

1 STATE OF GEORGIA
2 COUNTY OF FULTON
3 CITY OF SOUTH FULTON

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5
6 **AN ORDINANCE PROVIDING FOR REGULATIONS PROTECTING THE**
7 **HISTORICAL QUALITIES OF THE CITY; AMENDING TITLE 5, ZONING AND**
8 **PLANNING, CHAPTER 7, HISTORIC AND CULTURAL LANDMARKS COMMISSION**
9 **AND FOR OTHER LAWFUL PURPOSES**

10
11 **(Sponsored by Councilpersons khalid and Rowell)**

12
13 **WHEREAS**, the City of South Fulton (“City”) is a municipal corporation duly
14 organized and existing under the laws of the State of Georgia;

15
16 **WHEREAS**, the duly elected governing authority of the City, is the Mayor and
17 Council thereof (“City Council”);

18
19 **WHEREAS**, the City Council is authorized by O.C.G.A. Section 36-35-3 to adopt
ordinances relating to its property, affairs, and local government;

20
21 **WHEREAS**, Section 1.12(b)(4) of the City Charter authorizes the City to regulate
and license buildings and all other structures;

22
23 **WHEREAS**, the City Council desires to amend the existing Ordinance No 2017-
24 040 in order for the City to participate in and be eligible for Certified Local Government
25 Program; and to ensure compliance with both the Georgia Historic Preservation Act and
26 the Georgia Local Government Program Application and Procedures; and

27
28 **WHEREAS**, the City Council finds this Ordinance to be in the best interest of
29 the health, safety, and welfare of, the citizens of the City.

30
31 **NOW THEREFORE, THE COUNCIL OF THE CITY OF SOUTH FULTON**
32 **HEREBY ORDAINS** as follows:

33 **Section 1.** Title 5, Zoning and Planning, Chapter 7, Historic and Cultural
34 Landmarks Commission, Section 5-7001, Creation and Appointment is hereby amended
35 by replacing the same with the following:
36

37 **CHAPTER 7. - HISTORIC AND CULTURAL LANDMARKS COMMISSION**

38 **Sec. 5-7001. – Purpose, Authority, Definitions, Creation, and Appointment.**

39 (a) The mayor and council find that the historical and cultural heritage of the City is
40 among its most valued and important assets and that the preservation of this
41 heritage is essential to the promotion of the health, prosperity and general welfare
42 of the people of the City and of the public generally. Therefore, pursuant to the

43 authority conferred by the National Historic Preservation Act of 1976, as amended,
44 (16 USC 470 *et seq.*) and by the Georgia Historic Preservation Act of 1980, as
45 amended, (O.C.G.A. § 44-10-21 *et seq.*), and for the purposes of establishing a
46 uniform procedure for use in providing for the protection, enhancement,
47 perpetuation and use of historic properties and historic districts, having a special
48 historical and cultural interest or value; protecting and safeguarding the City's
49 historic and cultural heritage, as embodied and reflected in such properties and
50 districts; stabilizing and improving the property values of such properties and
51 districts to retain and attract residents and to encourage restoration and
52 rehabilitation efforts; protecting and enhancing the City's attractions to tourists and
53 visitors and the support and stimulus to business and industry thereby provided;
54 strengthening the economy of the City; enhancing the opportunities for federal and
55 state tax benefits under relevant provisions of federal and state law; seeking to
56 participate in federal and state programs that provide for the designation,
57 protection, preservation and rehabilitation of such properties and districts;
58 fostering civic pride in the beauty and accomplishments of the past; promoting the
59 use of such properties and districts for the education, pleasure, and welfare of the
60 people of the City; all in accordance with the City's adopted comprehensive plan,
61 as amended, the mayor and council hereby ordain and enact into law this chapter.

62 (b) The Historic and Cultural Landmarks Commission shall adopt rules and standards
63 for the transaction of its business and for consideration of application for
64 designation of Certificate of Appropriateness, such as by-laws, removal of
65 membership provision, and design guidelines and criteria. The Historic and Cultural
66 Landmarks Commission shall have the flexibility to adopt rules and standards
67 without amendment to this Ordinance.

68 (c) The provisions of this chapter shall govern all land, buildings and structures within
69 the incorporated limits of the city.

70 (d) The following words, terms and phrases when used in this chapter, shall have the
71 meanings ascribed to them in this section, except where the context clearly
72 indicates a different meaning:

73 *Certificate of Appropriateness* means a document approving a proposal to make a
74 material change in the appearance of a designated historic property or of a structure,
75 site, or work of art located within a designated historic district, which document must
76 be obtained from a Historic and Cultural Landmarks Commission before such material
77 change may be undertaken.

78 *Commission* means the Historic and Cultural Landmarks Commission created and
79 established pursuant to O.C.G.A. Section 44-10-24.

80 *Designation* means a decision by the mayor and council wherein a property or
81 district proposed for preservation is located to designate such property or district as a
82 "historic property" or as a "historic district" and thereafter to preclude all material
83 changes in appearance of such property or within such district prior to the issuance of
84 a certificate of appropriateness by the Historic and Cultural Landmarks Commission.

85 *Exterior architectural features* means the architectural style, general design and
86 general arrangement of the exterior of a building or other structure, including, but not
87 limited to the kind or texture of the building material; the type and style of all windows,
88 doors and signs; and other appurtenant architectural fixtures, features, details or
89 elements relative to the foregoing.

90 *Exterior environmental features* means all those aspects of the landscape which
91 affect the historic character of the property or the development of the site, including
92 but not limited to parking areas, driveways, walkways, fences, wall, landscaping, signs
93 or other permanent landscape elements; and other appurtenant environmental
94 fixtures, features, details or elements relative to the foregoing.

95 *Historic district* means a geographically definable area, urban or rural, which
96 contains structures, sites, works of art, or a combination thereof which:

- 97 i. Have special character or special historical or aesthetic interest or value;
- 98 ii. Represent one or more periods or styles of architecture typical of one or
99 more eras in the history of the municipality, county, state, or region; and
- 100 iii. Cause such area, by reason of such factors, to constitute a visibly
101 perceptible section of the municipality or county.

102 *Historic preservation jurisdiction* means the area within the incorporated limits of
103 the city.

104 *Historic property* means a structure, site, or work of art, including the adjacent
105 area necessary for the proper appreciation or use thereof, deemed worthy of
106 preservation by reason of its value to the municipality, county, state, or region for one
107 or more of the following reasons:

- 108 i. It is an outstanding example of a structure representative of its era;
- 109 ii. It is one of the few remaining examples of a past architectural style;
- 110 iii. It is a place or structure associated with an event or person of historic or
111 cultural significance to the municipality, county, state, or region; or
- 112 iv. It is a site of natural or aesthetic interest that is continuing to contribute to
113 the cultural or historical development and heritage of the municipality,
114 county, state, or region.

115 *Material change in appearance* means a change that will affect either the exterior
116 architectural or environmental features of a historic property or of any place, district,
117 site, building, structure, object or work of art within a historic district, including but not
118 limited to the following:

- 119 i. A reconstruction or alteration of the size, shape or facade of a historic
120 property, including relocation of any doors or windows or removal or
121 alteration of any architectural features, details or elements;
- 122 ii. Demolition or relocation of a historic property;
- 123 iii. Commencement of excavation;
- 124 iv. A change in the location of advertising visible from the public right-of-way
125 on any historic property; or
- 126 v. The erection, alteration, restoration or removal of any building or other
127 structures within a designated historic district, including walls, fences,
128 steps and pavements or other appurtenant environmental features,
129 except exterior paint alterations.

130 *Owner* means the holder of the title in fee simple.

131 *Parties in interest* means persons in possession of such property and all
132 individuals, associations and corporations who have an interest of record in the county
133 where the property is located in a place, site, building, structure or work of art,
134 including executors, administrators, guardians and trustees.

135 (e) There is hereby created the Historic and Cultural Landmarks Commission to be
136 comprised of ten members ("commission members"). Eight of the members shall be
137 qualified electors of the City who are appointed by the Mayor and ratified by the City
138 Council. The planning and development director and the building official shall be ex
139 officio, nonvoting members of the Historic and Cultural Landmarks Commission.

140 (f) The City Council shall appoint representatives who have demonstrated their civic
141 interest, general knowledge of the community, experience or education in history,
142 architecture, or the preservation of historic resources, independent judgment and
143 availability to prepare for and attend meetings. Whenever feasible, appointees
144 should be practicing professionals from the fields of architecture, landscape
145 architecture, history, urban planning, archeology, real estate, law, or other
146 disciplines related to historic preservation. All Historic and Cultural Landmarks
147 Commission members, regardless of background, shall have a known and
148 demonstrated interest, competence or knowledge in historic preservation and
149 planning within the city.

150 (g) As nearly as is reasonably possible, the Historic and Cultural Landmarks
151 Commission members as a whole shall fairly represent the ethnic makeup of the
152 city. All members shall be residents of the City.

153 (h) All Commission members shall serve without compensation.

154 **Section 2.** Title 5, Zoning and Planning, Chapter 7, Historic and Cultural
155 Landmarks Commission, Section 5-7004, Power and duties is hereby amended by
156 replacing the same with the following:
157

158 **CHAPTER 7. - HISTORIC AND CULTURAL LANDMARKS COMMISSION**

159 **Sec. 5-7004. - Power and duties.**

160 The Historic and Cultural Landmarks Commission shall be empowered to:

- 161 (1) Prepare an inventory of all property within the City's respective historic
162 preservation jurisdiction having the potential for designation as historic property.
- 163 (2) Recommend to the City council specific places, districts, sites, buildings,
164 structures, or works of art to be designated by ordinance as historic properties
165 or historic districts; Initiate and/or consider nominations, hold hearings and
166 recommend to the city council that certain structures and property be
167 designated as highly significant endangered, historic and cultural landmark or
168 demolition delay, or that an area containing two or more eligible structures be
169 designated as a historic and cultural landmark district.
- 170 (3) Review applications for certificates of appropriateness and grant or deny the
171 same in accordance with Code Section 44-10-28.
- 172 (4) Recommend to the city council that the designation of any place, district, site,
173 building, structure, or work of art as a historic property or as a historic district be
174 revoked or removed.
- 175 (5) Restore or preserve any historic properties acquired by the City.
- 176 (6) Promote the acquisition by the City of façade easements and conservation
177 easements in accordance with the provisions of the Georgia Uniform
178 Conservation Easement Act of 1992 and Georgia Annotated Code Sections 44-
179 10-1 through 44-10-8.
- 180 (7) Conduct an educational program on historic properties located within its historic
181 preservation jurisdiction.
- 182 (8) Make such investigations and studies of matters relating to historic preservation
183 as the local governing body or the commission itself may from time to time
184 deem necessary or appropriate for the purposes of this article.
- 185 (9) Seek out state and federal funds for historic preservation and make
186 recommendations to the local governing body concerning the most appropriate
187 use of any funds acquired.
- 188 (10) Consult with historic preservation experts in the Division of Historic
189 Preservation of the Department of Natural Resources or its successor and the
190 Georgia Trust for Historic Preservation, Inc.
- 191 (11) Submit to the Division of Historic Preservation of the Department of Natural
192 Resources or its successor a list of historic properties or historic districts
193 designated as such pursuant to Code Section 44-10-26.
- 194 (12) Perform historic preservation activities as the official agency of the City of South
195 Fulton Historic Preservation Program.

- 196 (13) Participate in private, state, and federal historic preservation programs and with
197 the consent of the South Fulton City Council, enter into agreements to do the
198 same.
- 199 (14) Receive donations, grants, funds, or gifts of historic property and acquire and
200 sell historic properties. The Commission shall not obligate the City without prior
201 consent.
- 202 (15) Review and make comments to the Historic Preservation Division of the
203 Department of Natural Resources concerning the nomination of properties
204 within its jurisdiction to the National Register of Historic Places.
- 205 (16) Prepare rules and procedures as necessary to carry out the business of the
206 Historic and Cultural Landmarks Commission, which shall be ratified by the city
207 council.
- 208 (17) Create committees from among its membership to advise the Historic and
209 Cultural Landmarks Commission in carrying out its powers and duties.
- 210 (18) Administer the city's certified local government program.
- 211 (19) Maintain written minutes, which record all actions taken by the Historic and
212 Cultural Landmarks Commission and the reasons for such actions.
- 213 (20) Increase public awareness of the value of historic, cultural, architectural and
214 archeological preservation by developing and participating in public education
215 programs.
- 216 (21) Conduct ongoing surveys to identify and list significant historical, cultural,
217 architectural and archeological resources.
- 218 (22) Make recommendations to the City council for the employment of professional
219 consultants as necessary to assist in carrying out the duties of the Historic and
220 Cultural Landmarks Commission.
- 221 (23) Create, maintain, revise and amend the historic resources survey.
- 222 (24) Maintain a current database of historic structures.
- 223 (25) Adopt, enforce and amend design guidelines for structures designated highly
224 significant endangered or historic and cultural landmark or located in a historic
225 and cultural landmark district.
- 226 (26) Hold hearings and make decisions concerning the issuance of certificates of
227 appropriateness for demolition, relocation or other work on designated
228 structures and, when appropriate, recommend salvage plans in connection with
229 such demolition, relocation or other work.
- 230 (27) Review public works and public utility projects to be constructed on the
231 premises of, or immediately adjacent to, historic structures and make
232 recommendations concerning whether they are appropriate to the character of
233 the area.
- 234 (28) Recommend enforcement actions to be taken against property owners who
235 permit the demolition by neglect of a designated historic structure or property.

- 236 (29) Advise and consult with the owners of historically and architecturally
237 significant structures.
- 238 (30) Propose incentive programs for rehabilitation of historically designated
239 structures and properties.
- 240 (31) Review requests regarding participation in historic preservation economic
241 incentive programs and forward recommendations concerning such requests to
242 the city council.
- 243 (32) Make recommendations to the city council concerning the utilization of city,
244 state, federal or private funds to promote historic preservation in the city.
- 245 (33) Recommend recognition of the owners of structures or property designated
246 in accordance by means of certificates, plaques or markers.
- 247 (34) Recommend to the city council that the city act as a conservator in the public
248 interest through mediation, arbitration or, in extreme cases, litigation.
- 249 (35) Recommend to the city council that the city accept the donation of
250 preservation easements and development rights, as well as gifts for the
251 purpose of historic preservation.
- 252 (36) Exercise such other and further powers as may be conferred on the Historic
253 and Cultural Landmarks Commission by city codes or ordinances.

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255 **Section 3.** Title 5, Zoning and Planning, Chapter 7, Historic and Cultural
256 Landmarks Commission, is hereby amended by creating and adding Section 5-7007,
257 Designation by Ordinance of Historic Properties or Historic Districts:
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259 **CHAPTER 7. - HISTORIC AND CULTURAL LANDMARKS COMMISSION**

260 **Sec. 5-7007. - Designation by Ordinance of Historic Properties or Historic**
261 **Districts.**

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263 (a) Ordinances adopted by the City to designate historic properties or historic districts
264 shall be subject to the following requirements:

- 265 (1) Any ordinance designating any property as a historic property or any district as a
266 historic district shall require that the designated property or district be shown on
267 the official zoning map of the City or that, in the absence of an official zoning
268 map, the designated property or district be shown on a map of the City adopting
269 such ordinance and kept by the City as a public record to provide notice of such
270 designation in addition to other notice requirements specified by this section;
- 271 (2) Any ordinance designating any property as a historic property shall describe
272 each property to be designated, shall set forth the name or names of the owner
273 or owners of the property, and shall require that a certificate of appropriateness

274 be obtained from the Historic and Cultural Landmarks Commission prior to any
275 material change in appearance of the designated property; and

276 (3) Any ordinance designating any district as a historic district shall include a
277 description of the boundaries of the district, shall list each property located
278 therein, shall set forth the name or names of the owner or owners of each
279 property, and shall require that a certificate of appropriateness be obtained from
280 the Historic and Cultural Landmarks Commission prior to any material change in
281 appearance of any structure, site, or work of art located within the designated
282 historic district.

283

284 (b) No ordinance designating any property as a historic property and no ordinance
285 designating any district as a historic district nor any amendments thereto may be
286 adopted by the City nor may any property be accepted or acquired as historic property
287 by the City until the following procedural steps have been taken:

288

289 (1) The Commission shall make or cause to be made an investigation and shall
290 report on the historic, cultural, architectural, or aesthetic significance of each
291 place, district, site, building, structure, or work of art proposed for designation or
292 acquisition. This report shall be submitted to the Division of Historic Preservation
293 of the Department of Natural Resources or its successor which will be allowed 30
294 days to prepare written comments concerning the report;

295 (2) The Commission and the City shall hold a public hearing on the proposed
296 ordinance. Notice of the hearing shall be published at least three times in the
297 principal newspaper of general circulation within the municipality or county in
298 which the property or properties to be designated or acquired are located; and
299 written notice of the hearing shall be mailed by the Commission to all owners and
300 occupants of such properties. All the notices shall be published or mailed not
301 less than 10 nor more than 20 days prior to the date set for the public hearing;
302 and

303 (3) Following the public hearing, the City may adopt the ordinance as prepared,
304 adopt the ordinance with any amendments it deems necessary, or reject the
305 proposal.

306

307 (c) Within 30 days immediately following the adoption of the ordinance, the owners and
308 occupants of each designated historic property and the owners and occupants of each
309 structure, site, or work of art located within a designated historic district shall be given
310 written notification of such designation by the City, which notice shall apprise said
311 owners and occupants of the necessity for obtaining a Certificate of Appropriateness
312 prior to undertaking any material change in the appearance of the historic property
313 designated or within the historic district designated.

314

315 **Section 4.** Title 5, Zoning and Planning, Chapter 7, Historic and Cultural
316 Landmarks Commission, is hereby amended by creating and adding Section 5-7008,
317 Certificate of Appropriateness Requirements and Exemption:

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319 **CHAPTER 7. - HISTORIC AND CULTURAL LANDMARKS COMMISSION**

320 **Sec. 5-7008. - Certificate of Appropriateness Requirements and Exemption.**

321 (a) After the designation by ordinance of a historic property or of a historic district, no
322 material change in the appearance of the historic property or of a structure, site, or work
323 of art within the historic district shall be made or be permitted to be made by the owner
324 or occupant thereof unless and until application for a Certificate of Appropriateness has
325 been submitted to and approved by the Commission. Such application shall be
326 accompanied by such drawings, photographs, or plans as may be required by the
327 Commission.

328
329 (b) The Department of Transportation and any contractors, including cities and counties,
330 performing work funded by the Department of Transportation are exempt from this
331 article. Local governments are exempt from the requirement of obtaining certificates of
332 appropriateness; provided, however, that local governments shall notify the Commission
333 45 days prior to beginning an undertaking that would otherwise require a Certificate of
334 Appropriateness and allow the Commission an opportunity to comment.

335
336 **Section 5.** Title 5, Zoning and Planning, Chapter 7, Historic and Cultural
337 Landmarks Commission, is hereby amended by creating and adding Section 5-7009,
338 Procedure for Review of Applications.
339

340 **CHAPTER 7. - HISTORIC AND CULTURAL LANDMARKS COMMISSION**

341 **Sec. 5-7009. - Procedure for Review of Applications.**

342 (a) Prior to reviewing an application for a Certificate of Appropriateness, the
343 Commission shall take such action as may reasonably be required to inform the owners
344 of any property likely to be affected materially by the application and shall give the
345 applicant and such owners an opportunity to be heard. In cases where the Commission
346 deems it necessary, it may hold a public hearing concerning the application.
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348 (b) The Commission shall approve the application and issue a Certificate of
349 Appropriateness if it finds that the proposed material change in appearance would not
350 have a substantial adverse effect on the aesthetic, historical, or architectural
351 significance and value of the historic property or the historic district. In making this
352 determination, the Commission shall consider, in addition to any other pertinent factors,
353 the historical and architectural value and significance; architectural style; general
354 design, arrangement, texture, and material of the architectural features involved; and
355 the relationship thereof to the exterior architectural style and pertinent features of other
356 structures in the immediate neighborhood.

357 (c) In its review of applications for Certificates of Appropriateness, the Commission shall
358 not consider interior arrangement or uses having no effect on exterior architectural
359 features.

360 (d) The Commission shall approve or reject an application for a Certificate of
361 Appropriateness within 45 days after the filing thereof by the owner or occupant of a
362 historic property or of a structure, site, or work of art located within a historic district.
363 Evidence of approval shall be by a Certificate of Appropriateness issued by the
364 Commission. Failure of the Commission to act within the 45-day period shall constitute
365 approval, and no other evidence of approval shall be needed.

366 (e) In the event the Commission rejects an application, it shall state its reasons for doing
367 so and shall transmit a record of such action and the reasons therefor, in writing, to the
368 applicant. The Commission may suggest alternative courses of action it thinks proper if
369 it disapproves of the application submitted. The applicant, if he so desires, may make
370 modifications to the plans and may resubmit the application at any time after doing so.

371 (f) In cases where the application covers a material change in the appearance of a
372 structure which would require the issuance of a building permit, the rejection of an
373 application for a Certificate of Appropriateness by the Commission shall be binding
374 upon the building inspector or other administrative officer charged with issuing building
375 permits; and, in such a case, no building permit shall be issued.

376 (g) Where such action is authorized by the City and is reasonably necessary or
377 appropriate for the preservation of a unique historic property, the Commission may
378 enter into negotiations with the owner for the acquisition by gift, purchase, exchange, or
379 otherwise of the property or any interest therein.

380 (h) Where, by reason of unusual circumstances, the strict application of any provision of
381 this article would result in exceptional practical difficulty or undue hardship upon any
382 owner of any specific property, the Commission, in passing upon applications, shall
383 have the power to vary or modify strict adherence to the provisions or to interpret the
384 meaning of the provision so as to relieve such difficulty or hardship; provided, however,
385 that such variance, modification, or interpretation shall remain in harmony with the
386 general purpose and intent of the provisions so that the architectural or historical
387 integrity or character of the property shall be conserved and substantial justice done. In
388 granting variations, the Commission may impose such reasonable and additional
389 stipulations and conditions as will in its judgment best fulfill the purpose of this article.

390 (i) The Commission shall keep a record of all applications for Certificates of
391 Appropriateness and of all its proceedings.

392 (j) Any person adversely affected by any determination made by the Commission
393 relative to the issuance or denial of a Certificate of Appropriateness may appeal such
394 determination to the City of South Fulton City Council in whose historic preservation
395 jurisdiction the property in question is located; and City Council may approve, modify
396 and approve, or reject the determination made by the Commission if the City Council

397 finds that the Commission abused its discretion in reaching its decision. The ordinances
398 adopted in conformity with Code Section 44-10-26 shall specify the procedures for the
399 review of decisions of the Commission by the City Council. Appeals from decisions of
400 the City Council made pursuant to this article may be taken to the superior court in the
401 manner provided by law for appeals from a conviction for municipal ordinance
402 violations.

403 **Section 6.** Title 5, Zoning and Planning, Chapter 7, Historic and Cultural
404 Landmarks Commission, is hereby amended by creating and adding Section 5-7010,
405 Maintenance of Historic Properties and Code Provisions.
406

407 **CHAPTER 7. - HISTORIC AND CULTURAL LANDMARKS COMMISSION**

408 **Sec. 5-7010. - Maintenance of Historic Properties and Code Provisions.**

409 (a) Ordinary Maintenance or Repair of any exterior architectural or environmental
410 feature in or on a historic property to correct deterioration, decay, or to sustain the
411 existing form, and that does not involve a material change in design, material or outer
412 appearance thereof, does not require a Certificate of Appropriateness.

413 (b) Property owners of historic properties or properties within historic district shall not
414 allow their buildings to deteriorate by failing to provide ordinary maintenance or repair.
415 The Commission shall be charged with the following responsibilities regarding
416 deterioration by neglect.

417 1. The Commission shall monitor the condition of historic properties and existing
418 buildings in historic districts to determine if they are being allowed to deteriorate
419 by neglect. Such conditions as broken windows, doors and exterior openings
420 which allow the elements and vermin to enter, or the deterioration of a building
421 structural system shall constitute failure to provide ordinary maintenance or
422 repair.

423 2. In the event the Commission determines a failure to provide ordinary
424 maintenance or repair, the Commission will notify the owner of the property and
425 set forth the steps which need to be taken to remedy the situation. The owner of
426 such property will have 30 days to bring the property into compliance.

427 3. In the event that the condition is not remedied in 30 days, the owner shall be
428 punished as provided in Section 5-7011 of this Ordinance and, at the direction of
429 the City of South Fulton City council, the Commission may perform such
430 maintenance or repair as is necessary to prevent deterioration by neglect. The
431 owner of the property shall be liable for the cost of such maintenance and repair
432 performed by the Commission.

433 (c) Nothing in this Ordinance shall be constructed as to exempt property owners from
434 complying with existing City building and zoning codes, nor prevent any property owner
435 from making any use of this property not prohibited by other statutes, ordinances, or
436 regulations.

437 **Section 7.** Title 5, Zoning and Planning, Chapter 7, Historic and Cultural
438 Landmarks Commission, is hereby amended by creating and adding Section 5-7011,
439 Penalty.
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441 **CHAPTER 7. - HISTORIC AND CULTURAL LANDMARKS COMMISSION**

442 **Sec. 5-7011. - Penalty.**

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444 Violations of any provisions of this Ordinance shall be punished in the same manner as
445 provides for punishment of violations of validly enacted Ordinances of the City of South
446 Fulton.
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450 **Section 8.** It is hereby declared to be the intention of the City Council that: (a) All
451 sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were,
452 upon their enactment, believed by the City Council to be fully valid, enforceable and
453 constitutional.

454 (b) To the greatest extent allowed by law, each and every section, paragraph,
455 sentence, clause or phrase of this Ordinance is severable from every other section,
456 paragraph, sentence, clause or phrase of this Ordinance. No section, paragraph,
457 sentence, clause or phrase of this Ordinance is mutually dependent upon any other
458 section, paragraph, sentence, clause or phrase of this Resolution.

459 (c) In the event that any phrase, clause, sentence, paragraph or section of this
460 Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or
461 otherwise unenforceable by the valid judgment or decree of any court of competent
462 jurisdiction, it is the express intent of the City Council that such invalidity,
463 unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not
464 render invalid, unconstitutional or otherwise unenforceable any of the remaining
465 phrases, clauses, sentences, paragraphs or sections of the Ordinance.

466 **Section 9.** All Ordinances and Resolutions in conflict herewith are hereby expressly
467 repealed.

468 **Section 10.** The City Attorney, City Clerk and contracted City Codifier are
469 authorized to make non-substantive formatting and renumbering edits to this ordinance
470 for proofing, codification, and supplementation purposes. The final version of all
471 Ordinances shall be filed with the clerk.

472 **Section 11.** The effective date of this Ordinance shall be on the date as set forth
473 under Sec. 3.21 of the City Charter unless provided otherwise by applicable local, state
474 and/or federal law.

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517 The foregoing Ordinance No. 2020-xxx was moved for approval by Councilmember
518 _____ . The motion was seconded by Councilmember
519 _____, and being put to a vote, the result was as
520 follows:

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	AYE	NAY
William "Bill" Edwards, Mayor	_____	_____
Carmalitha Gumbs, Mayor Pro Tem	_____	_____
Catherine Foster Rowell	_____	_____
Helen Zenobia Willis	_____	_____
Gertrude Naeema Gilyard	_____	_____
Corey Reeves	_____	_____
khalid kamau	_____	_____
Mark Baker	_____	_____

THIS ORDINANCE so adopted this _____ day of _____ 2020. **CITY OF SOUTH FULTON, GEORGIA.**

WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:

CORY E. ADAMS, INTERIM CITY CLERK

APPROVED AS TO FORM:

EMILIA C. WALKER, CITY ATTORNEY

GOVERNMENT OF THE CITY OF SOUTH FULTON

ODIE DONALD II
CITY MANAGER



FRANK MILAZI
Chief Financial Officer

MEMORANDUM

TO: Corey Adams, City Clerk

FROM: Frank S. Milazi, CFO *FM*

DATE: October 8, 2020

SUBJECT: Amended Historic Landmark Commission Ordinance

CONCLUSION

City Council desires to amend the existing Ordinance No 2017-040 in order for the City to participate and be eligible for the Certified Local Government Program. This will also help in ensuring compliance with both the Georgia Historic Preservation Act and the Georgia Local Government Program Application and Procedure.

BACKGROUND

City Council is authorized by O.C.G.A. Section 36-35-3 to adopt ordinances relating to its property, affairs, and local government.

FINANCIAL IMPACT

There will be no financial impact to the FY21 budget and/or FY21 fiscal year appropriations/allocations.