

## Chapter 9

### HISTORIC PRESERVATION\*

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\***Cross references**--Buildings, construction and related activities, Ch. 5; trees and landscaping, Ch. 20; zoning, Ch. 22.

**State law references**--The Uniform Act for the Application of Building and Fire Related Codes to Existing Buildings, O.C.G.A. § 8-2-200 et seq.; buildings presenting special hazards to persons or property, O.C.G.A. § 25-2-13; grants to municipal corporations for repairs on facilities of historical value, O.C.G.A. § 36-40-1 et seq.; Facade and Conservation Easements Act of 1976, O.C.G.A. § 44-10-1 et seq.; Georgia Historic Preservation Act, O.C.G.A. § 44-10-20 et seq.

Section 9-0A ARTICLE I. IN GENERAL

Section 9-1 Purpose.

In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the city 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 people; in order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historical and aesthetic attractions to tourists and thereby promote and stimulate business; in order to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law; and in order to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same; the city council hereby declares it to be the purpose and intent of this chapter to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, landscape features and works of art having a special historical, cultural or aesthetic interest or value, in accordance with the provisions of this chapter.  
(Ord. of 1-12-87(5), § I)

Section 9-2 Compliance with zoning code required.

Nothing in this chapter shall be construed as to exempt property owners from complying with existing city or county building and zoning codes, nor to prevent any property owner from making any use of his property not prohibited by other statutes, ordinances, or regulations. (Ord. of 1-12-87(5), § V)

Section 9-3 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Certificate of appropriateness* means a document evidencing approval by the historic preservation

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commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designated historic district.

*Exterior architectural features* means the architectural style, general design and general arrangement of the exterior of a building or other structure, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.

*Exterior environmental features* means all those aspects of the landscape or the development of a site which affect the historical character of the property, i.e., walls, fences, paving, walks, drives, etc., but not plants, trees, or flowers of any kind.

*Historic district* means a geographically definable area designated by the city council as a historic district pursuant to the criteria established in sections 9-49--9-51.

*Historic property* means an individual building, structure, site, object or work of art including the adjacent area necessary for the proper appreciation thereof designated by the city commission as a historic property pursuant to the criteria established in sections 9-52 and 9-53.

*Material change in appearance* means a change that will affect either the exterior architectural or environmental features of a historic property at any building, structure, site, object, landscape feature or work of art within a historic district, such as:

- (1) A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
- (2) Demolition or relocation of a historic structure;
- (3) Commencement of excavation for construction purposes;
- (4) A change in the location or design of advertising visible from the public right-of-way; or
- (5) The erection, alteration, restoration or removal of any building or other structure within a historic property or district, including walls, fences, steps and pavements, or other appurtenant features.

(Ord. of 1-12-87(5), § VI)

**Cross reference**--Definitions and rules of construction generally, § 1-2.

Section 9-4 Penalty.

Violations of any provisions of this chapter shall be punished as provided in section 1-6. (Ord. of 1-12-87(5), § VII)

Section 9-5 9-5--9-20. Reserved.

Section 9-20A ARTICLE II. THOMASVILLE HISTORIC PRESERVATION COMMISSION

Section 9-21 Created.

There is hereby created a commission whose title shall be Thomasville Historic Preservation Commission, referred to throughout this chapter as the commission.  
(Ord. of 1-12-87(5), § II)

Section 9-22 Operational responsibility; staff function.

The commission shall operate under the general government of the city, and the staff function shall be performed by the chief building official.

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(Ord. of 1-12-87(5), § II)

Section 9-23 Number; appointment; terms; compensation.

(a) The commission shall consist of seven (7) members appointed by the city council. All members shall be residents of the city and shall be persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources.

(b) To the extent available in the city, at least four (4) members will be appointed from among professionals in the disciplines of architecture, construction, real estate or related disciplines, but not more than one (1) from a specific discipline.

(c) Members shall serve three-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. Members shall not receive a salary, although they may be reimbursed for expenses. (Ord. of 1-12-87(5), § II)

(2005 (Sec.9-23c), Amended, 06/29/2005, term limits removed)

Section 9-24 Powers.

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. This inventory can be developed and maintained in conjunction with other interested organizations such as Thomasville Landmarks, Inc., Thomas County Historical Society, Inc., or the Thomasville Main Street Project or their successors;
- (2) Recommend to the city council specific places, districts, sites, buildings, structures, objects or 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 certificates of appropriateness in accordance with the provisions of this chapter;
- (4) Recommend to the city council that the designation of any place, district site building, structure, object, or work of art as a historic property or as a historic district be revoked or removed;
- (5) Restore or preserve any historic properties acquired by the city;
- (6) Promote the acquisition by the city of facade easements and conservation easements in accordance with the provisions of the Facade and Conservation Easements Act of 1976, O.C.G.A. § 44-10-1 et seq.;
- (7) Conduct educational programs on historic properties located within the city and on general historic preservation activities. This can be done in conjunction with other interested organizations such as Thomasville Landmarks, Inc., Thomas County Historical Society, Inc., or the Thomasville Main Street Project or their successors;
- (8) Make such investigations and studies of matters relating to historic preservation including consultation with historic preservation experts as the city council or the commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
- (9) 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;
- (10) Submit to the historic preservation section of the department of natural resources a list of historic properties or historic districts designated, and seek their comments and advice on said designation;
- (11) Perform historic preservation activities as the official agency of the city's historic preservation program;
- (12) Employ persons, if necessary, to carry out the responsibilities of the commission, upon approval and appropriation by the city council;

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- (13) Receive donations, grants, funds, or gifts of historic property and acquire and sell historic properties. The commission shall not obligate the city without prior consent;
- (14) Review and make comments to the historic preservation section of the department of natural resources concerning the nomination of properties within its jurisdiction to the National Register of Historic Places; and
- (15) Participate in private, state and federal historic preservation programs and with the consent of the city council enter into agreements to do the same.

(Ord. of 1-12-87(5), § II)

Section 9-25 Power to adopt rules and standards.

The commission shall adopt rules and standards for the transaction of its business and for consideration of applications for designations and certificates of appropriateness, such as bylaws, removal of membership provisions and design guidelines and criteria. The commission shall have the flexibility to adopt rules and standards without amendment to this chapter. The commission shall provide for the time and place of regular meetings and a method for the calling of special meetings. The commission shall select such officers as it deems appropriate from among its members. A quorum shall consist of a majority of the members.

(Ord. of 1-12-87(5), § II)

Section 9-26 Conflict of interest.

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

(Ord. of 1-12-87(5), § II)

Section 9-27 Record.

A public record shall be kept of the commission's resolutions, proceedings and actions. (Ord. of 1-12-87(5), § II)

Section 9-28 9-28--9-45. Reserved.

Section 9-45A ARTICLE III. ESTABLISHMENT OF HISTORIC DISTRICT AND PROPERTIES

Section 9-46 Research and surveys required.

The commission shall compile and collect information and conduct surveys of historic resources within the city. This can be done in conjunction with other interested organizations such as Thomasville Landmarks, Inc., Thomas County Historical Society, Inc., or the Thomasville Main Street Project or their successors.

(Ord. of 1-12-87(5), § III)

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Section 9-47 Recommendations.

The commission shall present to the city council recommendations for historic districts and properties.

(Ord. of 1-12-37(5), § III)

Section 9-48 Preliminary reports.

Prior to the commission's recommendation of a historic, district or historic property to the city council for designation, the commission shall prepare a report consisting of:

- (1) A physical description;
- (2) A statement of the historical, cultural, architectural and aesthetic significance;
- (3) A map showing district boundaries and classifications (i.e., historic, nonhistoric, intrusive) of individual properties therein, or showing boundaries of individual historic properties;
- (4) A statement justifying district or individual property boundaries; and
- (5) Representative photographs.

(Ord. of 1-12-87(5), § III)

Section 9-49 Selection criteria for historic district.

A historic district is a geographically definable area, which contains buildings, structures, sites, objects, landscape features and works of art or a combination thereof, which:

- (1) Have special character or special historic/aesthetic value or interest;
- (2) Represent one (1) or more periods, styles or types of architecture typical of one (1) or more eras in the history of the municipality, county, state or region; and
- (3) Cause such areas, by reason of such factors, to constitute a visibly perceptible section of the municipality or county.

(Ord. of 1-12-87(5), § III)

Section 9-50 Boundaries for historic district.

Boundaries of a historic district shall be included in the separate ordinances designating such districts and shall be shown on the official zoning map of the city.

(Ord. of 1-12-87(5), § III)

Section 9-51 Classification of property.

Individual properties within historic districts shall be classified as:

*Historic:* Contributes to the district and is at least fifty (50) years old;

*Nonhistoric:* Does not contribute but does not detract from the district, as provided for in section 9-102. In time, non-historic properties may be reclassified as historic properties.

*Intrusive:* Detracts from the district as provided for in section 9-102.

(Ord. of 1-12-87(5), § III)

Section 9-52 Selection criteria for historic property.

A historic property is a building, structure, site, object, or work of art, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the city, state, or local region, for one (1) of the following reasons:

- (1) It is an outstanding example of a structure representative of its era;

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- (2) It is one (1) of the few remaining examples of past architectural style either in the city or in its respective neighborhood;
  - (3) It is a place or structure associated with an event or persons of historic or cultural significance to the city, state, or the region; or
  - (4) It is the site of a natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the city, county, state, or region.
- (Ord. of 1-12-87(5), § III)

Section 9-53 Boundaries designating properties required.

Boundaries shall be included in the separate ordinances designating such properties and shall be shown on the official zoning map of the city.  
(Ord. of 1-12-87(5), § III)

Section 9-54 9-54--9-70. Reserved.

Section 9-70A ARTICLE IV. ADOPTION OF DESIGNATION ORDINANCE

Section 9-71 Source of proposal for designation.

Designations may be proposed by the city council, the Thomasville Historic Preservation Commission, or:

- (1) For historic districts--a preservation organization, a historical society, neighborhood association or group of property owners may apply to the commission for designation;
  - (2) For historic properties--a preservation organization, a historical society, neighborhood association or property owner may apply to the commission for designation.
- (Ord. of 1-12-87(5), § III)

Section 9-72 Required components.

Any ordinance designating any property or district as historic shall:

- (1) List each property in a proposed historic district or describe the proposed individual historic property;
  - (2) Set forth the name of the owner of the designated property;
  - (3) Require that a certificate of appropriateness be obtained from the commission prior to any material change in appearance of the designated property; and
  - (4) Require that the property or district be shown on the official zoning map of the city.
- (Ord. of 1-12-87(5), § III)

Section 9-73 Public hearing.

The commission and the city council shall hold a public hearing on any proposed ordinance for the designation of any historic district or property. Notice of the hearing shall be published in at least three (3) consecutive issues in the principal newspaper of local circulation, and written notice of the hearing shall be mailed by the commission to all owners and occupants of such properties. All such notices shall be published or mailed not less than ten (10) nor more than twenty (20) days prior to the date set for the

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public hearing. A notice sent via the United States mail to the last-known owner of the property shown on the city tax roll and a notice sent via United States mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this section.  
(Ord. of 1-12-87(5), § III)

Section 9-74 Commission's recommendation.

A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the commission within fifteen (15) days following the public hearing and shall be in the form of a resolution to the city council.  
(Ord. of 1-12-87(5), § III)

Section 9-75 City council's options.

Following receipt of the commission's recommendation, the city council may adopt the ordinance as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.  
(Ord. of 1-12-87(5), § III)

Section 9-76 Report required.

No less than thirty (30) days prior to making a recommendation on any ordinance designating a property or district as historic the commission must submit the report required in section 9-48 to the historic preservation section of the department of natural resources.  
(Ord. of 1-12-87(5), § III)

Section 9-77 Notice of designation.

Within thirty (30) days following the adoption of the ordinance for designation by the city council, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site, or work of art located within a designated historic district, shall be given written notification of such designation by the city council which notice shall apprise such owners and occupants of the necessity of obtaining a certificate of appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. A notice sent via the United States mail to the last-known owner of the property shown on the city tax roll and a notice sent via United States mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this section.  
(Ord. of 1-12-87(5), § III)

Section 9-78 Property status may be frozen.

If an ordinance for designation is being considered, the commission shall have the power to freeze the status of the involved property.  
(Ord. of 1-12-87(5), § III)

Section 9-79 Compatibility with zoning code.

Any properties designated as historic properties or any district designated as a historic district shall in no way affect the established allowable uses set forth in the comprehensive zoning ordinance of the city.



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All boundaries of designated properties and districts shall overlay existing boundaries of existing or future zones, and the intent of the one shall not be in conflict with the intent of the other.  
(Ord. of 1-12-87(5), § III)

Section 9-80 9-80--9-95. Reserved.

Section 9-95A ARTICLE V. CERTIFICATE OF APPROPRIATENESS

Section 9-96 Required for change in appearance.

After the designation by ordinance of a historic property or of a historic district, no material change in the exterior appearance of such historic property, or of a structure, site, object or work of art within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, until a certificate of appropriateness has been granted by the commission.  
(Ord. of 1-12-87(5), § IV)

Section 9-97 Not required for ordinary repairs or change of paint color; maintenance.

(a) Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay or damage, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a certificate of appropriateness. Change in paint color does not require the issuance of a certificate of appropriateness, but property owners are encouraged to seek advice from the commission when changing paint color. Application of all forms of siding, including aluminum, vinyl, asphalt, or other forms does constitute a material change and requires a certificate of appropriateness.

(b) Owners of designated historic properties or properties located within a designated historic district shall be required to maintain their property in accordance with existing laws of the city which provide for the same. The Thomasville Historic Preservation Commission does not have the power to require special maintenance of historic properties or historic districts. The commission may, however, request the appropriate city officials to take action on properties being neglected or not maintained.  
(Ord. of 1-12-87(5), § V)

Section 9-98 Conformity of new structures required.

After the designation by ordinance of a historic district, all new structures constructed within a designated historic district shall require a certificate of appropriateness which the commission shall issue if these structures conform in design, scale, building materials, setback and landscaping to the character of the district specified in the design criteria developed by the commission. (Ord of 1-12-87(5), § IV)

Section 9-99 Guidelines and criteria.

When considering applications for certificates of appropriateness to existing buildings, the Secretary of the Interior's Standards for Historic Preservation Projects may be used as a guideline along with any other criteria adopted by the commission. The commission may develop design guidelines specifically for the city to use in evaluating applications for certificates of appropriateness.  
(Ord. of 1-12-87(5), § IV)

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Section 9-100 Submission of plans.

An application for a certificate of appropriateness shall be accompanied by such drawings, photographs, plans or other documentation as may be required by the commission. Applications involving demolition or relocation shall be accompanied by post-demolition or relocation plans for the site. An application for a certificate of appropriateness shall be accompanied by a nonrefundable fee in the amount of twenty-five dollars (\$25.00).  
(Ord. of 1-12-87(5), § IV)

Section 9-101 Issuance.

The commission shall issue a certificate of appropriateness if it finds that the proposed new construction or material change in the appearance of existing structure would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property of the 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 the other structures in the immediate neighborhood.  
(Ord. of 1-12-87(5), § IV)

Section 9-102 Denial.

The commission shall deny a certificate of appropriateness if it finds that the proposed new construction or material change in the appearance of existing structure would have substantial adverse effects on the aesthetic, historic or architectural significance and value of the historic property or the historic district. A certificate of appropriateness may not be denied on the basis of exterior paint color, but property owners are encouraged to seek advice from the commission when selecting paint color.  
(Ord. of 1-12-87(5), § IV)

Section 9-103 Reasons for rejections required; building official bound.

(a) If the commission rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant. The commission may suggest alternative courses of actions 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.

(b) In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a certificate of appropriateness by the commission shall be binding upon the building inspector or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.  
(Ord. of 1-12-87(5), § IV)

Section 9-104 Public hearing; notice; right to be heard.

At least seven (7) days prior to review of an 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 by reason of the application, and shall give 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.

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(Ord. of 1-12-87(5), § IV)

Section 9-105 Interior alterations not considered.

In its review of applications for certificates of appropriateness, the commission shall not consider interior arrangement, use, or finish having no effect on exterior architectural features.

(Ord. of 1-12-87(5), § IV)

Section 9-106 Technical advice.

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

(Ord. of 1-12-87(5), § IV)

Section 9-107 Time limit for action on application.

(a) The commission shall approve or reject an application for a certificate of appropriateness within sixty (60) days after the filing thereof by the owner or occupant of a historic property, or of a structure, site, object, or work of art located within a historic district. An application will not be considered filed until all required information is submitted with the application. Evidence of approval shall be a certificate of appropriateness issued by the commission. Notice of the issuance or denial of a certificate of appropriateness shall be sent by United States mail to the applicant and all other persons who have requested such notice in writing filed with the commission.

(Ord. of 1-12-87(5), § IV)

(2005 (9-107), Amended, 07/11/2005)

Section 9-108 Undue hardship.

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 provisions, or to interpret the meaning of such provisions, so as to relieve the 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 judgement, best fulfill the purpose of this chapter. An undue hardship shall not be a situation of the person's own making.

(Ord. of 1-12-87(5), § IV)

Section 9-109 Compliance required; legal proceedings authorized.

(a) All work performed pursuant to an issued certificate of appropriateness shall conform to the requirements of such certificate. If work is performed not in accordance with such certificate, the commission shall issue a cease and desist order and all work shall cease.

(b) The city council or the commission shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district except those changes made in compliance with the provision of this chapter or to prevent any illegal act or conduct with respect to such historic property or

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historic district.  
(Ord. of 1-12-87(5), § IV)

Section 9-110 Time limit on commencement of construction.

A certificate of appropriateness shall become void unless construction is commenced within six (6) months of date of issuance. Certificates of appropriateness shall be issued for a period of eighteen (18) months and are renewable.  
(Ord. of 1-12-87(5), § IV)

Section 9-111 Record of proceedings required.

The commission shall keep a public record of all applications for certificates of appropriateness, and of all the commission's proceedings in connection with such application.  
(Ord. of 1-12-87(5), § IV)

Section 9-112 Authority to negotiate for acquisition.

The commission may, where such action is authorized by the city council and is reasonably necessary or appropriate for the preservation of a unique historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise of the property or any interest therein.  
(Ord. of 1-12-87(5), § IV)

Section 9-113 Appeals.

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 city council. Any such appeal must be filed with the city council within fifteen (15) days after the issuance of the determination pursuant to subsection (a) of section 9-107. The city council may approve, modify, or reject the determination made by the commission, if the governing body finds that the commission abused its discretion in reaching its decision. Appeals from decision of the city council may be taken to the superior court of the county in the manner provided by law for appeals from conviction for city ordinance violations.  
(Ord. of 1-12-87(5), § IV)