

**STATE OF GEORGIA
COUNTY OF FULTON
CITY OF SOUTH FULTON**

ORDINANCE NO. 2017-040

**ADOPTION OF ORDINANCE ESTABLISHING HISTORIC AND CULTURAL
LANDMARKS COMMISSION FOR THE CITY OF SOUTH FULTON**

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

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

WHEREAS, the duly elected governing authority of the City is the Mayor and City Council;

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

WHEREAS, the City is charged with preserving the health, safety, and welfare of its citizens; and

WHEREAS, the establishment of a Historic and Cultural Landmarks Commission regarding real property within the City’s borders is in the best interest of the City.

THE COUNCIL OF THE CITY OF SOUTH FULTON HEREBY ORDAINS
as follows:

Section 1: The City of South Fulton Code of Ordinances, Title 5, Zoning and Planning, Chapter 7, shall be as follows:

Title 5: Zoning and Planning

Chapter 7: *Historic and Cultural Landmarks Commission*

Section 5-7001: *Creation and Appointment*

a) There is hereby created the Historic and Cultural Landmarks Commission to be comprised of ten members (“Commission members”). Eight of the members shall be qualified electors of the City of South Fulton who are appointed to the Commission. The Planning and Development Director and the Building Official shall be ex officio, nonvoting members of the Historic and Cultural Landmarks Commission.

1. The Mayor and each City Council member shall appoint one representative to the Commission. The City Council shall appoint representatives

who have demonstrated their civic interest, general knowledge of the community, independent judgment and availability to prepare for and attend meetings. Whenever feasible, appointees should be practicing professionals from the fields of architecture, landscape architecture, history, urban planning, archeology, real estate, law, or other disciplines related to historic preservation.

2. All Historic and Cultural Landmarks Commission members, regardless of background, shall have a known and demonstrated interest, competence or knowledge in historic preservation and planning within the City of South Fulton, Georgia.

3. As nearly as is reasonably possible, the Historic and Cultural Landmarks Commission members as a whole shall fairly represent the ethnic makeup of the City of South Fulton.

Section 5-7002: Terms of Office

Historic and Cultural Landmarks Commission members shall serve for a term of two years. Newly appointed members shall be installed at the first regular meeting after their appointment. The members shall serve in places numbered 1 through 8. Members appointed in odd-numbered places shall serve terms, which expire October 1 of odd-numbered years. Members appointed to even-numbered places shall serve terms, which expire on October 1 of even-numbered years.

Vacancies shall be filled for unexpired terms. Commission members may be appointed to succeed themselves and shall serve at the discretion of the City Council until a new member is appointed in their place.

Section 5-7003: Organization

a) **General**

The chairman and vice chairman of the Historic and Cultural Landmarks Commission shall be elected by and from the members of the Historic and Cultural Landmarks Commission. The Historic and Cultural Landmarks Commission shall meet at least once every two months if business requires. Special meetings may be called at any time by the chair or by a vote of at least two of the Commission members.

b) **Meetings and Quorum**

Five members of the Historic and Cultural Landmarks Commission shall constitute a quorum for the conduct of business. Five affirmative votes shall be required to decide any issue before the Historic and Cultural Landmarks Commission. The Commission members shall regularly attend the meetings and public hearings of the Historic and Cultural Landmarks Commission and shall serve without compensation.

c) **Attendance Reports**

Once every two months, the Commission shall submit a report to the City Council showing the cumulative attendance of each member of the Historic and Cultural

Landmarks Commission, with notation of members who have been absent from three consecutive meetings.

d) **Change Require Commission Recommendation**

No changes shall be made to Title 5, Chapter 7 or the preservation plan without the recommendation of the Historic and Cultural Landmarks Commission first being entered at the required public hearings.

Section 5-7004: Power and Duties

The Historic and Cultural Landmarks Commission shall be empowered to:

1. Prepare rules and procedures as necessary to carry out the business of the Historic and Cultural Landmarks Commission, which shall be ratified by the City Council.
2. Create committees from among its membership to advise the Historic and Cultural Landmarks Commission in carrying out its powers and duties.
3. Administer the city's certified local government program.
4. Maintain written minutes, which record all actions taken by the Historic and Cultural Landmarks Commission and the reasons for such actions.
5. Increase public awareness of the value of historic, cultural, architectural and archeological preservation by developing and participating in public education programs.
6. Conduct ongoing surveys to identify and list significant historical, cultural, architectural and archeological resources.
7. Make recommendations for the employment of professional consultants as necessary to assist in carrying out the duties of the Historic and Cultural Landmarks Commission.
8. Create, maintain, revise and amend the historic resources survey.
9. Initiate and/or consider nominations, hold hearings and recommend to the City Council that certain structures and property be designated as "Highly Significant Endangered", "Historic and Cultural Landmark" or "Demolition Delay", or that an area containing two or more eligible structures be designated as a "Historic and Cultural Landmark District."
10. Maintain a current database of historic structures.
11. Adopt, enforce and amend design guidelines for structures designated

“Highly Significant Endangered” or “Historic and Cultural Landmark” or located in a Historic and Cultural Landmark District.

12. Hold hearings and make decisions concerning the issuance of Certificates of Appropriateness for demolition, relocation or other work on designated structures and, when appropriate, recommend salvage plans in connection with such demolition, relocation or other work.
13. Review public works and public utility projects to be constructed on the premises of, or immediately adjacent to, historic structures and make recommendations concerning whether they are appropriate to the character of the area.
14. Recommend enforcement actions to be taken against property owners who permit the demolition by neglect of a designated historic structure or property.
15. Advise and consult with the owners of historically and architecturally significant structures.
16. Propose incentive programs for rehabilitation of historically designated structures and properties.
17. Review requests regarding participation in historic preservation economic incentive programs and forward recommendations concerning such requests to the City Council.
18. Make recommendations to the City Council concerning the utilization of city, state, federal or private funds to promote historic preservation in the City.
19. Recommend recognition of the owners of structures or property designated in accordance by means of certificates, plaques or markers.
20. Recommend to the City Council that the City act as a conservator in the public interest through mediation, arbitration or, in extreme cases, litigation.
21. Recommend to the City Council that the City accept the donation of preservation easements and development rights as well as gifts for the purpose of historic preservation.
22. Exercise such other and further powers as may be conferred on the Historic and Cultural Landmarks Commission by City codes or ordinances.

Section 5-7005: Preservation Plan

The Historic and Cultural Landmarks Commission shall adopt, in cooperation

with the Planning Commission, a preservation plan to be considered when the City adopts its comprehensive plan. The preservation plan shall include:

- a) The historic resources survey;
- b) Criteria to be used in identifying and prioritizing sites; and
- c) General description of forms and styles found in City of South Fulton.

The plan will also include criteria for selecting and preserving structures and property. The plan will also set forth priorities not only among various historic sites but also between conflicting land use goals and shall include specific recommendations on how to resolve conflicts between competing uses. The plan will recommend the coordination required with other departments and other public and private groups to implement historic preservation.

The Historic and Cultural Landmarks Commission shall review the preservation plan every five years. Revisions may be made to the plan at any time in accordance with the rules and policies of the City.

Section 5-7006: Commission Interpretations and Amplifications

The Historic and Cultural Landmarks Commission is empowered to interpret its design guidelines, policies, procedures and rules for the benefit of the City's administrative staff, property owners or other interested parties.

Section 2: Severability

In the event any portion of this ordinance shall be declared or adjudged invalid or unconstitutional, it is the intention of the City Council of the City of South Fulton, Georgia, that such adjudication shall in no manner affect the other sections, sentences, clauses or phrases of this ordinance which shall remain in full force and effect, as if the invalid or unconstitutional section, sentence, clause or phrase were not originally a part of the ordinance.

Section 3: Repealer

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 4: Effective Date

Unless specifically specified elsewhere in this Ordinance, the effective date of this Ordinance shall be immediately.
