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ARTICLE I

Subdivision of Land

§3-101 Subdivision of Land. The ordinance entitled "Subdivision Regulation of Chatham County, Georgia" enacted August 7, 1961, as amended, is hereby incorporated by reference and shall be of the same force and effect as if set forth in length herein. (Ordinance is available in the offices of the County Clerk, County Engineer, and Metropolitan Planning Commission.)

ARTICLE II

Zoning of Land

§3-201 Zoning of Land. The ordinance entitled "Zoning Ordinance of Chatham County, Georgia," enacted August 10, 1962, as amended, is hereby incorporated by reference and shall be of the same force and effect as if set forth in length herein. (Ordinance is available in the offices of the County Clerk, Zoning Administrator, and Metropolitan Planning Commission.)

(Zoning Ordinance of Chatham County, Georgia, adopted August 10, 1962; Revised as of September, 1987.)

ARTICLE III

Mapped Streets Ordinance

§3-301 Title. This ordinance shall be known and cited as the "Mapped Streets Ordinance for Chatham County, Georgia."

§3-302 Jurisdiction. The provisions of this ordinance shall apply to all lands within the unincorporated area of Chatham County.

§3-303 Purpose. The purpose of this ordinance is to provide the means by which the required rights-of-way for existing and planned streets and roadway and their intersections and interchanges in Chatham County may be protected and preserved from encroachment by land use development or modifications.

§3-304 Maps as Part of Ordinance. The Official Mapped Streets Index Map and Official Mapped Streets Map, referenced herein, are made a part of this Ordinance to the same extent as if the information set forth on such documents was fully described and incorporated herein.

§3-305 Official Mapped Streets Index Map.

1. An Official Mapped Streets Index Map is hereby established and adopted. Such Map shall show the location and functional classification of all roadway improvements which are on the adopted Chatham Urban Transportation Study Thoroughfare Plan, as well as existing public roadways and roadway segments planned for widening, and proposed new public roadways.
2. The Official Mapped Streets Index Map will be maintained and filed at the office of the Chatham County-Savannah Metropolitan Planning Commission.
3. The Mapped Streets Index Map may, from time to time, be updated, changed, or otherwise modified as the CUTS Plan is modified by the Chatham Urban Transportation Study Policy Committee.

§3-306 Official Mapped Streets Map.

1. An Official Mapped Streets Map is hereby established. Such map shall show the location and reference and centerlines and right-of-way extent of streets and thoroughfares as shown on the Official Mapped Streets Index Map, which have met the criteria as set forth in subsection 7.

2. The base maps for the Mapped Streets Map shall be the official Chatham County Tax Maps.
3. The street and thoroughfare centerlines and proposed right-of-way extents are to be drawn on the Mapped Streets Map with a degree of precision that is consistent with current plans, programs, and specifications for Mapped Streets. All proposed new streets and proposed street widenings and realignments, as well as intersection widenings and proposed interchanges shall be shown.
4. The Mapped Streets Map shall be maintained and updated and kept on file by the Chatham County-Savannah Metropolitan Planning Commission.
5. The County Engineer shall provide the Planning Commission with the information to be plotted on the Mapped Streets Map.
6. The Mapped Streets Map shall be officially updated immediately upon the adoption of any change or alteration thereto by the Chatham County Commission.
7. In order for a roadway or roadway segment to be included as a component of the Mapped Streets Map, such street or roadway segment must first meet the following criteria:
 - a. Be shown on the Official Mapped Streets Index Map.
 - b. Be subjected to a preliminary location engineering study, by survey or otherwise, whereby the alignment, cross-section elements and required rights-of-way are established within a reasonable tolerance that is adequate to determine the extent to which properties are affected by the facility.
 - c. Have complied with all requirements, which may include public hearings, in order to meet the Federal and State Uniform Acquisition and Relocation Program procedures.

§3-307 Property Improvement Restrictions.

1. No building permit/approval (i.e. building permit, site plan approval, land clearing activities permit, or subdivision approval) shall be issued for any activity, building or structure to be located within the planned right-of-way of any new roadway or widened existing roadway designated on the Mapped Streets Map until the County has terminated negotiations for acquisition of said right-of-way as set forth herein.

2. Any development permit issued pursuant to the procedure set forth in section 12-1307, 1 shall clearly state that such development lies within the proposed right-of-way of a mapped street.
3. Existing uses on affected properties may continue until such time as the property is acquired by the County.

§3-308 Property Acquisition Trust Fund.

1. An interest-bearing Property Acquisition Trust Fund is hereby established to provide funds for the purchase of roadway rights-of-way and to fund necessary Engineering Studies for streets and thoroughfares identified on the Mapped Streets Map.
2. An initial appropriation of \$_____ is hereby allocated to the Property Acquisition Trust Fund to be used exclusively for the acquisition of roadway rights-of-way and to fund the necessary Engineering Studies.
3. Such fund shall be reimbursed by the County as funds become available, to replace withdrawals made under the Mapped Streets program. A balance of not less than \$_____ shall be maintained at all times.

§3-309 Abrogation and Greater Restrictions. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

§3-310 Conflicting Laws Repealed. All ordinances and laws, and parts thereof, in conflict with this ordinance are repealed.

§3-311 Severability. If any provision of this ordinance is declared to be invalid, such declaration shall not affect, impair, or invalidate the remaining provisions of this ordinance. (9-29-89)

ARTICLE IV

Resources Protection Ordinance

Article IV was adopted in its entirety on April 11, 2008.

§3-401 Purpose. The Board of Commissioners of Chatham County hereby finds and determines that the natural, historic, cultural and aesthetic heritage of Chatham County 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. Therefore, it is the purpose and intent of this Ordinance to establish a uniform procedure to provide for the protection in perpetuity for the use of areas with significant natural, historic, cultural or aesthetic interest or value and for the use of areas which protect current or future sources of potable water.

§3-402 Definitions.

1. Acquisition - Means the purchase from a willing seller of fee or less than fee interests in real property, without the exercise of eminent domain. These interests include, but are not limited to, options, rights of first refusal, conservation easements, leases, mineral rights, water rights and development rights. Nothing contained in this definition shall be construed to prevent the Resource Protection Commission and the property owner from jointly agreeing to seek judicial determination of property value.
2. The Chatham County Resource Protection Fund - Means a dedicated fund used to account for the proceeds of revenue sources which are legally restricted to expenditure, and may include, but are not limited to, funds appropriated or designated, private or other gifts, and interest earned upon any funds on deposit. Use of the fund is restricted to the purchase through fee simple or conservation strategies noted in Section II.A., payment for appraisals, surveys, engineering studies, environmental reports, and legal fees related to acquisition, and the maintenance or site improvement for passive recreation of properties listed on the Resource Protection Database for Chatham County and municipalities.
3. Site Ranking Criteria Policy - Means a policy that will guide the ranking of acquisition sites. The policy standards set shall address the following:

- a. Incorporating or protecting significant wildlife habitat and corridors;
 - b. Preventing encroachment on flood plain, riparian and marsh wetland areas;
 - c. Preserving significant historic and cultural resources;
 - d. Protecting adjacent public lands from the impacts of development;
 - e. Protecting current or future sources of potable water; or
 - f. Providing educational and passive recreational opportunities throughout Chatham County which are located on or directly related to qualifying protected properties.
4. Site Acquisition Policy - Means a policy establishing classification levels by grouping sites into a hierarchy for acquisition and management of real-estate within Chatham County for the Resource Protection Commission. The policy standards set shall address the following:
- a. The acquisition of sites in fee simple, options, rights of first refusal, conservation easements, leases, mineral rights, water rights and development rights;
 - b. Classification levels of the proposed sites based on Site Ranking Criteria Policy; and
 - c. The management of protected properties and easements held on purchased properties.
5. Passive Recreation - Means provision of recreation in the form of hiking, camping, fishing, running, jogging, biking, walking, birding, riding horses, observing or photographing nature, picnicking, playing non-organized sports, or engaging in free play; and connection of existing or planned areas contributing to the goals set out in this Ordinance.
6. Historic Property - *Property must meet the Historic Property definition outlined by the Chatham County Preservation Ordinance:* Means a structure, site or work of art, typically at least 50 years old, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of its value to Chatham County, State of Georgia or region for one or more of the following reasons:

- a. It is an outstanding example of a structure representative of its era;
- b. It is one of the few remaining examples of a past architectural style;
- c. It is a place or structure associated with an event or person of historic or cultural significance to Chatham County, State of Georgia or the region; or
- d. It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of Chatham County, State of Georgia or the region.

§3-403 Resource Protection Commission.

1. Creation and Composition. There is hereby created a commission whose title shall be "CHATHAM COUNTY RESOURCE PROTECTION COMMISSION" (hereinafter "RPC") which shall consist of nine (9) members appointed by the Board of Commissioners of Chatham County. At least one member shall be appointed by the Board of Commissioners from each commissioner district and shall reside in that district throughout the term. All members must be residents of Chatham County and shall be persons who have demonstrated special interest in the preservation and restoration of historic and environmentally sensitive areas. Of those nine (9) the RPC shall include at least five (5) representatives of professions directly related to environmental or historic preservation through land trusts, environmental conservation, education, planning and law.
2. Terms of Office. Members shall serve three (3) year terms. Members may not serve more than two (2) consecutive terms. In order to achieve staggered terms, initial appointments shall be: three (3) members for one (1) year; three (3) members for two (2) years and three (3) members for three (3) years. Initial appointees shall be appointed Initial appointees shall be made in accordance with the staggered terms and identified as such.
3. Serve without pay. Members shall not receive salary, although they may be reimbursed for expenses by prior authorization of the RPC.
4. Statement of the RPC's Powers. The RPC shall be authorized to:
 - a. Adopt necessary policies for Site Ranking Criteria and Site Acquisition for the evaluation and preparation of

an inventory list of significant environmental, historic, cultural and aesthetic properties within Chatham County.

- b. Prepare and maintain an inventory of all properties meeting the Site Ranking criteria. This collection shall include prior data findings of compilations conducted by Chatham County and its municipal Historic Preservation Commissions which have adopted resolutions in agreement with this Ordinance, and prior compilations by The Greenspace Protection Committee and the MPC Resource Protection Committee. This inventory shall be known as the Chatham County Resource Protection Database.
- c. Establish and manage the Chatham County Resource Protection Fund and secure mechanisms to provide ongoing financial resources for the Fund.
- d. Implement a standing Technical Advisory Committee (TAC) and any Ad Hoc Committees as the RPC may create. The TAC shall:
 - i. Establish and carry out policies for Site Ranking Criteria and Site Acquisition.
 - ii. Review site applications and initial ranking performed by the Commission staff in partnership with area land trust organizations, following policies established by the RPC.
 - iii. Recommend properties for acquisition and restoration to the RPC for the distribution of funding allocated in the Chatham County Resource Protection Fund.
 - iv. Review and recommend the approval of the Annual Report completed by RPC staff.
 - v. Make recommendations to established County and Municipal Historic Preservation Commissions regarding the eligibility of historic properties to the Chatham County or Municipal Register of Historic Places.
 - vi. Elect a Vice-Chair.
 - vii. Meet bimonthly, or as deemed appropriate by the TAC. Meetings shall be held on a regular schedule and open to the public.

viii. Consist of at least thirty-two (32) members selected by the RPC from sectors of the community listed below:

- (1) Four (4) representatives appointed from the Savannah Board of Realtors.
- (2) Four (4) representatives appointed from the Greater Savannah Home Builders Association.
- (3) Eight (8) representatives from natural and historic based non-profits and state/federal agencies in Chatham County.
- (4) Nine (9) civic/government representatives - One representative from each municipality and unincorporated Chatham County.
- (5) Representatives from Chatham County and Municipal Neighborhood Associations.
- (6) Citizens at Large - Any citizen of Chatham County interested in the preservation of natural or historic resources may attend the Commission's TAC meetings. Voter privileges will be granted after attending six (6) consecutive meetings within one year, and demonstrating a sincere interest in the policies of the TAC.

e. Utilize the Chatham County Resource Protection Fund for recommending the acquisition of significant properties recommended by the TAC by referencing methods described in Section II.A.

f. Work to pursue acquisition through other means such as, but not limited to donation through conservation easements and grants. The RPC holds the authority to apply for external funding sources when funds shall be allocated to the purposes defined by the Chatham County Resource Protection Fund.

5. Rules of Procedure: The RPC shall adopt rules and standards for the transaction of its business and for performing duties for recommending the acquisition and management of areas meeting defined criteria. Such rules shall include bylaws and provisions for removal of members. Policy standards shall include the Site Ranking Criteria and Site Acquisition standards noted in definitions of SECTION II.B-C. The RPC shall assist municipalities in the creation and adoption of a resolution that will allow full municipal

participation in the outlined structure of Section III.D.4, the Technical Advisory Committee and Section III.D.2, the Chatham County Resource Protection Database. These rules and standards must also include approval of the municipality's governing board or council or jurisdiction in which a property resides before being acquired or rehabilitated under protection measures mentioned herein.

6. Conflict of Interest: The Commission shall be subject to all conflict of interest laws set forth in Georgia Statutes and in the Chatham County Code of Ethics.
7. Records of Commission Meetings. A public record shall be kept of the RPC's resolutions, proceedings and actions.
8. Resource Protection Professional: The Executive Director of the Chatham County - Savannah Metropolitan Planning Commission, or his/her designee, shall be the Resource Protection Professional. The Professional and staff shall provide support services to the RPC.

§3-404 Recommendations for the Acquisition of Properties.

1. Preliminary Research by RPC.
 - a. RPC mandate to conduct a formal survey of resources. The RPC shall compile and collect information on natural, historic, cultural and aesthetic resources within Chatham County. This collection shall include, but not be limited to, data findings of compilations conducted by Chatham County and all Municipal Historic Preservation Commissions, and prior compilations by The Greenspace Protection Committee and The MPC Resource Protection Committee. This list shall serve as the Resource Protection Database for Chatham County, and shall serve as the guide for purchase and protection of properties. It shall be continually modified and updated as requested by the RPC.
 - b. RPC's power to acquire properties utilizing the Chatham County Resource Protection Fund. Upon receiving recommendations from the TAC, the RPC shall elect properties for acquisition on a quarterly basis, unless otherwise determined by the RPC. The properties elected for acquisition shall be held to all standards and management plans adopted in the Site Acquisition Policy.
 - c. RPC's documentation of proposed acquisition. Prior to the RPC's conducting consideration of an acquisition,

the RPC shall prepare a Report for Nomination consisting of:

- i. Site Ranking Criteria Policy evaluation scores;
 - ii. Site Acquisition Policy classification; and
 - iii. Supplemental information to include representative photographs, willing land owner signatures and a map depicting location of proposed acquisition. A property owner who writes the RPC to oppose consideration of acquisition of his/her/its property shall have the property removed from any nomination. For property with multiple ownership, property ownership shall mean majority interest or managing partner for purposes of written communication.
- d. Municipal or jurisdiction approval. Any property proposed for acquisition by the RPC must have approval of the municipality's governing authority where said property is situated before acquisition can occur. For property in unincorporated Chatham County, the Board of Commissioners shall provide approval.
2. Annual Report of Acquired Properties. The RPC shall review and approve an annual report compiled and submitted by the RPC support staff and TAC for ultimate submission to each municipality and the Chatham County Board of Commissioners. This report shall include purchased properties, purchased development rights, and conservation easements on identified areas for protection and funding/expense data.

§3-405 Management of the Chatham County Resource Protection Fund.

1. Ongoing Funding Mechanism. The RPC and acting RPC Professional shall assist in ensuring continual funding of The Chatham County Resource Protection Fund through the application to available funding sources, including but not limited to, grants.
2. Fiscal Responsibility of the Chatham County Resource Protection Fund. The RPC shall be charged with fiscal responsibility for public funds available in the Chatham County Resource Protection Fund. Uses shall include seeking matching funds through grant funding possibilities, conservation donations and other such measures.

§3-406 Liberality of Construction, Enforcement, and Penalty for Violation.

1. Liberality of Construction. This Ordinance shall be liberally construed in favor of the governing body of Chatham County and deemed neither to limit nor repeal any other powers granted under State statutes.
2. Penalties for Violation. Violations of any provisions of this Ordinance shall be punished in the same manner as provisions for punishment of violations of validly-enacted ordinances of Chatham County.
3. Severability. In the event that any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, sentences, clauses, or phrases of this Ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally part thereof.
4. Repealed. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

ARTICLE V

Historic Preservation Ordinance

Ordinance adopted on November 18, 2005

Ordinance amended and adopted in
its entirety on February 27, 2009

§3-501 Purpose. It is the finding and determination of the Board of Commissioners of Chatham County, Georgia (hereinafter "Board of Commissioners") that the historical, cultural, and aesthetic heritage of Chatham County 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. Therefore, it is the purpose and intent of the Ordinance to establish a uniform procedure to provide for the protection, enhancement, perpetuation and use of areas having a special historical, cultural, or aesthetic interest or value.

§3-502 Definitions.

1. Certificate of Appropriateness - Means a document evidencing approval by the Historic Preservation 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.
2. Exterior Architectural Features - Means the architectural style, general design, and general arrangement of the exterior of a resource, 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.
3. Historic District - Means a geographically definable area, urban or rural, which contains resources which:
 - a. Have special character or special historic (typically at least fifty-years old) or aesthetic interest or value;
 - b. Represent one or more periods or styles of architecture typical of one or more eras in the history of the County of Chatham, State of Georgia or region; and
 - c. Cause such area, by reason of such factors, to constitute a visibly perceptible section of the County.

A Historic District shall further mean an area designated by the Board of Commissioners as a Historic District pursuant

to the criteria established in Section 504-2 of this Ordinance.

4. Historic Property - Means a resource, typically at least fifty years old, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of its value to the County of Chatham, State of Georgia or region for one or more of the following reasons:
 - a. It is an outstanding example of a resource representative of its era;
 - b. It is one of the few remaining examples of a past architectural style;
 - c. It is a resource associated with an event or person of historic or cultural significance to Chatham County, State of Georgia or the region; or
 - d. It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of Chatham County, State of Georgia or the region.

5. Material Change - Means a change that will affect only the exterior architectural features of a historic property or of any resource within a historic district, and may include any one or more of the following:
 - a. A reconstruction or alteration of the size, shape, or façade of a resource, including relocation of any doors or windows or removal or alteration of any architectural features, details, or elements including awnings;
 - b. Demolition or relocation of a resource;
 - c. The erection, alteration, restoration, or removal of any resource within a designated historic district or historic property, including walls, fences, steps, and pavements, or other appurtenant features, except color alterations;
 - d. The erection or alteration of any sign over three square feet and visible from a public right-of-way within a historic district except for those signs permitted under Sec. 7-1.6 of the Chatham County Zoning Ordinance.

6. Resource - Means any building, structure, site or work of art within a designated historic district or historic property.

§3-503 Historic Preservation Commission.

1. Creation and Composition. There is hereby created a commission whose title shall be "CHATHAM COUNTY HISTORIC PRESERVATION COMMISSION" (hereinafter "Commission") which shall consist of nine (9) members appointed by the Board of Commissioners. All members shall be residents of Chatham County and shall be persons who have demonstrated special interest in the preservation of historic resources. The Commission shall include at least five (5) representatives of professions which are directly related to historic preservation such as architecture, architectural history, planning, archaeology, law, or building construction or restoration.
2. Terms of Office. Members shall serve three-year terms. Members may not serve more than two (2) consecutive terms. In order to achieve staggered terms, initial appointments shall be: three (3) members for one (1) year; three (3) members for two (2) years; and three members (3) for three (3) years.
3. Serve without pay. Members shall not receive a salary, although they may be reimbursed for expenses.
4. Statement of the Commission's Powers. The Commission shall be authorized to:
 - a. Prepare and maintain an inventory of all property within its respective historic preservation jurisdiction having the potential for designation as historic.
 - b. Review applications for designation of historic properties and historic districts, and make recommendations to the Board of Commissioners on those properties or districts eligible to be designated by ordinance as historic properties or historic districts;
 - c. Review applications for Certificates of Appropriateness, and grant or deny same in accordance with the provisions of this ordinance;
 - d. Recommend to the Board of Commissioners that the designation of a historic district or historic property be revoked or removed;

- e. Make such investigations and studies of matters relating to historic preservation as the Board of Commissioners or the Commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources. Any such request for investigations or studies shall be made directly to the Executive Director of the Chatham County-Savannah Metropolitan Planning Commission for evaluation with regard to the agency's work program;
 - f. Seek out local, state, federal, or private funds for historic preservation, and make recommendations to the Board of Commissioners concerning the most appropriate uses of any funds acquired; and
 - g. Submit to the Historic Preservation Division of the Georgia Department of Natural Resources a list of historic properties and historic districts designated.
5. Rules of Procedure. The Commission shall adopt rules and standards for the transaction of its business and for consideration of applications for designation of historic properties and historic districts and for Certificates of Appropriateness. Such rules shall include By-Laws and removal of membership provisions. Standards shall include "Design Guidelines and Criteria" to be developed for each property or district designated in accordance with the provisions of this ordinance. The Commission shall have the flexibility to adopt rules and standards without amendment to this Ordinance.
6. Conflict of Interest. The Commission shall be subject to all conflict of interest laws set forth in the Official Code of Georgia Annotated and in the Chatham County Code of Ethics, the provisions of which are hereby incorporated by reference.
7. Records of Commission Meetings. A public record shall be kept of the Commission's resolutions, proceedings and actions.
8. Preservation Professional. The Executive Director of the Chatham County-Savannah Metropolitan Planning Commission, or his designee, shall be the Preservation Professional. The Preservation Professional and staff shall provide support services to the Commission.

§3-504 Recommendation and Designation of Historic Districts and Historic Properties.

1. Preliminary Research by Commission

- a. Commission's mandate to conduct a survey of historic resources. The Commission shall compile and collect information on historic resources within Chatham County to identify areas which may be appropriate for protection under the provisions of this ordinance. This shall be the list entitled Unincorporated Chatham County Historic and Cultural Resources List in the Comprehensive Plan.
- b. Commission's power to recommend districts and properties to the Board of Commissioners for designation. The Commission shall present to the Board of Commissioners recommendations for historic districts and historic properties. Such properties or districts shall first have been listed on the Unincorporated Chatham County Historic and Cultural Resources List found in the Chatham County-Savannah Comprehensive Plan. If such property is not listed, the Preservation Professional shall evaluate and determine its eligibility for listing prior to the Commission's recommendation.
- c. Commission's documentation of proposed designation. Prior to the Commission's recommendation of a historic property or historic district to the Board of Commissioners for designation, the Commission shall prepare a Report for Nomination consisting of:
 - i. A physical description; including but not limited to boundaries, street patterns, styles, materials, geographical features, and other character-defining features of a historic property or historic district;
 - ii. A statement of the historic, cultural, architectural, and/or aesthetic significance;
 - iii. A map showing boundaries;
 - iv. A map showing contributing resources;
 - v. A statement justifying boundaries; and
 - vi. Representative photographs.

2. Designation of a Historic District

- a. Criteria for the selection of historic districts. A historic district is a geographically definable area, urban or rural, which contains resources, which:
 - i. Have special character or special historic or aesthetic interest or value;

- ii. Represent one or more periods or styles of architecture typical of one or more eras in the history of the County of Chatham, State of Georgia or region; and
 - iii. Cause such area, by reason of such factors, to constitute a visibly perceptible section of the County.
 - b. Boundaries of a historic district. Boundaries of a historic district shall be shown on the official Zoning Map of Chatham County, Georgia.
 - c. Identification of resources within historic districts. Individual resources within historic districts shall be shown on the "Contributing Resources Map" for the district and shall be classified as:
 - i. Contributing (contributes to the district); or
 - ii. Non-contributing (does not contribute to the district, as provided for in 2.a.).
- 3. Designation of a Historic Property
 - a. Criteria for selection of historic properties. A historic property is a resource, including the adjacent area necessary for the proper appreciation or use thereof, deemed worth of preservation by reason of value to the County of Chatham, the State of Georgia or region for one of the following reasons:
 - i. It is an outstanding example of a resource representative of its era;
 - ii. It is one of the few remaining examples of a past architectural style;
 - iii. It is a place or resource associated with an event or persons of historical or cultural significance to the County of Chatham, State of Georgia, or the region; or
 - iv. It is the site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the County of Chatham, State of Georgia or region.
 - b. Boundaries of a historic property. Boundaries of a historic property shall be shown on the official Zoning Map of Chatham County, Georgia.

- c. Identification of resources within a historic property. Individual resources within a historic property shall be shown on the "Contributing Resources Map" for the property and shall be classified as:
 - i. Contributing (contributes to the property); or
 - ii. Non-contributing (does not contribute to the property, as provided for in 4.a.).
4. Requirements for Adopting an Ordinance for the Designation of Historic Districts and Historic Properties.
- a. Required components of a designation ordinance. Any ordinance designating any property or district as historic shall:
 - i. Include the "Design Guidelines and Criteria" developed for the property or district;
 - ii. List each property in a proposed historic district or describe the proposed individual historic property;
 - iii. Set forth the name(s) of the owner(s) of the designated property or properties;
 - iv. Require that a Certificate of Appropriateness be obtained from the Commission prior to any material change in appearance; and
 - v. Require that the boundaries of the property or district be shown on the Official Zoning Map of Chatham County, Georgia.
 - b. Require public hearings. The Commission or the Board of Commissioners shall hold a public hearing on any proposed ordinance for the designation of any historic district or historic property. Notice of the hearing shall be published in at least three (3) consecutive issues in the principle 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 and mailed not less than ten (10) or more than twenty (20) days prior to the date set for the public hearing. A notice sent via the United States mail to the last-known owner of the property shown on the County tax digest and a notice sent via attention of the occupant shall constitute legal notification to the owner and occupant under this ordinance.

- c. Owner comment. During the hearing at which the Commission or the Board of Commissioners is reviewing the proposed designation, property owners shall be given the opportunity to comment on the proposed designation. Owners of private property in districts with multiple owners shall be given the opportunity to concur in or object to the proposed designation.
- d. Notification of Historic Preservation Division. No less than thirty (30) days prior to making a recommendation on any designation ordinance, the Commission must submit the report, required in Section III(D) (7) to the Historic Preservation Division of the Department of Natural Resources.
- e. Recommendations on proposed designations. A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the Commission following the Public Hearing and shall be in the form of a resolution to the Board of Commissioners.
- f. The Board of Commissioners' actions on the Commission's recommendation. Following the receipt of the Commission's recommendation, the Board of Commissioners may adopt the ordinance as proposed, may adopt the ordinance with any amendments they deem necessary, or reject the ordinance.
- g. Owner notification. Within thirty (30) days following the adoption of the designation ordinance, the owners shall receive written notification of the designation and the notice shall tell them that a Certificate of Appropriateness (COA) must be obtained from the Historic Preservation Commission prior to any material change in appearance.

§3-505 Application to Commission for Certificate of Appropriateness.

- 1. Certificate of Appropriateness required. After the designation by ordinance of a historic district or historic property, a Certificate of Appropriateness approved and issued by the Commission shall be required for any of the following, except as permitted under 505-3 Staff Review in this Section:
 - a. Demolition of any resource located in the historic district or historic property.
 - b. Moving a resource into, within or out of the historic district or historic property.

- c. Material change in the exterior appearance of a resource located in the historic district or historic property by additions or alterations.
 - d. Any new construction of a building or structure in a historic district or historic property subject to view from a public right-of-way.
 - e. Addition or change of awnings subject to view from a public right-of-way.
 - f. Material change in existing walls or fences or construction of new walls or fences subject to view from a public right-of-way.
 - g. Erection or placement of any internally illuminated sign or of any other sign exceeding three square feet in size except as permitted under Sec. 7.1.7 of the Chatham County Sign Ordinance.
2. Building permit. A building permit shall not be issued without a Certificate of Appropriateness. In cases where a building permit is not required, a Certificate of Appropriateness shall be required before construction can begin. In-kind maintenance and signs under three square feet are exempt from this requirement.
 3. Staff Review. A Certificate of Appropriateness approved by the Preservation Professional, under procedures established in the rules of the Commission, shall be required before a permit is issued for certain undertakings. The list of undertakings such as awnings, roof materials, windows and door replacement shall be set by majority vote of the entire membership of the Commission and may be added to or deleted from by a majority vote of the entire membership of the Commission.
 4. Submission of plans to the Commission. An application for a Certificate of Appropriateness shall be accompanied by drawings, photographs, plans, and documentation required by the Commission. Such application, and supplementary information, shall be filed by the published cut-off date.
 5. Jurisdiction. In its review of applications for Certificates of Appropriateness, the Commission shall not consider interior arrangement or use having no effect on exterior architectural features.
 6. Public hearings on applications for Certificates of Appropriateness. Except as provided for in Section V, (C) above, the Commission shall hold a public hearing at which

each proposed Certificate of Appropriateness is discussed. The Commission shall give the applicant an opportunity to be heard at the Certificate of Appropriateness hearing.

7. Action on application for Certificate of Appropriateness. The Preservation Professional shall present the application for a Certificate of Appropriateness, together with a recommendation for approval, approval with conditions, or disapproval to the Commission. The Commission shall approve the application or approve with conditions and issue a Certificate of Appropriateness if it finds that the proposed material change(s) would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property or historic district based on the "Design Guidelines and Criteria" for the property or district.
8. Exterior Work that does not require a Certificate of Appropriateness. General exterior maintenance and exterior repairs with in-kind material does require a Certificate of Appropriateness. However, the property owner should contact the Preservation Professional to discuss the level of work to occur and provide a photograph to show the subject property and the area or items to be repaired for verification.
9. Development Standards
 - a. Preservation of contributing resources within a historic district or historic property. Contributing resources, or any appurtenances related thereto visible from a public right-of-way, including but not limited to walls, fences, steps, and signs, shall only be altered, reconstructed, moved, or maintained only in a manner that will preserve the historic and exterior architectural features of the resource or appurtenance thereto. For the purposes of this section, exterior architectural features shall include but not be limited to the architectural style, scale, general design, and general arrangement of the exterior of the resource, including the kind and texture of the building material, the type and style of all roofs, windows, doors and signs. In considering proposals for the exterior alterations of contributing resources and in applying the development standards, the documented original design of the resource may be considered.
 - b. New Construction. A decision by the Commission approving or denying a Certificate of Appropriateness for new construction of a building shall be guided by the following principles:

- i. New buildings or structures shall be constructed to a height generally equal to the average height and proportions of existing resources from the historic period which characterizes the district or property or the contributing resource to which it is visually related.
 - ii. The scale of new buildings or structures shall be generally consistent with the size and proportions of existing resources from the historic period which characterizes the district or property or the contributing resource to which it is visually related.
 - iii. The proportion of the width of new buildings or structures to the width of their lot shall reflect the prevailing rhythm of contributing resources within the district or property or the contributing resource to which it is visually related.
 - iv. The front walls of new buildings or structures shall be set back equal distance from the street right-of-way as adjacent contributing resources.
 - v. The roof forms of new buildings or structures shall be generally consistent with roof shapes, pitches, and materials of contributing resources which characterize the district or property or the contributing resource to which it is visually related.
 - vi. The façade pattern of new buildings or structures shall generally reflect the rhythm of door and window openings established by contributing resources which characterize the district or property or the contributing resources to which it is visually related.
- c. Reconstruction, alteration, or renovation. A decision by the Commission approving or denying a Certificate of Appropriateness for the reconstruction, alteration, or renovation of a resource shall be guided by the following principles:
- i. The architectural character of a resource shall be retained and preserved. The removal of distinctive materials or alteration of features and external spatial relationships that characterize a resource shall be avoided.

- ii. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic resources shall not be constructed.
 - iii. Distinctive materials, features, finishes, construction techniques, or examples of craftsmanship that characterize a resource shall be preserved.
 - iv. Where deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and where possible, materials. Replacement of missing features shall be substantiated by documentary and physical evidence.
- d. Relocation. A decision by the Commission approving or denying a Certificate of Appropriateness for the relocation of a resource shall be guided by:
- i. The historic character and aesthetic interest the resource contributed to its present setting;
 - ii. 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;
 - iii. Whether the resource can be moved without significant damage to its physical integrity; and
 - iv. Whether the proposed relocation area is compatible with the historic and architectural character of the resource.
- e. Demolition. A decision by the Commission approving or denying a Certificate of Appropriateness for the demolition of a resource shall be guided by:
- i. The historic or architectural significance of the resource;
 - ii. The importance of the resource to the ambiance of the district or property;
 - iii. The difficulty or the impossibility of reproducing such a resource because of its design, texture, material, detail, or unique location;
 - iv. Whether the resource is one of the last remaining examples of its kind in the district or county;

- v. 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 district or property would be;
 - vi. Whether reasonable measures can be taken to save the resource from collapse; and
 - vii. Whether the resource is capable of earning reasonable economic return on its value.
10. Design Guidelines and Criteria. In addition to the general development standards listed above, the Commission shall prepare a supplementary document for each designated historic district or historic property which shall be entitled "Design Guidelines and Criteria" and shall establish specific review standards which reflect the individual character of the district or property. Such standards shall be adopted in the designation ordinance for the historic district or historic property.
11. Undue hardship. When, by reason of unusual circumstances, the strict application of any provision of this Ordinance would result in exceptional practical difficulty or undue economic hardship upon any owner of a specific resource, the Commission, in passing upon applications, shall have the power to modify strict adherence to said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship; provided such waivers, modifications or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historic integrity, or character of the resource, shall be conserved and substantial justice done. In granting waivers, the Commission may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Ordinance. An undue hardship shall not be a situation of the person's own making.
12. Action on application for Certificate of Appropriateness
- a. The Commission shall hear all applications meeting the filing requirements at the next scheduled meeting, or if a quorum is not present, at a special meeting held within fourteen (14) calendar days from the scheduled meeting. Evidence of approval shall be by 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 notices in writing filed with the Commission.

- b. In the event 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 action it thinks proper if it disapproves of the application submitted. The applicant may make modifications to the plans and may resubmit at any time after doing so.
 - c. In cases where the application covers a material change in the appearance of a resource 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.
13. Requirement of conformance with Certificate of Appropriateness
- a. 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 Chatham County Director of Inspections shall issue a cease and desist order and all work shall cease.
 - b. The Chatham County Director of Inspections shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance to a designated historic property or within a designated historic district, except those changes made in compliance with the provisions of this ordinance.
14. Certificate of Appropriateness void if construction not commenced. A Certificate of Appropriateness shall become void unless construction has commenced within twelve (12) months of date of issuance or has been renewed for an additional twelve (12) months by the Commission. One renewal shall be permitted.
15. Recording of applications for 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 application.
16. 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 Board of Commissioners. Any such appeal must be filed with the Board of Commissioners within fifteen (15) days after the issuance of the determination. The Board of Commissioners may approve, modify, or reject the determination made by the Commission, if the appeals body finds that the Commission abused its discretion in reaching its decision. Design criteria shall not be the basis for appeal of an adverse decision. Appeals from decisions of the Board of Commissioners may be taken to the Superior Court of Chatham County in the manner provided by law for appeals from zoning decisions of the Board of Commission. Decisions of the Preservation Professional shall be appealed first to the Commission.

17. Maintenance of Contributing Resources and Zoning Code Provisions

- a. Ordinary maintenance or repair. Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a resource to correct deterioration, decay, 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.
- b. Failure to provide ordinary maintenance or repair. Property owners of historic properties or properties within historic districts shall not allow their resources to deteriorate by failing to provide ordinary maintenance or repair. The Commission shall be charged with the following responsibilities regarding demolition by neglect.
 - i. The Commission shall monitor the condition of resources within historic properties and historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and exterior openings which allow the elements or vermin to enter, or the deterioration of a resource's structural system shall constitute a failure to provide ordinary maintenance or repair.
 - ii. In the event the Commission determines a failure to provide ordinary maintenance or repair, the Commission shall notify the owner of the property and set forth the steps which need to be taken to remedy the situation. The owner of such property shall have thirty (30) days in which to remedy the situation.

iii. In the event that the condition is not remedied in thirty (30) days, the issue shall be remanded to the Building Inspections Department of Chatham County for legal action.

c. Affirmation of existing building and zoning codes. Nothing in this ordinance shall be construed as to exempt property owners from complying with existing County building and zoning codes, nor prevent any property owner from making any use of this property not prohibited by other statutes, ordinances or regulations.

§3-506 Penalty Provisions. Violations of any provisions of this Ordinance shall be punished in the same manner as provisions for punishment of violations of validly-enacted Ordinances of Chatham County, Georgia.

§3-507 Severability. In the event that any section, subsection, sentence, clause or phrase of this Ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, sentences, clauses, or phrases of this Ordinance, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

§3-508 Repealed. All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

ARTICLE VI

Disposition of Undevelopable Parcels
(Article VI adopted in its entirety on
September 11, 2009)

§3-601 Purpose and Scope. The Board of Commissioners is authorized to sell and convey parcels of small or narrow strips of land, so shaped or so small as to be incapable of being used independently as zoned or under applicable subdivision or other development ordinances or land use plans, or as streets, whether owned in fee or used by easement, to abutting property owners where such sales and conveyances facilitate the enjoyment of the highest and best use of the abutting owner's property without first submitting the sale to the process of an auction or the solicitation of sealed bids; provided, however, that each abutting property owner shall be notified of the availability of the property under such terms and conditions as set out by this ordinance.

This ordinance should be construed to accomplish these purposes.

§3-602 Applicable property.

1. The Zoning Administrator shall determine whether a parcel of land remains so small or in such a manner shaped or configured so as to make the parcel incapable of being used independently as zoned under applicable subdivision or other development ordinances or land use plans. In making such a determination, the Zoning Administrator shall refer to the applicable ordinances, including minimum square footage and property setback requirements within the applicable zoning classification. The Zoning Administrator shall place this determination in writing.

§3-603 Determination of value.

1. The property's value for the purpose of sale and conveyance shall be determined by one of two means.
 - a. The property may be appraised by a Certified General Real Property Appraiser licensed in the State of Georgia.
 - b. The property's value may be calculated by use of comparable values for abutting properties as calculated by the Assessor's Office and confirmed by the most-recently approve tax digest. According to this means of determination, the square feet value of the abutting

properties shall be multiplied by the total square footage of the property to be conveyed to calculate a sum amount.

2. A value for sale and conveyance may be determined as \$1 based upon a finding that the property lacks any compensatory value in comparison to the benefit Chatham County receives in placing the property into private ownership.

§3-604 Finding of undevelopable. After the Zoning Administrator makes a determination in accordance with §3-602 and places such determination in writing, and the determination of value meets the requirements of §3-603, the Board of Commissioners shall consider whether the parcel can be declared as surplus and a minimum sale amount presented to the abutting property owners. Said consideration shall be provided in an open meeting in conformance with Georgia's Open Meetings Law and the action shall be placed in the minutes of the meeting when the Board of Commissioners considered such action.

§3-605 Notification to abutting property owners. Based upon the Board of Commissioners' approval to declare the parcel as surplus and sell and convey the parcel at an approved value, each abutting property owner shall be provided notice. If multiple owners abut the same parcel, each will be notified about the availability to acquire any portion of the parcel which divides equally the parcel and adjoins the private property. Only that portion of the parcel which adjoins the abutting private property shall be offered for sale and conveyance unless by determination of the County Manager, or his designee, that the public interest will be better served to eliminate remnant islands of public ownership.

2. Said notice shall be delivered by Certified Mail by the United States Postal Service and allow the abutting property owner 15 days to accept the approved value.

§3-606 Confirmation by Board of Commissioners.

1. Sale and conveyance shall be by quitclaim.
2. Upon recording of the quitclaim, the sale and conveyance shall be confirmed by the Board of Commissioners and included within the minutes of the Board of Commissioners' meeting.

§3-607 Conveyance to another body politic. Notwithstanding the provisions stated above, this article shall not apply

nor contradict other provisions of the Georgia Code which exempts the requirements for the sale and conveyance of county property to another body politic.

§3-608 Effective date. This ordinance shall become effective October 1, 2009.