

Decatur Architectural Review Board

The following Rules of Procedure for the Architectural Review Board conform to the statutory authority of the Decatur Municipal Code. Amendments to these Rules of Procedure may be made annually, and as municipal code is updated, by a majority vote of the Architectural Review Board membership.

Decatur Architectural Review Board Rules of Procedure

Section I: Introduction

Sections 18-26 and 18-45 of Decatur Municipal Code establishes a mechanism for the Architectural Review Board to consider certificates of appropriateness and authorizes it to adopt Rules of Procedure.

The following Rules of Procedures have been adopted by the Architectural Review Board of the City of Decatur, and all previously adopted Rules of Procedures are hereby repealed.

Pursuant to the Decatur Municipal Code, this Board shall be known as the Architectural Review Board, hereinafter referred to as "Board."

Section II: City Staff Liaison

A non-voting city staff liaison, the City's Historic Preservation Specialist, shall organize and supervise clerical details of the Board's business and shall be responsible to the Board for the proper preparation and maintenance of meeting records, hearings, official actions, and all public records. This person shall serve as the primary professional liaison for Board business, and may make recommendations or generate opinions for adoption by the Board. They are also responsible for signing Certificates of Appropriateness (CoA), either within the framework of an administrative review, or on behalf of the Board- to support rulings from their meetings.

Section III: Administrative Procedures

A. Membership

Membership on the Board will be in accordance with Section 18-26 of the Decatur Municipal Code, which states that, the Board shall be comprised of no less than five voting members with demonstrated training or experience in history, architecture, architectural history, urban planning, archaeology, building trades, or law. The majority of the members should live, work, or own property in the local historic overlay districts. The board membership shall include a minimum, of one member who is currently or has been in the past a professionally certified architect.

- 1) **Terms of Office-** Terms of office shall be for three (3) years with members limited to two consecutive terms. Partial terms do not count towards the two full term limits. A two-term Board member may be reelected after sitting out a term. Extension of term limits is allowable if the City is unable to find members to fill key professional positions (registered architect). At the expiration of a partial term, removal of a Boarder, resignation, or death, the resulting vacancy shall be filled for the unexpired term of said member in the same manner as provided above. Board members should remain in place until their successor is appointed.
- 2) **Committees-** The Architectural Review Board may establish such committees as it deems advisable and assign each committee specific duties or functions. The Chair shall designate the members of each committee and shall name the Chair of each committee. The Chair shall fill vacancies on the committees as they are created.
- 3) **Board Member Responsibilities-** Each Board member and anyone serving the Board in a technical/professional capacity is required to meet the minimum State training requirements specified for members of a Certified Local Government. The state preservation office keeps a list of annual training events, and the number of mandated training hours each year. Board members are also expected to follow Alabama's Open Meetings Act.
- 4) **Resignation-** Resignation of members shall be made in writing to either the Chair of the Board, or the city staff liaison that serves the Board. The resignation of a board member shall be effective immediately upon receipt and verification by either the Chair of the Board or the city staff liaison, and the resignation will be forwarded to the City Clerk upon verification.
- 5) **Removal of Members-** Members may be removed by the City Council for inefficiency, neglect of duty, unexcused absences as defined in Section III E.7 of the Historic Preservation Board Policies or malfeasance in office.

B: Election of Officers

- 1) **Officer Election-** The Board will elect its own Chairperson and Vice-Chairperson, and other officers from time to time as it determines necessary, all of whom shall be members of the Board. Officers will be elected at their first regular meeting in January of each year, and the candidate receiving a majority vote of the entire membership of the Board shall be declared elected.

Officer Qualification Considerations

Officers should be interested in holding the position(s), be able to devote sufficient time to Board business, be committed to attend as many regular and special Board meetings as possible, be prepared to make presentations to City Council, citizens, committees, neighborhood groups, and service clubs regarding Board responsibilities, projects, plans,

and policies, and have sufficient experience on the Board to understand its role and function and to have a basic understanding of the City's applicable policies and development regulations.

- 2) Terms- Officers shall serve for one year or until his/her successor takes office. Officers shall be eligible for reelection; but no member shall serve as Chair for more than two (2) consecutive years.
- 3) Absence of Chair and Vice-Chair- When both the Chair and Vice-Chair are absent from a meeting, the members present shall select a member to temporarily act as Chair for that meeting by consensus or by a majority vote.
- 4) Officer Vacancy- A vacancy in an officer position shall be filled by election at the next regular or special meeting of the Board from current Board members. Until such election, the Vice-Chair shall serve as acting Chair, if the Chair position is vacant. All members elected to fill an officer position shall serve until the next annual officer election.

C: Officer Duties

- 1) Duties of Chairperson- The Chairperson shall preside at all meetings and hearings of the Architectural Review Board and shall have the duties normally conferred by parliamentary usage of such offices. The Chairperson may succeed himself/herself subject to the conditions outlined in Section B part 2 above. The Chairperson shall have the privilege of discussing all matters before the Board and to vote thereon. All resolutions adopted by the Board and Board correspondence shall be signed in his/her name as the Chair of the Board.
- 2) Duties of Vice-Chairperson- The Vice-Chairperson shall assume the duties and responsibilities of the Chair in the event that the Chair is absent or unable to perform their duties.

D: Agenda

- 1) Agenda Items- Applicants desiring to place any item of business on the agenda for consideration by the Board shall submit all required supporting data to Decatur's Historic Preservation Specialist, no later than 15 working days prior to the meeting where the matter is to be considered by the Board. Once a complete Certificate of Appropriateness (CoA) application is received by the Board, it must be reviewed within 45 days.
- 2) Agenda Packets- One week prior to the scheduled meeting, the City Historic Preservation Specialist shall prepare an agenda of items to be brought before the Architectural Review Board, and provide digital links via email to a complete packet of the agenda, minutes, and evaluation of each item including comments from any relevant agencies, technical advisors, or individuals, to Board members and relevant city departments.

- 3) Items not on the Agenda: No petition for any item of business shall be considered or voted on by the Board unless such an application or petition appears on the agenda and all complete information is submitted.
- 4) Exceptions for Expedited CoAs and Disasters: The Board has an expedited CoA process, including provisions for natural disasters, where the City Historic Preservation Specialist has been granted authority for Administrative Review. See Section IV: Administrative Review for additional details.

E: Meetings

- 1) Regular Meetings- Regular meetings will be held on the second Thursday of each month at 4 pm unless otherwise stipulated. Meeting will be held in Council Chambers in City Hall and indicated on the agenda and other public documents announcing the meeting. If the meeting day falls on a legal holiday, the Chair shall fix another day therefore and give notice of meeting as provided hereinafter for "Special Meetings." All meetings of the Board must comply with the Alabama Open Meetings Act. Public notice must be provided prior to any Special Meeting.
- 2) Special Meetings- Special Meetings may be called by the Chair plus one regular Board member. When a special meeting is scheduled, all Board members must be notified at least twenty-four (24) hours prior to the time set for such meeting by phone or written notice (fax, email, or hand delivery) including a listing of the agenda for the meeting. Formal action taken at a special meeting called in accordance herewith shall be considered as though it were taken in a regular meeting and will be restricted to only those matters referred to on the agenda. Notice for Special Meetings must comply with the provisions of the Alabama Open Meetings Act.
- 3) Quorum- Three members shall constitute a quorum for the transaction of business and the taking of official action. Whenever of quorum is not present at a regular or special meeting, no action taken at such meeting shall be final unless and until it is ratified and confirmed at a subsequent meeting where a quorum is present. If during the course of a meeting, attendance is less than a quorum members, no official action can be taken.
- 4) Rules of Procedure- In the absence of any provision that rules to the contrary, the rules of procedure provided by Roberts Rules of Order shall prevail. The Chair may, at their discretion, call for a motion to end the meeting, or may declare the meeting ended without a formal motion.
- 5) Voting- All members are required to vote unless recused or disqualified from voting due to personal involvement with a project. A member of the board shall disqualify themselves from voting on any application or petitioner to which he or she has any knowledge of the following conditions: (a) the member, spouse of the member, or any immediate family of

the member holds pecuniary interest, either as agent or owner, in the property in question; (b) the member, spouse of the member, or any immediate family of the member, is employed or is the employer, retained, or acting as agent for any party directly involved in the petition or application at any time during the six months preceding the date on which the petition or application is brought before the Board, whether or not that party is present; (c) the member, spouse of the member, or immediate family of the member has performed any professional service in the connection with the property involved in the application or petition at any time during the six months preceding the date the matter is brought before the Board. In the event that a member is disqualified from voting, this will be registered as "abstained." It shall be the duty of any party involved in a matter before the Board to inform the Chairperson if said party has knowledge of any reason why any member of the Board should disqualify himself from voting on the matter before the Board. In the event that a member fails to disqualify himself from voting on any application or petition when such disqualification is required, the Chair shall have the power to disqualify the member from voting on the application or petition in question. If a vote of the matter has been taken prior to such disqualification, the Chair shall declare the vote of the disqualified member to be null and void and the disposition of the appeal or application shall be as if the disqualified member has not voted. In the event such disqualification results in the lack of a quorum, no action shall be taken on the matter.

- 6) Official Actions- Every official act taken by the Board shall be by resolution or by motion by an affirmative vote of a majority of the quorum. Notwithstanding Robert's Rules of Order, the Chair shall vote on all resolutions or motions.
- 7) Absences- Board members unable to attend a meeting may request excusal from the meeting in advance of the meeting by notifying staff, who shall present the request to the Chair, or may request excusal in person at the next regular meeting following the absence. The Board shall then approve or deny the request. Upon a member's missing three (3) unexcused consecutive regular meetings, the Board shall formally afford such member consideration to determine whether the absences are to be excused. If the Board determines not to excuse such absences, then the Board shall determine the question of whether the Board shall recommend to the City Council that such member should be deemed to have forfeited their office and a new member be appointed to fill the unexpired term.

F: Conduct of Meetings

- 1) Order of business
 - a) Roll Call
 - b) Excusal of Absences
 - c) Approval of Minutes not previously approved
 - d) Application for Design Review (Created when a complete Certificate of Appropriateness is submitted)
 - Staff report
 - Comments by applicant or owner

Public testimony

Close of testimony

Board questions and discussion

Action: approve, approve with conditions, approve staff to handle as an expedited CoA under set conditions, deny, or defer for specific additional information

e) Board Briefings

Staff introduction

Presentation

Questions and discussion (including any public testimony)

Action if appropriate

f) Comments by the Chair

g) Comments by Staff

h) Public testimony beyond design review applications or board briefings

The preceding order of business may be modified for any meeting by a suspension of the rules, concurred with by a majority of the voting members present, except that consideration of matters set for public hearing must occur at or following the time indicated on the hearing notice.

2) Conduct of public meetings:

a) The Chair of the Board shall preside over all public meetings of the Board.

b) The Chair introduces the agenda items.

c) The Historic Preservation Specialist or their representative, if appropriate, summarizes the staff report or other information prepared or received by staff on the agenda item.

d) The Chair shall allow for comments or presentations by representatives of the applicant.

e) For normal agenda items that do not require public testimony or public hearings, comments by the public may be permitted, but only at the discretion of the Chair.

f) The Board takes appropriate action, if an action is required.

3) Conduct of public hearings and special public meetings:

a) The Chair of the Board shall preside over all public hearings and special meetings conducted by the Board, except as provided for in Section B 3 and C 2 of these rules.

b) The Chair calls the public hearing or special meeting to order and announces the procedure as established by the Board.

c) The Historic Preservation Specialist for the City or their representative, if appropriate, summarizes the staff report or other information prepared or received by staff on the hearing item.

d) Any communications not contained in the Board's report, received concerning the hearing item, are presented to the Board.

e) The Chair asks for reports from advisory committees if appropriate.

f) Board hears those persons wishing to give testimony regarding items not on the agenda.

g) The Chair either closes the hearing or special meeting and announces the date upon which the record of the hearing will remain open to receive additional written comments, or continues the hearing to a later date, if there is a finding by the Chair that

all interested parties have not been afforded an adequate opportunity to testify before the Board or if new information is to be considered.

- h) If, in the judgement of the Board, action is appropriate based on public testimony and comment received, the Board may elect to take action on the item immediately following the close of the public hearing or special meeting.
- i) At a meeting(s) subsequent to the public hearing or special meeting, the Board considers all oral and written testimony concerning the hearing item and acts to approve, disapprove, modify, or defer the decision making.

D: Regular Board Business

- 1) Design Review-The Board shall review and approve or deny applications for alterations to city designated historic landmarks, either individual landmarks or those located in historic district overlays reviewed by the City.
- 2) Special Business- From time to time Boarders may propose and vote on special items, including Board resolutions and official Board policy recommendations. These items shall be proposed in advance of the meeting at which the Board shall vote with sufficient time that it will appear on the agenda under board business.
- 3) Requests for opinion or other advisory actions- from time to time City departments and other organizations may request review of preservation related items not generally under the Board's jurisdiction. These items generally shall appear under Board Briefings on the agenda, and any vote taken will be an advisory vote.
- 4) Variances- The Board shall not formally review or approve any project for which a variance or use permitted on appeal is required and has not yet been granted. Applications requiring a variance or use permitted on appeal may be presented to the Board for feedback in a briefing context.

E: Community Outreach

- 1) Preservation Awards- The Board should, on an annual basis, if possible, nominate and vote on individuals, organizations, or projects to be recognized by the City for Outstanding Achievement in Historic Preservation. The Board should forward their list to the Historic Preservation Commission, which is the organization that gives the awards in tandem with the Architectural Review Board.
- 2) Special Programs- The Board may from time to time recommend and implement special programs, including educational sessions, tours, and presentations, as subject to available departmental resources. The Historic Preservation Specialist may advise the Board regarding City resources and staff available for such projects, and convey requests by the Board to the Community Development Department if special funding is required.

G: Records

- 1) Official Records- The Board's adopted minutes of the public meetings shall be the official records. The written recording of each hearing item shall be the official record for such item.
- 2) Supplemental Records- Supplemental records pertaining to matters of public meetings and hearings shall be kept on file in the Community Development Department as required by law. These may include but not be limited to: items submitted as part of the agenda and written communications concerning the matter.
- 3) CoAs- The building department and the property owner will be notified promptly when a CoA is approved. If a CoA is rejected, reasons for rejection will be stated and transmitted to both the applicant and the building department within 10 days. The Board may suggest alternative courses of action, and the applicant, may make modifications to the CoA and resubmit.

Section IV: Administrative Review Procedures

- 1) Creation of the Administrative Review Process- The Board may determine certain items or typical applications to be appropriate for ongoing Administrative Review, as those represent minor changes that do not warrant full Board review. This type of review creates an expedited service for qualifying Certificates of Appropriateness, which are then handed over to the City's Historic Preservation Specialist for review. The Board Chair may expand this list in emergency situations as needed. Staff may, at any point during the review process, and for any reason, choose to refer the application to the Board for review.
- 2) Moving Regular Agenda CoAs into the Administrative Review Process- The Board may grant administrative review to part or all of any application by a majority vote at the meeting in which said application is before the Board. Typically this would include conditions imposed upon the approval, for which the Historic Preservation Specialist is delegated to ensure satisfaction of those conditions.
- 3) Moving an Administrative Review to the Full Board- Staff does not have the authority to deny a proposal. If the Historic Preservation Specialist feels they are unable to approve the project, they can refer the application back to the Board at any point during the review process, and for any reason.

Section V: Historic District Rules and Policies

- 1) District Review Boundaries: Boundaries for the district are defined in Ordinance Number A-90-2882-A, adopted by the City of Decatur on February 5, 1990.

- 2) Design Review Standards: The Board reviews applications on a case by case basis, considering the merits of each individual proposal, and reserves the right to make interpretations as each case warrants and within the confines of the authority granted by City ordinance. To ensure as much consistency as possible, and to follow national guidelines, the Board uses the revised Design Review Guidelines that were adopted by the Board in August of 2001.
- 3) Updating of Design Review Guidelines: The Board's Design Review Guidelines should be reviewed periodically to ensure that they support contemporary preservation practices and federal standards. Design Review Guidelines can be updated or amended by a quorum vote of the Board, no more than once annually. The Board shall conduct a public hearing prior to adopting any changes to the Design Review Guidelines.
- 4) Design Review Guideline Interpretations:
 - a) Exterior Materials- Changes to the cladding of contributing buildings within the district or additions to historic buildings shall in general utilize materials from the same palette as those originally present on the building. For example, horizontal wood or wood shingle siding shall be used in patterns consistent with the original building. Modern materials, including hardiplank, hardishake, and other comparable products are appropriate only for new construction and accessory structures, and only where efforts are made to maintain historic reveal patterns, banding, and configurations. Vinyl siding, aluminum siding, T-111, and similar panel siding are generally not acceptable for new construction or historic buildings within the district.
 - b) Garages- In general garages shall be placed at the rear of the lot and be detached from the main structure. Garages historically were simple functional structures and should be designed as such. Garages should be complementary to the main building, utilizing similar roof forms and details, but they do not have to be stylistic reproductions.
 - c) Windows: Double hung wood sash windows are the principal historic window types in the district. Casement wood windows are also prevalent. In all cases, original functional wood windows should be retained where possible, especially leaded panes. Original windows being retrofitted should be replaced with in-kind windows.

The following is the order of decreasing acceptability for window restoration/replacement: 1) original window restoration, 2) restoration with new thermal or laminated glass retrofitted into original sashes, 3) retrofit wood sashes in original window frames with replica lead striping and/or muntins, 4) total window replacement with restoration quality wood windows, 5) clad wood windows in original size and configuration.

Trim, detail, and profile are the most important aspects of replacement windows, generally vinyl windows appear flat and lacking relief.

Windows that are not consistent with historical patterns, such as slider configurations, are not acceptable except in cases where required for new construction, such as with egress. In these cases, such windows shall be placed on non-primary facades.

- 5) Actions that require submittal of a CoA- Any site within either the Old Decatur or Albany Historic District Overlays or any future established Historic District overlays require a CoA before the following actions can occur:
 - a) The exterior architectural features are reconstructed, restored, renovated, or altered as to material, design, or structural appearance;
 - b) An exterior addition to an existing building or structure is constructed;
 - c) A new building, exterior structure, or appurtenance (including walks, fences, terraces, drives, patios, pools, antennas, solar collectors, or similar items) is constructed;
 - d) Substantial changes in landscaping, including sidewalks, retaining walls, and tree removals
 - e) The removal or demolition of any building, exterior structure, or appurtenance;
 - f) The painting of any previously unpainted exterior surface (ie: brick or stone);
 - g) Preparing lots to be paved for parking areas;
 - h) Changes to sites or historic works of art within the district,
 - i) A change made in or upon any public street, way, or park within or touching upon the boundaries of any Historic District.

Section VI: Enforcement Guidelines

- 1) Overview- To coordinate the activities of the Board, Community Development and Building Departments, this set of guidelines is established. Enforcement actions and inspections specific to Decatur's historic districts are based on the following policies and principles:
 - a) Fair and equitable enforcement is essential to achieve the intended purposes of the historic preservation ordinance.
 - b) Violations of the historic preservation ordinance may threaten public safety, destroy or damage irreplaceable cultural artifacts, diminish property values, result in costly repairs and property damage, and diminish the quality of life for Decatur residents.
 - c) These guidelines are specific to violations of the historic preservation ordinance. However, violations of the historic preservation ordinance may also violate applicable City of Decatur building and land use codes, and may be enforced in concert with other City codes.
 - d) The goal of enforcement is to obtain compliance with the historic preservation ordinance. Fines and other mechanisms are a necessary means to achieve compliance and are not intended to be punitive or to collect revenue.
 - e) City staff, including the Historic Preservation Specialist and Building Department staff consider program priorities and resources when responding to enforcement requests. Not every minor violation of the historic preservation ordinance warrants enforcement action.
 - f) Judgement and discretion is used in taking enforcement actions. Inspectors may issue verbal direction, notice of violation, notice of infraction, or stop work order as appropriate to the situation.

2) Enforcement Priorities

High Priority

- a) Demolition, in whole or in substantial part, of a historic property.
- b) Building of a new structure, not yet approved via a CoA, within the district
- c) Non-reversible alterations of original features or finishes to a historic property, such as sandblasting or removal of original masonry.
- d) Substantial alteration or removal of important architectural and character defining elements of a property, such as porches, stairs, windows, wholesale siding removal, chimney demolition, adding inappropriate roofing materials and/or colors, and removal of other distinctive detailing.
- e) Structural alterations, such as the removal or relocation of walls and additions, and the addition of exterior structural elements such as decks.
- f) Inspections requested by the Historic Preservation Specialist.
- g) Any building code violation determined to be a high priority by the Building Department.
- h) A project where a CoA was submitted, and approved, but work on the project has not followed the Board approved CoA, and the project is no longer in compliance.

Normal Priority

- a) Work that is completed at the time of complaint receipt.
- b) Work underway that involves “in kind” replacement or repair of decorative elements, such as spot replacement of existing siding, repairs to trim, sills, flashing, that will not affect exterior appearance at the conclusion of the project.
- c) Minor alterations on secondary building elevations (not prominently visible from a public right of way) that do not compromise the structural or historical integrity of the property (excluding window and door replacement that is underway).
- d) Fences and other sitework not prominently visible from the public right of way, or physically affecting the primary structure of the site.
- e) Minor reversible decorative alterations.
- f) Non-structural alterations to garages.

3) General Procedures for Enforcement of Violations

- a) Request for inspections should receive a site visit by the Historic Preservation Specialist as soon following the receipt of complaint as possible.
- b) Following inspection, if it is determined that the project does not have an approved Certificate of Appropriateness and work is occurring that requires one, municipal staff (or in their absence the board president) can take the appropriate corrective action: verbal direction to the property owner or corrective action (including a Stop Work Order) as

- determined appropriate. The Building Department may be called if it is suspected that building permits are required for the project as well, and have not been applied for.
- c) If appropriate, the Historic Preservation Specialist will work with the property owner to gain proper approvals from the Architectural Review Board, via the procedures outlined in this document. If approved, the Historic Preservation Specialist shall refer the matter to the Building Department for issuance of any required city permits.
 - d) If attempts to contact the owner of the property are not successful, after allowing a reasonable duration of time, the Historic Preservation Specialist may elect to refer the matter to Code Enforcement or to the city's Legal Department.
- 4) Requirements of Conformance with a CoA- All work performed pursuant to an issued CoA shall conform to the requirements of such certificate. The City Preservation Specialist may make periodic inspections of the approved work while in progress to ensure compliance with the CoA. In the event work is performed not in accordance with such certificate, the Board shall issue a stop work order and all work shall cease. Work will not start again until the applicant has a newly approved CoA order, and work remains confined to the approved items in said CoA.
 - 5) The Board or the city, shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any change in the exterior of a building or structure which is either a historic property or in one of the other qualifying items listed in Section 18-81, to prevent any illegal act or conduct with respect to such historic property or historic district, and to recover any damages which may have been caused by the violation of that ordinance.

Section VII: Appeals

- 1) Any person having a CoA denied by the Board may using the process outlined in City Ordinance Section 18-92.