

AN ORDINANCE TO AMEND THE UNIFIED DEVELOPMENT CODE BY CREATING SECTION 13.7.16 REGARDING THE PROCESS FOR THE EXPANSION OF THE HISTORIC BOUNDARIES AND DESIGNATION OF A NEW HISTORIC 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 & Council hereby amend the Unified Development Code by adding a new section to read as follows:

Section 13.7.16 – How is an amendment to the Historic Overlay District Established?

- A) Expansion of the Historic Overlay District or Designation of a new Historic District not contiguous to the existing district.
1. The property or properties to be reviewed for inclusion into the Historic Overlay District or designation of a new Historic District shall meet two or more of the following criteria:
 - i. It is an outstanding example of a building, structure, site or object representative of its era;
 - ii. It is one of the few remaining examples of past architectural style;
 - iii. It is a place or structure associated with an event or persons of historic or cultural significance to the City of Roswell, State or Georgia, or the region; or

- iv. It is the site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of the municipality, county, state or region.

2) Boundaries of a Local Historic Landmark. Boundaries of a local historic landmark shall be included in the nomination and follow parcel lines based on the Official UDC Zoning Map of the City of Roswell.

B) Applications for the Expansion of the Historic District boundary or Designation of a new Historic District. Amendments may be proposed by the Roswell Mayor and Council, the Historic Preservation Commission, or;

- a) a historical society, neighborhood association, or property owner may apply to the Commission for expansion.

C) Requirements of an application for expansion or designation of a new district.

- a) Description of the proposed property or properties;
- b) List the name(s) of the owner(s) of the property or properties;
- c) Require that a Certificate of Appropriateness be obtained from the Historic Preservation Commission prior to any material change in the exterior appearance of the properties.
- d) Reason for request to expand the boundaries of the Historic Overlay District.
- e) Reason for request to create a new historic district that is not contiguous to the existing Historic District.

D) Procedural process for Application for Expansion of the Historic Overlay District Boundary and process for Designating a new Historic District.

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 expansion of the boundary. The Historic Preservation Commission shall make their recommendation at a public hearing. 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 the property requested for designation. All such notices shall be published or mailed not less than ten (10) nor more than twenty (20) days prior to the date set for the public hearing. A notice sent via the United States mail to the last-known owner of the property shown on the City tax digest and a notice sent via attention of the occupant shall constitute legal notification to the owner and occupant under this ordinance.

E) Notification to the Historic Preservation Division.

The report requesting the expansion of the Historic Overlay District 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.

F) Recommendations on Proposed Designation.

The Historic Preservation Commission shall make a recommendation on the proposed request for expansion or designation of a new district within fifteen (15) days following the public hearing to either affirm, modify or withdraw the proposed application for designation.

G) Council action on the Historic Preservation Commission's Recommendation.

Following the recommendation by the Historic Preservation Commission, the Roswell Mayor and Council, may adopt the amendment as prepared, adopt the amendment with changes it deems necessary, or reject the proposed amendment for designation.

If approved by the Mayor and Council for inclusion into the Historic Overlay District, then the property must also be rezoned so the property receives a Downtown Historic District zoning classification.

The zoning for an entire new Historic District designation if not contiguous to the existing district shall remain as zoned with the Historic Overlay placed on the properties.

H) Notification of adoption of the Designation.

Within thirty (30) days immediately following the adoption of the amendment of the landmark designation, the owners and occupants of each property and the owners and occupants of each structure, site, or work of art located within the new historic landmark shall be given written notification of such designation and 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 landmark.

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 _____ 2019.

Lori Henry, Mayor

Attest:

Marlee Press, City Clerk

(Seal)