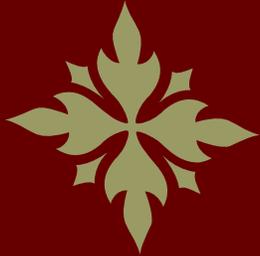


PRESERVING OUR PAST...



FOR THE FUTURE

**STANDARDS
FOR THE
BALDWIN COUNTY
ARCHITECTURAL AND
PRESERVATION REVIEW
BOARD**



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Article 1 General Information

Section 1.1 Purpose

The purpose of these rules is to establish uniform procedures for the transaction of business before the Baldwin County Historic and Preservation District Architectural Review Board, hereafter referred to as “the Board.” These rules establish a framework for decision making, and promote effective communication between the Board, staff and the public. The Board believes that uniform procedures will ensure that decisions are made according to law, and in a manner that is orderly, efficient and fair.

These rules are subject to change at any time by the Board, and will be reviewed and revised periodically to insure that they continue to reflect the Boards’ attitudes, expectations and objectives.

Section 1.2 Introduction

Owning property within a historic or preservation district in Baldwin County is both a privilege and a responsibility. Property owners are responsible for helping to maintain the distinctive flavor and characteristics which make historic and preservation districts unique.

The Board works for the benefit of all citizens in compliance with set policies and procedures. By controlling construction, renovation and demolition of structures within historic and preservation districts, the Board protects the rights and investments of property owners and residents. By protecting and maintaining the overall character of the districts, the Board insures future generations the enjoyment of Baldwin County’s rich historic and architectural heritage.

All new construction, renovation or demolition of existing structures, as well as structures moved into or out of a designated historic or preservation district, must be approved by the Board if the construction, renovation, demolition or moving involves a structure exceeding 200 square feet in size. All signs must be approved by the board except for those that are listed under exempt signs (Section 11.2.11 e). In reviewing applications for approval, the Board considers only the exterior design and appearance of a structure, including the front, sides, rear and roof; the textures and colors of the structure; the plot plan or site layout, including features such as walls, walks, terraces, plantings, accessory buildings and other appurtenances; the relation, scale and massing of the building or buildings to the immediate neighborhood, as well as the overall compatibility and effect on the district in which it is located or to be located. The term *exterior* includes all of the outer surfaces of a structure, and is not restricted to those exteriors visible from a public street, way or other place. The Board does not consider interior design or plan. The guidelines for a historic area do not dictate certain styles for new buildings, except in the case of where the goal of the district or area of the district is to restore it to a specific time period. Because most districts exhibit an evolution of architectural styles and cultural trends, the Board and its approval process emphasizes context and design elements, rather than restricting construction to particular styles. The Board does not exercise any control over land use.

Section 1.3 Authority and Jurisdiction

The Baldwin County Historic and Preservation District Architectural Review Board shall be governed by the provisions of Act No. 80-497, 1980 Acts of Alabama, as amended by Act No. 89-960. The Board is charged by law with:

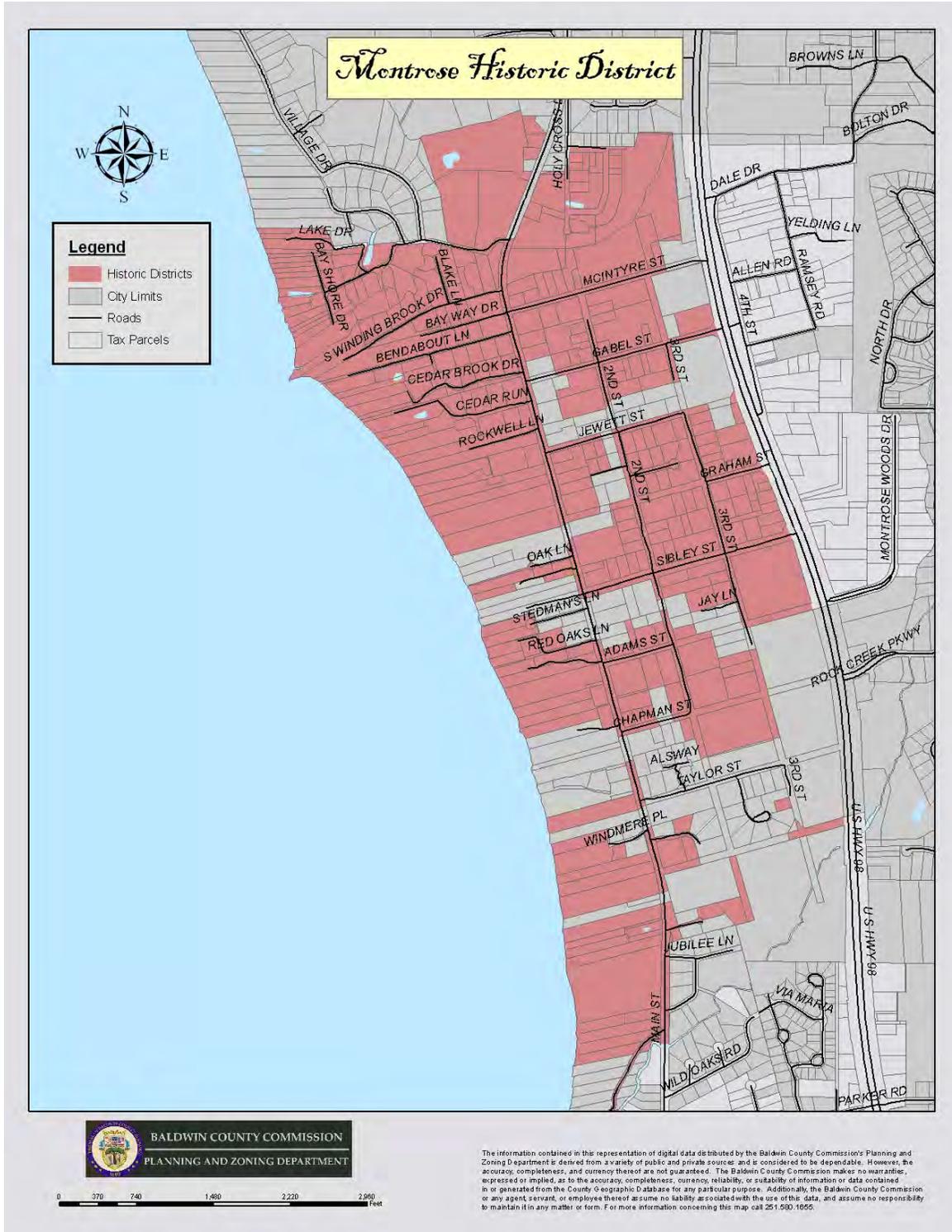
- (a) The preservation and protection of buildings which have historic and architectural value within the historic districts.
- (b) The maintenance of the distinctive character of the historic districts.

Baldwin County presently has three historic districts: Magnolia Springs, Montrose and Point Clear/Battles Wharf. The Architectural and Preservation Review Board has jurisdiction over all new construction, renovation, relocation and demolition activities within these districts.

Section 1.4 Historic Districts

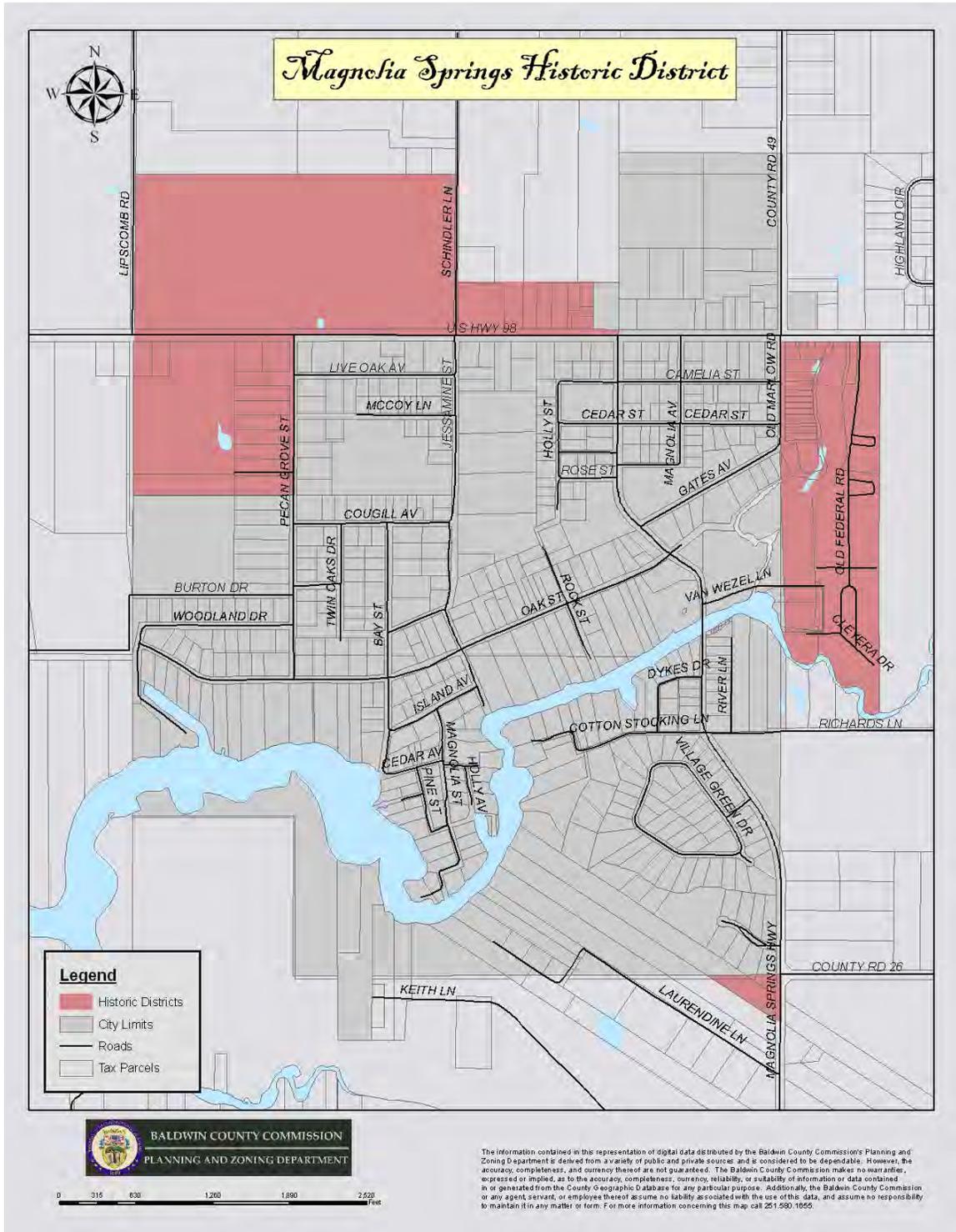
(a) Montrose Historic District

Montrose was designated a Historic and Preservation District on November 6, 1984.



(b) Magnolia Springs

The Magnolia Springs area was designated a Historic and Preservation District on January 20, 1987.



(c) Point Clear/Battles Wharf

Point Clear/Battles Wharf area was designated a Historic and Preservation District on October 15, 1985.



Article 2 Baldwin County Historic and Preservation District Architectural Review Board

Section 2.1 Membership

The Board is composed of five (5) members who donate their time without financial compensation. The Board members are appointed by the Baldwin County Commission for terms of five (5) years. All Board members shall reside in the historic and preservation districts or possess such pertinent skills and training that are of great value to the Board. The Baldwin County Historic Development Commission has the responsibility of presenting a slate of nominees to the Baldwin County Commission for consideration when vacancies occur.

Section 2.2 Officers

The Board is composed of the following officers:

- (a) Chairman: The Chairman shall be elected by the Board for a term of one (1) year. The Chairman, or in his absence, the Vice-Chairman, shall preside at all meetings of the Board, and subject to these rules, shall decide all points of procedure.
- (b) Vice-Chairman: The Vice-Chairman shall be elected by the Board for a term of one (1) year. The Vice-Chairman shall preside at the meetings of the Board in the absence of the Chairman.
- (c) Secretary: The Secretary shall be designated by the Board and may or may not be a member thereof. The Secretary, subject to the direction of the Board and the Chairman, shall keep all minutes, proceedings and records, shall conduct all correspondence, and shall send out and publish all notices required.

All officers shall serve for one (1) year unless otherwise specified. All officers shall serve until a successor is selected and qualified.

Section 2.3 Employees

The Board may employ such employees as it may deem necessary for its work, whose appointment, promotion, demotion and removal shall be subject to the same provisions of law as govern other civil employees of Baldwin County, Alabama.

Section 2.4 Contractual Service

The Board may also contract with architects and other consultants for such service as it may require.

Section 2.5 Expenditures

The expenditures of the Board, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Board of Commissioners, which shall provide the funds, equipment and accommodations necessary for the Board's work.

Section 2.6 Ex-Officio Members

The Baldwin County Planner and Baldwin County Building Inspector shall be considered as ex-officio members of the Board and may be present during all deliberations of the Board.

Section 2.7 Responsibilities

The Board is charged by law with the preservation and protection of buildings of historic value and architectural significance and the maintenance of the distinctive character of the historic and preservation districts.

Section 2.8 Conflicts of Interest

2.8.1 Board Members

No Board member shall take part in any hearing, consideration or determination of any case in which he or she, or his or her spouse or person related to either of them has a financial or personal interest in the property or action concerned, or will be directly affected by the decision, or has or believes he or she has any other conflict of interest as defined by applicable law.

2.8.2 Staff

No member of the staff of the Board or of any agency serving the Board shall prepare or present arguments or reports, or attempt to influence decisions of the Board in any case in which the staff member has a similar interest.

2.8.3 Disqualification

As soon as any Board or staff member or members of any agency serving the Board becomes aware of any potential conflict of interest in any case scheduled to come before the Board, he or she shall notify the Chair or acting chair of the particulars. Where the Chair finds that the conflict clearly exists, he or she shall request the disqualified member to leave the area during any discussion of the matter which creates the conflict and cause the record to reflect the circumstances of the exclusion, and to make arrangement for alternative services as are required. The Chair may also elect to forward questions of potential conflict of interest to the Alabama Ethics Commission.

2.8.4 Discussion of Pending Matters

No Board member shall in any manner discuss any application with any parties prior to the Board's deliberation on such application, or appear for or represent or advise any party with respect to any case pending before the Board. Board members shall not express individual opinions on the proper judgment of any application with any persons prior to the determination of that application, except in accordance with these rules.

2.8.5 Contracts with Applicants

All Board members shall notify the board regarding negotiation of employment or contracts with persons or applicants who have matters pending before the Board. No Board member shall accept employment or work of any sort that exists as a specific result of an action taken by the Board unless it is otherwise ruled by a vote of the Board that such employment or work does not constitute a conflict of interest.

Article 3 Application Procedure

Section 3.1 General Instructions and Information

Any person seeking construction, renovation or demolition of a structure within a historic or preservation district for which approval of the Board is required, shall submit an application with supporting documentation to the Board. The Architectural and Preservation District Review Board applications and guidelines can be obtained from the Baldwin County Planning and Zoning Department. Building or demolition permits for work within a historic or preservation district cannot be issued by the Building Inspector until the Board has issued a Certificate of Appropriateness of the project.

Additional applications may be obtained from the Planning and Zoning Department. The completed application may be submitted to the Planning and Zoning Department for transmission to the Board. Applications must be submitted at least seven working days prior to the regular monthly meeting of the Board, which is normally held on the second Monday of each month. If desired, the applicant may appear before the Board at its regular meeting to discuss an application or a proposed application. The Board cannot take action on an incomplete application, only refer that application back to the applicant with deficiencies noted.

If the applicant desires assistance with the preparation of an application, contact the Baldwin County Planning and Zoning Department for information.

If the applicant desires to discuss a preliminary concept or plan for a structure, attendance at a regularly scheduled monthly meeting is the proper forum. No official actions will be taken by the Board during such discussions, only general answers and guidelines given in response to general questions.

Section 3.2 New Construction or Extensive Renovation or Repair of Existing Structure

(a) A set of structure plans and renderings (11x17 or smaller) showing all exterior elevations including the following:

- 1.) Overall dimensions.
- 2.) Type of materials to be used on walls, roofs, windows, trim, etc.
(samples strongly encouraged or a detailed description of the material)
- 3.) Elevation details.
- 4.) Screening for utilities, etc.

5.) Color samples of exterior finish.

(b) Site plans, with dimensions, proposed fences, accessory buildings and parking facilities, exterior lighting, and landscaping.

Section 3.3 Minor Renovations or Repair

(a) Drawings or photographs (11x17 or smaller) showing the front elevation of the buildings.

(b) Drawings or photographs of the area of the building to be altered or repaired, if not the front elevations. If rear or side elevations are to be altered, a photograph showing the building's relationship to the neighboring structures is required.

(c) Either a written description or a drawing of the work to be done, including materials to be used and paint samples.

(d) If applicable, either a written description or a drawing of a site plan explaining fencing, screening, plantings, accessory buildings, etc.

Section 3.4 Structure Painting

(a) Photographs showing the front elevation of the building.

(b) Drawings or photographs of the area of the building to be altered or repaired, if not the front elevation. If rear or side elevations are to be altered, a photograph showing the building's relationship to the neighboring structures is required.

Section 3.5 Signs

(a) Rendering of the proposed sign, showing total area of the sign. The Board requirements generally limit any sign within the historic or preservation district to 12 square feet for all surfaces.

(b) Description of materials to be used.

(c) Sampling of lettering to be used.

(d) Sample of colors to be used.

(e) Description of support or standard.

(f) Proposed lighting, if any. Note: Flashing or moving lights are prohibited.

(g) A drawing of the sign.

Section 3.6 Fencing

A drawing and a photograph of the type of fencing proposed showing:

- (a) Placement on the lot.
- (b) Materials to be used.
- (c) Proposed height.
- (d) Paint samples if the fence is to be painted.

Section 3.7 Structure Demolition Permits

- (a) Photographs of the building or structure to be demolished.
- (b) Statement of purpose of the demolition, with a reference to the future land use of this site. Please note that if the Board determines that the building is of historic or architectural value, it can delay demolition for six (6) months, giving the Baldwin County Historic Development Commission the opportunity to develop an alternate plan for the preservation of the building. If no other plan is developed which is acceptable to both the owner and the Baldwin County Historic Development Commission, a permit to demolish can be issued at the end of the six (6) month period.

Section 3.8 Structure Relocation

Submittal requirements for new construction apply.

- (a) Photographs of the building or structure to be relocated.

Article 4 Meetings

Section 4.1 Meetings to be Open

All Board meetings shall be open to the public except on those occasions when the Board may choose to go into executive session to discuss matters protected by the attorney-client privilege, or to discuss the good name and character of a person.

Section 4.2 Regular Meetings

The Board shall hold regular public meetings at least one day per month, in accordance with its published schedule.

Section 4.3 Special or Called Meetings

Subject to the notice requirement of these Rules, the Board may hold such special or other meetings as required by the business of the Board. The Chair or any three Board members may call such special meetings.

Section 4.4 Notice of Special Meetings

Each Board member shall be directly notified of the special meeting at least 24 hours in advance of such meeting. Notice may be in writing, by voice or electronic transmission, so long as it is directly to each member. Evidence of notice shall be recorded in the minutes of the special meeting, unless all members of the Board sign a waiver of notice.

Nothing in this section shall prevent the calling of a special meeting without proper notice if all Board members assent thereto and are present at the holding of such meeting.

Section 4.5 Agenda

All matters to be considered by the Board shall be delivered to the staff in accordance with the published schedule. The staff shall prepare an agenda according to the order of business, and furnish each Board member and such other individuals and organizations designated by the Board, with a copy of the agenda.

Section 4.6 Minutes

The Staff shall keep the minutes of the Board showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact and shall keep records of examinations and other official actions.

Section 4.7 Order of Business

The order of business at meetings shall be as follows:

- (a) Roll call and determination of quorum.
- (b) Public Hearing (if any).
- (c) Reading and approval of minutes.
- (d) Old business.
- (e) New business.
- (f) Administrative matters.
- (g) Adjournment.

Section 4.8 Quorum

The quorum for the transaction of any business before the Board shall be not less than three members. In the absence of a quorum, the Chair may adjourn the meeting to a stated time and date to permit the establishment of a quorum.

Article 5 Decisions and Reconsideration

Section 5.1 Decisions

The Board shall promptly review such applications and plans and render its decision thereon in a written order to the Baldwin County Planning and Zoning Department. In passing upon application and plans, the Board shall consider exterior design and appearance of the structure, including the front, sides, rear and roof, materials, textures and colors, plot plan and site layout, including features such as walls, walks, terraces, plantings, accessory buildings, signs and other appurtenances; and relation, scale, and massing of the structure or structures to immediate surroundings and the compatibility and effect on the historic or preservation district in which it is located or to be located. The term *exterior* shall be deemed to include all outer surfaces of the structure, and is not restricted to those exteriors visible from a public street, way or place. The Board shall not consider interior design or plan, and it shall not impose any architectural style, traditional or modern, as a condition precedent to approval. The Board shall not exercise any control over land use.

Section 5.2 Motions

All Board action shall begin on a motion by any member and properly seconded, which shall state the Board action desired, any conditions to be attached to such action, and shall include a finding of fact supporting the action proposed.

Section 5.3 Reconsideration

Any action of the Board may be reconsidered on a motion made immediately following announcement of the vote on such action, and prior to the commencement of the following case, with the exception of the last case on the agenda, in which such motion shall be made prior to the adjournment of the meeting.

Section 5.4 Site Inspections

Voting on a particular application and plans may be postponed until the next regularly scheduled monthly Board meeting in order for the Board members to visit the site.

Section 5.5 Applicant Notification

Upon receiving the order of the Board, the Building Official shall thereupon notify the applicant of the decision of the Board. If the Board shall have approved the application and plans, and if all other requirements of the Building Official have been met, the Building Official shall issue a permit for the proposed structure. If the Board shall have disapproved the application and plans, the Building Official shall not issue such permit.

Section 5.6 Written Order and Recommendations

In a case where the Board has disapproved the application and plans, the Planning Director shall furnish the applicant with a copy of the Board's written order, together with a copy of any

recommendations or suggestions for changes necessary to be made before the Board will reconsider the application and plans.

Section 5.7 Failure to Review Applications and Plans

If no action upon an application and plans submitted to the Board has been taken at the expiration of forty-five (45) days from the date of application for building permit and submission of plans, such plans shall be deemed to have been approved, and, if all other requirements of the Building Official have been met, the Building Official shall issue a permit for the proposed structure.

Article 6 Notice

Section 6.1 Notice Requirements

Applications which are deemed by the Board, in a regular monthly meeting or a special called meeting, to be in compliance with the review standards will not require public notice. Applications seeking to do work not considered by the Board to be in compliance with the review standards will be deferred for consideration. The Board may defer action for a four (4) week period or until the next regularly scheduled Board meeting. If an applicant agrees to revise the application to adequately address the Board's concerns, the Board may not require notice to the public. However, if the proposed work is not in compliance with the review standards, the Board will set a date, time and place for a public hearing on the application and plans. The Board may require notice to the public and all interested parties as follows: the Notice of Public Hearing shall be furnished to Planning Department and to any requesting person.

Article 7 Conduct of Hearings

Section 7.1 Statements

All hearings shall be held in accordance with these rules of procedure. All persons appearing before the Board shall state their name, address and relationship to the case, and then shall state facts and arguments relevant to the subject matter of the case. All statements shall be taken as though made under oath.

Section 7.2 Time Limit on Argument

Each side shall have ten minutes for the presentation of evidence and argument unless a request for additional time is made at the beginning of the presentation and granted by the Board. The same extension of time shall be made available to the other side in the same case. The parties in interest on the same side of a controversy may designate one of their numbers to speak for all such parties pooling up to ten minutes.

Section 7.3 Order of Argument

Each case shall proceed as follows:

- (a) Staff or Board member introduction of application and jurisdiction or regulatory issues.

- (b) Opening statement and argument by applicant.
- (c) Statements of parties supporting the case.
- (d) Statement and argument of parties opposing the application.
- (e) Rebuttal by applicant, which shall be limited to matters covered by any opposition.
- (f) Questions by Board members of applicant or interested parties.
- (g) Staff recommendation.
- (h) Further subcommittee reports.

Section 7.4 Participation by the Public

Members of the public may not otherwise address the Board unless permitted to do so by the Chair.

Section 7.5 Evidence Admissibility

Oral testimony and documentary evidence may be allowed even though it does not meet the standards for the rules of evidence commonly followed by the Alabama courts. Those rules, however, may be used as a guide in considering objections. At the discretion of the Board Chair, irrelevant, immaterial and repetitious evidence may be excluded.

Section 7.6 Documents, Copies

Documentary evidence may be received as originals or in the form of copies or excerpts provided the original is made available to the Board for comparison upon request, and shall be made a part of the record of the case. Whenever an original is submitted, complete and accurate copies may be furnished to the Baldwin County Planning Office for filing as substitutes for originals in the record within thirty (30) days following the decision of the Board in any case.

Section 7.7 Official Notice

Official notice of technical, scientific or community facts within the specialized knowledge of the Board or its staff may be taken.

Section 7.8 Procedural Rules Appeal

All questions which may arise during a hearing which are not otherwise resolved by applicable law or rules shall be decided by the Chair subject to appeal by any member to be decided forthwith by a vote on the question “shall the ruling be sustained?” A majority vote of the members shall overrule the Chair. Voting members may recuse themselves from a vote in any case in which the member does not feel competently acquainted with the evidence presented.

Article 8 Appeals

Section 8.1 Appeal to the Baldwin County Commission

An applicant may appeal a decision of the Board to the Baldwin County Commission which appeal shall be taken within fifteen (15) days of the Board's decision.

Notice of the appeal shall be perfected by delivering written notification of the appeal to the County Planner within the time allowed. Upon notice to the Board of an appeal, the Board shall transmit its file, including all documents and statements relied upon by the Board in rendering its decision, to the County Commission.

Section 8.2 Appeal to the Circuit Court of Alabama

If the applicant is not satisfied with the ruling of the County Commission, appeal may be made to the Circuit Court of Alabama.

Article 9 Certificate of Appropriateness

A certificate of appropriateness shall expire twelve (12) months after it is issued unless an extension has been granted. An extension may be granted due to adverse weather or other circumstances delaying the work.

Article 10 Economic Hardship

When strict application of the review criteria results in conditions and circumstances which create an undue hardship for the applicant or property owner, the Board in passing upon applications, shall have the power to vary or modify strict adherence to such provision, or to interpret the meaning of such provisions, so as to relieve such difficulty or hardship; provided such variances, modifications or interpretations shall remain in harmony with the general purpose and intent of such provisions, so that the architectural or historical integrity, or character of the property, shall be conserved and substantial justice done. In granting variances, the Board may impose such reasonable and additional stipulations and conditions as will, in its judgment, best fulfill the purpose of these rules.

Article 11 Standards of Review

Section 11.1 General Review Guidelines

The Baldwin County Historic and Preservation District Architectural Review Board shall base its decisions on the U.S. Secretary of the Interior's Standards for Rehabilitation in determining the appropriateness of any application for approval pertaining to existing structures, as follows:

- (a) Every reasonable effort shall be made to provide a compatible use for a property by requiring minimal alteration of the building, structure or sites and its environment, or by using a property for its originally intended purposes.

(b) The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historical material or distinctive architectural features should be avoided when possible.

(c) All buildings, structures and its site shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

(d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

(e) Distinctive stylist features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

(f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. If replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Replacement of missing architectural features should be based on historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

(g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

(h) Every reasonable effort shall be made to preserve archeological resources affected by, or adjacent to any project.

(i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

(j) Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

Section 11.2 Specific Review Guidelines

In conjunction with the U.S. Secretary of the Interior's Standards for Rehabilitation, the Board will use specific review guidelines in reviewing applications for certificates of appropriateness involving new buildings, additions or alterations in the historic district. New construction, additions or alteration projects in historic districts have an obligation to blend in with the historic character and scale of the historic district in which the project is located. Designs for new construction within the historic district must be designed with the surroundings in mind. New construction, additions or alteration projects will be evaluated on the following criteria for compatibility.

The materials presented in this guide are intended to be representative of the materials used on the original buildings within the historic districts in the period in which they were constructed. By setting such standards, it is the intention that all future new construction, future restoration, repair, remodeling or additions will be compatible with the character of each historic district and maintain its architectural and historic integrity. By studying the standards set forth, the applicant for a permit for work in a historic district can be guided in the preparation of the required plans to be submitted. The Board will use the criteria for the evaluation of such plans.

The goal of the Board will be to encourage owners contemplating restoration, remodeling, or additions to buildings within the historic districts to eliminate existing materials which are not acceptable and return buildings to their original construction.

11.2.1 Scale

The scale of the structure after alteration, construction or partial demolition should be compatible with the architectural style and character in the historic district. Similarity of scale is an important visual characteristic of the historic districts. New structures should harmonize and blend with the historic character of the district, but create a distinctive character of its self.

11.2.2 Building Mass and Space

The relationship of a structure to the open space between it and adjoining structures should be compatible. The new or renovated structure should reference the massing of the nearby structures.

11.2.3 Directional Expression

Façades should blend with other structures with regard to directional expression. Structures should be compatible with the dominant horizontal or vertical expression of surrounding structures.

11.2.4 Proportions of windows and doors

The proportion and relationship between doors and windows should be compatible with the architectural style and character of the historic district. Existing structures should maintain and preserve historic windows and doors and any damaged windows or doors should be repaired rather than replacing them in total. Any historic windows or doors damaged beyond repair should be replaced to match existing.

Acceptable Windows

Wood (double hung)
Wood (casement)
Stained or art glass

Non Acceptable Windows

Metal (un-painted)
Fixed sash
Seamed metal

Acceptable Doors (Exterior)

Wood (paneled, carved, or decorative)
Wood (with glass lights)
Wood (with glass sidelights)

Not Acceptable Doors (Exterior)

Metal
Wood-flush type
Other

Acceptable Blinds and Shutters

- Wood (louvered)
- Wood (solid panel)
- Wood (decorative with perforations)
- Metal

11.2.5 Roofs

The design of the roof should be compatible with the architectural style and character of the historic district. The original roof form, pitch, and overhang should be preserved. Alterations to the shape of a roof, including additions or removal of features such as dormers and chimneys are discouraged.

Acceptable Roofs

- Gable
- Hip
- Mansard

Non Acceptable Roofs

- Flat

Acceptable Roof Materials

- Slate
- Asbestos shingle
- Asphalt shingle
- Wood shingle
- Tile
- Metal

Non Acceptable Roof Materials

- Built-up (on sloped roof)
- Asphalt roll roofing

11.2.6 Landscaping

(a) All commercial construction projects and all new buildings will be required to submit a complete landscaping plan to the Board for approval. (For commercial projects please refer to Article 17, Landscaping and Buffers, of the Baldwin County Zoning Ordinance.)

(b) Residential property landscaping shall respect the precedents set by other buildings in the neighborhood. Landscaping which enhances the style of the district will be considered favorably. For example, in areas, where many trees form a canopy across the streets, plantings should be planned to achieve a similar effect at full growth.

(c) All required landscaping shall be maintained in a horticulturally healthy and aesthetically pleasing manner. Installation shall be conducted according to accepted planning procedures with quality materials.

(d) Landscaping should not obscure the main structure on a property from the street.

11.2.7 Lighting

- (a) To prevent glare visible from a public street or adjoining property, the beam of any exterior light used to illuminate a parking lot or a building for other purposes shall be directed and shielded so as not to be visible beyond the property line.
- (b) Commercial buildings shall have light fixtures recessed into the canopy or if they protrude, shall have a box that shields the bulb from direct view. A light fixture that protrudes from the bottom of the canopy shall have a box completely surrounding the bulb and the lens shall be flush with the box. Lenses shall not protrude past the bottom of the box.

11.2.8 Fencing

- (a) Walls and fences erected shall be maintained in good repair and sound structural condition.
- (b) Walls and fences erected shall be subject to vision clearance standards outlined in *Section 15.3.8(b) of the Baldwin County Zoning Ordinances*.
- (c) No fence or wall shall be erected or placed within any street right-of-way or easement, or closer than six (6) feet from mean high tide line.
- (d) *Height*

(1.) *Determination of Height.* The height of fences and walls shall be measured from the ground level at the fence location. However, if the Planning Director determines that ground levels have been altered so as to provide for a higher fence, the Planning Director shall determine the ground level for the purposes of measuring the fence or wall height. In determining whether the ground level has been altered to increase height, the Planning Director may consider, but will not be limited to, the following:

- i. General ground elevation of the entire lot
- ii. Average elevation over the length of the fence
- iii. Ground elevation on both sides

(2.) *Front Yard.* A fence or wall located in the front yard shall not exceed four (4) feet in height and shall not be constructed in a manner in which results in a solid wall or fence. The fence or wall should be of an open mesh design.

For the purposes of this section, open mesh design may include picket-type fencing provided that the minimum space between vertical members must be of one and one-half times the width and thickness of the vertical members or bars. In no case may the space between vertical members or bars be less than four inches.

(3.) *Side and Rear Yard.* A fence or wall located in the side or rear yard shall not exceed six (6) feet in height and may be constructed in a manner in which a solid wall or fence is created.

(4.) *Corner lots and Double Frontage Lots.* On lots which have frontage on more than one street, fences in the front yards shall not exceed a maximum height of four (4) feet. A fence or wall in a side yard shall not exceed a maximum height of four (4) feet, forward of the front primary façade of adjoining homes or structures and must be of open mesh design.

A primary façade is the side of a building that faces the roadway or has the primary entrance. For the purposes of side yard fencing, the line which delineates the primary façade shall be drawn from a point of the façade which has the greatest length facing the roadway or side which includes the primary entrance.

(5.) *Decorative Features.* Decorative caps or ornamental features of up to twelve (12) inches may be added along the top of fence posts.

<u>Acceptable Fences and Walls</u>	<u>Non Acceptable Fences and Walls</u>
Wood Picket	Chain-Link
Wood Slat	Stockade
Lattice	Post and Rail
Wrought Iron	Bamboo or Reed
Brick	Plywood, Hardboard, or
Stone	Asbestos Panel
Concrete or Masonry with Plaster Coating	Concrete Block

11.2.9 Setback

Building setbacks shall be consistent of surrounding buildings in the historic district.

11.2.10 Dumpster Screening

- (a) Dumpsters in historic districts should be screened on all four sides.
- (b) Such screening may be provided by shrubs, trees, berms, walls or brick masonry, stone masonry, concrete masonry or other acceptable materials which are architecturally compatible with the principal building.

11.2.11 Signs

(a) Free Standing Signs

- 1.) Maximum Height for freestanding signs is 15 feet.
- 2.) The maximum sign shall not exceed 50 square feet in size.
- 3.) Menu signs shall not exceed 25 square feet in size and be designed to be compatible with the design of the storefront and front façade of the building.

4.) Sandwich board signs shall not exceed 20 square feet in size and be designed to be compatible with the design of the storefront and front façade of the building.

(b) Lighted Signs

- 1.) Internal lighted signs are discouraged.
- 2.) Lighted signage shall use focused, low intensity illuminations. Light fixtures on the ground shall be screened by landscaping.
- 3.) Flashing, blinking, revolving or rotating lights are not permitted.

(c) Awning Signs

- 1.) Awning signs should occupy no more than 30% of the slope or 65% of the return valance.

(d) Hanging Signs

- 1.) Hanging Signs should be mounted perpendicular to the façade with a minimum clearance of 10'-0" above the sidewalk. The sign should not project no more than 36" beyond the front of the façade or 15" beyond the property line.
- 2.) Hanging Signs should have a maximum area of 8 square feet per face.

(e) Wall Signs

- 1.) Wall Signs should be to scale to the wall to which they are attached.

(f) Exempt Signs

- 1.) Signs that are not designed or located so as to be legible from any street or adjoining property.
- 2.) Signs of 2 square feet or less and signs that include no letters, symbols, logos or designs in excess of 2 inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by these ordinances.
- 3.) One construction sign with a total sign face area of 32 square feet or less and a maximum height of 10-feet per street frontage located on property where building is actually in progress under a current building permit.
- 4.) Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from Baldwin County, the State of Alabama, or the United States.

- 5.) Legal notices and official instruments.
- 6.) Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community when authorized by the Baldwin County Commission for a prescribed period of time.
- 7.) Holiday lights and decorations.
- 8.) Merchandise displayed behind storefront windows so long as no part of the display moves or contains flashing lights.
- 9.) Memorial signs or tablets, historical markers, name of building and dates of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached to the surface of a building.
- 10.) Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths and gasoline pumps.
- 11.) Advertising and identifying signs located on taxicabs, buses, trailers, trucks or vehicle bumpers.
- 12.) Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
- 13.) Works of art that do not constitute advertising.
- 14.) Signs carried by a person.
- 15.) Signs affixed to water tanks by the water utility with a sign face area of 200 square feet or less per sign for water tanks with a storage capacity of less than 500,000 gallons and a sign face area of 350 square feet or less per sign for water tanks with a storage capacity of 500,000 gallons or more. A maximum of 2 such signs are permitted per water tank.

11.2.12 Demolition

In considering an application for a certificate of appropriateness for demolition, the Board shall consider the following additional standards:

- (a) The historic or architectural significance of the building or structure.
- (b) The importance of the building or structure to the ambiance of the historic district.
- (c) The difficulty or the impossibility of reproducing such a building or structure because of its design, texture, material, detail or unique location.

- (d) Whether the building or structure is one of the last remaining examples of its kind in the neighborhood, the county or region.
- (e) Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what affect of those plans on the character of the surrounding area would be.
- (f) The difficulty or the impossibility of saving the building or structure from collapse.
- (g) Whether the building or structure is capable of earning reasonable economic return on its value.
- (h) Whether there are other feasible alternatives to demolition.
- (i) Whether the property no longer contributes to a historic district or no longer has significance as a historic, architectural or archeological landmark.
- (j) Whether it would be undue economic hardship to deny the property owner the right to demolish the building or structure.

11.2.13 Relocation

When an applicant seeks to obtain a certificate of appropriateness for the relocation of a building or structure in a historic district, or wishes to relocate a building or structure to a property in a historic district, the Board shall consider the following:

- (a) The contribution the building or structure makes to its present setting.
- (b) Whether there are definite plans for the site to be vacated.
- (c) Whether the building or structure can be moved without significant damage to its physical integrity.
- (d) The compatibility of the building or structure with the proposed site and adjacent properties.

11.2.14 Accessory Buildings

11.2.14.1 Garages

- (a) New garages cannot be located in front.
- (b) New garages must be constructed of materials that are in keeping with the main building they serve, and that are appropriate to the district.
- (c) Designs for new garages should be inspired by the main building they serve. Building details should be derived from the main structure.
- (d) Garages must be of a proper scale for the property, and must have an appropriate site relation to the main structure on a lot and to structures or surrounding properties.

11.2.14.2 Boat Houses

- (a) New boat houses shall be located in accordance with requirements of the appropriate Federal, State and County Agencies or Departments.
- (b) New boat houses must be constructed (where feasible) of materials that are in keeping with the main building they serve, and that are appropriate to the district.
- (c) Designs for new boat houses should be inspired by the main building they serve. Building details should be derived from the main structure.
- (d) Boat houses must be of a proper scale for the property, and must have an appropriate site relation to the main structure on a lot and to structures on adjacent waterfront properties.

11.2.14.3 Other Accessory Buildings

- (a) Accessory buildings cannot be located in front.
- (b) Accessory buildings that are visible from the street must be constructed of materials that are in keeping with the main building they serve, and that are appropriate to the district.
- (c) Designs for accessory buildings should be inspired by the main building they serve. Building details should be derived from the main structure.
- (d) Accessory buildings and their placement must be of a proper scale in relation to the main structure on a lot, and to structures on surrounding properties.
 - (b) Prefabricated accessory buildings can only be used in locations where they will not be substantially visible from any street or waterway.

11.2.15 Porches

Maintain and repair historic porches to reflect their historic period and the relationship to the structure.

Acceptable Porches (wood frame buildings)

- Shaped or square wood columns
- Shaped or square wood railing members
- Wrought iron or cast iron post and railings
- Concrete Stairs (no precast)

Non Acceptable Porches (wood frame buildings)

- Aluminum Columns
- Metal pipe or tubing post and railings

Acceptable Porches (masonry buildings)

- Same as wood frame buildings
- Wrought iron or cast iron post and railings
- Masonry post and railings
- Concrete stairs and floors

Non Acceptable Porches (masonry buildings)

- Aluminum Columns
- Metal Pipe or Tubing Post and Railings

11.2.16 Foundations

Maintain and restore the material the textures created of the historic building. New buildings should respect the historic materials within the district.

Acceptable

Wood
Brick
Stone
Wood Shingle
Stucco

Non Acceptable

Asbestos Shingle or Panel
Metal
Plastic
Imitation Brick or Stone
Plywood or Hardboard
Asbestos
Uncovered Concrete Block

11.2.17 Materials

Maintain the original design and materials of the foundation.

Acceptable Raised Foundations, closers for

Concrete (if stuccoed surface)
Brick or stone
Wood (horizontal or vertical)

Non Acceptable Raised Foundations

Metal
Plywood Panels
Asbestos Panels

11.2.18 Colors

Choose colors that blend and complement the overall color schemes of the district. When selecting the colors for a building, the color of adjacent buildings should be considered. Inappropriately intense or overly vibrant colors schemes are not recommended.

11.2.19 Repairs

11.2.19.1 Emergency Repairs

If any emergency situation exists, temporary repairs required to prevent imminent damage to the structure may be authorized by the Chairman of the Architectural Review Board, subject to review by the full Board. Within 48 hours after the repairs are made, the person making such authorized temporary repairs shall submit an application for a certificate of appropriateness to the Architectural Review Board, in accordance with normal procedures. The Board action thereon shall supersede the emergency approval.

11.2.19.2 Ordinary Repairs

Ordinary maintenance or repair of any exterior architectural feature in a historic district to correct deterioration, decay, or damage, or to sustain existing form, and that does not involve a material change in design or outer appearance, does not require a certificate of appropriateness.

11.2.20 Other Considerations

(a.) Any other factor affecting the structure or site, including aesthetics, which the Board deems to be pertinent, will be used in the evaluation of an application. In addition to any satellite signal receiver installation larger than 24 inches in diameter in the historic districts shall require prior approval by the Board, by way of a certificate of appropriateness.

(b.) Satellite Dishes as well as other ‘contemporary’ structures should be screened from the view of the right-of-way within the historic district. The dishes should be located to the side or rear yards.

Section 11.3 Staff recommendations, public comment and prior rulings of the Board

The Board shall consider all pertinent recommendations, comments and prior rulings when acting on an application.

Section 11.4 County Zoning

Requirements of the *Baldwin County Zoning Ordinances* and the *Baldwin County Subdivision Regulations* are not precluded by these guidelines.

Article 12 Glossary of Terms

The following terms or words shall have the following meaning:

Alteration. Any construction, demolition, removal, modification, excavation, restoration or remodeling.

Board. Means the Baldwin County Historic and Preservation District Architectural Review Board.

Building Mass and Space. The relationship of a structure within the historic district to the open space between it and adjoining structures.

Buildings.

(a) *Accessory building.* A detached building, the use of which is customarily incidental to that of a principal building and which is located on the same lot as the principal building.

(b) *Building.* Any structure having a roof supported by walls or columns constructed or used for residence, business, industry or other public and private purposes.

(c) *Principle building.* A building in which is conducted the principle use(s) of the property.

(d) *Structure.* Any material constructed, erected or placed in or upon the ground located outside the street right-of-way.

Canopy. A roof-like structure used on commercial buildings which provide shade and protection for the storefront and pedestrian traffic.

Certificate of Appropriateness. A document evidencing approval by the Board of the proposal to make a material change in the appearance in a designated historic or preservation district including renovations, new construction, substantial exterior changes and landscaping for same.

County. Means Baldwin County.

Demolition. An act or process that destroys a building in whole or in part, or permanently impairs its structural integrity.

Economic Hardship. Means an onerous and excessive financial burden that would be placed upon a property owner by the denial of a certificate of appropriateness.

Harmony. Appropriate use of scale, architectural elements, materials, details, roof shapes and treatment of the grounds to those other properties within the neighborhood or community.

Historic District. A geographically definable area, urban or rural, which contains structures, sites or a combination thereof which:

- (a) Have a special historical or aesthetic interest or value.
- (b) Represents one or more periods or styles of architecture typical of one or more eras in the history of the county, state or region.

Integrity. A condition where structures within a neighborhood or community are perceived as appropriate when considering mass, scale and harmony.

Mass. A term used to define the overall volume of a building.

Material Change in Appearance. A change that will affect the exterior appearance of a structure including the following:

- (a) Reconstruction or alteration of any exterior appearance in the Historic District.
- (b) The construction, demolition, restoration or removal of any building.
- (c) Other structure in the historic district.

Ordinary Repair and Maintenance. Any work, the purpose or effect of which is to correct any deterioration or decay of, or damage to a building.

Persons. Any natural person, corporation, group or association.

Relocation. Any change in the location of a building from its present setting to another setting.

Structure. Buildings, walls, lighting fixtures or other appurtenant elements.

Scale. The size of buildings (height, width, and depth) and the architectural details in relation to one another and to other structures within the neighborhood. Scale is also determined by the relationship of building mass to open space within the neighborhood or community.

Setback. A term used to define the distance a building is located from a street or property boundary.

Variance. Any change to the requirements for those changes which would otherwise require a certificate of appropriateness.