

Regulations of the Huntsville Historic Preservation Commission

Pursuant to Act No. 1307, H.2095 of the 1971 Regular Session of the Legislature, State of Alabama, and Section 11-68-4 through Section 11-68-12, Code of Alabama, 1975, the Huntsville Historic Preservation Commission of the City of Huntsville, Alabama, does hereby make, adopt and publish the following regulations which the Commission shall apply in giving its consideration to the appropriateness of applications filed before it.

I. APPLICATIONS

A. When Certificates of Appropriateness are Required

As to any realty in any local historic preservation district designated by the Huntsville City Council, a Certificate of Appropriateness must be obtained from the commission before the following acts take place:

Note: Any work completed without a Certificate of Appropriateness may be subject to removal.

1. The exterior architectural features of any existing building or structure are in any way reconstructed, restored, renovated or altered as to material, color or structural appearance;
2. An addition to an existing building or structure is constructed;
3. A new building, structure or appurtenance (including walls, fences, terraces, drives, patios, pools, antennas, solar collectors and similar items) is constructed;
4. The removal or demolition of any building, structure or appurtenance, including demolition by neglect and the failure to maintain an historic property or a structure;
5. The painting of any building or structure in one or more colors that differ from the prior color of the building or structure, or the painting of originally unpainted surfaces;
6. The erection or demolition or changes of any sign except for an appropriate marker identifying the name and address of an occupant or a resident, appropriate historical marker, and beautification markers subject to meeting the Zoning Ordinance;
7. The preparation of land for parking areas; and
8. A change being made in or upon any public property, street, walk, way or park within or touching upon the boundaries of any historic preservation district.

B. When Certificates of Appropriateness are not Required

A certificate of appropriateness shall not be required for the following actions within a locally designated historic preservation district:

1. Any interior work unless it causes a change in the exterior appearance;
2. Repainting the exterior using prior colors;
3. Replacing the window glass when not otherwise changing the window in any way;
4. Re-roofing with the identical materials and color of materials; and
5. Landscaping with plant materials that requires not significant change in the terrain of the property, creates no new off-site drainage, and does not remove or demolish any existing landscape features such as terraces, fences, drives, etc.

[Although a Certificate of Appropriateness is not required for the above items, a building permit is required for any structural work or for any work costing at least \$250 except for painting, carpeting and cabinetwork.]

C. Preliminary Review Allowed

Prior to the final application for a Certificate concerning a building, which is proposed to be constructed, reconstructed, or altered, preliminary schematic plans may be submitted to the Commission for review. The purpose of this review stage is to reduce the cost to the property owner by providing a review stage prior to the preparation by the property owner of plans necessary to apply for a Certificate. The said schematic plans shall depict the exterior architectural features of the building and shall include photographs of adjoining properties with sufficient architectural detail so that determination of compatibility can be made. This stage is informal and optional with the applicant and is designed to allow both the applicant and the Commission to review the proposal prior to the applicant incurring significant expense in the proposal. If the applicant does not follow this stage, the Commission shall disregard any such expense or investment as a factor in its decision.

No change shall be made in or upon any public street, walk, way or park without the plan therefor having been submitted to the Commission for the expression of its recommendations prior to the commencement of such work. All applications for the recommendations of the Commission should be submitted by the submitting authority at the preliminary stage and prior to the preparation of actual construction plans, so the recommendations of

the Commission may be given maximum consideration in the planning and execution of the work.

D. Submission of Plans

Every application for a Certificate of Appropriateness shall be accompanied by plans of the proposed construction, reconstruction, alteration or demolition. Additionally, clear photographs of the existing structures or site taken from several views and an over-all view of the lot must be submitted. As used herein, plans shall mean:

1. drawings or sketches with sufficient detail to show, as far they relate to exterior appearance, the architectural design of the work proposed;
2. samples of proposed materials, textures and colors; and
3. the plot plans or site layout including fences, walks, terraces, accessory buildings, signs, lights and other appurtenances.

All drawings must be to scale.

Failure to provide sufficient plans or samples of materials and colors to demonstrate the final results shall be cause for denial. Re-submittal with greater detail will be allowed for the next Commission meeting.

E. Demolition Applications

Property owners requesting demolition of 50% or more of a primary structure must notify by mail, all property owners adjoining property owners of the proposed demolition, stating the nature of the request and giving details of the HHPC public hearing date, place and time. This information is available from the Madison County Tax Assessor's office.

Applications for demolition of a structure within an historic preservation district shall include the following information:

1. The historic significance of the structure, including a narrative concerning any historical events or persons connected with the structure;
2. The appropriate date of the original construction and the date of any major additions or alterations thereof, if known;
3. A description of the architectural style or period which the structure represents, and any other material available concerning architectural aspects of the structure;

4. At least two 8 x 10 exterior photographs of the structure, showing, as near as possible, all the exposed surfaces of the structure;
5. A statement concerning any practical difficulties in making the structure meet the minimum code requirements.
6. The present use of the property and surrounding properties and any proposed changes in said uses; and
7. The proposed use of the land following demolition and a schematic design of any new structures and/or the future use of the land.

F. Deadline for Applications

The deadline for submission of an application shall be the last Monday of each month for inclusion on the next month's agenda.

G. Submission of Applications

Applications for the Commission agenda are available in the office of the City of Huntsville Building Inspection Division and on the City of Huntsville web site at www.hsvcity.com, click on the Inspection Department, when completed, should be submitted to the Building Inspection office along with all required supplementary materials.

1. An application fee of \$15.00 is due at time of submission.
2. All required data must be submitted with the application, incomplete applications may be denied.
3. Re-submittal of an application that has previously been denied must be significantly amended to address the reason for denial, or the same application can be re-submitted after a six months period.

Note: If anyone other than the owner is to appear, a letter of authorization by the owner is required.

H. Publication of Agenda

The agenda of the monthly meeting of the Commission shall be published in a newspaper of general circulation during the week prior to the Monday meeting.

II. REVIEW OF APPLICATIONS BY COMMISSION

A. Commission Meetings

The Commission's regular monthly meeting shall be held on the second Monday of each month, except that the Chairman may set a different

meeting date when he determines it appropriate. Special meetings of the Commission may be called at the discretion of the Chairman as he determines necessary, especially in the event of an emergency nature such as storm damage and fires, where issuance of certificates of appropriateness is needed to allow immediate work to prevent further damage to the structure.

B. Meeting Procedure

The Commission at its regular monthly meeting shall review all timely filed applications. If an application has not been timely filed, it shall be denied. A person knowledgeable of the application (such as the owner, contractor, architect or agent of the owner) must be present to answer questions. If someone other than the owner presents the application, a letter of authorization is required. Absence of such spokesperson shall be cause for denial of the Certificate of Appropriateness.

C. Factors Considered

In determining whether a Certificate of Appropriateness should be granted, the Commission shall consider the following factors:

1. The historical or architectural value and significance of the building or structure which is proposed to be constructed, reconstructed, altered, demolished or removed and its relationship and congruity with the historic value of the district as a whole or adjacent buildings or structures in particular;
2. The appropriateness of the exterior architectural features of the building or structure which is proposed to be constructed, reconstructed, or altered in relationship to such historic district and the exterior architectural features of other buildings and structures therein as a whole and adjacent buildings or structures in particular and to the boundaries, terrain and other significant features of the lot upon which it is proposed to be constructed and to similar features of the surrounding land areas;
3. The general exterior design, materials and color proposed to be used in the building, construction, reconstruction, or alternation of the building or structure and the type of windows, exterior doors, lights, signs, and other fixtures and appurtenances which will be visible from any public street, way, park or place;
4. The size, shape, location, elevation, colors and design of any sign proposed to be erected, the type and location of any illumination thereof, and other factors relevant to the appropriateness of such sign to its proposed location;

In passing upon the appropriateness of any of those things enumerated above, the Commission shall not consider interior arrangement or features of a building or structure except as they may affect the exterior appearance of the building or structure.

D. Specific Rules Governing Decisions

The Commission before approving any application for a certificate concerning any building, structure or appurtenance shall also consider the factors listed below.

1. In the case of a proposed alteration or addition to an existing building, such alteration or addition should not materially impair or alter the architectural character or historic value of the building.
2. In the case of a proposed new building, such building will not, in itself or by reason of its location on the site, materially impair the architectural character or historic value of buildings on adjacent sites or in the immediate vicinity. This does not mean that new construction must imitate the style and details of an existing structure, only that it be in harmony with the existing structure in terms of scale, proportions, massing, orientation, colors and materials. Contemporary styles which are, in the judgment of the Commission, harmonious with their surroundings will be approved.
3. In the case of a proposed new building, such building will not be injurious to the general visual character of the historic district in which it is to be located.
4. In the case of the proposed demolition of an existing building, the removal of such building will not be detrimental to the historic and architectural character of the district or that, balancing the interest of the city in preserving the integrity of the district and the interest of the owner of the property in the use of benefits of his property, approval of the plans for demolition is required by considerations of reasonable justice and equity.
5. In reviewing building materials proposed to be used, artificial sidings or trim (such as aluminum or vinyl sidings) which cover or replace original material (such as wood clapboards) will not be approved unless the structure to be constructed or altered is considered to be non-contributing to the historic district as defined by the Federal Guidelines. Any artificial siding approved for non-contributing or new structures must still meet the other tests set out above.

E. Member Disqualified from Voting

Any member of the Commission who shall be employed to design or construct a building or who shall have any proprietary, tenancy, or personal interest in such building requiring approval of the plans by the Commission shall be disqualified from voting thereon.

F. Form of Decision

Every decision of the Commission in passing upon plans for buildings located or to be located in historic districts shall be in the form of a written order stating the finding of the Commission, its decision and reasons therefore. The Commission shall not disapprove any plans without giving its recommendations for changes necessary to be made before the plans will be reconsidered. Such recommendations may be general in scope, and compliance with them shall qualify the plans for reconsideration by Commission.

G. Notification and Building Permit

Upon receiving the order of the Commission, the secretary shall thereupon notify the applicant of the decision. If the Commission shall have approved the request, and if all other requirements of the city have been met, the Building Inspector may issue a permit for the proposed building or demolition in the same manner as all other such permits are issued. If the Commission shall have disapproved the plans, the Building Inspector shall not issue such permit. In a case where the Commission has disapproved the application, the secretary shall furnish the applicant with a copy of the Commission's written order, together with a copy of any recommendations for changes necessary to be made before the Commission will reconsider the plans.

Adopted this the 13th day of June, 2005.

Signed by Jack Burwell
Chairman