

City of Canton

State of Georgia

County of Cherokee

Ordinance _____

ORDINANCE OF THE CITY OF CANTON

WHEREAS, the City of Canton is authorized by the constitution of the State of Georgia to adopt rules, regulations, laws, and ordinances protecting the public health, safety, and welfare of the citizens of the City.

WHEREAS, the City by and through its Mayor and Council have deemed it in the best interest of the health, safety, and welfare of the citizens of the City of Canton, to adopt an ordinance governing Certificates of Appropriateness regarding the Historic District.

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF CANTON THAT:

SECTION 47-25 OF THE CITY OF CANTON CODE OF ORDINANCES IS TO READ AS FOLLOWS:

Sec. 47-25. - Application to preservation commission for certificate of appropriateness.

A. Approval of material change in appearance in historic districts or involving historic properties.

- 1) After the designation by ordinance of a historic property or a historic district, no material change in the appearance of such historic property, or of a contributing or non-contributing building, structure, site, object or exterior environmental feature within such historic district, shall be made or be permitted to be made by the owner or occupant thereof, unless or until an application for a certificate of appropriateness has been submitted to and approved by the commission. The Canton Historic District and historic properties shall be utilized for commercial properties or residential properties being converted to commercial uses. A building permit shall not be issued without a certificate of appropriateness.
- 2) The following is a list of common, but not all inclusive, work items that cause a material change in appearance:

a. The construction, reconstruction, alteration, renovation, restoration, or removal of:

1. Accessory structures (carports, gazebos, sheds, etc.);
2. Awnings/canopies;
3. Buildings/building additions;
4. Balconies;
5. Cornices;
6. Doors;
7. Driveways;
8. Façades/exterior walls;
9. Fences/gates/walls;
10. Fire escapes;
11. Fountains (decorative);
12. Gutters/downspouts;
13. Landscaping;
14. Lighting;
15. Parking areas;
16. Porches/patios (including enclosures);
17. Railings;
18. Ramps;
19. Roofs;
20. Shutters;
21. Signs;
22. Sky lights;
23. Stairs;
24. Storefronts (entrances, bulkheads, transoms);
25. Utilities (mechanical systems, satellite dishes, HVAC, etc.);

26. Walkways;

27. Windows.

b. Intensive cleaning (pressure washing, sandblasting, chemical, etc.).

c. Addition of paint on previously unpainted surfaces.

d. Relocation of a building, structure or object.

B. Submission of plans to commission. An application for a certificate of appropriateness shall be accompanied by drawings, photographs, plans, and documentation required by the commission.

C. Interior alterations. 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.

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

E. Public hearings on applications for certificates of appropriateness, notices, and right to be heard. Prior to reviewing an application, the commission shall take such action as may reasonably be required to inform the owners of any property likely to be affected materially by the application and shall give the application 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.

F. Acceptable commission reaction to applications for certificates of appropriateness.

Commission action. The commission may approve the application for a certificate of appropriateness as proposed, approve the application with any modifications it deems necessary, or reject it.

1) In making a decision, the commission shall consider the Canton Historic District Design Guidelines, including any attachments, future additions, appendices, indexes, and amendments, which are hereby adopted by reference. The commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in appearance would not have a substantial adverse effect on the aesthetic, historic or architectural significance and value of the historic property or the historic district. In making this determination, the commission shall consider, in addition to any other pertinent factors, the following criteria for each of the following actions:

a. *Reconstruction, alteration, new construction or renovation.* The commission shall issue certificates of appropriateness for the above

proposed actions if those actions conform in design, scale, building materials, setback and site features, to the Secretary of the Interior's Standards for Rehabilitation, along with any published guidelines accompanying the standards, and to local design guidelines adopted by the commission.

b. *Relocation.* A decision by the commission approving or denying a certificate of appropriateness for the relocation of a building, structure, or object shall be guided by:

1. The historic character and aesthetic interest the building, structure, or object contributes to its present setting;
2. Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be;
3. Whether the building, structure, or object can be moved without significant damage to its physical integrity; and
4. Whether the proposed relocation area is compatible with the historic and architectural character of the building, structure, site or object.

c. *Demolition.* A decision by the commission approving or denying a certificate of appropriateness for the demolition of buildings, structures, sites, specimen trees, or objects shall be guided by:

1. The historic, scenic, architectural, or archaeological significance of the building, structure, site, tree, or object;
2. The importance of the building, structure, site, tree, or object to the ambiance of a district;
3. The difficulty or the impossibility of reproducing such a building, structure, site, tree, or object because of its design, texture, material, detail, or unique location;
4. Whether the building, structure, site, tree, or object is one of the last remaining examples of its kind in the historic district or in the City of Canton;
5. Whether there are definite plans for use of the property if the proposed demolition is carried out, and what the effect of those plans on the character of the surrounding area would be;

6. Whether reasonable measures can be taken to save the building, structure, site, tree, or object from collapse; and

7. Whether the building, structure, site, tree, or object is capable of earning reasonable economic return on its value.

G. *Exemptions.* The department of transportation and any contractors, including cities and counties, performing work funded by the department of transportation are exempt from this article. Local governments are exempt from the requirement of obtaining certificates of appropriateness; provided, however, that local governments shall notify the commission 45 days prior to beginning any undertaking that would otherwise require a certificate of appropriateness and allow the commission an opportunity to comment.

Single-family detached residential units, two-family residential units, townhouse residential units with two-hour separation walls, townhouse residential units not more than three stories above grade plane, live/work residential units complying with the requirements of Section 419 of the International Building Code, and owner-occupied lodging residential units with five or fewer guestrooms are exempt.

H. *Undue hardship.* When, by reason of unusual circumstances, the strict application of any provision of this article would result in the exceptional practical difficulty or undue economic 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 said provisions, or to interpret the meaning of said provisions, so as to relieve such difficulty or hardship; provided such variances, modifications, or interpretations shall remain in harmony with the general purpose and intent of said 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 article. An undue hardship shall not be a situation of the person's own making.

I. *Deadline for approval or rejection of application for certificate of appropriateness.*

1) The commission shall approve or reject an application for a certificate of appropriateness within 45 days after the filing thereof. 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 notice in writing filed with the commission.

2) Failure of the commission to act within said 45 days shall constitute approval, and no other evidence of approval shall be needed.

J. Necessary action to be taken by commission upon rejection of application for certificate of appropriateness.

1) 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, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.

2) In cases where the application covers a material change in appearance 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.

K. 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 Canton City Council. Any such appeal must be filed with the Canton City Council within 15 days after the issuance of the determination pursuant to [section 47-25\(i\)\(1\)](#) of this article or, in the case of a failure of the commission to act, within 15 days of the expiration of the 45-day period allowed for the commission action, [section 47-25\(i\)\(2\)](#) of this article. The Canton City Council may approve, modify, or reject the determination made by the commission, if it finds that the commission abused its discretion in reaching its decision. Appeals from decisions of the Canton City Council may be taken to the Superior Court of Cherokee County in the manner provided by law for appeals from conviction for City of Canton ordinance violations.

L. Requirement of conformance with certificate of appropriateness.

1) 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 commission shall issue a cease and desist order and all work shall cease.

2) The commission and the Canton City Council 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 provisions of this article or to prevent any illegal act or conduct with respect to such historic property or historic district.

~~*M. Certificate of appropriateness void if construction not commenced. A certificate of appropriateness shall become void unless construction is commenced within six months*~~

~~of date of issuance. Certificates of appropriateness shall be issued for a period of 18 months and are renewable.~~

M. *Expiration of Certificates of Appropriateness.* An applicant shall have one year from the issuance of the Certificate of Appropriateness to apply for a building or land disturbance permit.

N. *Recording an application for certificate of appropriateness.* The commission shall keep a public record of all applications for certificates of appropriateness, and of all the commission's proceedings in connection with said applications.

O. *Acquisition of property.* The commission may, where such action is authorized by the Canton City Council and is reasonably necessary or appropriate for the preservation of a significant historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or otherwise, of the property or any interest therein.

All ordinances or parts of ordinances or regulations in conflict herewith are hereby repealed.

Should any section of provision of this ordinance be declared invalid of unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

It is the intention of the Mayor and Council, and it is hereby ordained that the provisions of the ordinance shall become and be made part of the Code of Ordinances, City of Canton, Georgia and the section of this ordinance may be renumbered to accomplish such intention.

This ordinance shall take effect and be in force on the date of approval appearing below, the public welfare demanding it.

The above ordinance was read and approved by the Mayor and Council this ____ day of _____, 2025.

Bill Grant, Mayor

Attest: _____
Annie Fortner, City Clerk

Approved as to form and content:

Robert M. Dyer, City Attorney

Ordinance No. _____

First Reading _____

Adopted by Council _____

Approved by Mayor _____

Veto by Mayor _____

Second Vote by Council _____

Effective Date _____

Annie Fortner, City Clerk

