



**AN ORDINANCE BY THE MAYOR AND COUNCIL OF THE CITY OF ALPHARETTA, GEORGIA TO AMEND SECTION 2.9 HISTORIC PRESERVATION INCENTIVE ZONING OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ALPHARETTA, GEORGIA; TO ADD 133 CUMMING STREET (GARDNER HOUSE) TO APPENDIX B – HISTORIC RESOURCES INVENTORY DESIGNATED HISTORIC BUILDINGS; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**WHEREAS**, on or about May 21, 2001, the City of Alpharetta (the "City") adopted a comprehensive zoning ordinance known and cited as the Unified Development Code of the City of Alpharetta, Georgia, which has subsequently been amended from time to time (the "Unified Development Code"); and

**WHEREAS**, the Mayor and Council of the City of Alpharetta (the "City Council" or "Council") are charged with the protection of the public health, safety, and welfare of the citizens of the City of Alpharetta; and

**WHEREAS**, the Unified Development Code was designed to be amended from time to time when circumstances warrant that modifications be made in order to make said Codes more responsive to community needs; and

**WHEREAS**, the City Council finds that ordinances and regulations governing the uses of land and development of land within the City, as well as the City's operations, should be continually improved from time to time and modified as necessary to better protect and promote the public health, safety and welfare of the residents and businesses of the City of Alpharetta; and

**WHEREAS**, the City Council desires to amend Article II of the Unified Development Code for the foregoing purposes; and

**WHEREAS**, the City Council finds that the following amendments to the Unified Development Code promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the City of Alpharetta;

**NOW THEREFORE**, the Mayor and City Council of the City of Alpharetta hereby ordains, as follows:

- **Section 1:** Section 2.9 Historic Preservation Incentive Zoning Appendix B – Historic Resources Inventory – Designated Historic Buildings of the Unified Development Code is hereby amended by revising same as set forth in Exhibit "A" attached hereto as is fully set forth herein.
- **Section 2:** If any section, subsection, provisions, or clause of any part of this Ordinance shall be declared invalid or unconstitutional or, if the provisions of any part of this Ordinance as applied to any particular situation or set of circumstances shall be declared invalid or

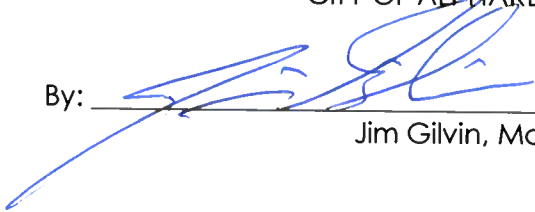
unconstitutional, such invalidity shall not be construed to affect the portions of this Ordinance not so held to be invalid, or the application of this Ordinance to other circumstances not so held to be invalid. It is hereby declared as the intent of the City Council that this Ordinance would have been adopted in its current form without the invalid or unconstitutional provision contained therein.

- **Section 3:** This Ordinance shall be effective immediately upon its adoption by the City Council and the amendments made herein shall be incorporated into the Unified Development Code of the City of Alpharetta, Georgia, as applicable. This Ordinance hereby repeals any and all conflicting ordinances and amendments.

**SO ORDAINED**, this 16<sup>th</sup> day of October 2023.

CITY OF ALPHARETTA

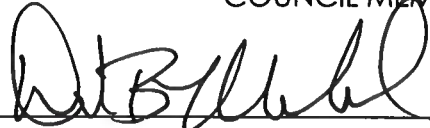
By: \_\_\_\_\_

  
Jim Gilvin, Mayor

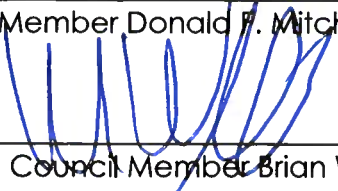
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COUNCIL MEMBERS

  
Mayor Pro Tem Dan Merkel

  
Council Member Donald F. Mitchell

  
Council Member Brian Will

  
Council Member Douglas J. DeRito

  
Council Member John Hipes



  
Council Member Jason Binder



Attest:  
sufficiency:

  
Lauren Shapiro, City Clerk

Approved as to form and legal

  
[INSERT ATTORNEY], City Attorney  


# EXHIBIT “A”

**APPENDIX B - HISTORIC RESOURCES INVENTORY—DESIGNATED HISTORIC BUILDINGS**

<b>Address</b>	<b>Description</b>	<b>Property Owner</b>
10 Cumming St.	R.D. Manning House	Properties of Duffy, LLC.
40 Cumming St.	Lewis Manning House	Taylor Morrison of Georgia, LLC.
1080 Rucker Rd.	Troy Rucker House	Millie R. Hogan
333 Milton Ave.	Farmhouse Cottage	Blaise Miller, One Ninety Three Residential Group, LLC.
0 Morris Road	Farmhouse Settlement	City of Alpharetta
531 South Main Street	Earl Wood House	Morley Holdings Coffee Plantation LLC
133 Cumming Street	Gardner House	Toriano Young & Associates, Inc.