

Amendments to  
CODE OF ORDINANCES  
CITY OF BOSTON, GEORGIA  
(Enacted by Boston, GA City Council on 7/11/2011)

An enactment of an ordinance to establish a Historic Preservation Commission; amending the Code of Ordinances of the City of Boston, GA. The Mayor and City Council find that the historical, cultural and esthetic heritage of Boston, GA is among its most valued and important assets. Furthermore, the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people. The City Council has elected to enact said ordinance amendment to provide for the protection, enhancement, perpetuation or use of historic properties and historic districts in accordance with O.C.G.A. § 44-10-21 through 22 and § 44-10-24 through 31.

**Be it ordained by the City Council of Boston, GA as follows:**

Amend the Code of Ordinances, City of Boston, GA, Part II, Chapter 2, Article V. Boards, Commissions and Committees to add:

**Sec. 2-235. Historic Preservation Commission.\***

The Historic Preservation Commission, hereafter referred to as the HPC, shall consist of such members who shall be appointed in such manner, for such terms and shall have such duties and powers as set forth in the HPC’s bylaws. Said bylaws shall be approved by a simple majority vote of the City Council prior to the HPC conducting business as a duly established commission of the City of Boston, GA. The HPC bylaws may be, from time to time, amended by the City Council upon approval by a simple majority vote. The approved HPC bylaws, and all amendments thereto, shall be delivered to the City Clerk, who is responsible for maintaining a permanent record of these bylaws and all future amendments. The HPC shall have such duties, powers and authority as set forth in the comprehensive HPC ordinance specified in Appendix B.

\*Pursuant to O.C.G.A. § 44-10-21 and § 44-10-24(a), on February 14, 2011 the Mayor and City Council, by majority vote, established intent to enact an ordinance to designate a historic preservation commission.

Amend the Code of Ordinances, City of Boston, GA, Part II, Appendix to add:

**B. Historic Preservation Commission..... 1413**

**Sec. B-1. Purpose and Intent.**

The Mayor and City Council find that the historical, cultural and esthetic heritage of Boston, GA is among its most valued and important assets. Furthermore, the

preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of the people. Therefore, the City Council has elected to enact this ordinance to establish a Historic Preservation Commission whose mission is to provide for the protection, enhancement, perpetuation or use of historic properties and historic districts in accordance with O.C.G.A. § 44-10-21 through 22 and § 44-10-24 through 31. The Boston City Clerk is responsible for registering, maintaining and updating this Appendix B and all other ordinances and appendices, incorporated within the Code of Ordinances of the City of Boston, GA, as directed by the City Council pursuant to Part II, Chapter 2, Article III, Division 3, Sec. 2-199(9) – (10) of said Code of Ordinances.

### **Sec. B-2 Definitions.**

The definitions of key terms used in this Appendix B are as defined in O.C.G.A. § 44-10-22 or as cited in numerous sections contained within Part II of this Code of Ordinances.

### **Sec. B-3 HPC Duties and Powers.**

The duties and powers of the Historic Preservation Commission shall be those listed in O.C.G.A. § 44-10-25.

### **Sec. B-4 HPC Rules for the conduct of business.**

Meetings of the Historic Preservation Commission shall be conducted as follows:

- (1) *Call to order.* All meetings of the HPC shall be open to the public except as provided or allowed by state law. The HPC Chair, designated as provided in the HPC bylaws, shall take the chair at the hour appointed for any regular, adjourned, special or called meeting and shall call the HPC to order. The Chair may designate or delegate his duties as Chair, as appropriate. The Chair shall decide all questions of order.
- (2) *Roll call.* Before proceeding with HPC business, the Chair shall record the names of those HPC members present to conduct business.
- (3) *Quorum.* A simple majority of the HPC voting membership present shall constitute a quorum. A quorum of voting members present is required in order to conduct business.
- (4) *Voting requirements.* Official action of the HPC shall, in all instances, require the affirmative vote of a majority of the voting members present at the meeting during which a vote is taken, unless a larger affirmative vote is required in a particular instance by this Code, by the city Charter or ordinance or by state law.
- (5) *Order of business.* The HPC business shall be taken up for consideration and disposition according to the following order:
  - a. Call to order by the Chair or the Chair's designee or delegate
  - b. Approval of minutes of the previous meeting
  - c. Petitions and communications

- d. Reports from HPC members
  - e. Unfinished business
  - f. New business
  - g. Public testimony, witness or requests (limited to one-half hour total duration)
  - h. Adjournment.
- (6) *Reading of minutes.* Unless reading of the minutes of the previous meeting is requested by an HPC member, such minutes may be approved without a reading if a copy of said minutes has been previously furnished to each member present. Approved minutes shall be delivered to City Clerk, who is responsible for maintaining a permanent record of these minutes.
- (7) *Manner of addressing the HPC.* No HPC member, while the HPC is in session, shall speak on any subject unless recognized by the Chair. Every speaker shall address the Chair, and no member shall interrupt another while speaking, except to call him to order or for explanation.
- (8) *Limitations on addressing the HPC.* Any person, not a member of the HPC, who desires to address the HPC shall first secure permission of the Chair to do so, then announce his/her name and address in an audible tone of voice for the record, and direct his/her remarks to the HPC as a body rather than any particular member, limiting such remarks, observations or questions to ten minutes, unless additional time is granted by the Chair.
- (9) *Recording vote.* Whenever any member shall request it, the yeas and nays of the members present shall be recorded on the minutes on any question taken.

**Sec. B-5 Historic District and Historic Property Designations.**

(a) *National Register and Boston Historic Preservation Designation.* The Boston Historic District was registered in the U.S. Department of the Interior, National Park Service's National Register of Historic Places on 5/1/2007, NRIS: 07000375, Record #: 356358. A smaller segment of this area has been designated as the Boston Historic Preservation District for oversight by the Boston HPC. The HPC and the City Council may, from time to time, expand or reduce the historic district area or designate new or delete existing historic properties or areas, as deemed necessary, in accordance with O.C.G.A. § 44-10-21 through 31. Alteration or modification of a historic district or historic property designation may be submitted to the HPC and the Boston City Council for consideration as follows:

- (1) A Boston resident or property owner may submit a request for the alteration or modification of an existing historic district or historic property directly to the HPC or City Council during their respective, regularly scheduled public meetings.
- (2) All requests must be presented in compliance with the Georgia General Assembly's intent regarding Historic Preservation, pursuant to O.C.G.A. § 44-10-21 through 31, and in accordance with HPC and City Council rules for the

conduct of business as stated in this Code of Ordinances and amendments thereto.

- (b) *Historic District Designation.* The historic district area, roughly rectangular in geometric shape, subject to HPC oversight is designated by the following earth geographic latitude and longitude coordinates as determined from standard Global Positioning System readings: the four points constituting said rectangular geometric shape are: the approximate northeast point begins at the intersection of Rat Row and North Stephens Street, exactly at: 30° 47' 35.460" North Latitude and 83° 47' 17.880" West Longitude; the approximate southeast point begins at the address of 122 Stephens Street, exactly at: 30° 47' 28.560" North Latitude and 83° 47' 18.840" West Longitude; the approximate southwest point begins at the intersection of Sioux Street and South Norton Street, exactly at: 30° 47' 29.940" North Latitude and 83° 47' 29.280" West Longitude; the approximate northwest point begins at the intersection of the railroad tracks and the natural straight extension of Norton Street, exactly at: 30° 47' 36.840" North Latitude and 83° 47' 27.900" West Longitude. The City police department building, located on the corner of Sioux Street and Main Street, is also included in this historic district designation. Pursuant to O.C.G.A. § 44-10-26(a)(1), a drawing, rendered upon the official zoning map of the City of Boston, depicts the historic district as noted above and is maintained as a public record by the Boston City Clerk. This historic district area was chosen because it constitutes the major commercial business activity in Boston, GA; furthermore, this area contains structures, buildings, sites or works of art which are immediately, visibly perceptible to the public upon entering the City, each historic property cited represents one or more periods and architectural styles typical of eras in history greater than 50 years and the structures, buildings, sites or works of art situated thereon have or had facades or exterior architectural features of high esthetic interest and value. The City Council may, from time to time, amend the historic district designation and the designation of historic properties, structures, sites or works of art contained therein, and listed in paragraph (c) below, in accordance with O.C.G.A. § 44-10-26.
- (c) *Historic Property and Owner(s) Listing.* Pursuant to O.C.G.A. § 44-10-26(a)(2), the following properties are designated as historic properties, within the historic district area described in this section, and are subject to HPC oversight and the historic preservation ordinance enforcement specified in this Appendix B Code. Historic properties are listed by their *situs* address, if available, and by the Thomas County Tax Assessors' parcel number and the owner(s) of record as of the date this ordinance has been prepared. The parcel number listed shall take precedent over a *situs* address, should a discrepancy be found in the *situs*. The building, site or work of art situated on said parcel shall be the designated historic property relative to this HPC, Appendix B, ordinance or code. All subsequent legal owner(s) or changes in ownership are incorporated herein by reference:

- (1) Parcel#: BN 004055, the building located near the corner of North Stephens Street and East Jefferson Street. This building is an example of a structure representative of its era and is an example of a past architectural style; built *circa* 1900, the architectural style was Enframed Window Wall with enough of original building remaining to allow for style restoring; Owner: Wayne H. Adams;
- (2) Parcel#: BN 004060; this building is an example of a structure representative of its era and is an example of a past architectural style; built *circa* 1909, the architectural style is One-Part Commercial Block with simple cornices and parapet features covering the roof area; Owner: Robert D. Heide;
- (3) Parcel#: BN 004061, 102 North Main Street; this building is an example of a structure representative of its era and is an example of a past architectural style; built *circa* 1900, the architectural style is One-Part Commercial Block with simple cornices and parapet features covering the roof area; Owner: Craig Bloch;
- (4) Parcel#: BN 004062, 104 North Main Street; this building is an example of a structure representative of its era and is an example of a past architectural style; built *circa* 1900, the architectural style is One-Part Commercial Block with simple cornices and parapet features covering the roof area; Owner: Main Street Georgia, LLC, Robert N. Johnson, Jr.;
- (5) Parcel#: BN 004063, 106 North Main Street; this building is an outstanding example of a structure representative of its era and is an example of a past architectural style and is of esthetic interest which contributes to the historical development of the city; built *circa* 1906, the architectural style is One-Part Commercial Block with simple cornices and parapet features covering the roof area; Owner: Main Street Georgia, LLC, Robert N. Johnson, Jr.;
- (6) Parcel#: BN 004065, 110 North Main Street; this building is an example of a structure representative of its era and is an example of a past architectural style; built *circa* 1900, the architectural style is One-Part Commercial Block with simple cornices and parapet features covering the roof area; Owner: Drewfore Development LLC;
- (7) Parcel#: BN 004066, 112 North Main Street, Boston Community Club; this building is an example of a structure representative of its era and is an example of a past architectural style; built *circa* 1906, the architectural style is One-Part Commercial Block with simple cornices and parapet features covering the roof area; Owner: Boston Community Club;
- (8) Parcel#: BN 004067, 114 North Main Street, this building is an example of a structure representative of its era and is an example of a past architectural style; built *circa* 1900, the architectural style is One-Part Commercial Block with simple cornices and parapet features covering the roof area; Owner: Drewfore Development LLC;
- (9) Parcel#: BN 004068, 118 North Main Street, the Boston Pharmacy, Boston Clinic and upstairs residential rental; this building is an example of a structure representative of its era and is an example of a past architectural style; the building was built *circa* 1900 and represents combined Enframed Window Wall and Two-Part Commercial Block architectural designs, including

detailed cornice adornment and parapet features covering the roof area. Retail space is in the lower floor and apartments in the 2<sup>nd</sup> floor; Owner: Samuel D. Groover;

- (10) Parcel#: BN 004051F, 129 North Main Street, the building which is known as the old train depot; this building is an example of a structure representative of its era and is an example of a past architectural style and represents a part of the economic emphasis to increasing commerce in old Boston; built *circa* 1880; Owner: Samuel D. Groover;
- (11) Parcel#: BN 004051C, 117 North Main Street; this building is an example of a structure representative of its era and is an example of a past architectural style. The building was associated with past railroad commerce which assisted in the growth of the City; built *circa* 1917, the architectural style is One-Part Commercial Block with detailed window cornices and parapet features covering the roof area; Owner: Laverne & Kathryn Smith;
- (12) Parcel#: BN 004071, 115 North Main Street; this building is an example of a structure representative of its era and is an example of a past architectural style. The building was associated with past railroad commerce which assisted in the growth of the City; built *circa* 1906, the architectural style is One-Part Commercial Block with simple cornices and parapet features covering the roof area; Owner: Laverne T. & Kathryn J. Smith;
- (13) Parcel#: BN 004144A & B, 116 Pear Street; this building is an example of a structure representative of its era and is an example of a past architectural style. The building, built *circa* 1937, was associated with past railroad commerce which assisted in the growth of the City; it is of simple corrugated metal warehouse design; Owner: Laverne T. & Kathryn J. Smith;
- (14) Parcel#: BN 004144, 123 Pear Street; this building is an example of a structure representative of its era and is an example of a past architectural style. The building, built *circa* 1926, was associated with past railroad commerce which assisted in the growth of the City; it is of simple corrugated metal warehouse design; Owner: Christopher J. Rehberg;
- (15) Parcel#: BN 004073, 111 North Main Street; this building is an example of a structure representative of its era and is an example of a past architectural style; built *circa* 1906, the architectural style is a combined Enframed Block and Two-Part Commercial Block with parapet features covering the roof area; Owner: Ann S. McCrickard;
- (16) Parcel#: BN 004074, 109 North Main Street; Boston City Hall; this building is an outstanding example of a structure representative of its era and is an example of a past architectural style; built *circa* 1906, the architectural style is Central Block with Wings or Beaux Arts style with parapet features covering the roof area; Owner: City of Boston, GA;
- (17) Parcel#: BN 004075, 107 North Main Street; this building is an example of a structure representative of its era and is an example of a past architectural style; built *circa* 1906, the architectural style is One-Part Commercial Block with simple parapet features covering the roof area; Owner: Robert & Lynn Hutchison;

- (18) Parcel#: BN 004145, 103 North Main Street; this building is an example of a structure representative of its era and is an example of a past architectural style; built *circa* 1906, the architectural style is One-Part Commercial Block with simple parapet features covering the roof area; Owner: William E. Carson Jr. and Cindy Carson;
- (19) Parcel#: BN 004076, 101 North Main Street; this building is an outstanding example of a structure representative of its era and is an example of a past architectural style; built *circa* 1906, the architectural style is One-Part Commercial Block with complex window cornices and parapet features covering the roof area; Owner: Lord Waldo LLC;
- (20) Parcel#: BN 004152, 126 West Jefferson Street; this building is an example of a structure representative of its era and is an example of a past architectural style; built *circa* 1900, the architectural style is One-Part Commercial Block and Enframed Window Wall with parapet features covering the roof area; Owner: Ann S. McCrickard;
- (21) Parcel#: BN 004082, 115 West Jefferson Street; this building is an example of a structure representative of its era and is an example of a past architectural style; built *circa* 1900, the architectural style is One-Part Commercial Block and Enframed Window Wall with parapet features covering the roof area; Owner: Richard & Alexandra Hutchison;
- (22) Parcel#: BN 004084, 109 West Jefferson Street; this building is an example of a structure representative of its era and is an example of a past architectural style; built *circa* 1900, the architectural style is One-Part Commercial Block and Enframed Window Wall with parapet features covering the roof area; Owner: CA & Linda K. Engel;
- (23) Parcel#: BN 004088, the building on the corner of Sioux Street and South Main Street, which constitutes the existing police station; this building is an example of a structure representative of its era and is an example of a past architectural style; built *circa* 1946, the architectural style is Two-Part Commercial Block with complex window cornices and parapet features covering the roof area; Owner: City of Boston, GA;
- (24) Parcel#: BN 004097, 107 South Main Street, this building is an example of a structure representative of its era and is an example of a past architectural style; built *circa* 1916, the architectural style is One-Part Commercial Block and Enframed Window Wall with parapet features covering the roof area; Owner: Heide Communications, Inc.;
- (25) Parcel #: BN 004099, the building on the corner of South Main Street and East Jefferson Street, which is presently a closed service station but was previously a bank; this building is an example of a structure representative of its era and is an example of a past architectural style; built *circa* 1900, the architectural style is One-Part Commercial Block with simple window cornices and parapet features covering the roof area; Owner: Robert Dale Barker.

**Sec. B-6 Certificate of Appropriateness required.**

- (a) Pursuant to O.C.G.A. § 44-10-27 and 28, no material change in the exterior architectural features or appearance, whether visible or not visible to the observer, of a designated historic property or of a structure, site or work of art within the historic district shall be made or be permitted to be made by the owner or occupant thereof unless and until application for a certificate of appropriateness, hereafter referred to as COA, has been submitted to and approved by the HPC. An application fee of \$20.00 shall be collected from the applicant upon filing the completed form with the City Clerk. These application fees shall be held in the City's general fund and used to offset any operational costs incurred by the HPC operation, such as the need to procure office supplies. Such application form is available from the City Clerk, the City Clerk shall assign a sequential application number according to the format of 000-CY, for example, 001-11 for the first application in the year of 2011 and shall be accompanied by such drawings, photographs, plans and other documentation as follows:
- (1) A statement describing the material change to the building's exterior architectural features or appearance, and the reason for the material change, including changes to the roof or items placed thereon. This statement shall be listed on the COA form.
  - (2) A detailed architectural drawing or rendering of the existing (as is) and the proposed (to be) material changes, including a detailed listing of all the types of materials and colors of paint or of the material design itself to be used in the construction or repair of all external surfaces. The drawing or rendering must include a legend indicating the scale of the drawing or rendering (in inches or feet) such that the actual, full scale size and shape of all material changes can be easily understood by the reviewer of this documentation.
  - (3) A written plan describing the existing building, structure or site and the detailed material changes that are proposed.
  - (4) Photographs documenting the areas to be constructed or repaired or photographs and artistic rendering of the "as is" condition and the "to be" condition may also be provided.
- (b) The HPC shall approve the application for a COA and issue a COA if it finds that the proposed material changes in appearance would not have a substantial effect on the esthetic, historical or architectural significance and value of the historic property or the historic district. In making this determination, the HPC shall consider, in addition to any other pertinent factors, the historical and architectural value and significance; architectural style; general design, arrangement, texture and material of the architectural features involved; and the relationship thereof to the exterior architectural style and pertinent features of other structures in the immediate neighborhood.



- (c) The HPC shall approve or reject an application for a COA within 45 days after the official, date stamped receipt of the application by the HPC. However, if any of the required drawings, plans, photographs or other documentation has not been provided or is not complete, the entire application for COA will be returned to the applicant, by letter, and a new application will need to be prepared and filed with the HPC. Any COA, which has been approved by the HPC, must also be approved by the City Council before the HPC issues said COA to the applicant.
- (d) Upon issuance of a COA, the applicant may not make or permit to be made any external material changes, as specified in the application for COA, unless the applicant obtains and strictly adheres to all required building permits, inspections, and zoning compliance requirements in accordance with the Thomas County Chief Building Official's Inspections, Planning and Zoning Department rules and regulations and the Boston, GA Code of Ordinances, Part II, Chapter 6, Article I, Sec. 6-1 through 6.
- (e) In cases where the COA application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of an application for a certificate of appropriateness by the HPC 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.
- (f) The HPC shall keep a record of all applications for a COA, including all of the HPC's proceedings. All records, meeting notes and proceedings regarding the operation of the HPC will be delivered to the City Clerk, who is responsible for maintaining a permanent record of these items.

**Sec. B-7 Electronic Records.**

- (a) Pursuant to O.C.G.A. § 10-12-17, the Boston, GA HPC may create electronic records, within the meaning of O.C.G.A. § 10-12-2 definitions, of all business activities including, but not limited to: recording of public meeting minutes, receipt, approval or disapproval and disposition of COAs and associated, required documentation and archiving for public record or other reasons any of the HPC business activities cited in this section or appendix. The Boston, GA City Clerk is responsible for retaining, maintaining, archiving and verifying electronic signatures and security procedures associated with all HPC electronic records as specified in this section.
- (b) Should the HPC elect to establish electronic records to record all associated business activities, the HPC shall develop electronic record specifications and standards, in accordance with O.C.G.A. § 10-12-18 and O.C.G.A. § 10-12-19. Within the meaning of O.C.G.A. § 10-12-2 definitions and for developing said specifications and standards, the following guidelines are provided:

- (1) A computer program, such as Adobe® Acrobat®, produced by Adobe Systems Incorporated, or other computer program producing a portable document format (PDF) of similarly formatted document shall be employed to create an electronic record. Adobe® Acrobat® 8 Professional, version 8.1.4 or later version or another similar computer program of equivalent date version or later shall be utilized to create electronic records.
- (2) All electronic records shall be delivered to and verified by the City Clerk as to electronic signature and security procedures to ensure the latest, official version of electronic record is documented, including an electronic record time and date stamp and the electronic locking of the documents from any unauthorized changes.
- (3) All electronic records and associated information shall be protected by an automatic backup system employing electronic systems, such as an automatic, online backup service or by employing electronic media to record a copy, at intervals no greater than 48 hours during normal business operating hours, and storing said copy in an off-site, physically secured storage facility.

The enactment of this ordinance amendment shall take effect upon approval by the Boston, GA City Council, in accordance with O.C.G.A. § 44-10-26.