

Public Hearing Published	6/23, 6/24, 6/25/08	First Reading	7/16/08
Public Hearing	7/10/08	Passed	8/20/08

ORDINANCE NO. 376

AN ORDINANCE REPEALING ORDINANCE NO. 225, WHICH ESTABLISHED HISTORIC DISTRICTS, AND ADOPTING A NEW ORDINANCE ESTABLISHING A HISTORIC DISTRICT; DESCRIBING THE BOUNDARIES OF SUCH HISTORIC DISTRICT; LISTING EACH PROPERTY AND PROPERTY OWNER OF RECORD IN THE DISTRICT; REQUIRING A CERTIFICATE OF APPROPRIATENESS TO BE OBTAINED FROM THE CITY OF FLOWERY BRANCH HISTORIC PRESERVATION COMMISSION PRIOR TO ANY MATERIAL CHANGE IN APPEARANCE OF PROPERTY WITHIN THE HISTORIC DISTRICT, REQUIRING THAT THE HISTORIC DISTRICT BE SHOWN ON THE OFFICIAL ZONING MAP OF THE CITY OF FLOWERY BRANCH; PROVIDING THAT PROPERTY OWNERS AND OCCUPANTS BE NOTIFIED OF THE NEED TO OBTAIN A CERTIFICATE OF APPROPRIATENESS FOR ANY MATERIAL CHANGE IN APPEARANCE WITHIN THE DESIGNATED HISTORIC DISTRICT; PROVIDING FOR SEVERABILITY; AND FOR ALL OTHER LAWFUL PURPOSES.

WHEREAS, counties and municipalities are authorized pursuant to the Georgia Historic Preservation Act, O.C.G.A. § 44-10-21 to enact ordinances providing for the protection, enhancement, perpetuation, and use of places, districts, sites, buildings, structures, and works of art having a special historical, cultural or esthetic interest or value; and

WHEREAS, the City of Flowery Branch adopted Ordinance No. 225 in 2001, which designated two historic districts pursuant to the Historic Preservation Act of 1980, O.C.G.A. § 44-10-20 et seq.; and

WHEREAS, the City has undertaken a thorough review of its historic preservation program, including a new historic resources survey and professional recommendations that the boundaries of the historic districts established by Ordinance No. 225 be reconstituted in a manner that combines the two historic districts into a single historic district, and which removes from the historic district certain noncontributing properties; and

WHEREAS, the reconstituted historic district is a geographically definable area constituting a visibly perceptible section of the municipality which contains structures and sites which have special character and special historic and aesthetic values; and

WHEREAS, structures and sites within the proposed historic district 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

WHEREAS, the Georgia Historic Preservation Act, O.C.G.A. § 44-10-26 establishes requirements for the content of ordinances designating historic properties or historic districts; and

WHEREAS, the City of Flowery Branch has adopted Ordinance No. 375, which establishes a Historic Preservation Commission, provides for the designation of local historic districts and properties, and specifies the contents for any local ordinance designating historic properties or historic districts; and

WHEREAS, the contents of Ordinance No. 375 are consistent with the aforementioned state and local requirements; and

WHEREAS, a formal report of nomination has been prepared which describes the historic, cultural, architectural, or esthetic significance of the proposed historic district, and said report has been submitted to the Historic Preservation Division of the Department of Natural Resources, which has been allowed 30 days to prepare written comments concerning the report; and

WHEREAS, the Flowery Branch Historic Preservation Commission has forwarded the City Council a copy of the formal report of nomination and recommended that the Flowery Branch City Council approve the reconstituted historic district boundary; and

WHEREAS, on June 12 and July 10, 2008, the Flowery Branch Historic Preservation Commission and Flowery Branch City Council held a public hearing on this ordinance, notice of which was provided as prescribed by law and being published in the Gainesville Times on June 23, 24, and 25, 2008.

NOW THEREFORE, THE COUNCIL OF THE CITY OF FLOWERY BRANCH HEREBY ORDAINS AS FOLLOWS:

SECTION 1. TITLE.

This ordinance is known and may be cited as the “Historic District Ordinance” of the City of Flowery Branch.

SECTION 2. PURPOSE AND INTENT.

This ordinance is adopted with the purpose and intention of implementing the city’s comprehensive plan and the purposes articulated in the City of Flowery Branch Historic Preservation Ordinance, Ordinance No. 375, as may be amended from time to time.

SECTION 3. DEFINITIONS.

The meaning of terms used in this Ordinance shall be the same as those provided in definitions found in the Georgia Historic Preservation Act, O.C.G.A. § 44-10-22, and the City of Flowery Branch Historic Preservation Ordinance, Ordinance No. 375, as may be amended from time to time.

SECTION 4. DESIGNATION OF HISTORIC DISTRICT AND BOUNDARY DESCRIPTION.

There is created and designated in the City of Flowery Branch a historic district with boundaries shown and described on Exhibit "A," which is attached hereto and incorporated by reference as if fully set forth herein.

SECTION 5. DESIGNATION OF HISTORIC DISTRICT ON OFFICIAL ZONING MAP.

The boundary of the historic district shall be shown on the Official Zoning Map of the City of Flowery Branch, which has been adopted pursuant to the Flowery Branch Zoning Ordinance, Ordinance No. 348, as may be amended from time to time.

SECTION 6. OWNERS OF PROPERTY WITHIN THE HISTORIC DISTRICT.

The name or names of the known owner or owners of each property included within the historic district is hereby provided in Exhibit "B," which is attached hereto and incorporated by reference as if fully set forth herein.

SECTION 7. REQUIREMENT TO OBTAIN A CERTIFICATE OF APPROPRIATENESS.

A certificate of appropriateness shall be obtained from the Historic Preservation Commission prior to any material change in appearance of the designated historic property or any structure, site, or work of art located within a designated historic district; except as otherwise may be exempted by the City of Flowery Branch Historic Preservation Ordinance, Ordinance No. 375, as may be amended from time to time.

SECTION 8. NOTICE TO PROPERTY OWNERS FOLLOWING ORDINANCE ADOPTION.

Within thirty (30) days immediately following the adoption of this ordinance designating a historic district, the known owners and occupants of each designated historic property, and the known owners and occupants of each structure, site, or work of art located within the designated historic district shall be given written notice of such designation which shall apprise said owners and occupants of the necessity of obtaining a certificate of appropriateness prior to undertaking any material change in appearance of the historic property within the historic district designated.

SECTION 9. INCORPORATION CLAUSE.

This Ordinance is intended to comply with the provisions of the Georgia Historic Preservation Act, O.C.G.A. § 44-10-20 et. seq., which Act is incorporated by reference in its entirety into this Ordinance. Where any provision of this Ordinance is in conflict with any provision of the Act,

the Act shall control. Or where this Ordinance is incomplete in having failed to incorporate a provision necessarily required for the implementation of the Act, such provision of the Act, so as to meet the mandate of the Act, shall be fully complied with.

SECTION 10. SEVERABILITY.

Should any section or provision of this Ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of this Ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

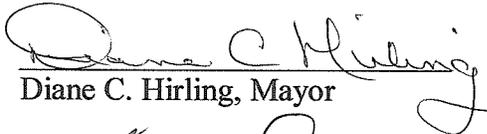
SECTION 11. REPEALER.

All ordinances and parts of ordinances in conflict herewith, specifically including but not limited to City of Flowery Branch Ordinance No. 225, "Historic District Ordinance," are hereby repealed to the extent of the conflict.

SECTION 12. EFFECTIVE DATE.

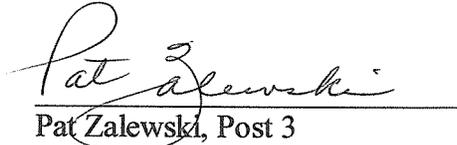
The effective date of this Ordinance shall be upon approval by the City Council of the City of Flowery Branch, Georgia, the public welfare demanding it.

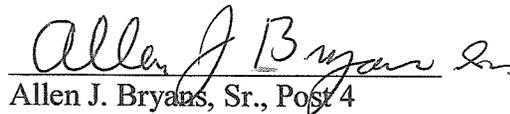
Approved this 20th day of August, 2008.

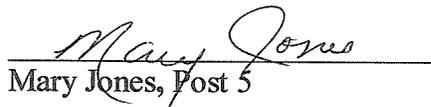

Diane C. Hirling, Mayor


Craig Lutz, Post 1


Christopher Fetterman, Post 2


Pat Zalewski, Post 3


Allen J. Bryans, Sr., Post 4


Mary Jones, Post 5



ATTEST:

Melissa McCain
Melissa McCain, City Clerk

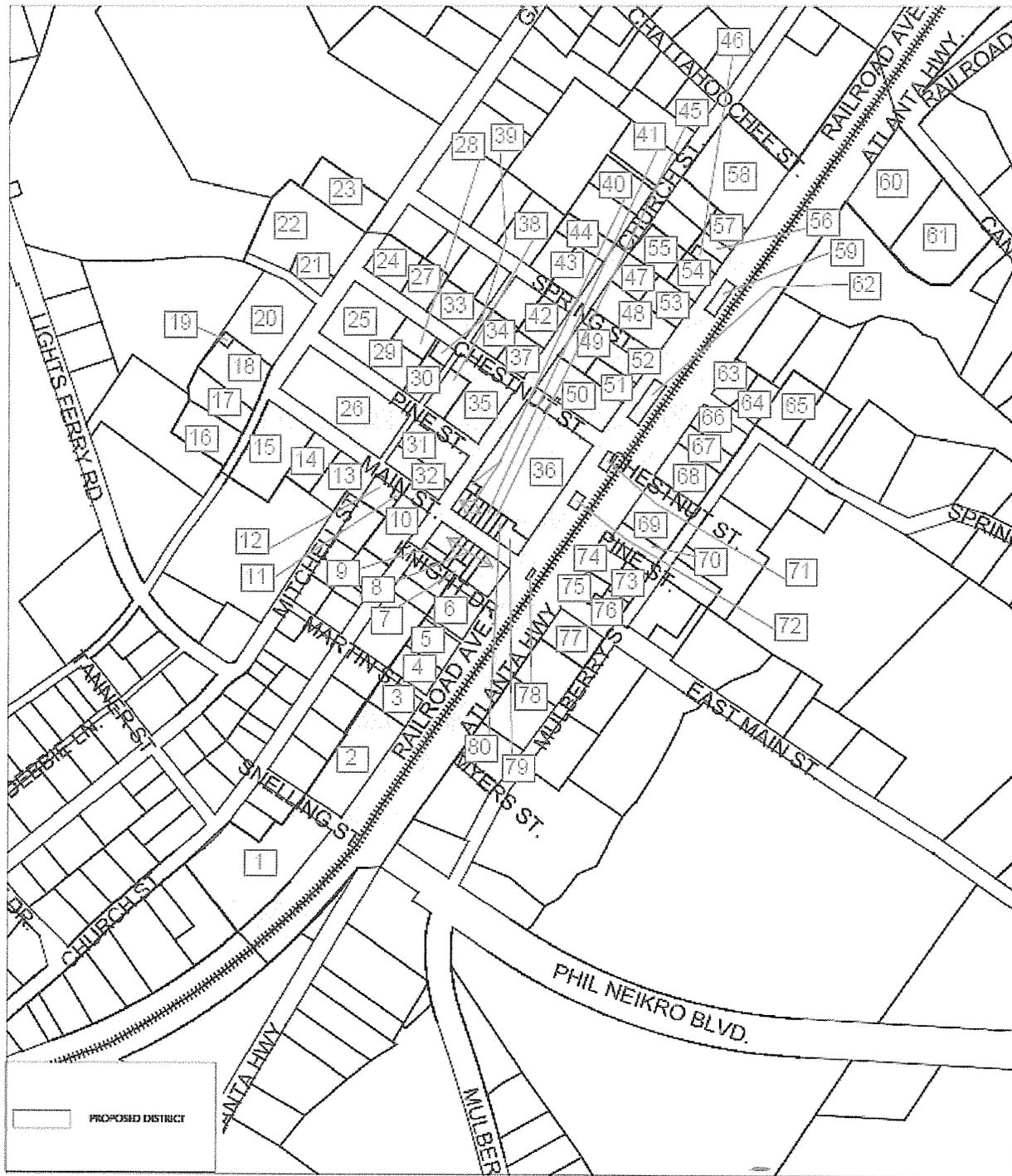
APPROVED AS TO FORM:

E. R. Bennett
City Attorney

EXHIBIT "A"

The boundary of the Flowery Branch Historic District encompasses an area described as follows: Commencing from the intersection of Snelling Street and Railroad Avenue (including 5803 Church Street) extending northeasterly along Railroad Avenue to the intersection of Railroad Avenue and Main Street (with the inclusion of those properties fronting Railroad Avenue); thence northwesterly along Main Street (with the inclusion of those properties fronting Main Street, 5501 Main Street and 5605/07 Church Street) to its intersection with Gainesville Street; thence northeasterly along Gainesville Street (including 5808, 5804, 5710, 5708, 5604/08, 5514 and 5504 Gainesville Street and the front 200'-0"± area of 5608 Gainesville Street) to the intersection of Gainesville Street and the northern property line of 5509 Gainesville Street; thence southeasterly along Chestnut Street to its intersection with Church Street (to include 5509 Gainesville Street and 5514, 5502, 5506, 5510, and 5410 Chestnut Street); thence northeasterly along Church Street (including 5314, 5304, 5246, and 5238 Church Street) to its intersection with Chattahoochee Street (excluding properties on the northwest side of Church Street located north of 5238 Church Street and excluding 5215 and 5227 Church Street); thence southeasterly along Chattahoochee Street to its intersection with the Norfolk Southern Railroad right-of-way; thence northeasterly for a distance of 450'-0"± along the western portion of the Norfolk Southern Railroad right-of-way; thence southerly at an angle of 280° across Atlanta Highway to the northwest corner of 4805 Atlanta Highway (including 4805 Atlanta Highway); thence southwesterly along the Atlanta Highway right-of-way to the northwest corner of Spring Street (including 4933 Atlanta Highway, the front 150'-0" ± area of 5007 Spring Street and 5103 Spring Street); thence continuing southwesterly along Atlanta Highway (to include all those properties fronting Atlanta Highway located between Atlanta Highway, Spring Street, Mulberry Street and E. Main Street, respectively) to the southwestern property line of 5305 Atlanta Highway (including 5305 Atlanta Highway); thence continuing southwesterly along the Atlanta Highway right-of-way to its intersection with Phil Neikro Boulevard; thence southwesterly across Atlanta Highway to an intersecting point with the Norfolk Southern Railroad right-of-way (including that portion of the railroad right-of-way) to the southern property line of 5803 Church Street as included above. In addition, the properties located on the following streets are located within the district:

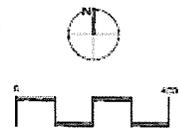
Chestnut Street and Pine Street (between Gainesville Street and Railroad Avenue); and Spring Street (between Church Street and Railroad Avenue); and Railroad Avenue (between Snelling Street and Chattahoochee Street). All rights of way identified within the shaded area are also included in the district. The above description is intended to identify the exterior boundary of the district. The entire district is shown on the attached map. When in conflict, the attached map should be considered the determining document.



Date:	08.21.08
Revision:	
Project No.:	0700
Scale:	
Drawn:	SW
Checked:	SL

CITY OF FLOWERY BRANCH

FLOWERY BRANCH, GEORGIA



FLOWERY BRANCH
PROPOSED LOCAL
HISTORIC DISTRICT

EXHIBIT "B"

Map #	ADDRESS	TAX IDENTIFICATION NUMBER	OWNER
1	5803 CHURCH STREET	08118 008004	MRS. OTTO DUKE
2	5536 RAILROAD AVENUE	08112 026005	JAMES CROW/JERRY CROW
3	5526 RAILROAD AVENUE	08112 026006	ROY CHRISTOPHER BANKS
4	5324 RAILROAD AVENUE	08112A002010	LEE MALONE/TARA MALONE
5	5316 RAILROAD AVENUE	08112A002011	REALTY LLC
6	5310 RAILROAD AVENUE	08112A002012	CITY OF FLOWERY BRANCH
7	5501 MAIN STREET	08112A002001	MPB PROPERTIES
8	5302 RAILROAD AVENUE	08112A002013	CITY OF FLOWERY BRANCH
8A	5519 MAIN STREET	08112A002006	CITY OF FLOWERY BRANCH
8B	5517 MAIN STREET	08112A002005	CITY OF FLOWERY BRANCH
8C	5515 MAIN STREET	08112A002004	CITY OF FLOWERY BRANCH
8D	5511 MAIN STREET	08112A002003	CITY OF FLOWERY BRANCH
8E	5509 MAIN STREET	08112A002002	CITY OF FLOWERY BRANCH
8F	5302 RAILROAD AVENUE	08112A002013	CITY OF FLOWERY BRANCH
9	5605 CHURCH STREET	08112A002007A	TOM MCFADDEN
10	5616 CHURCH STREET	08112 025006	STEVEN NICHOLAS MAJOR II BELLSOUTH
10	5616 CHURCH STREET	08112 025010	TELECOMMUNICATIONS
11	5607 MAIN STREET	08112 025009	JAMES B. HOOKS RONNIE BROWN - RITHEA G. BROWN
12	5609 MAIN STREET	08112 025008	RON BELL
13	5722 MITCHELL STREET	08112 02403	ANNIE BELL PHILLIPS MCDOUGALD
14	5709 MAIN STREET	08112 024004	RUBY LOUISE GARRETT FRASER/PAMELA LOUISE WHITE
15	5717 MAIN STREET	08112 024005	JAMES B. HOOKS
16	5808 GAINESVILLE STREET	08112 027020	MARK CAIN-ANNIE LEIGH CAIN
17	5804 GAINESVILLE STREET	08112 027021	CAROL ANN MOODY
18	5710 GAINESVILLE STREET	08112 027022	CITY OF FLOWERY BRANCH
19	5708 GAINESVILLE STREET/5704 GAINESVILLE STREET	08112 027022A	
20	5608 GAINESVILLE STREET	08112 027018	TRACY PEACOCK TANKERSLEY
21	5604 GAINESVILLE STREET	08112 027023A	FREDERICK S. PHEIL
22	5514 GAINESVILLE STREET	08112 027024	FREDERICK PETER. PHEIL JERRY DAVID TANNER-SUE A. TANNER
23	5504 GAINESVILLE STREET	08112 027025	ALMA JEAN HOLLAND
24	5509 GAINESVILLE STREET	08112 019001A	DORIS YOUNG
25	5609 GAINESVILLE STREET 5702 MAIN STREET/5602 MITCHELL STREET	08112 020001	
26	5514 CHESTNUT STREET	08112 023001	TRACY PEACOCK TANKERSLEY
27	5514 CHESTNUT STREET	08112 019006	IRMA H. GREGORY DARLENE F. PARKS-TRACY O'SHIELDS
28	5507 CHESTNUT STREET	08112 020002A	CARL N. CLARK
29	5608 PINE STREET	08112 020002	

30	5602 PINE STREET	08112 020003	WALTER WHITE-DELORES
31	5603 MITCHELL STREET	08112 022002	WHITE
32	5510 CHURCH STREET	08112 022001	MARTY HORTMAN
	5502 CHESTNUT STREET/5506		JEFFREY HILLS-ALINA HILLS
	CHESTNUT STREET/5510		
33	CHESTNUT STREET	08112 019002	HORTMAN & DOBBS LLC
34	5410 CHESTNUT STREET	08112 018001	WILLIAM ALLEN ROBERTS
35	5404 CHURCH STREET	08112 021002	HORTMAN & DOBBS LLC
36	5318 RAILROAD AVENUE	08112A001001	HORTMAN & DOBBS LLC
37	5314 CHURCH STREET	08112 018002	ALINA CERUTO HILLS
39	5509 MITCHELL STREET	08112 021001	STEVE PALENSKI
40	5503 CHESTNUT STREET	08112 020004	LEWIS O'SHIELDS
41	5505 CHURCH STREET	08112A001002	HORTMAN & DOBBS LLC
40A	5518 MAIN STREET	08112A001003	HORTMAN & DOBBS LLC
40B	5516 MAIN STREET	08112A001004	HORTMAN & DOBBS LLC
40C	5514 MAIN STREET	08112A001005	HORTMAN & DOBBS LLC
40D	5512 MAIN STREET	08112A001006	HORTMAN & DOBBS LLC
41	5510 MAIN STREET	08112A001006A	RANDALL B. DILL
42	5304 CHURCH STREET	08112 018003	WILLIAM A. ROBERTS-ANNETTE
43	5246 CHURCH STREET	08112 013010	ROBERTS
45	5238 CHURCH STREET	08112 013011	MARLENE ROSE WILLIAMSON-
46	5506 MAIN STREET	08112A001008	BRADLEY ROGER WILLIAMSON
46	5120 RAILROAD STREET	08112 014005A	CORNELIA PHAGAN CAIN-
48	5237 CHURCH STREET	08112 014003	ROBERT M. CAIN
49	5204 SPRING STREET	08112 014004	DINAH CULBREATH WAYNE
50	5215 SPRING STREET	08112 017001	CHARLES HOLT GADDIS-
50	5214 RAILROAD AVENUE/5306		BARBARA GADDIS
51	CHESTNUT STREET	08112 017002	FLOWERY BRANCH METHODIST
51	5208 RAILROAD AVENUE	08112 017003	CHURCH
52	5202 RAILROAD AVENUE	08112 017003A	FLOWERY BRANCH METHODIST
53	5130 RAILROAD AVENUE	08112 014003A	CHURCH
54	5124 RAILROAD AVENUE	08112 014005	RANDALL B. DILL
55	5233 CHURCH STREET	08112 014002	GENE REED
56	5118 RAILROAD AVENUE	08112 014006	GWB FAMILY PARTNERSHIP
57	5114 RAILROAD AVENUE	08112 014007	MARGARET BANNISTER
58	5109 CHATTAHOOCHEE		FLOWERY BRANCH METHODIST
58	STREET/5104 RAILROAD		CHURCH
59	AVENUE	08112 014001	JAMES E. HEWITT-LINDA S.
59	5125 RAILROAD AVENUE	08112 015001	HEWITT
60	4805 ATLANTA HWY	08112 008008	FLOWERY BRANCH METHODIST
61	4805 ATLANTA HWY	08112 008008	CHURCH
			VALARIE MICKELS HARRIS
			DENNIS CHADWICK
			GWB FAMILY PARTNERSHIP
			GENE WAYNE-BOB WAYNE
			FLOWERY BRANCH CEMETERY
			FLOWERY BRANCH CEMETERY

62	5205 RAILROAD AVENUE	08112 016001	RONALD HAMILTON
63	4933 ATLANTA HWY	08112 008011	ROGER BROWN/ALLEN CARTER
64	5007 SPRING STREET	08112 008012	GREGG SCOTT GORDON
65	5103 SPRING STREET	08112 008013	GREGG SCOTT GORDON
66	5003 ATLANTA HWY	08112 007001	TED A. PRUITT/DAN PUCKETTE
67	5007 ATLANTA HWY	08112 007002	BARBARA P. BOSTWICK
68	5011 ATLANTA HWY	08112 007003	CAROLYN W. PUCKETTE
			BRYAN G. PUCKETTE-CAROLYN
69	5105 ATLANTA HWY	08112 006001	PUCKETTE
			HISTORIC FLOWERY BRANCH
70	5109 ATLANTA HWY	08112 006002	LLC
			MOONEY MANUFACTURING-
			DONALD PULLIAM/CITY OF
71	5305 RAILROAD AVENUE	08112 016002	FLOWERY BRANCH
			NORFOLK SOUTHERN
72	5501 RAILROAD AVENUE	08112 016003	RAILWAY/SOUTHERN RAILROAD
			J. VERNON JARRARD-ANN S.
73	5204 PINE STREET	08112 005004	JARRARD
			J. VERNON JARRARD-ANN S.
74	5203 ATLANTA HWY	08112 005001	JARRARD
75	5207 ATLANTA HIGHWAY	08112 005002	BILLY BANNISTER
76	5208 MULBERRY STREET	08112 005003	MYRTIS B. HALEY
			BURLEY ROBERTS-ELAINE
77	5305 ATLANTA HIGHWAY	08112 002001	ROBERTS
			NORFOLK SOUTHERN
78	5505 RAILROAD AVENUE	08112 016004	RAILWAY/SOUTHERN RAILROAD
			GEORGE UPCHURCH-JANET
79	5504 MAIN STREET	08112A001007	UPCHURCH
80	5506 MAIN STREET	08112A001008	DINAH CULBREATH WAYNE