

AN ORDINANCE TO AMEND THE CODE OF ATHENS-CLARKE COUNTY, GEORGIA WITH RESPECT TO **HISTORIC PRESERVATION – CERTIFICATE OF APPROPRIATENESS**; AND FOR OTHER PURPOSES.

The Commission of Athens-Clarke County, Georgia hereby ordains as follows:

SECTION 1. Section 8-5-5, entitled “Application to the Historic Preservation Commission for Certificate of Appropriateness,” of the Code of Athens-Clarke County, paragraph (d), subparagraphs (1) and (2) are hereby amended by deleting said subparagraphs (1) and (2) in their entirety and substituting the following in lieu thereof:

“(1) The historic preservation commission shall approve or approve with conditions 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 or the historic district. In making this determination, the Commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design arrangement, texture, and materials of the architectural feature(s) involved, and the relationship thereof to the exterior architectural style, and pertinent features of the other structures, buildings, objects, or works of art in the immediate neighborhood in accordance with the adopted design guidelines.

(2) The historic preservation commission shall deny a certificate of appropriateness if it finds that the proposed material change(s) in appearance would have substantial adverse effects on the aesthetic, historic, architectural significance and value of the historic property or the historic district.”

SECTION 2. Section 8-5-6, entitled “Demolition or Relocation Applications,” of the Code of Athens-Clarke County is hereby amended by deleting said section in its entirety and substituting the following in lieu thereof:

“Section 8-5-6. Demolition or Relocation Applications.

(a) *Authority to comment on demolition and relocation permit applications.* The commission shall have the authority to approve or deny a certificate of appropriateness for a permit to demolish or relocate a structure, building, object, or work of art from, to, or within a historic property or historic district.

(b) *Actions acceptable in reaction to application for certificate of appropriateness for demolition or relocation.* The commission shall have the authority pursuant to 8-5-5(d)(1) and (2) to approve, approve with conditions, or deny a certificate of appropriateness for a demolition or relocation within its jurisdiction.

(c) *Consideration of pre-demolition and pre-relocation plans.* A public hearing shall be scheduled for each application for demolition or relocation. Notice shall be given in Athens-Clarke County's legal organ and/or newspaper of general circulation within Athens-Clarke County at least one time not less than ten days nor more than 20 days prior to the public hearing.

(d) *Consideration of post-demolition and post-relocation plans.* The historic preservation commission shall not grant a certificate of appropriateness for demolition or relocation without reviewing at the same time the plans for the historic property.

(e) *Relocation:* A decision by the historic preservation commission approving or denying a certificate of appropriateness for the relocation of a building, structure, or object shall be guided by:

1. the historic character and aesthetic interest the building, structure, or object contributes to its present setting or historic district;
2. 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 or historic district will be;
3. whether the building, structure, or object can be moved without significant damage to its physical integrity; and
4. whether the proposed relocation area is compatible with the historical and architectural character of the building, structure, site or object.

(f) *Demolition:* A decision by the historic preservation commission approving or denying a certificate of appropriateness for the demolition of buildings, structures, sites, or objects shall be guided by:

1. the historic, scenic or architectural significance of the building, structure, site, or object;
2. the importance of the building, structure, site, or object to the ambiance of a district;
3. the difficulty or impossibility of reproducing such a building, structure, site, or object because of its design, texture, material, detail, or unique location;
4. whether the building, structure, site, or object is one of the last remaining examples of its kind in the neighborhood or Athens-Clarke County city;
5. 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;

6. whether reasonable measures can be taken to save the building, structure, site, or object from collapse; and
7. whether the building, structure, site, or object is capable of earning reasonable economic return on its value.”

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.