



HISTORIC PRESERVATION COMMISSION MEETING MAY 11, 2017

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
3:00 PM

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. APPROVAL OF MEETING MINUTES**
 - a. February 9, 2017 Meeting Minutes**
- IV. ITEMS FROM STAFF**
 - a. Discussion of Ordinance #738 approved May 1, 2017.**
 - b. Discussion of Creation of Forms**
- V. ITEMS FROM BOARD MEMBERS**
- VI. PUBLIC HEARING**
- VII. ADJOURNMENT**



HISTORIC PRESERVATION COMMISSION MEETING FEBRUARY 9, 2017

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
3:00 PM

*This summary is provided as a convenience and service to the public, media and staff. It is not the intent to record proceedings verbatim. Any reproduction of this summary must include this notice. Public comments are noted as heard by The Historic Preservation Commission, but not quoted or paraphrased. This document includes limited presentation by The Planning Commission and invited speakers in **summary** form. **This is not an official record** of the Alpharetta Historic Preservation Commission Meeting proceedings. Official Minutes are recorded and available for review.*

I. CALL TO ORDER

a. Election of 2017 Officers

- ❖ Commissioner Hollingsworth offered a motion to maintain the Officers from last year and to carry over to this year
 - The motion received a second from Commission Member Lee
 - The motion passed by vote (5-0)

II. ROLL CALL

- Historic Preservation Board Members Present
 - Bonnie Steadman, Chairman
 - Sue Rainwater, Vice-Chairman
 - Ben Hollingsworth
 - Mary Lee
 - Joy Ross
 - Connie Mashburn
- Staff Present
 - Scott Hasteley, City Attorney
 - Michael Woodman, Senior Planner
 - Elle Taylor, Boards Assistant

III. APPROVAL OF MEETING MINUTES

a. August

2016

- ❖ Vice Chairman Rainwater offered a motion to accept as submitted
 - The motion received a second from Commissioner Mashburn
 - The motion passed by vote (6-0)

b. July 21,

2016

- ❖ Commissioner Hollingsworth offered a motion to accept as submitted
 - The motion received a second from Commissioner Ross
 - The motion passed by vote (6-0)

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

a. Discussion on City Attorney recommended Revisions to HPC Proposed Changes to Text Amendments to Historic Preservation Incentive Zoning Ordinance

Scott Haste, City Attorney presented his recommendations for Section 2.9.4 of the Historic Preservation Ordinance to present for Council Approval. There was discussion from the Board.

Mr. Haste also clarified that the Historic Preservation Commission is required to submit a report to the Historic Preservation Division of the Department of Natural Resources no less than thirty (30) days prior to making a recommendation on any ordinance designating a property as historic. There was discussion that the state statute does not require approval from Historic Preservation Division of the Department of Natural Resources, only notification.

b. Powers of HPC

Scott Haste, City Attorney discussed the powers of the Historic Preservation Commission as written in the Ordinance.

VI. ADJOURNMENT

Chairman Steadman adjourned the meeting at 4:04 p.m.

AN ORDINANCE TO AMEND ARTICLE II AND APPENDIX A (ALPHARETTA DOWNTOWN CODE) OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO MODIFY THE CRITERIA FOR DESIGNATION OF A HISTORIC PROPERTY SET FORTH IN SUBSECTION 2.9.4(B) OF THE UDC; TO REMOVE CERTAIN BUILDINGS FROM AND ADD CERTAIN BUILDINGS TO THE CITY'S "HISTORIC RESOURCES INVENTORY - CONTRIBUTING HISTORIC BUILDINGS" LISTING (APPENDIX A OF ARTICLE II OF THE UDC); TO MODIFY THE TABLE SET FORTH IN SECTION 3.2.4(I)(2) OF THE ALPHARETTA DOWNTOWN CODE BY DELETING OR ADDING CERTAIN BUILDINGS; AND FOR OTHER PURPOSES.

WHEREAS, the Mayor and Council of the City of Alpharetta (the "City Council" or "Council") are charged with the protection of the public health, safety, and welfare of the citizens of the City of Alpharetta; and

WHEREAS, the Unified Development Code of the City of Alpharetta, Georgia (the "Unified Development Code" or "UDC") was designed to be amended from time to time to provide for the continual improvement of the regulations governing the uses and development of land within the City, such as when circumstances warrant that modifications be made in order to make the Unified Development Code more responsive to community needs or when modifications are otherwise necessary to better protect and promote the public health, safety and welfare of the residents and businesses of the City; and

WHEREAS, the City Council desires to modify regulations governing the designation of historic properties within the City to better implement the goals of protecting historic buildings and the historic character of the City; and

WHEREAS, in order to better promote and preserve the aesthetic and historic nature of the City, the City Council desires to remove certain properties from, and add certain properties to, the City of Alpharetta Historic Resources Inventory – Contributing Historic Buildings listing; and

WHEREAS, in order to accomplish the foregoing and for other purposes related to the public health, safety, and welfare, the City Council desires to amend Article II and Appendix A (the Alpharetta Downtown Code) of the Unified Development Code; and

WHEREAS, a public hearing has been properly advertised and conducted pursuant to the requirements of the Georgia Zoning Procedures Law; and

WHEREAS, the City Council finds that principal buildings located on the properties listed in Exhibit B, which is attached hereto as if fully set forth herein, (1) contribute to the City's historic, cultural, aesthetic, architectural, or other heritage and (2) are at least seventy-five (75) years old, and that the principal buildings located on the properties listed in Exhibit A, which is attached hereto as if fully set forth herein, no longer meet such criteria; and

WHEREAS, the City Council finds that the amendment to the Unified Development Code provided hereby promotes the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Alpharetta.

NOW THEREFORE, The Council of the City of Alpharetta hereby ordains, as follows:

Section 1: Section 2.9.2 (Definitions) of Article II of the Unified Development Code is hereby amended to correct a scrivener's error by deleting "2.9.6" in the definition for "Designation" and inserting in lieu thereof "2.9.4".

Section 2: Paragraph B of Subsection 2.9.4 of Article II of the Unified Development Code is hereby amended by deleting same and inserting in lieu thereof a new Paragraph B to read as follows:

"B. Criteria for Designation of a Historic Property. In order to be designated a historic property, the property must be an individual building that meets the following criteria:

1. Is of historic, cultural, aesthetic or architectural significance to the City, the region, the State, or the nation; and
2. Possesses historic integrity (in terms of its location, design, setting, materials, workmanship, feeling, and association) for all periods related to the significance of the property; and
3. Is deemed worthy of preservation (and the benefits available due to such status) by reason of value to the City, the region, the State, or the nation for one or more of the following reasons:
 - a. It is an outstanding example of a building representative of its era and over 75 years old;
 - b. It is one of the few remaining examples of a past architectural style or type and over 75 years old; or
 - c. It is a place associated with an event or person(s) of historic or cultural significance to the City, the region, the State, or the nation and over 75 years old."

Section 3: The City of Alpharetta Historic Resources Inventory – Contributing Historic Buildings listing, which is appended to Article II of the Unified Development Code as Appendix A, is hereby amended by: (1) removing therefrom the properties set forth in **Exhibit A**, which is attached hereto as if fully set forth herein; and (2) adding thereto the properties set forth in **Exhibit B**, which is attached hereto as if fully set forth herein.

Section 4: Table 3.2.4(I)(2) of Appendix A of the Unified Development Code is hereby amended by: (1) deleting therefrom the properties set forth in **Exhibit C**, which is attached hereto as if fully set forth herein; and (2) adding thereto the properties set forth in **Exhibit D**, which is attached hereto as if fully set forth herein.

Section 5: If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

Section 6: This Ordinance shall be effective immediately upon its adoption by the City Council and incorporated into The Unified Development Code of the City of Alpharetta, Georgia. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

SO ORDAINED this the 1st day of May, 2017.



Attest:

Coty Thigpen
Coty Thigpen, City Clerk
(Seal)

Approved as to Form:

C. Sam Thomas
C. Sam Thomas, City Attorney

Approved:

David Belle Isle
David Belle Isle, Mayor

COUNCILMEMBERS

David Belle Isle

David Belle Isle

David Belle Isle

David Belle Isle

David Belle Isle

David Belle Isle

EXHIBIT A

REMOVED PROPERTIES

The following properties are removed from the **City of Alpharetta Historic Resources Inventory – Contributing Historic Buildings** listing (See **Appendix A of Article II** of the Unified Development Code):

242 Milton Avenue

32 Old Canton Street

38 Old Canton Street

1720 Old Milton Pkwy

1225 Rucker Rd.

EXHIBIT B

ADDED PROPERTIES

The following properties are added to the **City of Alpharetta Historic Resources Inventory – Contributing Historic Buildings** listing (See **Appendix A of Article II** of the Unified Development Code):

133 Cumming Street

1825 Mayfield Rd.

1405 Mid-Broadwell Rd.

20 Milton Avenue

11 Old Canton Street

760 Old Rucker Rd.

29 South Main Street

50 South Main Street

EXHIBIT C

PROPERTIES DELETED FROM TABLE 3.2.4(I)(2) OF APPENDIX A OF THE UDC

The following properties are deleted from **Table 3.2.4(I)(2) of Appendix A** of the Unified Development Code:

“242 Milton Avenue”

“1720 Old Milton Pkwy”

EXHIBIT D

PROPERTIES ADDED TO TABLE 3.2.4(I)(2) OF APPENDIX A OF THE UDC

The following properties are added to **Table 3.2.4(I)(2) of Appendix A** of the Unified Development Code in their appropriate alphabetical order:

“133 Cumming Street”

“1825 Mayfield Rd.”

“20 Milton Avenue”

“11 Old Canton Street”

“29 South Main Street”

Proposed Additions to Appendix A Alpharetta Downtown Code

A site's Open space requirements shall be considered completely satisfied when a development incorporates a historic building that complies with all of the following:

1. The building is at least 75 years old and is listed on the following table:

Original Building Address		
94 Academy Street	30 Milton Avenue	48 Old Roswell Street
375 Brady Place	35 Milton Avenue	37 Roswell Street
133 Canton Street	90 Milton Avenue	54 Roswell Street
193 Canton Street	242 Milton Avenue	61 Roswell Street
212 Canton Street	333 Milton Avenue	88 Roswell Street
36 Church Street	20 North Main Street	103 Roswell Street
37 Church Street	31 North Main Street	119 Roswell Street
10 Cumming Street	38 North Main Street	164 Roswell Street
18 Cumming Street	69 North Main Street	3 South Main Street
40 Cumming Street	101 North Main Street	9 South Main Street
112 Cumming Street	116 North Main Street	21 South Main Street
130 Cumming Street	126 North Main Street	23 South Main Street
122 Marietta Street	134 North Main Street	50 South Main Street
171 Marietta Street	1720 Old Milton Pkwy	531 South Main Street
24 Milton Avenue	1815 Old Milton Pkwy	86 School Drive
25 Milton Avenue	1835 Old Milton Pkwy	133 Cumming Street
11 Old Canton Street	20 Milton Ave	29 South Main Street

Proposed Additions to Appendix A Alpharetta Downtown Code

3. The building is deemed fit for human habitation in accordance with Article III of Chapter 5 of The Code of the City of Alpharetta, Georgia; and
 4. A binding legal agreement that established a program for guaranteeing maintenance of said building through a condominium association, a homeowner association, bonding, or other protective maintenance guarantees is signed by all property owners and/or their prospective successors in title and is submitted to the City of Alpharetta.
- J. When a historic building used to satisfy open space requirements in accordance with Section 3.2.4.I. is subsequently completely destroyed, the applicable open space requirements of the zoning district must be satisfied within one year unless a variance is granted by the Board of Appeals.

SECTION 2.9 - HISTORIC PRESERVATION INCENTIVE ZONING

2.9.1. Purpose.

In support and furtherance of its findings and determination that the historical, cultural, and aesthetic heritage of the City of Alpharetta, Georgia 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 encourage property owners to maintain historic buildings and structures and to protect and enhance local historical and aesthetic attractions to residents and tourists and thereby promote and stimulate business; and

In order to encourage property owners to provide for the conservation, preservation, restoration, rehabilitation, and permanent protection of historic buildings and their adjacent lands;

The Mayor and Council of the City of Alpharetta, Georgia ("City Council") hereby declares it to be the purpose and intent of this Section, which shall also be known as the "Historic Preservation Incentive Zoning Ordinance," to establish incentive zoning regulations that are applicable to properties containing significant historic resources in order to encourage and promote the protection, enhancement, perpetuation, and use of buildings and properties having special historical, cultural, archeological, or aesthetic interest or value. The incentives and regulations set forth in this Section have been created in support of the policies of revitalization and preservation of historic buildings and the historic character of the community provided in the Comprehensive Plan and the Downtown Master Plan. The provisions of this Section are further intended to promote the Downtown Master Plan's goal of encouraging the development and redevelopment of properties in Downtown Alpharetta while also preserving historic buildings and maintaining the historic character of Downtown Alpharetta. To promote these objectives, these zoning incentive regulations have been specifically developed for properties that have been designated "historic" in accordance with the procedures for designation established herein.

(Ord. No. 712, § 1(Exh. A), 9-8-2015)

2.9.2 Definitions.

The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Application for Designation means a formal written request in a form specified by the Community Development Department that the Historic Preservation Commission and City Council consider a property for possible designation as a historic property.

Building means a structure created to shelter any form of human activity, such as a house, barn, church, courthouse, hotel, or similar structure.

Designation (of a historic property) means a decision by the City Council to officially identify and designate a property as a "historic property" in accordance with the procedures set forth in Subsection 2.9.6, and thereby establish the applicability of zoning incentives and other benefits set forth herein for historic preservation and prohibit all material changes in appearance of such property prior to the issuance of a certificate of appropriateness by the Historic Preservation Commission. Such designation is further intended to serve as the local designation of a historic property in order to govern the applicability of other City ordinances, codes, and regulations containing provisions that reference or apply to "historic" buildings, structures or properties when the subject provision does not otherwise expressly limit same to buildings, structures or properties listed on the National or State Register of Historic Places.

Exterior Architectural Features means the architectural style, general design, and general arrangement of the exterior of a building, structure, or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs, and other appurtenant architectural fixtures, features, details, or elements relative to the foregoing.

Exterior Environmental Features means all aspects of the landscape or the development or appearance of a site which affect the historic character of the property.

Historic Property means a building and the adjacent area of land necessary for the proper appreciation thereof, including structures or objects of historical value located thereon and adjacent historical sites, designated by the City Council as a historic property pursuant to the criteria established in Paragraph B of Subsection 2.9.4.

Material Change in Appearance means a change that will affect the exterior architectural or environmental features of a historic property, such as:

- (1) A reconstruction or alteration of the size, shape, or facade of a historic property, including but not limited to, relocation of any doors or windows or removal or alteration of any architectural features, details, or elements;
- (2) Demolition or relocation of a historic building, or any structure or object of historical value located on the historic property;
- (3) Commencement of excavation for construction purposes;
- (4) A change in the location of advertising visible from the public right-of-way; or
- (5) The erection, alteration, restoration, or removal of any building or structure located on a historic property, including but not limited to walls, fences, steps and pavements, or other appurtenant features, except exterior paint alterations utilizing colors from the "Historic" or "Williamsburg" color palettes by Benjamin Moore (or equivalent colors of another manufacturer matching the foregoing color palettes) as further described in Section 16-44 of the Code of the City of Alpharetta, Georgia.

Object means a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Site, Historical or Site means the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined or vanished where the location itself maintains historical, or archeological value regardless of the value of any existing structure.

Substantial Alteration means any singular material change in appearance or the cumulative effect of a series of material changes in the appearance of a contributing historic building or a designated historic property (1) that does not comply with the standards set forth in Paragraph G of Subsection 2.9.7, including the U.S. Secretary of the Interior's Standards and Guidelines, and (2) for which the cost to cure or remedy such violation(s) (through the performance of preservation, restoration or rehabilitation measures complying with the foregoing standards) and restore the property to the condition existing at the time of designation (or at the time of completion of any subsequent alterations pursuant to a certificate of appropriateness) exceeds fifty [percent] (50%) of the current value of the property.

(Ord. No. 712, § 1(Exh. A), 9-8-2015)

2.9.3 Historic Preservation Commission.

- A. Creation of the Historic Preservation Commission. There is hereby created a City commission whose title shall be the "Alpharetta Historic Preservation Commission" (hereinafter, the "HPC").
- B. HPC members: Number, Appointment, Terms, and Compensation. The HPC shall consist of seven (7) members. The mayor and each council member shall each appoint one (1) member to the commission, to serve concurrently with and at the pleasure of the mayor or council member making the appointment. There shall be no limit on the number of terms a member may serve on the HPC. HPC members must be residents of the City. At least four (4) members of the HPC shall have demonstrated special interest, experience, or education in history, architecture or historic preservation. HPC members shall not receive a salary, although they may be reimbursed for expenses with the prior approval of the city administrator.

C. Statement of the HPC's Power. Without limiting authority provided elsewhere in this, or any other, ordinance, the HPC shall be authorized to:

1. Prepare, update and maintain an inventory of all properties and buildings within the City having the potential for designation as a historic property and recommend historic buildings for listing in the City's Historic Resources Inventory — Contributing Historic Buildings;
2. Recommend to the City Council specific buildings (and adjacent land) to be designated by ordinance as a historic property;
3. Recommend to the City Council that any designation of a historic property be removed;
4. Conduct public hearings on all applications for designation of a historic property;
5. Review applications for certain benefits available to historic properties, as may be delegated to the HPC by the City Council, and make recommendations or otherwise provide its approval (with or without modifications) or denial of same, as applicable;
6. Review historic preservation plans and make recommendations or otherwise provide its approval (with or without modifications) or denial of same, as applicable, in accordance with the provisions of this Section;
7. Recommend design guidelines for historic properties, not inconsistent with this Section, for adoption by the City Council;
8. Subject to funding availability and with the prior approval of the City Council, undertake the restoration or preservation of any historic properties acquired by the City;
9. Promote any and all programs related to historic properties established by the City, including the acquisition by the City of facade easements and conservation easements, as appropriate, in accordance with the provisions of the Georgia Uniform Conservation Easement Act (O.C.G.A. §§ 44-10-1 through 44-10-8);
10. Conduct educational programs on historic properties located within the City;
11. Make such investigations and studies of matters relating to historic preservation, including consultation with historic conservation or preservation experts, as the City Council may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
12. Upon request of the City Council, recommend to the City Council other possible historic preservation incentive programs for their review;
13. Retain persons with professional expertise to carry out specific tasks, if necessary, subject to approval by the City Council;
14. Work with designated members of City staff, who will serve as liaisons between HPC and the City Council; and
15. Review and perform such other duties and functions as expressly delegated to the HPC by the City Council.

D. Proceedings of the HPC.

1. The HPC shall conduct a public hearing prior to making a recommendation on any application for designation of a historic property, the removal of designation of a property as historic, and any application for a certificate of appropriateness, including any such applications initiated by the HPC.
2. The HPC shall elect a Chairperson and a Vice Chairperson from its members who shall serve for one year or until reelected or until their successors are elected. Public hearings of the HPC shall be held in accordance with a schedule established by the Director. Other meetings of the HPC shall be held at the call of the chairperson and at such other times as the HPC may determine. All meetings of the HPC shall be open to the public and comply with the Georgia Open Meetings Act and the Zoning Procedures Law, when applicable.

3. A majority of the voting members of the HPC shall constitute a quorum. The vote of a majority of the HPC members present and voting at a meeting at which a quorum is present shall be necessary to affirm any decision or recommendation. The HPC may establish bylaws, not inconsistent with this Section, the City Charter, or other ordinance of the City. Any bylaws of the HPC shall be ratified by the City Council before becoming effective.
4. The Director, or his/her designee, shall serve as a non-voting secretary to the HPC. The secretary shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be of public record.
- E. Conflict of Interest. The HPC shall be subject to all conflict of interest laws set forth in the Georgia Statutes, the City Charter, and the City Code of Ethics and Conduct.
- F. HPC's Authority to Receive Funding from Various Sources. Subject to the City Council's prior approval, the HPC shall have the authority to accept donations on behalf of the City and shall ensure that these funds do not displace appropriated governmental funds. The HPC shall be subject to and comply with the City Code of Ethics and Conduct.
- G. Records of HPC Meetings. A public record shall be kept of the HPC's resolutions, proceedings, and actions. Reports to the City Council will also be made on a regular and timely basis.

(Ord. No. 712, § 1(Exh. A), 9-8-2015)

2.9.4 Recommendation and designation of historic properties.

- A. Preliminary Research by HPC.
 1. Survey of Local Historic Resources. The HPC shall compile and collect information on historic resources within the City, including the preparation and maintenance of an inventory of all property within the City having the potential for designation as historic. Records shall be maintained in accordance with the City's records management plan.
 2. Recommendation for Historic Designation. Pursuant to the procedure provided herein for consideration of properties for designation as historic, the HPC shall present to the City Council recommendations regarding the designation of historic properties. Notwithstanding any other provision of the UDC or City Code to the contrary, the HPC, not the Planning Commission, shall make recommendations to the City Council regarding the designation of a historic property.
 3. Documentation Supporting Recommendation for Designation of Historic Property. Prior to the HPC's recommendation to the City Council of a property to designate as historic, the HPC shall prepare a report for recommendation consisting of:
 - a. A detailed physical description of the proposed historic property; and
 - b. A statement of the historical, cultural, architectural, and/or aesthetic significance of the proposed historic property; and
 - c. A map showing the boundaries of the proposed property; and
 - d. A statement justifying the boundaries of the proposed property; and
 - e. Representative photographs of the proposed property.

- B. Criteria for Designation of a Historic Property. ~~In order to be designated a historic property, the following criteria must be met:~~

~~The property is an individual building deemed worthy of preservation and the benefits available due to such status by reason of value to the City, the region, the State of Georgia, or the nation for one or more of the following reasons:~~

- ~~1. It is an outstanding example of a building representative of its era and over 75 years old; or~~
- ~~2. It is one of the few remaining examples of a past architectural style or type and over 75 years old.~~

In order to be designated a historic property, the property must be an individual building that meets the following criteria:

- a. Is of historic, cultural, aesthetic or architectural significance to the City, the region, the State, or the nation; and
- b. Possesses historic integrity (in terms of its location, design, setting, materials, workmanship, feeling, and association) for all periods related to the significance of the property; and
- c. Is deemed worthy of preservation (and the benefits available due to such status) by reason of value to the City, the region, the State, or the nation for one or more of the following reasons:
 - i. It is an outstanding example of a building representative of its era and over 75 years old;
 - ii. It is one of the few remaining examples of a past architectural style or type and over 75 years old; or
 - iii. It is a place associated with an event or person(s) of historic or cultural significance to the City, the region, the State, or the nation and over 75 years old.

C. Procedure for Designation of Historic Properties.

1. Application for Designation of Historic Property. An application for designation of a historic property or historic properties may be submitted by:
 - a. The owner of the subject property; or
 - b. The City Council, via majority vote, subject to the written consent of the property owner(s); or
 - c. The HPC, via majority vote, subject to the written consent of the property owner(s).
2. Required Components of Designation Ordinance. Any ordinance designating any property as historic shall:
 - a. List and describe the proposed individual historic property or properties;
 - b. Set forth the name(s) of the owner(s) of the proposed historic property or properties;
 - c. Show the property or properties on the official zoning map of the City of Alpharetta, Georgia, with the letters "HP" (historic property) added to the zoning designation for the subject property in order to keep and maintain a public record providing notice of such designation (e.g., property zoned R-15 and designated as a historic property pursuant to this Ordinance/Section shall be shown as R-15HP on the official zoning map).
3. Public Hearings. The HPC and the City Council shall each hold a public hearing on any proposed ordinance for the designation of a historic property. Such public hearings may be held on the same date. The HPC shall make a recommendation to the City Council and the City Council will take final action. Notice of the public hearing shall be published in at least three consecutive issues of a newspaper of general circulation within the territorial boundaries of the City, with one of such notices being published at least fifteen (15) days, but not more than forty-five (45) days

prior to the date of the hearing, and written notice of the hearing shall be 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 address of the property owner as such address appears in the City ad valorem tax records and a notice sent to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this section. Such public hearings and the provisions of notice for same shall otherwise be performed in a manner consistent with the requirements of the Georgia Zoning Procedures Law (O.C.G.A. § 36-66-1, et seq.) and the City public hearing process for a proposed zoning change; provided, however, the HPC, not the Planning Commission, shall serve as the recommending body to the City Council in regard to such matters.

4. Notification of Historic Preservation Division. No less than thirty (30) days prior to making a recommendation on any ordinance designating a property as historic, the HPC must submit the report, required in Subparagraph A.3. of this Subsection, to the Historic Preservation Division of the Department of Natural Resources.
 5. Recommendation on Proposed Designation. A recommendation to affirm, modify, withdraw, or reject the proposed ordinance for designation shall be made by the HPC following the public hearing and shall be in the form of a resolution to the City Council.
 6. City Council Action Following HPC's Recommendation. Following receipt of the HPC recommendation, the City Council may adopt the ordinance for designation as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.
 7. Notification of Adoption of Ordinance for Designation. Within thirty (30) days following the adoption of the ordinance for designation by the City Council, the owners and occupants of each designated historic property shall be given written notification of such designation by the City Council, which notice shall apprise said owners and occupants of the necessity of obtaining a certificate of appropriateness prior to undertaking any material change in appearance of the historic property. A notice sent via the United States mail to the last-known owner of the property shown on the City of Alpharetta tax digest and a notice sent via United States mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this Section.
 8. Notification of Other Agencies Regarding Designation. The HPC shall notify all necessary agencies within the City of the ordinance for designation.
 9. Moratorium on Applications for Alteration or Demolition while Designation is Pending. If an ordinance for designation is being considered, the HPC shall notify the permitting division of the Community Development Department. No permit of any kind shall be issued for work which would constitute a material change in the appearance of a building, structure, site, or landscaping located on the proposed property until the proposed ordinance is adopted or rejected by the City Council or otherwise withdrawn by the applicant.
- D. Effect of Historic Property Designation. Subject to a property owner's compliance with regulations set forth herein, the designation of a "historic property" makes additional zoning and other benefits available to owners of such properties, which may be used at their option. After the designation by ordinance of a historic property, no material change in the appearance of such historic property shall occur 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 HPC, as further set forth herein. Such designation is further intended to serve as the local designation of a historic property in order to govern the applicability of other City ordinances, codes, and regulations, including building and construction codes, containing provisions that reference or apply to "historic" buildings, structures or properties when the subject provision does not expressly limit same to buildings, structures or properties listed on the National or State Register of Historic Places or otherwise define same.

- E. Removal of Designation. After a property has been designated as a historic property, such designation may thereafter be rescinded and removed by the City Council by the adoption of an ordinance to remove such designation. The adoption of such an ordinance and the procedures applicable thereto shall be consistent with the procedures required for the designation of a property as historic. The City Council may remove such designation upon a finding that the property no longer meets the subject criteria for designation or when it otherwise finds such removal to be in the public interest.

(Ord. No. 712, § 1(Exh. A), 9-8-2015)

2.9.5 Incentives available to historic properties following designation.

Following designation by the City Council and subject to compliance with the regulations and provisions set forth in this Section 2.9 and any other applicable City, State or federal ordinances, statutes, laws, or regulations, owners of historic properties may utilize or are otherwise eligible for the following zoning incentives, construction code exemptions and other benefits, as applicable:

- A. Zoning and Development Incentives. The following zoning incentives and benefits are available to historic properties, as applicable:
1. Permitted Residential Uses in C-1 and C-2 Districts. 'For-Sale' Dwelling is a permitted principal use for historic properties located within the C-1 and C-2 zoning districts.
 2. Permitted Mixed-Use.
 - a. Historic properties with non-residential principal use: May utilize up to 40% of the heated interior square footage of the principal building for a residential ('For-Sale' dwelling) use. The use of the residence is restricted to the property owner or tenant of the non-residential portion of the building.
 - b. Historic properties with residential principal use located in Downtown Alpharetta: May utilize up to 40% of the heated interior square footage of the principal building for a non-residential use, as listed below, provided no more than two (2) total employees and/or independent contractors, who do not also reside at the property, shall be allowed to work in the premises in connection with such non-residential use at any one time. No more than one (1) patron per 250 sq. ft. of gross floor area may patronize the non-residential space at any one time. Except as previously provided, the use of non-residential portion of the building is restricted to the property owner or tenant of the residence. Non-residential uses are limited to the following permitted uses:
 - i. Art gallery;
 - ii. Barber shop, with no more than two (2) chairs;
 - iii. Beauty shop, with no more than two (2) chairs;
 - iv. Bed and Breakfast;
 - v. Book store;
 - vi. Florist;
 - vii. Medical office, no surgery; and
 - viii. Professional office.
 3. Open Space and Amenity Space.
 - a. General. The area of a historic property incorporated into a development as a community amenity may be applied to and included as part of the minimum area required to be set aside as open space pursuant to regulations and requirements

governing the CUP District, Conservation Subdivisions, and the Downtown Overlay District.

- b. Permitted Uses. In addition to the uses allowed for an open space pursuant to the underlying zoning regulations or conditions of zoning, provided such use is not otherwise prohibited by this Section 2.9, the property may be used as a community amenity or amenity space for use by the occupants, licensees or guests of the development.
 - c. Lot and Development Requirements. The minimum lot size of a historic property eligible for use as an amenity/open space shall be 4,500 square feet. The area of the historic property shall be designated on any required site plans and/or development plans, and shall be subdivided and platted as an individual lot of record on the final plat. To the greatest extent practicable, the layout of the development shall be designed in a manner that allows the historic property to serve as a focal point of the surrounding neighborhood and the community. Other development improvements should be planned and designed in a manner that provides maximum visibility of the historic property from public right-of-way exterior to the development or subdivision. The use of the historic property shall be restricted in perpetuity, or for such other term of years as required by the City, through the use of an approved legal instrument, as further set forth herein.
 - d. Additional Requirements - Permanent Protection of Historic Property. An applicant or owner seeking to utilize a historic property as an open space or amenity space shall be required to comply with the additional requirements regarding the ownership, preservation and maintenance of the historic property, including the execution and recording of an instrument providing for the permanent protection of the historic property, set forth in Paragraph F below.
4. Setback Reduction.
- a. Side setbacks required per the underlying zoning regulations may be reduced by up to 50%.
 - b. Rear setbacks required per the underlying zoning regulations may be reduced by up to 25%.
5. Parking reduction. Parking for office and commercial uses may be reduced up to 50%. Historic properties within Downtown Alpharetta shall not be required to contribute to the Parking Fund as a result of parking reduction.
- B. Building, Construction and Property Maintenance Code Exemptions. Designated historic properties may be exempt from certain building, construction and property maintenance code regulations.
- 1. Building and Construction Code Exemptions. The following types of exemptions from building and construction code requirements and other regulations are available to certain historic properties based on the provisions of the subject code, as determined by the building official:
 - a. Exemptions from the International Energy Conservation Code;
 - b. Exemptions from and compliance alternatives to certain requirements of the International Building Code (2012 Edition) regarding the construction, repair, alteration, addition, restoration and movement of buildings or structures, and change of occupancy, provided the subject condition does not constitute a distinct life safety hazard;
 - c. Exemptions from certain flood hazard area requirements;
 - d. Exemptions from the International Fire Code (2012 Edition); and

- e. Exemptions from (or compliance alternatives to) Americans with Disabilities Act (ADA) regulations and other related code regulations providing standards for accessibility.
- 2. International Property Maintenance Code Exemptions. Compliance with requirements of the International Property Maintenance Code may not be mandatory for historic properties when such buildings or structures are determined to be safe and in the public interest of health, safety, and welfare by the code official.
- C. State and Federal Tax Incentive Programs. Several state and federal tax incentive programs are available to owners who rehabilitate historic properties listed, or certified as eligible for listing, in the Georgia Register of Historic Places or National Register of Historic Places, as applicable, including the State Preferential Property Tax Assessment for Rehabilitated Historic Property, the State Income Tax Credit for Rehabilitated Historic Property, and the Federal Rehabilitation Investment Tax Credit (RITC). The HPC provides additional information regarding such programs. The provisions set forth in this Paragraph are provided for information purposes only and do not constitute any representation, commitment or assurance by the City regarding a property owner's qualification for such tax incentive programs or the continuation of such programs.
- D. Economic Incentives—Facade Grants. Subject to the City Council's adoption of an ordinance(s) providing for the appropriation of funding for the subject grant program and annual appropriations thereafter, historic properties are eligible to receive facade grants for the purpose of funding improvements for the preservation, restoration or rehabilitation of historic properties. In addition to meeting any and all other requirements of the City facade grant program for historic properties, as approved by the City Council, an owner of a historic property receiving facade grant funds shall be required to convey to the City a facade easement complying with the applicable requirements set forth in Paragraph F below. Further, any and all proposed improvements constituting a material change in the appearance of the historic property shall require the prior approval of a certificate of appropriateness by the HPC. Notwithstanding any other provision hereof to the contrary, nothing set forth in this Paragraph shall be deemed to create or confer any vested rights to such grant funds or create any obligation of the City to grant or otherwise appropriate funds for the aforementioned purposes. The City's award of facade grant funds in accordance with any facade grant program is subject to funding availability and, in accordance with O.C.G.A. § 36-30-3, any facade grant program may be terminated immediately and absolutely if the City determines that adequate funds are not appropriated or funds are de-appropriated such that the City cannot sufficiently fund the subject grant program, which determination is at the City's sole discretion and shall be conclusive.
- E. Other Available Benefits and Incentives. The following additional benefits and incentives are available to historic properties:
 - 1. Free Design Assistance from the HPC. The HPC provides pre-application technical and design assistance regarding proposed preservation, restoration and/or rehabilitation work and its conformance with the U.S. Secretary of the Interior's Standards and Guidelines to owners of historic properties applying for a building permit or seeking to rezone historic property to the TDR-HC Overlay District.
 - 2. Bronze Historic Property Plaque. The City will install a bronze plaque on or within the public right-of-way adjacent to each property designated as historic by the City Council.
- F. Requirements to Provide for Permanent Protection of Historic Property — Open/Amenity Spaces and Facade Grants.
 - 1. Applicability. In order to provide for the permanent protection of historic properties utilizing certain incentives and benefits, the following historic properties shall comply with the addition regulations set forth in this Paragraph, as applicable:
 - a. Historic properties used as open space or amenity space; and
 - b. Historic properties receiving facade grants.

2. Responsible Party for Preservation and Maintenance of Open/Amenity Space. The fee simple owner of the historic property used as an open or amenity space shall be responsible for preserving and maintaining the historic property. The options for ownership and responsibility for preservation and maintenance of the historic property shall be as follows:
 - a. The owner of the lots or parcels of the subject development if under common ownership may be the owner of the historic property.
 - b. Property Owners' Association. A property owners' association established in accordance with the Georgia Property Owners Association Act, O.C.G.A. § 44-3-220 et seq., may be the owner of the historic property. Membership in the association shall be mandatory and automatic for all property owners of the development or subdivision for which the historic property serves as open space. Prior to the approval [of] a land disturbance permit, the developer shall submit to the Director a description of the property owners' association, including by-laws, and methods for maintaining the historic property. Prior to the issuance of a land development permit, a permanent restrictive covenant (per O.C.G.A. § 44-5-60(c)) providing for the preservation and maintenance of the historic property shall be recorded and run with the land, or a conservation easement may be conveyed in accordance with The Georgia Uniform Conservation Easement Act, O.C.G.A. § 44-10-1, et seq., as further provided herein.
 - c. Land Trust or Non-profit organization. A land trust or non-profit organization, which is primarily operated for the purpose of preserving historic properties and possesses the legal authority to own such real property in fee simple interest, may be the owner of the historic property.
3. Enforcement. In the event the party responsible for the preservation and maintenance of the historic property fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner and may include administrative costs and penalties; if a property owners' association is the owner, such costs may be charged to such association or to the individual property owners that are members of the property owners' association, and such costs shall become a lien on all properties of the development or subdivision until paid in full.
4. Historic Preservation Plan. A historic preservation plan shall be submitted to the HPC for review and approval by owners of historic properties used as open or amenity space (prior to the approval of a land disturbance permit) and owners of historic properties to whom facade grant funds are conditionally awarded (prior to the tender of grant funds by the City). The historic preservation plan shall establish an ongoing maintenance and preservation program for the historic property in order to ensure that the essential features of the historic property that enable it to convey its historical identity and significance are maintained in an excellent condition and the overall condition of the historic property is maintained in a good condition in the future. The historic preservation plan shall provide that any changes to such plan shall require the approval of the HPC. Preservation measures and required maintenance required for compliance with the ongoing preservation and maintenance program for the historic property, as required by the Historic Conservation Plan, shall be performed in a manner consistent with the United States Secretary of the Interior's Standards for Preservation and Guidelines for Preserving Historic Buildings. The historic preservation plan shall be reviewed and considered for approval by the HPC in accordance with the procedures set forth herein.
5. Legal Instrument for Permanent Protection.
 - a. The historic property shall be protected by a binding legal instrument recorded with the Fulton County Clerk of Superior Court. Notwithstanding the use of the term "permanent", the duration of the restrictions and obligations set forth in the legal instrument (providing for the continued preservation of the historic property) shall be for

such term of years as determined to be reasonable by the City, considering the benefit received by the subject property owner, the useful life of the subject building, and other similar criteria. Facade easements granted to the City in consideration of facade grant funds shall meet the requirements set forth below for conservation easements, except such easements must be in favor of the City, as holder of the easement. For historic properties used as open/amenity space, the instrument of permanent protection, which shall be placed on the historic property at the time of issuance of a land disturbance permit, shall be one of the following:

- (i) Conservation Easement. A permanent conservation easement, in accordance with The Georgia Uniform Conservation Easement Act, O.C.G.A. § 44-10-1, et seq., in favor of either a:
 - (a) Land trust or historic preservation oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
 - (b) Governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the City, then a third-party right of enforcement favoring the City shall be included in the easement; or
 - (ii) Permanent Restrictive Covenant. A permanent restrictive covenant for conservation purposes in favor of a governmental entity with an interest in pursuing goals compatible with the purposes of this Section; or
 - (iii) Other. Subject to the approval of the City, an equivalent legal tool that provides permanent protection.
- b. The legal instrument for permanent protection shall:
- (i) Describe the features of the historic property that should be permanently protected;
 - (ii) Provide the duration of the covenants set forth therein, which shall run with the land for such minimum term of years as required by the City;
 - (iii) Clearly identify the boundaries of the historic property by survey and a metes and bounds legal description;
 - (iv) Clearly list the restrictions applicable to the historic property, which shall include such restrictions regarding the use, building and development of the property, as necessary, to comply with and carry out the obligations set forth in this Section and the historic preservation plan, as well as any further restrictions the applicant chooses to place on the use of the historic property not in conflict herewith;
 - (v) Provide for inspections of such property by the owner, the holder of the easement, and the City;
 - (vi) Provide for maintenance of such property in accordance with the requirements of the historic preservation plan and this Section;
 - (vii) Be shown on a certified survey and duly recorded with the Fulton County Clerk of Superior Court prior to the issuance of a land disturbance permit;
 - (viii) Provide for amendments only with the express written permission of the property owner(s), the holder of the easement, and the City. Amendments to the legal instrument for permanent protection shall be filed with the Director and shall be recorded with the Fulton County Clerk of Superior Court; and
 - (ix) Be subject to the review and approval by the City Attorney's office and include such additional terms and provisions as deemed necessary to protect the City's interest.

- c. Additional Requirements for Conservation Easements. In addition to the foregoing requirements, the conservation easement(s) shall:
 - (i) Comply with the requirements set forth in The Georgia Uniform Conservation Easement Act, O.C.G.A. 44-10-1 et seq.;
 - (ii) List the parties, that is, the owner(s) of such property, the holder of the easement, and, if required by the City, a person with a third-party right of enforcement;
 - (iii) Provide a third-party right of enforcement favoring the City if the City is not the grantee/holder of the easement; and
 - (iv) Specify how the easement may be transferred, as in the case of dissolution of the property owners' association or non-profit organization.

(Ord. No. 712, § 1(Exh. A), 9-8-2015)

2.9.6 Historic resources inventory—Contributing historic buildings.

A. Findings; Purpose and Intent.

1. The City Council finds: (a) the City contains a stock of historic buildings and structures that contribute to the historic, cultural, aesthetic, architectural, or other heritage of the City of Alpharetta; (b) such historic buildings and structures impart a distinct and distinguished appearance to the City of Alpharetta that is of benefit and attractive to residents, tourists and visitors; (c) the preservation, protection and perpetuation of these historic buildings and structures is essential to the promotion of the health, prosperity, and general welfare of the people; (d) the traditional character and heritage of the community cannot be maintained and the health, prosperity, and general welfare of the people cannot be protected by allowing the unnecessary destruction, demolition, removal or defacement of these buildings and structures that are important or essential to defining the community's character; (e) the adaptive reuse of historic buildings or structures has proven to be an economically feasible and potentially profitable alternative to demolition and should be promoted; and (f) the economic feasibility and the viability of adaptive reuse of these historic buildings and structures should be evaluated by the City Council prior to the demolition of such historic resources.
 2. This Subsection is intended to provide for the preservation, protection and perpetuation of those certain historic buildings and structures that contribute to the City's historic, cultural, aesthetic, architectural or other heritage, and which impart a distinct and distinguished appearance to the City of Alpharetta that is of benefit and attractive to residents, tourists and visitors, consistent with and in furtherance of the interests, policies and goals of the City: (a) to preserve historic buildings and maintain the traditional and historic character of the community, as set forth in the Comprehensive Plan and the Downtown Master Plan; (b) to foster civic pride in the beauty and accomplishments of the past; (c) to stabilize and protect the aesthetic and economic vitality of such buildings; (d) to protect and promote local historical and aesthetic attractions to residents, tourists and visitors and thereby promote and stimulate business in the City; and (e) to provide for the opportunity and ability to further promote and encourage the protection, enhancement, perpetuation, and use of such buildings by property owners. To further implement these policies and objectives, the purpose of this Subsection is to establish reasonable regulations to prevent the unnecessary destruction, demolition, removal or defacement of such significant buildings.
- B. Established. In order to help carry out the goals and policies of the City's Comprehensive Plan, the Downtown Master Plan and this Ordinance, an official inventory listing and identifying those certain historic buildings that (a) contribute to the City's historic, cultural, aesthetic, architectural, or other heritage, and (b) are at least seventy-five (75) years old is hereby established and designated as the City of Alpharetta Historic Resources Inventory - Contributing Historic Buildings (the "Historic Resources Inventory - Contributing Historic Buildings"). Those certain historic buildings identified in the Comprehensive Plan, Downtown Master Plan and/or which are otherwise found by the City Council

to meet the foregoing criteria as of the date of adoption of this Ordinance, as set forth in Appendix A hereof, are hereby listed on the Historic Resources Inventory - Contributing Historic Buildings. The Historic Resources Inventory may be amended from time to time, with buildings added to or removed therefrom, by the City Council's adoption of an ordinance to amend same. The Historic Resources Inventory shall further serve as a resource document for reviewing and evaluating proposed development on the subject sites and surrounding properties, as well as a foundation for identifying properties eligible for designation as historic properties.

- C. Effect of Listing on City's Historic Resources Inventory. The principal building of a property listed on the Historic Resources Inventory - Contributing Historic Buildings shall be deemed a "contributing historic building."
- D. Requirements for Demolition, Removal or Substantial Alteration of a Contributing Historic Building. The demolition, removal (or relocation) or substantial alteration of a contributing historic building shall be prohibited without the prior approval of the City Council following a public hearing. No building permit involving the demolition, removal or substantial alteration of a contributing historic property shall be issued by the City without the City Council's prior approval of such demolition, removal or substantial alteration. Permits for demolitions, removals or substantial alterations that comply with a zoning change or redevelopment plan that has previously been approved by the City Council shall not require any further approval by the City Council. Whenever an application for a demolition, building or other permit that involves the demolition, removal or substantial alteration of a contributing historic building is submitted to the Building Official or other responsible City department, such application shall be forwarded to the Director for determination as to whether same requires a public hearing and approval by the City Council.
 - 1. Standard for Approval. A request to demolish, remove or substantially alter a contributing historic building shall be approved by City Council upon a finding that any such denial will result in a significant detriment to the property owner that is not justified by the benefit to the public resulting from the preservation, protection and perpetuation of such building.
 - 2. Factors for Consideration. In considering a request to demolish, remove or substantially alter a contributing historic building, the City Council shall consider the following criteria:
 - a. Any substantial changes in circumstances that have occurred since the contributing historic building was added to the Historic Resources Inventory;
 - b. The proposed building or redevelopment plans for the property on which the contributing historic building is located;
 - c. The impact of the proposed demolition on any remaining portion(s) of the building, if applicable;
 - d. The economic hardship which may be experienced by the present owner if the application is denied;
 - e. The present condition of surrounding buildings, and the current level of repair and maintenance of neighboring buildings;
 - f. The potential of the building for renovation and reuse and the cost and extent of possible renovation;
 - g. The degree to which the contributing historic building is out of scale or out of character with surrounding land uses;
 - h. Whether due to the location of the property and surrounding land uses, the restrictions placed on such property adversely affect its reasonable use or usability; and
 - i. Whether there is a reasonable balance between the public benefit from the preservation, protection and perpetuation of the property and the detriment to the owner as a result of prohibiting the request.

(Ord. No. 712, § 1(Exh. A), 9-8-2015)

2.9.7 Application to HPC for a certificate of appropriateness.

- A. Approval of Material Change in Appearance of Historic Property. After the designation by ordinance of a historic property, no material change in the appearance of such property shall occur 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 HPC. A building permit applicable to a historic property shall not be issued without a certificate of appropriateness.
- B. Submission of Plans to HPC. An application for a certificate of appropriateness shall be accompanied by such drawings, photographs, plans and documentation as required by the HPC.
- C. Interior Alterations. In its review of an application for a certificate of appropriateness, the HPC shall not consider interior arrangement or use having no effect on exterior architectural features, other than the existence of adequate heating, cooling and ventilation systems necessary for the preservation of the subject building.
- D. Technical Advice. The HPC shall have the power to seek technical advice from outside its members on any application.
- E. Public Hearings, Notices, and Right to be Heard. The HPC shall hold a public hearing at which each proposed certificate of appropriateness is discussed. Notice of the hearing shall be published in the principal newspaper of general circulation within the City and written notice of the hearing shall be made by the HPC to all owners and occupants of the subject property. The written and published notice shall be provided in the same manner and time frame as notices required by the Georgia Zoning Procedures Law. The HPC shall provide the property owner and/or applicant an opportunity to be heard at the certificate of appropriateness hearing.

F. Acceptable HPC Action on Applications for Certificates of Appropriateness.

HPC action: The HPC may (i) approve the application for a certificate of appropriateness as proposed; (ii) approve the application for a certificate of appropriateness with any modifications it deems necessary; or (iii) reject the application for a certificate of appropriateness.

- G. Design Standards for Proposed Material Changes. Any material change in appearance to a historic property shall comply with the following minimum standards:
 - 1. General Standards. All material changes in the appearance of exterior architectural features of the historic property shall conform with the United States Secretary of the Interior's Standards for the Treatment of Historic Buildings with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (the "U.S. Secretary of the Interior's Standards and Guidelines"), as applicable.
 - 2. Street-Facing Facades. All street-facing facades must be compatible with the existing or original structure:
 - a. The proportion between the width and height of the proposed alterations must be compatible with any street-facing facade of the existing or original structure.
 - b. The proportions and relationships between doors and windows in street-facing facades must be compatible with the existing or original structure.
 - c. Any alterations consisting of side additions to a street-facing facade must have a minimum setback of twelve (12) inches from the plane of the existing street-facing facade, and any associated roofline must have a minimum setback of twelve (12) inches from the existing roof line.
 - d. The following exceptions to the foregoing minimum setback requirements will be permitted where there is, on the effective date, an existing side addition or side porch to a street-facing facade:

- i. An existing open-air porch that does not comply with the 12-inch setback requirement may be enclosed within the existing plane of the porch; and
 - ii. An existing side addition that does not comply with the 12-inch setback requirement may be extended a further five (5) feet to the side of the same plane as the existing side addition.
3. Height and Roof Shapes. The height of the proposed alterations must be compatible with the existing building or structure. The design of the roof and any dormers must be compatible with the existing roof and dormers. Any alterations must preserve the existing or original roof ridge, roof pitch and overhangs of the existing or original building or structure and new or altered dormers must be compatible with the typical styles of dormers associated with the original building or structure.
4. Architectural Details. Architectural details and materials must be incorporated as necessary to relate the new with the old and to preserve and enhance the character-defining features of the existing or original building or structure. Windows may be replaced as long as they contain real or simulated divided lights, grille patterns, sizes and shapes that are compatible with the typical style of windows associated with the original building or structure and otherwise comply with the requirements of this subparagraph.
5. Retention of Original Structure. After completion of the proposed alterations:
 - a. 100% of the existing street-facing facade width and height must be retained intact consistent with the other requirements of this ordinance.
 - b. At least 75% of the floor area of the original structure must remain. Interior renovations and any restoration to match the original will not be deducted in determining compliance with the 75% requirement.
6. Landscape Requirements. Landscaping in front yards shall be subject to the following standards:
 - a. Trees greater than six (6) inches in diameter shall be conserved, whenever possible;
 - b. Plantings and landscapes that are significant in defining the character of a property or area shall be retained;
 - c. Diseased or deteriorated plantings and landscapes that are significant in defining the character of a property or area shall be replaced with healthy specimens of identical or similar species, and the landscape shall be retained; and
 - d. Landscaping in front yards shall be designed to reflect the period or style of the principal structure on the property.
- H. Standards for Approval. The HPC shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property. In making this determination, the HPC shall consider, in addition to whether the proposed material change(s) in the appearance comply with the foregoing design standards any other pertinent factors, the following criteria:
 1. For restoration, renovation, rehabilitation, reconstruction, alteration, or new construction:

Whether the proposed actions conform in design, scale, building material, setback and site features and to the United States Secretary of the Interior's Standards [for] the Treatment of Historic Buildings with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, as applicable.
 2. For relocation:
 - a. The historic character and aesthetic interest of the building, structure, or object contributes to its present setting;

- b. 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;
 - c. Whether the building, structure, or object can be moved without significant damage to its physical integrity; and
 - d. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site, or object.
- 3. For demolition:
 - a. The historic, scenic, or architectural significance of the building, structure, site, or object;
 - b. The importance of the building, structure, site, or object to the ambiance of the area;
 - c. The difficulty or impossibility of reproducing such a building, structure, site, or object because of its design, texture, material, detail, or unique location;
 - d. Whether the building, structure, site, or object is one of the last remaining examples of its kind in the neighborhood or the city;
 - e. 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;
 - f. Whether reasonable measures can be taken to save the building, structure, site, or object from collapse; and
 - g. Whether the building, structure, site, or object is capable of earning reasonable economic return on its value.
- I. Undue Hardship. When, by reason of unusual circumstances, the strict application of any provision of the ordinance would result in the exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the HPC, in passing upon applications, shall have the power to vary or modify strict provisions, so as to relieve such difficulty or hardship; provided such variances, modifications, 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 HPC may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Section. An undue hardship shall not be a situation of the person's own making.
- J. Deadline for Approval or Rejection of Application for a Certificate of Appropriateness.
 - 1. The HPC shall approve, reject or otherwise act on an application for a certificate of appropriateness within forty-five (45) days after the filing thereof by the owner or occupant of a historic property, building, structure, object or historical site. Evidence of approval shall be by a certificate of appropriateness issued by the HPC. Notice of the issuance or denial of a certificate of appropriateness shall be sent by United States certified mail to the applicant and all other persons who have filed a written request for such notice with the HPC.
 - 2. Should the HPC fail to approve or reject an application for a certificate of appropriateness within forty-five (45) days the application shall be deemed automatically approved; provided, however, that such forty-five (45) day period may be extended an additional thirty (30) days if consideration of an application for a certificate of appropriateness is tabled by the HPC.
- K. Notice and Effect of HPC's Rejection of Application for a Certificate of Appropriateness.
 - 1. In the event the HPC rejects an application for a certificate of appropriateness, the HPC shall state its reasons for doing so, and shall transmit a record of such rejection and reasons, in writing, to the applicant. The HPC may suggest alternative courses of action it thinks proper if it rejects 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 making said plan modifications.
 - 2. In cases where the application for a certificate of appropriateness covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of

the application for a certificate of appropriateness by the HPC shall be binding upon the building official or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.

- L. Requirement of Conformance with a 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 HPC may request that the City obtain a cease and desist order from the appropriate tribunal and all work shall cease.
 - 2. The City Council or the HPC may, initiate any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property, except those changes made in compliance with the provisions of this Section or to prevent any illegal act or conduct with respect to such historic property.
- M. Certificate of Appropriateness Void if Construction Not Commenced.
 - 1. A certificate of appropriateness shall become void unless the work described in the application for a certificate of appropriateness as approved by the HPC has commenced within six (6) months of the date of issuance.
 - 2. A certificate of appropriateness shall expire after eighteen (18) months unless said certificate is renewed. A certificate of appropriateness may be renewed for a single eighteen (18) month period. An application for renewal must be submitted to the Community Development Director prior to the expiration of the original certificate of appropriateness. The Director shall approve the application for renewal provided the project is not in violation of any city ordinance.
- N. Record of Application for Certificate of Appropriateness. The HPC shall keep a public record of all applications for a certificate of appropriateness, and of all the HPC's proceedings in connection with said application. These records shall be maintained in accordance with the City's records management plan.
- O. Appeals. Any person adversely affected by any determination made by the HPC relative to the issuance or denial of an application for a certificate of appropriateness may appeal such determination to the City Council. Any such appeal must be filed with the City Council within thirty (30) days after the issuance of the determination pursuant to Subparagraph J.1. of this Subsection, or in the case of a failure of the HPC to act, within thirty (30) days of the expiration of the forty-five (45) day period allowed for HPC action, as set forth in Subparagraph J.2. of this Subsection. The City Council may approve, modify, or reject the determination made by the HPC if the governing body finds that the HPC abused its discretion in reaching its decision. Decisions of the City Council are final and may only be appealed by application for a writ of certiorari to the Superior Court of Fulton County, which must be filed within thirty (30) days of the date of the decision.

(Ord. No. 712, § 1(Exh. A), 9-8-2015)

2.9.8 Maintenance of historic properties; building and zoning code provisions.

- A. Ordinary Maintenance or Repair. Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay, 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.
- B. Failure to Provide Ordinary Maintenance or Repair. Property owners of historic properties shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The HPC shall be charged with the following responsibilities regarding deterioration by neglect:
 - 1. The HPC shall monitor the condition of historic properties 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. In the event the HPC determines a failure to provide ordinary maintenance or repair, the HPC will notify the owner of the property and set forth the steps which must be taken to remedy the situation. The owner of such property will have thirty (30) days to perform such remedial measures. A building permit may be required to accomplish the necessary remedial measures.
 3. In the event that the condition is not remedied in thirty (30) days, the owner shall be deemed to be in violation of this Section.
- C. Affirmation of Existing Building and Zoning Codes. Nothing in this Section shall be construed as to exempt property owners from complying with existing City building, development, and zoning codes; provided, however, owners of historic properties may be exempt from certain requirements of such codes as expressly provided herein and/or pursuant to the provisions of the subject code(s).

(Ord. No. 712, § 1(Exh. A), 9-8-2015)

2.9.9 Violations.

The remedies and penalties set forth herein are nonexclusive and the exercise of one or more of such remedies or penalties shall not preclude the exercise of another. In addition to the other remedies provided for herein, violations of the provisions of this Section shall be enforced, prosecuted and punished in the same manner as set forth in Article V of the Unified Development Code of the City of Alpharetta. Additionally, the City may take all necessary civil action to enforce the provisions hereof and may seek appropriate legal or equitable remedies or relief, including injunctive relief. Further, violations of this Section may constitute due cause for the revocation or removal of the "historic designation" from the property, which shall require the adoption of an ordinance to revoke or remove such designation in accordance with procedures consistent with the procedures required for the designation of a historic property. Further, if a historic property is demolished, removed or relocated without a certificate of appropriateness or in violation of any condition of a certificate of appropriateness, or in the event of a substantial alteration to the historic property, the following restrictions, in addition to any other penalties or remedies set forth in this Section, shall be applicable to the lot or parcel on which the building or structure comprising the historic property was formerly located:

The lot or parcel shall be deemed a nonconforming lot for a period of five (5) years after the date of such demolition, removal, relocation or substantial alteration. No building or other permits will be issued for the construction or development of any improvements on the lot or parcel for a period of five (5) years after the date of such demolition, removal, relocation or substantial alteration, except for permits approving building or construction activities undertaken to cure the violation to the extent that the violation is curable, as evidenced by the HPC's approval of a certificate of appropriateness for same. Notwithstanding the foregoing restrictions, the City may issue permits for improvements necessary for the immediate protection and preservation of life and/or property of other persons.

The remedies set forth for in this Section are in addition to and cumulative of all other remedies provided by law.

(Ord. No. 712, § 1(Exh. A), 9-8-2015)

2.9.10 Appeals.

To the extent not otherwise provided herein, any person adversely affected by a determination made by the HPC may appeal such determination to the City Council. Any such appeal must be filed within thirty (30) days of the date of the subject determination. Decisions of the City Council are final and may only be appealed by application for a writ of certiorari to the Superior Court of Fulton County, which must be filed within thirty (30) days of the date of the decision.

([Ord. No. 712](#), § 1(Exh. A), 9-8-2015)

APPENDIX A - HISTORIC RESOURCES INVENTORY— **PROPOSED** CONTRIBUTING HISTORIC BUILDINGS

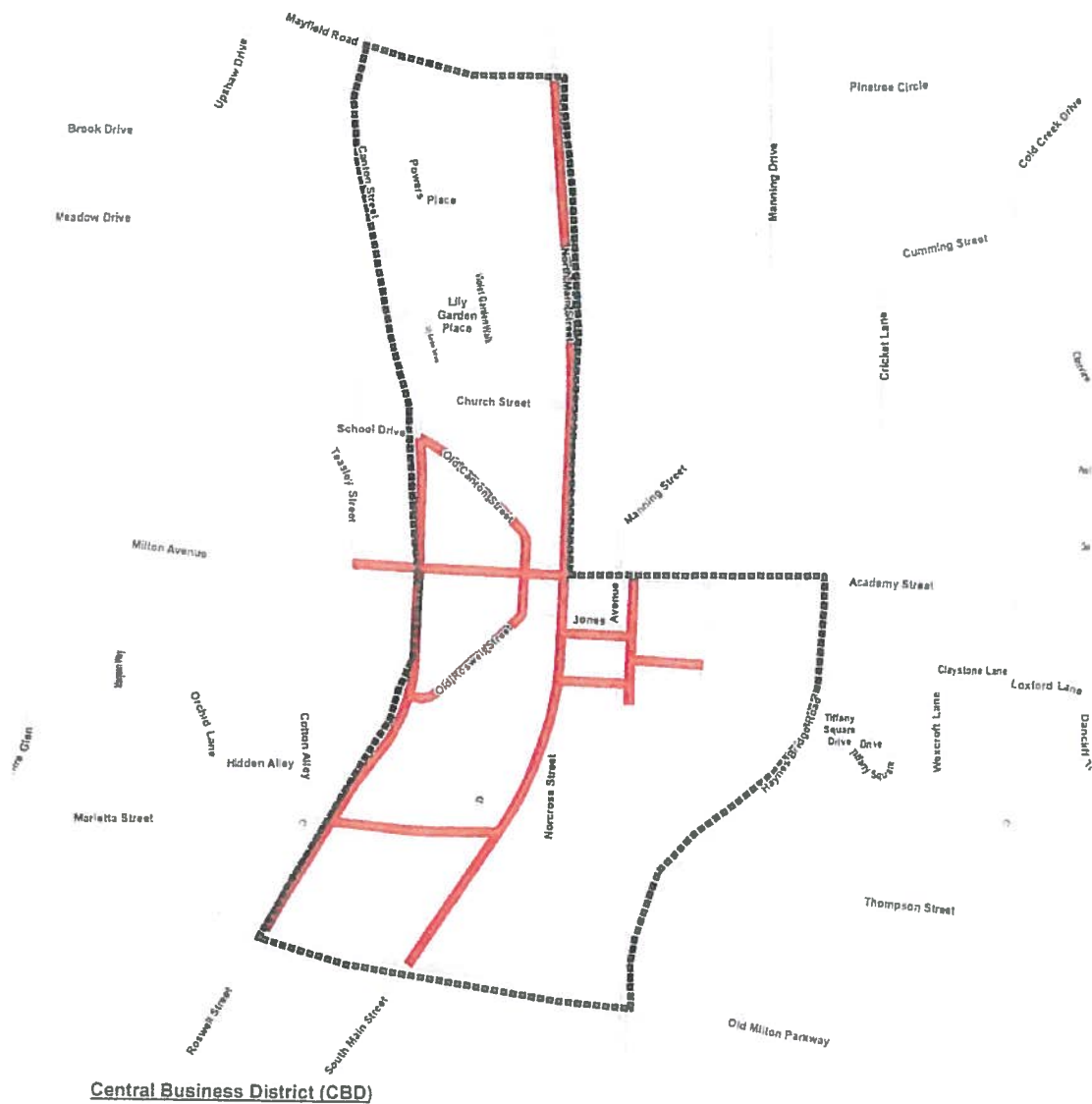
Building Address		
94 Academy Street	69 North Main Street	1240 Mayfield Rd.
375 Brady Place	101 North Main Street	1750 Mayfield Rd.
133 Canton Street	116 North Main Street	1835 Mayfield Rd.
184 Canton Street	126 North Main Street	755 Old Rucker Rd.
193 Canton Street	134 North Main Street	760 Old Rucker Rd.
212 Canton Street	1720 Old Milton Pky	1080 Rucker Rd.
248 Canton Street	1815 Old Milton Pkwy	1225 Rucker Rd.
36 Church Street	1835 Old Milton Pkwy	1670 Rucker Rd.
37 Church Street	11 Old Canton Street	20 Milton Avenue
10 Cumming Street	32 Old Canton Street	24 Milton Avenue
18 Cumming Street	38 Old Canton Street	25 Milton Avenue
40 Cumming Street	11475 Maxwell Rd.	30 Milton Avenue
112 Cumming Street	54 Roswell Street	35 Milton Avenue
130 Cumming Street	61 Roswell Street	242 Milton Avenue
133 Cumming Street	88 Roswell Street	333 Milton Avenue
122 Marietta Street	103 Roswell Street	37 Old Roswell Street
171 Marietta Street	119 Roswell Street	48 Old Roswell Street
38 North Main Street	1145 Mayfield Rd.	9 South Main Street

21 South Main Street	531 South Main Street	31 North Main Street
23 South Main Street	1405 Mid-Broadwell Rd	80 School Drive
29 South Main Street	20 North Main Street	86 School Drive
50 South Main Street	31 North Main Street	

*** RED ARE PROPOSED ADDITIONS

*** BLUE ARE PROPOSED REMOVALS

Central Business District



Central Business District (CBD)

The portion of the City bound by Mayfield Road to the north, Old Milton Parkway to the south, Haynes Bridge Road and North Main St to the east, and Roswell and Canton Streets to the west

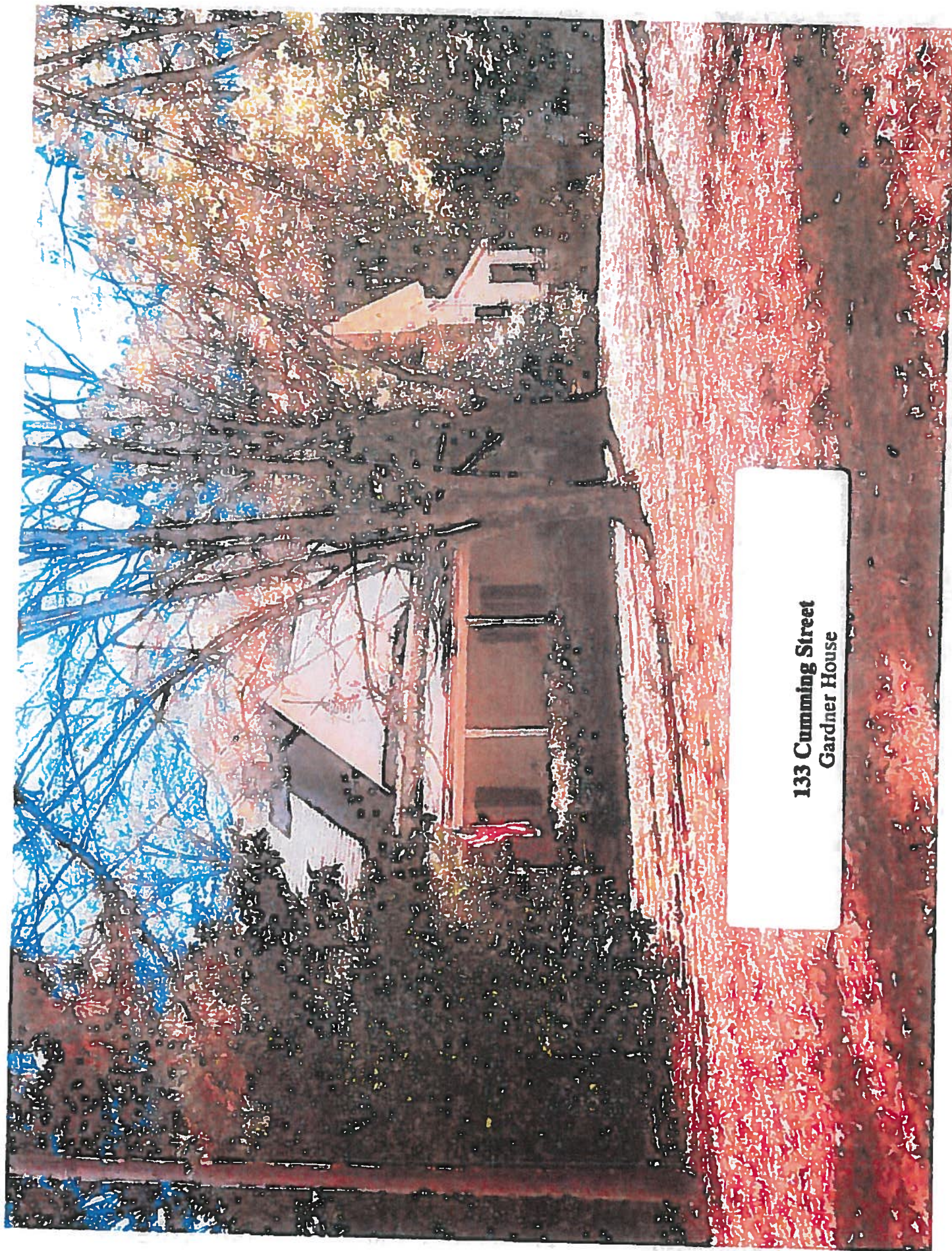
- Store Front
- Central Business District

Recommended Properties to be Removed from Contributing Historic Properties List

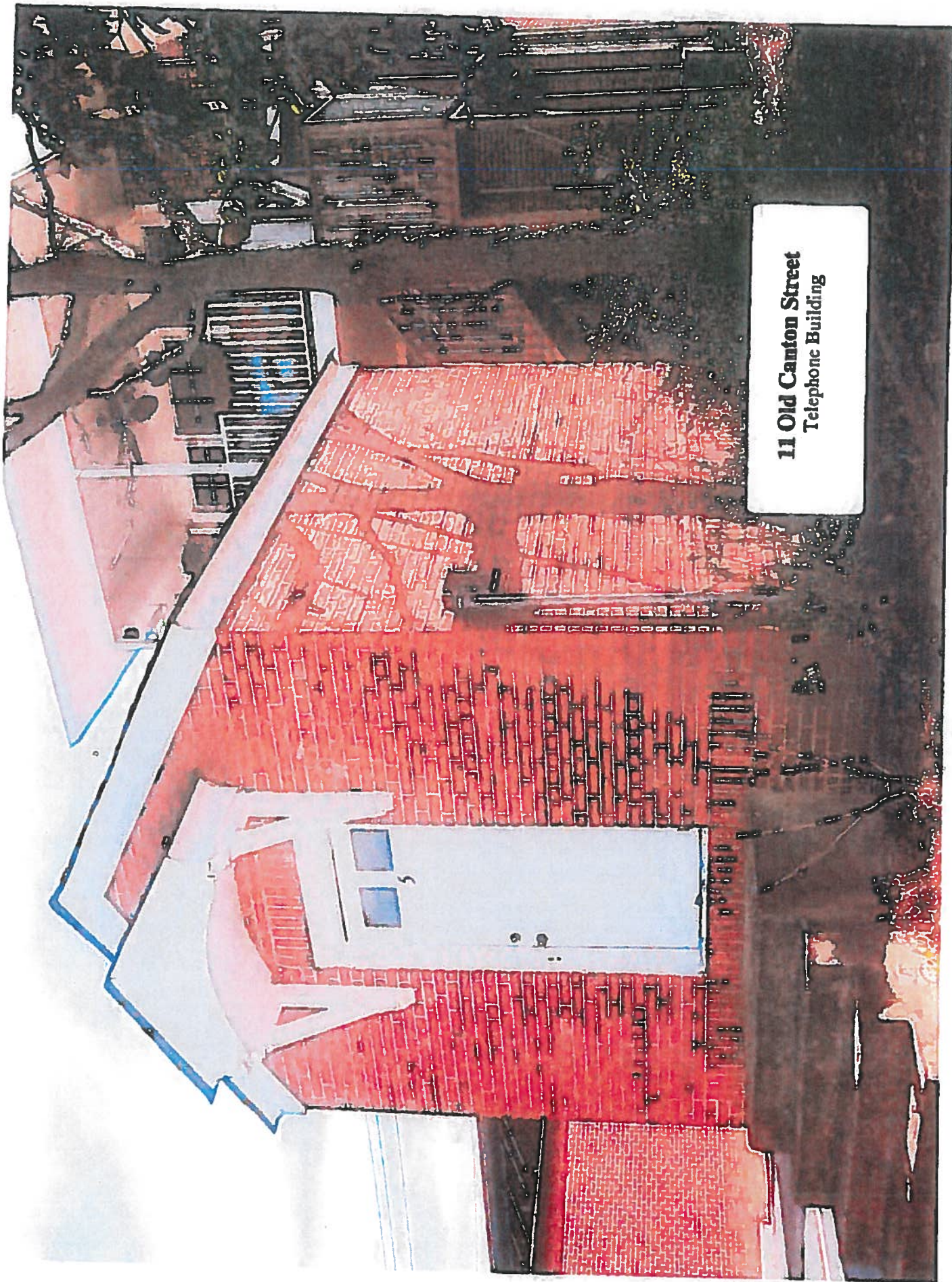
1. 32 Canton Street (Demolished)
2. 38 Canton Street (Demolished)
3. 1720 Old Milton Pky (not 75 years old)
4. 1225 Rucker Road (not 75 years old)
5. 242 Milton Ave (Disrepair)

Recommended Additions to Contributing Historic Properties List

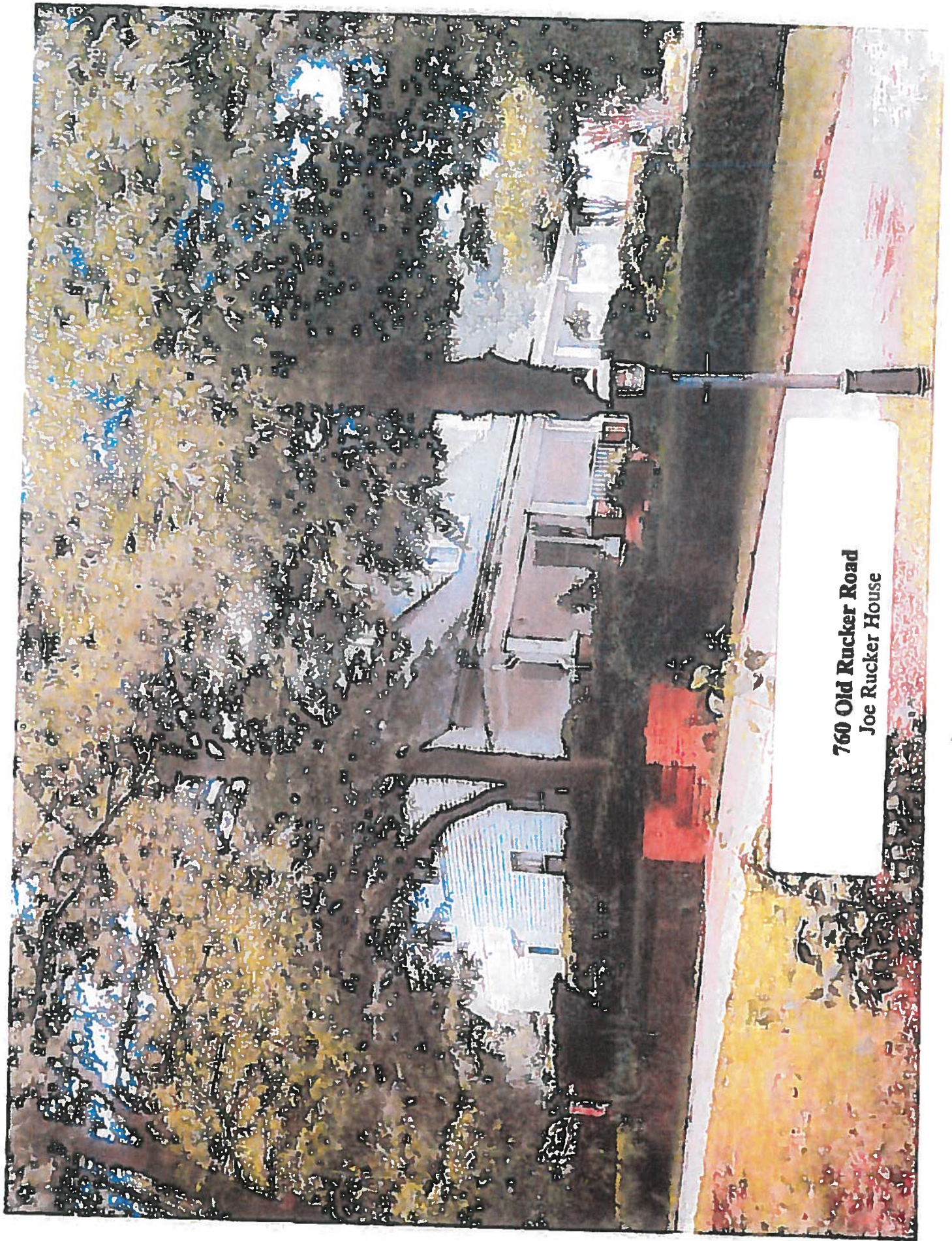
<u>Address</u>	<u>Current</u>	<u>Previous</u>
1. 133 Cumming Street		Gardner House
2. 11 Old Canton Street		Telephone Building on 28 N Main St.
3. 1825 Mayfield Road		W.A. (Pack) Smith
4. 760 Old Rucker Road	Satham	Joe Rucker
5. 20 Milton Avenue		McCollum, Teasley, Vaughan
6. 1405 Mid-Broadwell Road		Morris, Rucker
7. 29 South Main Street	Parsons Building	
8. 50 South Main Street	City Center	Will and Mae Jones House



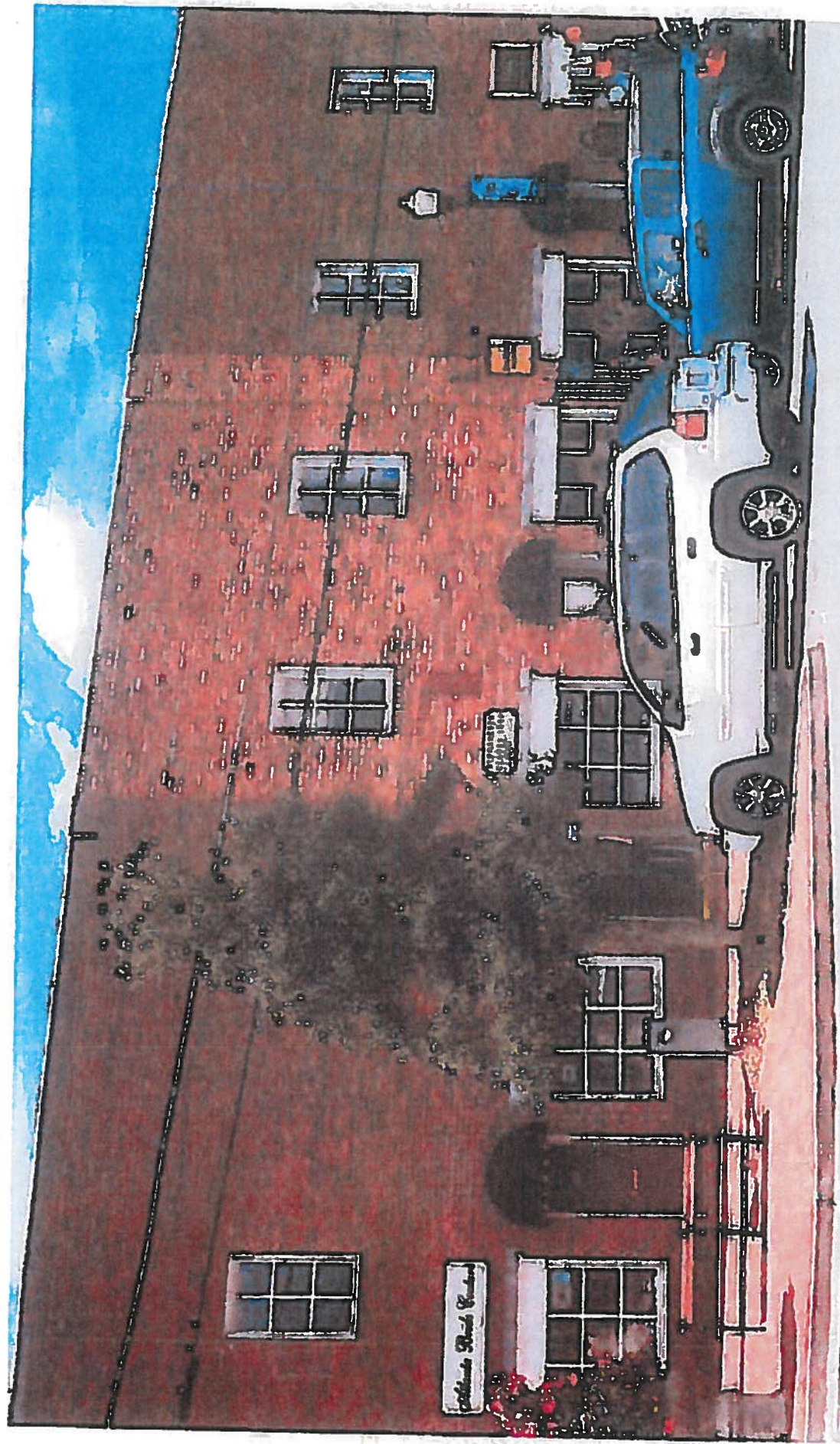
133 Cumming Street
Gardner House



**11 Old Canton Street
Telephone Building**

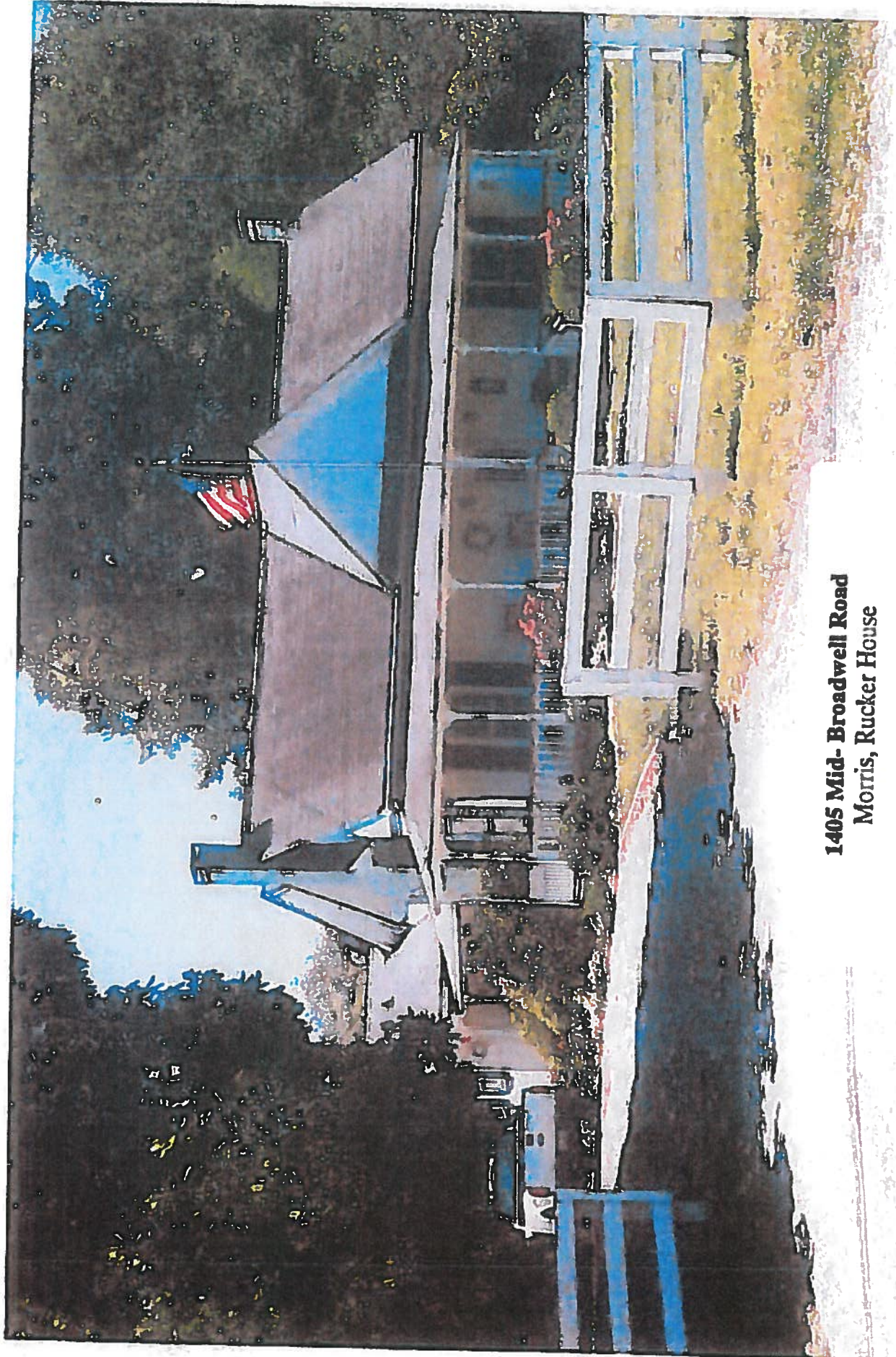


760 Old Rucker Road
Joe Rucker House



Oliver Waters & McCollum Bldgs

20 Milton Avenue
Waters Building

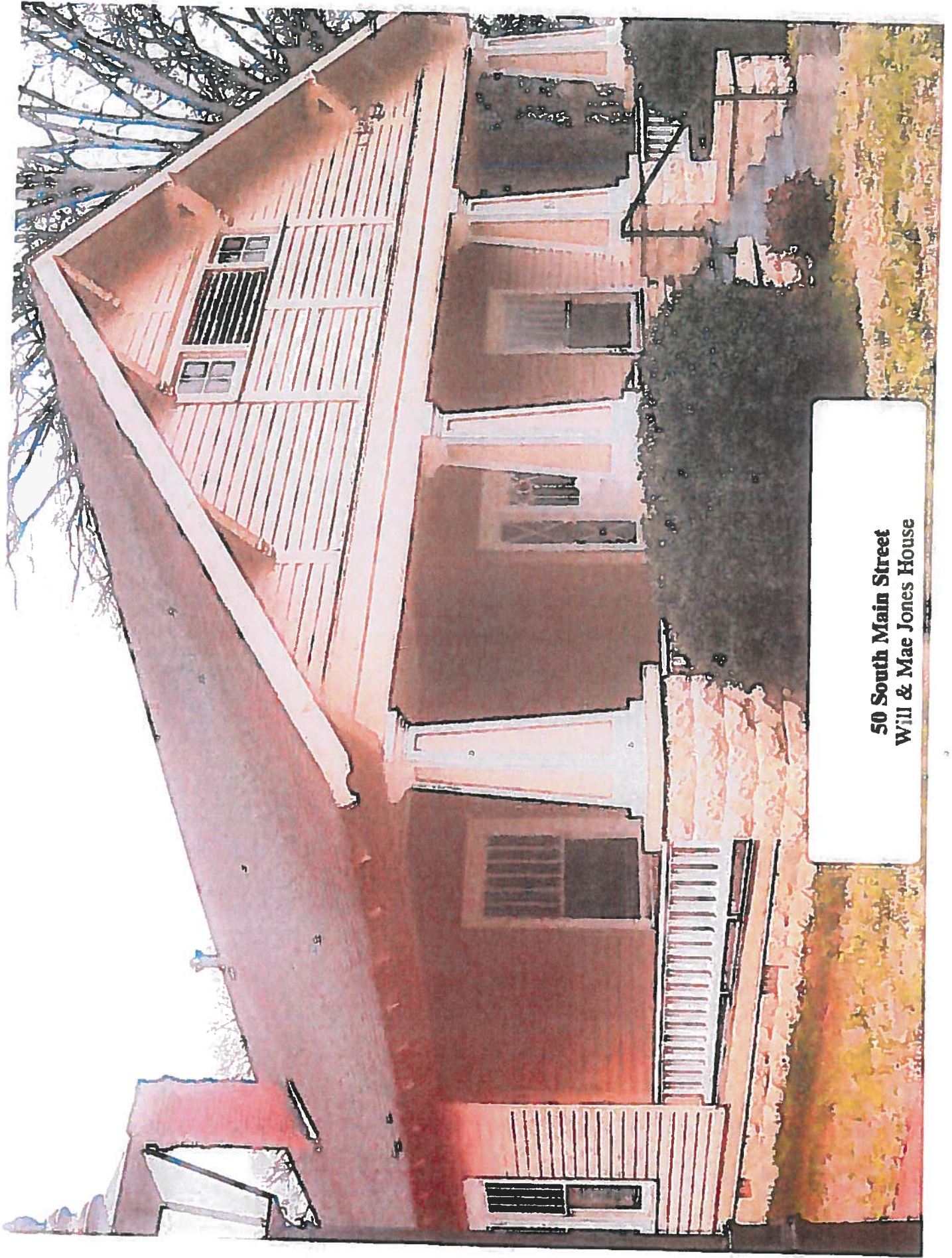


1405 Mid- Broadwell Road
Morris, Rucker House

SMOKEJACK



29 South Main Street
Parsons Building

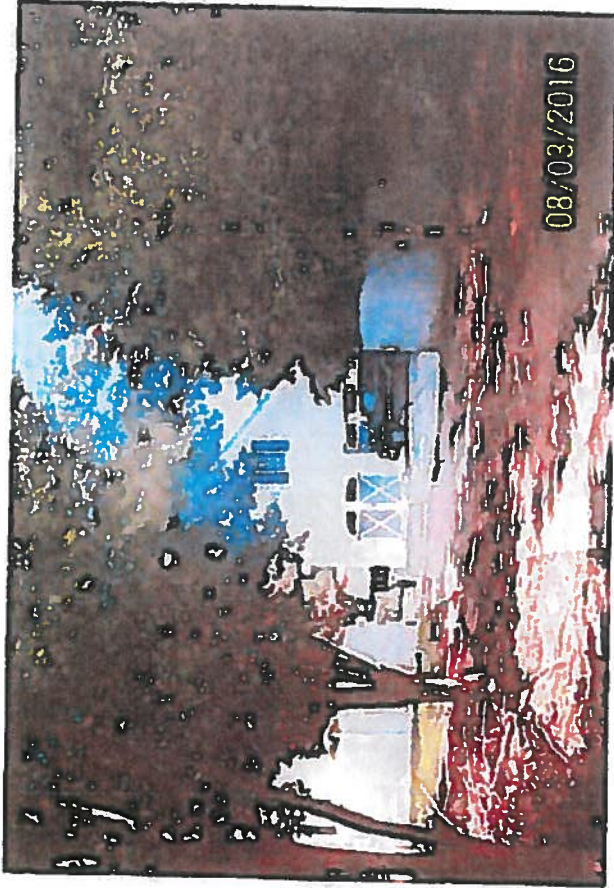


**50 South Main Street
Will & Mae Jones House**



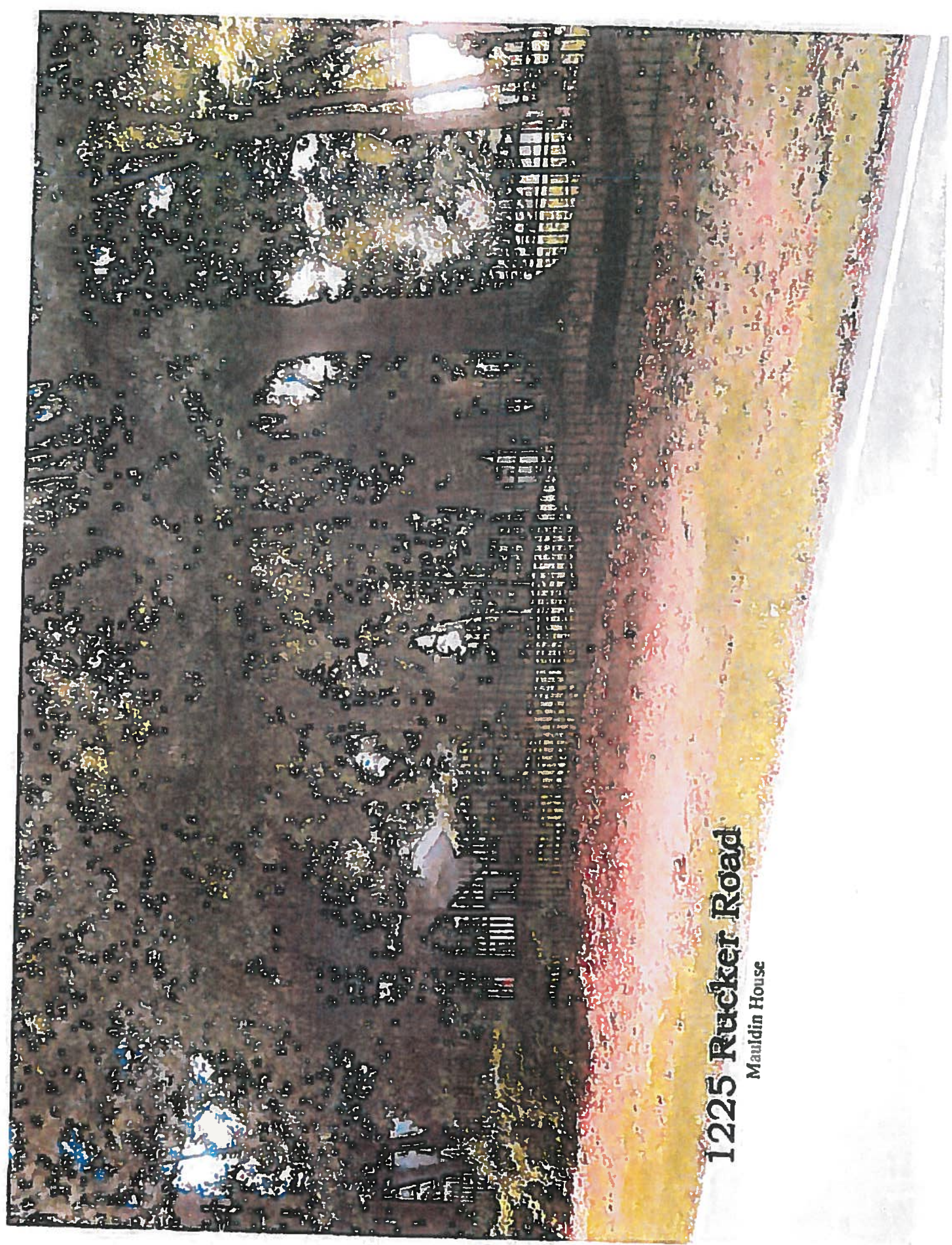
**80 School Drive
Log Cabin**

1720 OLD MILTON PKY
(PROPOSED REMOVAL)



1225 Rucker Road

Mauldin House



242 Milton Ave

242 Milton Avenue

12/02/2017



SECTION 2.9 - HISTORIC PRESERVATION INCENTIVE ZONING

2.9.1. Purpose.

In support and furtherance of its findings and determination that the historical, cultural, and aesthetic heritage of the City of Alpharetta, Georgia 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 encourage property owners to maintain historic buildings and structures and to protect and enhance local historical and aesthetic attractions to residents and tourists and thereby promote and stimulate business; and

In order to encourage property owners to provide for the conservation, preservation, restoration, rehabilitation, and permanent protection of historic buildings and their adjacent lands;

The Mayor and Council of the City of Alpharetta, Georgia ("City Council") hereby declares it to be the purpose and intent of this Section, which shall also be known as the "Historic Preservation Incentive Zoning Ordinance," to establish incentive zoning regulations that are applicable to properties containing significant historic resources in order to encourage and promote the protection, enhancement, perpetuation, and use of buildings and properties having special historical, cultural, archeological, or aesthetic interest or value. The incentives and regulations set forth in this Section have been created in support of the policies of revitalization and preservation of historic buildings and the historic character of the community provided in the Comprehensive Plan and the Downtown Master Plan. The provisions of this Section are further intended to promote the Downtown Master Plan's goal of encouraging the development and redevelopment of properties in Downtown Alpharetta while also preserving historic buildings and maintaining the historic character of Downtown Alpharetta. To promote these objectives, these zoning incentive regulations have been specifically developed for properties that have been designated "historic" in accordance with the procedures for designation established herein.

([Ord. No. 712](#), § 1(Exh. A), 9-8-2015)

2.9.2 Definitions.

The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Application for Designation means a formal written request in a form specified by the Community Development Department that the Historic Preservation Commission and City Council consider a property for possible designation as a historic property.

Building means a structure created to shelter any form of human activity, such as a house, barn, church, courthouse, hotel, or similar structure.

Designation (of a historic property) means a decision by the City Council to officially identify and designate a property as a "historic property" in accordance with the procedures set forth in Subsection 2.9.6, and thereby establish the applicability of zoning incentives and other benefits set forth herein for historic preservation and prohibit all material changes in appearance of such property prior to the issuance of a certificate of appropriateness by the Historic Preservation Commission. Such designation is further intended to serve as the local designation of a historic property in order to govern the applicability of other City ordinances, codes, and regulations containing provisions that reference or apply to "historic" buildings, structures or properties when the subject provision does not otherwise expressly limit same to buildings, structures or properties listed on the National or State Register of Historic Places.

Exterior Architectural Features means the architectural style, general design, and general arrangement of the exterior of a building, structure, or object, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs, and other appurtenant architectural fixtures, features, details, or elements relative to the foregoing.

Exterior Environmental Features means all aspects of the landscape or the development or appearance of a site which affect the historic character of the property.

Historic Property means a building and the adjacent area of land necessary for the proper appreciation thereof, including structures or objects of historical value located thereon and adjacent historical sites, designated by the City Council as a historic property pursuant to the criteria established in Paragraph B of Subsection 2.9.4.

Material Change in Appearance means a change that will affect the exterior architectural or environmental features of a historic property, such as:

- (1) A reconstruction or alteration of the size, shape, or facade of a historic property, including but not limited to, relocation of any doors or windows or removal or alteration of any architectural features, details, or elements;
- (2) Demolition or relocation of a historic building, or any structure or object of historical value located on the historic property;
- (3) Commencement of excavation for construction purposes;
- (4) A change in the location of advertising visible from the public right-of-way; or
- (5) The erection, alteration, restoration, or removal of any building or structure located on a historic property, including but not limited to walls, fences, steps and pavements, or other appurtenant features, except exterior paint alterations utilizing colors from the "Historic" or "Williamsburg" color palettes by Benjamin Moore (or equivalent colors of another manufacturer matching the foregoing color palettes) as further described in Section 16-44 of the Code of the City of Alpharetta, Georgia.

Object means a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Site, Historical or Site means the location of a significant event, a prehistoric or historical occupation or activity, or a building or structure, whether standing, ruined or vanished where the location itself maintains historical, or archeological value regardless of the value of any existing structure.

Substantial Alteration means any singular material change in appearance or the cumulative effect of a series of material changes in the appearance of a contributing historic building or a designated historic property (1) that does not comply with the standards set forth in Paragraph G of Subsection 2.9.7, including the U.S. Secretary of the Interior's Standards and Guidelines, and (2) for which the cost to cure or remedy such violation(s) (through the performance of preservation, restoration or rehabilitation measures complying with the foregoing standards) and restore the property to the condition existing at the time of designation (or at the time of completion of any subsequent alterations pursuant to a certificate of appropriateness) exceeds fifty [percent] (50%) of the current value of the property.

([Ord. No. 712](#), § 1(Exh. A), 9-8-2015)

2.9.3 Historic Preservation Commission.

- A. Creation of the Historic Preservation Commission. There is hereby created a City commission whose title shall be the "Alpharetta Historic Preservation Commission" (hereinafter, the "HPC").
- B. HPC members: Number, Appointment, Terms, and Compensation. The HPC shall consist of seven (7) members. The mayor and each council member shall each appoint one (1) member to the commission, to serve concurrently with and at the pleasure of the mayor or council member making the appointment. There shall be no limit on the number of terms a member may serve on the HPC. HPC members must be residents of the City. At least four (4) members of the HPC shall have demonstrated special interest, experience, or education in history, architecture or historic preservation. HPC members shall not receive a salary, although they may be reimbursed for expenses with the prior approval of the city administrator.

C. Statement of the HPC's Power. Without limiting authority provided elsewhere in this, or any other, ordinance, the HPC shall be authorized to:

1. Prepare, update and maintain an inventory of all properties and buildings within the City having the potential for designation as a historic property and recommend historic buildings for listing in the City's Historic Resources Inventory — Contributing Historic Buildings;
2. Recommend to the City Council specific buildings (and adjacent land) to be designated by ordinance as a historic property;
3. Recommend to the City Council that any designation of a historic property be removed;
4. Conduct public hearings on all applications for designation of a historic property;
5. Review applications for certain benefits available to historic properties, as may be delegated to the HPC by the City Council, and make recommendations or otherwise provide its approval (with or without modifications) or denial of same, as applicable;
6. Review historic preservation plans and make recommendations or otherwise provide its approval (with or without modifications) or denial of same, as applicable, in accordance with the provisions of this Section;
7. Recommend design guidelines for historic properties, not inconsistent with this Section, for adoption by the City Council;
8. Subject to funding availability and with the prior approval of the City Council, undertake the restoration or preservation of any historic properties acquired by the City;
9. Promote any and all programs related to historic properties established by the City, including the acquisition by the City of facade easements and conservation easements, as appropriate, in accordance with the provisions of the Georgia Uniform Conservation Easement Act (O.C.G.A. §§ 44-10-1 through 44-10-8);
10. Conduct educational programs on historic properties located within the City;
11. Make such investigations and studies of matters relating to historic preservation, including consultation with historic conservation or preservation experts, as the City Council may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
12. Upon request of the City Council, recommend to the City Council other possible historic preservation incentive programs for their review;
13. Retain persons with professional expertise to carry out specific tasks, if necessary, subject to approval by the City Council;
14. Work with designated members of City staff, who will serve as liaisons between HPC and the City Council; and
15. Review and perform such other duties and functions as expressly delegated to the HPC by the City Council.

D. Proceedings of the HPC.

1. The HPC shall conduct a public hearing prior to making a recommendation on any application for designation of a historic property, the removal of designation of a property as historic, and any application for a certificate of appropriateness, including any such applications initiated by the HPC.
2. The HPC shall elect a Chairperson and a Vice Chairperson from its members who shall serve for one year or until reelected or until their successors are elected. Public hearings of the HPC shall be held in accordance with a schedule established by the Director. Other meetings of the HPC shall be held at the call of the chairperson and at such other times as the HPC may determine. All meetings of the HPC shall be open to the public and comply with the Georgia Open Meetings Act and the Zoning Procedures Law, when applicable.

3. A majority of the voting members of the HPC shall constitute a quorum. The vote of a majority of the HPC members present and voting at a meeting at which a quorum is present shall be necessary to affirm any decision or recommendation. The HPC may establish bylaws, not inconsistent with this Section, the City Charter, or other ordinance of the City. Any bylaws of the HPC shall be ratified by the City Council before becoming effective.
4. The Director, or his/her designee, shall serve as a non-voting secretary to the HPC. The secretary shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be of public record.
- E. Conflict of Interest. The HPC shall be subject to all conflict of interest laws set forth in the Georgia Statutes, the City Charter, and the City Code of Ethics and Conduct.
- F. HPC's Authority to Receive Funding from Various Sources. Subject to the City Council's prior approval, the HPC shall have the authority to accept donations on behalf of the City and shall ensure that these funds do not displace appropriated governmental funds. The HPC shall be subject to and comply with the City Code of Ethics and Conduct.
- G. Records of HPC Meetings. A public record shall be kept of the HPC's resolutions, proceedings, and actions. Reports to the City Council will also be made on a regular and timely basis.

([Ord. No. 712](#), § 1(Exh. A), 9-8-2015)

2.9.4 Recommendation and designation of historic properties.

A. Preliminary Research by HPC.

1. Survey of Local Historic Resources. The HPC shall compile and collect information on historic resources within the City, including the preparation and maintenance of an inventory of all property within the City having the potential for designation as historic. Records shall be maintained in accordance with the City's records management plan.
2. Recommendation for Historic Designation. Pursuant to the procedure provided herein for consideration of properties for designation as historic, the HPC shall present to the City Council recommendations regarding the designation of historic properties. Notwithstanding any other provision of the UDC or City Code to the contrary, the HPC, not the Planning Commission, shall make recommendations to the City Council regarding the designation of a historic property.
3. Documentation Supporting Recommendation for Designation of Historic Property. Prior to the HPC's recommendation to the City Council of a property to designate as historic, the HPC shall prepare a report for recommendation consisting of:
 - a. A detailed physical description of the proposed historic property; and
 - b. A statement of the historical, cultural, architectural, and/or aesthetic significance of the proposed historic property; and
 - c. A map showing the boundaries of the proposed property; and
 - d. A statement justifying the boundaries of the proposed property; and
 - e. Representative photographs of the proposed property.

B. Criteria for Designation of a Historic Property.

In order to be designated a historic property; the property must be an individual building that meets the following criteria:

- a. Is of historic, cultural, aesthetic or architectural significance to the City, the region, the State, or the nation;
- b. Possesses historic integrity (in terms of its location, design, setting, materials, workmanship, feeling, and association) for all periods related to the significance of the property; and
- c. Is deemed worthy of preservation (and the benefits available due to such status) by reason of value to the City, the region, the State, or the nation for two or more of the following reasons:
 - i. It is an outstanding example of a building representative of its era and over 75 years old;
 - ii. It is one of the few remaining examples of a past architectural style or type and over 75 years old; or
 - iii. It is a place associated with an event or person(s) of historic or cultural significance to the City, the region, the State, or the nation and over 75 years old.

C. Procedure for Designation of Historic Properties.

1. Application for Designation of Historic Property. An application for designation of a historic property or historic properties may be submitted by:
 - a. The owner of the subject property; or
 - b. The City Council, via majority vote, subject to the written consent of the property owner(s); or
 - c. The HPC, via majority vote, subject to the written consent of the property owner(s).
2. Required Components of Designation Ordinance. Any ordinance designating any property as historic shall:
 - a. List and describe the proposed individual historic property or properties;
 - b. Set forth the name(s) of the owner(s) of the proposed historic property or properties;
 - c. Show the property or properties on the official zoning map of the City of Alpharetta, Georgia, with the letters "HP" (historic property) added to the zoning designation for the subject property in order to keep and maintain a public record providing notice of such designation (e.g., property zoned R-15 and designated as a historic property pursuant to this Ordinance/Section shall be shown as R-15HP on the official zoning map).
3. Public Hearings. The HPC and the City Council shall each hold a public hearing on any proposed ordinance for the designation of a historic property. Such public hearings may be held on the same date. The HPC shall make a recommendation to the City Council and the City Council will take final action. Notice of the public hearing shall be published in at least three consecutive issues of a newspaper of general circulation within the territorial boundaries of the City, with one of such notices being published at least fifteen (15) days, but not more than forty-five (45) days prior to the date of the hearing, and written notice of the hearing shall be 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 address of the property owner as such address appears in the City ad valorem tax records and a notice sent to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this section. Such public hearings and the provisions of notice for same shall otherwise be performed in a manner consistent with the requirements of the Georgia Zoning Procedures Law (O.C.G.A. § 36-66-1, et seq.) and the City public hearing process for a

proposed zoning change; provided, however, the HPC, not the Planning Commission, shall serve as the recommending body to the City Council in regard to such matters.

4. Notification of Historic Preservation Division. No less than thirty (30) days prior to making a recommendation on any ordinance designating a property as historic, the HPC must submit the report, required in Subparagraph A.3. of this Subsection, to the Historic Preservation Division of the Department of Natural Resources.
 5. Recommendation on Proposed Designation. A recommendation to affirm, modify, withdraw, or reject the proposed ordinance for designation shall be made by the HPC following the public hearing and shall be in the form of a resolution to the City Council.
 6. City Council Action Following HPC's Recommendation. Following receipt of the HPC recommendation, the City Council may adopt the ordinance for designation as proposed, may adopt the ordinance with any amendments it deems necessary, or reject the ordinance.
 7. Notification of Adoption of Ordinance for Designation. Within thirty (30) days following the adoption of the ordinance for designation by the City Council, the owners and occupants of each designated historic property shall be given written notification of such designation by the City Council, which notice shall apprise said owners and occupants of the necessity of obtaining a certificate of appropriateness prior to undertaking any material change in appearance of the historic property. A notice sent via the United States mail to the last-known owner of the property shown on the City of Alpharetta tax digest and a notice sent via United States mail to the address of the property to the attention of the occupant shall constitute legal notification to the owner and occupant under this Section.
 8. Notification of Other Agencies Regarding Designation. The HPC shall notify all necessary agencies within the City of the ordinance for designation.
 9. Moratorium on Applications for Alteration or Demolition while Designation is Pending. If an ordinance for designation is being considered, the HPC shall notify the permitting division of the Community Development Department. No permit of any kind shall be issued for work which would constitute a material change in the appearance of a building, structure, site, or landscaping located on the proposed property until the proposed ordinance is adopted or rejected by the City Council or otherwise withdrawn by the applicant.
- D. Effect of Historic Property Designation. Subject to a property owner's compliance with regulations set forth herein, the designation of a "historic property" makes additional zoning and other benefits available to owners of such properties, which may be used at their option. After the designation by ordinance of a historic property, no material change in the appearance of such historic property shall occur 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 HPC, as further set forth herein. Such designation is further intended to serve as the local designation of a historic property in order to govern the applicability of other City ordinances, codes, and regulations, including building and construction codes, containing provisions that reference or apply to "historic" buildings, structures or properties when the subject provision does not expressly limit same to buildings, structures or properties listed on the National or State Register of Historic Places or otherwise define same.
- E. Removal of Designation. After a property has been designated as a historic property, such designation may thereafter be rescinded and removed by the City Council by the adoption of an ordinance to remove such designation. The adoption of such an ordinance and the procedures applicable thereto shall be consistent with the procedures required for the designation of a property as historic. The City Council may remove such designation upon a finding that the property no longer meets the subject criteria for designation or when it otherwise finds such removal to be in the public interest.

2.9.5 Incentives available to historic properties following designation.

Following designation by the City Council and subject to compliance with the regulations and provisions set forth in this Section 2.9 and any other applicable City, State or federal ordinances, statutes, laws, or regulations, owners of historic properties may utilize or are otherwise eligible for the following zoning incentives, construction code exemptions and other benefits, as applicable:

- A. Zoning and Development Incentives. The following zoning incentives and benefits are available to historic properties, as applicable:
 1. Permitted Residential Uses in C-1 and C-2 Districts. 'For-Sale' Dwelling is a permitted principal use for historic properties located within the C-1 and C-2 zoning districts.
 2. Permitted Mixed-Use.
 - a. Historic properties with non-residential principal use: May utilize up to 40% of the heated interior square footage of the principal building for a residential ('For-Sale' dwelling) use. The use of the residence is restricted to the property owner or tenant of the non-residential portion of the building.
 - b. Historic properties with residential principal use located in Downtown Alpharetta: May utilize up to 40% of the heated interior square footage of the principal building for a non-residential use, as listed below, provided no more than two (2) total employees and/or independent contractors, who do not also reside at the property, shall be allowed to work in the premises in connection with such non-residential use at any one time. No more than one (1) patron per 250 sq. ft. of gross floor area may patronize the non-residential space at any one time. Except as previously provided, the use of non-residential portion of the building is restricted to the property owner or tenant of the residence. Non-residential uses are limited to the following permitted uses:
 - i. Art gallery;
 - ii. Barber shop, with no more than two (2) chairs;
 - iii. Beauty shop, with no more than two (2) chairs;
 - iv. Bed and Breakfast;
 - v. Book store;
 - vi. Florist;
 - vii. Medical office, no surgery; and
 - viii. Professional office.
 3. Open Space and Amenity Space.
 - a. General. The area of a historic property incorporated into a development as a community amenity may be applied to and included as part of the minimum area required to be set aside as open space pursuant to regulations and requirements governing the CUP District, Conservation Subdivisions, and the Downtown Overlay District.
 - b. Permitted Uses. In addition to the uses allowed for an open space pursuant to the underlying zoning regulations or conditions of zoning, provided such use is not otherwise prohibited by this Section 2.9, the property may be used as a community

amenity or amenity space for use by the occupants, licensees or guests of the development.

- c. **Lot and Development Requirements.** The minimum lot size of a historic property eligible for use as an amenity/open space shall be 4,500 square feet. The area of the historic property shall be designated on any required site plans and/or development plans, and shall be subdivided and platted as an individual lot of record on the final plat. To the greatest extent practicable, the layout of the development shall be designed in a manner that allows the historic property to serve as a focal point of the surrounding neighborhood and the community. Other development improvements should be planned and designed in a manner that provides maximum visibility of the historic property from public right-of-way exterior to the development or subdivision. The use of the historic property shall be restricted in perpetuity, or for such other term of years as required by the City, through the use of an approved legal instrument, as further set forth herein.
 - d. **Additional Requirements - Permanent Protection of Historic Property.** An applicant or owner seeking to utilize a historic property as an open space or amenity space shall be required to comply with the additional requirements regarding the ownership, preservation and maintenance of the historic property, including the execution and recording of an instrument providing for the permanent protection of the historic property, set forth in Paragraph F below.
4. **Setback Reduction.**
 - a. Side setbacks required per the underlying zoning regulations may be reduced by up to 50%.
 - b. Rear setbacks required per the underlying zoning regulations may be reduced by up to 25%.
 5. **Parking reduction.** Parking for office and commercial uses may be reduced up to 50%. Historic properties within Downtown Alpharetta shall not be required to contribute to the Parking Fund as a result of parking reduction.
- B. **Building, Construction and Property Maintenance Code Exemptions.** Designated historic properties may be exempt from certain building, construction and property maintenance code regulations.
1. **Building and Construction Code Exemptions.** The following types of exemptions from building and construction code requirements and other regulations are available to certain historic properties based on the provisions of the subject code, as determined by the building official:
 - a. Exemptions from the International Energy Conservation Code;
 - b. Exemptions from and compliance alternatives to certain requirements of the International Building Code (2012 Edition) regarding the construction, repair, alteration, addition, restoration and movement of buildings or structures, and change of occupancy, provided the subject condition does not constitute a distinct life safety hazard;
 - c. Exemptions from certain flood hazard area requirements;
 - d. Exemptions from the International Fire Code (2012 Edition); and
 - e. Exemptions from (or compliance alternatives to) Americans with Disabilities Act (ADA) regulations and other related code regulations providing standards for accessibility.
 2. **International Property Maintenance Code Exemptions.** Compliance with requirements of the International Property Maintenance Code may not be mandatory for historic properties

when such buildings or structures are determined to be safe and in the public interest of health, safety, and welfare by the code official.

- C. **State and Federal Tax Incentive Programs.** Several state and federal tax incentive programs are available to owners who rehabilitate historic properties listed, or certified as eligible for listing, in the Georgia Register of Historic Places or National Register of Historic Places, as applicable, including the State Preferential Property Tax Assessment for Rehabilitated Historic Property, the State Income Tax Credit for Rehabilitated Historic Property, and the Federal Rehabilitation Investment Tax Credit (RITC). The HPC provides additional information regarding such programs. The provisions set forth in this Paragraph are provided for information purposes only and do not constitute any representation, commitment or assurance by the City regarding a property owner's qualification for such tax incentive programs or the continuation of such programs.
- D. **Economic Incentives—Facade Grants.** Subject to the City Council's adoption of an ordinance(s) providing for the appropriation of funding for the subject grant program and annual appropriations thereafter, historic properties are eligible to receive facade grants for the purpose of funding improvements for the preservation, restoration or rehabilitation of historic properties. In addition to meeting any and all other requirements of the City facade grant program for historic properties, as approved by the City Council, an owner of a historic property receiving facade grant funds shall be required to convey to the City a facade easement complying with the applicable requirements set forth in Paragraph F below. Further, any and all proposed improvements constituting a material change in the appearance of the historic property shall require the prior approval of a certificate of appropriateness by the HPC. Notwithstanding any other provision hereof to the contrary, nothing set forth in this Paragraph shall be deemed to create or confer any vested rights to such grant funds or create any obligation of the City to grant or otherwise appropriate funds for the aforementioned purposes. The City's award of facade grant funds in accordance with any facade grant program is subject to funding availability and, in accordance with O.C.G.A. § 36-30-3, any facade grant program may be terminated immediately and absolutely if the City determines that adequate funds are not appropriated or funds are de-appropriated such that the City cannot sufficiently fund the subject grant program, which determination is at the City's sole discretion and shall be conclusive.
- E. **Other Available Benefits and Incentives.** The following additional benefits and incentives are available to historic properties:
 - 1. **Free Design Assistance from the HPC.** The HPC provides pre-application technical and design assistance regarding proposed preservation, restoration and/or rehabilitation work and its conformance with the U.S. Secretary of the Interior's Standards and Guidelines to owners of historic properties applying for a building permit or seeking to rezone historic property to the TDR-HC Overlay District.
 - 2. **Bronze Historic Property Plaque.** The City will install a bronze plaque on or within the public right-of-way adjacent to each property designated as historic by the City Council.
- F. **Requirements to Provide for Permanent Protection of Historic Property — Open/Amenity Spaces and Facade Grants.**
 - 1. **Applicability.** In order to provide for the permanent protection of historic properties utilizing certain incentives and benefits, the following historic properties shall comply with the addition regulations set forth in this Paragraph, as applicable:
 - a. Historic properties used as open space or amenity space; and
 - b. Historic properties receiving facade grants.
 - 2. **Responsible Party for Preservation and Maintenance of Open/Amenity Space.** The fee simple owner of the historic property used as an open or amenity space shall be responsible for preserving and maintaining the historic property. The options for ownership

and responsibility for preservation and maintenance of the historic property shall be as follows:

- a. The owner of the lots or parcels of the subject development if under common ownership may be the owner of the historic property.
 - b. Property Owners' Association. A property owners' association established in accordance with the Georgia Property Owners Association Act, O.C.G.A. § 44-3-220 et seq., may be the owner of the historic property. Membership in the association shall be mandatory and automatic for all property owners of the development or subdivision for which the historic property serves as open space. Prior to the approval [of] a land disturbance permit, the developer shall submit to the Director a description of the property owners' association, including by-laws, and methods for maintaining the historic property. Prior to the issuance of a land development permit, a permanent restrictive covenant (per O.C.G.A. § 44-5-60(c)) providing for the preservation and maintenance of the historic property shall be recorded and run with the land, or a conservation easement may be conveyed in accordance with The Georgia Uniform Conservation Easement Act, O.C.G.A. § 44-10-1, et seq., as further provided herein.
 - c. Land Trust or Non-profit organization. A land trust or non-profit organization, which is primarily operated for the purpose of preserving historic properties and possesses the legal authority to own such real property in fee simple interest, may be the owner of the historic property.
3. Enforcement. In the event the party responsible for the preservation and maintenance of the historic property fails to maintain all or any portion in reasonable order and condition, the City may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the owner and may include administrative costs and penalties; if a property owners' association is the owner, such costs may be charged to such association or to the individual property owners that are members of the property owners' association, and such costs shall become a lien on all properties of the development or subdivision until paid in full.
4. Historic Preservation Plan. A historic preservation plan shall be submitted to the HPC for review and approval by owners of historic properties used as open or amenity space (prior to the approval of a land disturbance permit) and owners of historic properties to whom facade grant funds are conditionally awarded (prior to the tender of grant funds by the City). The historic preservation plan shall establish an ongoing maintenance and preservation program for the historic property in order to ensure that the essential features of the historic property that enable it to convey its historical identity and significance are maintained in an excellent condition and the overall condition of the historic property is maintained in a good condition in the future. The historic preservation plan shall provide that any changes to such plan shall require the approval of the HPC. Preservation measures and required maintenance required for compliance with the ongoing preservation and maintenance program for the historic property, as required by the Historic Conservation Plan, shall be performed in a manner consistent with the United States Secretary of the Interior's Standards for Preservation and Guidelines for Preserving Historic Buildings. The historic preservation plan shall be reviewed and considered for approval by the HPC in accordance with the procedures set forth herein.
5. Legal Instrument for Permanent Protection.
 - a. The historic property shall be protected by a binding legal instrument recorded with the Fulton County Clerk of Superior Court. Notwithstanding the use of the term "permanent", the duration of the restrictions and obligations set forth in the legal instrument (providing for the continued preservation of the historic property) shall be for such term of years as determined to be reasonable by the City, considering the benefit received by the subject property owner, the useful life of the subject building,

and other similar criteria. Facade easements granted to the City in consideration of facade grant funds shall meet the requirements set forth below for conservation easements, except such easements must be in favor of the City, as holder of the easement. For historic properties used as open/amenity space, the instrument of permanent protection, which shall be placed on the historic property at the time of issuance of a land disturbance permit, shall be one of the following:

- (i) Conservation Easement. A permanent conservation easement, in accordance with The Georgia Uniform Conservation Easement Act, O.C.G.A. § 44-10-1, et seq., in favor of either a:
 - (a) Land trust or historic preservation oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
 - (b) Governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance. If the entity accepting the easement is not the City, then a third-party right of enforcement favoring the City shall be included in the easement; or
 - (ii) Permanent Restrictive Covenant. A permanent restrictive covenant for conservation purposes in favor of a governmental entity with an interest in pursuing goals compatible with the purposes of this Section; or
 - (iii) Other. Subject to the approval of the City, an equivalent legal tool that provides permanent protection.
- b. The legal instrument for permanent protection shall:
- (i) Describe the features of the historic property that should be permanently protected;
 - (ii) Provide the duration of the covenants set forth therein, which shall run with the land for such minimum term of years as required by the City;
 - (iii) Clearly identify the boundaries of the historic property by survey and a metes and bounds legal description;
 - (iv) Clearly list the restrictions applicable to the historic property, which shall include such restrictions regarding the use, building and development of the property, as necessary, to comply with and carry out the obligations set forth in this Section and the historic preservation plan, as well as any further restrictions the applicant chooses to place on the use of the historic property not in conflict herewith;
 - (v) Provide for inspections of such property by the owner, the holder of the easement, and the City;
 - (vi) Provide for maintenance of such property in accordance with the requirements of the historic preservation plan and this Section;
 - (vii) Be shown on a certified survey and duly recorded with the Fulton County Clerk of Superior Court prior to the issuance of a land disturbance permit;
 - (viii) Provide for amendments only with the express written permission of the property owner(s), the holder of the easement, and the City. Amendments to the legal instrument for permanent protection shall be filed with the Director and shall be recorded with the Fulton County Clerk of Superior Court; and
 - (ix) Be subject to the review and approval by the City Attorney's office and include such additional terms and provisions as deemed necessary to protect the City's interest.

- c. Additional Requirements for Conservation Easements. In addition to the foregoing requirements, the conservation easement(s) shall:
 - (i) Comply with the requirements set forth in The Georgia Uniform Conservation Easement Act, O.C.G.A. 44-10-1 et seq.;
 - (ii) List the parties, that is, the owner(s) of such property, the holder of the easement, and, if required by the City, a person with a third-party right of enforcement;
 - (iii) Provide a third-party right of enforcement favoring the City if the City is not the grantee/holder of the easement; and
 - (iv) Specify how the easement may be transferred, as in the case of dissolution of the property owners' association or non-profit organization.

([Ord. No. 712](#), § 1(Exh. A), 9-8-2015)

2.9.6 Historic resources inventory—Contributing historic buildings.

A. Findings; Purpose and Intent.

1. The City Council finds: (a) the City contains a stock of historic buildings and structures that contribute to the historic, cultural, aesthetic, architectural, or other heritage of the City of Alpharetta; (b) such historic buildings and structures impart a distinct and distinguished appearance to the City of Alpharetta that is of benefit and attractive to residents, tourists and visitors; (c) the preservation, protection and perpetuation of these historic buildings and structures is essential to the promotion of the health, prosperity, and general welfare of the people; (d) the traditional character and heritage of the community cannot be maintained and the health, prosperity, and general welfare of the people cannot be protected by allowing the unnecessary destruction, demolition, removal or defacement of these buildings and structures that are important or essential to defining the community's character; (e) the adaptive reuse of historic buildings or structures has proven to be an economically feasible and potentially profitable alternative to demolition and should be promoted; and (f) the economic feasibility and the viability of adaptive reuse of these historic buildings and structures should be evaluated by the City Council prior to the demolition of such historic resources.
2. This Subsection is intended to provide for the preservation, protection and perpetuation of those certain historic buildings and structures that contribute to the City's historic, cultural, aesthetic, architectural or other heritage, and which impart a distinct and distinguished appearance to the City of Alpharetta that is of benefit and attractive to residents, tourists and visitors, consistent with and in furtherance of the interests, policies and goals of the City: (a) to preserve historic buildings and maintain the traditional and historic character of the community, as set forth in the Comprehensive Plan and the Downtown Master Plan; (b) to foster civic pride in the beauty and accomplishments of the past; (c) to stabilize and protect the aesthetic and economic vitality of such buildings; (d) to protect and promote local historical and aesthetic attractions to residents, tourists and visitors and thereby promote and stimulate business in the City; and (e) to provide for the opportunity and ability to further promote and encourage the protection, enhancement, perpetuation, and use of such buildings by property owners. To further implement these policies and objectives, the purpose of this Subsection is to establish reasonable regulations to prevent the unnecessary destruction, demolition, removal or defacement of such significant buildings.

- B. Established. In order to help carry out the goals and policies of the City's Comprehensive Plan, the Downtown Master Plan and this Ordinance, an official inventory listing and identifying those certain historic buildings that (a) contribute to the City's historic, cultural, aesthetic, architectural, or other heritage, and (b) are at least seventy-five (75) years old is hereby established and designated as the City of Alpharetta Historic Resources Inventory - Contributing Historic Buildings (the "Historic Resources Inventory - Contributing Historic Buildings"). Those certain historic buildings identified in

the Comprehensive Plan, Downtown Master Plan and/or which are otherwise found by the City Council to meet the foregoing criteria as of the date of adoption of this Ordinance, as set forth in Appendix A hereof, are hereby listed on the Historic Resources Inventory - Contributing Historic Buildings. The Historic Resources Inventory may be amended from time to time, with buildings added to or removed therefrom, by the City Council's adoption of an ordinance to amend same. The Historic Resources Inventory shall further serve as a resource document for reviewing and evaluating proposed development on the subject sites and surrounding properties, as well as a foundation for identifying properties eligible for designation as historic properties.

- C. Effect of Listing on City's Historic Resources Inventory. The principal building of a property listed on the Historic Resources Inventory - Contributing Historic Buildings shall be deemed a "contributing historic building."
- D. Requirements for Demolition, Removal or Substantial Alteration of a Contributing Historic Building. The demolition, removal (or relocation) or substantial alteration of a contributing historic building shall be prohibited without the prior approval of the City Council following a public hearing. No building permit involving the demolition, removal or substantial alteration of a contributing historic property shall be issued by the City without the City Council's prior approval of such demolition, removal or substantial alteration. Permits for demolitions, removals or substantial alterations that comply with a zoning change or redevelopment plan that has previously been approved by the City Council shall not require any further approval by the City Council. Whenever an application for a demolition, building or other permit that involves the demolition, removal or substantial alteration of a contributing historic building is submitted to the Building Official or other responsible City department, such application shall be forwarded to the Director for determination as to whether same requires a public hearing and approval by the City Council.
 - 1. Standard for Approval. A request to demolish, remove or substantially alter a contributing historic building shall be approved by City Council upon a finding that any such denial will result in a significant detriment to the property owner that is not justified by the benefit to the public resulting from the preservation, protection and perpetuation of such building.
 - 2. Factors for Consideration. In considering a request to demolish, remove or substantially alter a contributing historic building, the City Council shall consider the following criteria:
 - a. Any substantial changes in circumstances that have occurred since the contributing historic building was added to the Historic Resources Inventory;
 - b. The proposed building or redevelopment plans for the property on which the contributing historic building is located;
 - c. The impact of the proposed demolition on any remaining portion(s) of the building, if applicable;
 - d. The economic hardship which may be experienced by the present owner if the application is denied;
 - e. The present condition of surrounding buildings, and the current level of repair and maintenance of neighboring buildings;
 - f. The potential of the building for renovation and reuse and the cost and extent of possible renovation;
 - g. The degree to which the contributing historic building is out of scale or out of character with surrounding land uses;
 - h. Whether due to the location of the property and surrounding land uses, the restrictions placed on such property adversely affect its reasonable use or usability; and
 - i. Whether there is a reasonable balance between the public benefit from the preservation, protection and perpetuation of the property and the detriment to the owner as a result of prohibiting the request.

2.9.7 Application to HPC for a certificate of appropriateness.

- A. Approval of Material Change in Appearance of Historic Property. After the designation by ordinance of a historic property, no material change in the appearance of such property shall occur 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 HPC. A building permit applicable to a historic property shall not be issued without a certificate of appropriateness.
- B. Submission of Plans to HPC. An application for a certificate of appropriateness shall be accompanied by such drawings, photographs, plans and documentation as required by the HPC.
- C. Interior Alterations. In its review of an application for a certificate of appropriateness, the HPC shall not consider interior arrangement or use having no effect on exterior architectural features, other than the existence of adequate heating, cooling and ventilation systems necessary for the preservation of the subject building.
- D. Technical Advice. The HPC shall have the power to seek technical advice from outside its members on any application.
- E. Public Hearings, Notices, and Right to be Heard. The HPC shall hold a public hearing at which each proposed certificate of appropriateness is discussed. Notice of the hearing shall be published in the principal newspaper of general circulation within the City and written notice of the hearing shall be made by the HPC to all owners and occupants of the subject property. The written and published notice shall be provided in the same manner and time frame as notices required by the Georgia Zoning Procedures Law. The HPC shall provide the property owner and/or applicant an opportunity to be heard at the certificate of appropriateness hearing.

F. Acceptable HPC Action on Applications for Certificates of Appropriateness.

HPC action: The HPC may (i) approve the application for a certificate of appropriateness as proposed; (ii) approve the application for a certificate of appropriateness with any modifications it deems necessary; or (iii) reject the application for a certificate of appropriateness.

- G. Design Standards for Proposed Material Changes. Any material change in appearance to a historic property shall comply with the following minimum standards:
 - 1. General Standards. All material changes in the appearance of exterior architectural features of the historic property shall conform with the United States Secretary of the Interior's Standards for the Treatment of Historic Buildings with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (the "U.S. Secretary of the Interior's Standards and Guidelines"), as applicable.
 - 2. Street-Facing Facades. All street-facing facades must be compatible with the existing or original structure:
 - a. The proportion between the width and height of the proposed alterations must be compatible with any street-facing facade of the existing or original structure.
 - b. The proportions and relationships between doors and windows in street-facing facades must be compatible with the existing or original structure.
 - c. Any alterations consisting of side additions to a street-facing facade must have a minimum setback of twelve (12) inches from the plane of the existing street-facing facade, and any associated roofline must have a minimum setback of twelve (12) inches from the existing roof line.
 - d. The following exceptions to the foregoing minimum setback requirements will be permitted where there is, on the effective date, an existing side addition or side porch to a street-facing facade:

- i. An existing open-air porch that does not comply with the 12-inch setback requirement may be enclosed within the existing plane of the porch; and
 - ii. An existing side addition that does not comply with the 12-inch setback requirement may be extended a further five (5) feet to the side of the same plane as the existing side addition.
- 3. Height and Roof Shapes. The height of the proposed alterations must be compatible with the existing building or structure. The design of the roof and any dormers must be compatible with the existing roof and dormers. Any alterations must preserve the existing or original roof ridge, roof pitch and overhangs of the existing or original building or structure and new or altered dormers must be compatible with the typical styles of dormers associated with the original building or structure.
- 4. Architectural Details. Architectural details and materials must be incorporated as necessary to relate the new with the old and to preserve and enhance the character-defining features of the existing or original building or structure. Windows may be replaced as long as they contain real or simulated divided lights, grille patterns, sizes and shapes that are compatible with the typical style of windows associated with the original building or structure and otherwise comply with the requirements of this subparagraph.
- 5. Retention of Original Structure. After completion of the proposed alterations:
 - a. 100% of the existing street-facing facade width and height must be retained intact consistent with the other requirements of this ordinance.
 - b. At least 75% of the floor area of the original structure must remain. Interior renovations and any restoration to match the original will not be deducted in determining compliance with the 75% requirement.
- 6. Landscape Requirements. Landscaping in front yards shall be subject to the following standards:
 - a. Trees greater than six (6) inches in diameter shall be conserved, whenever possible;
 - b. Plantings and landscapes that are significant in defining the character of a property or area shall be retained;
 - c. Diseased or deteriorated plantings and landscapes that are significant in defining the character of a property or area shall be replaced with healthy specimens of identical or similar species, and the landscape shall be retained; and
 - d. Landscaping in front yards shall be designed to reflect the period or style of the principal structure on the property.
- H. Standards for Approval. The HPC shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic, or architectural significance and value of the historic property. In making this determination, the HPC shall consider, in addition to whether the proposed material change(s) in the appearance comply with the foregoing design standards any other pertinent factors, the following criteria:
 - 1. For restoration, renovation, rehabilitation, reconstruction, alteration, or new construction:

Whether the proposed actions conform in design, scale, building material, setback and site features and to the United States Secretary of the Interior's Standards [for] the Treatment of Historic Buildings with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings, as applicable.
 - 2. For relocation:
 - a. The historic character and aesthetic interest of the building, structure, or object contributes to its present setting;

- b. 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;
 - c. Whether the building, structure, or object can be moved without significant damage to its physical integrity; and
 - d. Whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site, or object.
- 3. For demolition:
 - a. The historic, scenic, or architectural significance of the building, structure, site, or object;
 - b. The importance of the building, structure, site, or object to the ambiance of the area;
 - c. The difficulty or impossibility of reproducing such a building, structure, site, or object because of its design, texture, material, detail, or unique location;
 - d. Whether the building, structure, site, or object is one of the last remaining examples of its kind in the neighborhood or the city;
 - e. 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;
 - f. Whether reasonable measures can be taken to save the building, structure, site, or object from collapse; and
 - g. Whether the building, structure, site, or object is capable of earning reasonable economic return on its value.
- I. Undue Hardship. When, by reason of unusual circumstances, the strict application of any provision of the ordinance would result in the exceptional practical difficulty or undue economic hardship upon any owner of a specific property, the HPC, in passing upon applications, shall have the power to vary or modify strict provisions, so as to relieve such difficulty or hardship; provided such variances, modifications, 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 HPC may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of this Section. An undue hardship shall not be a situation of the person's own making.
- J. Deadline for Approval or Rejection of Application for a Certificate of Appropriateness.
 - 1. The HPC shall approve, reject or otherwise act on an application for a certificate of appropriateness within forty-five (45) days after the filing thereof by the owner or occupant of a historic property, building, structure, object or historical site. Evidence of approval shall be by a certificate of appropriateness issued by the HPC. Notice of the issuance or denial of a certificate of appropriateness shall be sent by United States certified mail to the applicant and all other persons who have filed a written request for such notice with the HPC.
 - 2. Should the HPC fail to approve or reject an application for a certificate of appropriateness within forty-five (45) days the application shall be deemed automatically approved; provided, however, that such forty-five (45) day period may be extended an additional thirty (30) days if consideration of an application for a certificate of appropriateness is tabled by the HPC.
- K. Notice and Effect of HPC's Rejection of Application for a Certificate of Appropriateness.
 - 1. In the event the HPC rejects an application for a certificate of appropriateness, the HPC shall state its reasons for doing so, and shall transmit a record of such rejection and reasons, in writing, to the applicant. The HPC may suggest alternative courses of action it thinks proper if it rejects 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 making said plan modifications.

2. In cases where the application for a certificate of appropriateness covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the application for a certificate of appropriateness by the HPC shall be binding upon the building official or other administrative officer charged with issuing building permits and, in such a case, no building permit shall be issued.
- L. Requirement of Conformance with a 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 HPC may request that the City obtain a cease and desist order from the appropriate tribunal and all work shall cease.
 2. The City Council or the HPC may, initiate any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property, except those changes made in compliance with the provisions of this Section or to prevent any illegal act or conduct with respect to such historic property.
- M. Certificate of Appropriateness Void if Construction Not Commenced.
1. A certificate of appropriateness shall become void unless the work described in the application for a certificate of appropriateness as approved by the HPC has commenced within six (6) months of the date of issuance.
 2. A certificate of appropriateness shall expire after eighteen (18) months unless said certificate is renewed. A certificate of appropriateness may be renewed for a single eighteen (18) month period. An application for renewal must be submitted to the Community Development Director prior to the expiration of the original certificate of appropriateness. The Director shall approve the application for renewal provided the project is not in violation of any city ordinance.
- N. Record of Application for Certificate of Appropriateness. The HPC shall keep a public record of all applications for a certificate of appropriateness, and of all the HPC's proceedings in connection with said application. These records shall be maintained in accordance with the City's records management plan.
- O. Appeals. Any person adversely affected by any determination made by the HPC relative to the issuance or denial of an application for a certificate of appropriateness may appeal such determination to the City Council. Any such appeal must be filed with the City Council within thirty (30) days after the issuance of the determination pursuant to Subparagraph J.1. of this Subsection, or in the case of a failure of the HPC to act, within thirty (30) days of the expiration of the forty-five (45) day period allowed for HPC action, as set forth in Subparagraph J.2. of this Subsection. The City Council may approve, modify, or reject the determination made by the HPC if the governing body finds that the HPC abused its discretion in reaching its decision. Decisions of the City Council are final and may only be appealed by application for a writ of certiorari to the Superior Court of Fulton County, which must be filed within thirty (30) days of the date of the decision.

([Ord. No. 712](#), § 1(Exh. A), 9-8-2015)

2.9.8 Maintenance of historic properties; building and zoning code provisions.

- A. Ordinary Maintenance or Repair. Ordinary maintenance or repair of any exterior architectural or environmental feature in or on a historic property to correct deterioration, decay, 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.
- B. Failure to Provide Ordinary Maintenance or Repair. Property owners of historic properties shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The HPC shall be charged with the following responsibilities regarding deterioration by neglect:

1. The HPC shall monitor the condition of historic properties 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. In the event the HPC determines a failure to provide ordinary maintenance or repair, the HPC will notify the owner of the property and set forth the steps which must be taken to remedy the situation. The owner of such property will have thirty (30) days to perform such remedial measures. A building permit may be required to accomplish the necessary remedial measures.
 3. In the event that the condition is not remedied in thirty (30) days, the owner shall be deemed to be in violation of this Section.
- C. Affirmation of Existing Building and Zoning Codes. Nothing in this Section shall be construed as to exempt property owners from complying with existing City building, development, and zoning codes; provided, however, owners of historic properties may be exempt from certain requirements of such codes as expressly provided herein and/or pursuant to the provisions of the subject code(s).

([Ord. No. 712](#), § 1(Exh. A), 9-8-2015)

2.9.9 Violations.

The remedies and penalties set forth herein are nonexclusive and the exercise of one or more of such remedies or penalties shall not preclude the exercise of another. In addition to the other remedies provided for herein, violations of the provisions of this Section shall be enforced, prosecuted and punished in the same manner as set forth in Article V of the Unified Development Code of the City of Alpharetta. Additionally, the City may take all necessary civil action to enforce the provisions hereof and may seek appropriate legal or equitable remedies or relief, including injunctive relief. Further, violations of this Section may constitute due cause for the revocation or removal of the "historic designation" from the property, which shall require the adoption of an ordinance to revoke or remove such designation in accordance with procedures consistent with the procedures required for the designation of a historic property. Further, if a historic property is demolished, removed or relocated without a certificate of appropriateness or in violation of any condition of a certificate of appropriateness, or in the event of a substantial alteration to the historic property, the following restrictions, in addition to any other penalties or remedies set forth in this Section, shall be applicable to the lot or parcel on which the building or structure comprising the historic property was formerly located:

The lot or parcel shall be deemed a nonconforming lot for a period of five (5) years after the date of such demolition, removal, relocation or substantial alteration. No building or other permits will be issued for the construction or development of any improvements on the lot or parcel for a period of five (5) years after the date of such demolition, removal, relocation or substantial alteration, except for permits approving building or construction activities undertaken to cure the violation to the extent that the violation is curable, as evidenced by the HPC's approval of a certificate of appropriateness for same. Notwithstanding the foregoing restrictions, the City may issue permits for improvements necessary for the immediate protection and preservation of life and/or property of other persons.

The remedies set forth for in this Section are in addition to and cumulative of all other remedies provided by law.

([Ord. No. 712](#), § 1(Exh. A), 9-8-2015)

2.9.10 Appeals.

To the extent not otherwise provided herein, any person adversely affected by a determination made by the HPC may appeal such determination to the City Council. Any such appeal must be filed within thirty (30) days of the date of the subject determination. Decisions of the City Council are final and may

only be appealed by application for a writ of certiorari to the Superior Court of Fulton County, which must be filed within thirty (30) days of the date of the decision.

([Ord. No. 738](#), § 1(Exh. A), 5-1-2017)

APPENDIX A - HISTORIC RESOURCES INVENTORY—CONTRIBUTING HISTORIC BUILDINGS

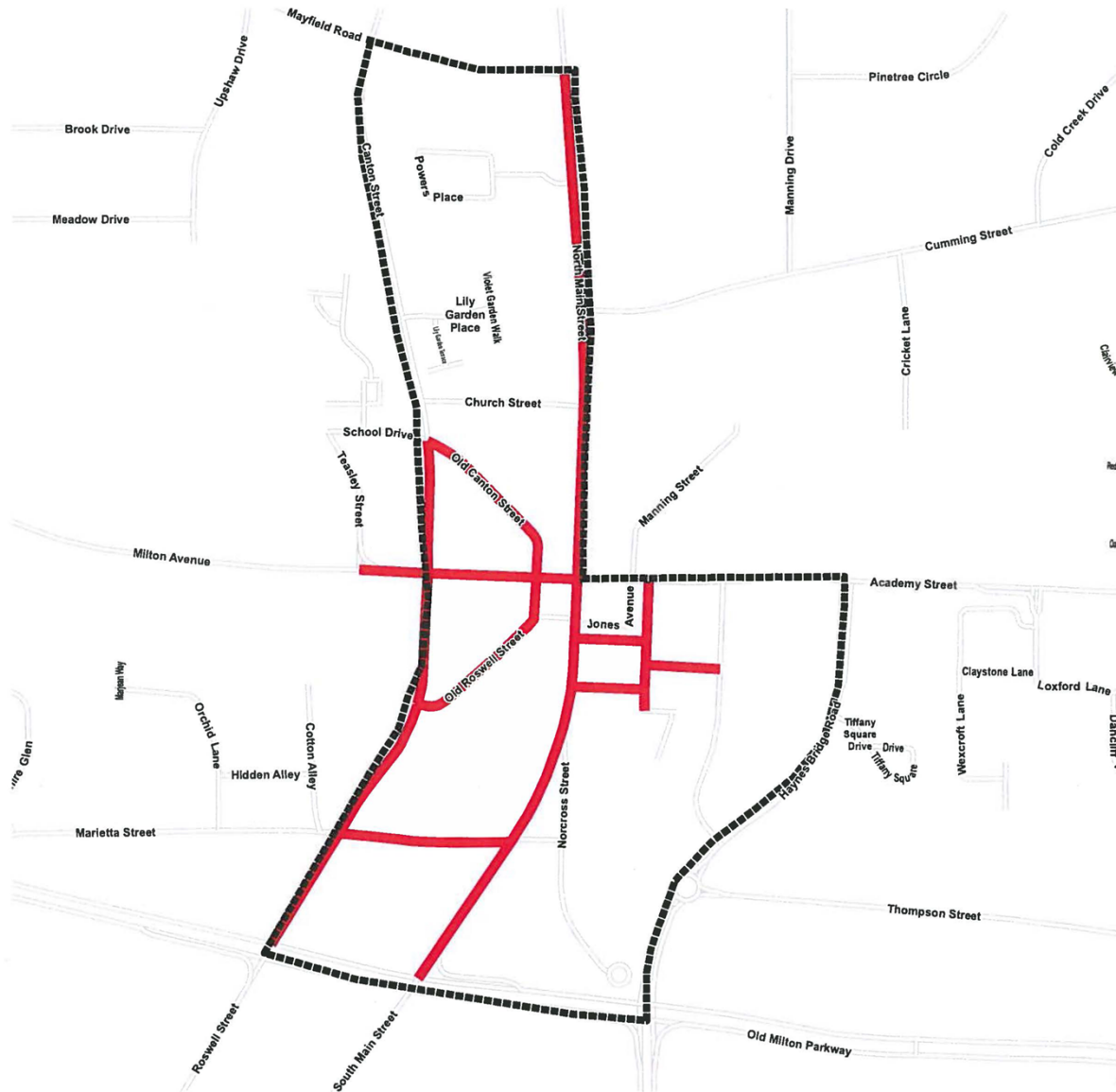
Building Address		
94 Academy Street	35 Milton Avenue	54 Roswell Street
375 Brady Place	333 Milton Avenue	61 Roswell Street
133 Canton Street	20 North Main Street	88 Roswell Street
184 Canton Street	31 North Main Street	103 Roswell Street
193 Canton Street	38 North Main Street	119 Roswell Street
212 Canton Street	69 North Main Street	164 Roswell Street
248 Canton Street	101 North Main Street	3 South Main Street
36 Church Street	116 North Main Street	9 South Main Street
37 Church Street	126 North Main Street	21 South Main Street
10 Cumming Street	134 North Main Street	23 South Main Street
18 Cumming Street	11 Old Canton Street	29 South Main Street
40 Cumming Street	86 School Drive	50 South Main Street
112 Cumming Street	1815 Old Milton Pkwy	531 South Main Street
130 Cumming Street	1835 Old Milton Pkwy	11475 Maxwell Rd.
133 Cumming Street	122 Marietta Street	1145 Mayfield Rd.

1405 Mid-Broadwell Rd.	171 Marietta Street	1750 Mayfield Rd.
20 Milton Avenue	37 Old Roswell Street	1825 Mayfield Rd.
24 Milton Avenue	48 Old Roswell Street	1080 Rucker Rd.
25 Milton Avenue	755 Old Rucker Rd.	1670 Rucker Rd.
30 Milton Avenue	760 Old Rucker Rd.	

([Ord. No. 712](#), § 1(Exh. A), 9-8-2015)

([Ord. No. 738](#), § 1(Exh. A), 5-1-2017)

Central Business District



Central Business District (CBD)

The portion of the City bound by Mayfield Road to the north, Old Milton Parkway to the south, Haynes Bridge Road and North Main St to the east, and Roswell and Canton Streets to the west.

- Store Front
- ▬▬▬▬▬ Central Business District