

**MADISON STATION HISTORIC PRESERVATION COMMISSION
REGULATIONS
AMENDED NOVEMBER 13, 2019**

Pursuant to the City of Madison, Alabama Ordinance 2008-269 the Madison Station Historic Preservation Commission (hereinafter "MSHPC") for the City of Madison does hereby make, adopt and publish the following regulations which the MSHPC shall apply in giving its consideration to the appropriateness of applications filed before it in preserving and protecting the buildings of architectural and historical value in the district and the maintenance of the distinctive character of the district.

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**ARTICLE I
APPLICATIONS**

A. When Certificates of Appropriateness are required

As to any realty in any local historic preservation district designated by the Madison City Council, a Certificate of Appropriateness (hereinafter "COA") must be obtained from the MSHPC before the following acts take place:

Note: Any work completed without a COA may be subject to removal.

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

B. When Certificates of Appropriateness are not required

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

1. Any interior work unless it causes a change in the exterior appearance;
2. Repairing or maintaining any building or structure which effects no material alteration or change in the exterior architectural features;
3. Replacing the window glass when not otherwise changing the window in any way;
4. Repainting the exterior using prior colors;

5. Re-roofing with the identical materials and color of materials; and
6. Landscaping with plant materials that requires no significant change in the terrain of the property, creates no new off-site drainage, and does not remove or demolish any existing landscape features such as terraces, fences, drives, etc.

C. Preliminary Review Allowed

Prior to the final application for a COA concerning a building, which is proposed to be constructed, reconstructed, or altered, preliminary schematic plans may be submitted to the MSHPC 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 COA. 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 MSHPC to review the proposal prior to the applicant incurring significant expense in the proposal. If the applicant does not follow this stage, the MSHPC shall disregard any such expense or investment as a factor in its decision.

No change shall be made in or upon any public street, walkway or park without the plan having been submitted to the MSHPC for the expression of its recommendations prior to the commencement of such work. All applications for the recommendations of the MSHPC should be submitted by the submitting authority at the preliminary stage and prior to the preparation of actual construction plans, so the recommendations of the MSHPC may be given maximum consideration in the planning and execution of the work.

This article shall not prevent the construction, reconstruction, alteration, restoration, or demolition of any such feature that the chief building official, fire chief, director of public works, water and wastewater board, or chief of police shall certify is required by the public safety because of an unsafe or dangerous condition.

D. Submission of Plans

Every application for a COA shall include a completed application form available from the City of Madison Planning Department and on the City of Madison web site at www.madisonal.gov and be accompanied by plans of the proposed construction, reconstruction or alteration. The deadline for submission of an application for COA shall be the last Wednesday of the month for inclusion on the next month's agenda. Submission of application for COA and supporting documents to the Planning Department does not constitute submission to the MSHPC.

Additionally, clear photographs of the existing structures or site taken from several views and an over-all view of the lot must be submitted. As used herein, plans shall mean:

1. Drawings or sketches with sufficient detail to show, as far they relate to exterior appearance, the architectural design of the work proposed;
2. Samples of proposed materials, textures and colors; and

3. The plot plans or site layout including fences, walks, terraces, accessory buildings, signs, lights and other appurtenances. All drawings must be to scale.

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

E. Demolition Applications

Every application for demolition shall include a completed application form available from the City of Madison Planning Department and on the City of Madison web site at www.madisonal.gov and be accompanied by plans of the proposed demolition. The deadline for submission of a demolition application shall be the tenth day of the month for inclusion on the next month's agenda. Submission of a demolition application and supporting documents to the Planning Department does not constitute submission to the MSHPC.

The applicant shall submit with each application for demolition a list of names and addresses of all record property owners within 500 feet of the lot lines of the proposed demolition site. Said list shall be current and certified by a professional engineer, an attorney, a registered surveyor, or a bonded abstractor. City of Madison Planning Department staff shall notify by mail at least ten (10) days prior to the public hearing, all property owners, stating the nature of the request and giving details of the public hearing date, place and time.

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

1. The historic significance of the structure, including a narrative concerning any historical events or persons connected with the structure;
2. The appropriate date of the original construction and the date of any major additions or alterations thereof, if known;
3. A description of the architectural style or period which the structure represents, and any other material available concerning architectural aspects of the structure;
4. At least two 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 structures meet the minimum code requirements;
6. The present use of the property and surrounding properties and any proposed changes in said uses; and
7. The proposed use of the land following demolition and a schematic design of any new structures and/or the future use of the land.

F. Mural Applications

A mural is a picture painted directly on a wall or ceiling or otherwise mounted and affixed to a wall or ceiling. Murals within the Madison Station Historic District require a Certificate of Appropriateness. These mural regulations are in addition to all other regulations in this document. Mural guidelines in the Madison Station Historic District Design Review Guidelines may also be helpful for Certificate of Appropriateness.

1. Mural content shall be approved by the Madison Station Historic Preservation Commission and shall relate to the history of the City of Madison generally or to the history of the structure on which the mural is applied.
2. Murals containing commercial advertisement shall be regulated as signs.
3. Murals shall be located on exterior side or rear facades or ceilings only. Primary facades are not appropriate locations for murals, except as may be approved by the HPC on a temporary basis. It is not appropriate to locate murals on unpainted masonry on a historic structure.
4. The HPC shall approve all materials used for murals. Key factors for approval will be the use of high quality materials, applied per manufacturer use and instructions, consistent with longevity and sustained integrity.
5. Existing murals shall be maintained in good condition or shall be removed if they are not being maintained.
6. The following information must be provided at the time of application:
 - a. Rendering of proposed mural, with color concept, and detailed explanation of how it relates to Madison's history or to the site.
 - b. Photographs of all elevations of the building and a notation on the elevation on which a mural is proposed.
 - c. Square footage of the affected building elevation (width x height = total) and percentage of the area to be covered by the proposed mural.
 - d. An attachment detail is required for proposed attached murals.
 - e. Expected duration of mural and a maintenance plan to include possible removal and/or restoration of the post-removal surface.
 - f. Type and grade of paints, primers, and sealants.
 - g. Identification of the property owner, mural owner, and identification of the party responsible for maintaining the mural.
7. Additional information, as deemed appropriate or necessary by the Commission, may be required

G. Deadline for Applications

The deadline for submission of an application for COA shall be the last Wednesday of the month for inclusion on the next month's agenda. Submission of application for COA and supporting documents to the Planning Department does not constitute submission to the MSHPC.

The deadline for submission of a demolition application shall be the tenth day of the month for inclusion on the next month's agenda. Submission of a demolition application and supporting documents to the Planning Department does not constitute submission to the MSHPC.

H. Submission of Applications

Applications for COA to present to the MSHPC are available in the office of the City of Madison Planning Department and on the City of Madison web site at www.madisonal.gov. When completed, documents should be submitted to the Planning Department along with all required supplementary materials.

1. All required data must be submitted with the application, incomplete applications may be denied.
2. Re-submittal of an application that has previously been denied must be significantly amended to address the reason for denial, or the same application can be re-submitted after a six months period.

Note: If anyone other than the owner is to appear and/or request approval, a letter of authorization by the owner is required.

I. Publication of Agenda

Public notice of the agenda, time and place of the MSHPC meetings shall be given in like manner and at such times and places, as other public Boards of the City of Madison.

ARTICLE II REVIEW OF APPLICATIONS BY COMMISSION

A. Commission Meetings

The MSHPC's regular monthly meeting shall be held at the posted meeting time, on the second Wednesday of each month, in the Madison Municipal Complex or other public place, except that the Chairman may set a different meeting date when he determines it appropriate. Special meetings of the MSHPC may be called at the discretion of the Chairman as he determines necessary, especially in the event of an emergency nature such as storm damage and fires, where issuance of a COA is necessary to allow immediate work to prevent further damage to the structure.

B. Meeting Procedure

The MSHPC at its regular monthly meeting shall review all timely filed applications. A person knowledgeable of the application (such as the owner, contractor, architect or agent of the owner)

must be present to answer questions. If someone other than the owner presents the application, a letter of authorization is required. Absence of such spokesperson shall be cause for denial of the application.

C. Review Decision

The MSHPC shall review plans and render its decision as a written order to the applicant within 35 days from the submission of such plans to the MSHPC. If no action upon plans submitted to MSHPC has been taken at the expiration of 60 days from the date of submission of plans to the MSHPC, such plans shall be deemed to have been approved and, if all other requirements of the city have been met, construction or reconstruction may proceed.

D. Factors Considered

In determining whether a COA should be granted, the MSHPC shall consider the following factors:

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

In passing upon the appropriateness of any of those things enumerated above, the MSHPC shall not consider interior arrangement or features of a building or structure except as they may affect the exterior appearance of the building or structure. Also, the MSHPC shall not exercise any control over land use, such as is governed by the City of Madison Zoning Ordinance, or over construction, such as is governed by the building code or subdivision regulations.

A Certificate of Appropriateness shall automatically expire and become void if the petitioner fails to complete the approved alterations within one- (1) year of the effective date of the approval. Petitioners may request a six- (6) month extension by presenting the MSHPC with a plan for completion no later than thirty- (30) days prior to scheduled expiration.

E. Specific Rules Governing Decisions

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

1. In the case of a proposed alteration or addition to an existing building, such alteration or addition should not materially impair or alter the architectural character or historic value of the building.
2. In the case of a proposed new building, such building will not, in itself or by reason of its location on the site, materially impair the architectural character or historic value of buildings on adjacent sites or in the immediate vicinity. This does not mean that new construction must imitate the style and details of an existing structure, only that it be in harmony with the existing structure in terms of scale, proportions, massing, orientation, colors and materials. Contemporary styles which are, in the judgment of the MSHPC, harmonious with their surroundings will be approved.
3. In the case of a proposed new building, such building will not to be injurious to the general visual character of the historic district in which it is to be located.
4. In the case of the proposed demolition of an existing building, the removal of such building will not be detrimental to the historic and architectural character of the district or that, balancing the interest of the city in preserving the integrity of the district and the interest of the owner of the property in the use of benefits of his property, approval of the plans for demolition is required by considerations of reasonable justice and equity; in the latter event the MSHPC shall issue an order postponing demolition for a period not to exceed six months. If the MSHPC concludes that the demolition shall be postponed, it shall, before issuing any final order with respect to such postponement, afford the applicant an opportunity to appear before the MSHPC to offer any evidence such person may desire to present concerning the proposed order. Within the period of postponement, the MSHPC shall consult with the Madison Station Historical Society and others to ascertain what the city or other agency or organization may do to preserve such architecturally or historically valuable building and shall make recommendations to that effect to the city council or otherwise cause the building to be preserved. When demolition of a significant structure is stayed by the MSHPC, and the period of stay has elapsed, the building inspector's office can issue a demolition permit. Such demolition permit issued after a stay period shall be effective for a period of twelve months. If such demolition permit is not applied for and acted upon by a significant demolition within the 12-month period after and subsequent to a stay-period which has been required, an application for demolition must be applied for as if one had not been applied for and qualified to be issued previously.
5. In reviewing the building materials proposed, the following features and structures are prohibited within the district: the addition of artificial siding or trim (such as aluminum or vinyl sidings) to cover or replace original materials (such as wood clapboards); portable signs, as defined by the zoning ordinance of the city; and chain link fences in the front yard of any lot or residence; paved or graveled front yard. Any artificial siding approved for noncontributing or new structures must still meet the other tests set out above. Contributing structures are those which contribute to the district's overall historic character and that were constructed during the district's period of significance.

Contributing buildings also retain integrity. A building has integrity if it retains sufficient historic fabric and features that continue to reflect the overall character it had during its period of significance. Noncontributing structures are buildings that do not contribute to the district's overall historic character. Typically, these buildings were either constructed after the end of the district's period of significance or are earlier buildings that have lost integrity through alterations.

F. Member Disqualified from Voting

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

G. Form of Decision

Every decision of the MSHPC 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 MSHPC, its decision and reasons therefore. The MSHPC 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 MSHPC.

H. Notification of Decision and Building Permit

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

I. Institution of Court Proceedings to Prevent Violations and Recover Damages

The MSHPC, or the City of Madison, 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 an historic property or which is contained in an historic district, except in compliance with the provisions of Ordinance No. 2008-269 or rules and regulations adopted pursuant to it, or 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.

**ARTICLE III
REQUIRED MAINTENANCE AND REPAIR**

A. General

Neither the owner nor the person in charge of a structure within an historic district or of a designated landmark shall permit such structure or landmark to fall into a state of disrepair which may result in the deterioration of any exterior appurtenance or architectural feature so as to produce or tend to produce, in the judgment of the MSHPC, a detrimental effect upon the character of the district as a whole or the life and character of the landmark or structure in question, including but not limited to:

1. The deterioration of exterior walls or other vertical support;
2. The deterioration of roofs or other horizontal members;
3. The deterioration of exterior chimneys;
4. The deterioration or crumbling of exterior plaster or mortar;
5. The ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors; and
6. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

Adopted November 13, 2019



**Charles Nola, Chairman
Madison Station Historic Preservation Commission**

Attest:



Mary Beth Broeren, Recording Secretary