

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 _____ day of _____, 2017.

Approved:

David Belle Isle, Mayor

Attest:

COUNCILMEMBERS

Coty Thigpen, City Clerk
(Seal)

Approved as to Form:

C. Sam Thomas, City Attorney

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”