

**AN ORDINANCE TO PROVIDE FOR PROCEDURES
AND PERMITS REQUIRED FOR THE DEMOLITION, REMOVAL OR
RELOCATION OF STRUCTURES, AND FOR OTHER PURPOSES**

The Council of the City of Commerce hereby declares that this ordinance is enacted for the purpose of preserving and protecting significant buildings within the City, which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the City and to limit the detrimental effect of demolition on the character of the City. Through this ordinance, owners are encouraged to seek out alternative options that will preserve, rehabilitate or restore significant buildings and residents of the City will be notified of impending demolitions of significant buildings. This ordinance promotes the public welfare of the citizens of the City by preserving and protecting significant buildings, streetscapes and neighborhoods, thereby by making the City a more attractive and desirable place in which to live and work.

The Council of the City of Commerce hereby ordains that the Code of the City of Commerce, Georgia, is hereby amended by deleting Section 14-12 and inserting in lieu thereof new Section 14-12 which reads as follows:

Section 14-12. Demolition.

(a) Demolition, removal or relocation of structures in the City shall not proceed until first obtaining a demolition permit from the Building Department. The application for the permit shall be accompanied with a permit fee as set out in the city's schedule of fees. It shall be the duty of the applicant to furnish evidence that any structure for which an application for a demolition, removal or relocation permit is filed was constructed less than fifty (50) years from the date of application.

(b) Permits to demolish, remove or relocate structures within the Downtown Development Authority District as delineated on the City's Official Zoning Map for which construction was completed more than fifty (50) years prior to application shall be obtained through the following procedures:

(1) Applications for permits within the Downtown Development Authority District as delineated on the City's Official Zoning Map shall be filed with the building department. The application shall be accompanied with a permit fee as set out in the city's schedule of fees.

(2) Before any such permits shall be issued, the Planning Commission shall hold a public hearing thereon, official notice of which shall be advertised in a newspaper of general circulation within the City at least two times, no sooner than forty-five (45) days prior to the hearing date and no later than ten (10) days before the hearing date.

(3) Upon filing an application, a sign provided by the City shall be posted by the applicant in a conspicuous place on the property. Such posted sign shall be not less than six square feet in area, and shall contain information as to the name of the applicant, the

owner of the property, a statement indicating that a demolition permit has been applied for, and the date, time, and place of the public hearing regarding such application.

(4) The applicant shall give notice of such application to all persons owning property adjacent to the property, which is the subject of the application. Such notice may be accomplished by personal service to the property owners, or by mailing such notice via certified or registered mail to the owner. Notice shall be given to the owners no later than fifteen (15) days prior to the public hearing.

(5) The Planning Commission shall consider the following factors and shall then make a recommendation to the City Council to either grant or deny the permit request:

- i. The historic, scenic or architectural significance of the structure;
- ii. The effect of the demolition, removal or relocation and subsequent use of the property, and whether such would result in substantial detriment to neighboring property owners or to the public good;
- iii. Whether reasonable measures can be utilized to preserve the structure, taking into account the value of the structure and the cost to repair the structure;
- iv. The property rights of the applicant; and
- v. Whether denying the permit application would create great practical difficulty or an unnecessary hardship on the applicant or property owner.

(6) The City Council shall consider the recommendation of the Planning Commission at the next regular City Council meeting following the public hearing before the Planning Commission. The Council may either; grant the application, deny the application, or postpone its decision until a later date if so requested by the applicant.

It is so ordained this 11th day of February, 2008.

By: Charles L. Hardy Jr.
Mayor

Attest: Shirley Willis
City Clerk

[SEAL]