

To replace current Rules of Procedure in total with the exception the Rules of Procedure for the Registration of a Historic Landmark Under the Transferable Development Rights Ordinance

**Madison, Georgia
Historic Preservation Commission
Bylaws and Rules of Procedure**

I. Title

The title of the Commission shall be the Madison Historic Preservation Commission (hereafter referred to as the "Commission") as established in Chapter 42 of the Madison Code of Ordinances (hereafter referred to as the "HP Ordinance").

II. General Powers

General Powers of the Commission are established in Section 42-28 of the HP Ordinance and other appropriate sections of the Code of the City of Madison.

III. Composition and Structure of the Commission

A. Members: The Commission shall be appointed by the Madison Mayor and Council. Number, Terms, and Eligibility are established in the HP Ordinance.

B. Attendance at Meetings: Should a member of the Commission fail to attend three consecutive regular meetings of the Commission, and should there be no adequate excuse for such absences, the Chair, with the concurrence of a majority of the entire Commission, shall recommend to the Mayor and City Council that a vacancy be declared and that the vacated position be filled.

C. Vacancies: If any vacancy occurs, whether for reasons of failure to attend or for other reasons, the Chair shall immediately notify the Mayor and Council and request that a new member be appointed for the remainder of the term of the vacant member.

D. Training: Each member, and anyone serving the Commission in a professional staff capacity, will attend (in-person or online) at least one informational or educational meeting per year pertaining to historic preservation. New members will attend one of the first three orientation/training sessions sponsored by the Georgia Historic Preservation Division or approved by the Georgia Historic Preservation Division available following their appointment.

E. Compensation: Members will serve without compensation, but may be reimbursed for actual expenses incurred in the performance of their duties per Planning Department policy.

IV. Officers, Quorum, and Voting

A. Officers: Officers shall be elected at the regular January meeting of the Commission, shall begin their term of office immediately upon election, shall serve for one year or until a successor is elected, and shall be eligible

for re-election. Upon the resignation or disqualification of any of the Officers, the Commission, at its next regular meeting, shall elect a successor who will serve for the remainder of the unexpired term.

1. **Chair:** The Chair shall be elected by the members of the Commission and shall be eligible for re-election. The Chair shall decide all points of order and procedure. The Chair shall appoint any committees found necessary to facilitate any business before the Commission. The Chair may participate in discussion and vote on all matters before the Commission. The Chair shall not make or second motions.
2. **First Vice Chair:** The First Vice Chair shall be elected by the Members of the Commission in the same manner as the Chair and shall be eligible for re-election. The First Vice Chair shall serve as the Acting Chair in the absence of or recusal by the Chair. As Acting Chair, the First Vice Chair shall have the same powers and duties as the Chair. Upon the resignation or disqualification of the Chair, the First Vice Chair shall assume the position of Chair until a new Chair is elected.
3. **Second Vice Chair:** The Second Vice Chair shall be elected by the Members of the Commission in the same manner as the Chair and shall be eligible for re-election. The Second Vice Chair shall serve as the Acting Chair in the absence of or recusal by the Chair and First Vice Chair. As Acting Chair, the Second Vice Chair shall have the same powers and duties as the Chair.
4. In the absence of or recusal by the Chair and Vice Chairs, then the Commission shall elect on the record at such meeting a member who is present to serve as temporary Acting Chair during such absence and/or recusal.

B. Quorum: A quorum shall consist of a majority of sitting members. Abstentions and recusals do not affect a quorum.

C. Decisions of the Commission: Decisions of the Commission shall be by majority vote of the members present and voting, a quorum being present.

V. Meetings

Meetings of the Commission shall be held at the call of the Chair and at such other times as the Commission may determine. All meetings of the Commission shall be open to the public. However, members of the public shall not address the Commission until invited to do so by the Chair. Regular meetings of the Historic

Preservation Commission shall be held monthly. Called meetings may be held, as needed, following provisions in the Bylaws Section: VI (B).

- A. Regular Meetings** shall be held the second Tuesday of each month at 5:30 p.m. in Meeting Hall of the Madison Public Safety Building, 160 N. Main Street. Regular meetings also may be held at any other convenient place if directed by the Chair in advance of the meeting. If a regularly scheduled meeting occurs on a legal holiday, the Chair may also set an alternate day for the meeting.

- B. Special Called Meetings** of the Commission may be called at any time by the Chair. At least seven (7) days' notice of the time and place of special meetings shall be given to each member of the Commission, unless provision of notice is waived by a majority of the members of the Commission.

- C. Cancellation of Meetings:** Whenever there is no business for the Commission, the Chair may dispense with a regular meeting by giving notice to all the members not less than twenty-four (24) hours prior to the time set for the meeting.

- D. Adjourned Meetings:** Should the Commission not complete the business before it, the Chair may adjourn the meeting and schedule a continuation of the meeting until matters before the Commission are acted upon and completed.

- E. Committee Meetings and Work Sessions** of the Commission may be called by the Chair of the Commission or, in the case of Committee Meetings, by the Chair of the Committee. These meetings, while informal in nature, shall be open to the public and shall meet the same requirements for posting of the agenda or announcement of the meeting as for Special Called Meetings. Reports of the Committee Meetings at the Regular Meeting will constitute the minutes of the Committee Meetings.

- F. Agenda:**
 - 1. Agenda:** At the direction of the Chair, staff shall prepare the agenda for each meeting. The agenda shall be posted at the meeting site no less than twenty-four hours prior to the meeting. The Commission shall receive copies of the agenda no less than twenty-four hours prior to the regularly scheduled meeting. The normal order of business at each meeting shall be:
 - a. Determination of Quorum
 - b. Approval of Minutes of the Previous Meeting(s)
 - c. Approval of Agenda Items
 - d. Consent Agenda
 - e. Unfinished Business

- f. New Business
- g. Reports of Committees and Staff
- h. Other Business/Public Comment
- i. Adjournment

2. Consent Agenda:

- a. An item may be placed on a consent agenda if it is recommended for approval without conditions by the Staff.
- b. The following procedure will generally be followed by the Commission when considering consent agenda items:
 - (1) Introduction of the consent items by the Chair.
 - (2) Commissioner requests to remove an item from the consent agenda are solicited.
 - (3) Public requests to remove an item from the consent agenda are solicited.
 - (4) An application pulled from the consent agenda will then be placed as the first item under new business on the agenda.
 - (5) After the removal of any item(s) from the consent agenda, and there being no further objections, the Chair declares the remaining item(s) on the consent agenda approved.

VI. Staff

The Commission shall be assisted by the staff of the City of Madison as directed by the City Manager. Clerical needs, including: the preparation of agenda, as directed by the Chair; correspondence; filing of decisions; the keeping of a docket of applications for Certificates of Appropriateness to be placed before the Commission; and all other necessary clerical work also will be the responsibility of assigned City Staff. When the Commission lacks assigned staff, the Second Vice Chair will assume these responsibilities.

VII. Code of Ethics and Conduct

Each member of the Commission shall adhere to the Code of Ethics contained in Section 45-10-3 of the Official Code of Georgia Annotated, the Code of Ethics and Conduct contained in Section 2-1 of the City of Madison Code of Ordinances, and avoid conflicts of interests as outlined in Section 42-30 of the City of Madison Historic Preservation Ordinance.

VIII. Decision-making, Site Visits, and Ex Parte Communications

- A.** Members of the Commission shall not decide how they will vote on a matter pending before the Commission until after the conclusion of the evidentiary proceeding on the application.
- B.** Members shall avoid the appearance of premature decision-making.

- C. Commission members shall avoid any substantive discussion of a subject application outside the hearing or decision-making process with anyone other than staff except for the purposes of obtaining information from disinterested parties who can provide relevant facts and context.
- D. Commission Members shall disclose any discussion of a subject application outside the hearing or decision-making process with anyone other than staff. Such disclosure shall include the name of the person with whom the matter was discussed and the nature of the conversation.
- E. If by virtue of a site visit or otherwise, a Commission Member obtains what he or she considers to be pertinent information concerning a matter under review and such information is not presented at the hearing or meeting on the matter, the Commission Member shall disclose said information on the record at the Commission meeting and all parties present shall be given a chance to respond.

IX. Amendments

These Bylaws and Rules of Procedure adopted by the Commission may be amended by the affirmative vote of a majority of the sitting members of the Commission, provided that notice of the intent to amend and the contents of the amendment are distributed in writing (written communication, when referenced in this document shall include email unless otherwise stipulated) to each member at least fourteen (14) days prior to the meeting at which the vote to amend is taken, or are presented to the members, all members being present, at the regular meeting immediately preceding the meeting during which the vote to amend is taken.

X. Rules of Procedure

A. Certificate of Appropriateness Applications

1. **Application:** Each application for a Certificate of Appropriateness shall be made on an official application form and shall be filed with the Madison Planning Department.
2. **Qualified Applicant:** To submit a COA application, an applicant must either be the owner of the subject property or provide written permission from the owner to do so.
3. **Deadlines:** Applications must be submitted at least 15 days prior to a regular monthly meeting to be assigned to that meeting. Should the deadline fall on a city holiday, the deadline will be moved to the following day. At the discretion of the Chair, applications may be accepted less than 15 days prior to a regular meeting provided they are complete and required public notice can be achieved.
4. **Proper Documentation:** Proper documentation shall include all information stated on the application form.
5. **Determination of Completeness:** The day following the deadline submission date, the Chair in consultation with staff will review applications for completeness. Applicants with incomplete applications will be notified as to the lacking

documentation and will have one week to submit information to complete the application. After this time, incomplete applications will be removed from the agenda.

6. Action on COA Applications

- a. Period for Decisions:** The Commission shall approve or reject an application for a certificate of appropriateness within 45 days after the application is submitted and accepted as complete.
- b. Failure to Act:** Failure of the Commission to act within the 45-day period shall constitute approval, and no other evidence of approval shall be needed, unless this period is extended by mutual written agreement between the Commission and the applicant.

B. Review Criteria/Guidelines

- 1.** Secretary of the Interior's *Standards for the Treatment of Historic Properties*. When considering applications for a COA, the Commission shall refer to the Secretary of Interior's *Standards for the Treatment of Historic Properties* as a general set of guidelines for review.
- 2.** Madison Guidelines. In addition to the Secretary of Interior's *Standards*, the Commission shall develop its own set of guidelines governing appropriate treatments of historic properties or new construction within its jurisdiction. Guidelines will be adopted in the following manner:
 - a.** The guidelines will have two readings accompanied by public hearings.
 - b.** The guidelines will be presented to Mayor & Council for comment.
 - c.** The guidelines are adopted by the Commission.
- 3.** Policy Statements. In addition to the Secretary of Interior's *Standards* and its own guidelines, the Commission may from time to time as deemed necessary, issue policy statements to clarify the Commission's interpretation of standards and guidelines.
- 4.** The Commission may approve the use of new materials or designs not covered by the Guidelines or Policy Statements as a test case. The effect of the test case on the district will be evaluated for potential change in the guidelines. Test cases are not precedent setting.

C. Commission Meeting: The following procedure will be followed regarding COA applications before the Commission.

- 1.** The Chair identifies the application giving the address of the property and the name of the applicant.
- 2.** The Chair ensures that no Conflict of Interest exists among members of the Commission, following procedures set out in the Commission's Rules.

3. Commission staff presents their report and recommendations on the request.
4. The Chair calls upon the Applicant for a summary of the project and any additional information or comments.
5. The Commission then discusses the application and addresses questions to the Applicant as appropriate.
6. Public Input is then received from anyone who wishes to speak to the application. Any person speaking to the Commission shall be asked to provide their Name and Home Address. Speakers shall address all comments to the Commission and not to the applicant or other members of the audience. Comments shall be limited to issues within the Commission's purview. The Chair has the discretion to set time limits on Public Input.
7. The Public Input Session will close, and no additional public comments will be accepted, unless requested by the Commission.
8. The Commission further discusses the application. At the discretion of the Chair, Commissioner's may ask for further information from the Applicant or members of the public who spoke during the Public Input Session.
9. The Chair calls for a motion. Motions can be for approval, approval with conditions, denial, or postponement to a date certain which may require mutual agreement (see Sec. X.A.6.b.) to extend the time period for the request. Second motion. Discussion. Vote.
10. The Chair thanks the Applicant and informs the Applicant that a written decision will be mailed to the address specified on the application form.

D. Unusual Circumstances Review: Unusual circumstances, as provided by Sec. 42-89 of the HP Ordinance, are conditions related to a property which must be established by evidence in order to receive approval of a COA which varies from or modifies requirements of the guidelines, provided that the conditions are not of the owner's or occupant's own making.

1. Following denial of a COA or a portion thereof, the Commission may, on request of the applicant, consider unusual circumstances.
2. The applicant shall have the burden of establishing that unusual circumstances exist.
 - a. For COA applications seeking demolition, one or both of the following shall be established: the material change is required to alleviate a threat to public health and safety, or the cost of rehabilitation exceeds the value of the rehabilitated building so as to deprive the owner of reasonable economic use of the property.

- b. For COA applications other than demolition requests, one or both of the following shall be established: the material change is required to alleviate a threat to public health and safety, or the cost of strict compliance with the guidelines exceeds the owner's ability to achieve a reasonable economic return on the investment in the property, or strict compliance with the guidelines is infeasible from a technical, mechanical or structural standpoint.
- 3. The Commission shall identify the requirements for the submission of appropriate evidentiary information to establish that unusual circumstances exist. These requirements shall be maintained as Appendix C of these Bylaws and may be amended as set forth in Sec. IX.
- 4. The Commission shall approve or deny that request according to the evidence submitted.

E. Appeals: Handled pursuant to Sec. 42-92 of the HP Ordinance.

F. Resubmittal After Denial: For one year following the issuance of a denial by the Commission, the Chair may refuse to place a previously denied application for a COA on the Commission's agenda without the benefit of a public hearing, if the application meets one or both of the following criteria: 1. There is no substantive change in the application, or 2. There is no significant change in the property under consideration.

G. Administrative Review of COA Applications and Extensions

To expedite the design review process, Sec. 42-85 of the HP Ordinance allows the Commission to identify within its rules of procedure items which qualify for administrative review and to outline the procedures of such review.

1. Level 1 – Chair/Staff Administrative COA Review

- a. The Commission shall identify a list of items that qualify for Level 1 Administrative Review. This list shall be maintained as Appendix A of these Bylaws and may be amended as set forth in Sec. IX.
- b. Applications reviewed by this process will provide the documentation set forth in Sec. X.A.4 unless otherwise noted in Appendix A.
- c. COA application items which qualify for Level 1 Administrative Review may be approved by the Chair, or his designee, in consultation with Staff if the proposal clearly and distinctly complies with the established design criteria.
- d. For any reason, the Chair or Staff may forward a potential Level 1 Administrative Review item to the full Commission for design review.
- e. Administrative reviews will be reported to the Commission at the following regular meeting.

2. Level 2 – Staff Administrative COA Review

- a. The Commission shall identify a list of items that qualify for Level 2 Administrative Review. This list shall be maintained

as Appendix B of these Bylaws and may be amended as set forth in Sec. IX.

- b. Applications reviewed by this process will provide the documentation set forth in Sec. X.A.4 unless otherwise noted in Appendix B.
 - c. COA application items which qualify for Level 2 Administrative Review may be approved by Staff if the proposal clearly and distinctly complies with the established design criteria.
 - d. For any reason, Staff may forward a potential Level 2 Administrative Review item to the Chair for a Level 1 Administrative Review.
 - e. Administrative reviews will be reported to the Commission at the following regular meeting.
3. **Extension of COAs**
- a. A renewal of an expired COA may be approved by the Chair, or his designee, in consultation with Staff, any time within three (3) months after the expiration of a COA.
 - b. For any reason, the Chair or Staff may forward an extension request to the full Commission for review.

H. Conceptual Review: Pursuant to Sec. 42-84 of the HP Ordinance, Applicants proposing construction of a primary structure, shall first present to the commission preliminary designs for Conceptual Review (CR) prior to submitting an application for a COA.

- 1. Each application for a Conceptual Review shall be made on an official application form and shall be filed with the Madison Planning Department.
- 2. Recommendations from the Commission concerning the CR application are non-binding, first-impressions to assist the applicant in further refining the project prior to making application for a COA.
- 3. A request for a CR, though required to complete a COA application for construction of a primary structure, does not constitute a COA application and does not require a public hearing.

I. Exploratory Discussion: Potential Applicants may request an Exploratory Discussion. Comments and recommendations from the Commission during an Exploratory Discussion are non-binding, first-impressions to assist the applicant in further refining the project prior to making application for a COA. A request for an Exploratory Discussion does not constitute an application for a COA and does not require a public hearing.

J. Advisory Comment: The City of Madison or other governmental entities (county, state, federal) exempt from the requirement for a COA may seek the advice and guidance of the HPC on matters affecting the Historic District. The Commission may provide such advice and guidance

via mention in the minutes of the meeting or by written communication as the entity seeking comment requests.

CERTIFICATION

These bylaws were approved at a meeting of the Madison Historic Preservation Commission by a majority vote on

Chair

Date

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Appendix A

The following types of COA applications qualify for Level 1 Administrative Review as outlined in Sec. X. G. 1. of these Bylaws and Rules of Procedure.

1. demolition of non-historic, secondary structures
2. relocation of non-historic, secondary structures
3. removal of non-historic additions or alterations
4. installation of fences and walls in side and rear yards
5. construction of outbuildings with a footprint of less than 144 sq. ft.
6. change in materials for existing pavement
7. rear yard paving
8. front yard walks
9. installation of mechanical systems
10. changes in roofing material
11. installation of storm windows and doors
12. installation/removal of modern shutters
13. installation of skylights
14. restoration of historic decorative elements
15. construction of patios and decks
16. screening of rear porches
17. minor alterations to non-historic/non-contributing resources
18. installation of wheelchair ramps
19. minor adjustments to approved COAs

Appendix B

The following types of COA applications qualify for Level 2 Administrative Review as outlined in Sec. X. G. 2. of these Bylaws and Rules of Procedure.

1. awnings in the Main Street Service Area
2. signs (applications for signs will be via the Sign Permit Application rather than a COA Application)
3. exterior lighting
4. items designated as staff review as part of a COA approval

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Appendix C

The following evidentiary information necessary for a request for consideration of Unusual Circumstances as outlined in Sec. X. D. of these Bylaws and Rules of Procedure.

Demolition:

- a. Documentation of ownership and legal possession.
- b. Fair Market Value of the land and improvements provided by a licensed appraiser.
- c. Real estate taxes for the previous two years.
- d. For an income producing property, annual gross income and cash flow from the property for the previous two years. Any rents collected and itemized operating expenses for the previous two years including evidence of the use of competent management procedures.
- e. Evidences of a good faith effort to sell or otherwise dispose of the property at or below Market Value for at least one (1) year to any person or entity which gives a reasonable assurance of willingness to preserve and rehabilitate the property. Documents shall include asking price, date the offer of sale began, name and address of the listing real estate agent, copies of advertising, and documentation of all purchase offers.
- f. Cost of repairs needed to achieve a reasonable return.
- g. Cost of demolition.
- h. If property has been subject to covered damages, amount of insurance settlement.
- i. Availability of any tax credits, grants, or other financial incentives.

Alterations or Additions

- a. Cost of repairs additions consistent with standards and guidelines.
- b. Cost of proposed repairs or additions.
- c. Fair Market Value of land improvement provided by a licensed appraiser
- d. Why compliance with standards and guidelines is infeasible from a technical, mechanical, or structural standpoint including any engineering or geological reports.
- e. Availability of tax credits, grants, or other financial incentives.