seek out local, state, Federal and private funds for historic preservation, and make recommendations to the City Council concerning the most appropriate uses of any funds acquired.
 - (9) Submit to the Historic Preservation Division of the Georgia Department of Natural Resources a list of historic properties or historic districts designated.
 - (10) Perform historic preservation activities as the official historic preservation agency of the City of Valdosta.
 - (11) Review and make recommendations to the Historic Preservation Division of the Georgia Department of Natural Resources concerning the nomination of properties within its jurisdiction to the National Register of Historic Properties.
 - (12) Review and comment upon a proposed rezoning in a historic preservation district to the City Council.
 - (13) Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties. The Commission shall not obligate the City of Valdosta without prior consent.
- (B) Commission Officers.
- (1) Chair. In March of each year the Commission shall elect its chairperson from among its members. The Chair's term shall be 1 year with eligibility for re-election.
 - (a) Duties of Chair. The Chair shall preside at all meetings and hearings of the Commission and decide all points of order and procedure.
 - (2) Vice-Chair. The Commission shall elect a Vice-Chair in March of each year. The Vice-Chair's term shall be 1 year with eligibility for re-election.
 - (a) Duties of the Vice- Chair. The Vice-Chair shall serve as Acting Chair in the absence of the Chair and, when acting in such capacity, shall have the same powers and duties as the Chair.
 - (3) Secretary. The Commission shall elect a Secretary in March of each year. The Secretary's term shall be 1 year with eligibility for re-election.
 - (a) Duties of the Secretary. The Secretary shall serve as acting Chair in the absence of the Chair and Vice Chair and, when acting in such capacity, shall have the same powers and duties as the Chair. The Secretary shall cause a record to be made of each meeting of the Commission which shall include, at a minimum, a record of all resolutions, proceedings, and actions of the body. If the Secretary so desires, he or she may delegate his or her record-keeping duties to the Commission Administrator.
- (C) Commission Administrator.
- (1) Commission Administrator. The Commission Administrator is a non-voting member of the Commission that is filled by the City of Valdosta Special Projects/Historic Preservation Planner.

Section 238-6 Commission Meetings

- (A) Regular Meetings. The Commission shall hold regularly scheduled monthly meetings. All meetings shall be open to the public. Proper public notice of all meetings shall be provided in compliance with O.C.G.A. 55-14-1, the Georgia Open Meetings Act. Each Commission member shall be notified of each regular meeting at least 5 days preceding the meeting through a written agenda

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prepared and distributed by the Commission Administrator. The Commission's By-Laws and Roberts Rules of Order, Newly Revised (RONR) shall control the conduct of all official meetings of the Commission.

- (B) Special Called Meetings. The Chairman, Commission Administrator, or a majority of the Commission may call a special meeting at any time that permits by posting of a written notice for at least 48 hours at City Hall and giving written notice at least 48 hours in advance of the meeting to the official legal organ of the City. The Commission Administrator shall prepare and cause to be delivered a written notice stating the specific purpose of the special called meeting to each Commission member at least 48 hours in advance of the meeting. No business other than the specific stated purpose shall occur at the special called meeting.
- (C) Agenda and Minutes.
 - (1) The Chairman and Commission Administrator shall determine the meeting agenda. All matters to be considered and/or acted upon by the Commission shall appear on the agenda.
 - (2) Meeting minutes shall include and indicate all important facts, a report of all actions taken, a listing of those members present and those absent, a record of the vote on each action taken on each matter and a record of any explanation or commentary that is relevant to the decisions made on matters before the Commission.
- (D) Order of Business at Meetings.
 - (1) All meetings shall be open to the public. The order of business at meetings shall be as follows:
 - (a) Call to Order and Silent Roll Call
 - (b) Determination of a Quorum
 - (c) Approval of previous meetings' minutes
 - (d) Consideration of Applications for Certificates of Appropriateness
 - (e) Old or Unfinished Business
 - (f) New Business
 - (g) Adjournment
 - (2) The Chairman may change the order of the agenda on matters appearing on the agenda during the meeting if, in his or her judgment, time and purpose may be served.
- (E) Cancellation of Meetings. In the event there is a lack of business to be discussed and/or voted upon at a future meeting, the Commission Administrator shall place an appropriate public notice at City Hall stating the date of the canceled meeting. Such notice shall be posted at least 24 hours in advance of the scheduled meeting.
- (F) Adjournment of Meetings. The Commission may adjourn a regular meeting if all business cannot be disposed of on the set day and shall state the date, time and place of its resumption at the time of adjournment, provided that due notice is provided as required in OCGA 55-14-1, the Georgia Open Meetings Act.
- (G) Quorum and Voting.
 - (1) Quorum: A quorum shall consist of four members of the Commission. A majority vote of those present shall be sufficient to decide all matters that come before the Commission.
 - (2) Voting: A Commission member, who is part of a quorum of the Commission during the consideration of any matter but not participating in the discussion or vote on a specific matter

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because of a conflict of interest, shall be considered present for quorum purposes but abstaining from the voting on that specific matter. No Commission member, who is present, may abstain from voting except:

- (a) In the case of having a conflict of interest with respect to the matter under consideration (See Section 238-8), or
- (b) In a case of a vote related to the previous meeting minutes due to being absent at the previous meeting.

(H) Attendance. If any member of the Commission is absent without cause for three consecutive regular meetings of the Commission, that member shall be removed automatically from membership and a replacement shall be appointed in the same manner as the initial appointment.

Section 238-7 Public Hearings

(A) Public Hearing Required. Upon notification of a new historic district or property nomination, or a certificate of appropriateness application, the Historic Preservation Commission shall place it on the agenda of its regular meeting for a public hearing in accordance with the requirements of Section 238-7(d).

(B) Public Notices. The public notices and public hearings held by the Historic Preservation Commission concerning the nomination of historic property or a historic district, or application for a certificate of appropriateness shall be in accordance with the requirements of Section 238-7(c).

(C) Notice of Public Hearings.

(1) Legal Notice: Notice of a public hearing for the nomination of a historic property or district, pursuant to this Chapter, shall be published in the principal newspaper of general circulation within the City. Written notice of the hearing shall be mailed by the Commission to all owners and occupants of such properties being nominated. For the nomination of a historic property, the Commission shall also send notification of the public hearing by regular mail to all property owners adjacent to the nominated property boundary as shown by the county tax records at the time of filing. All legal notices shall be published or mailed not less than 10 or more than 20 business days prior to the date set for the public hearing and shall include a description of the historic district or property nomination, and the date, time, and place of the scheduled public hearing. Legal notice shall not be required for public hearings concerning certificate of appropriateness applications for material changes, demolition or relocation.

(2) Signs Posted: For historic property nominations and certificate of appropriateness applications, the Commission shall post a sign at least 10 days prior to each public hearing required by this Chapter. The sign(s) shall be double-faced and a minimum of 24" x 18" in size. Sign(s) shall be posted in a conspicuous place in the public right-of-way fronting the property or on the property for which an application has been submitted. Faces of sign(s) shall be placed approximately perpendicular to the centerline of the principal abutting street. The sign shall state the date, time and place of the public hearing, the purpose of the application, and the street address of the property. Sign(s) shall not be required for the notification of public hearings concerning historic district nominations.

(3) Written Notice: For certificate of appropriateness applications concerning the relocation or demolition of a historic property or a contributing property within a historic district, the Commission shall send written notice of the public hearing by regular mail to all property owners adjacent to the nominated property boundary as shown by the county tax records at the time of filing. All written notices shall be mailed not less than 10 or more than 20 business days prior to the date set for the public hearing and shall include a description of certificate of appropriateness application request, and the date, time, and place of the scheduled public hearing.

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(D) Rules of Procedure for Public Hearings.

- (1) Public Hearing Procedures for the Historic Preservation Commission. For each matter concerning the nomination of a historic district or property or the application of a certificate of appropriateness that requires a public hearing and a vote or recommendation from the Commission, the following procedure shall be followed.
 - (a) The Chair shall announce each matter to be heard and state that a public hearing is to be held on such matter.
 - (b) The Chair shall request a report from Commission Administrator regarding findings and recommendations.
 - (c) The Chair shall provide an opportunity for the applicant and any who support the applicant's petition to speak. The Chair shall provide equal opportunity for those who wish to speak in opposition to the applicant's petition. The Chair may limit the presentation of those for and against a petition to a reasonable length of time, but not less than 10 minutes per side. If desired, the applicant may reserve a portion of his/her allotted time for rebuttal and summary comments to be made following presentation of those opposed to the petition.
 - (d) Prior to speaking, each speaker shall identify himself/herself and state his or her current address. Each speaker shall limit remarks to data, evidence and opinions relevant to the proposed petition. Speakers shall address all remarks to the Chair.
 - (e) Following the allotted time for proponents and opponents, the Chair shall close the public hearing with respect to the subject matter and seek a motion to act upon the petition as provided in subsection (E) of this Chapter.

(E) Review Standards.

- (1) In reviewing a nomination of a historic district or property, the Commission shall consider the standards provided in Section 238-9 of this Chapter.
- (2) In reviewing a certificate of appropriateness application, the Commission shall consider the standards provided in Section 238-13 of this Chapter.

(F) Commission Actions. In making a recommendation on a historic district or property nomination or a decision on a certificate of appropriateness application, the Commission shall review and consider the nomination or application and materials of record, and the recommendations of the Commission Administrator. The following actions are authorized:

- (1) Recommendation of a Historic District or Property Nomination. Within 45 days of the conclusion of the public hearing regarding a nomination of a historic district or property, the Commission shall make a recommendation to City Council to:
 - (a) Approve the proposed nomination as requested by the applicant.
 - (b) Approve a nomination to include a lesser geographic area.
 - (c) Approve the proposed nomination with conditions.
 - (d) Deny the proposed nomination.
- (2) No Comment. If the Commission fails to submit a recommendation regarding a proposed nomination 45 days after the initial public hearing on the nomination, it shall be deemed to have given a recommendation of "no comment" on the proposed nomination.
- (3) Decision on an application for a certificate of appropriateness. Within 45 days of the conclusion of the public hearing regarding a certificate of appropriateness application, the Commission shall make a decision to:
 - (a) Approve the application as requested by the applicant.

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- (b) Approve the application with conditions.
- (c) Postpone the decision to a specified date and time.
- (d) Deny the application.

Section 238-8 Conflicts of Interest

A conflict of interest shall be considered to exist when a Commission member:

- (A) Has a property interest in any real property directly affected by a Commission decision.
- (B) Has a financial interest in any business entity that has a property interest in any real property affected by a decision that is under consideration by the Commission.
- (C) Has a family member having any interest described in paragraph (a) or (b) of this section.
- (D) The Commission member shall immediately disclose the nature and extent of such interest, verbally, to the Chair or Vice Chair of the Historic Preservation Commission. The member's verbal disclosure shall be recorded in the official minutes of the Commission meeting.
- (E) The member who has an interest as defined above shall disqualify themselves from voting on the action.
- (F) The disqualified member shall not take any other action on behalf of themselves or any other person to influence action on the application.

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Article 3 Historic Properties and Districts

Section 238-9 Recommendation and Designation of Historic Districts and Historic Properties

- (A) Preliminary research by Commission.
- (1) Commission's mandate to conduct a survey of historic resources. The Commission shall work closely with the city in seeing that historic properties in the city are identified and inventoried through a historic resources survey.
 - (2) Commission's power to propose historic districts and historic properties to the Mayor and City Council for designation. The Commission shall present to the Mayor and City Council proposals for local historic districts and local historic properties.
 - (3) Commission's documentation of proposed designation. Prior to the Commission's presentation of a proposal for a historic district or historic property to the Mayor and City Council for designation, it shall prepare a report consisting of:
 - (a) A physical description;
 - (b) A statement of historical, cultural, architectural and/or aesthetic significance;
 - (c) A map showing historic district boundaries and classification (i.e., contributing, noncontributing) of individual properties within the district, or showing historic property boundaries;
 - (d) A statement justifying the boundaries; and
 - (e) Representative photographs.
- (B) Designation of a historic district as a local historic district.
- (1) Criteria for selection. A local historic district shall be a geographically definable area which contains buildings, structures, objects, sites and landscape features or any combination thereof, which:
 - (a) Have special character or special historic or 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 Valdosta, Lowndes County, Georgia or the region; and
 - (c) Cause such area, by reason of such factors, to constitute a visible perceptible section of the city.
 - (2) Boundaries of local historic districts. Boundaries of local historic districts shall be included in, or amended to, the official Historic Preservation map of the City of Valdosta, Georgia.
 - (3) Evaluation of properties within local historic districts. Individual properties, or the main resources of individual properties, within local historic districts shall be classified as Contributing or Noncontributing.
- (C) Designation of a historic property as a local historic property.
- (1) Criteria for selection. A local historic property shall be a building, structure, site or object, including adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation for one of the following reasons:
 - (a) It is an outstanding example and representative of its era;
 - (b) It is one of the few remaining examples of a past architectural style or type;
 - (c) It is associated with an event or persons of historic or cultural significance to Valdosta, Lowndes County, Georgia, or the region; or

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- (d) It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of Valdosta, Lowndes County, Georgia, or the region.
 - (2) Boundaries of local historic properties. Boundaries of local historic properties shall be amended to the official Historic Preservation map of the City of Valdosta.
- (D) Requirements for adopting an ordinance for the designation of historic districts and historic properties as local historic districts and local historic properties.
- (1) Application for designation. Designations may be proposed by the City, the Commission or:
 - (a) For historic districts. A historical society, neighborhood association or group of property owners may apply to the Commission for designation; provided that such application is presented along with a petition of 50 percent of the property owners in the proposed district in support of designation.
 - (b) For historic properties. A historical society, neighborhood association, or property owner may apply to the Commission for designation.
 - (2) Required components of an ordinance for designation. Any ordinance for the designation of any historic district as a local historic district or any historic property as a local historic property shall:
 - (a) Provide a legal description of the proposed local historic district or the proposed local historic property;
 - (b) Require that, upon designation, a certificate of appropriateness be obtained, as required herein, from the Commission prior to any material change in the appearance of an individual property located in the local historic district or a local historic property; and
 - (c) Require that, upon designation, the local historic district or local historic property be shown on the official historic preservation map of the city and kept as a public record to provide notice of such designation.
 - (3) Required public hearings. The Commission shall hold a public hearing on any proposed ordinance for the designation of any historic district as a local historic district or any historic property as a local historic property pursuant to Section 238-7.
 - (4) Recommendations on proposed designations. A recommendation to affirm, modify or deny the proposed ordinance for designation shall be made by the Commission at its next regular meeting or at a special meeting convened following the procedures set out in this Chapter. The Commission shall review public comments and make a final recommendation and transmit said recommendation to the Mayor and City Council.
 - (5) Mayor and City Council action on Commission's recommendation. Following the receipt of the Commission's recommendation, the Mayor and City Council may adopt the proposed ordinance for designation, may adopt the proposed ordinance with any changes it deems necessary, or may reject the proposed ordinance.
 - (6) Notification of office of historic preservation. Not less than 30 days prior to a hearing on any ordinance designating a historic district as a local historic district or a historic property as a local historic property, the Commission must submit the report, as required in subsection 238-9(a)(3), to the Historic Preservation Division of the Georgia Department of Natural Resources.
 - (7) Notification and final record of action. Within 30 days immediately following the adoption of the ordinance designating a historic property or historic district, the owners of each individual property located within the area included in the local historic district shall be given written notification of such designation by the Mayor and City Council. For properties included in the local historic district, such notice shall also apprise said owners and occupants of the

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necessity for obtaining a certificate of appropriateness prior to undertaking any material change in the appearance of the historic property within the designated local historic district. Notice sent via the United States mail to the last known owners of said property or properties shown on the county tax roll shall constitute legal notification to the owner under this article. The owner of a historic property within a designated historic district shall have the right to appeal de novo within 30 days of the date of the service of the decision of the City Council to the Superior Court of Lowndes County.

- (8) Notification of other agencies regarding designation. The Commission shall notify all necessary agencies within the City of the ordinance for designation, including the local historic organization, and relevant public agencies.
- (E) Alteration or modification of an existing local historic district.
- (1) Application for modification of a local historic district. Application for alteration or modification of an existing historic district may be submitted to the Commission by the City of Valdosta, a historical society, neighborhood association located in such local historic district, or group of two or more property owners representing a majority of property owners in an area proposed to be added to or removed from the local historic district. A historical society, neighborhood association, or group of property owners may not apply for alteration of an existing local historic district for a period of one year following the Mayor and City Council's rejection of an ordinance to modify the boundary of the district, unless such application is substantially modified from the rejected ordinance as determined by the Commission Administrator.
 - (2) Required components of an ordinance for designation. Any ordinance altering or modifying the boundaries of any local historic district shall include a description of the boundaries of the district and the area proposed to be added to or removed from the district and shall list each property located therein.
 - (3) Boundaries of the local historic district. Any ordinance altering the designation of any property as a local historic property or any district as a local historic district shall require that the designated property or district be shown on the official Historic Preservation map of the City of Valdosta and be kept by the city as a public record to provide notice of such designation.
 - (4) Commission's report on proposed alteration of the local historic district. The Commission shall make or cause to be made an investigation and shall report on the historic, cultural, architectural, or esthetic significance of each place, site, building, structure, or work of art in the area proposed to be added to or removed from the local historic district. The Commission shall compose a report of its findings that shall include a physical description of the area proposed to be added to or removed from the local historic district; a statement of historical, cultural, architectural and/or aesthetic significance; a map showing the existing and proposed boundaries of the local historic district; a statement justifying the boundaries; and representative photographs of each place, site, building, structure, or work of art in the area proposed to be added to or removed from the local historic district. This report shall be submitted to the Division of Historic Preservation of the Department of Natural Resources or its successor which will be allowed 30 days to prepare written comments concerning the report.
 - (5) Required public hearing. The Commission shall hold a public hearing on the proposed ordinance to alter or modify the boundaries of the local historic district. Notice of the hearing shall be pursuant to Section 238-7(c) of this Chapter.
 - (6) Recommendation of the Commission. Following the public hearing, a recommendation to affirm, modify or deny the proposed ordinance shall be made by the Commission at its next regular meeting or at a special meeting convened following the procedures set out in this article. The Commission shall review public comments and make final recommendations and transmit said recommendation to the Mayor and City Council.

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- (7) Mayor and City Council's action on Commission's recommendation. Following the receipt of the Commission's recommendation, the Mayor and City Council may adopt the proposed ordinance altering the boundaries of the local historic district, may adopt the proposed ordinance with any changes it deems necessary, or may reject the proposed ordinance. The Mayor and City Council shall not amend the proposed ordinance to add additional properties to a historic district if the owners of such properties were not notified of the public hearing, as provided above.
- (8) Notification of affected property owners. The owners of each individual property located within the area included in or removed from the local historic district shall be given written notification of such designation pursuant to Section 238-9(d)(7) of this Chapter.

Section 238-10 Interim Protection for Nominated Historic Districts and Historic Properties

- (A) Finding and Purpose. The Mayor and City Council finds that immediate but temporary controls prohibiting any exterior material change in the appearance of a property or district for which an application for designation has been submitted to the Commission are necessary to preserve the historic integrity of the property or district during the evaluation process.
- (B) Control Regulations. Any property or properties for which an application for designation has been submitted shall receive the full legislative protection of, and be controlled by, the regulations governing a designated local historic property or district. Said protection shall become effective without further action of any kind immediately upon the date and time that the application is submitted. Said protection shall remain effective until the Mayor and City Council has taken final action on the application.
- (C) Notification. Upon receipt of an application for designation, the Commission Administrator shall publish notice in the principal newspaper of general circulation within the city stating an application has been received and the property or properties included in the application shall receive the full legislative protection of, and be controlled by, the regulations governing a designated local historic property or district.
- (D) Enforcement. The staff of the Commission shall deliver a copy of the application and published notice to the Chief Building Official of the city. The Chief Building Official shall immediately take all steps necessary to accomplish the requirements of this section, and is prohibited from accepting any applications or issuing any permit of any kind for any building, property, or district specified in the application, except as allowed in this article for local historic properties or properties within a local historic district

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Article 4 Certificates of Appropriateness

Section 238-11 Certificate of Appropriateness Required

- (A) A certificate of appropriateness shall be required before a person may undertake any exterior material change in the appearance of a local historic property or of a contributing or noncontributing property within a local historic district. A building permit shall not be issued without a certificate of appropriateness.
- (B) Notwithstanding anything herein to the contrary, the following material changes shall not require a certificate of appropriateness, but may proceed upon permission being granted to the applicant by the Commission Administrator:
- (1) Work to sustain the existing form or to correct deterioration, decay or damage provided that such work does not involve a change in design, material or exterior appearance.
 - (2) The removal or replacement of roofing materials, provided that no other significant alterations are made, i.e. removal of original architectural features, dormers, and chimneys. Proposed replacement materials must be similar to existing materials.
 - (3) Exterior repairs using original materials or in-kind replacement materials, as explained in the design guidelines.
 - (4) Landscaping, provided the proposed work has no significant effect on the historic character of a property or district; including fences that do not require a variance from any applicable code requirements, walks, statues, fountains, benches, lamp posts, hedgerows, gardens, trees, and plantings, which are not otherwise considered a structure, object or site. Administrative approval or a certificate of appropriateness shall not be required for minor landscaping, which meets the requirements of the adopted design guidelines and does not affect the historic character of a property or district.
 - (5) The construction or removal of decks which are not visible from a public right-of-way, other than an alley, provided that the decks do not require the removal or the alteration of the existing building or structure.
 - (6) The construction or removal of signs or awnings provided that such signs or awnings comply with the applicable provisions of the City sign ordinance and Design Guidelines for the Valdosta Historic District
 - (7) The demolition, relocation, construction, or removal of non-historic secondary structures, provided that the structure is under 20' X 20' and is located in the backyard.
 - (8) The re-paving of an existing parking area.
 - (9) The construction or removal of ADA accessibility ramps that are located to the side or rear of the primary building on the property, provided that the ramps do not require the removal or the alteration of the existing building.
- (C) The Commission Administrator shall not be required to grant or review any application for permission to proceed with any work specified in paragraph (2), and may submit any such application for permission to proceed to the Commission as an application for a certificate of appropriateness. The Commission shall consider such application in the same manner as if the application had been originally filed as an application for a certificate of appropriateness.
- (D) If an application to proceed with work is denied by the Commission Administrator, upon the applicant's request, such application shall be submitted by the Commission Administrator to the Commission, which shall consider such application in the same manner as if the application had been originally filed as an application for a certificate of appropriateness.

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- (E) Upon consideration of an application for appropriateness, the Commission shall take action upon the matter as specified in Section 238-7(F)(3). Any appeal from such decision shall follow the procedures as established in this Chapter. For a period of six months following the issuance of a denial by the Commission, the secretary shall refuse to place a previously denied application for a certificate of appropriateness on the agenda of the Commission, unless such application is substantially modified.
- (F) The Commission may consider past actions when making decisions on applications for certificate of appropriateness, however, the Commission shall not be bound by the precedent of past decisions when considering new applications, which may appear similar in character. Each application shall be considered on its own merit.
- (G) Ordinary Maintenance and Repair Exception. Ordinary maintenance or repair of any exterior architectural feature in or on a historic property to correct deterioration, decay or damage, or to sustain the existing form, which does not involve a material change in design, material or outer appearance does not require a certificate of appropriateness.

Section 238-12 Procedure for Review of Certificate of Appropriateness Applications

- (A) An application for a certificate of appropriateness shall be made by the owner or owner's agent to the office of the city's Planning and Zoning Division for transmittal to the Commission.
 - (1) When the Commission receives an application for a certificate of appropriateness, the applicant should be provided an opportunity to meet with the Commission Administrator. The purpose of this meeting is to acquaint the applicant with the requirements of this Historic Preservation Ordinance and review the submitted application for completeness.
 - (2) Within 5 days after an application for a certificate of appropriateness is submitted, the Commission Administrator shall determine whether the application is complete. Should the Commission Administrator find that the material submitted is not adequate for the proper review of the proposal, the Commission Administrator shall promptly notify the applicant and state the specific information that will be required. In such cases, the applicant shall not be deemed to have made a bona fide application to the Commission until the specific information is submitted. No further action on the application shall be taken until it is found to be complete.
 - (3) When the Commission Administrator determines an application for a certificate of appropriateness is complete, he or she shall conduct a site review of the property and surrounding area and consider the impact of the application upon the historic property and/or the historic district. Upon completion of his or her review, the Commission Administrator shall prepare a recommendation report to be forwarded along with the certificate of appropriateness application to the Commission.
 - (4) Upon notification of the receipt of a completed application for a certificate of appropriateness, the Commission shall place the application on the agenda of their next regular meeting and provide notification in accordance with the requirements of Sections 238-6 and 238-7 of this Chapter.
- (B) The Commission, where it deems necessary in order to review a particular application, may require the submission of any or all of the following items: Architectural plans, plat plans, landscaping plans, plans for off-street parking, plans for proposed signs, elevations of all portions of proposed additions, photographs, elevations or perspective drawings showing the proposed building and existing buildings that are within 100 feet or are substantially related to it visually or by reason of function, traffic generation or other characteristics.

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- (C) Interior alterations. In its review of applications for certificates of appropriateness, the Commission shall not consider interior arrangement or use having no adverse affect on exterior architectural or environmental features.
- (D) Public hearings on applications for certificates of appropriateness, notices and right to be heard. Public hearings and notices on applications for certificates of appropriateness shall be carried out pursuant to Section 238-7 of this Chapter.
- (E) Acceptable Commission responses to applications for certificates of appropriateness.
 - (1) The Commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in appearance would not have a substantial adverse effect on the aesthetic, historic, architectural, or archaeological significance and value of the local historic property or the local historic district.
 - (2) The Commission shall deny the application for a certificate of appropriateness if it finds that the proposed material change(s) in appearance would have a substantial adverse effect on the aesthetic, historic, architectural or archaeological significance and value of the local historic property or the local historic district, except as provided under Section 238-13(D).
- (F) Deadline for approval or denial of application for certificate of appropriateness.
 - (1) The Commission shall take action on an application for a certificate of appropriateness pursuant to Section 238-7(F)(3) of this Chapter.
 - (2) Failure of the Commission to act within said 45 days shall constitute approval, and no other evidence of approval shall be needed.
- (G) Notification and Final Record of Action. Within 45 days following the decision on a certificate of appropriateness application the applicant will be notified of the Commission's decision.
- (H) Commission's necessary action upon denial of application for certificate of appropriateness. In the event the Commission denies an application, it shall state its reasons for doing so and shall transmit a record of such actions and reasons, in writing, to the building official and the applicant. The 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.
- (I) Commission's denial of application binding upon building official. In cases where the application covers a material change in appearance which would require the issuance of a building permit, the denial of an application for a certificate of appropriateness shall be binding upon the building official and, in such a case, no building permit shall be issued.

Section 238-13 Standards for Review of Certificates of Appropriateness Applications

- (A) In reviewing applications for alterations or new construction, the Commission shall refer to the Secretary of the Interior's Standards for the Treatment of Historic Properties, along with any published guidelines accompanying the Standards, and shall comply with the Design Review Guidelines for the Valdosta Historic District, a copy of which is attached to the LDR as Appendix G and is incorporated by reference.
- (B) Relocation: In addition to the criteria set forth in Section 238-13(A), a decision by the Commission approving or denying a certificate of appropriateness for the relocation of a structure or work of art shall be guided by:
 - (1) The historic character and aesthetic interest the structure or work of art contributes to its present setting.

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- (2) Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be.
 - (3) Whether the structure or work of art can be moved without significant damage to its physical integrity.
 - (4) Whether the proposed relocation area is compatible with the historical and architectural character of the structure, site or work of art.
- (C) Demolition: In addition to the criteria set forth in Section 238-13(A) and (B), the Commission shall not approve applications for demolition without reviewing post-demolition plans at the same time. A decision by the Commission approving or denying a certificate of appropriateness for the demolition of structures, sites, or works of art shall be guided by:
- (1) The historic, scenic or architectural significance of the structure, site or work of art.
 - (2) The importance of the structure, site, or work of art to the ambiance of a district.
 - (3) The difficulty or the impossibility of reproducing such a structure, site, or work of art because of its design, texture, material, detail, or unique location.
 - (4) Whether the structure, site or work of art is one of the last remaining examples of its kind in the neighborhood or the city.
 - (5) Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be.
 - (6) Whether reasonable measures can be taken to save the structure, site or work of art from collapse.
 - (7) Whether the structure, site or work of art is capable of earning reasonable economic return on its value.
- (D) Projects of Special Merit.
- (1) In addition to the criteria set forth in Section 238-13(a), (b), and (c), in reviewing applications for the demolition or relocation of a local historic property or a contributing or noncontributing building or structure in a local historic district, the demolition or relocation of which would have a substantial adverse effect on the local historic property or local historic district, but the replacement project is of special merit, the Commission shall hear evidence concerning the application at its public hearing and may approve the application and issue a certificate of appropriateness. For a replacement project to be of special merit, it must meet the following criteria:
 - (a) It must have significant benefits to the city or to the community by virtue of exemplary architecture, specific features of land planning, or social or other benefits having a high priority for community services; and
 - (b) It must clearly serve the public interest to a greater extent than the retention of the present building(s).
 - (2) To the greatest extent possible, projects of special merit must meet the Design Guidelines for new construction.
- (E) The City Council or its representative shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent the material change in appearance of a local historic property or local historic district, except those changes made in compliance with the provisions of this article or to prevent any illegal act or conduct with respect to such local historic property or local historic district.

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Section 238-14 Economic Hardship Exemptions

- (A) These regulations set forth a minimum standard of architectural compatibility with the rest of the district. However, in order to balance other equally important objectives of economic development, neighborhood revitalization, and prevention of displacement of residents, the Commission may allow reasonable exemptions from these regulations to a property owner's principal residence on the ground of economic hardship to the property owner.
- (1) The burden of proving economic hardship by a preponderance of the evidence shall be on the applicant.
 - (2) The Commission shall consider the following factors in determining whether an economic hardship exemption in whole or in part will be granted:
 - (a) The availability of other sources of funds that are appropriate to the circumstances of the applicant, including loans, grants, and tax abatements;
 - (b) The costs associated with adherence to these regulations;
 - (c) The degree of existing architectural significance and integrity of the structure; and
 - (d) The purpose and intent of this chapter.
 - (3) The Commission shall consider these factors and shall grant an exemption, in whole or in part, as appropriate upon a finding that the applicant's economic hardship outweighs the need for strict adherence to these regulations.

Section 238-15 Appeal Procedures for Certificate of Appropriateness Decisions

- (A) Certificate of Appropriateness Appeal. Any person adversely affected by any determination made by the Commission relative to the issuance or denial of a certificate of appropriateness may appeal such determination to the Mayor and City Council. Any such appeal must be filed with the Commission Administrator within 30 days after the issuance of a determination pursuant to this chapter or, in the case of a failure of a Commission to act, within 30 days of the expiration of the 45 day period allowed for Commission action. The appeal shall be in writing on a form provided by the Commission Administrator and shall include a written statement setting forth the factual basis for the appeal. Upon receipt of the written appeal and accompanying information, the Commission Administrator shall deliver official notice of the appeal to the City Clerk. The Mayor and City Council will hold a hearing on the matter and may require the submission of additional written evidence from the Commission and/or certificate of appropriateness applicant. Notice of the hearing shall be in accordance with the Open Meetings Law of the State of Georgia set forth in O.C.G.A. 50-14-1 et. seq., as amended.
- (B) City Council Procedures for Appeals. The appeal hearing before the Mayor and City Council shall be scheduled within 60 days of the filing date of the appeal. The party who filed the appeal shall be made aware of the scheduled hearing date, time and location, by the Commission Administrator in writing. At least ten (10) days prior to the hearing, the City Clerk shall receive from the Commission Administrator a complete record of the Commission's action, including all information presented by the applicant, proponents and opponents, Commission Administrator, minutes of the Commission meeting at which the applicant was heard, and all other evidence and documents considered by the Commission in reaching their determination.

The procedures for the conduct of the hearing before City Council shall be that the party who filed the appeal, or their authorized representative, shall be present at the scheduled hearing and may present an argument in support of the appeal, followed by the Commission Administrator or Commission Chair, who shall present an argument in support of the Commission's decision.

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The hearing before City Council shall be confined to reviewing for error the Commission's record in reaching their determination, and shall be based solely upon the abuse of discretion by the Commission. An abuse of discretion exists where the record presented to the City Council shows that the Commission exceeded the limits of its authority or that the Commission's decision was not based on factors set forth in Section 238-13 or that the Commission's decision was otherwise arbitrary and capricious.

After hearing both parties and deliberating upon the matter, City Council may either:

- (1) Uphold the Commission's determination upon finding that the Commission did not abuse its discretion in reaching its decision;
- (2) Reject the Commission's determination upon finding that the Commission abused its discretion in reaching its decision; or
- (3) City Council has the option to return the matter to the Commission for reconsideration only if new information is presented to City Council during the appeal hearing that directly relates to the Commission's decision.

Appeals from decisions of the City Council made pursuant to this chapter may be taken to the Superior Court of Lowndes County in the manner provided by law.

Section 238-16 Commencement of Construction; Certificates Renewable

- (A) A certificate of appropriateness shall become void unless construction is commenced within six (6) months of date of issuance.
- (B) Certificates of Appropriateness shall be issued for a period of 18 months and are renewable. A renewal request shall be in writing on a form provided by the Commission Administrator and shall describe changes, if any to the originally approved certificate of appropriateness. If changes are noted, revised plans shall be requested and reviewed by the Commission Administrator. A decision will be rendered by the Administrator whether to renew the certificate of appropriateness or re-submit to the Commission a revised certificate of appropriateness recommendation per Sections 238-12 and 238-13 of this Chapter.

Section 238-17 Recordation of Certificates of Appropriateness

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

Section 238-18 Requirements of Conformance with Certificates of Appropriateness

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 building inspector shall issue a cease and desist order and all work shall cease.

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Article 5 Procedures and Penalties.

Section 238-19 Failure to Provide Ordinary Maintenance and Repair

Owners of historic property or properties classified as contributing within the historic district shall not allow their structures to deteriorate by failing to provide ordinary maintenance or repair. The Commission in conjunction with the Director or his designee shall be charged with the following responsibilities regarding deterioration by neglect:

- (A) The Commission, in conjunction with the Commission Administrator and Director, shall monitor the condition of historic properties and existing structures in the historic district 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 structure's structural system shall constitute failure to provide ordinary maintenance or repair.
- (B) In the event a failure to provide ordinary maintenance or repair is determined, the Commission in conjunction with the Director and Commission Administrator shall notify the owner of the property and set forth steps which need to be taken to remedy the identified deteriorated conditions. The owner of such property will be given a reasonable timeframe, as determined by the Director and Commission Administrator, in which to complete remediation of the deteriorated conditions.
- (C) In the event that the identified deteriorated conditions are not remedied in the timeframe given, the owner shall be subject to the penalty for violation as provided in Section 238-21 of this Chapter and, at the direction of the Director, the City of Valdosta 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 City. The City may establish a lien against the property for reimbursement of costs associated with maintenance and repair performed by the City.

Section 238-20 Scope of Building and Zoning Codes

Nothing in this Chapter shall be construed to exempt property owners from complying with existing city building and zoning codes, nor to prevent property owners from making use of property not prohibited by other statutes, ordinances or regulations.

Section 238-21 Penalty for Violation

A person who violates a provision of this Chapter or fails to comply with any of the requirements thereof shall be subject to the General Penalty provision set forth in Chapter 110 of this LDR. Where any offense continues from day to day, each day the violation continues shall constitute a separate offense.

Section 238-22 Conflicting Ordinances

If any conflicts occur between the terms of this Chapter and the terms of any other section of this LDR or ordinance of the City of Valdosta Code of Ordinances, the provision imposing the more restrictive standard shall prevail. If said conflicting provisions are equally restrictive, the provisions of this Chapter shall prevail.

Section 238-23 Department of Transportation and Local Governments

The Department of Transportation and any contractors, including cities and counties, performing work funded by the Department of Transportation are exempt from this chapter. Local governments are exempt from the requirement of obtaining certificates of appropriateness; provided, however, that 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.

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Section 238-24 Emergency Demolition

A request for a demolition permit involving a property located within the Valdosta Historic District that has been subject to a catastrophic event, as defined in this Section, shall be submitted in writing to the Community Development Department and shall include the property owner's authorization for submittal. In a situation where a contributing historic building must be demolished, the reuse of façade materials from the demolished contributing building is encouraged in the new structure as an effort to maintain the character of the original building and the site's designation as a contributing property within the Valdosta Historic District.

- (A) "Catastrophic Event" means an event that is beyond the property owner's ability to control, and renders a building hazardous or damaged beyond repair. The term "catastrophic event" shall not include property owner negligence in failing to provide proper maintenance and keep the building in good repair, or corrections that can be accomplished through reasonable measures.
- (B) On a case-by-case evaluation and upon consultation with the chairman and vice-chairman of the Commission, Commission Administrator and the city Building Official, without a public meeting, may issue a permit for a complete or partial demolition of a building that is located in the Valdosta Historic District, if it is determined that the catastrophic event has rendered said building immediately hazardous and dangerous and/or detrimental to the public health and/or safety as defined in the latest adopted Building Code.
- (C) In determining the appropriateness in demolishing a building under this emergency provision, the Commission Administrator and the city Building Official shall give consideration to demolishing only those portions of a building that are immediately hazardous, thereby allowing for the preservation and/or reconstruction of non-hazardous building portions. The Commission Administrator shall also consider whether the damage to the resource is so substantial that it alters the historic character of the building.

Sections 238-25 through 238-28 Reserved

City of Valdosta Land Development

Article 6 Historic and Landmark Museum Buildings

Section 238-29 Intent and Purposes

- (A) It is the purpose of this article to encourage the sensitive rehabilitation, restoration, stabilization or preservation of existing buildings located within the corporate limits of the city and to encourage the preservation of buildings and structures deemed to be historic in total or in part; however, such rehabilitation and preservation efforts should provide for the upgrading of the safety features of the building or structure to provide a practical level of safety to the public and surrounding property. It is the further purpose of this article to provide guidance regarding acceptable alternative solutions as outlined in the Life Safety Code, and to stimulate enforcement authorities to utilize alternative compliance concepts whenever practical to permit the continued use of existing buildings and structures without overly restrictive financial burdens on owners or occupants.
- (B) The provisions of this article shall not be applicable to new construction, except as specifically provided in this article.

Section 238-30 Conditions for Application

- (A) The provisions of this article authorize the enforcement authority to permit the repair, alteration, addition, or change of use or occupancy of existing buildings without total compliance with any rule, regulation, code or standard for new construction requirements under the following general conditions:
- (1) Plans shall be submitted for review to the plans review committee and approved before a permit is issued as to compliance with building and fire safety codes;
 - (2) All noted conditions hazardous to life, based on the provisions of applicable state and local standards or codes for existing buildings, and outlined in Section 238-26 shall be corrected to a reasonable and realistic degree as set forth in this LDR;
 - (3) The existing building becomes the minimum performance standard; and
 - (4) The degree of compliance of the building after changes must not be below that existing before the changes.
- (B) Nothing in this article will require or prohibit compliance with requirements more stringent than those provided in this LDR.

Section 238-31 Hazardous Conditions

With reference to existing buildings, authorized enforcement authorities should assure that any of the conditions or defects described in this section are identified and corrected as deemed appropriate by the enforcement authority having jurisdiction and through the utilization of appropriate compliance alternatives:

- (A) Structural. Any building or structure or portion which is in imminent danger of collapse because of but not limited to the following factors:
- (1) Dilapidation, deterioration or decay;
 - (2) Faulty structural design or construction;
 - (3) The removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; or
 - (4) The deterioration, decay or inadequacy of the foundation.

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- (B) Number of exits. Less than two approved independent, remote and properly protected exit ways serving every story of a building, except where a single exit way is permitted by the applicable state or local fire or building code or life safety code; and if acceptable alternative safeguards cannot be met, an automatic fire suppression system shall be provided;
- (C) Capacity of exits. Any required door, aisle, passageway, stairway, or other means of egress which is not of sufficient capacity to provide for the population of the portions of the building served and which is not so arranged as to provide safe and adequate means of egress to a place of safety; and
- (D) Mechanical systems. Utilities and mechanical systems not in conformance with the codes in effect at the time of construction of a building which create a serious threat of fire or threaten the safety of the occupants of the building.

Section 238-32 Additions to Existing Building

Additions to an existing building shall comply with the applicable requirements of state and local laws, rules, regulations, codes and standards for new construction. Such additions shall not impose loads either vertical or horizontal which would cause the existing building to be subjected to stresses exceeding those permitted under new construction. If the existing building does not comply with the standards provided in this article and the authorized enforcement authority finds that the addition adversely affects the performance of the total building, the authorized enforcement authority may require:

- (A) The new addition to be separated from the existing structure by at least a two-hour firewall with openings properly protected;
- (B) The installation of an approved automatic fire suppression system; or
- (C) Other remedies which may be deemed appropriate by the enforcement authority.

Section 238-33 Minor Alterations and New Mechanical Systems

Minor alterations or repairs to an existing building which do not adversely affect the performance or safety of the building may be made with the same or like materials. Existing buildings which, in part or as a whole, exceed the requirements of any applicable construction or fire safety code may, in the course of compliance with this article, have reduced or removed, in part or totally, features not required by such code for new construction provided such features were not a condition of prior approval. Existing buildings and structures which, in part or as a whole, do not meet the requirements of the applicable code for new construction may be altered or repaired without further compliance to any such code by utilizing the provisions of this article provided their present degree of compliance to any applicable construction or fire safety code is not reduced. Any new mechanical systems installed in an existing building shall conform to applicable codes for new construction to the fullest extent practical as approved by the authorized enforcement authorities.

Section 238-34 Continued Use

The legal use and occupancy of any building or structure may be continued without change, except as may be provided otherwise by this chapter or as may be legally provided for by any applicable state or local law, rule, regulation, code or standard.

Section 238-35 Change in Use

- (A) A total change in the use or occupancy of any existing building which would cause a greater hazard to the public shall not be made unless such building is made to comply with the requirements of the applicable state and local rules, regulations, codes and standards for the new use or occupancy; however, the compliance alternative provision of this article may be utilized by authorized

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enforcement authorities where total or strict compliance with applicable state or local rules, regulations, codes or standards is not practical.

- (B) When the proposed use is of equal or lesser hazard as determined by the enforcement authority, further compliance with any code for new construction is not required unless otherwise provided in this article. Alterations or repairs to an existing building or structure which do not adversely affect the performance of the building may be made with like materials. Any proposed change to the existing building or change in type of contents of the existing building shall not increase the fire hazard to adjacent buildings or structures. If the fire hazard to adjacent buildings or structures is increased, requirements of applicable construction of fire safety codes for exterior walls shall apply.

Section 238-36 Changes in Use of a Portion of a Building

- (A) If a portion of a building is changed to a new use or occupancy and that portion is separated from the remainder of the building with vertical or horizontal fire separations complying with applicable state or local rules, regulations, codes or standards or with compliance alternatives, the portion changed shall be made to comply with the applicable requirements for the new use or occupancy to the extent noted in Section 238-30.
- (B) If a portion of the building is changed to a new use or occupancy and that portion is not separated from the remainder of the building as noted in subsection (a) of this section, the provisions of the applicable state and local rules, regulations, codes and standards applying to each use or occupancy of the building shall apply to the entire building to the extent noted in Section 238-30; however, if there are conflicting provisions in requirements for the various uses or occupancies, the authorized enforcement authority shall apply the strictest requirements.

Section 238-37 Floor Loading

Any proposed change in the use or occupancy of an existing building or portion which could increase the floor loading should be investigated by a state registered professional architect or engineer to determine the adequacy of the existing floor systems to support the increased loads. If the existing floor system is found to be inadequate, it should be modified to support the increased loads; or the proposed allowable floor loading shall be reduced by and posted by the appropriate enforcement authority.

Section 238-38 Documentation

Whenever action is taken on any existing building to repair, make alterations, or change the use or occupancy of an existing structure and when such action proposes the use of compliance alternatives, the authorized enforcement authority shall ensure that at least one copy of the accepted compliance alternative approved, including applicable plans, test data or other data submitted for evaluation, be maintained on file in the office of the chief building official. If the structure also falls under the jurisdiction of a state-level enforcement authority, at least one copy of the same material shall be maintained on file with that authority.

Section 238-39 Compliance Alternatives

- (A) Subsections (B) through (F) of this section contain generally acceptable compliance alternatives illustrating principles which shall be applied to the rehabilitation of existing buildings by enforcement authorities in the city. It is recognized for purposes of this article that all building systems interact with each other; therefore, any consideration of compliance alternatives should take into account all existing and proposed conditions to determine their acceptability. The compliance alternatives are not all-inclusive and do not preclude consideration and approval of other alternatives by any enforcement authority.
- (B) Compliance alternatives for an inadequate number of exits include:

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- (1) Provide connecting fire-exit balconies between buildings, acceptable to the enforcement authority;
 - (2) Provide alternative exits or egress facilities leading to safety outside the building or to a place of safe refuge in the building or an adjoining building as acceptable to the enforcement authority;
 - (3) Provide exterior fire escapes as acceptable to the enforcement authority where the providing of enclosed interior or enclosed exterior stairs is not practical; or
 - (4) Install early fire warning and fire suppression systems.
- (C) Compliance alternatives for excessive travel distances to an approved exit include:
- (1) Install an approved smoke detection system throughout the building;
 - (2) Install an approved completed automatic fire suppression system;
 - (3) Subdivide the exit travel route with smoke-stop doors acceptable to the enforcement authority;
 - (4) Increase the fire-resistance rating of corridor walls and doors; or
 - (5) Provide additional approved means of escape.
- (D) Compliance alternatives for unenclosed or improperly enclosed exit stairways or vertical shafts include:
- (1) Improve enclosure of exit stairway;
 - (2) Add a partial fire suppression system;
 - (3) Add a sprinkler draft curtain; or
 - (4) Add a smoke detection system.
- (E) Compliance alternatives for inadequate or a total lack of fire partitions or fire separations walls shall be as set forth in subsection (d) of this section.
- (F) Compliance alternatives for a lack of required protection of openings in exterior walls where a fire exposure is a risk include:
- (1) Improve fire resistance of existing openings and protect them with fire-related windows or doors as appropriate;
 - (2) Seal the openings with fire-related construction as approved by the enforcement authority; or
 - (3) Install an approved fire suppression system.

Section 238-40 Historic Buildings

(A) Historic buildings not classified as landmark museum buildings shall meet the requirements of applicable building and fire safety laws, ordinances, codes, standards, rules or regulations as they pertain to existing buildings as noted in this article. If an historic building or structure is damaged from fire or other casualty, it may be restored to the condition prior to the fire or casualty using techniques and methods consistent with its original construction, or it shall meet the requirements for new construction of the applicable codes, standards, rules or regulations, provided these requirements do not significantly compromise the features for which the building was considered historically significant.

(B) As to any buildings or structures in the city which have been designated as historic buildings or structures by the State Historic Preservation Officer, the appropriate enforcement authority, in granting or denying a variance shall consider the intent of this chapter, with special attention to Section 238-13,

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O.C.G.A. § 58-2-200 et seq., "The Uniform Act for Application of Building and Fire Related Codes to Existing Buildings"; O.C.G.A. § 44-10-20 et seq., the "Georgia Historic Preservation Act"; and the Secretary of Interior's standards for preservation projects.

Section 238-41 Landmark Museum Buildings

- (A) The provisions of this article relating to landmark museum buildings shall apply only to those portions of such buildings which meet all the requirements of a landmark museum building, except as otherwise provided in subsections (b) and (c) of this section. Subsections (b) and (c) of this section shall, unless otherwise provided, preempt all laws, regulations or rules governing reconstruction, alteration, repair or maintenance of landmark museum buildings.
- (B) A landmark museum building shall be subject to the following provisions:
- (1) Repairs, maintenance and restoration shall be allowed without the conformity to any building or fire safety related code, standard, rule or regulation, provided the building is brought into and remains in full compliance with this section;
 - (2) In case of fire or other casualty to a landmark museum building, it may be rebuilt, in total or in part, using such techniques and materials as are necessary to restore it to the condition prior to the fire or casualty and use as a totally preserved building; or
 - (3) If an historic building or structure, as a result of proposed work or changes in use, would become eligible and would be so certified as a landmark museum building, and the State Historic Preservation Officer so certifies and such is submitted to the local fire and building code official with the construction or building permit application, the work may proceed under the provisions of this section.
- (C) All landmark museum buildings shall comply with the following requirements:
- (1) Every landmark museum building shall have portable fire extinguishers as deemed appropriate by the local fire authority having jurisdiction based on the applicable state or local fire safety codes or regulations.
 - (2) All landmark museum buildings which contain residential units shall have electrically powered smoke products of combustion detectors installed within each living unit between living and sleeping areas. Such detectors shall be continuously powered by the building's electrical system. When activated, the detector shall initiate an alarm which is audible in the sleeping rooms of that living unit. These unit detectors shall be required in addition to any other protective system that may be installed in the building.
 - (3) For all landmark museum buildings, except those protected by a total automatic fire suppression system and one- and two-family dwellings, approved automatic fire warning protection shall be provided as follows: Install at least one listed smoke or products of combustion detector for every 1,200 square feet of floor area per floor or story. In addition, all lobbies, common corridors, hallways and ways of exit access shall be provided with listed smoke or products of combustion detectors not more than 30 feet apart. Detectors shall be so connected as to sound an alarm audible throughout the structure or building. With respect to buildings which are totally protected by an automatic fire suppression system, activation of the sprinkler system shall sound an alarm throughout the structure or building.
 - (4) Smoke or products of combustion detectors shall be listed by a nationally recognized testing laboratory.
 - (5) All multistory landmark museum buildings, except one- and two-family dwellings, with occupancy above or below the street or grade level, shall have manual fire alarm pull stations in the natural path of egress. The activation of a manual pull station shall cause the building fire warning system to sound.

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- (6) Approved exit signs shall be located where designated by the authority having jurisdiction in accordance with the applicable code, standard, rule or regulation.
- (7) Except for one- and two-family dwellings, every landmark museum building occupied after daylight, or which has occupied areas subject to being totally darkened during daylight hours due to a power failure or failure of the electrical system, shall be equipped with approved emergency lighting meeting the provisions of the applicable code, standard, rule or regulation.
- (8) Occupant loading of landmark museum buildings or structures shall be limited by either the actual structural floor load capacity or by the limitations of means of egress or by a combination of factors. Actual floor load capacity shall be determined by a state registered professional architect or engineer. The floor load shall be posted at a conspicuous location. The building owner shall submit evidence of this certification and related computations to the enforcement authority having jurisdiction upon request. Where one or more floors of a landmark museum building have only one means of egress, the occupant load shall be computed and occupancy limited as determined by the Fire Marshal.
- (9) The electrical, heating and mechanical systems of landmark museum buildings shall be inspected, and any conditions that create a threat of fire or a threat to life shall be corrected in accordance with applicable standards to the extent deemed necessary by the authority having jurisdiction.

Section 238-42 Appeals

Should a party not agree with a decision of the enforcement authority or should an enforcement authority desire a ruling, an appeal may be made to the Mayor and Council.

Section 238-43 Liability Provisions

Nothing in this article shall be construed to constitute a waiver of the sovereign immunity of the city or any officer or employee of the city in carrying out the provisions of this article. Further, no action shall be maintained against the city or any duly authorized, elected, or appointed officer or duly authorized employee of the city for damages sustained as a result of any fire or hazard covered by this article by reason of inspection or other action taken pursuant to this article. Nothing in this article shall be construed to relieve any property owner or lessee or person in charge from any legal duty, obligation or liability incident to the ownership, maintenance or use of such property.