

ORDINANCE NO. 1049

AN ORDINANCE TO CREATE DIVISION 3 OF ARTICLE II OF CHAPTER 5 OF THE CITY OF BRUNSWICK CODE OF ORDINANCES, TO PROVIDE FOR A HISTORIC BUILDING DEMOLITION PROCEDURE ORDINANCE; TO PROVIDE AN EFFECTIVE DATE; TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND FOR OTHER PURPOSES.

WHEREAS the City of Brunswick was originally settled in 1738, founded in 1771, and was one of the first planned cities in the State of Georgia; and

WHEREAS the City of Brunswick is laid out in traditional British fashion with a grid-like street pattern intersperses with pleasant squares and green parks and the original town plans remain largely intact today; and

WHEREAS Brunswick actively promotes the preservation of historic buildings and landscapes as a positive force for historic relevance, economic development, and the retention of community character; and

WHEREAS in support and furtherance of its findings and determination that historic, cultural, and aesthetic resources of the City are among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity, and general welfare of the people; and

WHEREAS in order to stimulate revitalization and reinvestment in historic properties throughout the City and to protect and enhance local historical, cultural, and aesthetic attractions to residents and visitors and thereby promote the public welfare and preserving the cultural heritage of the City;

NOW THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners, acting in its capacity as the governing authority of the City of Brunswick, Georgia, that the attached Demolition Ordinance is adopted and shall be applicable to Citywide after the adoption hereof:

SECTION ONE

Sec. 5-37 - Historic Building Demolition Procedure

- (a) *Purpose.* This section is adopted for the purpose of protecting the historic and aesthetic qualities of the city by preserving, rehabilitating or restoring, whenever possible, buildings or structures which contribute or reflect distinctive features of the architectural or historic resources of the city, thereby promoting the public welfare and preserving the cultural heritage of the city. A demolition delay ordinance will provide time to explore demolition alternatives, such as developing adaptive reuses for the building or structure, locating purchasers, or moving the building or structure to a new location.

(b) *Definitions.* As used in this chapter, the following terms shall mean:

Planner: Planner or Planning Director of the City of Brunswick

HP Board: The Brunswick Historic Preservation Board.

Commission: Mayor and Commission of the City of Brunswick.

Demolition permit: The permit issued by the City as required by the Brunswick Building Code for the demolition, partial demolition or removal of a building or structure.

Historically significant building or structure: Any building or structure which (1) is listed on the National Register of Historical Places; (2) is listed on the current Historic Inventory of Brunswick; (3) is located within any National Register or local historic district; or (4) was constructed in whole or part prior to 1940.

Review Period: The review period of a complete application by the Historic Preservation Board. The period shall be 120 days from the date a complete demolition application is submitted to the HP Board. The Period may be extended by written agreement of the applicant and HP Board.

(c) *Procedure.*

- (1) *Preamble.* No permit for the demolition of a historically significant building or structure shall be granted unless it is first submitted to the Planning Department for review and comment in accordance with the provisions of this section. Any project in which the city is the project proponent or is required to complete a federal environmental review pursuant to N.E.P.A. shall be exempt from this section, but shall comply with the requirements of subsection (d) below.
- (2) Prior to submittal of a *demolition* or relocation permit, all requests which include exterior demolitions or relocations shall first obtain approval of an exterior *demolition* or relocation review application from the Planning Department.
- (3) Complete applications shall include all of the information requested on the application form, including photographs of all affected exterior elevations and information pertaining to the age of the structure if available.
- (4) Within ten days of receipt of a complete application the Planning Department staff shall make a determination of eligibility for a review.
- (5) An exterior *demolition* or relocation application shall be considered eligible for review if staff determines that the application seeks to demolish or relocate a Historically Significant Building or Structure as defined herein.
- (6) The following applications shall be exempt from the ~~180-day~~ Rreview Pperiod:
 - a. Accessory structures of less than 250 square feet of gross floor area;

- b. Any structure determined by the Chief Building Official to be an imminent and substantial danger to the health or safety of the public due to deteriorating conditions;
 - c. Any structure deemed un-repairable by the Planning Department and placed on the City's Dilapidated Structures List.
- (7) Upon the determination of the Planning Department that an application seeks a demolition permit for a historically significant building or structure, the Planner shall forward a copy thereof to the Commission and the HP Board. No demolition permit shall be issued at that time.
- (8) The HP Board shall hold a public hearing within 30 days of receiving a copy of such application, and shall give public notice thereof by publishing notice of the time, place and purpose of the hearing in a local newspaper at least 14 days before said hearing. The HP Board shall also send notice at least 14 days prior to said hearing to any person whose property abuts the building or structure and abutters within 300 feet of the property line of the building or structure as determined from the records of the City Assessors. All costs related to the public hearing shall be borne by the applicant.
- (9) The Planner shall post a sign or signs on any land upon which an application with respect to relocation or demolition has been made not less than seven (7) days after the completed application is accepted by the Planning Department. Such sign shall show the date of construction of the existing building and be erected in full view of the public on each street side of such land. Where such land does not have frontage on a public street, the signs shall be erected on the nearest street right-of-way with an attached notation indicating generally the direction and distance to the land concerning a public hearing is scheduled. Such sign shall be posted in full view of the public and shall be maintained by the applicant until final determination has been made by the HP Board.
- (10) At least 14 days prior to the date of the public hearing, the applicant for demolition shall provide the following to the HP Board along with the completed Demolition Application:
- a. A copy of the assessors map showing the location of the building or structure with reference to lot lines and abutting buildings and structures;
 - b. Photographs of all street façade elevations;
 - c. A written description of the building or structure, or part thereof, to be demolished;
 - d. Reason(s) for the proposed demolition and data supporting said reason, including data sufficient to establish any economic justification for demolition; and
 - e. A description of the proposed reuse of the parcel on which the building or structure is located.

- (11) At the hearing, the HP Board shall determine whether the demolition of the historically significant building or structure would be detrimental to the historical, cultural, or architectural heritage or resources of the City and should be preferably preserved. The HP Board shall consider the following in making its decision:
- a. The building or structure is of such interest or quality that it would meet National Historical Register criteria for designation as a historical or architectural landmark;
 - b. The building or structure is of such unusual or uncommon design, texture, or material that it could not be reproduced without great difficulty or expense;
 - c. The building or structure is of such architectural or historic interest that its removal would be a detriment to the public interest;
 - d. Retention of the building or structure would help preserve and protect a historic place or area of historic interest in the city;
 - e. The reason(s) for the proposed demolition and data supporting said reason, including data sufficient to establish any economic justification for demolition; and
 - f. The proposed reuse of the parcel on which the building or structure is located.
- (12) The HP Board shall make its written determination within 14 days of the close of the public hearing and shall notify the applicant via certified mail. If the HP Board determines that the demolition of the historically significant building or structure would not be detrimental to the historical, cultural or architectural heritage or resources of the city, the Planner shall issue the demolition permit forthwith. If the HP Board determines that the demolition of the historically significant building or structure would be detrimental to the historical, cultural or architectural heritage or resources of the City, a demolition delay shall be imposed and no demolition permit shall be issued for the remainder of the ~~180 days from the date of the submitted complete Demolition Application to the HP Board~~Review Period.
- If a delay is imposed, the HP Board and the Planner shall work with the property owner to identify viable alternatives to demolition and to develop a historic preservation plan for the property.
- (13) Upon receipt of notice that a demolition delay has been imposed, the applicant shall secure the building or site against vandalism, fire or other destruction and shall post a notice of the determination on the building in a place visible from the nearest public way.
- (14) If the HP Board fails to hold a public hearing within the time specified herein, or if the HP Board fails to notify the applicant of its determination following a public hearing within the time specified herein, the demolition of the historically significant building or structure shall be deemed to not be

detrimental to the historical, cultural or architectural heritage or resources of the City and the Planner shall issue the demolition permit upon the expiration of the applicable time period.

- (15) The written determination or lack of action of the HP Board may be used for the purposes of Section 106 of the National Historic Preservation Act of 1966 as amended (36 CFR 800).

(d) *Procedure for City projects.*

- (1) For any demolition project for a historically significant building or structure in which the City is the project proponent or in which the City is required to prepare a federal environmental review pursuant to N.E.P.A., a demolition review shall be conducted by the HP Board upon the commencement of a project and concurrent with the other required regulatory reviews.
- (2) The City Manager's office shall issue a notice of intent to demolish a historically significant building or structure to the HP Board, by certified mail or hand delivered. The notice shall include a description of the proposed demolition, the funding sources, and the proposed reuse of the property. A copy of the notice shall also be provided to the Planner.
- (3) Within 30 days of receipt of a notice of intent to demolish, the HP Board shall hold a public hearing in accordance with the procedures set forth herein for other projects.
- (4) Within 14 days of the close of the public hearing, the HP Board shall issue its written determination to the Commission and the Planner by certified mail or hand delivery. If the HP Board determines that the demolition of the historically significant building or structure would not be detrimental to the historical, cultural or architectural heritage or resources of the city, the project may move forward and there shall be no further review by HP Board when the demolition permit is applied for. If the HP Board determines that the demolition of the historically significant building or structure would be detrimental to the historical, cultural or architectural heritage or resources of the city, a demolition delay shall be imposed and no demolition permit shall be issued for ~~180 days from the date of the HP Board's decision~~ the remainder of the Review Period.
- (5) If the HP Board fails to hold a public hearing within the time specified herein, or if the HP Board fails to notify the Commission and Planner of its determination following a public hearing within the time specified herein, the demolition of the historically significant building or structure shall be deemed to not be detrimental to the historical, cultural or architectural heritage or resources of the city and the commissioner shall issue the demolition permit upon the expiration of the applicable time period.
- (6) If a demolition delay is imposed pursuant to this section, the HP Board and Planner shall work to develop a viable historic preservation plan and to identify alternatives to demolition. The HP Board shall present the same to the Commission.

- (7) Upon the expiration of the delay period, the project may move forward and there shall be no further review by HP Board when the demolition permit is applied for. If no action is taken on the historically significant building or structure within three years of issuance of consent for demolition, the City Manager's office must issue another notice of intent to demolish for said property to the HP Board.
- (8) The written determination or lack of action of the Board may be used for the purposes of Section 106 of the National Historic Preservation Act of 1966 as amended (36 CFR 800).

(e) *Emergency demolition.*

- (1) Notwithstanding the above provisions, the Planner may issue a demolition permit at any time for a historically significant building or structure in the event of imminent and substantial danger to the health or safety of the public due to deteriorating conditions.
- (2) Notwithstanding the above provisions, the Planner may issue a demolition permit at any time for a historically significant building or structure located outside of a Historic District in the event that the structure has been deemed un-repairable by the Planner and placed on the City's Dilapidated Structures List.
- (2) The Planner shall document in writing the findings and reasons requiring an emergency demolition or placement of structures on the Dilapidated Structures List and shall forward a copy to the Commission and HP Board.
- (3) No provision of this ordinance is intended to conflict with or abridge any obligations or rights conferred by Brunswick Code regarding the removal or demolition of dangerous or abandoned structures. In the event of a conflict, the provisions of the more stringent ordinance shall control.

SECTION TWO:

All City of Brunswick code sections, ordinances, and parts of codes sections and ordinances in conflict herewith are hereby waived for the sole purpose of this ordinance only and shall otherwise remain in full force and effect.

SECTION THREE:

If any section, clause, sentence, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION FOUR:

This Ordinance shall be effective immediately upon its adoption by the City Commission.

SO ORDAINED BY THE CITY COMMISSION OF BRUNSWICK THIS _____ DAY OF _____, 2017.

Bryan Thompson, Mayor

ATTEST: _____
Naomi Atkinson, City Clerk