

## Article 3. Board of Historic and Architectural Review.

### Section 9.3.1. Purpose and Creation.

#### A. Purpose.

In support and furtherance of its findings and determination that the historical, cultural and aesthetic heritage of the Columbus Consolidated Government 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; and in order to stimulate revitalization of the business districts and historic neighborhoods and to protect and enhance local historical and aesthetic attractions to tourists and thereby promote and stimulate business; and in order to enhance the opportunities for federal and state tax benefits under relevant provisions of federal or state law; and in order to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same, the Mayor and Council of Columbus, Georgia hereby declares it to be the purpose and intent of this Article to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures and works of art having a special historical, cultural or aesthetic interest or value, in accordance with the provisions of this Article.

#### B. Creation.

There is hereby created "Consolidated Government of Columbus Board of Historic and Architectural Review". The Board shall be considered a part of the planning functions of the Columbus Consolidated Government, and work directly with the Department of Planning.

### Section 9.3.2. Conflict With Other Regulations.

Whenever the regulations of this Article prescribe more restrictive standards than are required in or under any other statute, the requirements of this Article shall govern. Whenever the provisions of any other statute prescribe more restrictive standards than are required by this Article, the provisions of such statute shall govern.

### Section 9.3.3. Jurisdiction.

#### A. Properties and Structures within the Board's Jurisdiction.

##### 1. Properties Included.

The jurisdiction of the Board of Historic and Architectural Review shall include all the following properties:

- (A) properties zoned HIST and or designated as a landmark site (L) in this UDO or on the Official Zoning Map; and
- (B) historic properties and districts designated by the Council.

##### 2. General Duties.

The Board shall oversee those elements of development, redevelopment, rehabilitation, facade easement and preservation that affects visual quality of any designated historic properties.

##### 3. Exemption.

The Board shall not consider interior arrangements of structures.

#### B. Powers and Duties.

The Board of Historic and Architectural Review shall exercise the powers and duties listed below.

##### 1. Designation of Historic Districts and Properties.

Recommend to the Council specific places, districts, sites, buildings, structures or works of art to be designated by ordinance and or resolution as historic properties or historic districts in accordance with Section 9.3.6.

- 2. Certificates of Appropriateness.**  
Review applications for certificate of appropriateness, and grant, grant with conditions or deny same in accordance with the provisions of this Section 9.3.8.
- 3. Sign Permit in a Historic District**  
The UFB shall grant, grant with conditions or deny sign permits in a historic district.
- 4. Revocation of Historic Designation.**  
Recommend to the Council that the designation of any place, district, site, building, structure or work of art as an historic property or as an historic district be revoked or removed.
- 5. Educational Programs.**  
Conduct educational programs on historic properties located within its jurisdiction.
- 6. Investigations.**  
Conduct such investigations and studies of matters relating to historic preservation as the Council may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources.
- 7. Grants and Funds.**  
Seek out state, federal and private funds for historic preservation, and make recommendations to the Council concerning the most appropriate uses of any funds that are received.
- 8. Historic Preservation Activities.**  
Perform historic preservation activities as the official agency of Columbus Consolidated Government's historic preservation program.
- 9. Employment.**  
Recommend to the Columbus Consolidated Government that it employ persons, if necessary, to carry out the programs of the Board.
- 10. Nominations to the National Register.**  
Review and make comments to the state historic preservation office concerning the nomination of properties and structures within its jurisdiction to the National Register of Historic Places.
- 11. Designated Historic Properties Or Districts.**  
Submit to the Historic Preservation Division of the Department of Natural Resources a list of historic properties or historic districts designated by the Columbus Consolidated Government.
- 12. Potential Historic Designations.**  
Prepare and maintain an inventory of all property within the Columbus Consolidated Government jurisdiction having the potential for designation as historic property.

#### Section 9.3.4. Composition, Appointment and Compensation.

- A. Qualifications.**  
The Board shall consist of eleven members appointed by the Council. All members shall be residents of the Columbus Consolidated Government and shall be persons who have demonstrated special interest, experience or education in history, architecture or the preservation of historic resources.
- B. Composition.**  
Composition of the Board shall include the following voting members:
  1. one architect registered in the State of Georgia;
  2. one member of the Columbus Homebuilders Association;
  3. one member of Historic Columbus Foundation;
  4. one member of the Historic District Preservation Society;
  5. one member of the Columbus Board of Realtors;

6. one member of Uptown Business Association;
  7. one member of the Liberty Cultural Center, Inc.;
  8. two residents of historic districts, including, but not limited to, Waverly Terrace, Weracoba, High Uptown, the Historic District and other districts created by the Council; and
  9. two members at-large.
- C. Terms of Office.**  
All member appointments shall be for three years. Current membership and terms of office shall not be affected by the adoption of this UDO.
- D. Number of Terms.**  
An appointed member who has served two consecutive full terms shall not be eligible to for reappointment until the lapse of 12 months from the end of the second full term.
- E. Compensation.**  
Members shall not receive compensation for their services. However, the members may be reimbursed for authorized expenses incurred in the performance of their duties. Authorization of expenses shall be made by the Director of Planning.

#### Section 9.3.5. Organization and Structure.

- A. Officers.**  
The Board shall elect from its membership a Chair, Vice Chair and Secretary who shall serve for terms of one year each and who may be reelected.
- B. Chair.**  
The Chair shall preside over the Board and shall vote only in the event of a tie vote. In the absence of the Chair, the Vice Chair shall perform the duties of the Chair.
- C. Secretary.**  
The Secretary shall be the Director of Planning from the Planning Department.
- D. Quorum and Decisions.**  
A quorum shall consist of six members. All decisions on applications shall be made by a majority vote of the Board members present.
- E. Meetings.**  
Meetings of the Board shall be held on the second Monday of each month or at the call of the Chair.

#### Section 9.3.6. Recommendation for Historic District and Property Designation.

- A. Preliminary Research by the Board.**
1. **Survey of Local Historic Resources.**  
The Board shall compile and collect information and conduct surveys of historic resources within the Columbus Consolidated Government jurisdiction.
  2. **Recommendations.**  
The Board shall present to the Council recommendations designation of historic districts and properties.
- B. Documentation of Proposed Historic Designation.**  
Prior to a recommendation of a designation of a historic district or historic property to the Council, the Board shall prepare a report for nomination consisting of the elements listed below.
1. **Description.**  
A physical description.

2. **Statement of Significance.**  
A statement of the historical, cultural, architectural and aesthetic significance.
  3. **Map.**  
A map showing:
    - (A) district boundaries and classification of individual structures and properties as historic, non-historic, intrusive or similar class; or
    - (B) boundaries of individual historic properties.
  4. **Justification.**  
A statement justifying proposed district or individual property boundaries.
  5. **Photographs.**  
Representative photographs of the district or individual properties or structures.
- C. Designation of a Historic District.**
1. **Criteria for Selection.**  
A historic district is a geographically definable area that contains buildings, structures, sites, objects and landscape features or a combination thereof, possessing one or more of the characteristics listed below.
    - (A) **State or National Register.**  
The proposed district contains structures, properties and similar items that are listed on the Georgia Register or National Register of Historic Places.
    - (B) **Character or Interest.**  
The proposed district contains structures, properties and similar items that have a special character or special historic/aesthetic value or interest.
    - (C) **Architectural Styles.**  
The proposed district contains structures, properties and similar items that represent one or more periods, styles or types of architecture typical of one or more eras in the history of the municipality, county, state or region.
    - (D) **Visual Perception.**  
The proposed district contains structures, properties and similar items that cause such area, by reason of such factors as listed in this Subsection, to constitute a visibly perceptible section of the municipality.
  2. **Boundaries.**  
Boundaries of a proposed historic district shall be included in the separate ordinances designating such districts and shall be shown on the Official Zoning Map.
  3. **Evaluation and Classification of Properties.**  
Individual properties within historic districts shall be classified as one or more of the following:
    - (A) historic, meaning the property contributes to the district;
    - (B) non-historic, meaning the property does not contribute but does not detract from the district; or
    - (C) intrusive, meaning the property detracts from the district.
- D. Designation of a Historic Property.**
1. **Criteria for Selection.**  
A historic property is a building, structure, site or object, including the adjacent area necessary for the proper appreciation or use thereof, deemed worthy of preservation by reason of value to the nation, the Consolidated Government of Columbus, or the State of Georgia, for one of the reasons listed below.

**(A) State or National Register.**

The proposed district contains structures, properties and similar items that are listed on the Georgia Register or National Register of Historic Places.

**(B) Representative Structure.**

It is an outstanding example of a structure representative of its era.

**(C) Remaining Example.**

It is one of the few remaining examples of a past architectural style.

**(D) Significance.**

It is a place or structure associated with an event or persons of historic or cultural significance to the Columbus Consolidated Government, the State of Georgia or the region.

**(E) Contribution.**

It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the Columbus Consolidated Government, the State of Georgia or the region.

**Section 9.3.7. Designation of Historic Districts and Historic Properties.**

**A. Designation by Ordinance.**

Historic districts or historic properties shall be designated by ordinance approved by the Council.

**B. Applications for Designation.**

**1. Historic District.**

An application for designation of a historic district may be submitted by the Council, the Board, historical society, neighborhood association or group of property owners.

**2. Historic Property.**

An application for designation of a historic property may be submitted by the Council, the Board, historical society, neighborhood association or a property owner.

**C. Designating Ordinance.**

An ordinance designating any property or district as historic shall contain the components listed below.

**1. Property Identification.**

List each property in a proposed historic district or describe the proposed individual historic property.

**2. Owner Identification.**

Identify the name of the owner of the designated property or properties.

**3. Certificate of Appropriateness.**

Require that a certificate of appropriateness be obtained from the Board prior to any material change in appearance of the designated property.

**4. Official Zoning Map.**

Require that property or district be shown on the Official Zoning Map as a public record to provide notice of such designation.

**D. Public Hearings and Notice Required.**

Both the Board and the Council shall hold a public hearing for a proposed ordinance for the designation of any historic district or property.

**1. Publishing of Notice.**

Notice of the hearing shall be published in a minimum of three consecutive issues in the principal newspaper of local circulation.

- 2. Written Notice.**

The Board shall mail written notice of the hearing to all owners and occupants of properties to be designated as a historic property or as part of a historic district.
- 3. Time of Notices.**

All notices shall be published or mailed not less than 10 nor more than 20 days prior to the date set for the public hearing.
- E. Recommendation for Designation.**

A recommendation to affirm, modify or withdraw the proposed ordinance for designation shall be made by the Board within 15 days following the public hearing and shall be in the form of a resolution to the Council.
- F. Action by the Council.**

Following receipt of the Board's recommendation, the Council may adopt the ordinance as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.
- G. Notification of Designation.**
  - 1. Owners and Occupants.**

Within 30 days following the adoption of the ordinance for designation by the Council, the owners and occupants of each designated historic property, and the owners and occupants of each structure, site or work of art located within a designated historic district, shall be provided written notice of such designation. The notice shall inform the owner or occupant of the necessity of obtaining a certificate of appropriateness prior to undertaking any material change in the appearance of the designated historic property or within the designated historic district.
  - 2. Other Agencies.**

The Director of Planning shall notify all necessary agencies within the Columbus Consolidated Government jurisdiction of the ordinance for designation.
- H. Notice to State of Georgia.**

A minimum of 30 days prior to making a recommendation on any ordinance designating a property or district as historic, the Board shall submit the report, required in subsection Section 9.3.6. B, to the Historic Preservation Division.
- I. Pending Designation.**

If an ordinance for designation of a historic property or historic district is being considered, the Board shall have the power to freeze the status of the involved property.

#### Section 9.3.8. Certificate of Appropriateness.

Approval by the BHAR of a certificate of appropriateness is required prior to a material change in appearance of a historic property or of a historic district, as provided in this Section.

- A. Certificate Required.**
  - 1. Certificate Required.**

After the designation of a historic property or of a historic district, a material change in appearance shall not be made without a certificate of appropriateness.
  - 2. Applicability.**

The requirement for a certificate of occupancy prior to a material change in appearance shall apply to the following:

    - (A)** the owner or occupant of a historic property of a historic property; or
    - (B)** the owner or occupant of a historic or non-historic building, structure, site or work of art within a historic district
- B. Material Changes in Appearance.**

All material changes in appearance, including installation and removal, are regulated and shall comply with the requirements for a certificate of appropriateness. The following is a list of common, but not all inclusive, installation and removal work items:

1. installation or removal of all decks, patios, driveways and walks;
2. installation or removal of metal awnings or metal canopies;
3. installation of an exterior door or door frame, or the infill of an existing exterior door opening;
4. installation or removal of any exterior wall, including the enclosure of any porch or other outdoor area;
5. installation or relocation of wood, chain link, masonry (garden walls) or wrought iron fencing, or the removal of masonry (garden walls), wood or wrought iron fencing.
6. installation or removal of all fire escapes, exterior stairs or ramps for the handicap;
7. installation or removal of railing or other wood, wrought iron or masonry detailing
8. installation of new roofing materials, or removal of existing roofing materials;
9. installation or removal of security grilles;
10. installation of new exterior siding materials, or removal of existing exterior siding materials;
11. installation or removal of exterior skylights;
12. installation of exterior screen windows or exterior screen doors and storm windows or storm doors; and
13. installation of an exterior window or window frame or window shutters or the infill of an existing exterior window opening.

**C. New Structures.**

A certificate of appropriateness shall be obtained from the Board prior to erecting a new building or parking lot located on a historic property or within a historic district.

**D. Demolition or Relocation.**

**1. Certificate Required.**

A certificate of appropriateness shall be obtained from the Board prior to demolition or relocation of a building, structure or work of art located on a historic property or within a historic district.

**2. Approval or Rejection of Demolition Request.**

For an application for demolition of an historic property or a structure, site or artwork within a historic district is received, the Board shall have a total of 90 days to either approve or reject an application. The 90-day period shall start with the day the application is submitted for demolition to the Department of Inspections and Code Enforcement.

**E. Workmanship.**

A certificate of appropriateness shall be obtained from the Board prior to abrasive cleaning or sandblasting of exterior walls.

**F. Exemption.**

In its review of an application for a certificate of appropriateness, the Board shall not consider an interior arrangement or a use that has no effect on exterior architectural features.

**G. Certificate of Appropriateness Not Required.**

Ordinary maintenance or repair, including paint, of any exterior architectural or environmental feature in or on a historic property, to correct deterioration, decay or damage, or to sustain the existing form, and that does not involve a material change in design, material or outer appearance thereof, does not require a certificate of appropriateness.

### Section 9.3.9. Review of Applications for Certificates of Appropriateness.

#### A. Board Action.

The Board may grant, grant with modifications or deny the certificate of appropriateness as proposed.

#### B. Conditions for Approval.

##### 1. Issuance of a Certificate and Criteria for Consideration.

(A) The Board shall approve an application and issue a certificate of appropriateness if it finds that the proposed material changes in the 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.

(B) In making a determination, the Board shall consider in addition to any other pertinent factors, the following criteria of Section 9.3.6 C and 9.3.6.D.

##### 2. Visual Compatibility.

When a historic property is involved, new construction and existing buildings and structures and appurtenances thereof which are constructed, moved, reconstructed, materially altered, repaired or changed in color shall be visually compatible with buildings, squares and places to which they are visually related. Material changes shall be compatible in terms of the following:

- (A) height;
- (B) proportion of building's facades;
- (C) proportion of openings within the facility;
- (D) rhythm of solids to voids in front facades;
- (E) rhythm of spacing of buildings on streets;
- (F) rhythm of entrance and/or porch projection;
- (G) relationship of materials, texture and color;
- (H) roof shape;
- (I) walls of continuity;
- (J) scale of a building; and
- (K) directional expression of front elevation.

#### C. Reconstruction, Alteration, New Construction or Renovation.

The Board shall grant, grant with conditions or deny certificates of appropriateness for reconstruction, alteration, new construction or renovation if those actions conform in design, scale, building material, setbacks and landscaping as further specified in the ***Design Guidelines for Columbus*** and the ***Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitation Historic Buildings***.

#### D. Relocation.

A decision by the Board granting, granting with conditions or denying a certificate of appropriateness for the relocation of a building, structure or object shall be guided by the standards listed below.

##### 1. Contribution to Present Setting.

The historic character and aesthetic interest the building, structure or object contributes to its present setting.

##### 2. Plans for Vacation of an Area.

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 shall be.

**3. Potential for Significant Damage.**

Whether the building, structure or object may be moved without significant damage to its physical integrity.

**4. Relocation Area.**

Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.

**E. Demolition.**

A decision by the Board granting, granting with conditions or denying a certificate of appropriateness for the demolition of buildings, structures, sites or objects shall be guided by the standards listed below.

**1. Significance.**

The historic, scenic or architectural significance of the building, structure, site or object.

**2. Contribution to District.**

The importance of the building, structure, site or object to the ambiance of a district.

**3. Reproduction.**

The difficulty or the impossibility of reproducing such a building, structure, site or object because of its design, texture, material, detail or unique location.

**4. Status.**

Whether the building, structure, site or object is one of the last remaining examples of its kind in the neighborhood or the county.

**5. Reuse of Property.**

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 surrounding area would be.

**6. Remedial Measures.**

Whether reasonable measures may be taken to save the building, structure, site or object from collapse.

**F. Variations.**

**1. Variations Authorized.**

Due to unusual circumstances, if the strict application of any provision of this Chapter or any standards adopted by the Board would result in exceptional practical difficulty or undue hardship upon the owner of any specific property or structure, the Board may grant a variation from such standards.

**2. Standards for Variations.**

If a variation, modification or interpretation is considered, the Board shall utilize the standards listed below in reaching a decision:

(A) the property or shall remain in harmony with the general purpose and intent of this Section;

(B) the architectural integrity or character of the property or structure shall be conserved; and

(C) substantial justice done.

**3. Stipulations and Conditions.**

In granting a variation, the Board may impose such reasonable and additional stipulations and conditions as shall, in its judgment, best fulfill the purpose of this Section.

**4. Exclusion from Undue Hardship.**

An undue hardship shall not be a situation of the person's own making.

**5. Exemptions.**

**(A) Maintenance and Repair Allowed.**

The requirements of this Section shall not be construed so as to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property or building, provided such activity that does not involve a material change in design, material or outer appearance thereof.

**(B) Permitted Use of Property.**

The requirements of this Section shall not be construed to prevent a property owner from making such use of the property that is not prohibited by this UDO or other applicable statues, ordinances or regulations.

**Section 9.3.10. Review Procedures.**

The procedures listed below shall apply to all applications for a certificate of appropriateness.

**A. Public Notice.**

**1. Public Notice.**

Prior to reviewing an application for a certificate of appropriateness, the Board 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 applicant and such owners an opportunity to be heard.

**2. Public Hearing.**

In cases where the Board deems it necessary, it may hold a public hearing concerning the application.

**B. Action on Applications.**

**1. Period for Decisions.**

The Board shall approve or reject an application for a certificate of appropriateness within 45 days after the application is submitted.

**2. Failure to Act.**

Failure of the Board to act within the 45-day period shall constitute approval, and no other evidence of approval shall be needed.

**3. Proper Documentation Required.**

The 45-day time period shall not begin until the proper documentation has been submitted to the Board and the Secretary of the Board has signed the application. Proper documentation shall include but is not limited to the following:

**(A)** drawings;

**(B)** plans;

**(C)** pictures of the proposed alterations and materials as specified in the application; and

**(D)** for new construction only, a building elevation of the adjoining properties with a minimum of 100 feet in distance.

**C. Evidence of Approval.**

A certificate of appropriateness issued by the Board shall demonstrate evidence of approval.

**D. Monitoring.**

Two members of the Board shall be assigned by the Chair to monitor the progress of each project when the Board approves an application.

### Section 9.3.11. Posting of Certificates.

Certificates of appropriateness granted by the Board shall be posted in a conspicuous place on the project site until all project work has been completed and approved by the Director of Inspections and Codes Enforcement.

### Section 9.3.12. Rejection or Denial of an Application for Certificate of Appropriateness.

#### A. Rejection or Denial.

In the event the Board rejects an application, it shall state its reasons for doing so, and shall transmit a written record of such actions and reasons to the applicant.

##### 1. Modifications to Application.

The Board may suggest modifications or alternative courses of action upon denial of an application.

##### 2. Resubmission of Application.

The applicant may make modifications to the plans and may resubmit the application at any time.

#### B. Building Permits not to be Issued.

If an application for a certificate of appropriateness is rejected and includes a material change in the appearance of a structure that would require the issuance of a building permit, the building permit shall not be issued.

### Section 9.3.13. Signage.

#### A. Intent.

The intent of this Section is to ensure the appearance, size, position, method of attachment, texture of materials, color and design of such signs is in keeping with the collective characteristics of the structure located within the appropriate historic district or landmark properties.

#### B. Signage Restricted.

Signs within a historic zoning district shall be allowed subject to the requirements of Chapter 4 and subject to the additional requirements of this Section. If a conflict occurs between the standards of Chapter 4 and this Article, the more restrictive standard shall prevail.

#### C. Prohibited Signs.

The signs listed below are prohibited within a historic zoning district.

##### 1. Sign Extensions.

Signs shall not extend above the top of the nearest facade, eaves or firewall of a building or structure.

##### 2. Moving Signs.

Signs that flash, blink, revolve or are put in motion by the atmosphere or wind are prohibited.

##### 3. Backlit Signs.

Backlit signs are prohibited.

##### 4. Portable Signs and Banners.

###### (A) Prohibited.

Portable signs and banners are prohibited.

###### (B) Exemption.

Portable signs and banners may be displayed in association with a special event. The signs or banners shall not be displayed for more than 10 days prior to the event and shall be removed immediately following the event.

- 5. Other Prohibited Elements.**  
Visible bulbs, neon tubing, luminous paints or plastics shall not be permitted as a part of any sign.
  - 6. Prohibited Locations.**  
Signs shall not be attached directly to a building so that they obscure, cover or disfigure architectural features or details. Signs shall not obscure the view to or from a historic site or building.
- D. Permitted Signs.**  
The signs listed below are permitted within a historic zoning district.
- 1. Freestanding Signs.**  
Freestanding signs shall be limited to one sign for each street frontage per premises and shall not be over five feet in height.
  - 2. Historic Residential Uses.**  
An additional freestanding sign associated with a historic residential use may be installed, provided the maximum sign area shall be two square feet.
  - 3. Historic Commercial Uses.**  
Signs associated with a historic commercial use, provide the maximum sign area shall be 12 square feet.
  - 4. Paper Signs.**  
Paper signs attached to windows are discouraged and under no circumstances are to be allowed for a period greater than 15 days. Paper signs shall be displayed not more than three times per year in the same property.
  - 5. Permitted Locations.**  
Signs shall be integrated architecturally with the building, or on an awning in accordance with the requirements of Chapter 4.
- E. General Provisions.**
- 1. Illumination.**  
Buildings and signs within the historic zone may be illuminated by remote light sources, provided that these light sources are shielded to protect adjacent properties.
  - 2. Real Estate Signs.**  
Additional freestanding signs that are allowed in Chapter 4 while a property is available for sale or lease shall be removed not more than 10 days after the closing of a sale or execution of a lease for a house, property or lot.
  - 3. Compatibility.**  
New signs shall be compatible with the principal and accessory structures on a site and with surrounding buildings and sites. For the purposes of this Section, compatibility includes size, shape, design, materials and overall appearance, method of attachment, erection and location.

#### Section 9.3.14. Certificate of Appropriateness to be Voided.

The life or validity of a certificate shall run concurrently with a building permit issued for the project. The certificate shall become void unless construction is commenced within six months following the date of issuance. Should a building permit not be issued, the certificate of appropriateness shall become void within six months of date of issuance.

#### Section 9.3.15. Appeal Process.

Any person adversely affected by any determination made by the Board of Historic and Architectural Review relative to the issuance or denial of a certificate of appropriateness may appeal such determination to the Board of Zoning Appeals.

**A. Filing of Appeal.**

Any appeal to a decision by the Board of Historic and Architectural Review shall be filed with the Board of Zoning Appeals within 15 days after a determination made in accordance with this Article. If the Board of Historic and Architectural Review fails to act on an application, an appeal from such determination shall be made within 15 days following expiration of the 45-day period allowed the Board to make a decision.

**B. Action by the Board of Zoning Appeals.**

The Board of Zoning Appeals may approve, modify or reject the determination made by the Board of Historic and Architectural Review. The action by the Board of Zoning Appeals shall be made only if a majority of the members find that the Board of Historic and Architectural Review abused its discretion in reaching a decision. Decisions of the Board of Zoning Appeals may be reviewed in the Superior Court as provided by law and this UDO.

**Section 9.3.16. Maintenance of Historic Property.**

**A. Failure to Maintain or Repair.**

Property owners of historic properties or properties within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The Board shall be charged with the responsibilities listed below regarding demolition by neglect.

**1. Monitoring.**

The Board, along with the Director of Planning and Director of Inspections and Code, shall monitor the condition of historic properties and existing buildings in historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and openings which allow the elements and vermin to enter, and the deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.

**2. Determination of Failure to Maintain or Repair.**

If Board determines a failure to provide ordinary maintenance or repair, it shall request the Director of Inspections and Code Enforcement to notify the owner of the property and set forth the steps needed to remedy code violations or failure to provide ordinary maintenance and repair. The owner of such property shall have 90 days to remedy all instances of deterioration or neglect that have been identified by the Director.

**3. Enforcement.**

Enforcement of any failure to maintain and repair a historic structure shall occur as provided in Chapter 12 of this UDO.