

MINUTES
CITY COUNCIL REGULAR MEETING
DECEMBER 1, 2008
7:00 P.M.

CALL THE MEETING TO ORDER: Mayor Cox called the meeting to order at 7:00 p.m.

ROLL CALL: Those present included Council Members Linda Grant, Mike Wilson, Mike Sosebee, and Mayor Joe Lane Cox; staff present were Dana Miles, City Attorney, Kim Cornelison, City Administrator/Clerk, and Steve Holder, Planning Director. Councilman Jonathan Cox was absent.

INVOCATION AND PLEDGE: Invocation was led by Dana Miles followed by the pledge of allegiance.

APPROVAL OF MINUTES:

Council approved the minutes from the regular meeting held November 3, 2008; motion by Jonathan Cox; second by Linda Grant, the motion carried unanimously.

NEW BUSINESS:

Certificate of Appreciation: – Mayor Cox showed the Council a sample certificate that he intended to present to the GRHOF Commission Board in recognition of the commitment and service to the museum.

Emergency Operation Plan: Billy Thurmond, Director of Dawson County Emergency Services asked the Council to ratify a resolution in regards to the Emergency Operating Plan for the City. The Plan will allow the city to be eligible for state and federal funding during the time of disaster. The purpose of the plan is to establish a framework for emergency management planning and response and helps us prevent emergency situations; reduce vulnerability during disasters; establish capabilities to protect residents from the affects of crisis; respond effectively and efficiently to actual emergencies; and provide for rapid recovery from any emergency or disaster affecting the local jurisdiction of the city.

In all disasters the first line of defense is local response. The EMS department covers both the city and county.

Council adopted the Emergency Operation Plan and ratification of the resolution. Motion by Mike Sosebee; second by Linda Grant; the motion carried unanimously.

Historic District Sign Permit Application: Paper Moon Antiques & More, 3 Hwy. 9 S. by Linda Dinsmore: Steve Holder presented the application stating that the application was in order and the sign meets the guidelines. Council approved the sign permit application. Motion by Mike Sosebee, second by Linda Grant, motion carried unanimously.

United Way Presentation – Steve Holder: Steve Holder presented the Annual United Way fund raising campaign asking the council for their commitment and support.

Proposed 2009 City Council Meeting Schedule – Kim Cornelison: City Clerk presented the 2009 calendar stating that all Council meetings fall on the first Monday with the exception of September and November. The first Monday in September is Labor Day, a recognized holiday by the City. The Clerk asked that the November meeting be pushed to the second week in November due to preparing for the election which will be the first Tuesday in November. Typically there is a tremendous amount of preparation and set up the night before the election.

Mayor Cox asked the Council to approve closing City Hall one extra day in January. The holidays are very slow and he recommended closing on January 2nd stating that it would not be considered an extra holiday. Instead staff would take a personal leave day. Mike Sosebee made a motion to approve closing City Hall on January 2, 2009; Linda Grant seconded, the motion carried unanimously.

Council approved the 2009 meeting schedule. Motion by Linda Grant; seconded by Mike Sosebee; motion carried unanimously.

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Proposed 2009 Budget – Kim Cornelison: The City Clerk presented a proposed 2009 budget to the council stating that frugality was the measure. She stated that revenues on the general fund side of the budget are significantly reduced and that should the revenues continue to decline then contingency funds would be one of the first items cut in that budget. The enterprise fund and cemetery fund while also conservatively budgeted are not impacted by tax shortfall and are driven by the sale of water, sewer, and garbage services for the enterprise fund and by plot sales for the cemetery.

Council approved the first reading of the budget. Motion by Mike Wilson; seconded by Mike Sosebee, the motion carried unanimously.

Council approved amending the agenda to include a parade and public assembly request. Motion by Mike Sosebee; second by Mike Wilson, the motion carried unanimously.

Parade/Public Assembly: Horses with Heart, Inc., December 13, 2008, 8:00 a.m. – noon. Steve Holder presented the application. Ms. Lisa Harbin spoke on behalf of the request stating that the purpose of the event is a fund raising event for the newly formed non-profit organization, Horses with Heart, Inc.

Horses with Heart is a therapeutic riding program with instructors and physical therapist provide equine assisted activities to individuals with physical, emotional, and cognitive disabilities.

The organization will host a breakfast with Santa Clause. They would like to use the tables and chairs inside of Champion's Café and request the fee for use of the café be waived; they will provide their own cookware to service pancake and sausage breakfast. They would like to set up stations for face painting, a bake sale, cake walk, and things of this nature. They would also like to set up pony rides in the grass area located in front of city hall and to finally provide hay rides around the building.

Council approved the application with the following contingencies: Fire Marshal and Sheriff approval, and acquiring the requisite insurance. Motion by Linda Grant; second by Mike Wilson, motion carried unanimously.

PUBLIC HEARINGS:

To hear an ordinance to repeal the Historic Preservation Ordinance of the City of Dawsonville Georgia, and to adopt a new Historic Preservation Ordinance for the same, to provide for a Historic Preservation Commission; to provide for the adoption of design standards; to provide for definitions; to provide for the designation of Historic Properties and Historic Districts; to provide for amendments to Historic Properties and Historic Districts; to provide for a certificate of appropriateness; to provide review guidelines; to provide for hearings; to provide for an application process; to provide for enforcement and penalties; to provide for severability; to provide for an effective date, and for other purposes. Second hearing December 1, 2008.

Dana Miles presented the Historic Preservation Ordinance and subsequently opened the public hearing for comment. Approximately 17 people were in attendance and no one spoke in favor or in opposition of the ordinance.

The public hearing was closed and Mayor Cox asked the Council to make a motion. Mike Sosebee made a motion to approve the second reading and adoption; Linda Grant seconded the motion, the motion carried unanimously. Attached as Exhibit "A".

To hear an ordinance to dissolve the Georgia Racing Hall of Fame Commission; to provide for staffing, operation and management of the museum; and for other purposes. First hearing December 1, 2008; second hearing at a called meeting on Monday, December 15, 2008 at 5:00 p.m.

Dana Miles presented the ordinance stating that the ordinance recognizes the hard work of the commission for all of their hard work in keeping the museum going. It also transfers the museum

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operations in house to the existing staff and gives the Mayor authority appoint an employee to be over the museum.

Mr. Miles opened the public hearing seeking public comment. There was no public comment and the hearing was closed. Mayor Cox called for a motion. Mike Sosebee made a motion to approve the first reading of the ordinance; second by Linda Grant, the motion carried unanimously.

To hear an ordinance to amend the code of ordinances, City of Dawsonville, Georgia to provide an identity theft prevention program; to comply with federal regulations relating to address discrepancies; to comply with federal regulations relating to red flags and identity theft; to provide for codification; to provide for severability; to provide for an adoption date; to provide an effective date; and for other purposes allowed by law. First hearing December 1, 2008; second hearing at a called meeting on Monday, December 15, 2008 at 5:00 p.m.

Dana Miles presented the ordinance stating that this ordinance complies with federal regulation requirements to set up an identity theft policy. Subsequent to final adoption of the ordinance a training date will be scheduled for staff that is affected by it.

Mike Sosebee made a motion to approve the first reading of the ordinance; Linda Grant seconded, the motion carried unanimously.

MAYORS REPORT:

Mayor Cox announced the called meeting on December 15th at 5:00 p.m. to have the second reading of the budget; to have the final reading of these ordinances; and to set appointments.

The Annual Christmas luncheon for staff and council will be December 23rd here at 12:30 p.m.

Mayor Cox asked the council to support his idea of closing City Hall on Friday, December 26th, this will give everyone a little extra time with their families and staff will take a personal leave day. This will not be considered an extra holiday. Things are just very slow during this time of year.

Mike Sosebee made a motion to approve closing city hall on December 26; Mike Wilson seconded, the motion carried unanimously.

Mayor Cox opened the floor to Sharon Thomas. Ms. Thomas thanked the council and staff for a wonderful Tree Lighting celebration; the kids loved it.

She also made the public and council aware of an 8-year old little boy who lives in town who is suffering from mela-blastoma, a form starts in the spine and comes up to the brain. An account has been set up at United Community Bank in the name of Anastasia Miles. She asked that we remember Kenny and his family in our prayers.

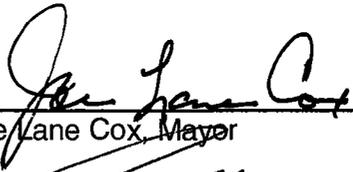
Mayor Cox asked everyone to keep Flem Vaughters and his family in their thoughts and prayers, he has a brain tumor and the doctors have varied opinions on the prognosis.

Linda Grant ask that we remember the family of Irma Summerour; Mayor Cox stated that Mrs. Summerour was a past resident and her husband was once mayor of the city.

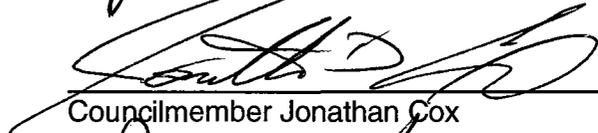
Mayor Cox asked everyone to travel safely as they head home from the meeting.

ADJOURNMENT: There being no further business, Mike Sosebee made a motion to adjourn the meeting at 7:50 p.m. Second by Linda Grant; the motion carried unanimously.

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Joe Lane Cox, Mayor



Councilmember Jonathan Cox



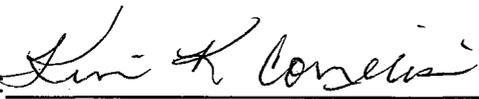
Councilmember Linda Grant



Councilmember Mike Sosebee



Councilmember Mike Wilson

Attested: 

Kim Cornelison, City Clerk

HISTORIC PRESERVATION ORDINANCE

State law references: Historic preservation, O.C.G.A. § 44-10-1 et seq.; local ordinances, O.C.G.A. § 44-10-20 et seq.; exemptions, O.C.G.A. § 44-10-23.

FIRST READING: 11-3-2008
PUBLICATION: Oct 22+29; Nov. 19+26, 2008
SECOND READING: 12-1-2008

ORDINANCE NO.: _____

AN ORDINANCE TO REPEAL THE HISTORIC PRESERVATION ORDINANCE OF THE CITY OF DAWSONVILLE GEORGIA, AND TO ADOPT A NEW HISTORIC PRESERVATION ORDINANCE FOR THE SAME, TO PROVIDE FOR A HISTORIC PRESERVATION COMMISSION; TO PROVIDE FOR THE ADOPTION OF DESIGN STANDARDS; TO PROVIDE FOR DEFINITIONS; TO PROVIDE FOR THE DESIGNATION OF HISTORIC PROPERTIES AND HISTORIC DISTRICTS; TO PROVIDE FOR AMENDMENTS TO HISTORIC PROPERTIES AND HISTORIC DISTRICTS; TO PROVIDE FOR A CERTIFICATE OF APPROPRIATENESS; TO PROVIDE REVIEW GUIDELINES; TO PROVIDE FOR HEARINGS; TO PROVIDE FOR AN APPLICATION PROCESS; TO PROVIDE FOR ENFORCEMENT AND PENALTIES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

WHEREAS, the City Council of the City of Dawsonville, Georgia is authorized and empowered pursuant to O.C.G.A. § 44-10-20, et. seq. to provide for and regulate historic properties and districts within the City of Dawsonville and,

WHEREAS, Dawsonville's historic, cultural, architectural, archaeological and aesthetic heritage is among its most valued and important assets,

WHEREAS, Dawsonville's heritage is important to the education, culture, traditions, and economic well-being and potential of the City, and the preservation of Dawsonville's heritage is essential to the promotion of the health, prosperity and general welfare of its people;

WHEREAS it is in the best interests of the City of Dawsonville to further the goals of preserving historic resources and maintaining its quality of life as stated in the City's comprehensive plan

WHEREAS, in order to stimulate revitalization of historic business districts and neighborhoods and to stabilize and improve property values in the process, it is necessary to adopt a Historic Preservation ordinance;

WHEREAS the adoption of a Historic Preservation ordinance will protect and enhance local historic and aesthetic attractions for tourists and thereby promote and stimulate business and strengthen the local economy;

WHEREAS in order to enhance the opportunities for federal or state tax benefits under relevant provisions of their respective tax laws it is proper to adopt a Historic Preservation ordinance;

WHEREAS it is necessary to adopt a Historic Preservation ordinance to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same; and

AND WHEREAS the adoption of a Historic Preservation ordinance will foster civic pride in the history, culture, architecture and appearance of the City;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Dawsonville, Georgia, and it is now, therefore, hereby ordained by the authority of the City Charter and the above-referenced authority, as follows:

Section 1. Repealer and Adoption of New Historic Preservation Ordinance

Chapter 104, Articles II, III, and IV of the Code of the City of Dawsonville, Georgia, along with all amendments thereto, are deleted in their entirety, and this ordinance is substituted in place thereof, effective as provided herein below once approved by the City Council of the City of Dawsonville, Georgia.

Section 2. Purpose

The City Council hereby declares it to be the purpose and intent of this article to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation, and use of districts, buildings, structures, objects, sites and landscape features having a special historic, cultural, architectural, archaeological or aesthetic interest or value, in accordance with the provisions of this article. The City Council finds this Historic Preservation Ordinance needed:

- (a) In support and furtherance of its findings and determination that Dawsonville's historic, cultural, architectural, archaeological and aesthetic heritage is among its most valued and important assets, that Dawsonville's heritage is important to the education, culture, traditions, and economic well-being and potential of the City, and that the preservation of Dawsonville's heritage is essential to the promotion of the health, prosperity and general welfare of its people;
- (b) In furtherance of the goal to preserve its historic resources and maintain its quality of life as stated in the comprehensive plan.
- (c) In order to stimulate revitalization of historic business districts and neighborhoods and to stabilize and improve property values in the process;

- (d) In order to protect and enhance local historic and aesthetic attractions for tourists and thereby promote and stimulate business and strengthen the local economy;
- (e) In order to enhance the opportunities for federal or state tax benefits under relevant provisions of their respective tax laws;
- (f) In order to provide for the designation, protection, preservation and rehabilitation of historic properties and historic districts and to participate in federal or state programs to do the same; and
- (g) In order to foster civic pride in the history, culture, architecture and appearance of the City;

Section 3. Relationship to Planning and Development

- (a) This article is a part of the planning and development functions of the City. The protective regulations described in this article shall be administered with and as a part of the zoning and development codes of the City.
- (b) All individual buildings and properties in the City lie within zoning districts, which are classified by permitted types of land use. Historic preservation regulations described in this article are not concerned with the use of individual properties. Rather, the regulations are intended to protect and preserve the exterior appearance of historically, architecturally and culturally significant buildings, structures, objects, sites, districts and landscape features. Properties subject to historic preservation regulations are also subject to land use zoning regulations. This article shall apply to locally designated historic districts only. These districts are known as local historic district and local historic properties.

Section 4. Definitions

As used herein, the following words and terms shall have the following meanings, unless a different meaning clearly appears from the context:

Building: a construction created principally to shelter any form of human activity.

Certificate of appropriateness: a document evidencing approval by the historic preservation commission of an application to make a material change in the appearance of a local historic property or an individual property located within a local historic district.

District: a significant concentration, linkage, or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.

Exterior architectural features: the architectural style, building form, 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 materials and the

type and style of all windows, doors, signs and other appurtenant architectural features, fixtures, details or elements.

Exterior environmental features: all those aspects of the landscape or the development of a property which affects its historical character.

Historic: generally more than 50 years old, unless there is a strong justification concerning historical or architectural merit.

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

- (1) Have special character or special historical or esthetic interest or value;
- (2) Represent one or more periods or styles of architecture typical of one or more eras in the history of the municipality, county, state, or region; and
- (3) Cause such area, by reason of such factors, to constitute a visibly perceptible section of the municipality or county.

Historic Infill: new construction within a designated historic district that compliments rather than overpowers the older buildings surrounding it. Historic Infill replicates the window and door placement, building height, exterior materials, sign placement, and established set-backs.

Integrity: authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.

Landscape features: natural features or constructions that affect the historic character of a property, such as fences, walls, walks, statues, fountains, benches, lamp posts, hedgerows, gardens, trees and plantings which are not otherwise considered as a structure, object or site.

Local historic district: a geographically definable area selected pursuant to the criteria established in this article and designated by the City Council.

Local historic property: a building, structure, site or object, including the adjacent area necessary for the proper appreciation thereof, selected pursuant to the criteria established in this article and designated by the City Council.

Material change in appearance: a change that will affect either the exterior architectural or environmental features, other than color, of a local historic property or any building, structure, object, site or landscape feature, excluding the color of said feature, within a local historic district, such as:

- (1) A reconstruction or alteration of the size, shape or facade of a building, structure or object, including relocation of any doors or windows or removal, covering, or alteration of any architectural features, details or elements;
- (2) The demolition or relocation of a building, structure, object or site;
- (3) The commencement of excavation for construction purposes;
- (4) A change in the location of advertising visible from the public right-of-way;

- (5) The erection, alteration, restoration or removal of any building, structure, site, object or landscape feature within a local historic property or local historic district, including walls, fences, steps and pavements, or other appurtenant features; or
- (6) Allowing the deterioration of any building, structure, site, object or landscape feature of a local historic property or within a local historic district through neglect.

Object: a construction primarily artistic in nature or relatively small in scale and simply constructed. Although it may be movable by nature or design, it is associated with a specific setting or environment.

Property: an area of land containing a single resource or a group of resources. An individual property is a property that consists of a single resource or a main resource and a small number of related secondary resources. A district is a property that consists of a number of resources that are relatively equal in importance. In this article, the term generally is used to mean an individual property.

Resource: any building, structure, site or object that is part of or constitutes a property.

Site: the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historic, cultural or archaeological value regardless of the value of any existing building or structure.

Structure: a functional construction made for purposes other than creating human shelter.

Yard: an area that lies between the principal building on a lot and the nearest lot line, including:

- (1) *Front yard:* A yard situated along any public street right-of-way or private street easement.
- (2) *Rear yard:* A yard situated along a rear lot line.
- (3) *Side yard:* A yard situated along a side lot line, but not extending into a front or rear yard.

Section 5. Historic Preservation Commission

- (a) *Creation of a Historic Preservation Commission.* There is hereby created a body whose title shall be the Dawsonville Historic Preservation Commission, hereafter referred to as the Historic Preservation Commission or HPC. The commission shall be a part of the planning and development functions of the City.
- (b) *Preservation commission members; number, appointment, terms and compensation.* The Historic Preservation Commission shall consist of the Planning Commission for the City. The members, terms, compensation shall all

be set as provided in the Zoning Ordinance provisions relative to the Planning Commission.

(c) *Statement of the Historic Preservation Commission's powers.* The Historic Preservation Commission shall be authorized to:

- (1) Prepare and maintain an inventory of all properties within the City having potential for designation as local historic properties or local historic districts.
- (2) Recommend to the City Council specific buildings, structures, objects, sites or districts to be designated as local historic properties or local historic districts.
- (3) Consider applications for certificates of appropriateness and after review approve or deny the same in accordance with the provisions of this article.
- (4) Recommend to the City Council that the designation of any building, structure, object, site or district as a local historic property or local historic district be revoked, altered, or removed.
- (5) Restore or preserve any historic properties acquired by the City with the City Council's consent.
- (6) Promote the acquisition of facade easements and conservation easements by the City in accordance with the provisions of the Facade and Conservation Easements Act of 1976 (O.C.G.A. §§ 55-10-1 through 55-10-5).
- (7) Conduct educational programs on historic properties located within the City and on general historic preservation activities.
- (8) Make such investigations and studies of matters relating to historic preservation, including consultation with historic preservation experts, that the City Council may, from time to time, deem necessary or appropriate for preserving historic resources.
- (9) Seek out local, state, federal and private funds for historic preservation, and make recommendations to the City Council concerning the most appropriate uses of any funds acquired.
- (10) Submit to the office of historic preservation of the department of natural resources a list of historic properties or historic districts that have been designated.
- (11) Perform historic preservation activities as the official agency of the City historic preservation program.
- (12) With the prior approval of the City Council, receive donations, grants, funds or gifts of historic property and acquire and sell historic properties. The historic preservation commission shall not obligate the City without prior consent.

- (13) Review and make comments to the office of historic preservation of the department of natural resources concerning the nomination of properties within its jurisdiction to the National Register of Historic Places.
 - (14) Participate in private, state and federal historic preservation programs and with the consent of the City, enter into agreements to do the same.
 - (15) With the prior approval of the City Council, employ persons, if necessary, to carry out the responsibilities of the historic preservation commission.
 - (16) Promote and review the use of appropriate historic infill designs within the historic district that will preserve and protect historic integrity.
- (d) *Historic Preservation Commission's rules and standards.* The Historic Preservation Commission shall operate pursuant to the same rules and standards with govern the Planning Commission as set forth in the City's Zoning Ordinance.
 - (e) *Conflict of interest.* At any time the historic preservation commission reviews a project in which a member of the board has ownership or other vested interest, that member will be forbidden from presenting, voting, or discussing the project, other than answering a direct question.
 - (f) *Records of historic preservation commission meetings.* A public record shall be kept of the commission's resolutions, proceedings and actions.

Section 6. Designation of historic districts and historic properties as local historic districts and local historic properties

- (a) *Designation of a historic district as a local historic district.*
 - (1) *Criteria for selection.* A local historic district shall be a geographically definable area which contains buildings, structures, objects, sites and landscape features or any combination thereof, which:
 - a. Have special character or special historic or aesthetic value or interest;
 - b. Represent one or more periods, styles, or types of architecture typical of one or more eras in the history of Dawsonville, Dawson County, Georgia or the region; and
 - c. Cause such area, by reason of such factors, to constitute a visible perceptible section of the City.
 - (2) *Boundaries of local historic districts.* Boundaries of local historic districts shall be included in, or amended to, the official historic preservation map of the City of Dawsonville, Georgia.
 - (3) *Evaluation of properties within local historic districts.* Individual properties or the main resources of individual properties, within local historic districts shall be classified as follows:

- a. *Contributing.* A building, structure, object or site that adds to the historic associations, historic architectural qualities or archaeological values for which the district is significant because it was present during the period of significance, relates to the documented significance of the district, and possesses historic integrity or is capable of yielding important information about the period.
 - b. *Noncontributing.* A building, structure, object or site that does not add to the historic associations, historic architectural qualities, or archaeological values for which a district is significant because it was not present during the period of significance or does not relate to the documented significance of the district, or due to alterations, disturbances, additions or other changes, it no longer possesses historic integrity or is capable of yielding important information about the period.
- (b) *Designation of a historic property as a local historic property.*
 - (1) *Criteria for selection.* A local historic property shall be a building, structure, site or object, including adjacent area necessary for the proper appreciation or use thereof, deemed worth of preservation for one of the following reasons:
 - a. It is an outstanding example and representative of its era;
 - b. It is one of the few remaining examples of a past architectural style or type;
 - c. It is associated with an event or persons of historic or cultural significance to Dawsonville, Dawson County, Georgia, or the region; or
 - d. It is a site of natural or aesthetic interest that is continuing to contribute to the cultural or historical development and heritage of Dawsonville, Dawson County, Georgia, or the region.
 - (2) *Boundaries of local historic properties.* Boundaries of local historic properties shall be amended to the official historic preservation map of the City of Dawsonville.
- (c) *Requirements for adopting an ordinance amendment for the designation of historic districts and historic properties as local historic districts and local historic properties.*
 - (1) *Application for designation.* Designations may be proposed by the City, the historic preservation commission, or:
 - a. For historic districts. A historical society, neighborhood association or group of property owners may apply to the historic preservation commission for designation; provided that such application is presented along with a petition of 75 percent of the property owners in the proposed district in support of designation.

- b. For historic properties. A historical society, neighborhood association, or property owner may apply to the historic preservation commission for designation.
- (2) *Required components of an ordinance amendment for designation.* Any ordinance amendment for the designation of any historic district as a local historic district or any historic property as a local historic property shall:
 - a. Provide a legal description of the proposed local historic district or the proposed local historic property;
 - b. Require that, upon designation, a certificate of appropriateness be obtained, as required herein, from the historic preservation commission prior to any material change in the appearance of an individual property located in the local historic district or a local historic property; and
 - c. Require that, upon designation, the local historic district or local historic property be shown on the official historic preservation map of the City and kept as a public record to provide notice of such designation.
- (3) *Required public hearings.* The historic preservation commission and the City Council shall hold a public hearing on any proposed ordinance amendment for the designation of any historic district as a local historic district or any historic property as a local historic property. Notice of the hearing shall be published at least once in the City's legal organ no less than 15 nor more than 45 days prior to the public hearing and written notice of the hearing shall be mailed by the historic preservation commission to all owners of the proposed local historic property or the individual properties located within the proposed local historic district. A notice sent via United States mail to the last known owner of the property shown on the Dawson County tax roll shall constitute legal notification to the owner under this article.
- (4) *Recommendations on proposed designations.* A recommendation to affirm, modify or deny the proposed ordinance amendment for designation shall be made by the historic preservation commission at its next regular meeting or at a special meeting convened following the procedures set out in this article. The historic preservation commission shall review public comments and make a final recommendation and transmit said recommendation to the City Council.
- (5) *City Council action on historic preservation commission's recommendation.* Following the receipt of the historic preservation commission's recommendation, the City Council may adopt the proposed ordinance amendment for designation, may adopt the proposed ordinance amendment with any changes it deems necessary, or may reject the proposed ordinance amendment.

- (6) *Notification of office of historic preservation.* Not less than 30 days prior to a hearing on any ordinance amendment designating a historic district as a local historic district or a historic property as a local historic property, the historic preservation commission must submit the report, as required, to the historic preservation division of the department of natural resources.
 - (7) *Notification of adoption of ordinance amendment for designation.* Within 30 days following the adoption of the ordinance amendment for designation by the City Council, the owner of the local historic property or the individual properties located within the local historic district shall be given written notification of designation by the City Council. This written notice shall inform said owner of the necessity of obtaining a certificate of appropriateness prior to undertaking any material change in appearance of the local historic property or of any individual property located within the local historic district. A notice sent via the United States mail to the last known owners of said property or properties shown on the Dawson County tax roll shall constitute legal notification to the owner under this article.
 - (8) *Notification of other agencies regarding designation.* The historic preservation commission shall notify all necessary agencies within the City of the ordinance amendment for designation, including the local historic organization, and relevant public agencies.
- (d) *Alteration or modification of an existing local historic district.*
- (1) *Application for modification of a local historic district.* Application for alteration or modification of an existing historic district may be submitted to the historic preservation commission by the City of Dawsonville, an historical society, neighborhood association located in such local historic district, or group of two or more property owners representing a majority of property owners in an area proposed to be added to or removed from the local historic district. An historical society, neighborhood association, or group of property owners may not apply for alteration of an existing local historic district for a period of one year following the City Council's rejection of an ordinance amendment to modify the boundary of the district, unless such application is substantially modified from the rejected ordinance amendment as determined by staff of the historic preservation commission.
 - (2) *Required components of an ordinance amendment for designation.* Any ordinance altering or modifying the boundaries of any local historic district shall include a description of the boundaries of the district and the area proposed to be added to or removed from the district and shall list each property located therein.
 - (3) *Boundaries of the local historic district.* Any ordinance altering the designation of any property as a local historic property or any district as a local historic district shall require that the designated property or district be

shown on the official zoning map of the City of Dawsonville and be kept by the City as a public record to provide notice of such designation.

- (4) *Historic preservation commission's report on proposed alteration of the local historic district.* The historic preservation commission shall make or cause to be made an investigation and shall report on the historic, cultural, architectural, or esthetic significance of each place, site, building, structure, or work of art in the area proposed to be added to or removed from the local historic district. The historic preservation commission shall compose a report of its findings that shall include a physical description of the area proposed to be added to or removed from the local historic district; a statement of historical, cultural, architectural and/or aesthetic significance; a map showing the existing and proposed boundaries of the local historic district; a statement justifying the boundaries; and representative photographs of each place, site, building, structure, or work of art in the area proposed to be added to or removed from the local historic district. This report shall be submitted to the Division of Historic Preservation of the Department of Natural Resources or its successor which will be allowed 30 days to prepare written comments concerning the report.
- (5) *Required public hearing.* The historic preservation commission shall hold a public hearing on the proposed ordinance to alter or modify the boundaries of the local historic district. Notice of the hearing shall be published at least once in the City's legal organ no less than 15 nor more than 45 days prior to the public hearing; and written notice of the hearing shall be mailed by the City to all owners and occupants of such properties as shown on the Dawson County tax roll.
- (6) *Recommendation of the historic preservation commission.* Following the public hearing, a recommendation to affirm, modify or deny the proposed ordinance amendment shall be made by the historic preservation commission at its next regular meeting or at a special meeting convened following the procedures set out in this article. The commission shall review public comments and make final recommendations and transmit said recommendation to the City Council.
- (7) *City Council's action on historic preservation commission's recommendation.* Following the receipt of the commission's recommendation, the City Council may adopt the proposed ordinance altering the boundaries of the local historic district, may adopt the proposed ordinance amendment with any changes it deems necessary, or may reject the proposed ordinance amendment. Provided however, the City Council shall not amend the proposed ordinance to add additional properties to an historic district if the owners of such properties were not notified of the public hearing, as provided above.
- (8) *Notification of affected property owners.* Within 30 days immediately following the adoption of the ordinance amendment, the owners of each

individual property located within the area included in or removed from the local historic district shall be given written notification of such designation by the City Council. For properties included in the local historic district, such notice shall also apprise said owners and occupants of the necessity for obtaining a certificate of appropriateness prior to undertaking any material change in the appearance of the historic property within the designated local historic district. Notice sent via the United States mail to the last known owners of said property or properties shown on the Dawson County tax roll shall constitute legal notification to the owner under this article.

- (9) *Creation of islands.* The alteration or modification of an existing local historic district may not create an island of property within the district which is not a part of the local historic district. For purposes of this section, an island is defined as a parcel or parcels or property located wholly within a local historic district, such that aggregate external boundaries of the property or properties are completely surrounded by a local historic district.

(e) *Interim protection.*

- (1) *Finding and purpose.* The City Council finds that immediate but temporary controls prohibiting any exterior material change in the appearance of a property or district for which an application for designation has been submitted to the historic preservation commission are necessary to preserve the historic integrity of the property or district during the evaluation process.
- (2) *Control regulations.* Any property or properties for which an application for designation has been submitted shall receive the full legislative protection of, and be controlled by, the regulations governing a designated local historic property or district. Said protection shall become effective without further action of any kind immediately upon the date and time that the application is submitted. Said protection shall remain effective until the City Council has taken final action on the application.
- (3) *Notification.* Upon receipt of an application for designation, staff of the historic preservation commission shall publish notice in the City's legal organ stating an application has been received and the property or properties included in the application shall receive the full legislative protection of, and be controlled by, the regulations governing a designated local historic property or district.
- (4) *Enforcement.* The staff of the historic preservation commission shall deliver a copy of the application and published notice to the Chief Building Official of the City. The Chief Building Official shall immediately take all steps necessary to accomplish the requirements of this section, and is prohibited from accepting any applications or issuing any permit of any kind for any building, property, or district specified in the application,

except as allowed in this article for local historic properties or properties within a local historic district.

Section 7 Certificates of appropriateness

(a) *Where required.*

- (1) A certificate of appropriateness shall be required before a person may undertake any exterior material change in the appearance of a local historic property or of a contributing or noncontributing property within a local historic district. A building permit shall not be issued without a certificate of appropriateness.
- (2) Notwithstanding anything herein to the contrary, the following material changes shall not require a certificate of appropriateness, but may proceed upon permission being granted to the applicant by the staff of the historic preservation commission:
 - a. Work to sustain the existing form or to correct deterioration, decay or damage provided that such work does not involve a change in design, material or exterior appearance.
 - b. The removal or replacement of roofing materials, provided that no other significant alterations, i.e. removal of original architectural features, dormers, and chimneys. Proposed replacement materials must be similar to existing materials.
 - c. Landscaping, provided the proposed work has no significant affect on the historic character of a property or district; including fences, walls, walks, statues, fountains, benches, lamp posts, hedgerows, gardens, trees and plantings, which are not otherwise considered as a structure, object or site. Administrative approval or a certificate of appropriateness shall not be required for minor landscaping, which meets the requirements of adopted design guidelines and does not affect the historic character of a property or district.
 - d. The construction or removal of decks which are not visible from a public right-of-way, other than an alley, provided that the decks do not require the removal or the alteration of the existing building or structure.
 - e. The construction or removal of signs or awnings, provided that such signs or awnings comply with the applicable provisions of the City sign ordinance.
 - f. The demolition, relocation, location, construction, or removal of non-historic secondary structures, provided that the structure is under 20' x 20' and is located in the backyard.
- (3) The staff of the historic preservation commission shall not be required to grant or review any application for permission to proceed with any work

specified in paragraph (2), and may submit any such application for permission to proceed to the historic preservation commission as an application for a certificate of appropriateness. The historic preservation commission shall consider such application in the same manner as if the application had been originally filed as an application for a certificate of appropriateness.

- (4) If an application to proceed with work is denied by the staff of the historic preservation commission, upon the applicant's request, such application shall be submitted by the staff to the historic preservation commission, which shall consider such application in the same manner as if the application had been originally filed as an application for a certificate of appropriateness.
- (5) Upon consideration of an application for appropriateness, the historic preservation commission shall either approve, approve with conditions, or deny such application. Any appeal from such decision shall follow the procedures as established in the Historic Preservation Ordinance. For a period of six months following the issuance of a denial by the historic preservation commission, the secretary shall refuse to place a previously denied application for a certificate of appropriateness on the agenda of the historic preservation commission, unless such application is substantially modified.
- (6) Any local government, including the City and county, shall notify the historic preservation commission 45 days prior to beginning an undertaking that would otherwise require a certificate of appropriateness and allow the historic preservation commission an opportunity to comment. Said local government shall comply with this and all other provisions of this article.
- (7) The historic preservation commission may consider past actions when making decisions on applications for certificate of appropriateness, however, the historic preservation commission shall not be bound by the precedent of past decisions when considering new applications, which may appear similar in character. Each application shall be considered on its own merit.

(b) *Filing.*

- (1) An application for a certificate of appropriateness shall be made by the owner or owner's agent to the office of historic preservation of the City for transmittal to the historic preservation commission.
- (2) The historic preservation commission, where it deems necessary in order to review a particular application, may require the submission of any or all of the following items: Architectural plans, plat plans, landscaping plans, plans for off-street parking, plans for proposed signs, elevations of all portions of proposed additions, photographs, elevations or perspective drawings showing the proposed building and existing buildings that are

within 100 feet or are substantially related to it visually or by reason of function, traffic generation or other characteristics.

- (3) Should the historic preservation commission find that the material submitted is not adequate for the proper review of the proposal, the historic preservation commission shall promptly notify the applicant and state the specific information that will be required. In such cases, the applicant shall not be deemed to have made a bona fide application to the historic preservation commission until the specific information is submitted.
- (c) *Interior alterations.* In its review of applications for certificates of appropriateness, the historic preservation commission shall not consider interior arrangement or use having no adverse affect on exterior architectural or environmental features.
 - (d) *Technical advice.* The historic preservation commission shall have the power to seek technical advice from outside its membership on any application. The historic preservation commission shall not obligate the City without prior consent.
 - (e) *Public hearings on applications for certificates of appropriateness, notices and right to be heard.*
 - (1) The historic preservation commission shall hold a public hearing at which each application for a certificate of appropriateness is discussed.
 - (2) Notice of the time, place and reason for holding a public hearing shall be published at least once in the City's legal organ no less than 15 nor more than 45 days prior to the public hearing.
 - (3) At the certificate of appropriateness hearing, the historic preservation commission shall give the applicant and other interested persons an opportunity to be heard.
 - (f) *Acceptable historic preservation commission responses to applications for certificates of appropriateness.*
 - (1) The historic preservation commission may approve the application for a certificate of appropriateness as proposed, approve the application with any modifications it deems necessary, or deny the application.
 - (2) The historic preservation commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in appearance would not have a substantial adverse effect on the aesthetic, historic, architectural, or archaeological significance and value of the local historic property or the local historic district.
 - (3) The preservation commission shall deny the application for a certificate of appropriateness if it finds that the proposed material change(s) in appearance would have a substantial adverse effect on the aesthetic, historic, architectural or archaeological significance and value of the local

historic property or the local historic district, except as provided under subsection (g)(2)c below.

(g) *Criteria for review of applications for certificates of appropriateness.*

- (1) In reviewing applications for alterations or new construction, the historic preservation commission shall refer to the secretary of the interior's standards for the treatment of historic properties, along with any published guidelines accompanying the standards, and shall comply with local design guidelines adopted by the historic preservation commission.
- (2) In reviewing applications for demolitions or relocations, the historic preservation commission shall not grant a certificate of appropriateness without reviewing at the same time the replacement plans for the site. The historic preservation commission shall hear evidence concerning the application at its public hearing and may approve the application and issue a certificate of appropriateness only if one of the following conditions is determined to exist:
 - a. The application is for the demolition or relocation of a main noncontributing building or structure, a portion of a main noncontributing building or structure, or a nonsignificant building or structure secondary to the main noncontributing building or structure, and the approval of the application will not have a substantial adverse effect on the aesthetic, historic or architectural significance of the local historic district;
 - b. The application is for the demolition or relocation of a nonsignificant addition to or portion of a main contributing building or structure or for a nonsignificant building or structure secondary to the main contributing building or structure, and the approval of the application will not have a substantial adverse effect on the aesthetic, historic, architectural or archaeological significance of the local historic property or local historic district; or
 - c. The application is for the demolition or relocation of a local historic property or a contributing or noncontributing building or structure in a local historic district, the demolition or relocation of which would have a substantial adverse effect on the local historic property or local historic district, but the replacement project is of special merit. For a replacement project to be of special merit, it must meet the following criteria:
 1. It must have significant benefits to the City or to the community by virtue of exemplary architecture, specific features of land planning, or social or other benefits having a high priority for community services; and
 2. It must clearly serve the public interest to a greater extent than the retention of the present building(s).

(h) *Deadline for approval or denial of application for certificate of appropriateness.*

- (1) The commission shall approve or deny an application for a certificate of appropriateness within 30 days after the public hearing thereon. Evidence of approval shall be a certificate of appropriateness issued by the commission and returned to the building official. Notice of the issuance or denial of a certificate of appropriateness shall be sent by United States mail to the applicant and all other persons who have requested such notice in writing with the board.
 - (2) Failure of the historic preservation commission to act within 30 days after the public hearing shall constitute approval, and no other evidence of approval shall be needed.
- (i) *Historic preservation commission's necessary action upon denial of application for certificate of appropriateness.* In the event the historic preservation commission denies an application, it shall state its reasons for doing so and shall transmit a record of such actions and reasons, in writing, to the building official and the applicant. The commission may suggest alternative courses of action it thinks proper if it disapproves of 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 doing so.
 - (j) *Historic preservation commission's denial of application binding upon building official.* In cases where the application covers a material change in appearance which would require the issuance of a building permit, the denial of an application for a certificate of appropriateness shall be binding upon the building official and, in such a case, no building permit shall be issued.
 - (k) *Unreasonable economic hardship.*
 - (1) *Objective of unreasonable economic hardship provision.* The City Council recognizes that under some conditions the preservation of a designated property may subject the owner(s) to an unreasonable economic hardship. It is, therefore, the objective of this subsection to provide guidance as to the conditions under which a property owner who claims an unreasonable economic hardship should be granted a variance to construct, alter, relocate or demolish a building or structure, or portion thereof, not otherwise allowed by the provisions of this article and to provide procedures for processing applications for economic hardship variances.
 - (2) *Application for an economic hardship variance.* After final notification from the historic preservation commission of its decision to deny an application for a certificate of appropriateness, the applicant may apply to the historic preservation commission for an economic hardship variance on the basis that the denial of the certificate of appropriateness has resulted or will result in the loss of all reasonable use of or return from the subject property. An application for an economic hardship variance shall be filed in accordance with this ordinance.
 - (3) *Information needed by historic preservation commission.* To substantiate a claim that a property owner has been deprived of all reasonable use of

or return from the subject property, the applicant shall submit at the time of application at least the following information:

- a. For all property:
 1. Date the property was purchased by current owner(s); amount paid for the property; party from whom the property was purchased, including the relationship, if any, between the current owner(s) and the person(s) from whom the property was purchased;
 2. Past and current use(s) of the property;
 3. Assessed value of the land and improvements thereon according to the two most recent assessments;
 4. All appraisals obtained within the previous two years by the owner(s) in connection with the purchase, financing or ownership of the property;
 5. Real estate taxes for the previous two years;
 6. Mortgage history of current ownership of the property, including current mortgage and annual debt service, if any, for the previous two years;
 7. Any listing of the property for sale or rent, price asked, and offers received, if any; and
 8. Extent to which the owner has considered alternative legal uses of the property and/or the feasibility of rehabilitation, including economic incentives available to the owner(s) through federal, state or local public or private programs.
- b. For income-producing property:
 1. Past and current income and expenses and annual cash flow; and
 2. Income tax factors affecting the property, including depreciable basis in land and buildings, ownership structure, and tax bracket of ownership.

The historic preservation commission may require that the applicant furnish such additional information the commission believes is relevant to its determination of unreasonable economic hardship and may provide that such additional information be furnished under seal. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information that cannot be obtained and shall describe the reasons why such information cannot be obtained.

(4) *Public hearings on applications for economic hardship variances.*

- a. The historic preservation commission shall schedule and hold a public hearing on the application for an economic hardship variance within 45 days after the filing thereof. Notice of the hearing shall be sent by U.S. Mail to the applicant and published at least once in the City's legal organ no less than 15 nor more than 45 days prior to the public hearing. All interested persons shall be allowed to participate in the hearing.
- b. The historic preservation commission may solicit expert testimony or may appoint a special hearing officer from outside its membership to conduct the hearing, sort through the information presented, and make a recommendation based on the facts to the commission.

(5) *Preservation commission decision on applications for economic hardship variances.*

- a. Within 30 days after the conclusion of the public hearing, the historic preservation commission shall determine if the regulation imposed by this article results in the loss of all reasonable use of or return from the subject property. In making its determination, the commission shall take into account any written opinion of the appointed hearing officer, if any, on the evidence presented. The determination shall be accompanied by a report stating the reasons for the decision. Written notice of the determination shall be transmitted to the building official and, by United States mail, to the applicant.
- b. If the historic preservation commission determines that reasonable use or return remains, or the applicant fails to submit information to prove the claim, or the applicant simply refuses to comply with the commission's request for information necessary to make a determination, the application for an economic hardship variance shall be denied. A denial of the application shall be binding upon the building official and, in such a case, no building permit shall be issued.
- c. If the historic preservation commission determines that its previous denial of a certificate of appropriateness results in the loss of all reasonable use of or return from the subject property, it shall change the offending action by issuing a certificate of appropriateness, thereby allowing the proposed work to proceed.

(l) *Requirement of conformance with certificate of appropriateness.*

- (1) All work performed pursuant to an issued certificate of appropriateness shall conform to the requirements of such certificate. If the work is not performed in accordance with such certificate, the building inspector shall issue a cease and desist order and all work shall cease.

- (2) The City Council or its representative shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent the material change in appearance of a local historic property or local historic district, except those changes made in compliance with the provisions of this article or to prevent any illegal act or conduct with respect to such local historic property or local historic district.
- (m) *Certificate of appropriateness void if construction not commenced.* A certificate of appropriateness shall become void unless construction is commenced within six months of the date of issuance. Certificates of appropriateness are issued for a period of 18 months and are renewable.
- (n) *Recording applications for certificates of appropriateness.* The historic preservation commission shall keep a public record of all applications for certificates of appropriateness and of all the commission's proceedings in connection with said applications.
- (o) *Acquisition of property.* The historic preservation commission may, where such action is authorized by the City Council and is reasonably necessary or appropriate for the preservation of a significant historic property, enter into negotiations with the owner for the acquisition by gift, purchase, exchange or otherwise of the property or any interest therein.
- (p) *Appeals.* Any appeal of a decision of the historic preservation commission may be made to the Mayor and Council. The decision of the Mayor and Council may only be appealed to the Superior Court of Dawson County as allowed by Georgia law if it is alleged that there is an error in any order, requirement, decision or determination made by the Mayor and Council in the enforcement of this article.

Section 8 Affirmation of existing building and zoning codes

Nothing in this article shall be construed as to exempt property owners from complying with existing City or county building and zoning code, nor to prevent any property owner from making any use of his property not prohibited by other statutes, ordinances or regulations.

Section 9 Penalty provisions

Violations of any provisions of this article shall be punished in the same manner as provided for punishment of violations of other validly enacted ordinances of the City.

Section 10 Severability

In the event that any section, subsection, sentence, clause or phrase of this article shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses or phrases of this article, which shall remain in full force and effect, as if the section, subsection, sentence,

clause or phrase so declared or adjudged invalid or unconstitutional were not originally a part thereof.

Section 11 Boundaries of local historic districts

(a) *Official historic preservation map.*

- (1) The boundaries of various historic districts and properties shall be shown on a map of the City entitled "Historic Preservation Map, City of Dawsonville, Georgia" and shall be amended thereafter by the City Council from time to time in conformance with this Code.
- (2) The "Historic Preservation Map, City of Dawsonville, Georgia" is adopted as the official historic districts and property map and is hereby made a part of this Code, and all notations, references and other information shown on it shall be a part of this Code.
- (3) The official historic preservation map, as adopted by the City Council and subsequently amended by its action, shall be maintained by the historic preservation staff of the City of Dawsonville.
- (4) The official historic preservation map shall be printed and available to the public.

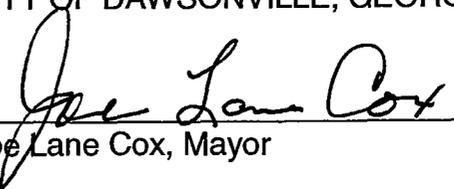
(b) *Changes to the official historic districts and property map.* Changes to the official historic preservation map shall be made in accordance with provisions listed herein.

Section 12 Effective date

This article shall become effective immediately upon its adoption by the City Council of Dawsonville, Georgia.

Passed, adopted and ordained this 1st day of December, 2008.

CITY OF DAWSONVILLE, GEORGIA



Joe Lane Cox, Mayor

Jonathan Cox, Councilman

Linda Grant
Linda Grant, Councilman

Mike Sosebee
Mike Sosebee, Councilman

Mike Wilson
Mike Wilson, Councilman

Attest:

Kim K. Cornelison
Kim Cornelison, City Clerk