

DECATUR HISTORIC PRESERVATION COMMISSION  
POLICIES AND PROCEDURES

I. APPLICATIONS

A. When Certificates of Appropriateness are Required

As to any realty located in a Historic District or as to a Historic Property, as such terms are defined In Ordinance Number A-90-2882-A adopted by the City of Decatur on February 5, 1990, a Certificate of Appropriateness must be obtained from the Commission before the following acts take place:

- (1) The exterior architectural features of any existing building or structure are in any way reconstructed, restored, renovated or altered as to material, design or structural appearance;
- (2) An exterior addition to an existing building or structure is constructed;
- (3) A new building, exterior structure or appurtenance (including walls, fences, terraces, drives, patios, pools, antennas, solar collectors or similar items) is constructed;
- (4) The removal or demolition of any building, exterior structure or appurtenance;
- (5) The painting of any previously unpainted exterior surface, i.e. brick or stone;
- (6) Preparing lots to be paved for parking areas;
- (7) A change being made in or upon any public street, way or park within or touching upon the boundaries of any Historic District.

B. 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 this stage is not followed by the applicant, then the Commission shall disregard any such expense or investment as a factor in its decision.

C. Submission of Plans

Every application for a Certificate of Appropriateness shall be accompanied by plans of the proposed construction, reconstruction, alteration or demolition. Additionally, photographs of the existing structures taken from several views and an over-all view of the lot must be submitted. As used herein, plans shall mean (1) dimensioned drawings with sufficient detail to show, as far as they relate to exterior appearance, the architectural design of the work proposed; (2) samples of proposed materials and textures; and (3) the plot plan or site layout, including fences, walks, terraces, accessory buildings, signs, lights and other appurtenances. Failure to provide sufficient plans or samples of materials to demonstrate the final results shall be cause for denial. Resubmittal with greater detail will be allowed for the next Commission meeting.

#### D. Demolition Applications

Applications for removal or demolition of an historic structure or a structure within a Historic 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 (2) 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 use.

#### E. Deadline for Applications

The deadline for submission of an application is fourteen (14) days prior to the Commission's regular monthly meeting.

#### F. Place to Submit Applications

- (1) Applications shall be submitted to the City of Decatur Building Department. Building Department officials will log in the applications.
- (2) A public record shall be kept of the Commission's resolutions, proceedings, and actions at the Building Department.

## II. REVIEW OF APPLICATION BY COMMISSION

### A. Commission Meetings

The Commission's regular monthly meeting shall be held on the second Thursday of each month at 7:00 P.M. in the board room of the City of Decatur Planning Department office located at 308 Cain Street NE, except that the Chairman may set a different meeting date, or cancel the meeting by giving 24 hours notice to Commission members, when he determines it appropriate. Special meetings of the Commission may be called at the discretion of the Chairman as he determines necessary. A majority of Commission members constitutes a quorum.

Members of the Commission may be removed for cause, defined as missing three consecutive meetings, malfeasance or misuse of Commission funds, or gross abuse of power, by the legislative body of the City of Decatur.

### 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. However, it shall be considered re-filed as of fourteen (14) days before the next regular meeting and shall be then considered. A person knowledgeable of the application (such as the owner, contractor, architect or agent of the owner) must be present to answer questions. Absence of such spokesperson shall be cause for denial of the Certificate of Appropriateness.

### C. Technical Assistance

- (1) Procurement of professional, technical, office and other personnel and any expenditures as may be necessary to carry out the functions of the Commission must receive prior approval by a majority of the Commission. A refund for expenditures will require a receipt.
- (2) Secretarial duties:
  - (a) Take minutes of each Commission meeting;
  - (b) Be responsible for publication and distribution of copies of the minutes, reports and decisions of the Commission to the members of the Commission and for public record;
  - (c) Give notice as provided by the Ordinance or by law for all public hearings conducted by the Commission;
  - (d) Advise the Mayor of vacancies on the Commission and expiring terms of members;
  - (e) Prepare and submit to the Decatur City Council a complete record of any matter requiring Council consideration.

#### D. Factors Considered

In determining whether a Certificate of Appropriateness should be granted, the Commission shall refer to The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings for guidance in considering 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 area;
- (3) The general exterior design and materials proposed to be used in the building, construction, reconstruction, or alteration of the building or structure and the type of windows, exterior doors, lights and other fixtures and appurtenances which will be visible from any public street, way, park or place;

#### E. Specific Rules Governing Decisions

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

- (1) In the case of a proposed alteration or addition to an existing building, such alteration or addition shall not materially impair the architectural 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 or historical 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 it in terms of scale, proportions, 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) An application for a Certificate of Appropriateness authorizing the demolition of a building or structure may not be denied. However, the effective date of such authorization may be delayed for a period of up to 180 days from the date of approval. During such period, the Commission may request information from the Building Official, an accountant, a contractor, and/or other professionals regarding the structural condition of the building or structure and its economic viability for rehabilitation, if the building or structure is of architectural or historical significance, the Commission may negotiate with the owner, neighborhood representatives, and/or other interested parties in an effort to find a means for preserving the building or structure. The maximum period of delay may be reduced by the Commission where it finds the owner would suffer economic hardship or be permanently deprived of all beneficial use or return from such property by virtue of delay. If the Commission determines that the building or structure has little or no historical or architectural significance, it may waive all or part of the period of delay and authorize demolition.

#### F. Member Disqualified From Voting

At any time the Commission reviews a project in which a member of the Commission has ownership or other vested financial interest, that member will be forbidden from presenting, voting or discussing the project, other than answering a direct question.

#### G. 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 the 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 the Commission.

#### H. 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 plans, and if all other requirements of the City have been met, the Building Inspector may issue a permit for the proposed building in the same manner as all other 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.

#### I. Non-Compliant Activity

- (1) Upon inspection, if work is found to be not in compliance with the Certificate of Appropriateness, the Commission shall authorize the Building

Department to issue a cease and desist order and all work shall stop until the case is reviewed by the Commission.

- (2) The Commission shall also authorize the Building Department to issue a cease and desist order to stop work performed without a Certificate of Appropriateness. A valid Certificate of Appropriateness will be necessary before work is to be resumed.