OCA PAD AMENDMENT - PROJECT HEADER INFORMATION

Project #: D-48-824  Cost share #:  Rev #: 5  OCA file #:  Active
Center #: 10/31-6-T5363-0A0  Center shr #:  Work type : PUB SER
Contract #: AGMT DTD 092790  Mod #: LTR DTD 1/22/92  Document : AGR
Prime #:  Contract entity: GTRC
Subprojects ? : N  Main project #: N/A

Project unit: DEAN ARCH  Unit code: 02.010.170
Project director(s): DEAN ARCH (404)894-2350

Sponsor/division names: COBB CTY BD OF COMMISSIONERS / MARIETTA,GA
Sponsor/division codes: 300 / 105

Award period:  900731 to 920331 (performance)  920331 (reports)

Sponsor amount  New this change  Total to date
Contract value  0.00  49,812.00 49,812.00
Funded  0.00  0.00 0.00

Cost sharing amount

Does subcontracting plan apply ?: N

Title: USING CONSENSUS BLDG. FOR DEVELOPING AN HISTORIC PRESERVATION PLAN FOR COBB

PROJECT ADMINISTRATION DATA

OCA contact: Brian J. Lindberg  894-4820
Sponsor technical contact

CHRIS KEHOE  (404)528-2010

COBB COUNTY
HISTORIC PRESERVATION COMMISSION
100 CHEROKEE STREET, SUITE 500
MARIETTA, GEORGIA 30090-9674

Security class (U,C,S,TS) : U  ONR resident rep. is ACO (Y/N): N
Defense priority rating : N/A  N/A supplemental sheet
Equipment title vests with: Sponsor  GIT

Administrative comments -
LETTER APPROVAL DATED 1/22/92 FROM CHRIS KEHOE AUTHORIZES EXTENSION OF PROJECT THROUGH MARCH 31, 1992.
GEORGIA INSTITUTE OF TECHNOLOGY
OFFICE OF CONTRACT ADMINISTRATION
NOTICE OF PROJECT CLOSEOUT

Closeout Notice Date 06/22/92

Project No. D-68-824
Project Director BOURNE R G
Center No. 10/31-6-T5363-0A0
School/Lab DEAN ARCH

Sponsor COBB Cty BD OF COMMISSIONERS/MARIETTA, GA

Contract/Grant No. AGMT DTD 092790
Prime Contract No. 
Contract Entity GTRC

Title USING CONSENSUS BLDG. FOR DEVELOPING AN HISTORIC PRESERVATION PLAN FOR CO

Effective Completion Date 920331 (Performance) 920331 (Reports)

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Comments: SUBCONTRACT CLOSEOUT REQUIRED.

Subproject Under Main Project No. 

Continues Project No. 

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NOTE: Final Patent Questionnaire sent to PDPI.
COBB COUNTY

PRESERVATION INCENTIVES AND PROTECTION PLAN:
Report and Recommendations

Developed by the
Preservation Incentive Protection Plan Steering Committee

With the assistance of the
Southeast Negotiation Network
Georgia Institute of Technology

February 1992
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I. INTRODUCTION

In October 1990, the Cobb County, through the Historic Preservation Commission, contracted to initiate the Cobb County Preservation Incentive Protection Plan. The purpose of the project is to evaluate the existing status of historic resources and preservation within the County. Furthermore, the project is designed to develop recommendations to improve the interface between development and preservation, noting that both activities provide benefits to the County.

The Southeast Negotiation Network (a program of Georgia Tech established to assist community leaders and policy makers resolve complex or controversial issues) was engaged to lead the project. Realizing the need to involve a broad cross-section of community leaders in addressing this issue, a consensus-building process was designed and implemented. Consensus-building activities were utilized given the nature of preservation-development issues, and the desire by the County to improve the process by which related decisions are made.

After interviewing numerous representatives of the preservation, business, development, neighborhood and government sectors, a process was initiated including participants from each of these interest groups. Appendix A lists the members of the Steering and Technical Committees established to work through the issues and make recommendations to the Historic Preservation Commission and the Board of Commissioners.

The Steering and Technical Committees met six times from February to July 1991, with three work groups each meeting three or four times during the same time. The work groups focused on regulatory and economic incentives, site prioritization, and administration and outreach. Technical assistance was provided by Bob Zoeckler (an expert on historic preservation law), Greg Paxton (Executive Director of the Georgia Trust for Historic Preservation) and Joan Cole (State Historic Preservation Office). Five additional public meetings were held with representatives of neighborhood and civic organizations. (See Appendix B for a summary of these workshops.)
II. BACKGROUND

In 1984, the Cobb County Board of Commissioners passed the Historic Preservation Ordinance which established the Historic Preservation Commission and the procedures for protecting the County’s historic properties. The Commission, a five-member volunteer body with advisory responsibility, was appointed and began its work in 1985. Subsequently, Cobb County became the only County in the state that is a certified local government as defined by the State Historic Preservation Office. This designation implies that Cobb County has a sound historic preservation program and qualifies for funding from the State Historic Preservation Office earmarked for use by certified local governments only for the purposes of enhancing preservation goals.

Since the inception of the ordinance, eight properties/sites and one district have been designated. The ordinance defines two designation categories; individual properties/sites are designated as landmarks and clusters of properties/sites are designated historic districts. Attempts have been made to protect several other properties but for a variety of reasons these properties have not come under protection. Appendix C summarizes the history of efforts to protect properties since the inception of the ordinance. In an effort to strengthen the ordinance and increase the number of properties protected, the Preservation Incentive Protection Plan was initiated.

Cobb County has been one of the fastest growing Counties in the Country during the past decade. New development has brought prosperity to the County as well as some development-related tensions. One of these tensions exists around issues of historic preservation in the County. County officials have recognized the value of both development and preservation, and have made efforts to support both. Without policies that integrate these two objectives, however, development and preservation initiatives have on occasion resulted in conflict.

In addition, a major reason more properties are not protected by the existing ordinance is the lack of support by property owners whose properties are considered of historic significance. Few incentives exist to a property owner for having property protected by the ordinance, and many property owners do not fully appreciate the
contribution made to the community by preservation of significant historic properties.

As a result of these dynamics, the purpose of this project is to:

- reconcile the issues that have led to tensions between the development and preservation interests in the County,
- heighten the awareness of the economic and quality of life values of preservation to the County, and
- strengthen the historic preservation ordinance to accomplish its' purposes more effectively.

III. ECONOMIC BENEFITS OF HISTORIC PRESERVATION

The economic benefits of new development are clearly perceived by the public. On the other hand, economic benefits are typically not associated with historic preservation by the public. Numerous studies throughout the country, however, indicate that preservation contributes significantly to the economic vitality of communities. In general, people perceive historic resources as contributing to the quality of life and as adding character to urban environments in particular. Other studies suggest that retaining historic resources in urbanizing areas increases the attractiveness to new businesses and residents, thereby positively impacting the economy of the area.

In addition to drawing new business and residents into an area, historic resources also contribute significantly to tourism. Tourism is now the second largest retail industry in the United States. It is projected to be the world's leading industry by the turn of the century. When asked what people most like to do when traveling, visiting historic sites and buildings has ranked first, second or third in nearly all recent travel surveys.

Specific to Cobb County, a historic tourism study was completed in June 1990 which evaluated the impact of historic resources on tourism and the resulting economic benefits to the County. The historic tourism study notes that of the 750,000 visitors to the Kennesaw Mountain National Battlefield each year, about half
are from outside the metropolitan Atlanta area. Of the 25,000 visitors to the Big Shanty each year, about 71 percent are from outside the metro Atlanta area. About 20,000 people visit the Marietta Welcome Center each year, with about 15,000 of those originating from outside the Atlanta area. Historic tourism is a vital dimension of Cobb County's ranking as second among Georgia counties in economic impact of tourism.

IV. RECOMMENDATIONS FOR ENHANCING HISTORIC PRESERVATION IN COBB COUNTY

To achieve the three objectives outlined in Section I, recommendations are suggested in three categories; administration and outreach, regulatory and economic incentives, and site prioritization. Within each of these categories, recommendations are divided into immediate and short-term. Immediate recommendations are those for which broad consensus exists and which are crucial to meeting the objectives discussed previously. Short term recommendations are those which will require additional efforts to implement. The recommendations in each of these categories are designed to enhance historic preservation and integrate policies related to economic development. All Action Steps designated under each recommendation represent activities taken to the date of this report.

A. Administration and Outreach

To broaden appreciation for the benefits, and costs, of historic preservation to the community, education and community outreach are needed at several levels. Furthermore, coordinated administrative guidelines which address the many facets of planning and implementing preservation policy are essential. This section presents recommendations intended to improve the existing historic preservation ordinance, broaden the understanding of the ordinance, improve coordination amongst agencies and jurisdictions within Cobb County, enhance a cooperative spirit with property owners and developers, and reduce the uncertainty often associated with historic preservation in planning and development.
IMMEDIATE RECOMMENDATIONS

1. Historic Preservation Ordinance

   Background. The existing historic preservation ordinance has provided a structure for addressing the concerns of historic preservation in Cobb County. Upon evaluation after seven years of existence, and in light of the development of more recent historic preservation ordinances throughout the United States, several sections of the ordinance need refining. These refinements should provide a better environment for both preservationists and property owners in the application of the ordinance. In addition, the refinements suggested will make the ordinance more consistent with historic preservation ordinances of other communities and provide a better standard for pursuing the interests of historic preservation in conjunction with continued economic development.

   Recommendation. The Committee recommends refinement of the following four elements of the existing historic preservation ordinance: demolition criteria, interim development controls related to the nomination process, integration of the preservation ordinance with other regulatory ordinances and rescinding designations. The recommended changes attempt to clarify ambiguities in the ordinance and bring the ordinance into conformance with current historic preservation law. Appendix D contains the specific refinements suggested.

   Action Steps

   A series of modifications to the existing ordinance were recommended to the Steering Committee by an expert in preservation law. The refinements in Appendix D are those approved by the Committee. These changes have been reviewed and considered acceptable by Pratt Cassity, Certified Local Government Coordinator for the State Office of Historic Preservation. Currently, the County Attorney’s office is reviewing the recommended modifications and conforming the language of the recommendations for consistency with the existing ordinance. After final review by appropriate County staff, the recommended changes will be brought before the Board of Commissioners for action, at which time public hearings and other appropriate forums will be scheduled.
2. "Early Warning System"

**Background.** One of the concerns of property owners and developers is the relative uncertainty that exists about the location of significant historic properties. Likewise, the preservation planner often is contacted too late in the process to be of assistance in the review process. In part, these concerns are addressed by previous recommendations. Another aspect of this problem is not addressed, however, pertaining to providing information to property owners and developers concerning the location of potentially significant historic properties and the impact on the feasibility of a given development project. Reducing the uncertainty would aid all the interested parties and create a more stable process.

**Recommendations.** This recommendation has three primary components. First, the an "early warning mapping system" should be established to convey the location of properties which might have historic significance to property owners and prospective developers. Second, in conjunction with the mapping system, a change in the County plan review process is suggested. The identification and location of historic resources should be a key element in site plan review process. Review by the County Historic Preservation Planner should occur early enough in the process to allow sufficient input before plans are approved. These suggestions are designed to assist the County and developers avoid situations where concerns about historic preservation are raised after a developer has already undertaken a project.

Third, an update of the existing county historic inventories (conducted by Roth and Secrist) are needed as the basis for the early warning system. Two issues related to the inventory are noteworthy. First, although existing inventories identify the vast majority of known historic resources in Cobb County, the likelihood remains that other sites of potentially historic significance exist in the County. The new system is designed to minimize the chances, however, that a property owner or developer engages in land transactions where a historic resource is involved. Second, being acknowledged on the inventory does not necessarily convey sufficient significance to warrant protection by the Cobb ordinance. Undoubtedly, many of the properties identified by the inventories will never be protected by the ordinance due to loss of integrity, lack of significance or unwillingness to commit public resources to save the property.
Action Steps

The County Planning Department has been working since August to develop the early warning mapping system. This activity has involved verifying physical evidence concerning the location of historic properties, Civil War trenches, archeological sites and cemeteries. The historic site inventories have been updated and the new mapping system has been developed. Historic resources identified by the inventories have been delineated by land lot and parcel. Map identifying these sites will be available to landowners, developers, County departments and other interested parties.

3. Historic Preservation Video

Background. Increased awareness and education about historic preservation, and the interface with economic development, is needed at all levels, including county agency personnel, residents, property owners, developers and other members of the business community. The Historic Tourism study, in part, attended to this need. The workshops conducted throughout the County as part of the PIPP process also were intended to address this need. An ongoing effort will be necessary, however, if the community is to broadly support the goals of historic preservation. Such an effort is also important to overcoming the concept that historic preservation and development are incompatible.

Recommendations. The County should develop a public relations program highlighting the values of historic preservation to the County. Development of a video is a recommended component of the community information program. This program will be linked to improving the identity of the County related to historic preservation, as recommended by the historic tourism study. It should also serve to enhance County tourism related to historic preservation. The program should build on other initiatives in the County such as the Friends of Atlanta Campaign.

Once developed, the video can be used in schools, civic groups and numerous other venues to educate the public. The video will also help build a greater appreciation for the role of historic preservation in economic development and as a key quality of life component in Cobb County.
**Action Steps**

The County Communications office, Planning Department and members of the Steering Committee have worked together to develop a script for the video. A grant application has been submitted to the State Office of Historic Preservation to secure funding needed for video production.

4. **Coordination Among County and State Agencies**

**Background.** An important part of administering programs related to planning, development and preservation is coordination among the various departments that could impact these areas. It is important that review and decision-making processes are coordinated to increase the efficiency of the process and assure that the interests of different departments are adequately integrated.

**Recommendations.** Greater efforts are needed to improve communication between the Historic Preservation Planner, Archeologist and the other County Departments. The Steering Committee supports the efforts of the County to develop a new Standard Operating Procedure to accomplish this.

**Action Steps**

A new Standard Operating Procedure to improve intra­county communication and cooperation was adopted by the Board of Commissioners at their December 9, 1991 meeting.

**SHORT TERM RECOMMENDATIONS**

1. **Design and implement an educational program highlighting the new benefits associated with being on the Cobb Register.**

**Background.** With changes in the Cobb County Historic Preservation Ordinance and, specifically, the addition of new economic incentives, it is important to convey this information to the public. Public awareness and acceptance of the changes is essential to progress in listing more key properties on the Cobb Register.

**Recommendations.** In conjunction with the video being
planned, the Historic Preservation Commission should develop an overall strategy for using the video and enhancing public awareness of the changes in the ordinance. Ideas suggested include developing a speakers bureau, actively seeking speaking engagements with business, civic and neighborhood organizations, media coverage, among others.

**Action Steps**

The Historic Preservation Commission, with the assistance of the Preservation Planner, should develop a one-year plan targeting major organizations within the County. Implementation of the plan should begin in early 1992.

2. Assure Consistency Among County Ordinances Affecting Historic Resources

**Background.** To assure that inconsistencies among different ordinances affecting planning, preservation and development are minimized, ordinances which could affect historic preservation are being evaluated. In particular, it is important to reconcile historic preservation with other elements of the comprehensive plan, building codes, housing codes, zoning ordinances, etc. By reconciling differences or identifying inconsistencies, future problems will be minimized.

**Recommendations.** The Comprehensive Plan should be modified to indicate the conditions under which different ordinances or policies affecting historic preservation take precedent.

A second element of this recommendation relates to the incorporation of historic landscapes into the open space category on the land use map. This "historically sensitive" overlay would be used to alert the planning staff, planning commission, and the County Commissioners to areas of significance. This information could then be more clearly considered in proposed changes in the land use map.

**Action Steps**

The Preservation Planner will complete the assessment of
these recommendations during 1992. Based on this assessment, the Historic Preservation Commission will make recommendations in concert with the Planning Department to determine the most effective method of achieving consistency among various ordinances and regulations.

3. Develop an Historic Resources/Preservation Curriculum for Cobb County Schools

   **Background.** Many point to the importance of the educational system for building citizen appreciation for cultural resources. As such, efforts to develop a stronger cultural resources curricula for primary and secondary education are valuable. This does not address existing issues related to historic preservation but does work towards developing the longer term appreciation of cultural resources and historic preservation in the County.

   **Recommendations.** Some activities are already underway to accomplish this goal but greater emphasis is needed for the educational component. Recommendations address three areas of concern: staff development, development and integration of curricula into the school system and the availability of the preservation planner and other preservation experts to serve as educational resources.

   **Action Steps**

   The Historic Preservation Commission, representatives of the County School System and the Georgia Trust for Historic Preservation are currently negotiating to implement a County-wide heritage education program that will include staff development courses, lesson plan formulation and in-service days for teachers.

4. Address the Weaknesses Identified by Historic Tourism Study

   **Background.** The Historic Tourism study sponsored by the Cobb County Convention and Tourism Bureau identified several characteristics which contributed to weakening historic tourism efforts in the County. Since historic tourism has been identified as one of the major contributors to the economy of Cobb County, these issues should be addressed, including:
While the PIPP project cannot totally resolve all these issues, several recommendations are made to enhance historic tourism in the County.

**Recommendations.** The primary recommendation is that the Historic Tourism Committee be re-formed to develop strategies for implementing the recommendations of the Historic Tourism study. In addition, the Committee should develop an unified county action plan for historic preservation. In so doing, each of the major "weaknesses" identified by the study can be addressed.

Inter-community rivalries can be addressed by continuing the involvement of the Cobb Municipal Association in the process and evaluating how city and county governments might work more cooperatively and effectively in addressing the issues of historic preservation and economic development. The lack of county identity, particularly as it relates to historic preservation, can be positively affected by the public relations campaign discussed previously. Low visitor awareness can also be effectively addressed by the public relations program, targeting specific tourist sectors, travel and tour companies, etc. By completing the Historic Driving Tour started during the initial study, some of the problems resulting from historic attractions being geographically dispersed can be overcome.

To deal with the perception that historic organizations act in isolation, the unified county plan could prioritize the major historic preservation needs of the county and identify specific organizations which are best equipped to meet those needs. This would also address the issue of how best to use limited resources. The final weakness cited was a poor relationship between the historic preservation and business/development sectors of the County. In part, the Historic Tourism study began the process of bringing together members of different sectors of the community. The re-formed committee should be specifically designed to accomplish this task so that the action plan is a joint venture of the business and
preservation sectors of the community. If both County goals, continued economic development and enhanced historic preservation, are to be realized, public/private partnerships are necessary to maintain dialogue and develop more effective policies related to land use regulations.

**Action Steps**

The Historic Information Network should be utilized to evaluate county-wide priorities and develop a coordinated, interactive approach to meeting those priorities. The Network should be convened by the County's Preservation Planner to develop the county-wide agenda and assess the resources necessary to accomplish objectives.

**B. Economic and Regulatory Incentives**

Incentives are often established to help achieve important policy goals. Incentives can be in the form of either regulatory or economic incentives. Regulatory incentives usually are in the form of innovative zoning classifications and negotiated approaches to site planning. Economic incentives are usually in the form of financial supports to assist in achieving policy goals.

Several types of funding sources and economic incentives have been considered for use in Cobb County. Appendix E is a matrix showing the variety of funding sources and incentives available for different types of historic properties.

**IMMEDIATE RECOMMENDATIONS**

1. **Institute a Tax Assessment Freeze**

**Background.** Since most of the significant historic resources in the County are related to landscapes and owner-occupied properties, incentives must be tailored to meet the specific needs presented by those types of historic properties. Two approaches should be implemented regarding the state legislation affecting tax incentives for historic preservation in Cobb County. Currently, the state has two laws which provide the opportunity for incentives for preservation to property owners. The first provides a tax assessment
freeze on properties undergoing rehabilitation, which meet criteria to be on the Georgia Register of Historic Places. No local enabling legislation is required to take advantage of this incentive.

The second law allows, on a local option basis, for a tax assessment freeze on income-producing properties deemed to be significant contributors to the inventory of historic properties. This bill grew out of the Atlanta historic preservation planning process and provide the incentive regardless of rehabilitation. In other words, the incentive is available based on the designation of the property as significant and does not require rehabilitation. It is only applicable, however, for income-producing properties. Local enabling legislation is required to implement the provisions of this act.

**Recommendations.** The primary recommendation is to revise OCGA Sec. 48-5-7.3. This act, referred to as the Local Option Act, provides for local governments, at their option, to adopt the provisions of this act. The act provides for freezing the property tax assessment of income producing property ONLY, assuming the property qualifies for the National or Georgia Historical Register. The method, time, and other general provisions of the freeze are the same as found in the Rehabilitation Act. In addition, the local government has the authority to impose additional requirements. The primary difference of this act from the Rehabilitation Act, is that under the provisions of this act, no rehabilitation of the property need occur.

The first suggested change in this Statue is to include all properties, and not limit the act to income producing only. The second change would be to expand the eligible property to include more than just structures. This would afford the ability to address "historical sites" as well. Appendix F provides additional information on the requested legislative initiative.

In addition, the Cobb County Historic Preservation Commission should draft the local enabling legislation once the state act is amended. This legislation should include but not be limited to the following:

* Local property designation requirements
* Definition of ad valorem property taxes (i.e. exclusion of bonded indebtedness, etc.)
* Maintenance, repair or upkeep requirements
* Other owner responsibilities
* Decertification and penalty assessment
* Restriction regarding area of property to be included
* Procedures and administration.

The City of Atlanta local enabling legislation (City Code Sec. 704074) should serve as a model for Cobb County.

**Action Steps**

The County Finance Department has analyzed the potential impacts of the tax assessment freeze and has indicated that the fiscal impact on the County will be negligible. Based on this assessment, the Board of Commissioners and the Historic Preservation Commission have requested that the Cobb legislative delegation introduce legislation to modify the existing state bill as recommended above.

Once adopted at the state level, the Board of Commissioners will need to pass the local option and incorporate the provisions into the Cobb County Ordinance. Guidelines will need to be developed by the Cobb Historic Preservation Commission to clarify requirements for receiving the tax assessment freeze. These requirements and implementation guidelines will also need to be incorporated into the ordinance.

2. **Initiate a Cobb Land Trust**

**Background.** Land trusts are local, regional, or statewide non-profit organizations directly involved in protecting important land resources for the public benefit. America’s nearly 900 land trusts have protected over two million acres. These include farms, wetlands, wildlife habitat, urban gardens and parks, forests, ranches, watersheds, coastlines, river corridors, and trails. In Cobb County,
a land trust could also be used to protect historic sites, landscapes and buildings.

The hallmark of land trusts is their direct involvement in land transactions. They use a variety of flexible and creative conservation methods that achieve conservation goals while meeting the specific needs of the community and landowner. Many approaches offer income, estate, or property tax benefits that help make conservation affordable. Properties can be protected by land trusts through donations, purchase, life estates and conservation easements, among other mechanisms. Appendix G provides additional background information on land trusts.

**Recommendation.** A Land Trust should be formed for Cobb County for the purpose of preserving lands considered valuable to the community. The Cobb Preservation Trust should be a newly formed organization with a Board of Trustees which represents a cross-section of historic preservation, conservation, property owner and business interests in the County. The Trust will not be a part of County government but will rely on cooperative agreements with the County in the preservation, restoration and maintenance of historic sites and buildings.

**Action Steps**

Initial planning meetings have already been held to discuss how to proceed with creating a local land trust. A proposal for seed money will be submitted to the Board of Commissioners to begin the process as outlined in Appendix H.

3. Support a Modified Georgia Real Estate Transfer Tax

**Background.** Currently, Georgia has one of the lowest real estate transfer tax rates in the Country. It has been proposed by several organizations throughout the State that this tax be increased to create a pool of funds for the conservation of public lands. Historic preservation and conservation goals in Cobb County could potentially be achieved through these funds.

**Recommendation.** The County should support efforts to establish this funding pool. One critical element in support of this effort is that the funds raised be returned to local governments (using
an equitable formula, perhaps population-based), set-aside for use to conserve public lands. As such, this could be an effective vehicle for assisting the County in raising funds for the revolving fund and the Land Trust.

**Action Steps**

The Board of Commissioners should encourage the Cobb Legislative delegation to support this amendment to the Georgia Transfer Tax, assuring that the funds raised be returned to local governments. The BOC should also work with the Association County Commissioners of Georgia to encourage their support.

**SHORT TERM RECOMMENDATIONS**

1. Adopt Regulatory Incentives to Complement Economic Incentives

**Background.** In addition to economic incentives, regulatory incentives can be an effective means of achieving policy goals. In the case of regulatory incentives, zoning, variance and development negotiation guidelines can be established which facilitate preserving special attributes of land, including lands which contain significant historic resources.

**Recommendation.** The Steering Committee recommends that the County develop specific policy guidelines and/or changes in the zoning ordinance which facilitate the preservation of historic resources. These include:

- New or refined zoning classifications - new zoning classifications, or refined existing classifications, could be established which allows a higher density of development on a smaller percent of a land parcel to off-set the land needed to preserve cultural or natural resources through set-backs, buffers or conservation. Cluster zoning is often used to achieve such purposes.

- Administrative variance - specific guidelines could be established for allowing an administrative variance for purposes of preserving cultural or natural resources. This would streamline the variance process for
property owners and provide an incentive to negotiate site modifications for the stated purposes. Guidelines would establish limits to the type and extent of site modifications allowable under an administrative variance, and tightly specify the conditions under which an administrative variance is given.

- Impact fee abatement - although the system of impact fees are still in the process of development for Cobb County, attention should be given to allowing credits in the calculation of impact fees for the preservation or conservation of cultural resources.

**Action Steps**

The Steering Committee recommends that the affected County Departments, in coordination with the Preservation Commission, developers and the Board of Commissioners, examine administrative incentives that could be implemented to protect significant historic resources. This should be coordinated by the Preservation Planner.

2. Establish a Revolving Fund for Cobb County

**Background.** A revolving fund is a pool of monies used by a nonprofit organization or governmental agency to buy, sell, or lease a historic property. Revolving funds can be structured many different ways and can be tailored to a local community's needs. The purpose of a revolving fund is to save endangered historic properties by intervention in the real estate market.

The different types and uses of revolving funds include:

1) Purchase and Resale of Historic Buildings - The organization administering the fund buys the property which provides full control of the property. Since this has the effect of tying-up the fund's capital until the building can be sold, quick turn-around is usually desired. If a property must be sold at a loss, the fund's capital is depleted. Otherwise, the fund revolves and replenishes itself.
2) Option to Purchase - An option allows the organization to obtain the first right to a property at a set price and time to find a sympathetic buyer. An option does not tie up much of the funds capital as an agreement can be worked out to allow the purchase of an option for as little as $1.

3) Revolving Fund as Lessee - This approach is used when an owner will neither sell the property nor fix it up. The fund may be used to enter into a lease with the owner until the ownership changes. The lease arrangement is a temporary solution until a more suitable solution can be found.

4) Revolving Funds as Lessor - The fund can lease buildings it owns rather than sell them. This system works best when the property is of such significance that the fund organization wishes to retain ownership so as to guarantee its preservation.

5) Revolving Loan Fund - The fund may make loans to individuals at reduced interest rates to help with the purchase or rehabilitation of a historic property. Often, public money earmarked for specific purposes is used to establish the fund, therefore the loan fund has target area requirements such as low-income or blighted areas.

6) Rehabilitation of Acquired Properties - Once the fund has acquired property, rehabilitation may be necessary before the property can be sold. This must be undertaken judiciously since increased costs to conduct rehabilitation could detrimentally affect potential buyers.

Recommendations. A revolving fund should be established to accomplish all six functions described above, on an as-needed basis. The fund should be established through a public-private partnership and administered through the Land Trust. The County should contribute a minimum of $50,000 per year for five years, contingent on being matched by the private sector. As such, a fund of at least $500,000 can be established in a five-year period. The fund should be self-sustaining and available for use by public, private and non-profit entities. This recommendation is directly linked to the
formation of a Land Trust in Cobb County.

**Action Steps**

With the inception of the Land Trust, a vehicle for administering a revolving fund will exist. The Land Trust, County officials and preservation community should develop a potential list of uses, guidelines and a funding strategy. This will provide the framework to pursue the matching contributions needed to increase the probability of County funding.

3. Evaluate the Use of Transfer and Purchase of Development Rights to Meet Historic Preservation Objectives

**Background.** Few planning concepts in recent years have evoked as much enthusiasm and debate as the transfer of development rights (TOR). The TDR concept has been hailed as the solution to a sweeping variety of land-use problems, including protection of historic landmarks in Denver, the floodplain in Chicago’s chic North Shore suburbs, cypress swamps in Florida and farmland in Maryland. Yet despite the hundreds of articles and thousands of hours of thought and research, fewer than 50 communities around the country have actually implemented a TDR scheme. In perhaps only a dozen has an actual transfer taken place.

A TDR system simply takes some of the content of the bundle of rights for one piece of property and transfers or relocates it to another piece of property. Typically, this is done by shifting the future development potential from one piece of property (the sending site) to another piece of property (the receiving site). The transferred development potential may be measured in any one of a number of ways, such as floor area, dwelling units, or parking spaces. Once the transfer has occurred, most TDR systems require a legal restriction on the sending site, prohibiting any future use of the transferred development potential, and permit the receiving site to develop with the additional floor area, dwelling units, or parking spaces to which it is now legally entitled. Some TDR programs are mandatory, in which case all potential sending sites are restricted; others are voluntary and allow the marketplace to first match a buyer and seller of the TDRs before the sending site becomes burdened by a land-use restriction.
The Purchase of Development Rights (PDR) is similar to TDRs in that the development of rights are conveyed to a third party. In the case of PDRs, however, instead of being conveyed to another development, development rights are typically purchased by a governmental agency and never used. In other words, development rights are purchased to compensate a landowner for not building out a property and then conserved. For areas like Cobb County where TDRs may have limited short-term application, PDRs could provide the vehicle for conserving valuable properties of high public importance.

Appendix I examines TDR and PDR programs by purpose and locality (Planning Advisory Report #401). One of the purposes listed is Historic Preservation and nine local governments have developed ordinances around this purpose.

Recommendation. The use of TDRs and PDRs should be investigated further for use in Cobb County. Both programs have relevance to a broader set of issues than historic preservation so the decision to establish the legal framework for these programs should be considered in that broader context. If the Cobb Land Trust is established, the use of PDRs should also be considered as an appropriate vehicle for achieving the goals of the Trust.

Action Steps

While not currently considered to be a major incentive, the Planning Department should continue to evaluate the role these incentives can play as the development density in Cobb County increases. The Land Trust may also wish to pursue the use of purchase of development rights where warranted.

C. Site Prioritization

Site prioritization has three components; classification of historic resources, criteria used to determine the importance of a site and the application of those criteria to identify sites that should be saved in Cobb County. Identifying those properties worthy of protection is an ongoing process. On the other hand, with the use of an accepted classification system and selection criteria, exemplary properties can be identified which typify the historic resources worthy of recognition and protection. As such, recommendations are made
concerning the classification of historic resources and appropriate
criteria for the designation of historic resources. Appendix J provides
a list of exemplary historic properties, consistent with the proposed
classification system and criteria, which should be included on the Cobb Register in the future.

IMMEDIATE RECOMMENDATIONS

1. Adopt a New System to Classify Historic Resources and Prepare to List Exemplary Properties on the Cobb Register

   Background. Cobb County has a rich diversity of historic and cultural resources involving a variety of important people, events, times, places and periods of social movement. Given this diversity, a classification system which focuses on the major occurrences and experiences in the County would be helpful in identifying and categorizing resources of special cultural significance.

   Recommendations. As a way of classifying the significance of any historic property, the following four categories are recommended:

   A. Events That Have Made a Significant Contribution to Cobb County History

      1. The Civil War
      2. World War II and the Bell Aircraft Corporation
      3. Rural Community Development, c. 1832 - 1940
      4. Rural and Village Industrial Development, c. 1832 - 1940
      5. Railroad Development

   B. Persons of Transcendent Importance

      (Most of the individuals of outstanding historical importance lived in incorporated areas. This criterion has the toughest standards of proof and thus is the least used in determining eligibility for the National Register.)

   C. Architectural Types or Styles

      1. Early Log Cabins
      2. Ante-Bellum or Immediate Postwar Structures
3. Late 19th Century (Victorian and Other Styles)
4. Farm Houses, Barns, and Outbuildings

D. Archaeological Sites of Outstanding Importance

1. Prehistoric and Historic Native American Sites
2. Civil War Sites
3. Others

The second element of this recommendation is to prepare the information needed to consider nomination of the properties identified in Appendix J.

**Action Steps**

During the fall of 1991, information was collected to support the nominations of the properties listed in Appendix J to the Cobb Register. This activity does not imply that all these properties will be either nominated or designated. The research conducted is necessary to prepare to nominate a property. The results of the research could lead to a decision to either nominate or not nominate a given property.

2. Adopt Expanded Criteria to Identify Key Properties

**Background.** The primary consideration in determining whether a structure or site deserves special protection is its historical significance and integrity. Historically significant properties that have the potential to draw tourists to the county and are accessible to the public should receive greater consideration from county government than those that do not. Historically significant properties that are endangered should receive the highest consideration although the County should be proactive in protecting the sites of greatest significance.

The Criteria for Evaluation of the National Register of Historic Places require that a site possess integrity of location, design, setting, materials, workmanship, feeling, and association, and

a) be associated with events that have made a significant contribution to the broad patterns of our history; or
b) be associated with the lives of persons significant in our past; or

c) embody the distinctive characteristics of a type, period, or method of construction or represent the work of a master, or possess high artistic value, or represent a significant and distinguishable entity whose components may lack individual distinction; or

d) yield, or be like to yield, information important in prehistory or history.

Appendix K provides a summary of criteria for the National Register of Historic Places.

**Recommendation.** In evaluating the historic resources that should be protected by the County historic preservation ordinance, four major criteria should be used: historic significance and integrity, visitor appeal and potential, accessibility and endangered status. All four criteria should be evaluated together, with historic significance and integrity being most important. Once historic significance and integrity is established, the remaining three criteria should be assessed. These criteria are:

1) **Historic Significance and Integrity** - the application of National Register criteria will satisfy whether a site/property has appropriate significance and sufficient integrity to warrant protection.

2) **Visitor Appeal and Potential** - a property which has measurable visitor appeal, or good potential as an historic attraction, will often have more support for protection and greater economic viability for preservation. Characteristics to be evaluated include uniqueness, awareness of historic significance, overall recreational opportunity and accessibility (discussed below). When considering the visitor potential of a site other considerations such as ownership of the land and adjacent land, linkage to walking/driving tours and other marketing opportunities should be evaluated.

3) **Accessibility** - when assessing issues related to access, the following questions should be answered:

   * can the site be seen from a road?
is it near a major transportation corridor?
* is it accessible by automobile?
* is parking available?
* is it easily accessible by walking?
* is it accessible to the physically impaired?
* is signage ample to direct potential visitors?
* do facilities exist?
* is it privately or publicly owned?
* how often is it open to the public?
* are organized tours provided or allowed?

Accessibility is not the major issue in considering whether or not a property is protected. It does indicate, however, the probability of contributing to historic tourism in the County.

4) Endangered Status - a property of significance that is also endangered might trigger action to protect the property, particularly if it has not already been considered. On the other hand, waiting for the most noteworthy properties to become endangered serves neither the preservation or development community well. As such, being proactive about which properties should be protected serves the community well.

The issues to be considered in evaluating the endangered status include:

* zoning compatibility - does the historic property have a zoning classification which is incompatible with existing uses? do lands adjacent to the historic property have compatible zoning classifications? are land use changes occurring rapidly in the vicinity of the site?

* relationship to public projects - is the historic property in the path of anticipated or planned public projects (i.e. projects sponsored by local, state or federal agencies)?

* structural integrity - is the structural integrity of the historic property intact? is the structural integrity threatened by internal or external forces? is rehabilitation needed to assure that the property does not deteriorate beyond repair?
In preparing the evaluation of any property for inclusion on the Cobb Register, each of these characteristics should be assessed and summarized in written form. The written evaluation should indicate whether the property should be protected or not, and the rationale for such a recommendation.

**Action Steps**

Based on discussions with Pratt Cassity, State Coordinator for the Certified Local Government Program, these expanded criteria should be included in the official handbook for members of the Cobb Historic Preservation Commission. Incorporation of these guidelines into the Ordinance raises questions about whether the ordinance would remain in conformance with State preservation law, which is necessary.

The Handbook outlines the duties and responsibilities of Commission members. A new section of the Handbook should be added to outline in detail the nomination process, including all factors the Commission is to analyze during the nomination process. This new section should also address public notification responsibilities, required public meetings, coordination with the Board of Commissioners and other responsibilities.

**SHORT TERM RECOMMENDATIONS**

1. **Update the Historic Inventory**

   **Background.** During the time since the two major historic inventories were conducted, many of the properties have been lost to neglect, development or other activity. At the same time, other properties not identified by the inventory may have significance.

   **Recommendations.** The Roth inventory identified many properties classified as C properties which require additional analysis to determine their significance. As such, it should be used as the basis for updating Cobb County’s historic inventory.
Action Steps

The Planning Department has updated the two major inventories (Secrist and Roth) in the preparation of the "early warning system" previously described. An assessment should be made by the Historic Preservation Commission and the Preservation Planner concerning the extent to which this recommendation is still needed.
APPENDIX A: Members of Steering and Technical Committees

STEERING COMMITTEE

Phil Atwood  
Chairman  
Cobb County Cemetery Preservation Commission

Phil Sanders  
President  
Chamber of Commerce

Peter Brumfield  
Cobb Municipal Association

Randolph Scott  
Former Director, MLK National Site

Brenda Burnette  
Trust for Public Lands

Phil Secrist  
Chairman  
Cobb County Commission

Kay Cantrell  
Cantrell Development

Gerald Sibley  
South Cobb Development Authority

Walter Cargill  
President  
East Cobb Civic Association

Sally Thomas  
Cobb Heritage Council

Bill Cooper  
Cobb County Commission

JoAnn Thurston, CPA  
Concerned Citizens of West Cobb

Marcelle David  
Executive Director  
Cobb Landmarks & Historical Society Inc.

Pam Walker  
Cobb Historical Tourism Committee

Dick Hutnik  
Chairman  
Cobb County Historic Preservation Commission

Stan Wise  
Cobb County Commission

Michael Paris  
Michael Paris and Associates

Sue Wooton  
The Georgia Conservancy
TECHNICAL COMMITTEE

Ransom Bennett
Archaeologist
Cobb County DOT

Robert Crowe
Historic Preservation Commission

Douglas Davis
Historic Preservation Commission

John Moeller
Director of Planning and Zoning

Chris Kehoe
Preservation Planner

Tom Scott
Kennesaw College

Larry Steeler
Kennesaw Mountain National Battlefield Park

Roger Sund
Cobb Chamber of Commerce

Lee Thomas
Historic Preservation Commission

Joann Warmack
Historic Preservation Commission

Doug Wiersig
Director
Cobb County DOT
APPENDIX B: Cobb County Historic Preservation Workshops Report

(Prepared by workshop organizers and leaders, Dr. Timothy J. Crimmins, Georgia State University and Dr. Darlene Roth, Atlanta History Center)

Background. Between February and June 1991 Drs. Timothy J. Crimmins and Darlene Roth conducted five historic preservation workshops for Cobb County residents to help determine citizen perceptions of sites and areas that are significant to the history of the county. The workshops involved citizens in areas that were spread geographically throughout the county.

In the workshops, participants were asked to identify the events, people, and trends that have been important in shaping Cobb County. They were then asked to list buildings and sites associated with these elements of history. The premise of this exercise was that residents of the county carry with them personalized histories of their environment. They have acquired their "mental histories" from newspapers, books, and magazines, from personal accounts of long-time residents, from television and radio, and from personal observations. They have also identified the places of history from their walks and drives in the county.

Observations. The Historic Preservation Workshops produced a lively response from participants that are directly related to the recommendations outlined in this document. In particular, one of the recommendations deals with the weaknesses that had been identified by the Historic Tourism Study, and that these weaknesses be addressed through a unified county action plan. The tourism study indicates that two principal problems are the lack of a county identity as a place and the existence of inter-community rivalries for attention to and funding for historic resources.

The workshops confirmed that in Cobb County, as elsewhere, "all history is local," that is, the sense of history of Cobb residents is of places that are nearby. Long-time citizens had feelings for sites in their particular areas of the county, but newcomers (who are, of course, the majority of the current population) also showed great interest in places from the past because knowing about them and their significance gave to them a shared sense of their adopted place. Although there are a few citizens who have a grasp of county history and historical sites throughout the county (primarily the importance of the Civil War), most residents have feelings of association with those buildings in their immediate area. The sense of historical place in Cobb County is localized, so an action plan should develop a way of broadcasting the importance of historical gems tucked away in all areas of the county to citizens who might not know of them and their significance.

The Civil War was recognized in all workshops as being a critical juncture in the history of the county. While Kennesaw Mountain serves as the center of attention to most people in the county, less recognized, but nonetheless important, remnants of fortifications and skirmishes exist in many other places of the county, among them Johnston’s River Line, the Andrew J. Cheney-Newcomer House, and Gilgal Church Battlefield. The challenge of historic preservation is to preserve archaeological and historical sites from the Civil War and to increase the awareness of their significance to those living in other areas of the county. There is also an opportunity to teach newcomers to the county to look in their areas for remnants such as trench lines so they can feel that they live near hallowed ground.

The workshops also demonstrated that there is much more to the history of Cobb County than the Civil War. There was a clear sense of workshop participants that transportation was the key to understanding the development of the county as well as its divisions. I-75, I-285, and I-20 establish geographic zones within the county today. The railroad, wagon roads connecting towns, and early twentieth
century federal highways spurred development and established localized communities throughout the county in the nineteenth and early twentieth centuries. The majority of the development that transportation encouraged prior to World War II was what we now call rural: farmsteads and fields, crossroad stores and wood-frame churches. Today's suburban and commercial development (encouraged by this generation of transportation arteries) are taking many of the landmarks of the county's rural history. The significant properties identified by Appendix G reflect the understanding of Cobb citizens of the larger patterns of county development, including the county's rural past and landmarks of early development. Their protection and interpretation will serve present and future generations of Cobb County residents as visual lessons of the county's history and help to develop a sense of Cobb as an historical place despite the rapid urbanization that continues to reshape the landscape.

Summary. The workshops indicate that some residents of Cobb County have a keen interest in the history of their county, a sense of the history, a sense of the importance of sites within their localities, and a desire to relate the sites in their localities to the historical patterns of county development. The recommendations dealing with the weaknesses identified by the Historic Tourism Study, the identification of historical patterns (the proposed classification system) and the identification of specific sites associates with these patterns are supported by the results of the workshops.
APPENDIX C: History of Activities Associated with the Cobb Register

In 1984, Cobb County became the first county in Georgia to pass a Historic Preservation Ordinance. The purpose of this ordinance is "to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures and works of art having a special historical, cultural, or aesthetic interest or value in accordance with the provisions of this article."

In 1985 the first Historic Preservation Commission was formed. The commission is a five-member volunteer body which has advisory authority in recommending landmark and historic district designation.

On May 13, 1986 the Cobb County Historic Preservation Commission went before the County Board of Commissioners to recommend the creation of the Concord Covered Bridge Historic District. The district was to encompass parts of land lots 170, 171, 172, 190, and 191 in district 17. Included in this district were:

1. Ruff Homeplace and Cemetery
2. The Rock House
3. The Miller's House
4. The Gann House
5. The Concord Woolen Mill Ruins
6. The Concord Covered Bridge
7. The Railroad Trestle Bridge
8. Ruff's Mill

On May 27, 1986 the Board of Commissioners approved the designation of this historic district by a 3-2 vote.

On May 24, 1988 the Cobb County Board of Commissioners accepted the recommendation of the Cobb County Historic Preservation Commission and designated a section of Johnston's River Line located in District 18, L.L. 287, 395, 396, 397, 398, and 401 as a locally designated historic site.

In March of 1989, the Historic Preservation Commission recommended twelve sites for inclusion on the Cobb County Register of Historic Places. These sites were:

1. Hill-Pike House
2. Mable House and Cemetery
3. Cheney/Newcomer House
4. Gilgal Church Battle Site
5. Braswell-Carnes House
6. J.H. Carmichael Farm and General Store
7. Israel Causey-Maxham House
8. Glover-McLeod-Garrison House
9. Sope Creek Ruins/Marietta Paper Mills
10. Kennesaw Mountain National Battlefield Park
11. William Gibbs McAdoo House
12. Midway Presbyterian Church and Cemetery

On April 11, 1989 the Cobb County Board of Commissioners unanimously approved the designation of seven (7) of the sites:
1. Israel Causey-Maxham House
2. Gilgal Church Battlefield Site
3. Hill-Pike House
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4. Kennesaw Mountain National Battlefield Park
5. Robert Mable House and Cemetery
6. Midway Presbyterian Church and Cemetery
7. Sope Creek Ruins/Marietta Paper Mills

During the public hearing regarding the designation of these sites the owners of many of the affected properties spoke out against the designation. Only two sites were approved over the property owners' objection.

Compared to the list of properties on the Cobb Register, eighteen properties in unincorporated Cobb County are on the National Register. These are:

1) Braswell-Carnes House
2) Israel-Causey House
3) J.H. Carmichael Farm and General Store
4) Andrew J. Cheney House
5) William Gibbs McAdoo House
6) Robert Mable House
7) Rock House (Part of the Concord Covered Bridge District)
8) Ruff's Mill (same as above)
9) Concord Covered Bridge (same as above)
10) Miller's House (same as above)
11) Clarkdale Mill and Village
12) Johnston's River Line
13) Gilgal Church Battle Site
14) Kennesaw Mountain National Battlefield Park
15) Glover-McLeod-Garrison House (Planter's Restaurant)
16) Midway Presbyterian Church
17) Sope Creek Ruins
APPENDIX D: Recommended Changes to the Cobb County Historic Preservation Ordinance

The following changes in the historic preservation ordinance are recommended:

Section 3-21-23

(d)(9) add - Interim Development Controls on Applications for Alteration or Demolition while Application for Designation is Pending - If an application for historic designation is being considered (researched) by the Historic Preservation Commission (hereinafter referred to as the Commission), the Commission shall have the power to freeze the status of the affected property. The property owners must be notified of the start-up of the process in writing. The Commission shall have 90 days to complete the nomination process and bring the affected property before the Board of Commissioners (BOC) for action. When the property is being considered for nomination, the normal Certificate of Appropriateness (COA) process will be in effect as if the property was already listed.

(10) change - Authority to Amend or Rescind Designation: The Board of Commissioners has the authority to de-designate a locally designated historic site only under the following condition:

1) The site has lost its architectural integrity through neglect, or damage and no longer contributes to the historical legacy of Cobb County.

Section 3-21-24

(k) change, add - Granting of a Variance - Where, by reason of unusual circumstances specific to the site, or where strict compliance with the mandates of this ordinance would conflict with other ordinances, the Cobb County Historic Preservation Commission may grant a variance or modify strict adherence to said provisions provided such variances, modifications, or interpretations shall remain in harmony with the general purpose and intent of said provisions, so that the architectural or historical integrity or character of the property shall be preserved, conserved, and substantial justice done. Examples of the unusual circumstances include, but are not limited to, peculiarities of the site such as topography, or where the provisions of this ordinance would conflict with other ordinances such as zoning regulations, or building codes.

(k)(1) add - Undue Economic Hardship - If by reason of unusual circumstances, the strict application of any portion of this article (the COA procedure) would result in undue economic hardship, the Commission shall have the power to vary or modify strict adherence to said procedure. The affected property owner must show the Commission that the strict adherence to the provisions of the COA procedure would be too expensive, and must prove the correlation between the affect of the COA decision and his/her claim of economic hardship.

Section 3-21-25

(a) change - Authority to Comment on Demolition or Relocation Permit applications - The Commission shall have the authority to deny, delay, or merely comment upon a request for a permit to demolish or relocate a structure within an historic district or classified as an historic landmark.
(e) change - Demolition or Relocation Hearing Procedure - Upon receipt of an application for a COA for demolition of a locally designated historic site the Commission shall make a determination, supported by a written report whether one or more of the following criteria are met:

1) The site has not deteriorated significantly from its condition at the time it was listed on the Cobb Register and/or is not a non-conforming building within a Historic District.

2) The site is of such unusual or uncommon design, texture, or materials that it could not be reproduced or be reproduced only with great difficulty and expense.

Where the Commission determines that one or both of these criteria are met, no COA shall be issued and the application for demolition or relocation shall be denied.

(f) add - Hardship Exemption - If the Commission denies a COA for demolition or relocation, the applicant may reapply for an economic hardship exemption. The applicant must show the Commission that a denial to permit a demolition would cause an undue economic hardship. The applicant must show that the denial eliminates all potential use of the affected property and constitutes a taking. If the applicant can show the denial eliminates all potential use of the property, the Commission may grant an exemption.

Section 3-21-26

(b) delete, add - Conformity to Existing Building and Other Codes - In the event of conflicting ordinances or development regulations, nothing in this ordinance shall be construed to create a situation which is unsafe or unhealthy. Factors to be considered in the event of a conflict are as follows:

A) Safety
B) Health
C) Economic Hardship
D) Undue Hardship
E) Other factors deemed relevant by the governing authority.

Following a recommendation by the Commission, conflicts may be appealed within 30 days of the decision to the Cobb County Board of Commissioners.
## APPENDIX E: Options for Economic Incentives in Cobb County

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APPENDIX F: Proposed Legislative Initiative to Accommodate a Tax Assessment Freeze in Support of Historic Preservation in Cobb County

AMENDMENT TO OCGA 48-5-7.3
TO PROVIDE ECONOMIC INCENTIVE TO ENCOURAGE HISTORIC PRESERVATION OF LANDMARK HISTORIC RESIDENTIAL PROPERTY

Background

Cobb County along with consultants from Georgia Tech has developed a Preservation Incentives and Protection Plan (PIPP). This plan was developed through a series of meetings and workshops with representatives of the development community, the preservation community, and the County. One component of this plan is a set of economic incentives to encourage historic preservation. One element of this set of incentives is the implementation of the preferential assessment provided for tax purposes for "landmark historic property" pursuant to OCGA 48-5-7.3. This preferential assessment provides for an eight (8) year freeze of the assessment of the property at the greater of either the acquisition costs or the appraised fair market value on the tax digest at the time the property certification is received by the Tax Assessors. Presently, this preferential assessment can be made available to "landmark historic property" only if the local governing authority has adopted an ordinance authorizing such preferential assessments.

Presently, this Code section defines the meaning of "landmark historic property" as tangible income-producing real property which:

(A) Has been listed on the National Register of Historic Places or on the Georgia Register of Historic Places as provided by the State law and has been so certified by the Department of Natural Resources; and

(B) Has been certified by a local government as a landmark historic property having exceptional architectural, historic, or cultural significance pursuant to a comprehensive local historic preservation or landmark ordinance which is of general application within such locality and has been approved as such by the state historic preservation officer.

By including residential real property in this definition, these preferential assessments subject to local governing authority implementing legislation, could be extended to non-income producing residential property which met the remainder of the definition for "landmark historic property." Such a change would reflect the residential and less urbane nature of Cobb County. Based upon the analysis of the Cobb County Finance Department the present value of the potential impact of the preferential assessment being applied for an eight (8) year period to all eligible residential property in the County to the property tax income of the County and School System would be $17,283.
APPENDIX G: Land Trusts

Land trusts, with their ability to respond creatively and effectively to local conservation needs, are uniquely suited to meet the challenge of saving important public lands. New land trusts forming around the country at an average rate of more than one per week.

The advantages of land trusts include:

- As community organizations, land trusts understand and are responsive to the special needs of the land and people in their regions.
- Many land trusts can help landowners obtain professional assistance in estate planning, tax and conservation law, and environmental and land planning.
- As private organizations, land trusts offer quick response, flexibility, and confidentiality. They may be effective where government action falls short.
- Land trusts provide a cost-effective approach to conservation. They often protect land at a cost far below its market value.
- Land trusts offer a flexible, successful, cooperative approach to land conservation. They are the creative answer to today's conservation challenges.

The major characteristics of land trusts include:

- Land trusts are private, non-profit, tax-exempt organizations, and are funded largely through membership dues and donations from individuals, businesses, and foundations.
- Land trusts are not "trusts" in the legal sense. In fact, many refer to themselves as conservancies, foundations, or associations.
- Some are small and are run solely by volunteers. Others manage thousands of acres and have large, professional staffs.
- Land trusts protect land permanently and directly. They accept donations of properties, buy land, or help landowners establish legal restrictions that limit harmful use and development.
- They protect land that has natural, recreational, scenic, historic, or productive value, depending on the needs of the community or region. Some preserve many different types of land. Others focus on a particular area of resource.
- Land trusts are usually not adversarial, but work cooperatively with landowners and government agencies.
- Some own and manage nature preserves, recreation areas, or historic sites. Others monitor the development restrictions they have helped establish, but own no land at all. Some work in partnership with government conservation agencies, acquiring critical land that they convey to the agencies.

The hallmark of land trusts is their direct involvement in land transactions. They use a variety of
flexible and creative conservation methods that achieve conservation goals while meeting the specific needs of the community and landowner. Many approaches offer income, estate, or property tax benefits that help make conservation affordable. Land trusts tools include:

- **Donation.** The landowner gives property to the land trust by gift or will.

- **Purchase or bargain sale.** The land trust buys the property from the landowner. Sales for less than market value, called bargain sales, reduce the cost to the trust and offer tax benefits to the seller.

- **Life estate.** The landowner sells or donates the land, but retains the right to live on it throughout his or her lifetime.

- **Limited development.** The land trust arranges a strategy whereby the least environmentally significant portion of a property is carefully developed in order to finance conservation of the rest. Limited development may be used when conservation of an expensive property would otherwise be impossible.

- **Conservation easement.** The landowner enters into a perpetual legal agreement with the land trust that permanently restricts harmful uses and development of the property. The land stays in private ownership and use, and the land trust sees that the restrictions are carried out. Also known as "conservation restrictions."

The accomplishments of some of America's land trusts include:

- **California coastline protected by the Big Sur Land trust through purchases and easements.**

- **Tree planting in Chicago under a program of the Open Lands Project, which also has extensive open space protection programs.**

- **The Highlands of Roan on the Tennessee/North Carolina border protected by the Southern Appalachian Highlands Conservancy.**

- **Eighty acres of Massachusetts farmland preserved by the Trustees of Reservations.**

- **A burrowing owl on land owned by the Florida Keys Land and Sea Trust.**

- **Covered bridge in the Brandywine Conservancy's Laurels Reserve, Pennsylvania.**

- **The 26-mile Heritage Trail. Acquisition of the trail was coordinated by the Iowa Natural Heritage Foundation.**
APPENDIX H: Summary of Incorporation Process for Land Trusts

The following guidelines are proposed to support the development and organization of a land trust for Cobb County:

1. Choose corporate model (i.e. not for profit).
2. Choose corporate name and reserve it with the Secretary of State.
3. Draft corporate purposes.
4. Select at least three directors and list their names and addresses.
5. Establish a mailing address for the corporation.
6. Select at least three incorporators (or subscribers) and list their names and addresses.
7. Draw up corporate papers.
8. Obtain approval of corporate papers by local counsel.
9. Sign corporate papers before a notary public.
10. Obtain approval of other necessary authorities, if applicable (i.e. in California - must be approved by Attorney General and Supreme Court before filing).
11. Submit corporate papers to the Secretary of State.
12. Draft corporate by-laws (some states require submission of by-laws with charter application).
13. Call first corporate meeting
   --adopt by-laws
   --take minutes
   --elect board
   --elect officers
14. Pursue the work of the corporation.
   a. File 501(c) (3) application
   b. Schedule and conduct Board Training
   c. Choose first project
APPENDIX I: Application of Transfer/Purchase of Development Rights

Legal Basis for TDRs

TDR programs are usually adopted as part of a local zoning ordinance, so the legal issues raised by their adoption are often the same as those for a zoning ordinance. Among the important legal questions are the following:

- Does a specific state statute or general local government "police power" authorize a TDR program?
- Do mandatory TDR programs violate constitutional prohibitions against public "taking" of property without the payment of just compensation?
- Are the changes in allowable density proposed by the TDR program in keeping with the community's comprehensive land use plan?
- Can the TDR program be designed without violating the requirement that zoning be uniform in each zoning district?
- Is a TDR transfer "contract zoning" or "conditional zoning?"
- What steps are necessary to make sure that procedural due process is ensured for affected property owners?
- Do TDR programs raise any possible problems under the antitrust or securities laws?

Developing an Effective TDR System

Six essential steps in the creation of an effective TDR system have been identified from a recent Planning Advisory Report on the subject:

- Identify the actors in the real estate marketplace affected by the TDR program and the economic motivation of each actor;
- Identify potential receiving areas and thoroughly analyze the development opportunities and profits at various densities;
- Identify and analyze potential sending sites, and balance environmental goals against economic realities;
- Make a critical choice between a voluntary or mandatory program and between a totally private TDR marketplace or a quasi-public market assisted by a TDR bank;
- Make the program and the ordinances implementing it simple and flexible;
- Ensure adequate promotion and facilitation of the program once it is initiated, and ensure that the program is designed to continue despite possible political changes.
ADDENDUM TO APPENDIX I

Appendixes

Appendix A. Table of Existing TDR Programs
Appendix B. Examples of TDR Ordinances
  1. Denver Zoning Ordinance, Sec. 59-54(3)(m)
  2. Collier County, Florida, TDR Ordinance
Appendix C. Bibliography
Appendix D. Case Study References

Appendix A. Existing TDR Programs

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Note: This table was compiled primarily from secondary source materials and not all of the information was verified with each community cited. It is presented primarily to assist those undertaking research. The acronym "PDR" stands for "Purchase of Development Rights" and refers to outright acquisition of development rights to protect a resource by government entities with no corresponding intention to resell or transfer the density to other sites.

*Also low-income housing.
Examples of TDR Ordinances

1. Denver Zoning Ordinance—Section 59-54 (3) (m)

Transfer of development rights from properties containing historic structures. To authorize, upon appeal in specific cases, subject to terms and conditions fixed by the board, an exception permitting the transfer of unused development rights or undeveloped floor area from zone lots containing a structure that has been designated for preservation pursuant to and as set forth in chapter 30 of the Revised Municipal Code. Such transfer shall meet all of the following conditions and requirements:

1. This procedure shall be permitted only in the B-5 and B-7 districts, and transfers from one zone lot to another zone lot shall be permitted only within the same specific zone district. This procedure may be utilized by a maximum of four times for any specific zone lot.

2. The maximum amount of undeveloped floor area that may be transferred from a zone lot containing a designated structure shall be the difference between the existing gross floor area in the designated structure and the maximum gross floor area permitted by the district regulations for property zoned B-5 or the supplementary maximum gross floor area permitted by the regulations for property zoned B-7.

3. Every application shall contain the signatures of the owners of all properties involved.

4. No structure receiving floor area and located in the B-5 district shall be enlarged through one or more applications of this procedure by more than 25 percent of the basic maximum gross floor area.

5. No structure receiving floor area and located in a B-7 district shall be enlarged through one or more applications of this procedure by more than 25 percent of the supplementary maximum gross floor area; provided, however, that where the gross floor area of a structure will not exceed six times the zone lot area-counting any and all of the special floor areas allowed by Section 59-380(b)(1), except street-level floor areas of Section 59-380(b)(1)a, such structure may be enlarged by an amount equal to 50 percent of the supplementary maximum gross floor area. Such structure shall provide the low-level light areas as required by Section 59-380(b)(1).

All such transfers approved by the board shall be recorded by the department of zoning administration among the records of the clerk and recorder of the city, which recording shall contain a statement signed by the owner of the zone lot containing the structure that has been designated for preservation acknowledging the physical limitations placed on the property as a result of the transfer.

Upon recording with the clerk and recorder of the city, the department of zoning administration shall administer the provisions of this subsection (3)m, with the following restrictions and limitations: (1) The construction of the transferred floor area shall not be permitted until the structure designated for preservation is utilized by a use by right and the exterior has been renovated or restored according to Section 30-6 of the Revised Municipal Code; and (2) if for any reason the structure designated for preservation is partially or completely destroyed after the transfer of unused development rights through this procedure, no new structure shall be built exceeding the floor area of the former structure unless additional floor area is permitted through a new application of this procedure, through a combining of zone lots, or through other transfer procedures.
APPENDIX J: List of Exemplary Historic Properties in Cobb County Based on the Proposed Classification System

A-1. THE CIVIL WAR
1. Kennesaw Mountain National Battlefield Park
2. Johnston's River Line
3. Andrew J. Cheney - Newcomer House
4. Gilgal Church Battlefield

A-2. WORLD WAR II AND THE BELL AIRCRAFT CORPORATION
(The best examples are inside the City of Marietta on the grounds of Lockheed.)

A-3. RURAL COMMUNITY DEVELOPMENT, C. 1832 - 1940
1. J. H. Carmichael Farm and General Store*
2. Lost Mt. Crossroads and General Store
3. Shallowford Rd. - Davis Rd. County J. P. Courthouse
4. Marietta Methodist Campground
5. Midway Presbyterian Church
6. McEachern High School (Principal's Home and Russell Hall)
7. Mars Hill Community Center

A-4. RURAL AND VILLAGE INDUSTRIAL DEVELOPMENT, C. 1832 - 1940
1. Concord Covered Bridge District (including the bridge, wooden mill ruins, grist mill, several houses, and the Ruff cemetery)*
2. Sope Creek Mill Ruins*
3. Clarkdale Thread Mill and Village
4. Marble Mill Road, Elizabeth

A-5. RAILROAD DEVELOPMENT
1. Western & Atlantic Railroad*
2. Seaboard Railroad
3. Southern Railroad
4. L & N (Route from Elizabeth to Woodstock)
5. Vinings Railroad Pavilion House and Section Chief's House
6. Railroad Trestle Bridge - Concord Covered Bridge District
7. Atlanta-Marietta Interurban Trolley Line

B-1. PERSONS OF TRANSCENDENT IMPORTANCE
1. William Gibbs McAdoo House (childhood home of future Secretary of the Treasury)

C-1. EARLY LOG CABINS
1. Power-Jackson Cabin
2. Kolb Farmhouse*
C-2. ANTE-BELLUM OR IMMEDIATE POSTWAR STRUCTURES
1. Mable House
2. Solomon K. Pace House
3. McAfee-Medford House
4. Peters-Davenport House

C-3. LATE 19TH CENTURY (VICTORIAN AND OTHER STYLES)
1. Carter-Vanneman House
2. Old Vinings Inn

C-4. FARM HOUSES, BARNs, AND OTHER OUTBUILDINGS
1. Braswell-Carnes House
2. Israel Causey-Maxham House
3. Hyde Farm
4. Tritt Farm

D-1. PREHISTORIC AND HISTORIC NATIVE AMERICAN SITES
1. Standing Peachtree
2. Sweetwater Town
3. Pebblebrook Archaeological Site

D-2. CIVIL WAR SITES

D-3. OTHERS
1. Site of Hardy Pace's Ferry
2. Site of Power's Ferry

* Also should be listed under A-1. as exemplary sites of the Civil War
APPENDIX K: National Register of Historic Places Criteria for Evaluation

The quality of *significance* in American history, architecture, archaeology, engineering and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

A. that are associated with events that have made a significant contribution to the broad patterns of our history; or

B. that are associated with the lives of persons significant in our past; or

C. that embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

D. that have yielded, or may be likely to yield, information important in prehistory or history.

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Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

A. a religious property deriving primary significance from architectural or artistic distinction or historic importance; or

B. a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

C. a birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his productive life; or

D. a cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

E. a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

F. a property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or

G. a property achieving significance within the past 50 years if it is of exceptional importance.