

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE BY CREATING SECTION 13.7.16 REGARDING HOW TO AMEND THE BOUNDARIES OF THE HISTORIC OVERLAY DISTRICT

WHEREAS, the City of Roswell is a Georgia municipal corporation; and

WHEREAS, the Mayor and Council are the governing authority of the city; and

WHEREAS, the Mayor and Council have determined that it benefits the health, safety and/or welfare of the citizens of Roswell to amend the Unified Development Code (UDC); and

WHEREAS, The City finds that the regulations contained in this Unified Development Code (UDC) are necessary for the purposes of implementing its 2030 Comprehensive Plan adopted pursuant to the requirements of the Georgia Planning Act of 1989; and

WHEREAS, this Unified Development Code (UDC) have been prepared and considered in accordance with the zoning procedures law, O.C.G.A. 36-66;

NOW, THEREFORE, the Mayor and Council of the City of Roswell, Georgia, pursuant to their authority, do hereby amend the Unified Development Code (UDC), which is incorporated by reference.

1.

The Mayor and Council hereby amend the Unified Development Code by adding a new section to read as follows:

Section 13.7.16 – This section shall govern any amendments to the Historic Overlay District. The boundary of the Historic Overlay District shall not be amended, except in conformance with the provisions of this section and O.C.G.A. Section 44-10-26 as applicable. No ordinance amending the Historic Overlay District shall be adopted until the following procedural steps have been taken.

- 1) The Historic Preservation Commission shall make or cause to be made an investigation and shall report on the historic, cultural, architectural or esthetic significance of each place, district, site, building, structure or work of art proposed for the inclusion in or exclusion from the Historic Overlay District. That report shall be submitted to the Office or Division of Historic Preservation of the Georgia Department of Natural Resources or its successor which will be allowed thirty (30) days to prepare written comments concerning the report.

- 2) The Historic Preservation Commission and the Roswell Mayor and Council shall hold a public hearing on the proposed amendment to the Historic Overlay District. Notice of the hearing shall be published at least three (3) times in the principal newspaper of general circulation within the city, and written notice of the hearing shall be mailed to all owners and occupants of such properties. All the notices shall be published or mailed not less than fifteen (15) and no more than twenty (20) days prior to the date set for the public hearing.
- 3) Following the public hearing held by the Roswell Mayor and Council, the Council may adopt the amendment as prepared, adopt the amendment with changes it deems necessary, or reject the proposed amendment.
- 4) Within thirty (30) days immediately following the adoption of the amendment to the Historic Overlay District, the owners and occupants of each property and the owners and occupants of each structure, site, or work of art located within the area added to the Historic Overlay District shall be given written notification of such inclusion in the Historic Overlay District which notice shall apprise said owners and occupants of the necessity of obtaining a certificate of appropriateness prior to undertaking any material changes in appearance of the historic property included within the Historic Overlay District.

2.

Severability. Should any court of competent jurisdiction declare any section or part of this Ordinance invalid or unconstitutional, 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.

3.

Repeal of Conflicting Provisions. All ordinances, parts of ordinances, or regulations in conflict herewith are repealed.

This Ordinance shall take effect and be in force upon adoption, the public welfare demanding it.

The above Ordinance was read and approved by the Mayor and Council of the City of Roswell, Georgia, on the _____ day of _____ 2018.

Lori Henry, Mayor

Attest:

Marlee Press, City Clerk
(Seal)