

## **This packet includes the following materials:**

**Historic Residential Architecture of Montgomery, A style guide**

**Montgomery Architectural Review Board Guidelines**

**Pre-approved Color Palette for Previously Painted Surfaces**

### **Historic District Maps**

- Capitol Heights Historic Districts
- Old Cloverdale Historic District
- Cloverdale Idlewild Historic District
- Cottage Hill & Annex
- Garden District & South Highland Court
- Highland Avenue Historic District
- Lower Commerce Street Historic
- North Hull Historic District

**National Historic Preservation Act of 1966**

**Secretary of the Interior's Standards for Rehabilitation**

**Alabama Code, Chapter 68 (11-68)**

Historic Preservation Commissions and Architectural Review Boards

**Alabama Code, Section 40-8-1**

Wallace Property Tax Relief Act

**Montgomery City Code, Chapter 15**

Historic Preservation

**Alabama Historical Commission Survey form**

### **Applications**

- Architectural Review Board Application for Proposed Work
  - Tree Removal Request
  - Demolition Application
  - I.D. Sign Permit Application

**Glossary of Terms**

**Guide to Researching Old Buildings in Alabama**

**Historic District Brochure**

**Obtaining Signs for Historic Properties Brochure**

## CITY OF MONTGOMERY



# Historic Residential Architecture of Montgomery

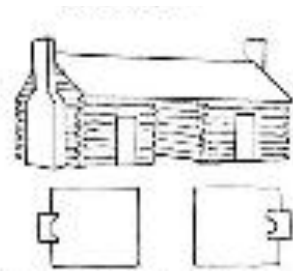
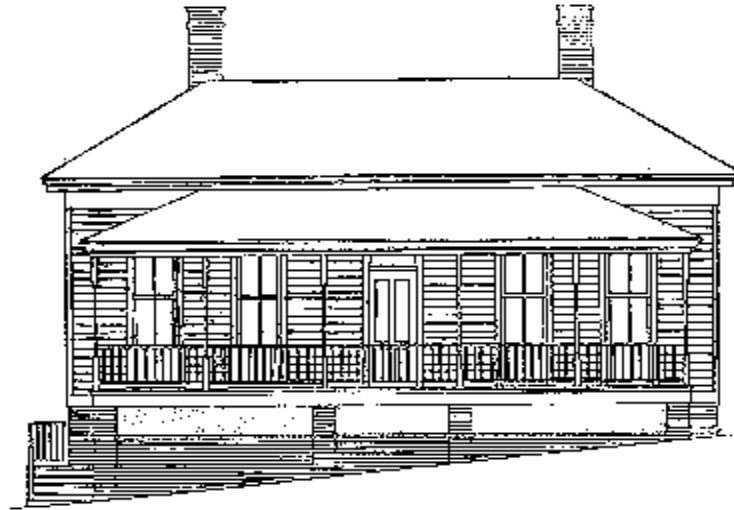
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## A Style Guide

2012



This guide provides a basic overview of common house types found in Montgomery's historic districts. Most historic houses in Montgomery do not display a pure form of a style, but a more vernacular, or local, interpretation of national trends as developed by local architects and builders. These local interpretations reflect the needs for creating comfort in the southern climate, as well as displaying some trademark design elements found in the treatment of decorative elements on the house.



Dogtrot floorplan—center passage commonly enclosed as center hall

### **Southern Dogtrot** 19<sup>th</sup> and early 20<sup>th</sup> Century

The **dogtrot** is a style of house that was common throughout the Southeastern United States during the 19th and early 20th centuries

A dogtrot house historically consisted of two log cabins connected by a breezeway or dogtrot, all under a common roof. Typically one cabin was used for cooking and dining while the other is used as a private living space, such as a bedroom. The primary characteristics of a dogtrot house is that it is typically one or 1 ½-stories, has at least two rooms averaging between 18 to 20 feet) wide that each flank an open-ended central hall. Additional rooms usually take the form of a semidetached ell or shed rooms flanking the hall to the front or rear.

The breezeway through the center of the house is a unique feature, with rooms of the house opening into the breezeway. The breezeway provided a cooler covered area for sitting. The combination of the breezeway and open windows in the rooms of the house created air currents which pulled cooler outside air into the living quarters efficiently in the pre-air conditioning era. Although some only had the open central hall and flanking rooms, most dogtrots had full-width porches to the front and/or rear. Common modifications to dogtrots was to enclose the central hall to create more interior living space, and to clad log buildings with wood siding.



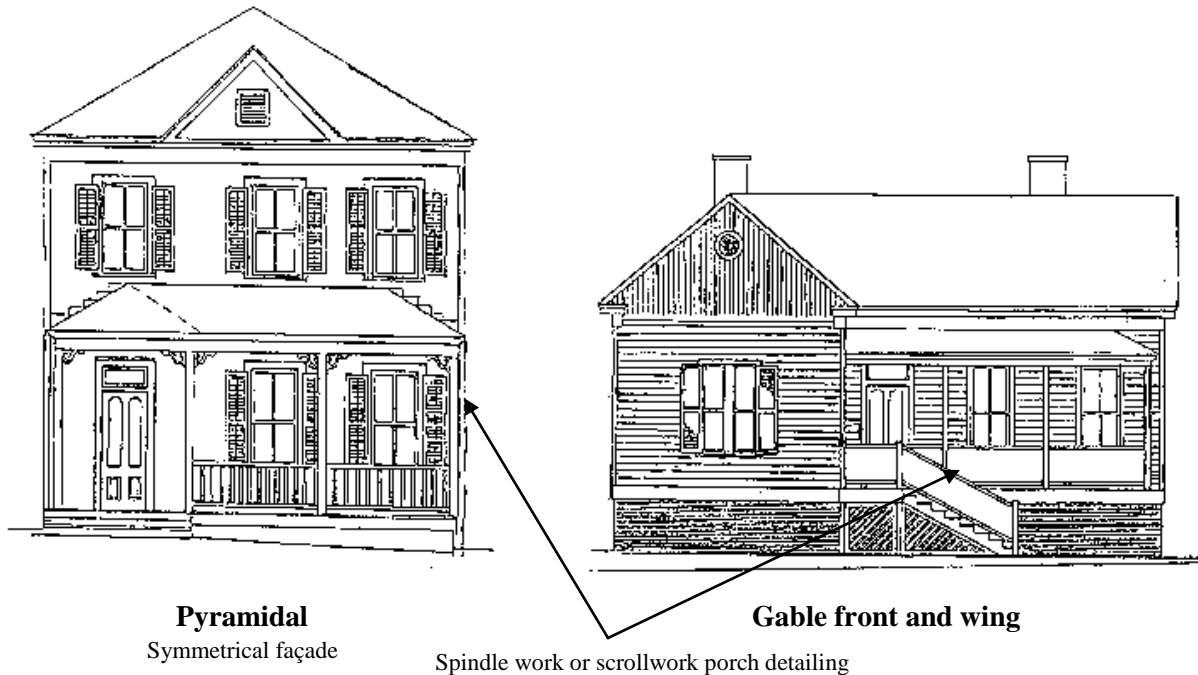
### Queen Anne 1880-1910

Queen Anne's are characterized by steeply pitched roofs of irregular shapes, usually with a dominant front facing gable; patterned shingles, cutaway bay windows, and other devices used to avoid a smooth walled appearance; asymmetrical façade with partial or full-width porch which is usually one story high and extended along one or both side walls. Most Queen Anne houses in Montgomery have steeply hipped roofs with lower cross gables or a simple cross gable roof. Queen Anne's often display gable ornamentation, spindlework and scrollwork, eave dentils, large paned windows bounded by smaller panes, bay windows, and lace like brackets (as opposed to heavier craftsman brackets).

### Victorian era houses (Queen Anne, Second Empire—late 19<sup>th</sup> and early 20<sup>th</sup> century)

The well-known "painted ladies" in San Francisco - Queen Anne row houses with eye-popping color combinations - are quite a bit more vibrant than historical Victorian-era paint jobs. Some Victorians sported the subdued colors found in earlier styles. Dubbed the "muddy color" era, Victorian era houses employed deep rich colors of dark greens, saturated olives, deep browns, rusts, and mustard yellows, rich brick reds.

Basic house with simple folk house form



### **Folk Victorian** 1870-1910

The Folk Victorian style displays the use of Victorian ornamentation on some basic house forms, and with the exception of a gable front and wing type, the facades are symmetrical, unlike the Queen Anne houses. Basic forms are a front gabled roof (which also includes shotguns), gable front and wing (very common in Montgomery), one storied side gable roof, a two story side gabled roof, a one and two story pyramidal roof form (the Montgomery variant is a steep hipped roof, but it does not always form a true pyramid). Most Folk Victorian houses have some Queen Ann spindlework detailing but are easily differentiated from true Queen Anne examples by the presence of symmetrical facades and their lack of textured and varied wall surfaces.

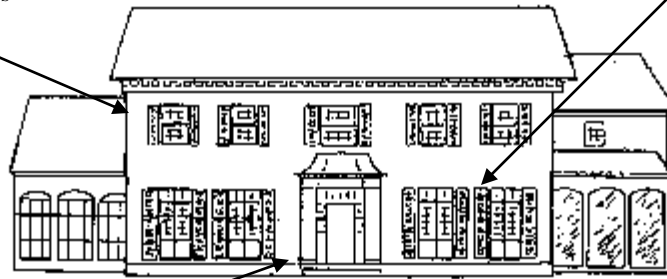
### **Victorian era houses (Queen Anne, Second Empire—late 19<sup>th</sup> and early 20<sup>th</sup> century)**

The well-known "painted ladies" in San Francisco - Queen Anne row houses with eye-popping color combinations - are quite a bit more vibrant than historical Victorian-era paint jobs. Some Victorians sported the subdued colors found in earlier styles. Dubbed the "muddy color" era, Victorian era houses employed deep rich colors of dark greens, saturated olives, deep browns, rusts, and mustard yellows, rich brick reds.

Windows with double hung sashes, usually with multi-paned glazing in one or both sashes

Windows frequently in adjacent pairs

Accentuated front door, normally with decorative crown supported by pilasters or extended forward and supported by slender columns to form entry porch; fanlights or sidelights may be present

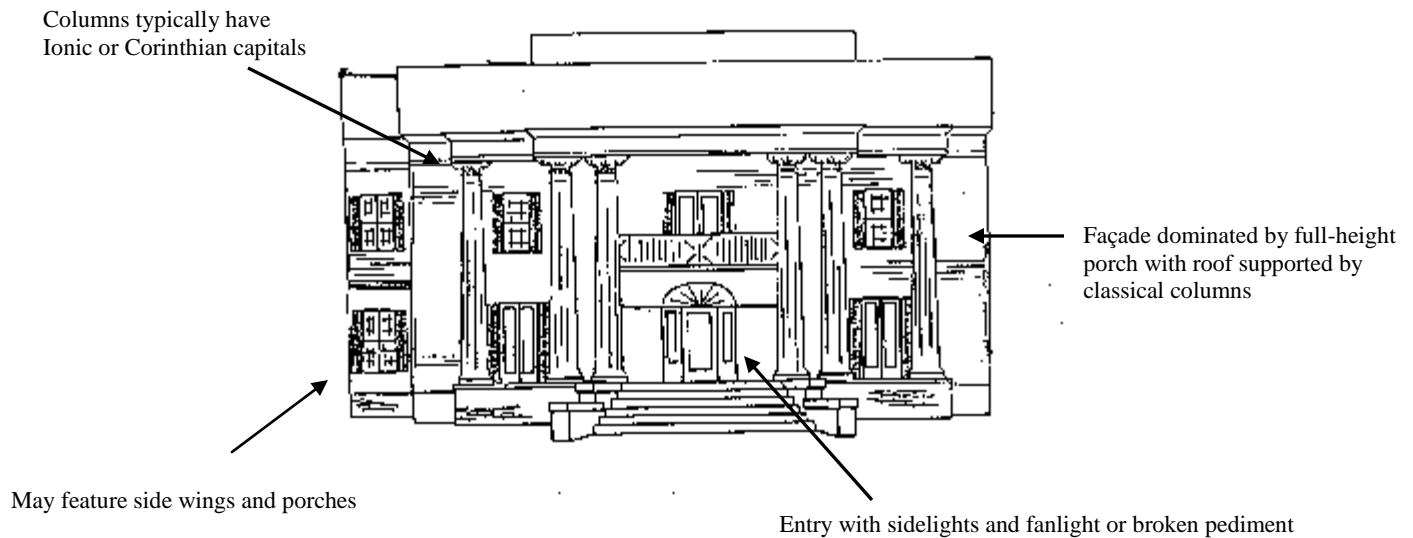


Façade normally with symmetrically balanced windows and center door

## Colonial Revival 1880-1955

Colonial Revivals are characterized by an accentuated front door, normally with a decorative crown or pediment supported by pilasters, or extended forward and supported by slender columns to form an entry porch; doors commonly have overhead fanlights or sidelights; façade normally shows symmetrically balanced windows and center door; windows with double hung sashes, usually with multi-pane glazing on one or both sashes; windows are frequently in adjacent pairs. Generally Colonial Revival houses are two stories, but a one story variant of the Cape Cod house is also present.

As the nineteenth-century waned, American domestic architecture began to return to simpler lines inspired in part by our colonial past. White, gray, gray-blue, gray green, or yellow on the body, white trim and sashes, dark (often green or black) shutters and doors. All-wood Colonial Revivals also lightened and whitened so that, by World War II and into the 1950s, a white body was prescriptive, highlighted by bright contrasting shutters or trim.



### **Neoclassical/Classical Revival** 1895-1950

A Classical Revival (or Neoclassical) house is identified by a façade dominated by a full height porch (portico) with a roof supported by classical columns; columns typically have Ionic or Corinthian capitals; facades show symmetrically balanced windows and a center door. Fluted columns were used on earlier houses, but by 1925, slender unfluted columns (round or square) became more prevalent. Doors commonly have elaborate decorative surrounds. Eaves are usually boxed with a moderate overhang, frequently with dentils or modillions in a frieze band beneath the cornice. Windows are rectangular with double hung sashes, with 1, 6, or 9 panes in the upper sash with one pane in the lower.

For wood sided structures, light body color and white trim and sashes. If shutters present, they were often a deep, contrasting color. Doors were either white or sometimes a contrasting dark color as well. Brick classical revivals were often unpainted with white/light colored details (columns, trim, sashes and doors).

Massive chimneys,  
commonly crowned  
by decorative  
chimney pots

Façade dominated by one  
or more cross gables,  
usually steeply pitched.

Decorative half timbering  
common

Tall narrow  
windows,  
commonly in  
multiple groups  
with multi-pane  
glazing.

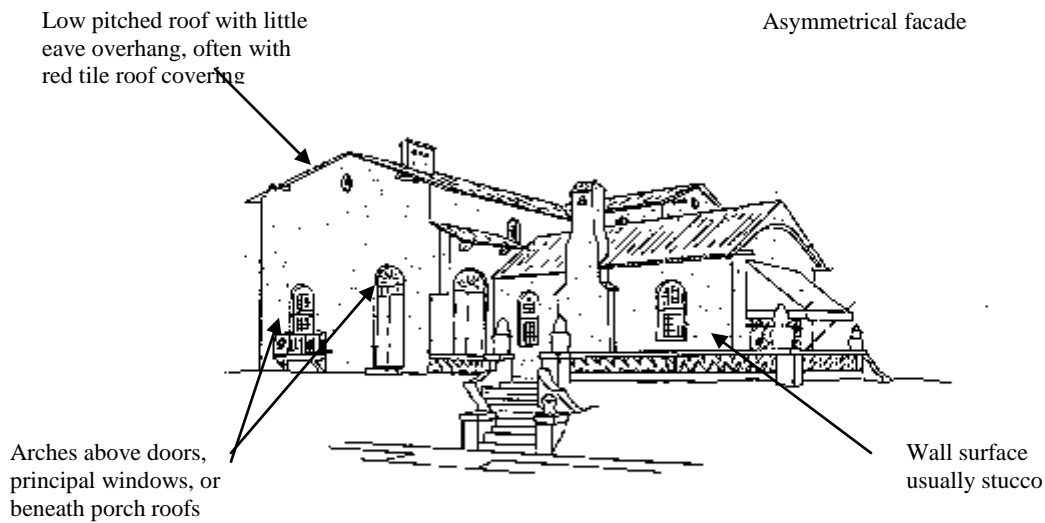


### **Tudor Revival** 1890-1940

Tudor Revival have steeply pitched roofs, usually with a side gable; façade dominated by one or more prominent cross gables, usually steeply pitched; decorative half timbering present; tall, narrow windows, usually in multiple groups and with multi-pane glazing; massive chimneys, commonly crowned by decorative chimney pots. The most common variants in Montgomery are brick and wood clad first stories with stucco and half timbering in the second story or gables of one story house. Doorways may exhibit small tables of cut stone that project into surrounding brickwork, giving a quoin effect. Simple round arched doorways with heavy board and batten doors are also common. Tudor (flattened pointed) arches are often used in door surrounds or entry porches.

While each of these styles differs in details, they are also part of a general shift away from Victorian ornamentation. The Arts and Crafts movement emphasized harmony with nature, a return to the handmade, and rejection of machine-like precision. The houses of this period often enjoy a great degree of ornamentation, but the ornament was used to emphasize the structure and construction of the building rather than to adorn for the sake of adornment. The colors used were less saturated and more earthy than the rich Victorian era-colors. These houses work best using the colors of nature; earth-browns, moss greens, sand yellows, and terra cotta reds. In addition, while trim colors were used to bring out architectural details, they were chosen to complement the overall color scheme rather than to emphasize specific architectural elements.





### **Spanish Eclectic** 1915-1940

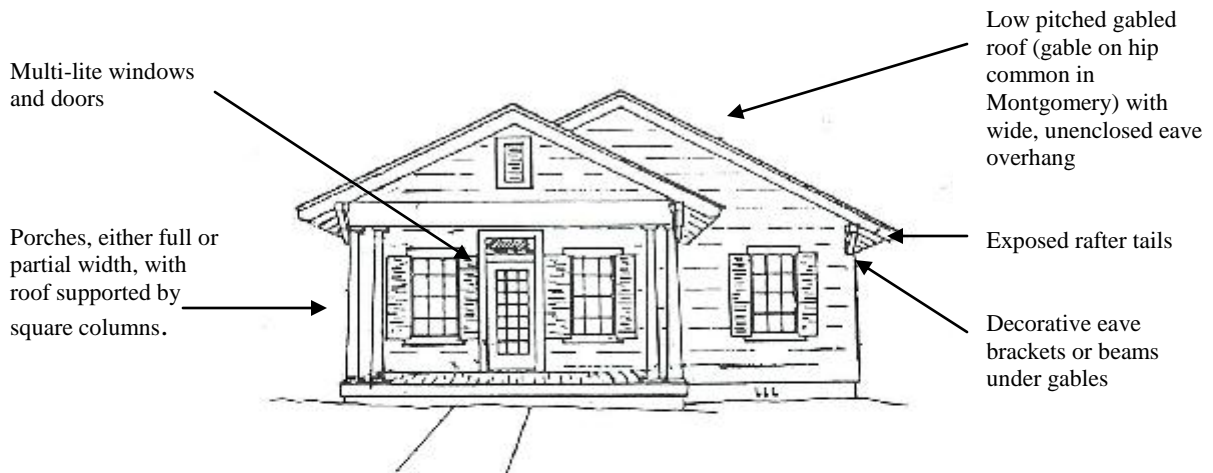
Characterized by low pitched roof, usually with little or no eave overhang; red or green tile roof covering; typically with one or more prominent arches placed above door or principal window, or beneath porch roof; wall surface usually stucco; façade is normally asymmetrical. Doors are often made of heavy wood panels that are sometimes arched.

Generally executed as unpainted masonry veneered buildings or stucco buildings with a terra cotta tile roof. Paint colors generally compliment the tile in shades of white or light neutral earth tones with darker sashes and trim.



**Prairie**  
common vernacular form also known as Foursquare  
1900-1920

Prairie style houses are characterized by a low pitched roof, which is usually hipped, with wide overhanging eaves. They are generally two stories with one story porches. Eaves, cornices, and façade detailing emphasize horizontal lines, drawing the eye across more than vertically. Porch supports are often massive, square columns that are often constructed of brick or heavy wood columns on brick piers. Prairie style shares detail elements, such as door and window styles, with the Craftsman/bungalow.



### **Craftsman/Bungalow** 1905-1930

Generally low pitched gable roofs, although earlier bungalows in Montgomery tend to have higher pitches with a gable on hip roof, wide unenclosed eave overhang; roof rafters exposed; decorative beams or braces commonly added under gables; porch, either full or partial width with roof supported by squared or tapered columns. Common craftsman doors include full multi-lite doors, half glass multi-lite doors, and 1/3 glass multi-lite doors in various patterns. Windows are also varied, with 9/1 very common, and larger 12/1 and 16/1 as well as vertical or diamond panes in the upper sash over a single pane. Most craftsman houses have wood weatherboard siding or wood shingles, and some also exhibit half timbering similar to the Tudor Revival style.

The Arts and Crafts movement emphasized harmony with nature, a return to the handmade, and rejection of machine-like precision. The houses of this period often enjoy a great degree of ornamentation, but the ornament was used to emphasize the structure and construction of the building rather than to adorn for the sake of adornment. The colors used were less saturated and more earthy than the rich Victorian era-colors. These houses work best using the colors of nature; earth-browns, moss greens, sand yellows, and terra cotta reds. In addition, while trim colors were used to bring out architectural details, they were chosen to complement the overall color scheme rather than to emphasize specific architectural elements.

# Architectural Review Board

## Guidelines



City of Montgomery  
Planning Controls Division  
March 1985

Adopted 8/27/85

## CONTENTS

INTRODUCTION . . . . .	1
Architectural Review Board Guidelines.....	2
Color Palette.....	16
Short form guidelines.....	25
Architectural Review Board Procedures.....	28
Facts about local historic designations.....	29
Criteria for local designation.....	30
Demolition procedures in Historic Districts.....	31
List of minor work.....	32
Guidelines for Commemorative Historic Signs.....	33
Architectural Review Board application.....	34
Map of Historic Districts.....	35

## ARCHITECTURAL REVIEW BOARD GUIDELINES

### I. Introduction

In 1967, the Architectural Review Board (ARB) was established to monitor external changes, such as alterations and additions, to locally designated historic structures. The purpose of this review is to prevent the overall historic and architectural character of the historic district from changing through many small, or a few large, detrimental changes. Changes which can be seen from the street are more intensively reviewed. This document provides a set of guidelines on materials which have been consistently approved by the Board. Many of these materials are similar to those which were used in the historic structures when they were built. The list of Acceptable materials is not comprehensive and in special instances materials which are listed on the Not Acceptable list may be approved. Each case is considered separately and on its own merits. No particular architectural style, whether traditional or modern, is preferred.

Again, these guidelines are not to be construed as the only criteria for renovation, but are to be used to assist the home owner in selecting materials that would add historic merit to the individual character of the structure and district.

The Architectural Review Board (ARB) reviews all external changes to buildings in a historic district. Repairs, maintenance, and minor work can be approved in the office. When the contractor or owner comes down to get a building permit in Building Inspections (Room 134, City Hall), ~~if the property has been locally designated then the individual is referred to Room 227 for Architectural Review Board approval.~~ If the exterior work falls within the "List of Minor Work" it is approved subject to confirmation at the next regularly scheduled ARB meeting. In this case the staff writes a letter to Building Inspections approving the proposal subject to confirmation and the applicant receives a copy of the letter and application and finishes applying for a building permit. If the work alters the front of the building or is a structural change which can be seen from the street, then the applicant is scheduled for full review at the next regular meeting. Meetings of the Architectural Review Board are held on the fourth Tuesday of each month at 4:00 P.M. in the City Council Chambers. The agenda for each meeting closes 12 days in advance so that items can be advertised in the newspaper and a sign can be posted on the property for full review items. Elevation drawings are required for changes to the front of the house. Paint samples are required for painting review applications. Site plans are required for fencing, landscaping, and other work done in the yard of the building. At the meeting the plans and samples submitted are reviewed, the applicant explains any details omitted from the writeup on the agenda, and the Board requests further information from the applicant as necessary. Then the Board makes a decision to approve, approve with stipulations, or deny the request. The applicant can get a

this is NOT current 2013

## DRAFT ARCHITECTURAL REVIEW BOARD GUIDELINES

### I. Introduction

In 1967, the Architectural Review Board (ARB) was established to monitor external changes, such as alterations and additions, to locally designated historic structures. The purpose of this review is to prevent the overall historic and architectural character of the historic district from changing through many small, or a few large, detrimental changes. Changes which can be seen from the street are more intensively reviewed. This document provides a set of guidelines on materials which have been consistently approved by the Board. Many of these materials are similar to those which were used in the historic structures when they were built. The list of Acceptable materials is not comprehensive and in special instances materials which are listed on the Not Acceptable list may be approved. Each case is considered on its own merits. No particular architectural style, whether traditional or modern, is preferred.

Again, these guidelines are not to be construed as the only criteria for renovation, but are to be used to assist the home owner in selecting materials that the Board feels would add historic merit to the individual character of the structure and district.

## II. The Difference between National and Local Historic Designation

National and local historic designation helps to preserve Montgomery's structures of historic and architectural significance. Property owners in historic districts benefit from increased stability and preservation of the character of the neighborhood.

Local historic designation of a structure or district is accomplished through nomination by the Montgomery Historic Development Commission and formal designation by the City Council. "Category A" designation means that the owner of the structure has approved the nomination or that 75 percent of the property owners in the district have agreed to local historic designation. Once designated, outside structural changes such as repair, renovation, and additions must be approved by the Architectural Review Board. The Board is particularly concerned with how the structural alteration will look from the street. "Category B" designation occurs when consent for historic designation has not been received from the owner, but the City Council votes to designate the property to protect it from future demolition or destructive changes. The Historic Development Commission, instead of the Architectural Review Board, reviews proposals to destructively alter or demolish "Category B" designated properties. Unlike National Register properties, tax incentives are not available for locally designated properties.

National Register Listing, administered through the Alabama Historical Commission for the U. S. Department of Interior, requires full documentation of the significance of the structure. It provides federal tax incentives for owners of income producing properties who rehabilitate the structure inside and outside following specific rehabilitation standards. If these Federal standards are not followed, the federal tax incentives cannot be used.

## III. General Information

The Architectural Review Board (ARB), comprised of five regular members and four supernumery members, hears all requests for repairs, additions and new construction in historic districts. Its primary goal is to insure that exterior changes to structures and landscaping in historic districts are in keeping with the character of the neighborhood, thus protecting the uniqueness of the neighborhood and the investment of property owners. Structural changes which alter the front of the building or which can be seen from the street (on a corner lot, from either street) are more carefully considered.



1. The ARB meets on the fourth Tuesday of each month. The deadline for application to the ARB for renovation or construction in an historic district is 10 days before the next scheduled meeting. Supporting materials such as paint samples, site plans and drawings are required with the application to the Planning Controls Division, Room 227, City Hall. Proposals will be advertised in the Legal Notices section of the Montgomery Advertiser/Journal.
2. Advisory opinions are issued by the Board upon the request of the property owner.
3. Add-ons to the agenda (requests for review or confirmation after the deadline for application) may be heard at regularly scheduled meetings.
4. There is a one-year time limit on the implementation of any approval granted by the ARB.
5. If you need assistance in preparing your application, or if you have any questions about the process, please call the Planning Controls Division at 832-2722 between 8:00 AM and 5:00 PM Monday through Friday.

#### IV. Supporting Materials For The ARB Presentation

A. For new construction, or for extensive renovation or repair of existing structures:

1. Site plans and elevations including the following:
  - a. Overall dimensions with elevation details where necessary;
  - b. Type of materials to be used on walls, roof, windows, trim, etc. (Submit samples if possible);
  - c. Screening for utilities; and
  - d. Color samples for exterior finishing.
2. Site plans with dimensions, proposed fences, accessory buildings, parking facilities, exterior lighting, landscaping, etc.
3. Renderings of signs, with lettering, size, colors, type of support, and lighting to be used.

B. For minor renovation or repair:

1. Drawings or photographs showing the front elevation of the building;

2. Drawings or photographs of the area of the building to be altered or added to if different from the front (additions to the building must more closely match the existing structure if they are visible from the street);
  3. Either a written description or drawing of the work to be done, including materials to be used and paint samples; and
  4. Either a written description or a drawing of the site plan explaining fencing, screening, accessory buildings, etc.
- C. For Painting Renovation only, Samples of the Paint Colors to be Used for:
1. Main building;
  2. Trim or decorative features; and
  3. Other areas such as shutters, foundation walls, etc.
- D. For Signs Only:
1. Site plan showing proposed location of sign on lot;
  2. Length and width of sign;
  3. Sample of lettering to be used;
  4. Colors to be used;
  5. Type of support for sign; and
  6. Proposed lighting, if any.
- E. For Fencing Only, Either a Drawing or a Photograph of the Type of Fencing Proposed Showing:
1. Site plan showing placement on the lot;
  2. Materials to be used (Note: Metal fences are not generally acceptable); and
  3. Proposed height (Fences in historic districts are generally limited to 6 feet).
- F. For Demolition Permits:
1. Photograph of the building to be demolished.
  2. Statement of purpose of the demolition, with reference to the future land use of the site. NOTE: If the ARB determines the building to be of architectural or historic value it may delay demolition for 6 months while alternatives such as moving the building are explored. If no alternate plan acceptable to the ARB and the owner is developed a permit to demolish the structure at the end of the six month "grace period" can be issued.

## MATERIAL STANDARDS

### I. Purpose of Guidelines

It is the intent of the following information to provide a set of guidelines on how restoration, renovation, building additions, and new construction can be improved through the use of materials which are the same or similar to those used in the period in which the historic structures were built. The materials suggested in these guidelines are not the only materials which may be used in renovation and construction, but rather are those which have been consistently approved by the Architectural Review Board. HOWEVER, EACH CASE IS CONSIDERED ON ITS OWN MERITS AND MATERIALS WHICH ARE NOT ON THE APPROVED LIST OR WHICH ARE ON THE NOT APPROVED LIST MAY BE ALLOWED IF THEY ARE CONSISTENT WITH THE CHARACTER OF THE HISTORIC STRUCTURE AND THE NEIGHBORHOOD.

### ROOF STYLE

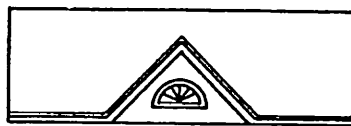
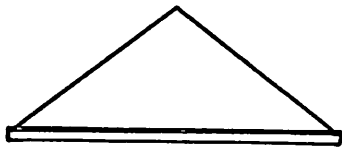
#### Acceptable

Hip  
Mansard  
Gable  
Gambrel

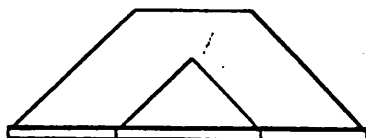
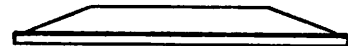
#### Not Acceptable

Flat

All illustrations shown are of acceptable forms.



Hip



Gable



Gambrel

## ROOFING MATERIAL

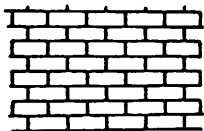
### Acceptable

Slate  
Asbestos shingle  
Asphalt shingle  
Wood shingle  
Tile  
Galvanized metal  
Copper  
Tin  
Terne metal

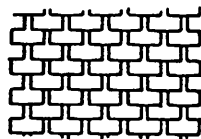
### Not Acceptable

Built-up (on sloped roofs)  
Asphalt roll roofing

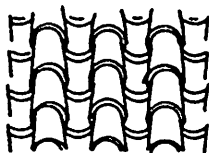
All illustrations shown are of acceptable forms.



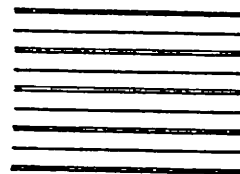
Slate



Shingle



Tile



Galvanized  
Metal

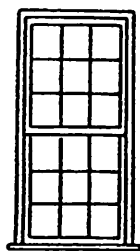
## WINDOWS

### Acceptable

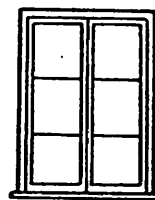
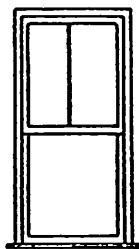
Wood, double-hung  
Wood or metal casement  
Stained or art glass  
Awnings, if appropriate  
Clear-paned storm windows - frame color must be reviewed  
All illustrations shown are of acceptable forms.

### Not Acceptable

Metal sash  
Seamed metal



Wood, Double-hung



Casement



Window with  
Transom

## WINDOW PANES

### Acceptable

Clear  
Art Glass  
Stained Glass

### Not Acceptable

Solar bronze  
Other tinted panes

## SIDING

### Acceptable

Wood, (6" lap or less)  
Brick  
Stone  
Wood shingle  
Stucco  
Pebble stone

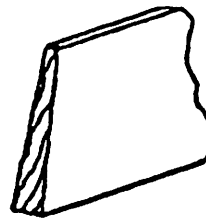
### Not Acceptable

Asbestos shingle or panel  
Metal  
Plastic  
Imitation stone or brick  
Plywood or hardboard  
Asbestos  
Concrete block

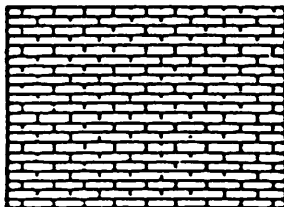
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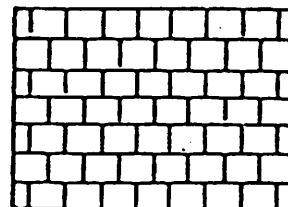
Wood



Bevel Type



Brick



Wood Shingle

## PAINTS AND FINISHES

All colors for exterior painting must be submitted by sample or paint number. Textured or smooth coatings (such as "Dan-Tex" or "Uni-Crete") may be approved for properly prepared surfaces such as stucco, but shall be rejected as a substitute for stucco.

## SHUTTERS

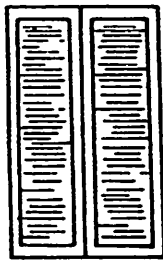
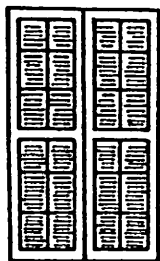
### Acceptable

Wood louvered, operable  
 Wood louvered, fixed  
 Wood solid, panel  
 Wood solid, decorative perforations

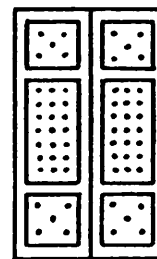
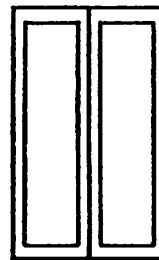
### Not Acceptable

Metal  
 Other

All illustrations shown are of acceptable forms.



Wood Louvered



Wood Solid

## DOORS

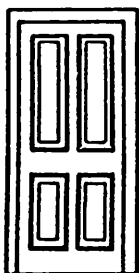
### Acceptable

Wood-paneled, carved and decorative  
 Wood with glass lights  
 Wood with glass sidelights and/or transom

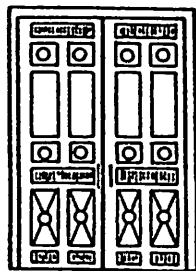
### Not Acceptable

Metal  
 Wood-flush type  
 Other

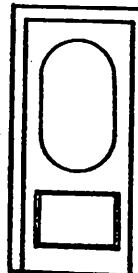
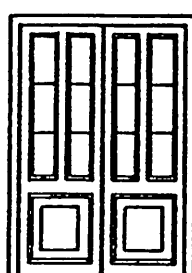
All illustrations shown are of acceptable forms.



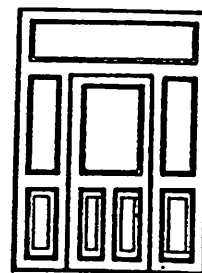
Paneled



Decorative



Glass Lights



Sidelights  
 and/or Transom

## PORCHES

Canopies must have a nine foot clearance and style must be submitted for approval

### Wood Frame Buildings

#### Acceptable

Shaped or square wood columns  
Shaped or square wood railing members  
Wood stairs and floor  
Wrought iron or cast iron columns and railings  
Concrete stairs at rear of house

#### Not Acceptable

Aluminum  
Concrete stairs and floor  
Metal pipe or tubing post and railings  
Other

### Brick and Stone Buildings

#### Acceptable

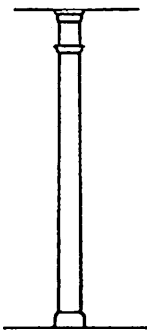
Shaped or square wood columns  
Shaped or square wood railing members  
Wood stairs and floor  
Wrought iron or cast iron columns and railings

#### Not Acceptable

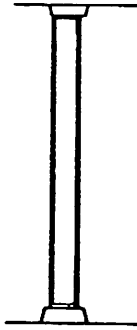
Aluminum  
Metal pipe or tubing post and railings  
Other

All illustrations shown are of acceptable forms.

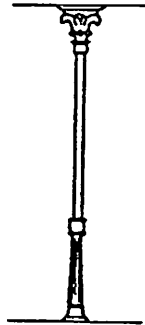
### Columns



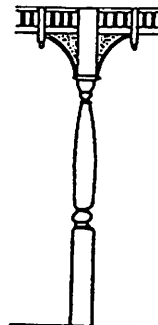
Round



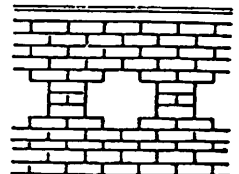
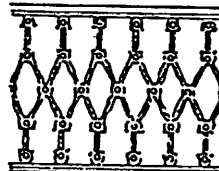
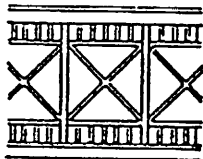
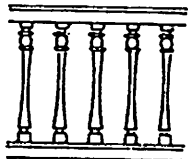
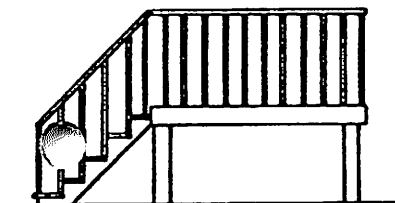
Square



Shaped



### Railings



## RAISED FOUNDATIONS--CLOSURES FOR

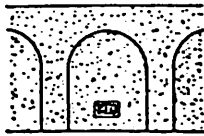
### Acceptable

Concrete with stuccoed surface  
Brick or stone  
Wood (horizontal or vertical boards)  
Lattice

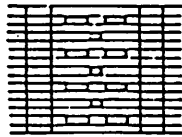
### Not Acceptable

Metal  
Plywood panels  
Asbestos panels  
Concrete without  
    stuccoed surface  
Concrete block  
Other

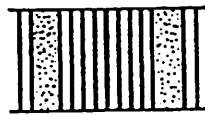
All illustrations shown are of acceptable forms.



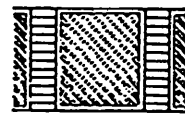
Concrete



Brick



Wood



Lattice

## ACCESSORY BUILDINGS

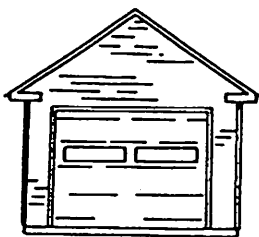
### Acceptable

Materials conforming to the style of the building they are an accessory to, including roof type and slope, siding, doors, windows, and ornamentation. For accessory buildings not visible from the street roof type, slope, and siding should conform to main building. Metal buildings will be closely scrutinized based on screening (landscaping) and location on the lot.

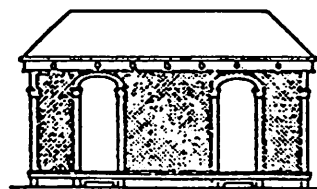
### Not Acceptable

Not conforming to acceptable styles and materials

All illustrations shown are of acceptable forms.



Garage



Summerhouse



## FENCES, GATES, AND WALLS

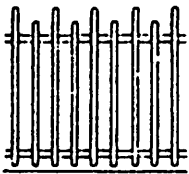
### Acceptable

Wood picket  
Wood slat or lattice  
Post and rail  
Wrought iron  
Brick  
Stone  
Concrete or masonry with  
cement plaster coating

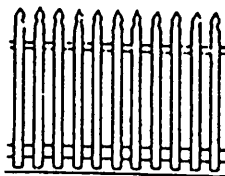
### Not Acceptable

Chain-link  
Stockade  
Bamboo or reed  
Hardboard or asbestos  
panel

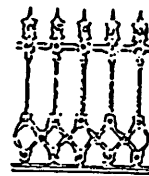
All illustrations shown are of acceptable forms.



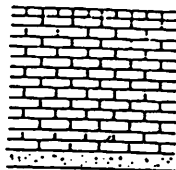
Square Pickett



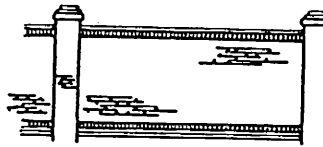
Flat Pickett



Cast Iron



Brick



## WALKS AND DRIVEWAYS

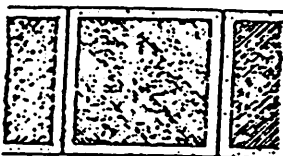
### Acceptable

Concrete  
Brick  
Unglazed tile  
Sandstone, marble, and  
slate paving stones  
Concrete paving blocks  
Packed earth or soil cement  
mixture  
Asphalt (driveways only)  
Loose gravel walks or drives

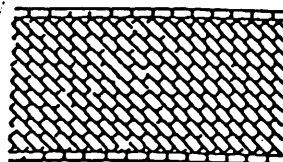
### Not Acceptable

Asphalt walks

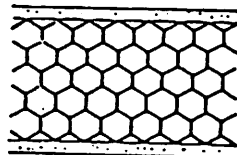
Subject to Engineering standards  
All illustrations shown are of acceptable forms.



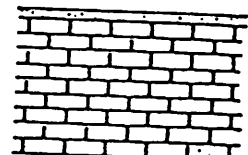
Concrete



Brick



Unglazed Tile



Slate/Stone

## LIGHTING

### Acceptable

Incandescent security lights for residences

### Not Acceptable

Mercury vapor floodlights for residences

## SIGNS

### Acceptable

Proposed signs should not exceed 20 square feet of surface area. Designs for the mounting, framing, etc. must be approved. The material for the mounting should be compatible with the materials in the building. Style and color of lettering must be compatible with the building and location. Location of sign on lot must be approved. Lighting: top or ground lighting such as floods or spots. Interior lighting, if shielded.

### Not Acceptable

No moving or flashing lights.

## PARKING LOTS

### Acceptable

Fencing or screening that is high enough to conceal parked cars. Materials acceptable for fences are acceptable for parking lots. Chain-link fences may be used if screened by vines and shrubs - prior and follow-up review is required. Type of paving must be included in request. Any visible lighting must be included in request. Planted shrubs that are high enough to conceal parked cars may be used.

### Not Acceptable

Any screening that does not conceal parked cars.

## LANDSCAPING

Landscaping can add to the beauty, uniqueness, and character of the neighborhood. Landscaping should be compatible in scale and type of planting with the historic structure and neighborhood. A site plan for the proposed landscaping should be included with the application for review by the ARB.

### II. New Construction

New buildings that are constructed in historic districts should try to harmonize with adjacent buildings and the neighborhood through the use of scale, materials, design elements, roof style, and landscaping. It is not necessary to attempt to duplicate a particular historic period or style.

The appropriateness of each proposed structure will be evaluated by whether it fails to substantially contradict the following elements:

**SCALE:** New buildings should be similar in proportion to existing buildings in the neighborhood. They should not be noticeably taller, shorter, wider, or narrower than adjacent buildings. Design elements within the building, such as windows, doors, railings, sidings, and similar details, should be similar to neighborhood buildings. Setbacks should be similar.

**MATERIALS:** New materials should complement the materials used in the district--wood siding, stone, brick, and stucco.

**DETAILS:** Details such as cornices, arches, lintels, column styles, and chimneys should be compatible with those on nearby buildings. Duplication of existing styles is unnecessary. The colors used on new buildings should also coordinate with those on historic buildings.

**ROOFS:** Roof shapes and materials for new buildings should harmonize with the shapes and scale of those in the historic district because this is such a noticeable building element.

**LANDSCAPING:** Landscaping of the new building should be compatible with nearby buildings in visual effect and types of plants. Paving materials that are similar to those in the historic district would be considered favorably.

## PROCEDURES FOR DEMOLITION

### ARCHITECTURAL REVIEW BOARD

#### DEMOLITION IN A HISTORIC DISTRICT

1. Photograph of the building to be demolished.
2. Statement of purpose of the demolition, with reference to the future land use of the site. It is the policy of the ARB to require the submission of plans for any building or other project which will be constructed on the site, before the issuance of a demolition permit. The applicant shall present evidence on the present condition of the building and the cost of rehabilitating it and maintaining it.  
NOTE: If the ARB determines the building to be of architectural or historic value it may delay demolition for 6 months while alternatives such as moving the building are explored. If no alternate plan acceptable to the ARB and the owner is developed, a permit to demolish the structure at the end of the six month "grace period" can be issued.
3. Request for the removal of a designated house shall be subject to the same criteria as if the house were to be demolished.

#### BUILDING DEPARTMENT PERMIT:

1. A health clearance must be obtained from the Environmental Division, Montgomery County Health Department, 515 West Jeff Davis, phone 263-6671, extension 29.
2. A clearance must also be obtained from the Water Works Board, 22 Bibb Street, phone 264-3490.
3. It is necessary to post a \$200.00 bond with the Finance Department, City Hall (Monroe Street side) for house and commercial structure demolition. Small accessory buildings and residential garages do not require this deposit.
4. A Demolition Permit is then needed. This can be obtained from the Permit Section of the Building Department, Room 134 at a cost of \$25.00. Small accessory buildings and residential garages repair permits are \$5.00. This permit can only be issued to a licensed contractor or to the owner. If an agent comes in for the licensed contractor, a written request is required.
5. Demolition must be completed within thirty days from the date of permit.

## LIST OF MINOR WORK

1. Repairs, ordinary maintenance and painting that do not change the character or style of the house, building, or structure to be rehabilitated. The rule on painting shall include painting structures where the paint being used is included in an "Historic Color Palette" adopted by the Board.

Note: Property owners and tenants are allowed to repaint their buildings the identical color without an application to the Architectural Review Board.

2. Reroofing of any building, house, or structure using materials that will not change the appearance or style of the architecture such as: black, grey, or weatherblend or similar color, three-tab shingles.
3. Repair or replacement of fencing and walls that are in harmony with the character and architectural style of the structure and historic district in which it is located; or the repair, replacement, or construction of fencing and walls that will not be visible from any street.
4. Repair, replacement or construction of an accessory structure (carport, garage, or storage building) located in the rear yard that is not visible from the street, and is in harmony with the character and architectural style of the main structure and the historic district in which it is located.
5. Minor landscaping and site alteration, including sodding, pruning, planting of shrubbery around existing structures, construction of retaining walls and terraces, and small tree removal\* (tree less than eight inches in diameter).

\*Removal of trees on City right-of-ways must be referred to the City Nursery as authorized by Ordinance 94-84.

NOTE: Proposals from historic property owners whose work falls under one of the above items may be approved by Mr. Calvin Lott as a confirmation, subject to approval at the next ARB meeting.

Adopted 11/26/85.

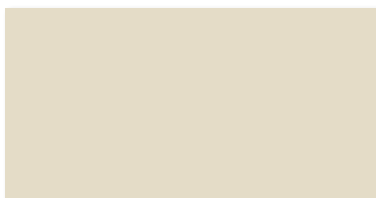


Montgomery  
ALABAMA, USA

# Historical Colors



MHC400-1



MHC400-2



MHC400-3



MHC400-4



MHC400-5



MHC400-6



MHC400-7



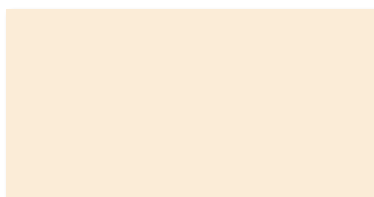
MHC400-8



MHC400-9



MHC400-10



MHC400-11



MHC400-12



MHC400-13



MHC400-14



MHC400-15



MHC400-16



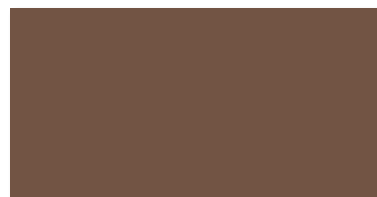
MHC400-17



MHC400-18



MHC400-19



MHC400-20



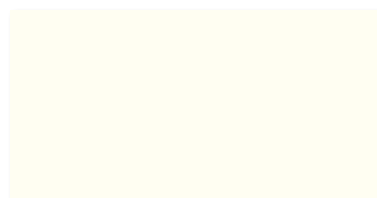
MHC400-21



MHC400-22



MHC400-23



MHC400-24



MHC400-25



MHC400-26



MHC400-27



MHC400-28



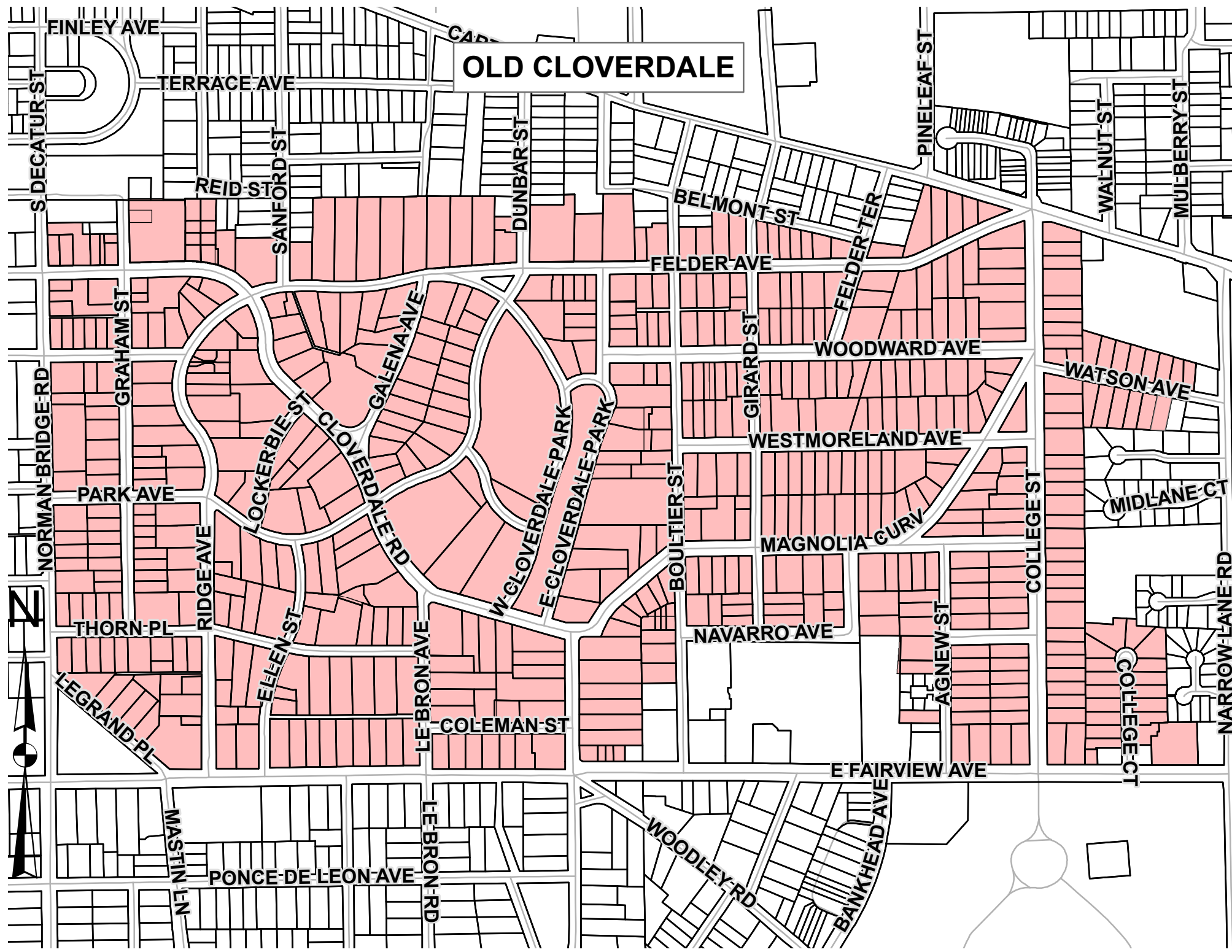
The colors shown represent the actual paint color as accurately as possible. Color Marketing, November 2020.  
The PPG Logo is a registered trademark of PPG Industries Ohio, Inc. ©2020 PPG Industries, Inc. All Rights Reserved.

CCT599509



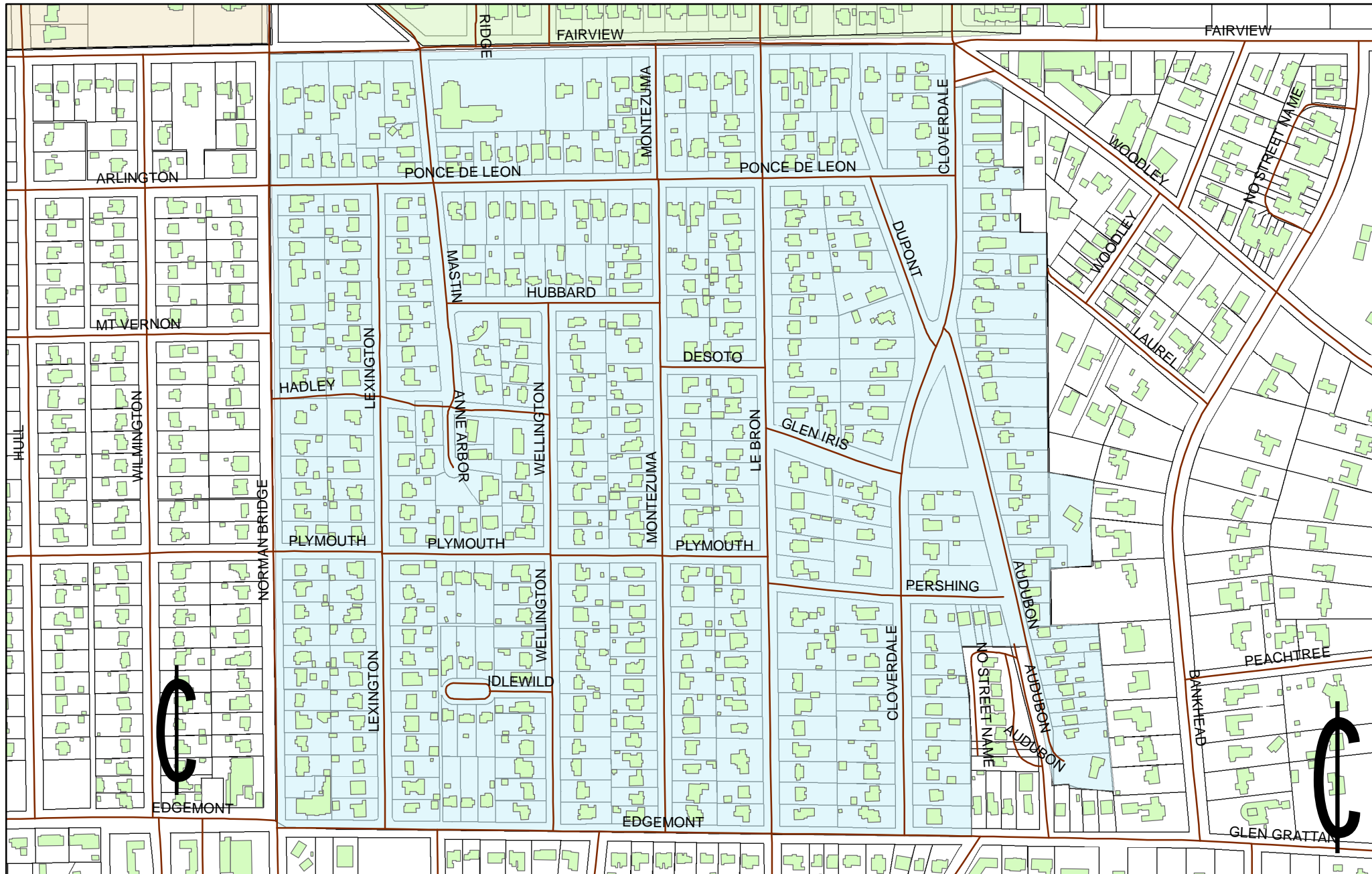
# Capitol Heights Historic Districts

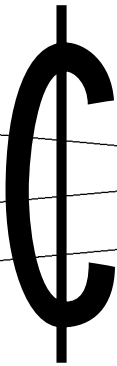
# OLD CLOVERDALE



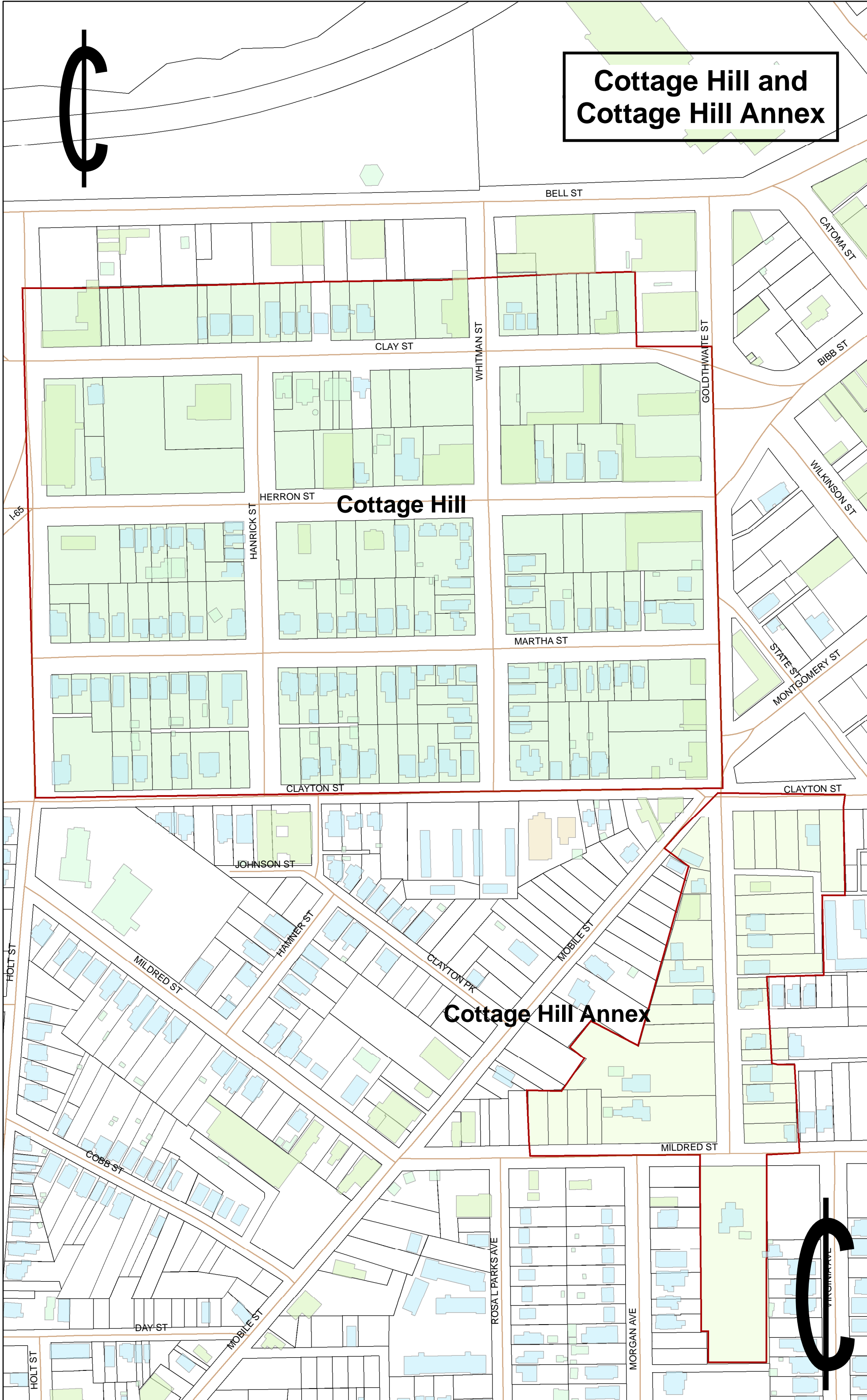


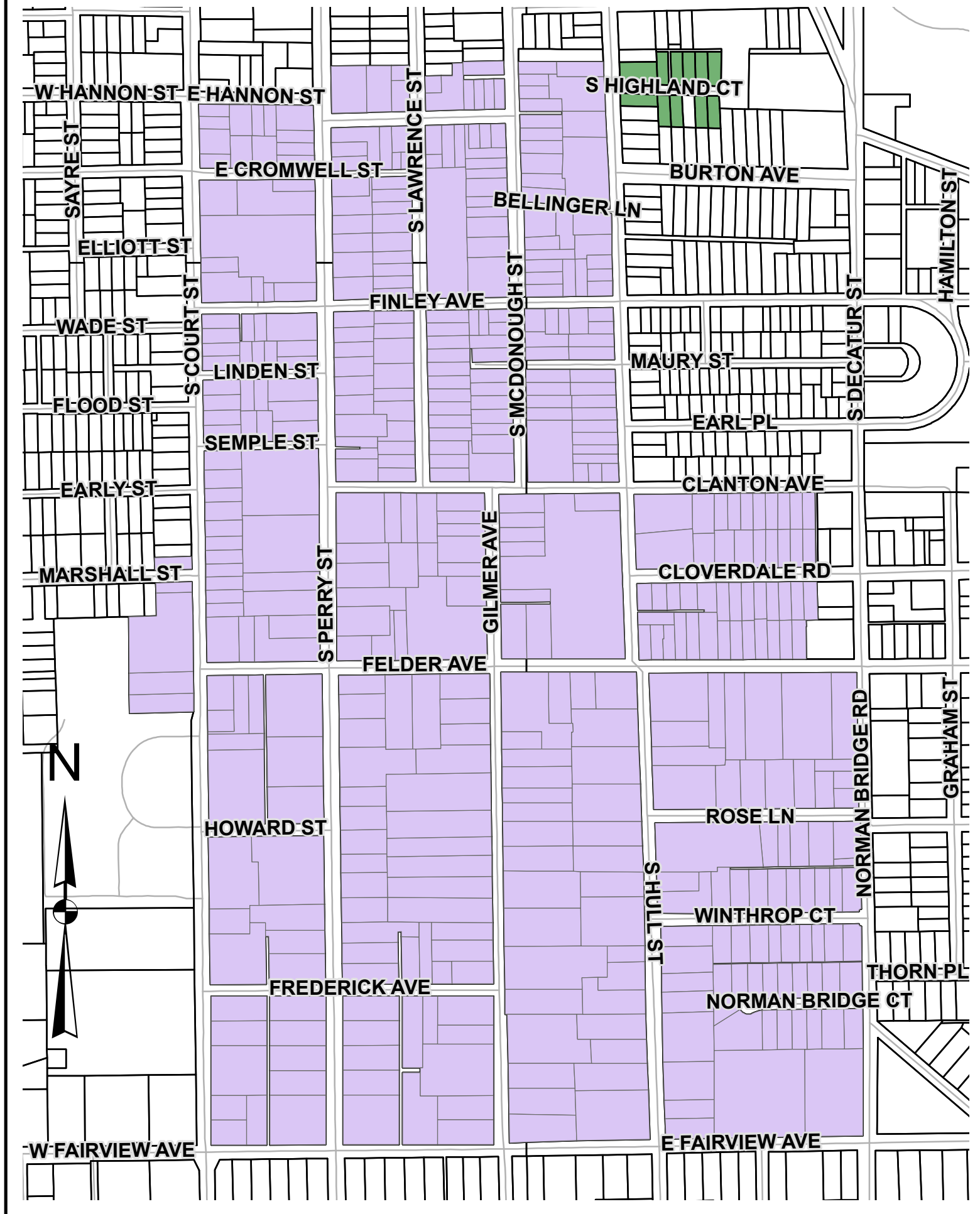
# Cloverdale-Idlewild Historic District





# Cottage Hill and Cottage Hill Annex





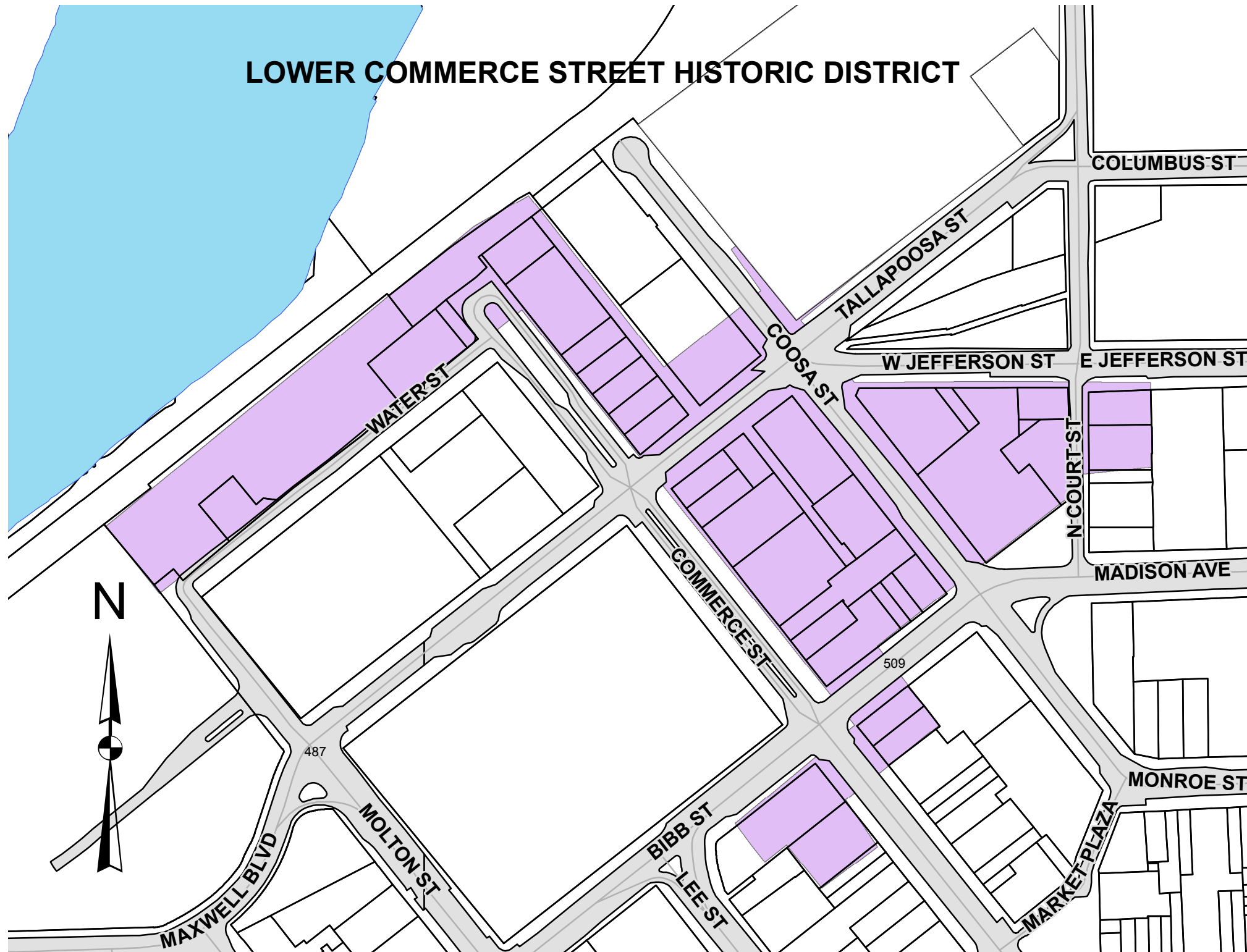
Garden District with South Highland Court

**HIGHLAND AVENUE HISTORIC DISTRICT**





# LOWER COMMERCE STREET HISTORIC DISTRICT



303

RANDOLPH ST

N DECATUR ST

N HULL ST

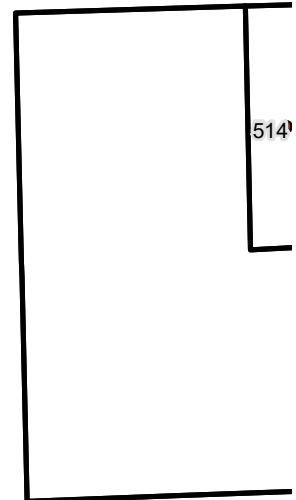
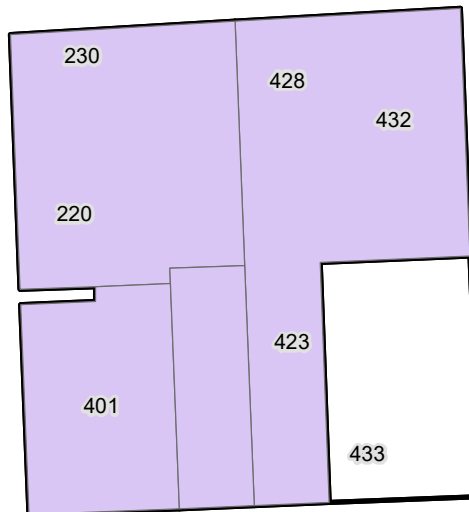
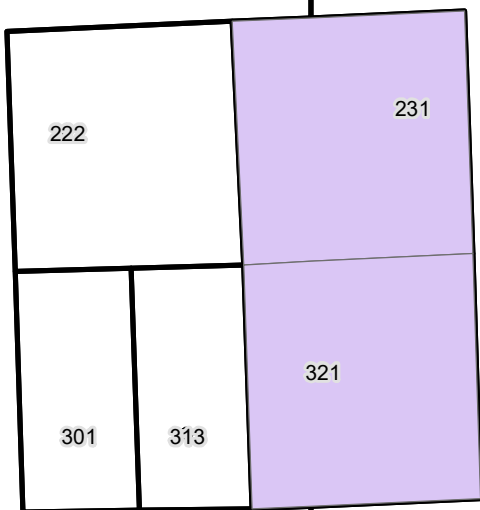
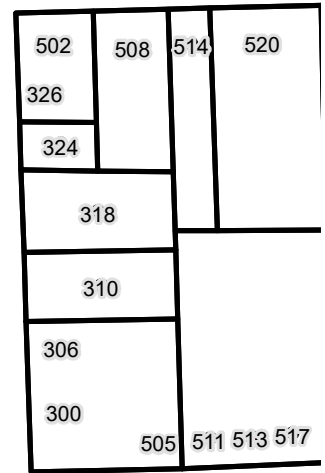
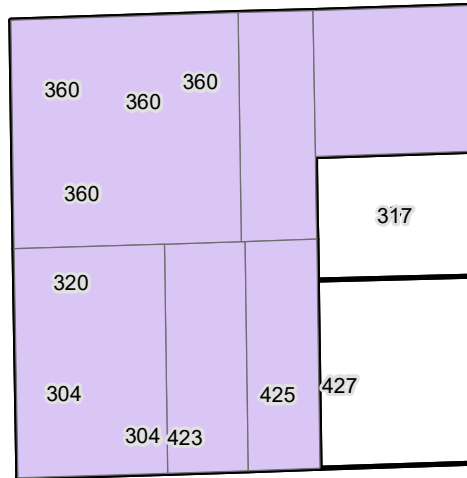
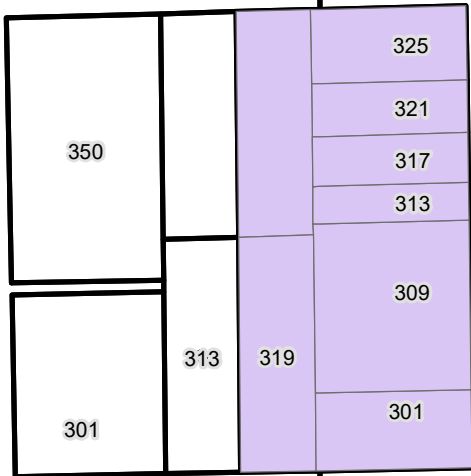
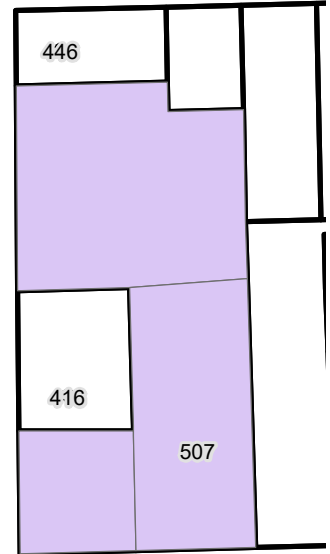
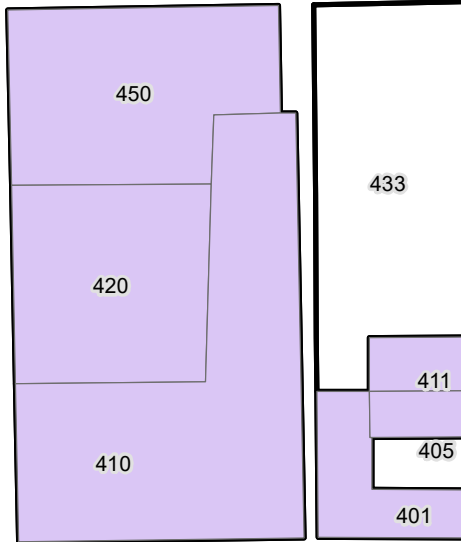
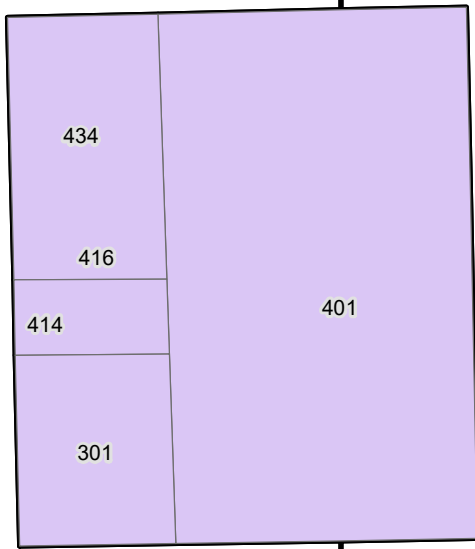
COLUMBUS ST

E JEFFERSON ST

MADISON AVE

N MCDONOUGH ST

N



North Hull Historic District (Old Alabama Town)

**National Historic Preservation Act of 1966,  
As amended through 2006  
[With annotations]**

[This Act became law on October 15, 1966 (Public Law 89-665; 16 U.S.C. 470 et seq.). Subsequent amendments to the Act include Public Law 91-243, Public Law 93-54, Public Law 94-422, Public Law 94-458, Public Law 96-199, Public Law 96-244, Public Law 96-515, Public Law 98-483, Public Law 99-514, Public Law 100-127, Public Law 102-575, Public Law 103-437, Public Law 104-333, Public Law 106-113, Public Law 106-176, Public Law 106-208, Public Law 106-355, and Public Law 109-453. This description of the Act, as amended, tracts the language of the United States Code except that (in following common usage) we refer to the “Act”(meaning the Act, as amended) rather than to the “subchapter” or the “title” of the Code. This description also excludes some of the notes found in the Code as well as those sections of the amendments dealing with completed reports. Until the Code is updated through the end of the 106<sup>th</sup> Congress, the Code citations for Sections 308 and 309 are speculative.]

AN ACT to Establish a Program for the Preservation of Additional Historic Properties throughout the Nation, and for Other Purposes.

**Section 1**

*[16 U.S.C. 470 — Short title of the Act]*

- (a) This Act may be cited as the "National Historic Preservation Act".

*[Purpose of the Act]*

- (b) The Congress finds and declares that —
- (1) the spirit and direction of the Nation are founded upon and reflected in its historic heritage;
  - (2) the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people;
  - (3) historic properties significant to the Nation's heritage are being lost or substantially altered, often inadvertently, with increasing frequency;
  - (4) the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic, and energy benefits will be maintained and enriched for future generations of Americans;
  - (5) in the face of ever-increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present governmental and nongovernmental historic preservation programs and activities are inadequate to insure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation;
  - (6) the increased knowledge of our historic resources, the establishment of better means of identifying and administering them, and the encouragement of their preservation will improve the planning and execution of Federal and federally assisted projects and will assist economic growth and development; and
  - (7) although the major burdens of historic preservation have been borne and major efforts initiated by private agencies and individuals, and both should continue to play a vital role, it is

nevertheless necessary and appropriate for the Federal Government to accelerate its historic preservation programs and activities, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

## **Section 2**

*[16 U.S.C. 470-1 — Declaration of policy of the Federal Government]*

It shall be the policy of the Federal Government, in cooperation with other nations and in partnership with the States, local governments, Indian tribes, and private organizations and individuals to —

- (1) use measures, including financial and technical assistance, to foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony and fulfill the social, economic, and other requirements of present and future generations;
- (2) provide leadership in the preservation of the prehistoric and historic resources of the United States and of the international community of nations and in the administration of the national preservation program in partnership with States, Indian tribes, Native Hawaiians, and local governments;
- (3) administer federally owned, administered, or controlled prehistoric and historic resources in a spirit of stewardship for the inspiration and benefit of present and future generations;
- (4) contribute to the preservation of nonfederally owned prehistoric and historic resources and give maximum encouragement to organizations and individuals undertaking preservation by private means;
- (5) encourage the public and private preservation and utilization of all usable elements of the Nation's historic built environment; and
- (6) assist State and local governments, Indian tribes and Native Hawaiian organizations and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservation programs and activities.

## **TITLE I**

## **Section 101**

*[16 U.S.C. 470a(a) — National Register of Historic Places, expansion and maintenance]*

- (a) (1) (A) The Secretary of the Interior is authorized to expand and maintain a National Register of Historic Places composed of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, engineering, and culture. Notwithstanding section 1125(c) of Title 15 [of the U.S. Code], buildings and structures on or eligible for inclusion on the National Register of Historic Places (either individually or as part of a historic district), or designated as an individual landmark or as a contributing building in a historic district by a unit of State or local government, may retain the name historically associated with the building or structure.

*[National Historic Landmarks, designation]*



- (B) Properties meeting the criteria for National Historic Landmarks established pursuant to paragraph (2) shall be designated as "National Historic Landmarks" and included on the National Register, subject to the requirements of paragraph (6). All historic properties included on the National Register on December 12, 1980 [the date of enactment of the National Historic Preservation Act Amendments of 1980], shall be deemed to be included on the National Register as of their initial listing for purposes of this Act. All historic properties listed in the Federal Register of February 6, 1979, as "National Historic Landmarks" or thereafter prior to the effective date of this Act are declared by Congress to be National historic Landmarks of national historic significance as of their initial listing as such in the Federal Register for purposes of this Act and the Act of August 21, 1935 (49 Stat.666) [16 U.S.C. 461 to 467]; except that in cases of National Historic Landmark districts for which no boundaries have been established, boundaries must first be published in the Federal Register.

*[Criteria for National Register and National Historic Landmarks and regulations]*

- (2) The Secretary in consultation with national historic and archaeological associations, shall establish or revise criteria for properties to be included on the National Register and criteria for National Historic Landmarks, and shall also promulgate or revise regulations as may be necessary for —
  - (A) nominating properties for inclusion in, and removal from, the National Register and the recommendation of properties by certified local governments;
  - (B) designating properties as National Historic Landmarks and removing such designation;
  - (C) considering appeals from such recommendations, nomination, removals, and designations (or any failure or refusal by a nominating authority to nominate or designate);
  - (D) nominating historic properties for inclusion in the World Heritage List in accordance with the terms of the Convention concerning the Protection of the World Cultural and Natural Heritage;
  - (E) making determinations of eligibility of properties for inclusion on the National Register; and
  - (F) notifying the owner of a property, any appropriate local governments, and the general public, when the property is being considered for inclusion on the National Register, for designation as a National Historic Landmark or for nomination to the World Heritage List.

*[Nominations to the National Register]*

- (3) Subject to the requirements of paragraph (6), any State which is carrying out a program approved under subsection (b) of this section, shall nominate to the Secretary properties which meet the criteria promulgated under subsection (a) of this section for inclusion on the National Register. Subject to paragraph (6), any property nominated under this paragraph or under section 110 (a)(2) of this Act shall be included on the National Register on the date forty-five days after receipt by the Secretary of the nomination and the necessary documentation, unless

the Secretary disapproves such nomination within such forty-five day period or unless an appeal is filed under paragraph (5).

*[Nominations from individuals and local governments]*

- (4) Subject to the requirements of paragraph (6) the Secretary may accept a nomination directly from any person or local government for inclusion of a property on the National Register only if such property is located in a State where there is no program approved under subsection (b) of this section. The Secretary may include on the National Register any property for which such a nomination is made if he determines that such property is eligible in accordance with the regulations promulgated under paragraph (2). Such determinations shall be made within ninety days from the date of nomination unless the nomination is appealed under paragraph (5).

*[Appeals of nominations]*

- (5) Any person or local government may appeal to the Secretary a nomination of any historic property for inclusion on the National Register and may appeal to the Secretary the failure or refusal of a nominating authority to nominate a property in accordance with this subsection.

*[Owner participation in nomination process]*

- (6) The Secretary shall promulgate regulations requiring that before any property or district may be included on the National Register or designated as a National Historic Landmark, the owner or owners of such property, or a majority of the owners of the properties within the district in the case of an historic district, shall be given the opportunity (including a reasonable period of time) to concur in, or object to, the nomination of the property or district for such inclusion or designation. If the owner or owners of any privately owned property, or a majority of the owners of such properties within the district in the case of an historic district, object to such inclusion or designation, such property shall not be included on the National Register or designated as a National Historic Landmark until such objection is withdrawn. The Secretary shall review the nomination of the property or district where any such objection has been made and shall determine whether or not the property or district is eligible for such inclusion or designation, and if the Secretary determines that such property or district is eligible for such inclusion or designation, he shall inform the Advisory Council on Historic Preservation, the appropriate State Historic Preservation Officer, the appropriate chief elected local official and the owner or owners of such property, of his determination. The regulations under this paragraph shall include provisions to carry out the purposes of this paragraph in the case of multiple ownership of a single property.

*[Regulations for curation, documentation, and local government certification]*

- (7) The Secretary shall promulgate, or revise, regulations —
  - (A) ensuring that significant prehistoric and historic artifacts, and associated records, subject to section 110 of this Act [16 U.S.C. 470h-2], the Act of June 27, 1960 (16 U.S.C. 469c), and the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470aa and following) are deposited in an institution with adequate long-term curatorial capabilities;
  - (B) establishing a uniform process and standards for documenting historic properties by public agencies and private parties for purposes of incorporation into, or

complementing, the national historic architectural and engineering records within the Library of Congress; and

- (C) certifying local governments, in accordance with subsection (c)(1) of this section and for the allocation of funds pursuant to section 103 (c) of this Act [16 U.S.C. 470c(c)].

*[Review threats to eligible and listed properties and recommend action]*

- (8) The Secretary shall, at least once every 4 years, in consultation with the Council and with State Historic Preservation Officers, review significant threats to properties included in, or eligible for inclusion on, the National Register, in order to —

- (A) determine the kinds of properties that may be threatened;
- (B) ascertain the causes of the threats; and
- (C) develop and submit to the President and Congress recommendations for appropriate action.

*[16 U.S.C. 470a(b) — State Historic Preservation Programs]*

- (b) (1) The Secretary, in consultation with the National Conference of State Historic Preservation Officers and the National Trust for Historic Preservation, shall promulgate or revise regulations for State Historic Preservation Programs. Such regulations shall provide that a State program submitted to the Secretary under this section shall be approved by the Secretary if he determines that the program —

*[Designation of the State Historic Preservation Officer (SHPO)]*

- (A) provides for the designation and appointment by the Governor of a "State Historic Preservation Officer" to administer such program in accordance with paragraph (3) and for the employment or appointment by such officer of such professionally qualified staff as may be necessary for such purposes;

*[Designation of the State Review Board]*

- (B) provides for an adequate and qualified State historic preservation review board designated by the State Historic Preservation Officer unless otherwise provided for by State law; and
- (C) provides for adequate public participation in the State Historic Preservation Program, including the process of recommending properties for nomination to the National Register.

*[Review of State programs]*

- (2) (A) Periodically, but not less than every 4 years after the approval of any State program under this subsection, the Secretary, in consultation with the Council on the appropriate provisions of this Act, and in cooperation with the State Historic Preservation Officer, shall evaluate the program to determine whether it is consistent with this Act.

- (B) If, at any time, the Secretary determines that a major aspect of a State program is not consistent with this Act, the Secretary shall disapprove the program and suspend in whole or in part any contracts or cooperative agreements with the State and the State Historic Preservation Officer under this Act, until the program is consistent with this Act, unless the Secretary determines that the program will be made consistent with this Act within a reasonable period of time.
- (C) The Secretary, in consultation with State Historic Preservation Officers, shall establish oversight methods to ensure State program consistency and quality without imposing undue review burdens on State Historic Preservation Officers.
- (D) At the discretion of the Secretary, a State system of fiscal audit and management may be substituted for comparable Federal systems so long as the State system —
  - (i) establishes and maintains substantially similar accountability standards; and
  - (ii) provides for independent professional peer review.

The Secretary may also conduct periodic fiscal audits of State programs approved under this section as needed and shall ensure that such programs meet applicable accountability standards.

*[SHPO responsibilities]*

- (3) It shall be the responsibility of the State Historic Preservation Officer to administer the State Historic Preservation Program and to —
  - (A) in cooperation with Federal and State agencies, local governments, and private organizations and individuals, direct and conduct a comprehensive statewide survey of historic properties and maintain inventories of such properties;
  - (B) identify and nominate eligible properties to the National Register and otherwise administer applications for listing historic properties on the National Register;
  - (C) prepare and implement a comprehensive statewide historic preservation plan;
  - (D) administer the State program of Federal assistance for historic preservation within the State;
  - (E) advise and assist, as appropriate, Federal and State agencies and local governments in carrying out their historic preservation responsibilities;
  - (F) cooperate with the Secretary, the Advisory Council on Historic Preservation, and other Federal and State agencies, local governments, and organizations and individuals to ensure that historic properties are taken into consideration at all levels of planning and development;
  - (G) provide public information, education, and training, and technical assistance in historic preservation;
  - (H) cooperate with local governments in the development of local historic preservation programs and assist local governments in becoming certified pursuant to subsection (c) of this section;

- (I) consult with the appropriate Federal agencies in accordance with this Act on —
  - (i) Federal undertakings that may affect historic properties; and
  - (ii) the content and sufficiency of any plans developed to protect, manage, or to reduce or mitigate harm to such properties; and
- (J) advise and assist in the evaluation of proposals for rehabilitation projects that may qualify for Federal assistance.

*[Arrangements with nonprofit organizations]*

- (4) Any State may carry out all or any part of its responsibilities under this subsection by contract or cooperative agreement with any qualified nonprofit organization or educational institution.

*[Approval of existing programs]*

- (5) Any State historic preservation program in effect under prior authority of law may be treated as an approved program for purposes of this subsection until the earlier of —
  - (A) the date on which the Secretary approves a program submitted by the State under this subsection, or
  - (B) three years after October 30, 1992 [the date of the enactment of the National Historic Preservation Act Amendments of 1992].

*[Contracts or cooperative agreements with State Historic Preservation Officers]*

- (6) (A) Subject to subparagraphs (C) and (D), the Secretary may enter into contracts or cooperative agreements with a State Historic Preservation Officer for any State authorizing such Officer to assist the Secretary in carrying out one or more of the following responsibilities within that State —
  - (i) Identification and preservation of historic properties.
  - (ii) Determination of the eligibility of properties for listing on the National Register.
  - (iii) Preparation of nominations for inclusion on the National Register.
  - (iv) Maintenance of historical and archaeological data bases.
  - (v) Evaluation of eligibility for Federal preservation incentives.

Nothing in this paragraph shall be construed to provide that any State Historic Preservation Officer or any other person other than the Secretary shall have the authority to maintain the National Register for properties in any State.

- (B) The Secretary may enter into a contract or cooperative agreement under subparagraph (A) only if —

- (i) the State Historic Preservation Officer has requested the additional responsibility;
  - (ii) the Secretary has approved the State historic preservation program pursuant to subsection (b)(1) and (2) of this section;
  - (iii) the State Historic Preservation Officer agrees to carry out the additional responsibility in a timely and efficient manner acceptable to the Secretary and the Secretary determines that such Officer is fully capable of carrying out such responsibility in such manner;
  - (iv) the State Historic Preservation Officer agrees to permit the Secretary to review and revise, as appropriate in the discretion of the Secretary, decisions made by the Officer pursuant to such contract or cooperative agreement; and
  - (v) the Secretary and the State Historic Preservation Officer agree on the terms of additional financial assistance to the State, if there is to be any, for the costs of carrying out such responsibility.
- (C) For each significant program area under the Secretary's authority, the Secretary shall establish specific conditions and criteria essential for the assumption by State Historic Preservation Officers of the Secretary's duties in each such program.
- (D) Nothing in this subsection shall have the effect of diminishing the preservation programs and activities of the National Park Service.

*[16 U.S.C. 470a(c) — Certification of local governments]*

- (c) (1) Any State program approved under this section shall provide a mechanism for the certification by the State Historic Preservation Officer of local governments to carry out the purposes of this Act and provide for the transfer, in accordance with section 103(c) of this Act [16 U.S.C. 470c(c)], of a portion of the grants received by the States under this Act, to such local governments. Any local government shall be certified to participate under the provisions of this section if the applicable State Historic Preservation Officer, and the Secretary, certifies that the local government —
  - (A) enforces appropriate State or local legislation for the designation and protection of historic properties;
  - (B) has established an adequate and qualified historic preservation review commission by State or local legislation;
  - (C) maintains a system for the survey and inventory of historic properties that furthers the purposes of subsection (b) of this section;
  - (D) provides for adequate public participation in the local historic preservation program, including the process of recommending properties for nomination to the National Register; and
  - (E) satisfactorily performs the responsibilities delegated to it under this Act.

Where there is no approved State program, a local government may be certified by the Secretary if he determines that such local government meets the requirements of subparagraphs (A) through (E); and in any such case the Secretary may make grants-in-aid to the local government for purposes of this section.

*[Participation of certified local governments in National Register nominations]*

- (2) (A) Before a property within the jurisdiction of the certified local government may be considered by the State to be nominated to the Secretary for inclusion on the National Register, the State Historic Preservation Officer shall notify the owner, the applicable chief local elected official, and the local historic preservation commission. The commission, after reasonable opportunity for public comment, shall prepare a report as to whether or not such property, in its opinion, meets the criteria of the National Register. Within sixty days of notice from the State Historic Preservation Officer, the chief local elected official shall transmit the report of the commission and his recommendation to the state Historic Preservation Officer. Except as provided in subparagraph (B), after receipt of such report and recommendation, or if no such report and recommendation are received within sixty days, the State shall make the nomination pursuant to subsection (a) of this subsection. The State may expedite such process with the concurrence of the certified local government.
- (B) If both the commission and the chief local elected official recommend that a property not be nominated to the National Register, the State Historic Preservation Officer shall take no further action, unless within thirty days of the receipt of such recommendation by the State Historic Preservation Officer an appeal is filed with the State. If such an appeal is filed, the State shall follow the procedures for making a nomination pursuant to subsection (a) of this section. Any report and recommendations made under this section shall be included with any nomination submitted by the State to the Secretary.
- (3) Any local government certified under this section or which is making efforts to become so certified shall be eligible for funds under the provision of section 103 (c) of this Act [16 U.S.C. 470c(c)], and shall carry out any responsibilities delegated to it in accordance with such terms and conditions as the Secretary deems necessary or advisable.

*[Definitions]*

- (4) For the purposes of this section the term —
  - (A) "**designation**" means the identification and registration of properties for protection that meet criteria established by the State or the locality for significant historic and prehistoric resources within the jurisdiction of a local government; and
  - (B) "**protection**" means a local review process under State or local law for proposed demolition of, changes to, or other action that may affect historic properties designated pursuant to this subsection.

*[16 U.S.C. 470a(d) — Establish program and regulations to assist Indian tribes]*

- (d) (1) (A) The Secretary shall establish a program and promulgate regulations to assist Indian tribes in preserving their particular historic properties. The Secretary shall foster

communication and cooperation between Indian tribes and State Historic Preservation Officers in the administration of the national historic preservation program to ensure that all types of historic properties and all public interests in such properties are given due consideration, and to encourage coordination among Indian tribes, State Historic Preservation Officers, and Federal agencies in historic preservation planning and in the identification, evaluation, protection, and interpretation of historic properties.

- (B) The program under subparagraph (A) shall be developed in such a manner as to ensure that tribal values are taken into account to the extent feasible. The Secretary may waive or modify requirements of this section to conform to the cultural setting of tribal heritage preservation goals and objectives. The tribal programs implemented by specific tribal organizations may vary in scope, as determined by each tribe's chief governing authority.
- (C) The Secretary shall consult with Indian tribes, other Federal agencies, State Historic Preservation Officers, and other interested parties and initiate the program under subparagraph (A) by not later than October 1, 1994.

*[Indian Tribes may assume State Historic Preservation Officer functions]*

- (2) A tribe may assume all or any part of the functions of a State Historic Preservation Officer in accordance with subsections (b)(2) and (b)(3) of this section, with respect to tribal lands, as such responsibilities may be modified for tribal programs through regulations issued by the Secretary if —
  - (A) the tribe's chief governing authority so requests;
  - (B) the tribe designates a tribal preservation official to administer the tribal historic preservation program, through appointment by the tribe's chief governing authority or as a tribal ordinance may otherwise provide;
  - (C) the tribal preservation official provides the Secretary with a plan describing how the functions the tribal preservation official proposes to assume will be carried out;
  - (D) the Secretary determines, after consultation with the tribe, the appropriate State Historic Preservation Officer, the Council (if the tribe proposes to assume the functions of the State Historic Preservation Officer with respect to review of undertakings under section 106 of this Act), and other tribes, if any, whose tribal or aboriginal lands may be affected by conduct of the tribal preservation program —
    - (i) that the tribal preservation program is fully capable of carrying out the functions specified in the plan provided under subparagraph (C);
    - (ii) that the plan defines the remaining responsibilities of the Secretary and the State Historic Preservation Officer; and
    - (iii) that the plan provides, with respect to properties neither owned by a member of the tribe nor held in trust by the Secretary for the benefit of the tribe, at the request of the owner thereof, the State Historic Preservation Officer, in addition to the tribal preservation official, may exercise the historic preservation responsibilities in accordance with subsections (b)(2) and (b)(3) of this section; and



- (E) based on satisfaction of the conditions stated in subparagraphs (A), (B), (C), and (D), the Secretary approves the plan.
- (3) In consultation with interested Indian tribes, other Native American organizations and affected State Historic Preservation Officers, the Secretary shall establish and implement procedures for carrying out section 103(a) of this Act with respect to tribal programs that assume responsibilities under paragraph (2).
- (4) At the request of a tribe whose preservation program has been approved to assume functions and responsibilities pursuant to paragraph (2), the Secretary shall enter into contracts or cooperative agreements with such tribe permitting the assumption by the tribe of any part of the responsibilities referred to in subsection (b)(6) of this section on tribal land, if —
  - (A) the Secretary and the tribe agree on additional financial assistance, if any, to the tribe for the costs of carrying out such authorities;
  - (B) the Secretary finds that the tribal historic preservation program has been demonstrated to be sufficient to carry out the contract or cooperative agreement and this Act; and
  - (C) the contract or cooperative agreement specifies the continuing responsibilities of the Secretary or of the appropriate State Historic Preservation Officers and provides for appropriate participation by —
    - (i) the tribe's traditional cultural authorities;
    - (ii) representatives of other tribes whose traditional lands are under the jurisdiction of the tribe assuming responsibilities; and
    - (iii) the interested public.
- (5) The Council may enter into an agreement with an Indian tribe to permit undertakings on tribal land to be reviewed under tribal historic preservation regulations in place of review under regulations promulgated by the Council to govern compliance with section 106 of this Act, if the Council, after consultation with the tribe and appropriate State Historic Preservation Officers, determines that the tribal preservation regulations will afford historic properties consideration equivalent to those afforded by the Council's regulations.

*[Traditional religious and cultural properties may be eligible for listing in the National Register]*

- (6) (A) Properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion on the National Register.
- (B) In carrying out its responsibilities under section 106 of this Act, a Federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to properties described in subparagraph (A).
- (C) In carrying out his or her responsibilities under subsection (b)(3) of this section, the State Historic Preservation Officer for the State of Hawaii shall —
  - (i) consult with Native Hawaiian organizations in assessing the cultural

significance of any property in determining whether to nominate such property to the National Register;

- (ii) consult with Native Hawaiian organizations in developing the cultural component of a preservation program or plan for such property; and
- (iii) enter into a memorandum of understanding or agreement with Native Hawaiian organizations for the assessment of the cultural significance of a property in determining whether to nominate such property to the National Register and to carry out the cultural component of such preservation program or plan.

*[16 U.S.C. 470a(e) — Grants to States]*

- (e) (1) The Secretary shall administer a program of matching grants to the States for the purposes of carrying out this Act.

*[Grants to the National Trust]*

- (2) The Secretary may administer grants to the National Trust for Historic Preservation in the United States, chartered by Act of Congress approved October 26, 1949 (63 Stat. 927) [16 U.S.C. 468], consistent with the purposes of its charter and this Act.

*[Direct grants for threatened National Historic Landmarks, demonstration projects, training, and displacement prevention]*

- (3) (A) In addition to the programs under paragraphs (1) and (2), the Secretary shall administer a program of direct grants for the preservation of properties included on the National Register. Funds to support such program annually shall not exceed 10 per centum of the amount appropriated annually for the fund established under section 108 of this Act. These grants may be made by the Secretary, in consultation with the appropriate State Historic Preservation Officer —
  - (i) for the preservation of National Historic Landmarks which are threatened with demolition or impairment and for the preservation of historic properties of World Heritage significance,
  - (ii) for demonstration projects which will provide information concerning professional methods and techniques having application to historic properties,
  - (iii) for the training and development of skilled labor in trades and crafts, and in analysis and curation, relating to historic preservation, and
  - (iv) to assist persons or small businesses within any historic district included in the National Register to remain within the district.

*[Grants or loans to Indian tribes and non-profit ethnic or minority organizations for preserving cultural heritage]*

- (B) The Secretary may also, in consultation with the appropriate State Historic Preservation Officer, make grants or loans or both under this section to Indian tribes

and to nonprofit organizations representing ethnic or minority groups for the preservation of their cultural heritage.

- (C) Grants may be made under subparagraph (A)(i) and (iv) only to the extent that the project cannot be carried out in as effective a manner through the use of an insured loan under section 104 of this Act.

*[Grants for religious properties]*

- (4) Grants may be made under this subsection for the preservation, stabilization, restoration, or rehabilitation of religious properties listed in the National Register of Historic Places, provided that the purpose of the grant is secular, does not promote religion, and seeks to protect those qualities that are historically significant. Nothing in this paragraph shall be construed to authorize the use of any funds made available under this section for the acquisition of any property referred to in the preceding sentence.

*[Direct grants to Indian tribes and Native Hawaiian organizations]*

- (5) The Secretary shall administer a program of direct grants to Indian tribes and Native Hawaiian organizations for the purpose of carrying out this Act as it pertains to Indian tribes and Native Hawaiian organizations. Matching fund requirements may be modified. Federal funds available to a tribe or Native Hawaiian organization may be used as matching funds for the purposes of the tribe's or organization's conducting its responsibilities pursuant to this section.

*[Direct grants to Micronesia, Marshall Islands, and Palau]*

- (6)
  - (A) As a part of the program of matching grant assistance from the Historic Preservation Fund to States, the Secretary shall administer a program of direct grants to the Federated States of Micronesia, the Republic of the Marshall Islands, the Trust Territory of the Pacific Islands, and upon termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands, the Republic of Palau (referred to as the Micronesian States) in furtherance of the Compact of Free Association between the United States and the Federated States of Micronesia and the Marshall Islands, approved by the Compact of Free Association Act of 1985 (48 U.S.C. 1681 note), the Trusteeship Agreement for the Trust Territory of the Pacific Islands, and the Compact of Free Association between the United States and Palau, approved by the Joint Resolution entitled "Joint Resolution to approve the 'Compact of Free Association' between the United States and Government of Palau, and for other purposes" (48 U.S.C. 1681 note). The goal of the program shall be to establish historic and cultural preservation programs that meet the unique needs of each Micronesian State so that at the termination of the compacts the programs shall be firmly established. The Secretary may waive or modify the requirements of this section to conform to the cultural setting of those nations.
  - (B) The amounts to be made available to the Micronesian States shall be allocated by the Secretary on the basis of needs as determined by the Secretary. Matching funds may be waived or modified.

*[16 U.S.C. 470a(f) — Prohibition on compensating intervenors]*

- (f) No part of any grant made under this section may be used to compensate any person intervening in any proceeding under this Act.

*[16 U.S.C. 470a(g) — Guidelines for Federal agency responsibilities]*

- (g) In consultation with the Advisory Council on Historic Preservation, the Secretary shall promulgate guidelines for Federal agency responsibilities under section 110 of this Act.

*[16 U.S.C. 470a(h) — Preservation standards for federally owned properties]*

- (h) Within one year after December 12, 1980 [the date of enactment of the National Historic Preservation Act Amendments of 1980], the Secretary shall establish, in consultation with the Secretaries of Agriculture and Defense, the Smithsonian Institution, and the Administrator of the General Services Administration, professional standards for the preservation of historic properties in Federal ownership or control.

*[16 U.S.C. 470a(i) — Technical advice]*

- (i) The Secretary shall develop and make available to Federal agencies, State and local governments, private organizations and individuals, and other nations and international organizations pursuant to the World Heritage Convention, training in, and information concerning, professional methods and techniques for the preservation of historic properties and for the administration of the historic preservation program at the Federal, State, and local level. The Secretary shall also develop mechanisms to provide information concerning historic preservation to the general public including students.

*[16 U.S.C. 470a(j) — Develop and implement a comprehensive preservation education and training program]*

- (j)
  - (1) The Secretary shall, in consultation with the Council and other appropriate Federal, tribal, Native Hawaiian, and non-Federal organizations, develop and implement a comprehensive preservation education and training program.
  - (2) The education and training program described in paragraph (1) shall include —
    - (A) new standards and increased preservation training opportunities for Federal workers involved in preservation-related functions;
    - (B) increased preservation training opportunities for other Federal, State, tribal and local government workers, and students;
    - (C) technical or financial assistance, or both, to historically black colleges and universities, to tribal colleges, and to colleges with a high enrollment of Native Americans or Native Hawaiians, to establish preservation training and degree programs; and
    - (D) coordination of the following activities, where appropriate, with the National Center for Preservation Technology and Training —
      - (i) distribution of information on preservation technologies;

- (ii) provision of training and skill development in trades, crafts, and disciplines related to historic preservation in Federal training and development programs; and
- (iii) support for research, analysis, conservation, curation, interpretation, and display related to preservation.

## Section 102

### *[16 U.S.C. 470b(a) — Grant requirements]*

- (a) No grant may be made under this Act —
  - (1) unless application therefore is submitted to the Secretary in accordance with regulations and procedures prescribed by him;
  - (2) unless the application is in accordance with the comprehensive statewide historic preservation plan which has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897) [16 U.S.C. 460l-4];
  - (3) for more than 60 percent of the aggregate costs of carrying out projects and programs under the administrative control of the State Historic Preservation Officer as specified in section 101(b)(3) of this Act in any one fiscal year;
  - (4) unless the grantee has agreed to make such reports, in such form and containing such information as the Secretary may from time to time require;
  - (5) unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; and
  - (6) until the grantee has complied with such further terms and conditions as the Secretary may deem necessary or advisable.

Except as permitted by other law, the State share of the costs referred to in paragraph (3) shall be contributed by non-Federal sources. Notwithstanding any other provision of law, no grant made pursuant to this Act shall be treated as taxable income for purposes of the Internal Revenue Code of 1986 [Title 26 of the U.S. Code].

### *[16 U.S.C. 470b(b) — Waiver for the National Trust]*

- (b) The Secretary may in his discretion waive the requirements of subsection (a), paragraphs (2) and (5) of this section for any grant under this Act to the National Trust for Historic Preservation in the United States.

### *[16 U.S.C. 470b(c\*) — State limitation on matching]*

*[\*Technically, subsection (c) was repealed and replaced by two subsection “d”s]*

- (c\*) No State shall be permitted to utilize the value of real property obtained before October 15, 1966 [the date of approval of this Act], in meeting the remaining cost of a project for which a grant is made under this Act.

*[16 U.S.C. 470b(d) — Availability of funds]*

- (d) The Secretary shall make funding available to individual States and the National Trust for Historic Preservation as soon as practicable after execution of a grant agreement. For purposes of administration, grants to individual States and the National Trust each shall be considered to be one grant and shall be administered by the National Park Service as such.

*[16 U.S.C. 470b(e) — Administrative Costs]*

- (e) The total administrative costs, direct and indirect, charged for carrying out State projects and programs may not exceed 25 percent of the aggregate costs except in the case of grants under section 101(e)(6) of this Act.

**Section 103**

*[16 U.S.C. 470c(a) — Basis for apportionment of grants]*

- (a) The amounts appropriated and made available for grants to the States for the purposes of this Act shall be apportioned among the States by the Secretary on the basis of needs as determined by him.

*[16 U.S.C. 470c(b) — Apportionment basis, notice, reapportionment, etc.]*

- (b) The amounts appropriated and made available for grants to the States for projects and programs under this Act for each fiscal year shall be apportioned among the States as the Secretary determines to be appropriate.

The Secretary shall notify each State of its apportionment under this subsection within thirty days following the date of enactment of legislation appropriating funds under this Act. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter, shall be reapportioned by the Secretary in accordance with this subsection. The Secretary shall analyze and revise as necessary the method of apportionment. Such method and any revision thereof shall be published by the Secretary in the Federal Register.

*[16 U.S.C. 470c(c) — Requirements for certified local government pass-through subgrants]*

- (c) A minimum of 10 per centum of the annual apportionment distributed by the Secretary to each State for the purposes of carrying out this Act shall be transferred by the State, pursuant to the requirements of this Act, to local governments which are certified under section 101(c) of this Act for historic preservation projects or programs of such local governments. In any year in which the total annual apportionment to the States exceeds \$65,000,000, one half of the excess shall also be transferred by the States to local governments certified pursuant to section 101(c) of this Act.

*[16 U.S.C. 470c(d) — Guidelines for State distribution to certified local governments]*

- (d) The Secretary shall establish guidelines for the use and distribution of funds under subsection (c) of this section to insure that no local government receives a disproportionate share of the funds available, and may include a maximum or minimum limitation on the amount of funds distributed to any single local government. The guidelines shall not limit the ability of any State to distribute more than 10 per centum of its annual apportionment under subsection (c) of this section, nor shall the Secretary require any State to exceed the 10 per centum minimum distribution to local governments.

## Section 104

### *[16 U.S.C. 470d(a) — Insured loans for National Register]*

- (a) The Secretary shall establish and maintain a program by which he may, upon application of a private lender, insure loans (including loans made in accordance with a mortgage) made by such lender to finance any project for the preservation of a property included on the National Register.

### *[16 U.S.C. 470d(b) — Requirements]*

- (b) A loan may be insured under this section only if —
- (1) the loan is made by a private lender approved by the Secretary as financially sound and able to service the loan properly;
  - (2) the amount of the loan, and interest rate charged with respect to the loan, do not exceed such amount, and such a rate, as is established by the Secretary, by rule;
  - (3) the Secretary has consulted the appropriate State Historic Preservation Officer concerning the preservation of the historic property;
  - (4) the Secretary has determined that the loan is adequately secured and there is reasonable assurance of repayment;
  - (5) the repayment period of the loan does not exceed the lesser of forty years or the expected life of the asset financed;
  - (6) the amount insured with respect to such loan does not exceed 90 per centum of the loss sustained by the lender with respect to the loan; and
  - (7) the loan, the borrower, and the historic property to be preserved meet other terms and conditions as may be prescribed by the Secretary, by rule, especially terms and conditions relating to the nature and quality of the preservation work.

### *[Interest rates]*

The Secretary shall consult with the Secretary of the Treasury regarding the interest rate of loans insured under this section.

### *[16 U.S.C. 470d(c) — Limitation on loan authority]*

- (c) The aggregate unpaid principal balance of loans insured under this section and outstanding at any one time may not exceed the amount which has been covered into the Historic Preservation Fund pursuant to section 108 of this Act and subsections (g) and (i) of this section, as in effect on December 12, 1980 [the date of the enactment of the Act], but which has not been appropriated for any purpose.

### *[16 U.S.C. 470d(d) — Assignability and effect]*

- (d) Any contract of insurance executed by the Secretary under this section may be assignable, shall be an obligation supported by the full faith and credit of the United States, and shall be incontestable except for fraud or misrepresentation of which the holder had actual knowledge at the time it became a holder.

*[16 U.S.C. 470d(e) — Method of payment for losses]*

- (e) The Secretary shall specify, by rule and in each contract entered into under this section, the conditions and method of payment to a private lender as a result of losses incurred by the lender on any loan insured under this section.

*[16 U.S.C. 470d(f) — Protection of Government's financial interests; foreclosure]*

- (f) In entering into any contract to insure a loan under this section, the Secretary shall take steps to assure adequate protection of the financial interests of the Federal Government. The Secretary may —
  - (1) in connection with any foreclosure proceeding, obtain, on behalf of the Federal Government, the property securing a loan insured under this title; and
  - (2) operate or lease such property for such period as may be necessary to protect the interest of the Federal Government and to carry out subsection (g) of this section.

*[16 U.S.C. 470d(g) — Conveyance of foreclosed property]*

- (g)
  - (1) In any case in which a historic property is obtained pursuant to subsection (f) of this section, the Secretary shall attempt to convey such property to any governmental or nongovernmental entity under such conditions as will ensure the property's continued preservation and use; except that if, after a reasonable time, the Secretary, in consultation with the Advisory Council on Historic Preservation, determines that there is no feasible and prudent means to convey such property and to ensure its continued preservation and use, then the Secretary may convey the property at the fair market value of its interest in such property to any entity without restriction.
  - (2) Any funds obtained by the Secretary in connection with the conveyance of any property pursuant to paragraph (1) shall be covered into the historic preservation fund, in addition to the amounts covered into such fund pursuant to section 108 of this Act and subsection (i) of this section, and shall remain available in such fund until appropriated by the Congress to carry out the purposes of this Act.

*[16 U.S.C. 470d(h) — Fees]*

- (h) The Secretary may assess appropriate and reasonable fees in connection with insuring loans under this section. Any such fees shall be covered into the Historic Preservation Fund, in addition to the amounts covered into such fund pursuant to section 108 of this Act and subsection (g) of this section, and shall remain available in such fund until appropriated by the Congress to carry out the purposes of this Act.

*[16 U.S.C. 470d(i) — Loans to be considered non-Federal funds]*

- (i) Notwithstanding any other provision of law, any loan insured under this section shall be treated as non-Federal funds for the purposes of satisfying any requirement of any other provision of law under which Federal funds to be used for any project or activity are conditioned upon the use of non-Federal funds by the recipient for payment of any portion of the costs of such project or activity.

*[16 U.S.C. 470d(j) — Appropriation authorization]*

- (j) Effective after the fiscal year 1981 there are authorized to be appropriated, such sums as may be necessary to cover payments incurred pursuant to subsection (e) of this section.



*[16 U.S.C. 470d(k) — Prohibition against acquisition by Federal Financing Bank]*

- (k) No debt obligation which is made or committed to be made, or which is insured or committed to be insured, by the Secretary under this section shall be eligible for purchase by, or commitment to purchase by, or sale or issuance to, the Federal Financing Bank.

## **Section 105**

*[16 U.S.C. 470e — Recordkeeping]*

The beneficiary of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the disposition by the beneficiary of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

## **Section 106**

*[16 U.S.C. 470f — Advisory Council on Historic Preservation, comment on Federal undertakings]*

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking.

## **Section 107**

*[16 U.S.C. 470g — Exemption of White House, Supreme Court, and Capitol]*

Nothing in this Act shall be construed to be applicable to the White House and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds.

## **Section 108**

*[16 U.S.C. 470h — Establishment of Historic Preservation Fund; authorization for appropriations]*

To carry out the provisions of this Act, there is hereby established the Historic Preservation Fund (hereafter referred to as the "fund") in the Treasury of the United States.

There shall be covered into such fund \$24,400,000 for fiscal year 1977, \$100,000,000 for fiscal year 1978, \$100,000,000 for fiscal year 1979, \$150,000,000 for fiscal year 1980 and \$150,000,000 for fiscal year 1981 and \$150,000,000 for each of fiscal years 1982 through 2015, from revenues due and payable to the United States under the Outer Continental Shelf Lands Act (67 Stat. 462, 469) as amended (43 U.S.C. 1338), and/or under section 7433(b) of Title 10, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Such moneys shall be used only to carry out the purposes of this Act and shall be available for expenditure only when appropriated by the Congress. Any moneys not appropriated shall remain available in the fund until appropriated for said purposes: *Provided*, That appropriations made pursuant to this paragraph may be made without fiscal year limitation.

## Section 109

### *[16 U.S.C. 470h-1(a) — Donations to the Secretary]*

- (a) In furtherance of the purposes of this Act, the Secretary may accept the donation of funds which may be expended by him for projects to acquire, restore, preserve, or recover data from any district, building, structure, site, or object which is listed on the National Register of Historic Places established pursuant to section 101 of this Act, so long as the project is owned by a State, any unit of local government, or any nonprofit entity.

### *[16 U.S.C. 470h-1(b) — Expenditure of donated funds]*

- (b) In expending said funds, the Secretary shall give due consideration to the following factors: the national significance of the project; its historical value to the community; the imminence of its destruction or loss; and the expressed intentions of the donor. Funds expended under this subsection shall be made available without regard to the matching requirements established by section 102 of this Act, but the recipient of such funds shall be permitted to utilize them to match any grants from the Historic Preservation Fund established by section 108 of this Act.

### *[16 U.S.C. 470h-1(c) — Transfer of funds donated for the National Park Service]*

- (c) The Secretary is hereby authorized to transfer unobligated funds previously donated to the Secretary for purposes of the National Park Service, with the consent of the donor, and any funds so transferred shall be used or expended in accordance with the provisions of this Act.

## Section 110

### *[16 U.S.C. 470h-2(a) — Federal agencies' responsibility to preserve and use historic properties]*

- (a) (1) The heads of all Federal agencies shall assume responsibility for the preservation of historic properties which are owned or controlled by such agency. Prior to acquiring, constructing, or leasing buildings for purposes of carrying out agency responsibilities, each Federal agency shall use, to the maximum extent feasible, historic properties available to the agency in accordance with Executive Order No. 13006, issued May 21, 1996 (61 Fed. Reg. 26071). Each agency shall undertake, consistent with the preservation of such properties and the mission of the agency and the professional standards established pursuant to section 101(g) of this Act, any preservation, as may be necessary to carry out this section.

### *[Each Federal agency to establish a preservation program to protect and preserve historic properties in consultation with others]*

- (2) Each Federal agency shall establish (unless exempted pursuant to Section 214) of this Act, in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the National Register of Historic Places, and protection of historic properties. Such program shall ensure —
  - (A) that historic properties under the jurisdiction or control of the agency, are identified, evaluated, and nominated to the National Register;
  - (B) that such properties under the jurisdiction or control of the agency as are listed in or may be eligible for the National Register are managed and maintained in a way that

considers the preservation of their historic, archaeological, architectural, and cultural values in compliance with section 106 of this Act and gives special consideration to the preservation of such values in the case of properties designated as having National significance;

- (C) that the preservation of properties not under the jurisdiction or control of the agency, but subject to be potentially affected by agency actions are given full consideration in planning;
- (D) that the agency's preservation-related activities are carried out in consultation with other Federal, State, and local agencies, Indian tribes, Native Hawaiian organizations carrying out historic preservation planning activities, and with the private sector; and
- (E) that the agency's procedures for compliance with section 106 of this Act —
  - (i) are consistent with regulations issued by the Council pursuant to section 211 of this Act;
  - (ii) provide a process for the identification and evaluation of historic properties for listing in the National Register and the development and implementation of agreements, in consultation with State Historic Preservation Officers, local governments, Indian tribes, Native Hawaiian organizations, and the interested public, as appropriate, regarding the means by which adverse effects on such properties will be considered; and
  - (iii) provide for the disposition of Native American cultural items from Federal or tribal land in a manner consistent with section 3(c) of the Native American Grave Protection and Repatriation Act (25 U.S.C. 3002(c)).

*[16 U.S.C. 470h-2(b) — Recordation of historic properties prior to demolition]*

- (b) Each Federal agency shall initiate measures to assure that where, as a result of Federal action or assistance carried out by such agency, an historic property is to be substantially altered or demolished, timely steps are taken to make or have made appropriate records, and that such records then be deposited, in accordance with section 101(a) of this Act, in the Library of Congress or with such other appropriate agency as may be designated by the Secretary, for future use and reference.

*[16 U.S.C. 470h-2(c) — Designation of Federal agency preservation officers]*

- (c) The head of each Federal agency shall, unless exempted under section 214 of this Act, designate a qualified official to be known as the agency's "preservation officer" who shall be responsible for coordinating that agency's activities under this Act. Each Preservation Officer may, in order to be considered qualified, satisfactorily complete an appropriate training program established by the Secretary under section 101(h) of this Act.

*[16 U.S.C. 470h-2(d) — Conduct of agency programs consistent with Act]*

- (d) Consistent with the agency's mission and mandates, all Federal agencies shall carry out agency programs and projects (including those under which any Federal assistance is provided or any Federal license, permit, or other approval is required) in accordance with the purposes of this Act and, give consideration to programs and projects which will further the purposes of this Act.

*[16 U.S.C. 470h-2(e) — Transfer of surplus Federal historic properties]*

- (e) The Secretary shall review and approve the plans of transferees of surplus federally owned historic properties not later than ninety days after his receipt of such plans to ensure that the prehistorical, historical, architectural, or culturally significant values will be preserved or enhanced.

*[16 U.S.C. 470h-2(f) — Federal undertakings affecting National Historic Landmarks]*

- (f) Prior to the approval of any Federal undertaking which may directly and adversely affect any National Historic Landmark, the head of the responsible Federal agency shall, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to such landmark, and shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.

*[16 U.S.C. 470h-2(g) — Preservation activities as an eligible project cost]*

- (g) Each Federal agency may include the costs of preservation activities of such agency under this Act as eligible project costs in all undertakings of such agency or assisted by such agency. The eligible project costs may also include amounts paid by a Federal agency to any State to be used in carrying out such preservation responsibilities of the Federal agency under this Act, and reasonable costs may be charged to Federal licensees and permittees as a condition to the issuance of such license or permit.

*[16 U.S.C. 470h-2(h) — Preservation awards program]*

- (h) The Secretary shall establish an annual preservation awards program under which he may make monetary awards in amounts not to exceed \$1,000 and provide citations for special achievements to officers and employees of Federal, State, and certified local governments in recognition of their outstanding contributions to the preservation of historic resources. Such program may include the issuance of annual awards by the President of the United States to any citizen of the United States recommended for such award by the Secretary.

*[16 U.S.C. 470h-2(i) — Applicability of National Environmental Policy Act]*

- (i) Nothing in this Act shall be construed to require the preparation of an environmental impact statement where such a statement would not otherwise be required under the National Environmental Policy Act of 1969 [42 U.S.C. 4321 et seq.], and nothing in this Act shall be construed to provide any exemption from any requirement respecting the preparation of such a statement under such Act.

*[16 U.S.C. 470h-2(j) — Disaster waivers]*

- (j) The Secretary shall promulgate regulations under which the requirements of this section may be waived in whole or in part in the event of a major natural disaster or an imminent threat to the national security.

*[16 U.S.C. 470h-2(k) — Anticipatory demolition]*

- (k) Each Federal agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant who, with intent to avoid the requirements of section 106 of this Act, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.

*[16 U.S.C. 470h-2(l) — Documentation of Federal agency Section 106 decisions]*

- (l) With respect to any undertaking subject to section 106 of this Act which adversely affects any property included in or eligible for inclusion in the National Register, and for which a Federal agency has not entered into an agreement pursuant to regulations issued by the Council, the head of such agency shall document any decision made pursuant to section 106 of this Act. The head of such agency may not delegate his or her responsibilities pursuant to such section. Where a section 106 of this Act memorandum of agreement has been executed with respect to an undertaking, such memorandum shall govern the undertaking and all of its parts.

## **Section 111**

*[16 U.S.C. 470h-3(a) — Lease or exchange of Federal historic property]*

- (a) Notwithstanding any other provision of law, any Federal agency after consultation with the Council, shall, to the extent practicable, establish and implement alternatives for historic properties, including adaptive use, that are not needed for current or projected agency purposes, and may lease an historic property owned by the agency to any person or organization, or exchange any property owned by the agency with comparable historic property, if the agency head determines that the lease or exchange will adequately insure the preservation of the historic property.

*[16 U.S.C. 470h-3(b) — Use of proceeds]*

- (b) The proceeds of any lease under subsection (a) of this section may, notwithstanding any other provision of law, be retained by the agency entering into such lease and used to defray the costs of administration, maintenance, repair, and related expenses incurred by the agency with respect to such property or other properties which are on the National Register which are owned by, or are under the jurisdiction or control of, such agency. Any surplus proceeds from such leases shall be deposited into the Treasury of the United States at the end of the second fiscal year following the fiscal year in which such proceeds were received.

*[16 U.S.C. 470h-3(c) — Management contracts]*

- (c) The head of any Federal agency having responsibility for the management of any historic property may, after consultation with the Advisory Council on Historic Preservation, enter into contracts for the management of such property. Any such contract shall contain such terms and conditions as the head of such agency deems necessary or appropriate to protect the interests of the United States and insure adequate preservation of historic property.

## **Section 112**

*[16 U.S.C. 470h-4(a) — Each Federal agency is to protect historic resources through professionalism of employees and contractors]*

- (a) Each Federal agency that is responsible for the protection of historic resources, including archaeological resources pursuant to this Act or any other law shall ensure each of the following —
  - (1) (A) All actions taken by employees or contractors of such agency shall meet professional standards under regulations developed by the Secretary in consultation with the Council, other affected agencies, and the appropriate professional societies of the disciplines involved, specifically archaeology, architecture, conservation, history, landscape architecture, and planning.

- (B) Agency personnel or contractors responsible for historic resources shall meet qualification standards established by the Office of Personnel Management in consultation with the Secretary and appropriate professional societies of the disciplines involved. The Office of Personnel Management shall revise qualification standards within 2 years after October 30, 1992, [the date of enactment of the 1992 Amendments to this Act] for the disciplines involved, specifically archaeology, architecture, conservation, curation, history, landscape architecture, and planning. Such standards shall consider the particular skills and expertise needed for the preservation of historic resources and shall be equivalent requirements for the disciplines involved.

*[Maintaining permanent databases]*

- (2) Records and other data, including data produced by historical research and archaeological surveys and excavations are permanently maintained in appropriate data bases and made available to potential users pursuant to such regulations as the Secretary shall promulgate.

*[16 U.S.C. 470h-4(b) — Secretary to promulgate guidelines to owners about protecting and preserving historic resources]*

- (b) In order to promote the preservation of historic resources on properties eligible for listing in the National Register, the Secretary shall, in consultation with the Council, promulgate guidelines to ensure that Federal, State, and tribal historic preservation programs subject to this Act include plans to —
- (1) provide information to the owners of properties containing historic (including architectural, curatorial, and archaeological) resources with demonstrated or likely research significance, about the need for protection of such resources, and the available means of protection;
- (2) encourage owners to preserve such resources intact and in place and offer the owners of such resources information on the tax and grant assistance available for the donation of the resources or of a preservation easement of the resources;

*[Encourage protection of Native American cultural items and properties]*

- (3) encourage the protection of Native American cultural items (within the meaning of section 2 (3) and (9) of the Native American Grave Protection and Repatriation Act (25 U.S.C. 3001 (3) and (9))) and of properties of religious or cultural importance to Indian tribes, Native Hawaiians, or other Native American groups; and

*[Conduct archeological excavations to meet Federal standards, allow access to artifacts for research, consult with Indian tribe or Native Hawaiian organization if related items likely]*

- (4) encourage owners who are undertaking archaeological excavations to —
- (A) conduct excavations and analyses that meet standards for federally-sponsored excavations established by the Secretary;
- (B) donate or lend artifacts of research significance to an appropriate research institution;
- (C) allow access to artifacts for research purposes; and

- (D) prior to excavating or disposing of a Native American cultural item in which an Indian tribe or Native Hawaiian organization may have an interest under section 3(a)(2) (B) or (C) of the Native American Grave Protection and Repatriation Act (25 U.S.C. 3002(a)(2) (B) and (C)), given notice to and consult with such Indian tribe or Native Hawaiian organization.

## **Section 113**

*[16 U.S.C. 470h-5(a) — Study to report ways to control illegal trafficking in]*

- (a) In order to help control illegal interstate and international traffic in antiquities, including archaeological, curatorial, and architectural objects, and historical documents of all kinds, the Secretary shall study and report on the suitability and feasibility of alternatives for controlling illegal interstate and international traffic in antiquities.

*[16 U.S.C. 470h-5(b) — Consultation]*

- (b) In conducting the study described in subsection (a) of this section the Secretary shall consult with the Council and other Federal agencies that conduct, cause to be conducted, or permit archaeological surveys or excavations or that have responsibilities for other kinds of antiquities and with State Historic Preservation Officers, archaeological, architectural, historical, conservation, and curatorial organizations, Indian tribes, Native Hawaiian organizations, and other Native American organizations, international organizations and other interested persons.

*[16 U.S.C. 470h-5(c) — Report]*

- (c) Not later than 18 months after October 30, 1992 [the date of enactment of this section], the Secretary shall submit to Congress a report detailing the Secretary's findings and recommendations from the study described in subsection (a) of this section.

*[16 U.S.C. 470h-5(d) — Funding authorization]*

- (d) There are authorized to be appropriated not more than \$500,000 for the study described in subsection (a) of this section, such sums to remain available until expended.

## **TITLE II**

### **Section 201**

*[16 U.S.C. 470i(a) — Advisory Council on Historic Preservation; membership]*

- (a) There is established as an independent agency of the United States Government an Advisory Council on Historic Preservation which shall be composed of the following members:
  - (1) a Chairman appointed by the President selected from the general public;
  - (2) the Secretary of the Interior;
  - (3) the Architect of the Capitol;
  - (4) the Secretary of Agriculture and the heads of seven other agencies of the United States (other than the Department of the Interior), the activities of which affect historic preservation, designated by the President;

- (5) one Governor appointed by the President;
- (6) one mayor appointed by the President;
- (7) the President of the National Conference of State Historic Preservation Officers;
- (8) the Chairman of the National Trust for Historic Preservation;
- (9) four experts in the field of historic preservation appointed by the President from the disciplines of architecture, history, archaeology, and other appropriate disciplines;
- (10) three at-large members from the general public, appointed by the President; and
- (11) one member of an Indian tribe or Native Hawaiian organization who represents the interests of the tribe or organization of which he or she is a member, appointed by the President.

*[16 U.S.C. 470i(b) — Designees]*

- (b) Each member of the Council specified in paragraphs (2) through (8) other than (6) of subsection (a) of this section may designate another officer of his department, agency, or organization to serve on the Council in his stead, except that, in the case of paragraphs (2) and (4), no such officer other than an Assistant Secretary or an officer having major department-wide or agency-wide responsibilities may be so designated.

*[16 U.S.C. 470i(c) — Term of office]*

- (c) Each member of the Council appointed under paragraph (1), and under paragraphs (9) through (11) of subsection (a) of this section shall serve for a term of four years from the expiration of his predecessor's term; except that the members first appointed under that paragraph shall serve for terms of one to four years, as designated by the President at the time of appointment, in such manner as to insure that the terms of not more than two of them will expire in any one year. The members appointed under paragraphs (5) and (6) shall serve for the term of their elected office but not in excess of four years. An appointed member may not serve more than two terms. An appointed member whose term has expired shall serve until that member's successor has been appointed.

*[16 U.S.C. 470i(d) — Vacancies]*

- (d) A vacancy in the Council shall not affect its powers, but shall be filled not later than sixty days after such vacancy commences, in the same manner as the original appointment (and for the balance of any unexpired terms). The members of the Advisory Council on Historic Preservation appointed by the President under this Act as in effect on the day before December 12, 1980 [the enactment of the National Historic Preservation Act Amendments of 1980], shall remain in office until all members of the Council, as specified in this section, have been appointed. The members first appointed under this section shall be appointed not later than one hundred and eighty days after December 12, 1980 [the enactment of the National Historic Preservation Act Amendments of 1980].

*[16 U.S.C. 470i(e) — Vice Chairman]*

- (e) The President shall designate a Vice Chairman, from the members appointed under paragraphs (5), (6), (9), or (10). The Vice Chairman may act in place of the Chairman during the absence or disability of the Chairman or when the office is vacant.



*[16 U.S.C. 470i(f) — Quorum]*

- (f) 12 members of the Council shall constitute a quorum.

**Section 202**

*[16 U.S.C. 470j(a) — Duties of Council]*

- (a) The Council shall —
- (1) advise the President and the Congress on matters relating to historic preservation; recommend measures to coordinate activities of Federal, State, and local agencies and private institutions and individuals relating to historic preservation; and advise on the dissemination of information pertaining to such activities;
  - (2) encourage, in cooperation with the National Trust for Historic Preservation and appropriate private agencies, public interest and participation in historic preservation;
  - (3) recommend the conduct of studies in such areas as the adequacy of legislative and administrative statutes and regulations pertaining to historic preservation activities of State and local governments and the effects of tax policies at all levels of government on historic preservation;
  - (4) advise as to guidelines for the assistance of State and local governments in drafting legislation relating to historic preservation;
  - (5) encourage, in cooperation with appropriate public and private agencies and institutions, training and education in the field of historic preservation;
  - (6) review the policies and programs of Federal agencies and recommend to such agencies methods to improve the effectiveness, coordination, and consistency of those policies and programs with the policies and programs carried out under this Act; and
  - (7) inform and educate Federal agencies, State and local governments, Indian tribes, other nations and international organizations and private groups and individuals as to the Council's authorized activities.

*[16 U.S.C. 470j(b) — Annual and special reports]*

- (b) The Council shall submit annually a comprehensive report of its activities and the results of its studies to the President and the Congress and shall from time to time submit such additional and special reports as it deems advisable. Each report shall propose such legislative enactments and other actions as, in the judgment of the Council, are necessary and appropriate to carry out its recommendations and shall provide the Council's assessment of current and emerging problems in the field of historic preservation and an evaluation of the effectiveness of the programs of Federal agencies, State and local governments, and the private sector in carrying out the purposes of this Act.

**Section 203**

*[16 U.S.C. 470k — Information from agencies]*

The Council is authorized to secure directly from any department, bureau, agency, board, commission, office, independent establishment or instrumentality of the executive branch of the Federal Government information,

suggestions, estimates, and statistics for the purpose of this title of the Act; and each such department, bureau, agency, board, commission, office, independent establishment or instrumentality is authorized to furnish such information, suggestions, estimates, and statistics to the extent permitted by law and within available funds.

## **Section 204**

### *[16 U.S.C. 470l — Compensation of members]*

The members of the Council specified in paragraphs (2), (3), and (4) of section 201(a) shall serve without additional compensation. The other members of the Council shall receive \$100 per diem when engaged in the performance of the duties of the Council. All members of the Council shall receive reimbursement for necessary traveling and subsistence expenses incurred by them in the performance of the duties of the Council.

## **Section 205**

### *[16 U.S.C. 470m(a) — Executive Director]*

- (a) There shall be an Executive Director of the Council who shall be appointed in the competitive service by the Chairman with the concurrence of the Council. The Executive Director shall report directly to the Council and perform such functions and duties as the Council may prescribe.

### *[16 U.S.C. 470m(b) — General Counsel and other attorneys]*

- (b) The Council shall have a General Counsel, who shall be appointed by the Executive Director. The General Counsel shall report directly to the Executive Director and serve as the Council's legal advisor. The Executive Director shall appoint such other attorneys as may be necessary to assist the General Counsel, represent the Council in courts of law whenever appropriate, including enforcement of agreements with Federal agencies to which the Council is a party, assist the Department of Justice in handling litigation concerning the Council in courts of law, and perform such other legal duties and functions as the Executive Director and the Council may direct.

### *[16 U.S.C. 470m(c) — Appointment and compensation of staff]*

- (c) The Executive Director of the Council may appoint and fix the compensation of such officers and employees in the competitive service as are necessary to perform the functions of the Council at rates not to exceed that now or hereafter prescribed for the highest rate for grade 15 of the General Schedule under section 5332 of title 5 [United States Code]: *Provided, however,* That the Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed five employees in the competitive service at rates not to exceed that now or hereafter prescribed for the highest rate of grade 17 of the General Schedule under section 5332 of Title 5 [United States Code].

### *[16 U.S.C. 470m(d) — Appointment and compensation of additional personnel]*

- (d) The Executive Director shall have power to appoint and fix the compensation of such additional personnel as may be necessary to carry out its duties, without regard to the provisions of the civil service laws and the Classification Act of 1949 [chapter 51 and subchapter III of chapter 53 of Title 5, U.S. Code].

### *[16 U.S.C. 470m(e) — Expert and consultant services]*

- (e) The Executive Director of the Council is authorized to procure expert and consultant services in accordance with the provisions of section 3109 of title 5 [United States Code].

*[16 U.S.C. 470m(f) — Financial and administrative services]*

- (f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior or, at the discretion of the Council, such other agency or private entity that reaches an agreement with the Council, for which payments shall be made in advance or by reimbursement from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the head of the agency or, in the case of a private entity, the authorized representative of the private entity that will provide the services. When a Federal agency affords such services, the regulations of that agency for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 5514(b)) shall apply to the collection of erroneous payments made to or on behalf of a Council employee and regulations of that agency for the administrative control of funds (31 U.S.C. 1513(d), 1514) shall apply to appropriations of the Council. The Council shall not be required to prescribe such regulations.

*[16 U.S.C. 470m(g) — Use of funds, personnel, facilities, and services]*

- (g) Any Federal agency may provide the Council, with or without reimbursement as may be agreed upon by the Chairman and the agency, with such funds, personnel, facilities, and services under their jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. Any funds provided to the Council pursuant to this subsection must be expended by the end of the fiscal year following the fiscal year in which the funds are received by the Council. To the extent of available appropriations, the Council may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties and may also receive donations of moneys for such purpose, and the Executive Director is authorized, in his discretion, to accept, hold, use, expend, and administer the same for the purposes of this Act.

## **Section 206**

*[16 U.S.C. 470n(a) — International Centre for the Study of the Preservation and Restoration of Cultural Property; authorization]*

- (a) The participation of the United States as a member of the International Centre for the Study of the Preservation and Restoration of Cultural Property is hereby authorized.

*[16 U.S.C. 470n(b) — Members of official delegation]*

- (b) The Council shall recommend to the Secretary of State, after consultation with the Smithsonian Institution and other public and private organizations concerned with the technical problems of preservation, the members of the official delegation which will participate in the activities of the Centre on behalf of the United States. The Secretary of State shall appoint the members of the official delegation from the persons recommended to him by the Council.

*[16 U.S.C. 470n(c) — Authorization for membership payment]*

- (c) For the purposes of this section there is authorized to be appropriated an amount equal to the assessment for United States membership in the Centre for fiscal years 1979, 1980, 1981, and 1982: *Provided*, That no appropriation is authorized and no payment shall be made to the Centre in excess of 25 per centum of the total annual assessment of such organization. Authorization for payment of such assessment shall begin in fiscal year 1981, but shall include earlier costs.

## **Section 207**

*[16 U.S.C. 470o — Transfer of personnel, funds, etc. to the Council]*

So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, programmed, or available or to be made available by the Department of the Interior in connection with the functions of the Council, as the Director of the Office of Management and Budget shall determine, shall be transferred from the Department to the Council within 60 days of the effective date of this Act [Pub. L. 94-422, September 28, 1976].

## **Section 208**

*[16 U.S.C. 470p — Rights of Council employees]*

Any employee in the competitive service of the United States transferred to the Council under the provisions of this section shall retain all rights, benefits, and privileges pertaining thereto held prior to such transfer.

## **Section 209**

*[16 U.S.C. 470q — Exemption from Federal Advisory Committee Act]*

The Council is exempt from the provisions of the Federal Advisory Committee Act (86 Stat. 770), and the provisions of subchapter II of chapter 5 and chapter 7, of Title 5 [U.S. Code] [the Administrative Procedure Act (80 Stat. 381)] shall govern the operations of the Council.

## **Section 210**

*[16 U.S.C. 470r — Direct Submission to the Congress]*

No officer or agency of the United States shall have any authority to require the Council to submit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendations, testimony, or comments to the Congress. In instances in which the Council voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Council shall include a description of such actions in its legislative recommendations, testimony, or comments on legislation which it transmits to the Congress.

## **Section 211**

*[16 U.S.C. 470s — Regulations for Section 106; local government participation]*

The Council is authorized to promulgate such rules and regulations as it deems necessary to govern the implementation of section 106 of this Act in its entirety. The Council shall, by regulation, establish such procedures as may be necessary to provide for participation by local governments in proceedings and other actions taken by the Council with respect to undertakings referred to in section 106 of this Act which affect such local governments.

## **Section 212**

*[16 U.S.C. 470t(a) — Council appropriation authorization]*

- (a) The Council shall submit its budget annually as a related agency of the Department of the Interior. There are authorized to be appropriated such amounts as may be necessary to carry out this title.

*[16 U.S.C. 470t(b) — Concurrent submission of budget to Congress]*

- (b) Whenever the Council submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit copies of that estimate or request to the House

and Senate Appropriations Committees and the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources.

### **Section 213**

*[16 U.S.C. 470u — Reports from Secretary at request of Council]*

To assist the Council in discharging its responsibilities under this Act, the Secretary at the request of the Chairman, shall provide a report to the Council detailing the significance of any historic property, describing the effects of any proposed undertaking on the affected property, and recommending measures to avoid, minimize, or mitigate adverse effects.

### **Section 214**

*[16 U.S.C. 470v — Exemptions for Federal activities from provisions of the Act]*

The Council, with the concurrence of the Secretary, shall promulgate regulations or guidelines, as appropriate, under which Federal programs or undertakings may be exempted from any or all of the requirements of this Act when such exemption is determined to be consistent with the purposes of this Act, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic properties.

### **Section 215**

*[16 U.S.C. 470v-1 — Reimbursement from State and local agencies, etc.]*

Subject to applicable conflict of interest laws, the Council may receive reimbursements from State and local agencies and others pursuant to agreements executed in furtherance of the purposes of this Act.

### **Section 216**

*[16 U.S.C. 470v-2(a) — Cooperative Agreements]*

- (a) The Council may enter into a cooperative agreement with any Federal agency that administers a grant or assistance program for the purpose of improving the effectiveness of the administration of such program in meeting the purposes and policies of this Act. Such cooperative agreements may include provisions that modify the selection criteria for a grant or assistance program to further the purposes of this Act or that allow the Council to participate in the selection of recipients, if such provisions are not inconsistent with the grant or assistance program's statutory authorization and purpose.

*[16 U.S.C. 470v-2(b) — Review of Grant and Assistance Programs]*

- (b) The Council may —
  - (1) review the operation of any Federal grant or assistance program to evaluate the effectiveness of such program in meeting the purposes and policies of this Act;
  - (2) make recommendations to the head of any Federal agency that administers such program to further the consistency of the program with the purposes and policies of the Act and to improve its effectiveness in carrying out those purposes and policies; and
  - (3) make recommendations to the President and Congress regarding the effectiveness of Federal grant and assistance programs in meeting the purposes and policies of this Act, including recommendations with regard to appropriate funding levels.

### TITLE III

#### Section 301

*[16 U.S.C. 470w — Definitions]*

As used in this Act, the term —

- (1) **"Agency"** means agency as such term is defined in section 551 of title 5 [United States Code].
- (2) **"State"** means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and, upon termination of the Trusteeship Agreement for the Trust Territory of the Pacific Islands, the Republic of Palau.
- (3) **"Local government"** means a city, county, parish, township, municipality, or borough, or any other general purpose political subdivision of any State.
- (4) **"Indian tribe"** or **"tribe"** means an Indian tribe, band, nation, or other organized group or community, including a Native village, Regional Corporation or Village Corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act [43 U.S.C. 1602], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.
- (5) **"Historic property"** or **"historic resource"** means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on the National Register, including artifacts, records, and material remains related to such a property or resource.
- (6) **"National Register"** or **"Register"** means the National Register of Historic Places established under section 101 of this Act.
- (7) **"Undertaking"** means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including —
  - (A) those carried out by or on behalf of the agency;
  - (B) those carried out with Federal financial assistance;
  - (C) those requiring a Federal permit license, or approval; and
  - (D) those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.
- (8) **"Preservation"** or **"historic preservation"** includes identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, conservation, and education and training regarding the foregoing activities, or any combination of the foregoing activities.
- (9) **"Cultural park"** means a definable area which is distinguished by historic resources and land related to such resources and which constitutes an interpretive, educational, and recreational resource for the public at large.

- (10) **"Historic conservation district"** means an area which contains
- (A) historic properties,
  - (B) buildings having similar or related architectural characteristics,
  - (C) cultural cohesiveness, or
  - (D) any combination of the foregoing.
- (11) **"Secretary"** means the Secretary of the Interior acting through the Director of the National Park Service except where otherwise specified.
- (12) **"State Historic Preservation Review Board"** means a board, council, commission, or other similar collegial body established as provided in section 101(b)(1)(B) of this Act —
- (A) the members of which are appointed by the State Historic Preservation Officer (unless otherwise provided for by State law),
  - (B) a majority of the members of which are professionals qualified in the following and related disciplines: history, prehistoric and historic archaeology, architectural history, architecture, folklore, cultural anthropology, curation, conservation, and landscape architecture, and
  - (C) which has the authority to —
    - (i) review National Register nominations and appeals from nominations;
    - (ii) review appropriate documentation submitted in conjunction with the Historic Preservation Fund;
    - (iii) provide general advice and guidance to the State Historic Preservation Officer; and
    - (iv) perform such other duties as may be appropriate.
- (13) **"Historic preservation review commission"** means a board, council, commission, or other similar collegial body which is established by State or local legislation as provided in section 101(c)(1)(B) of this Act, and the members of which are appointed, unless otherwise provided by State or local legislation, by the chief elected official of the jurisdiction concerned from among —
- (A) professionals in the disciplines of architecture, history, architectural history, planning, prehistoric and historic archaeology, folklore, cultural anthropology, curation, conservation, and landscape architecture, or related disciplines, to the extent such professionals are available in the community concerned, and
  - (B) such other persons as have demonstrated special interest, experience, or knowledge in history, architecture, or related disciplines and as will provide for an adequate and qualified commission.

- (14) **"Tribal lands"** means —
- (A) all lands within the exterior boundaries of any Indian reservation; and
  - (B) all dependent Indian communities.
- (15) **"Certified local government"** means a local government whose local historic preservation program has been certified pursuant to section 101(c) of this Act.
- (16) **"Council"** means the Advisory Council on Historic Preservation established by section 201 of this Act.
- (17) **"Native Hawaiian"** means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.
- (18) **"Native Hawaiian organization"** means any organization which —
- (A) serves and represents the interests of Native Hawaiians;
  - (B) has as a primary and stated purpose the provision of services to Native Hawaiians; and
  - (C) has demonstrated expertise in aspects of historic preservation that are culturally significant to Native Hawaiians.

The term includes, but is not limited to, the Office of Hawaiian Affairs of the State of Hawaii and Hui Malama I Na Kupuna O Hawai'i Nei, an organization incorporated under the laws of the State of Hawaii.

## Section 302

*[16 U.S.C. 470w-1 — Authority to expend funds for purposes of this Act]*

Where appropriate, each Federal agency is authorized to expend funds appropriated for its authorized programs for the purposes of activities carried out pursuant to this Act, except to the extent appropriations legislation expressly provides otherwise.

## Section 303

*[16 U.S.C. 470w-2(a) — Donations to Secretary; money and personal property]*

- (a) The Secretary is authorized to accept donations and bequests of money and personal property for the purposes of this Act and shall hold, use, expend, and administer the same for such purposes.

*[16 U.S.C. 470w-2(b) — Donations of less than fee interests in real property]*

- (b) The Secretary is authorized to accept gifts or donations of less than fee interests in any historic property where the acceptance of such interests will facilitate the conservation or preservation of such properties. Nothing in this section or in any provision of this Act shall be construed to affect or impair any other authority of the Secretary under other provision of law to accept or acquire any property for conservation or preservation or for any other purpose.



## Section 304

*[16 U.S.C. 470w-3(a) — Confidentiality of the location of sensitive historic resources]*

- (a) The head of a Federal agency or other public official receiving grant assistance pursuant to this Act, after consultation with the Secretary, shall withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if the Secretary and the agency determine that disclosure may —
  - (1) cause a significant invasion of privacy;
  - (2) risk harm to the historic resources; or
  - (3) impede the use of a traditional religious site by practitioners.

*[16 U.S.C. 470w-3(b) — Access Determination]*

- (b) When the head of a Federal agency or other public official has determined that information should be withheld from the public pursuant to subsection (a) of this section, the Secretary, in consultation with such Federal agency head or official, shall determine who may have access to the information for the purpose of carrying out this Act.

*[16 U.S.C. 470w-3(c) — Consultation with the Advisory Council]*

- (c) When the information in question has been developed in the course of an agency's compliance with section 106 or 110(f) of this Act, the Secretary shall consult with the Council in reaching determinations under subsections (a) and (b) of this section.

## Section 305

*[16 U.S.C. 470w-4 — Attorneys' fees]*

In any civil action brought in any United States district court by any interested person to enforce the provisions of this Act, if such person substantially prevails in such action, the court may award attorneys' fees, expert witness fees, and other costs of participating in such action, as the court deems reasonable.

## Section 306

*[16 U.S.C. 470w-5(a) — National Center for the Building Arts]*

- (a) In order to provide a national center to commemorate and encourage the building arts and to preserve and maintain a nationally significant building which exemplifies the great achievements of the building arts in the United States, the Secretary and the Administrator of the General Services Administration are authorized and directed to enter into a cooperative agreement with the Committee for a National Museum of the Building Arts, Incorporated, a nonprofit corporation organized and existing under the laws of the District of Columbia, or its successor, for the operation of a National Museum for the Building Arts in the Federal Building located in the block bounded by Fourth Street, Fifth Street, F Street, and G Street, Northwest in Washington, District of Columbia. Such museum shall —
  - (1) collect and disseminate information concerning the building arts, including the establishment of a national reference center for current and historic documents, publications, and research relating to the building arts;

- (2) foster educational programs relating to the history, practice and contribution to society of the building arts, including promotion of imaginative educational approaches to enhance understanding and appreciation of all facets of the building arts;
- (3) publicly display temporary and permanent exhibits illustrating, interpreting and demonstrating the building arts;
- (4) sponsor or conduct research and study into the history of the building arts and their role in shaping our civilization; and
- (5) encourage contributions to the building arts.

*[16 U.S.C. 470w-5(b) — Cooperative agreement]*

- (b) The cooperative agreement referred to in subsection (a) of this section shall include provisions which —
  - (1) make the site available to the Committee referred to in subsection (a) of this section without charge;
  - (2) provide, subject to available appropriations, such maintenance, security, information, janitorial and other services as may be necessary to assure the preservation and operation of the site; and
  - (3) prescribe reasonable terms and conditions by which the Committee can fulfill its responsibilities under this Act.

*[16 U.S.C. 470w-5(c) — Grants to Committee]*

- (c) The Secretary is authorized and directed to provide matching grants-in-aid to the Committee referred to in subsection (a) of this section for its programs related to historic preservation. The Committee shall match such grants-in-aid in a manner and with such funds and services as shall be satisfactory to the Secretary, except that no more than \$500,000 may be provided to the Committee in any one fiscal year.

*[16 U.S.C. 470w-5(d) — Site renovation]*

- (d) The renovation of the site shall be carried out by the Administrator with the advice of the Secretary. Such renovation shall, as far as practicable —
  - (1) be commenced immediately,
  - (2) preserve, enhance, and restore the distinctive and historically authentic architectural character of the site consistent with the needs of a national museum of the building arts and other compatible use, and
  - (3) retain the availability of the central court of the building, or portions thereof, for appropriate public activities.

*[16 U.S.C. 470w-5(e) — Annual report]*

- (e) The Committee shall submit an annual report to the Secretary and the Administrator concerning its

activities under this section and shall provide the Secretary and the Administrator with such other information as the Secretary may, from time to time, deem necessary or advisable.

*[16 U.S.C. 470w-5(f) — Definition of "building arts"]*

- (f) For purposes of this section, the term **"building arts"** includes, but shall not be limited to, all practical and scholarly aspects of prehistoric, historic, and contemporary architecture, archaeology, construction, building technology and skills, landscape architecture, preservation and conservation, building and construction, engineering, urban and community design and renewal, city and regional planning, and related professions, skills, trades, and crafts.

**Section 307**

*[16 U.S.C. 470w-6(a) — Effective date of regulations]*

- (a) No final regulation of the Secretary shall become effective prior to the expiration of thirty calendar days after it is published in the Federal Register during which either or both Houses of Congress are in session.

*[16 U.S.C. 470w-6(b) — Congressional disapproval of regulations]*

- (b) The regulation shall not become effective if, within ninety calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: "That Congress disapproves the regulation promulgated by the Secretary dealing with the matter of \_\_\_\_\_, which regulation was transmitted to Congress on \_\_\_\_\_," the blank spaces therein being appropriately filled.

*[16 U.S.C. 470w-6(c) — Inaction by Congress]*

- (c) If at the end of sixty calendar days of continuous session of Congress after the date of promulgation of a regulation, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the regulation, and neither House has adopted such a resolution, the regulation may go into effect immediately. If, within such sixty calendar days, such a committee has reported or been discharged from further consideration of such a resolution, the regulation may go into effect not sooner than ninety calendar days of continuous session of Congress after its promulgation unless disapproved as provided for.

*[16 U.S.C. 470w-6(d) — Definitions]*

- (d) For the purposes of this section-
  - (1) continuity of session is broken only by an adjournment sine die; and
  - (2) the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded in the computation of sixty and ninety calendar days of continuous session of Congress.

*[16 U.S.C. 470w-6(e) — Effect of Congressional inaction]*

- (e) Congressional inaction on or rejection of a resolution of disapproval shall not be deemed an expression of approval of such regulation.

## Section 308

### *[16 U.S.C. 470w-7(a) — National historic light station program]*

- (a) In order to provide a national historic light station program, the Secretary shall —
- (1) collect and disseminate information concerning historic light stations, including historic lighthouses and associated structures;
  - (2) foster educational programs relating to the history, practice, and contribution to society of historic light stations;
  - (3) sponsor or conduct research and study into the history of light stations;
  - (4) maintain a listing of historic light stations; and
  - (5) assess the effectiveness of the program established by this section regarding the conveyance of historic light stations.

### *[16 U.S.C. 470w-7(b) — Conveyance of Historic Light Stations]*

- (b) (1) Not later than 1 year after the date of the enactment of this section, the Secretary and the Administrator shall establish a process and policies for identifying, and selecting, an eligible entity to which a historic light station could be conveyed for education, park, recreation, cultural, or historic preservation purposes, and to monitor the use of such light station by the eligible entity.
- (2) The Secretary shall review all applications for the conveyance of a historic light station, when the agency with administrative jurisdiction over the historic light station has determined the property to be 'excess property' as that term is defined in the Federal Property Administrative Services Act of 1949 (40 U.S.C. 472(e)), and forward to the Administrator a single approved application for the conveyance of the historic light station. When selecting an eligible entity, the Secretary shall consult with the State Historic Preservation Officer of the State in which the historic light station is located.
- (3) (A) Except as provided in subparagraph (B), the Administrator shall convey, by quitclaim deed, without consideration, all right, title, and interest of the United States in and to the historic light station, subject to the conditions set forth in subsection (c) after the Secretary's selection of an eligible entity. The conveyance of a historic light station under this section shall not be subject to the provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) or section 416(d) of the Coast Guard Authorization Act of 1998 (Public Law 105-383).
- (B) (i) Historic light stations located within the exterior boundaries of a unit of the National Park System or a refuge within the National Wildlife Refuge System shall be conveyed or sold only with the approval of the Secretary.
- (ii) If the Secretary approves the conveyance of a historic light station referenced in this paragraph, such conveyance shall be subject to the conditions set forth in subsection (c) and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.

- (iii) If the Secretary approves the sale of a historic light station referenced in this paragraph, such sale shall be subject to the conditions set forth in subparagraphs (A) through (D) and (H) of subsection (c)(1) and subsection (c)(2) and any other terms or conditions the Secretary considers necessary to protect the resources of the park unit or wildlife refuge.
- (iv) For those historic light stations referenced in this paragraph, the Secretary is encouraged to enter into cooperative agreements with appropriate eligible entities, as provided in this Act, to the extent such cooperative agreements are consistent with the Secretary's responsibilities to manage and administer the park unit or wildlife refuge, as appropriate.

*[16 U.S.C. 470w-7(c) — Terms of Conveyance]*

- (c) (1) The conveyance of a historic light station shall be made subject to any conditions, including the reservation of easements and other rights on behalf of the United States, the Administrator considers necessary to ensure that —
  - (A) the Federal aids to navigation located at the historic light station in operation on the date of conveyance remain the personal property of the United States and continue to be operated and maintained by the United States for as long as needed for navigational purposes;
  - (B) there is reserved to the United States the right to remove, replace, or install any Federal aid to navigation located at the historic light station as may be necessary for navigational purposes;
  - (C) the eligible entity to which the historic light station is conveyed under this section shall not interfere or allow interference in any manner with any Federal aid to navigation, nor hinder activities required for the operation and maintenance of any Federal aid to navigation, without the express written permission of the head of the agency responsible for maintaining the Federal aid to navigation;
  - (D) the eligible entity to which the historic light station is conveyed under this section shall, at its own cost and expense, use and maintain the historic light station in accordance with this Act, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws, and any proposed changes to the historic light station shall be reviewed and approved by the Secretary in consultation with the State Historic Preservation Officer of the State in which the historic light station is located, for consistency with 36 CFR part 800.5(a)(2)(vii), and the Secretary of the Interior's Standards for Rehabilitation, 36 CFR part 67.7;
  - (E) the eligible entity to which the historic light station is conveyed under this section shall make the historic light station available for education, park, recreation, cultural or historic preservation purposes for the general public at reasonable times and under reasonable conditions;
  - (F) the eligible entity to which the historic light station is conveyed shall not sell, convey, assign, exchange, or encumber the historic light station, any part thereof, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns,

unless such sale, conveyance, assignment, exchange or encumbrance is approved by the Secretary;

- (G) the eligible entity to which the historic light station is conveyed shall not conduct any commercial activities at the historic light station, any part thereof, or in connection with any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, in any manner, unless such commercial activities are approved by the Secretary; and
  - (H) the United States shall have the right, at any time, to enter the historic light station conveyed under this section without notice, for purposes of operating, maintaining, and inspecting any aid to navigation and for the purpose of ensuring compliance with this subsection, to the extent that it is not possible to provide advance notice.
- (2) Any eligible entity to which a historic light station is conveyed under this section shall not be required to maintain any Federal aid to navigation associated with a historic light station, except any private aids to navigation permitted under section 83 of title 14, United States Code, to the eligible entity.
- (3) In addition to any term or condition established pursuant to this subsection, the conveyance of a historic light station shall include a condition that the historic light station, or any associated historic artifact conveyed to the eligible entity in conjunction with the historic light station conveyance, including but not limited to any lens or lanterns, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if —
- (A) the historic light station, any part thereof, or any associated historic artifact ceases to be available for education, park, recreation, cultural, or historic preservation purposes for the general public at reasonable times and under reasonable conditions which shall be set forth in the eligible entity's application;
  - (B) the historic light station or any part thereof ceases to be maintained in a manner that ensures its present or future use as a site for a Federal aid to navigation;
  - (C) the historic light station, any part thereof, or any associated historic artifact ceases to be maintained in compliance with this Act, the Secretary of the Interior's Standards for the Treatment of Historic Properties, 36 CFR part 68, and other applicable laws;
  - (D) the eligible entity to which the historic light station is conveyed, sells, conveys, assigns, exchanges, or encumbers the historic light station, any part thereof, or any associated historic artifact, without approval of the Secretary;
  - (E) the eligible entity to which the historic light station is conveyed, conducts any commercial activities at the historic light station, any part thereof, or in conjunction with any associated historic artifact, without approval of the Secretary; or
  - (F) At least 30 days before the reversion, the Administrator provides written notice to the owner that the historic light station or any part thereof is needed for national security purposes.

*[16 U.S.C. 470w-7(d) — Description of Property]*

- (d)
  - (1) The Administrator shall prepare the legal description of any historic light station conveyed under this section. The Administrator, in consultation with the Commandant, United States Coast Guard, and the Secretary, may retain all right, title, and interest of the United States in and to any historical artifact, including any lens or lantern, that is associated with the historic light station and located at the light station at the time of conveyance. Wherever possible, such historical artifacts should be used in interpreting that station. In cases where there is no method for preserving lenses and other artifacts and equipment in situ, priority should be given to preservation or museum entities most closely associated with the station, if they meet loan requirements.
  - (2) Artifacts associated with, but not located at, the historic light station at the time of conveyance shall remain the personal property of the United States under the administrative control of the Commandant, United States Coast Guard.
  - (3) All conditions placed with the quitclaim deed of title to the historic light station shall be construed as covenants running with the land.
  - (4) No submerged lands shall be conveyed under this section.

*[16 U.S.C. 470w-7(e) — Definitions]*

(e) For purposes of this section:

- (1) The term “**Administrator**” shall mean the Administrator of General Services.
- (2) The term “**historic light station**” includes the light tower, lighthouse, keepers dwelling, garages, storage sheds, oil house, fog signal building, boat house, barn, pumphouse, tramhouse support structures, piers, walkways, underlying and appurtenant land and related real property and improvements associated therewith; *provided* that the ‘historic light station’ shall be included in or eligible for inclusion in the National Register of Historic Places.
- (3) The term “**eligible entity**” shall mean:
  - (A) any department or agency of the Federal Government; or
  - (B) any department or agency of the State in which the historic light station is located, the local government of the community in which the historic light station is located, nonprofit corporation, educational agency, or community development organization that —
    - (i) has agreed to comply with the conditions set forth in subsection (c) and to have such conditions recorded with the deed of title to the historic light station; and
    - (ii) is financially able to maintain the historic light station in accordance with the conditions set forth in subsection (c).
- (4) The term “**Federal aid to navigation**” shall mean any device, operated and maintained by the United States, external to a vessel or aircraft, intended to assist a navigator to determine position or safe course, or to warn of dangers or obstructions to navigation, and shall include, but not be limited to, a light, lens, lantern, antenna, sound signal, camera, sensor, electronic navigation equipment, power source, or other associated equipment.

- (5) The term “**Secretary**” means the Secretary of the Interior.

## **Section 309**

*[16 U.S.C. 470w-8(a) — Historic Light Station Sales]*

- (a) In the event no applicants are approved for the conveyance of a historic light station pursuant to section 308, the historic light station shall be offered for sale. Terms of such sales shall be developed by the Administrator of General Services and consistent with the requirements of section 308, subparagraphs (A) through (D) and (H) of subsection (c)(1), and subsection (c)(2). Conveyance documents shall include all necessary covenants to protect the historical integrity of the historic light station and ensure that any Federal aid to navigation located at the historic light station is operated and maintained by the United States for as long as needed for that purpose.

*[16 U.S.C. 470w-8(b) — Net sale proceeds]*

- (b) Net sale proceeds from the disposal of a historic light station —
- (1) located on public domain lands shall be transferred to the National Maritime Heritage Grant Program, established by the National Maritime Heritage Act of 1994 (Public Law 103-451) within the Department of the Interior; and
  - (2) under the administrative control of the Coast Guard shall be credited to the Coast Guard's Operating Expenses appropriation account, and shall be available for obligation and expenditure for the maintenance of light stations remaining under the administrative control of the Coast Guard, such funds to remain available until expended and shall be available in addition to funds available in the Operating Expense appropriation for this purpose.

There are hereby authorized to be appropriated to the Secretary of the Interior such sums as may be necessary to carry out this Act.

## **TITLE IV**

### **Section 401**

*[16 U.S.C. 470x — National initiative to coordinate and promote research, distribute information and provide training about preservation skills and technologies]*

The Congress finds and declares that, given the complexity of technical problems encountered in preserving historic properties and the lack of adequate distribution of technical information to preserve such properties, a national initiative to coordinate and promote research, distribute information, and provide training about preservation skills and technologies would be beneficial.

### **Section 402**

*[16 U.S.C. 470x-1 — Definitions]*

For the purposes of this title —

- (1) The term “**Board**” means the National Preservation Technology and Training Board established pursuant to section 404 of this Act.
- (2) The term “**Center**” means the National Center for Preservation Technology and Training established pursuant to section 403 of this Act.



- (3) The term "**Secretary**" means the Secretary of the Interior.

## **Section 403**

*[16 U.S.C. 470x-2(a) — Establish a National Center for Preservation Technology and Training]*

- (a) There is hereby established within the Department of the Interior a National Center for Preservation Technology and Training. The Center shall be located at Northwestern State University of Louisiana in Natchitoches, Louisiana.

*[16 U.S.C. 470x-2(b) — Purposes of Center]*

- (b) The purposes of the Center shall be to —
- (1) develop and distribute preservation and conservation skills and technologies for the identification, evaluation, conservation, and interpretation of prehistoric and historic resources;
  - (2) develop and facilitate training for Federal, State and local resource preservation professionals, cultural resource managers, maintenance personnel, and others working in the preservation field;
  - (3) take steps to apply preservation technology benefits from ongoing research by other agencies and institutions;
  - (4) facilitate the transfer of preservation technology among Federal agencies, State and local governments, universities, international organizations, and the private sector; and
  - (5) cooperate with related international organizations including, but not limited to the International Council on Monuments and Sites, the International Center for the Study of Preservation and Restoration of Cultural Property, and the International Council on Museums.

*[16 U.S.C. 470x-2(c) — Programs]*

- (c) Such purposes shall be carried out through research, professional training, technical assistance, and programs for public awareness, and through a program of grants established under section 405 of this Act.

*[16 U.S.C. 470x-2(d) — Executive Director]*

- (d) The Center shall be headed by an Executive Director with demonstrated expertise in historic preservation appointed by the Secretary with advice of the Board.

*[16 U.S.C. 470x-2(e) — Assistance from Secretary]*

- (e) The Secretary shall provide the Center assistance in obtaining such personnel, equipment, and facilities as may be needed by the Center to carry out its activities.

## **Section 404**

*[16 U.S.C. 470x-3(a) — Establish a Preservation Technology and Training Board]*

- (a) There is established a Preservation Technology and Training Board.

*[16 U.S.C. 470x-3(b) — Duties]*

- (b) The Board shall —

- (1) provide leadership, policy advice, and professional oversight to the Center;
- (2) advise the Secretary on priorities and the allocation of grants among the activities of the Center; and
- (3) submit an annual report to the President and the Congress.

*[16 U.S.C. 470x-3(c) — Membership]*

- (c) The Board shall be comprised of —

- (1) The Secretary, or the Secretary's designee;
- (2) 6 members appointed by the Secretary who shall represent appropriate Federal, State, and local agencies, State and local historic preservation commissions, and other public and international organizations; and
- (3) 6 members appointed by the Secretary on the basis of outstanding professional qualifications who represent major organizations in the fields of archaeology, architecture, conservation, curation, engineering, history, historic preservation, landscape architecture, planning, or preservation education.

## **Section 405**

*[16 U.S.C. 470x-4(a) — Grants for research, information distribution and skill training]*

- (a) The Secretary, in consultation with the Board, shall provide preservation technology and training grants to eligible applicants with a demonstrated institutional capability and commitment to the purposes of the Center, in order to ensure an effective and efficient system of research, information distribution and skills training in all the related historic preservation fields.

*[16 U.S.C. 470x-4(b) — Grant Requirements]*

- (b)
- (1) Grants provided under this section shall be allocated in such a fashion to reflect the diversity of the historic preservation fields and shall be geographically distributed.
  - (2) No grant recipient may receive more than 10 percent of the grants allocated under this section within any year.
  - (3) The total administrative costs, direct and indirect, charged for carrying out grants under this section may not exceed 25 percent of the aggregate costs.

*[16 U.S.C. 470x-4(c) — Eligible applicants]*

- (c) Eligible applicants may include Federal and non-Federal laboratories, accredited museums, universities, non-profit organizations; offices, units, and Cooperative Park Study Units of the National Park System, State Historic Preservation Offices, tribal preservation offices, and Native Hawaiian organizations.

*[16 U.S.C. 470x-4(d) — Standards]*

- (d) All such grants shall be awarded in accordance with accepted professional standards and methods, including peer review of projects.

*[16 U.S.C. 470x-4(e) — Authorization of appropriations]*

- (e) There is authorized to be appropriated to carry out this section such sums as may be necessary.

## **Section 406**

*[16 U.S.C. 470x-5(a) — Center may accept grants, donations, and other Federal funds; may enter into contracts and cooperative agreements]*

- (a) The Center may accept —
  - (1) grants and donations from private individuals, groups, organizations, corporations, foundations, and other entities; and
  - (2) transfers of funds from other Federal agencies.

*[16 U.S.C. 470x-5(b) — Contracts and cooperative agreements]*

- (b) Subject to appropriations, the Center may enter into contracts and cooperative agreements with Federal, State, local, and tribal governments, Native Hawaiian organizations, educational institutions, and other public entities to carry out the Center's responsibilities under this title of the Act.

*[16 U.S.C. 470x-5(c) — Authorization of appropriations]*

- (c) There are authorized to be appropriated such sums as may be necessary for the establishment, operation, and maintenance of the Center. Funds for the Center shall be in addition to existing National Park Service programs, centers, and offices.

## **Section 407**

*[16 U.S.C. 470x-6 — Improve use of existing NPS centers and regional offices]*

In order to improve the use of existing National Park Service resources, the Secretary shall fully utilize and further develop the National Park Service preservation (including conservation) centers and regional offices. The Secretary shall improve the coordination of such centers and offices within the National Park Service, and shall, where appropriate, coordinate their activities with the Center and with other appropriate parties.

## **[Addendum]**

[National Historic Preservation Act Amendments of 1980, Public Law 96-515, December 12, 1980, 94 Stat. 3000]

This addendum contains related legislative provisions enacted in the National Historic Preservation Act Amendments of 1980 but that are not part of the National Historic Preservation Act.]

## **Section 401**

*[16 U.S.C. 470a-1(a) — International activities and World Heritage Convention]*

- (a) The Secretary of the Interior shall direct and coordinate United States participation in the Convention Concerning the Protection of the World Cultural and Natural Heritage, approved by the Senate on October 26, 1973, in cooperation with the Secretary of State, the Smithsonian Institution, and the Advisory Council on Historic Preservation. Whenever possible, expenditures incurred in carrying out activities in cooperation with other nations and international organizations shall be paid for in such excess currency of the country or area where the expense is incurred as may be available to the United States.

*[16 U.S.C. 470a-1(b) — Nominations of properties to World Heritage List]*

- (b) The Secretary of the Interior shall periodically nominate properties he determines are of international significance to the World Heritage Committee on behalf of the United States. No property may be so nominated unless it has previously been determined to be of national significance. Each such nomination shall include evidence of such legal protections as may be necessary to ensure preservation of the property and its environment (including restrictive covenants, easements, or other forms of protection). Before making any such nomination, the Secretary shall notify the Committee on Natural Resources of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate.

*[16 U.S.C. 470a-1(c) — Concurrence of non-Federal property]*

- (c) No non-Federal property may be nominated by the Secretary of the Interior to the World Heritage Committee for inclusion on the World Heritage List unless the owner of the property concurs in writing to such nomination.

## **Section 402**

*[16 U.S.C. 470a-2 — International Federal activities affecting historic properties]*

Prior to the approval of any Federal undertaking outside the United States which may directly and adversely affect a property which is on the World Heritage List or on the applicable country's equivalent of the National Register, the head of a Federal agency having direct or indirect jurisdiction over such undertaking shall take into account the effect of the undertaking on such property for purposes of avoiding or mitigating any adverse effects.

## Secretary of the Interior's Standards for Rehabilitation

The Secretary of the Interior's Standards for Rehabilitation are ten basic principles created to help preserve the distinctive character of a historic building and its site, while allowing for reasonable change to meet new needs.

The Standards apply to historic buildings of all periods, styles, types, materials, and sizes. They apply to both the exterior and the interior of historic buildings. The Standards also encompass related landscape features and the building's site and environment as well as attached, adjacent, or related new construction.

**Rehabilitation projects must meet the following Standards, as interpreted by the National Park Service, to qualify as “certified rehabilitations” eligible for the 20% rehabilitation tax credit.**

*The Standards are applied to projects in a reasonable manner, taking into consideration economic and technical feasibility.*

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

## **State Enabling Legislation that allows for the creation of districts, Historic Preservation Commissions, and Architectural Review Board from the Code of Alabama**

### **Chapter 68 HISTORIC PRESERVATION COMMISSIONS AND ARCHITECTURAL REVIEW BOARDS.**

#### **Section 11-68-1**

##### **Purpose of chapter.**

The purposes of this chapter are to provide for the establishment of historic preservation commissions and architectural review boards, and to promote the educational, cultural, economic and general welfare of Alabama municipalities: through the preservation and protection of buildings, sites, structures, areas, and districts of historic significance and interest; through the preservation and enhancement of the national, state and local historic, architectural, archaeological, and aesthetic heritage found in Alabama; and through the promotion and enhancement of Alabama's historic and aesthetic attraction to tourists and visitors.  
(Acts 1989, No. 89-536, p. 1116, §1.)

#### **Section 11-68-2**

##### **Establishment of historic preservation commission and architectural review boards.**

The governing body of any municipality electing to enact an ordinance, pursuant to this chapter, to provide for the creation, protection, and enhancement of historic properties or historic districts, shall establish an historic preservation commission, hereinafter sometimes called the commission, and may establish one or more architectural review boards, hereinafter sometimes called the boards, to carry out the purposes and responsibilities of that ordinance.  
(Acts 1989, No. 89-536, p. 1116, §2.)

#### **Section 11-68-3**

##### **Composition of commission; nomination of members; terms of office; removal; vacancies; officers; rules; reimbursement of expenses; personnel; annual report; meetings.**

(a) An historic preservation commission created by an ordinance enacted pursuant to this chapter shall be composed of not less than 7 members, who shall have demonstrated training or experience in the fields of history, architecture, architectural history, urban planning, archaeology or law, or who shall be residents of an historic district designated pursuant to that ordinance. Members of the commission shall be bona fide residents of the territorial jurisdiction of the municipality creating the commission. Not more than one-fifth of the members of the commission shall be public officials.

(b) Members of the commission shall be nominated by the chief executive officer of the municipality creating the commission and appointed by the legislative body of that municipality. Nomination and appointment of members of the commission shall be made so as to ensure that the commission will be composed of persons with as much of the training and experience specified in subsection (a) of this section as is possible.

(c) Except for the original members of the commission, members of the commission shall serve three year terms and shall be appointed in such a manner so as to serve overlapping terms. Two of the original members of the commission shall be appointed to serve one year terms, two of the original members of the commission shall be appointed to serve two year terms, and the remainder of the original members of the commission shall be appointed to serve three year terms. Members of the commission may be reappointed.

(d) Members of the commission may be removed for cause by the legislative body of the municipality creating the commission.

(e) Vacancies on the commission shall be filled by persons nominated by the chief executive officer of the municipality creating the commission and appointed by the legislative body of that municipality. Such appointments shall be for the unexpired term of the member replaced.

(f) Members of the commission shall elect a chairman and a vice chairman and such other officers as the members deem necessary. The commission shall adopt rules of procedure and bylaws to govern its operations and shall communicate those rules of procedure and bylaws to the municipality creating the commission. The rules of procedure and bylaws of the commission shall specify what number of members of the commission constitutes a quorum.

(g) Members of the commission shall serve without compensation but may be reimbursed for expenses incurred on behalf of the commission in accordance with the rules and regulations for the reimbursement of expenses adopted by the commission.

(h) The commission may employ such professional, technical, office, and other personnel as may be necessary to carry out the purposes and responsibilities of the ordinance enacted pursuant to this chapter.

(i) The commission shall prepare and file with the municipality creating the commission, and with the Alabama Historical Commission, an annual report of its activities as required by the municipality and the Alabama Historical Commission.

(j) Meetings of the commission shall be public meetings and shall be held at times and places and pursuant to such notices specified in the ordinance creating the commission.

*(Acts 1989, No. 89-536, p. 1116, §3.)*

#### **Section 11-68-4**

##### **Status of commission as nonprofit agency exempt from taxation.**

An historic preservation commission shall constitute a non-profit governmental agency whose funds shall be used exclusively for public purposes. Such commission shall have tax exempt status, and the properties of the commission and the income therefrom, together with all leases, agreements, and contracts made by it, shall be forever exempt from any and all taxation by the State of Alabama and any political subdivision thereof, including, but not limited to, income, admission, amusement, excise and ad valorem taxes.

*(Acts 1989, No. 89-536, p. 1116, §4.)*

**Section 11-68-5**

**Powers and duties of commission.**

An historic preservation commission created by an ordinance enacted pursuant to this chapter shall be authorized to:

- (1) Preserve and protect buildings, structures, and sites of historic and architectural value in the historic districts designated pursuant to that ordinance;
- (2) Prepare a survey of all property within the territorial jurisdiction of the municipality creating the commission;
- (3) Recommend to the municipality creating the commission buildings, structures, sites, and districts for designation as historic properties or districts;
- (4) Restore and preserve any historic properties acquired by the municipality creating the commission or acquired by the commission;
- (5) Promote acquisition of facade and conservation easements by the municipality creating the commission or by the commission;
- (6) Develop and conduct educational programs on historic projects and districts designated pursuant to the ordinance and on historic preservation subjects;
- (7) Make such investigations and studies of matters relating to historic preservation as the municipality creating the commission or the commission deems necessary and appropriate for the purposes of this chapter;
- (8) Apply for funds to carry out the purposes and responsibilities of the commission from municipal, county, state, federal, and private agencies and sources;
- (9) Purchase, sell, contract to purchase, contract to sell, own, encumber, lease, mortgage, and insure real and personal property in carrying out the purposes and responsibilities of the commission;
- (10) Investigate, survey, and process nominations of properties to the National Register of Historic Places;
- (11) Investigate, survey, and process applications for certification of historic properties for tax credits for preservation expenditures;
- (12) Contract with other municipal, county, state, federal and private agencies and organizations to perform historic preservation related functions;



(13) Exercise such further powers as the commission may deem reasonably necessary and proper to carry out the purposes, responsibilities, and powers of the commission.

*(Acts 1989, No. 89-536, p. 1116, §5.)*

#### **Section 11-68-6**

##### **Designation of historic properties and historic districts by municipality on recommendation of commission; criteria.**

(a) On recommendation of the historic preservation commission, a municipality enacting an ordinance, pursuant to this chapter, may designate historic properties and historic districts within the territorial jurisdiction of the municipality.

(b) The commission shall not recommend designation of an historic property or historic district unless such recommendation is based on a finding of a survey of such property or district conducted by or for the commission in accordance with the rules and regulations of the Alabama Historical Commission.

(c) The commission shall not recommend designation of an historic property or historic district unless it finds that the building, structure, site, or district is identified with or represents a significant aspect of the cultural, political, economic, military, or social history of the locality, region, state, or nation or has had a significant relationship with the life of a historic person or event, representing a major aspect of the history of the locality, region, state, or nation, or if a part of the historic, architectural, archaeological, or aesthetic heritage of the locality, region, state, or nation. In the case of an individual building or structure, the commission may recommend designation as an historic property if the commission finds that the building or structure is an example of an architectural style, or combination of architectural styles, which is representative of the municipality creating the commission or which is unique to that municipality. In the case of a district, the commission may recommend designation as an historic district if the commission finds that the district contains vernacular structures which contribute to an overall character and sense of place which is representative of the municipality creating the commission.

*(Acts 1989, No. 89-536, p. 1116, §6.)*

#### **Section 11-68-7**

##### **Public hearing on proposed recommendation; notification of property owners.**

(a) Before the commission shall recommend the designation of an historic property or historic district, it shall hold a public hearing on the proposed recommendation of historic designation to be held at a time and place, and pursuant to such notices specified in the ordinance creating the commission.

(b) In addition to the notice of the public hearing required pursuant to subsection (a) of this section, all owners of property to be included in the proposed historic designation, as such

owners are identified in the relevant property tax rolls, if such owners can be found on reasonable inquiry, shall be notified by mail of the public hearing to be held by the commission on the proposed recommendation of historic designation.

*(Acts 1989, No. 89-536, p. 1116, §7.)*

#### **Section 11-68-8**

##### **Written notice of designation of historic property or district.**

Upon the designation of any historic property or historic district by a municipality, pursuant to an ordinance enacted pursuant to this chapter, the historic preservation commission shall give notice in writing of that designation to all agencies of the municipality, and to all owners of property included in the historic designation.

*(Acts 1989, No. 89-536, p. 1116, §8.)*

#### **Section 11-68-9**

##### **Certificate of appropriateness prerequisite to changes in historic property or district; submission and consideration of application for certificate; rules, regulations, and standards; expedited procedure; records.**

(a) No change in the exterior appearance of an historic property or any building, structure, or site within an historic district may be made, and no historic property may be demolished, and no building or structure in an historic district may be erected or demolished unless and until a certificate of appropriateness for such change, erection, or demolition is approved by the historic preservation commission created by the municipality designating the historic property or the historic district. Signs shall be considered as structures and no sign on an historic property or in an historic district shall be changed, erected, or demolished unless and until a certificate of appropriateness is approved by the commission. The requirement of a certificate of appropriateness shall apply to public property which has been designated as an historic property or which is contained in an historic district, and shall apply to all actions by public authorities which involve historic properties and properties within historic districts. Demolition by neglect and the failure to maintain an historic property or a structure in an historic district shall constitute a change for which a certificate of appropriateness is necessary. A municipality enacting an ordinance, pursuant to this chapter, may include selection of paint colors in changes requiring a certificate of appropriateness. The painting of originally unpainted surfaces shall require a certificate of appropriateness.

(b) The commission shall adopt rules and regulations setting forth the procedure for submission and consideration of applications for certificates of appropriateness, and no certificate of appropriateness shall be approved unless an application for a certificate of appropriateness is submitted to the commission accompanied by such drawings, photographs, and plans, as may be required by the commission.

(c) The commission shall adopt general design standards which shall apply in considering the granting and denial of certificates of appropriateness.

(d) Applications for certificates of appropriateness shall be considered by the commission at public meetings, held at times and places and pursuant to such notices as are specified in the ordinance creating the commission.

(e) The commission may adopt an expedited procedure for approval of routine maintenance to historic properties, or to buildings or structures in historic districts. Such expedited procedure may waive the requirements for submission of an application for a certificate of appropriateness and for consideration at a public meeting.

(f) The commission shall keep a record of all applications for certificates of appropriateness and requests for approval of routine maintenance and of all of its proceedings.

*(Acts 1989, No. 89-536, p. 1116, §9.)*

#### **Section 11-68-10**

##### **Appeal of denial to circuit court.**

Any person having a request for a certificate of appropriateness denied by the historic preservation commission, or architectural board as hereinafter provided, may appeal such denial to the circuit court of the county in which the commission exists.

*(Acts 1989, No. 89-536, p. 1116, §10.)*

#### **Section 11-68-11**

##### **Issuance of certificate; factors considered; reasons for rejection; application for reconsideration; effect of rejection on issuance of building permit.**

(a) The historic preservation commission shall approve an application and issue a certificate of appropriateness if it finds that the proposed change, erection, or demolition conforms to the general design standards established by the commission, is compatible with the character of the historic property or historic district and does not detract from the value of the historic property or historic district. In making this determination, the commission shall consider, in addition to any other pertinent factors, the historic and architectural features involved and the proposed change thereto, and the relationship thereof, to the exterior architectural style, and pertinent features of other structures in the immediate neighborhood.

(b) In its review of applications for certificate of appropriateness, the commission shall not consider interior changes or use having no effect on the exterior of a building or structure.

(c) In the event the commission rejects an application, it shall state its reasons for doing so and shall transmit a record of such action and reasons therefor, in writing, to the applicant. The applicant may make modifications to its plans and resubmit the application for reconsideration at any time after doing so.

(d) In cases where the application is for a change in the exterior of the building or structure which would require the issuance of a building permit, the rejection of an application for a certificate of appropriateness by the commission shall be binding upon the building inspector or

other administrative officer charged with issuing building permits and, in such case, no building permit shall be issued.

*(Acts 1989, No. 89-536, p. 1116, §11.)*

#### **Section 11-68-12**

##### **Institution of court proceedings to prevent violations and recover damages.**

The historic preservation commission, or the municipality creating the commission, 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 an ordinance adopted in conformity with this chapter, 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.

*(Acts 1989, No. 89-536, p. 1116, §12.)*

#### **Section 11-68-13**

##### **Architectural review board; composition; nomination of members; terms; removal for cause; vacancies; officers; rules; reimbursement for expenses; personnel; meetings; multiple boards.**

(a) A municipality enacting an ordinance pursuant to this chapter, may elect to create an architectural review board, hereinafter sometimes called the board, to perform the duties and responsibilities of the historic preservation commission in accepting, considering and approving or rejecting applications for certificates of appropriateness, as set out in Sections 11-68-9 through 11-68-12.

(b) If such board is created, it shall be composed of not less than five members who shall have demonstrated training or experience in the fields of history, architecture, architectural history, urban planning, archaeology, or law. Members of the board need not be residents of the territorial jurisdiction of the municipality creating the board. No member of a municipal governing body shall serve as members of the board.

(c) Members of the board shall be nominated by the chief executive officer of the municipality creating the board, and appointed by the legislative body of that municipality or county. Nomination and appointment of members of the commission shall be made so that the board will be composed of persons with as much of the training and experience specified in subsection (b) of this section as possible.

(d) Except for the original members of the board, members of the board shall serve three year terms and shall be appointed in such manner as to serve overlapping terms. Two of the original members of the board shall be appointed to serve one year terms and the remainder of the original members of the board shall be appointed to serve three year terms. Members of the board may be reappointed.

(e) Members of the board may be removed for cause by the legislative body of the municipality creating the board.

(f) Vacancies on the board shall be filled by persons nominated by the chief executive officer of the municipality creating the commission and appointed by the legislative body of that municipality. Such appointments shall be for the unexpired term of the member replaced.

(g) Members of the board shall elect a chairman and vice chairman and such other officers as the members deem necessary. The board shall adopt rules of procedure and shall communicate those rules of procedure to the municipality creating the board. The rules of procedure of the board shall specify what number of members of the board shall constitute a quorum.

(h) Members of the board shall serve without compensation, but may be reimbursed for reasonable expenses incurred on behalf of the board, in accordance with the rules and regulations for the reimbursement of expenses adopted by the board.

(i) The board may employ such professional, technical, office, and other personnel, as may be necessary, to carry out the purposes and responsibilities of the board.

(j) Meetings of the board shall be public meetings and shall be held at times and places and pursuant to such notices as are specified in the ordinance creating the board.

(k) If, in the opinion of the governing body of the municipality creating a board, the work load of the board is, or is contemplated to be excessive, the governing body of the municipality creating the board may create more than one board, and designate the historic properties, and historic districts with which each board will be concerned, so long as each historic property and each historic district designated by the municipality shall be subject to the control of only one board. Each such board created shall have all of the powers and authority set forth in this chapter with respect to the historic properties and historic districts with which it is concerned.

*(Acts 1989, No. 89-536, p. 1116, §13.)*

#### **Section 11-68-14**

#### **Effect of chapter on preexisting historic development commissions or architectural review boards.**

No provision of this chapter shall be construed to require the dissolution of any historic development commission or architectural review board created by an ordinance enacted pursuant to prior laws. Any historic development commission or architectural review board created by an ordinance existing pursuant to prior laws and existing at the time of the enactment of this chapter shall continue in existence and shall have all of the purposes, powers, and authority set out in the ordinances creating such commissions and boards. Any such commission or board shall also have the power set forth in this chapter, if so provided by ordinance enacted by the governing body of the municipality creating the historic development commission or architectural review board. The fact that such a commission or board is not created by an ordinance enacted pursuant

to this chapter shall not be cause for denying such commission or board certified local government status.

*(Acts 1989, No. 89-536, p. 1116, §14.)*

#### **Section 11-68-15**

##### **Applicability of chapter to highways, bridges, etc.; applicability of federal provisions.**

The provisions of this chapter shall not apply to a highway, road, street, bridge, or utility structure or facility, nor to any highway, road, street, bridge, or utility structure or facility to be constructed or improved, including any property, building or other structure or facility to be changed, moved, demolished, acquired, or utilized in connection therewith, lying or running within any municipality or county, or within an historic district or an area designated as historic properties under this chapter, nor to actions taken in connection therewith by public authorities or utilities charged with responsibility of constructing, maintaining, repairing, or improving any such highway, road, street, bridge, or utility structure or facility, including any property, building, or other structure or facility to be changed, moved, demolished, acquired, or utilized in connection therewith; provided further, however, that where property lying within an area designated as historic properties or as an historic district, pursuant to the provisions of this chapter is sought to be utilized or acquired by any such public authority for the purpose of construction or improvement of a highway, road, bridge, utility structure or facility or street, and the provisions and requirements of Section 106, et seq., of the National Historic Preservation Act of 1966 (16 USCA 470), are applicable to the property acquisition or utilization, the public authority or utility may utilize or acquire any such property, building, or other structure or parts thereof, and change, move, or demolish any building or other structure in accordance with the applicable provisions, requirements, and procedure provided for under such act, including the requirements and procedure as applicable of the Advisory Council on Historic Preservation, Section 36, Code of Federal Regulations 800 (16 USCA 470i), and in accordance with the provisions, requirements and procedure as applicable under Section 4(f) of the U.S. Department of Transportation Act of 1966, as amended, 49 USCA 1653(f), and under 23 USCA 138. In the event the foregoing National Historic Preservation Act or Section 4(f) are not applicable to the property, building or other structure, they shall be exempt from the provisions of this chapter.

*(Acts 1989, No. 89-536, p. 1116, §15.)*

## **Wallace Property Tax Relief Act**

From the Code of Alabama  
Property Tax Reduction for Historic Properties

### **Section 40-8-1**

#### **Assessment rate.**

(a) On and after October 1, 1978, with respect to ad valorem taxes levied by the state, and, unless otherwise provided, with respect to ad valorem taxes levied by a county, municipality, or other taxing authority other than the state, all taxable property shall be divided into the following classes and no other and shall be assessed for ad valorem tax purposes at the following ratios of assessed value to the fair and reasonable market value of such property, or, as may be provided by law, to the current use value of such property:

CLASS I. All property of utilities used in the business of such utilities, 30 percent.

CLASS II. All property not otherwise classified, 20 percent.

CLASS III. All agricultural, forest, and residential property, and historic buildings and sites, 10 percent.

CLASS IV. All private passenger automobiles and motor trucks of the type commonly known as "pickups" or "pickup trucks" owned and operated by an individual for personal or private use and not for hire, rent, or compensation, 15 percent.

(b) As used herein, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

(1) AGRICULTURAL AND FOREST PROPERTY. All real property used for raising, harvesting, and selling crops or for the feeding, breeding, management, raising, sale of, or the production of livestock, including beef cattle, sheep, swine, horses, ponies, mules, poultry, fur-bearing animals, honeybees, and fish, or for dairying and the sale of dairy products, or for the growing and sale of timber and forest products, or any other agricultural or horticultural use or animal husbandry and any combination thereof.

(2) HISTORIC BUILDINGS AND SITES. Regardless of the use to which such property is put, all buildings or structures (i) determined eligible by the state historic preservation officer for listing on the National Register of Historic Places; or (ii) located in a registered historic district and certified by the United States Secretary of the Interior as being of historic significance to the district.

(3) PRIVATE PASSENGER AUTOMOBILES AND MOTOR TRUCKS OF THE TYPE COMMONLY KNOWN AS "PICKUPS" OR "PICKUP TRUCKS" OWNED AND

OPERATED BY AN INDIVIDUAL FOR PERSONAL OR PRIVATE USE AND NOT FOR HIRE, RENT, OR COMPENSATION. All private passenger automobiles, as that term is defined in Sections 40-12-240, subdivision (12), and 40-12-241; and all motor trucks of the type commonly known as "pickups" or "pickup trucks," weighing not exceeding 8,000 pounds gross weight.

(4) PROPERTY NOT OTHERWISE CLASSIFIED. All real and personal property which does not fall within any one or more of Classes I, III, and IV.

(5) PROPERTY OF UTILITIES. All property assessed for taxation by the Department of Revenue pursuant to the provisions of Chapter 21 of this title; provided, that after September 30, 1979, and only to the extent required by Title III, §306 of Pub. L. 94-210 (the Railroad Revitalization and Regulatory Reform Act of 1976, codified as 49 U.S.C. §26c), "transportation property," as that term is defined in the aforesaid statute, as heretofore or hereafter amended, or in any subsequent statute of similar import, shall not be assessed as Class I property and customer-owned coin-operated telephone companies shall not be assessed as Class I property.

(6) RESIDENTIAL PROPERTY. Only real property, used by the owner thereof exclusively as the owner's single-family dwelling. This includes an owner who resides on the property and remains in possession of the property after it is sold at a tax sale.

(c) Wherever any statute provides for, limits, or measures the power or authority of any county, municipality, or other taxing authority to levy taxes, borrow money, or incur indebtedness in relation to the assessment of property therein for state taxes or for state and county taxes, such provision shall mean as assessed for county or municipal taxes.

(d) The following property shall be exempted from ad valorem taxation: The real and personal property of the state, counties, and municipalities and real and personal property devoted exclusively to religious, education, or charitable purposes. The property of Masonic lodges, Knights of Columbus homes, and union halls shall be exempt when used exclusively for the purposes and business of such organizations. All property now exempt by law shall continue to be exempt from taxation until changed by law.

(e) The Department of Revenue shall have authority to promulgate rules and regulations for the uniform identification and assessment of manufactured homes.

*(Acts 1935, No. 194, p. 256; Code 1940, T. 51, §17; Acts 1961, Ex. Sess., No. 153, p. 2101; Acts 1967, No. 502, p. 1215; Acts 1971, 3rd Ex. Sess., No. 166, p. 4416, §1; Acts 1973, No. 1216, p. 2062; Acts 1978, 2nd Ex. Sess., No. 46, p. 1724, §2; Acts 1988, 1st Ex. Sess., No. 88-824, p. 265, §3; Acts 1989, No. 89-639, p. 1249; Acts 1991, No. 91-694, p. 1340, §5; Act 99-399, p. 663, §1; Act 2009-508, p. 937, §1.)*



**ORDINANCE NO. 8-2021**

**AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES FOR  
THE CITY OF MONTGOMERY**

**WHEREAS, Chapter 15 of the City of Montgomery Code of Ordinances must be amended to comply with State of Alabama enabling legislation and**

**WHEREAS, additional changes and additions will offer clarification by including definitions for certain terms; and**

**WHEREAS, changes will further clarify certain procedural issues addressed in this chapter; and**

**WHEREAS, Secs. 15-71(f), 15-72(f) and 15-104 must be deleted; and**

**WHEREAS, Secs. 15-32, 15-33, 15-34, 15-126 and 15-127 must be amended; and**

**WHEREAS, Article I of Chapter 15 will be amended to add a section for Definitions; and**

**WHEREAS, Chapter 15 will be amended to add Article VI, Certificate of Economic Hardship;**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Chapter 15 of the Code of Ordinances of the City of Montgomery be amended as follows (changes are in bold and underlined):**

1. The following sections are deleted from Chapter 15 of the City of Montgomery Code of Ordinances: Secs. 15-71(f), 15-72(f) and 15-104.
2. The following additions and changes are made to Chapter 15 of the City of Montgomery Code of Ordinances.

**ARTICLE I: IN GENERAL**

**Sec. 15-3: Definitions**

**The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.**

**Board: Means the Architectural Review Board established pursuant to this Chapter.**

**Certificate of Appropriateness: Means a document evidencing approval by the Architectural Review Board of an application to make a material change in the appearance**

**of a designated historic property or of a property located within a designated historic district.**

**Certificate of Economic Hardship: Means a document evidencing approval of an Owner's application for relief from the application of this Chapter as provided in Section VI.**

**Change in Exterior Appearance: Means a change in appearance that will affect either the Exterior Architectural Features or Landscaping of a Historic Property or any building, structure, site, object, landscape feature or work of art within a Historic District, including, but not limited to:**

- 1. Reconstruction or alteration of the size, shape, or elevation of a Historic Property, including, but not limited to, relocation or replacement of any doors or windows, painting, or removal or alteration of any architectural features, details or elements;**
- 2. Demolition or relocation of a Historic Property;**
- 3. Commencement of excavation for construction purposes;**
- 4. A change in the materials, size or location of advertising visible from the public right of way;**
- 5. The erection, alteration, restoration or removal of any buildings or other structure within a Historic District, including walls, fences, steps, drives and pavements or other appurtenant features;**
- 6. The removal of any tree larger than 12" in diameter or the significant alteration of important landscape features;**

**City: Means the City of Montgomery, an Alabama municipal corporation.**

**Commission: Means the Historic Preservation Commission established pursuant to this Chapter.**

**Exterior Architectural Features: Means the architectural style, general design and general arrangement of the exterior of a building or other structure, including but not limited to the kind or texture of the building material and the type and style of all windows, doors, signs and other appurtenant architectural fixtures, features, details or elements relative to the foregoing.**

**Historic District: Means a geographically definable area designated by the City Council as a historic district.**

**Historic Property:** Means an individual building, structure, site, object or work of art including the adjacent area necessary for the proper appreciation thereof designated as a Historic Property by the City Council, and properties located in a Historic District.

**Landscaping:** Means all those aspects of the landscape or the development of a site which affect the historical character of the property, including but not limited to, walks, drives, outbuildings and landscaping.

**Owner:** Means the holder of the fee simple title as revealed on the relevant property tax rolls, and any person (natural, legal or corporate) or groups of persons, companies, associations, corporations, or partnerships who, alone or jointly or severally with others: 1) shall have legal title to any property, with or without an accompanying right of possession; or 2) shall have charge, care or control of any property as owner, executor, executrix, administrator, trustee, guardian or the estate owner, mortgagee or vendee in possession, or assignee of rents, lessee, or other person, firm or corporation in control of a property.

**Substantial economic hardship:** Means a hardship so great that 1) the owner will effectively be deprived of all reasonable and beneficial use of or return from the property; and 2) that the owner did not create the conditions underlying the claim of hardship.

## ARTICLE II: HISTORIC PRESERVATION COMMISSION

Sec. 15-32. - Composition of commission; nomination of members; terms of office; removal; vacancies; officers; rules; reimbursement of expenses; personnel; annual reports; meetings.

- (a) The commission shall be composed of nine members who shall have demonstrated training or experience in the fields of history, architecture, architectural history, urban planning, archaeology or law, or who shall be residents of a designated historic district. Members of the commission shall be residents of the territorial jurisdiction of the city. Not more than one-fifth of the members of the commission shall be public officials.
- (b) Members of the commission shall be nominated by the mayor and appointed by the city council. Nomination and appointment of members of the commission shall be made to ensure that the commission will be composed of persons with as much of the training and experience specified in subsection (a) of this section as is possible.
- (c) In addition to all other provisions herein:
  - (1) For purposes of selection only, the nine seats on the commission shall be designated as seats 1 through 9, which shall correspond to council districts 1 through 9. Members of the commission shall be nominated by the mayor and appointed by the city council. In selecting the original members of the commission and in filling vacancies, the councilmember for the council district that corresponds to the commission seat to be filled shall submit a list of at least three potential nominees to the mayor from which the mayor may

select a nominee. Should the mayor choose not to select a nominee from the list provided, the mayor shall request a second list of potential nominees from the corresponding councilmember. Should the mayor choose not to select a nominee from the second list provided, the mayor shall nominate the individual of his choice. Nomination and appointment of members of the commission shall be made to ensure that the commission will be composed of persons with as much of the training and experience specified in subsection (a) of this section as is possible. Members of the commission need to not live in any particular council district to be considered for nomination or appointment.

- (2) Except for the original members of the commission, members of the commission shall serve three-year terms and shall be appointed in such a manner so as to serve overlapping terms. The original members of the commission serving in seats 1, 5 and 9 shall be appointed to serve one-year terms; the original members of the commission serving in seats 2, 4 and 7 shall be appointed to serve two-year terms; and the remaining three original members of the commission serving in seats 3, 6 and 8 shall be appointed to serve three-year terms. Members of the commission may be reappointed.
- (3) Vacancies on the commission shall be filled by persons nominated by the mayor and appointed by the city council in the method set forth in subsection (c)(1) above. Such appointments shall be for the unexpired term of the member replaced.

This subsection (c) is separable. It is intended that the procedures set forth in this subsection (f) be complementary to those set forth in elsewhere in this subsection, and the same shall be construed in pari materia. Should there be any conflict held to exist between this subsection and the other provisions of this section or corresponding state law, such other provisions shall be controlling and prevailing.

- (d) Except for the original members of the commission, members of the commission shall serve three-year terms and shall be appointed in such a manner so as to serve overlapping terms. Three of the original members of the commission shall be appointed to serve one-year terms, three of the original members of the commission shall be appointed to serve two-year terms, and the remaining three original members of the commission shall be appointed to serve three-year terms. Members of the commission may be reappointed.
- (e) Members of the commission may be removed for cause by the city council.
- (f) Vacancies on the commission shall be filled by persons nominated by the mayor and appointed by the city council. Such appointments shall be for the unexpired term of the member replaced.
- (g) Members of the commission shall elect a chairman and a vice-chairman and such other officers as the members deem necessary. The term of the chairman and vice-chairman shall be one year, and the chairman and the vice-chairman shall be eligible for re-election. The commission shall adopt rules of procedure and bylaws to govern its operations and shall communicate those rules of procedure and

bylaws to the mayor and city council. The rules of procedure and bylaws of the commission shall specify what number of members constitutes a quorum.

- (h) Members of the commission shall serve without compensation but may be reimbursed for expenses incurred on behalf of the commission in accordance with the rules and regulations for reimbursement adopted by the commission.
- (i) The commission may employ such professional, technical, office and other personnel as may be necessary to carry out the purposes and responsibilities of the commission as set out herein.
- (j) The commission shall prepare and file with the mayor, city council and the state historical commission an annual report of its activities. The annual report shall cover the period from January 1 to December 31 and shall be submitted within 35 days following the close of the reporting period. The report shall include such items as the number of cases reviewed, historic district and property designations made, revised resumes of commission members/staff, appointments to the commission, attendance records and all minutes relating to the review of National Register nominations. **During the process of reviewing properties for nomination to the National Register, the commission must provide opportunity for public comments.**
- (k) **Minutes of all decisions and actions of the commission, including the reasons for making these decisions, must be kept on file and available for public inspection.**

Sec. 15-33. - Commission meetings and notice of decisions.

- (a) All meetings of the commission shall be open to the public and all votes taken by the commission shall be taken in public. **The commission shall hold at least one regular meeting in each quarter** and shall keep minutes of the business brought before it as well as its resolutions, transactions, findings, determinations, and recommendations. Notice of all commission meetings shall be published in a newspaper of local circulation in at least one issue published no more than 20 days and no less than ten days prior to the meeting date.
- (b) All applicants must be given written notification of the commission's decision regarding their application.
- (c) The rules of procedure and bylaws adopted by the commission must be available for public inspection.

Sec. 15-34. - Powers and duties.

The commission shall have the following powers and duties and shall be authorized to:

- (a) Preserve and protect buildings, structures and sites of historic and architectural value in the historic districts designated pursuant to this ordinance and previously designated pursuant to Ordinance No. 10-91.

- (b) Prepare a survey of and maintain an inventory of all historic and architecturally significant property in the city.
- (c) Recommend to the mayor and city council specific buildings, structures, sites and districts for designation as historic properties or districts.
- (d) **Recommend to the mayor and city council the revocation of any previously designated buildings, structures, sites, and districts as historic properties or districts.**
- (e) Restore and preserve any historic properties acquired by the city or the commission.
- (f) Promote acquisition of facade and conservation easements by the city or by the commission.
- (g) Develop and conduct educational programs on historic projects, properties and districts.
- (h) Make such investigations and studies of matters relating to historic preservation as the city or the commission deems necessary and appropriate for the purposes of this chapter.
- (i) Apply for funds to carry out the purposes and responsibilities of the commission from municipal, county, state, federal and private agencies and sources.
- (j) Purchase, sell, contract to purchase, contract to sell, own, encumber, lease, mortgage and insure real and personal property in carrying out the purposes and responsibilities of the commission.
- (k) Investigate, survey and process nominations of properties to the National Register of Historic Places. **Review and make comments to the AHC concerning the nomination of properties to the National Register within the city.**
- (l) Investigate, survey and process applications for certification of historic properties for tax credits for preservation expenditures.
- (m) Contract with other municipal, county, state, federal and private agencies and organizations to perform historic preservation related functions.
- (n) **Prepare and promulgate design guidelines based on the Secretary of the Interior's Standards for Rehabilitation; and**
- (o) Exercise such further powers as the commission may deem reasonably necessary and proper to carry out the purposes, responsibilities and powers of the commission.

## ARTICLE V: CERTIFICATES OF APPROPRIATENESS

Sec. 15-126 Certificate of appropriateness prerequisite to changes in historic property or historic district; submission and consideration of application for certificate; rules, regulations and standards; expedited procedure; records.

(a) No change in the exterior appearance of a historic property or any building, structure or site within a historic district may be made, and no historic property may be demolished, and no building or structure in a historic district may be erected or demolished unless and until a certificate of appropriateness for such change, erection or demolition is approved by the board. No permit for changing, building or demolishing a historic property or any building, structure or site within a historic district may be issued by the chief building official of the city until a certificate of appropriateness has been approved by the board.

(1) Signs shall be considered structures and no sign on a historic property or in a historic district shall be changed, erected or demolished unless and until a certificate of appropriateness is approved by the board.

(2) Maintaining a historic property or a structure in a historic district in a manner that threatens the structural integrity of the property constitutes demolition by neglect. **It shall be a violation of this ordinance for an Owner to fail to maintain any structure to prevent the deterioration of any exterior appurtenance or architectural features. At a minimum, Owners shall keep such structure or property, including all accessory structures, adequately maintained and repaired in accordance with the following:**

**(a) Foundation. The building foundation system shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon;**

**(b) Exterior walls. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions that might admit rain or dampness to the interior portions of the walls or to the occupied spaces of the building. All siding material shall be kept in repair;**

**(c) Roofs. Roofs shall be structurally sound and maintained in a safe manner and have no defects that might admit rain or cause dampness in the wall or interior portion of the building;**

**(d) Stairs, Porches and Appurtenances. Every outside stair, porch, and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon and shall be kept in sound condition and good repair;**

**(e) Windows and Doors. Every window, exterior door and basement or cellar door and hatchway shall be substantially weather-tight, watertight, and rodent proof and in good repair.**

Only material consistent with the design and architectural integrity of the building may be used to enclose windows or doorways. Every uncovered window shall be fully supplied with glass windowpanes or an approved substitute, which are without open cracks or holes. Window panes shall not be painted;

(f) *Hardware.* Every exterior door shall be provided with proper hardware and be maintained in good condition;

(g) *Door frames.* Every exterior door shall fit reasonably well within its frame so as to substantially exclude rain and wind from entering the buildings; and,

(h) *Protective Treatment.* All exterior wood surfaces, other than decay resistant woods shall substantially be protected from the elements and decay by painting or other protective covering or treatment. All siding shall be weather resistant and watertight. All masonry joints shall be sufficiently tuck pointed to insure water and air tightness.

(i) *Vacant buildings.* In the case of unoccupied buildings, a Mothballing Plan approved by the Board in accordance with Secretary of Interior's Standards may be used in lieu of the standards contained in this section.

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(j) *Time for Repair Compliance or Abatement.* Owners shall be allowed a reasonable period of time, to bring their properties into compliance with the standards prescribed herein. In the event repairs are not timely completed, or there is no attempt to correct the problems, the City may file a complaint in Municipal Court for violation of this ordinance or proceed to have the structure declared a nuisance and abated under the provisions of Chapter 12, Article II.

(k) *Affirmation of Existing Building and Zoning Codes.* Nothing in this Ordinance shall be construed as to exempt property owners from complying with existing City building and zoning codes, nor to prevent any property owner from making any use of his property not prohibited by other statutes, ordinances or regulations. Nothing herein shall limit, modify, supersede or restrict any other existing law or regulation governing buildings, the issuance of building permits, the inspection of buildings or any other law or regulation.



- (3) Construction, reconstruction, repair or alteration of buildings or landscaping shall constitute a change for which a certificate of appropriateness is necessary.
  - (4) Landscaping includes without limitation grading, paving, construction of walkways, driveways, pools, and all other surface additions and improvements, but does not include the mere planting or removal of plant materials, other than the removal of trees larger than 12 inches in diameter at ground level, whose removal will nevertheless be permitted except where, all aspects of the removal having been considered, removal would, in the judgment of the board, have a net material adverse impact on the character and appearance of the historic property or historic district.
  - (5) Repair does not include routine, necessary maintenance of a building or property wherein previously existing materials are to be replaced with identical materials or where existing paint is to be replaced with paint of substantially the same color.
  - (6) The painting of originally unpainted surfaces shall require a certificate of appropriateness.
  - (7) The installation, removal or maintenance of mechanical systems and appurtenances such as heating and air conditioning, water treatment, and satellite systems are not changes for which a certificate of appropriateness is required.
  - (8) A certificate of appropriateness shall not be required to remove or alter a hazardous tree. A tree will be considered hazardous either when it is obviously dead or all of the following conditions exist:
    - a. The tree has a condition which makes failure imminent;
    - b. The failure of said tree will, in the opinion of the city's urban forester, cause damage to the public, to public property, a public utility, or to private property.
- (b) The requirement of a certificate of appropriateness shall apply to public property which has been designated as a historic property or which is contained in a historic district, and shall apply to all actions by public authorities that involve historic properties and properties within historic districts.
  - (c) In addition to the procedures set forth in this chapter, the board shall adopt rules and regulations setting forth additional procedures for submission and consideration of applications for certificates of appropriateness.
  - (d) Each application made to the city for a permit to demolish a historic property or any structure within a historic district shall be submitted to the board to begin the application process for a certificate of appropriateness.
  - (e) Each application made to the city for a permit to alter or repair a historic property or to build, alter or repair a structure within a historic district shall be accompanied by plans for the proposed work. Such plans shall consist of photographs, drawings or sketches with sufficient detail to show the appearance of the architectural design

of the building or work contemplated. With each set of plans there shall be submitted a detailed set of specifications and the plans and specifications shall be sufficient to show the plot plans or site layouts or features such as general exterior appearance, accessory structures, signs, lights, and other appurtenances. Such plans shall be forwarded to the board to begin the application process for a certificate of appropriateness.

- (f) The board shall promptly review such application and shall render its decision thereon and submit that decision in the form of a written order to the chief building official. All applications for certificates of appropriateness shall be considered by the board after a public hearing. Notice of said hearing shall be published in a newspaper of local circulation in at least one issue published no more than 20 days and no less than ten days prior to the hearing date.
- (g) Any applicant may appear in person before the board in his own behalf and may present evidence. It shall not be mandatory that the usual rules of evidence be followed. If the board disapproves any application or portion thereof, it shall state its reasons and its order shall state whether or not specific suggested revisions will make the plans eligible for reconsideration by the board. If the board fails to act or to report on an application within 75 days, such failure shall be deemed to be approval of the application and its accompanying plans and specifications.
- (h) The board shall adopt general design standards that shall apply in considering the granting and denial of certificates of appropriateness. Design standards shall be consistent with the Secretary of the Interior's Standards, taking into account local characteristics and goals.
- (i) The board shall adopt and cause to be published a selection of approved body, roof, and trim paint colors for use on historic properties or buildings within historic districts. Any person using these pre-approved colors shall be deemed to have the approval of the board to do so without having to appear before the board. Changes to historic properties or buildings within historic districts other than painting with such pre-approved colors must be approved by the board as otherwise provided in this chapter. Persons wishing to use colors not part of the approved selection may apply to the board for approval following its regular procedures, and if such color is approved the board may add it to the selection of approved paint colors.
- (j) The board may adopt an expedited procedure for approval of routine maintenance to historic properties, or to buildings or structures in historic districts. Such expedited procedure may waive the requirements for submission of an application for a certificate of appropriateness and for consideration at a public hearing.
- (k) The board shall keep a record of all applications for certificates of appropriateness and requests for approval of routine maintenance and of all of its proceedings.

Sec. 15-127 Issuance of certificate; factors considered; reasons for rejection; application for reconsideration; effect of rejection on issuance of building permit.

- (a) The board shall approve an application and issue a certificate of appropriateness if it finds that the proposed change, erection or demolition conforms to the general

design standards established by the board, is compatible with the character of the historic property or historic district and does not materially impair the architectural or historic value of the historic property or historic district. In making this determination, the board shall consider, in addition to any other pertinent factors, the historic and architectural features involved and the proposed change thereto, and the relationship thereof, to the exterior architectural style, and pertinent features of other structures in the immediate neighborhood. Before the board approves the plans for a proposed new building located within a historic district, the board shall find that such building neither in itself nor by reason of its location will materially impair the architectural or historic value of other buildings or sites in that historic district. Before the board approves the proposed demolition of an existing building within a historic district, the board must find that the removal of such building will not be detrimental to the historic or architectural character of that historic district or the board must find that, after balancing the interest of the city in preserving the integrity of the district against the interests of the property owner in the use and benefits of his property, approval of the plans for demolition is required by consideration of reasonable justice and equity.

- (b) In its review of applications for certificate of appropriateness, the board shall not consider interior changes, design or use having no effect on the exterior of a building or structure. Further, the board shall not impose any architectural style, traditional or modern, as a condition precedent to approval, except as necessary to ensure that the proposed work will not materially impair the architectural or historic value of the historic property or historic district.
- (c) In the event the board rejects an application, it shall state its reasons for doing so and shall transmit a record of such action and reasons therefor, in writing, to the applicant and to the chief building official. The applicant may make modifications to its plans and resubmit the application for reconsideration at any time after doing so.
- (d) In cases where the application is for a change in the exterior of the building or structure that would require the issuance of a building permit, the rejection of an application for a certificate of appropriateness by the board shall be binding upon all agencies of the city and, in such case, no building permit shall be issued.
- (e) **Certificates of appropriateness void if construction not commenced within one (1) year from the date of issuance. Certificates of appropriateness shall be issued for a period of 18 months and are renewable.**
- (f) **All work performed pursuant to a certificate of appropriateness shall strictly comply with all conditions of such certificate. In the event work is performed not in accordance with such certificate, the board shall issue a cease-and-desist order and all work shall cease.**

## ARTICLE VI: CERTIFICATE OF ECONOMIC HARDSHIP

Sec. 15-141: Substantial Economic Hardship. If the Board denies an application for a Certificate of Appropriateness, a property owner may apply for a Certificate of Economic Hardship. The purpose of the Certificate of Economic Hardship is to provide relief where the application of this chapter would otherwise impose a substantial economic hardship.

Sec. 15-142: Burden of Proof. The burden of proof rests on the applicant to show that the denial of the Certificate of Appropriateness will result in a substantial economic hardship.

Sec. 15-143: Applications. The applicant shall provide such information as may reasonably be required by the Board to establish the owner's claim of Substantial Economic Hardship. The data provided by the applicant must be substantiated by either professionals in an applicable field or by thorough documentation of how the information was obtained. The Board may request additional information from the applicant as necessary to make informed decisions. Certificates of Economic Hardship are granted only to the applicant and are not transferable.

Sec. 15-144: Standards for Consideration. In making its determination, the Board may consider, but is not limited to the following described factors, evidence, and testimony:

- (a) Date property was acquired and status of the property under this ordinance at the time of acquisition, e.g., whether the property was protected by this chapter, its condition, etc.
- (b) The structural soundness of the building, or any structures on the property and their suitability for rehabilitation.
- (c) The current level of economic return on the property.
- (d) The economic feasibility of rehabilitation or reuse of the existing property;
- (e) The marketability of the property for sale or lease, considered in relation to any listing of the property for sale or lease, and the price asked and offers received, if any, within the previous two (2) years. This determination can include testimony and relevant documents regarding:
  - 1. Any real estate broker or firm engaged to sell or lease the property;
  - 2. Reasonableness of the price or rent sought by the applicant; and,

**3. Any advertisements of the price or rent of the property by the owner or applicant;**

**(f) Comments and/or reports from any community organizations, preservation groups, other associations and private citizens that wish to comment on a submission made under the financial hardship provisions; and**

**(g) The extent to which the owner is responsible for his or her own economic hardship, if any, such as the owner's failure to:**

**1. Perform normal maintenance and repairs;**

**2. The failure to diligently solicit and retain tenants;**

**3. The failure to prescribe a rental amount which is reasonable;**

**4. The failure to provide normal tenant improvements; and,**

**5. The owner's purchase of the subject property after the enactment of relevant provisions of this Chapter without making said purchase upon the owner's first obtaining the approvals required by this chapter.**

**Sec. 15-145: Hearing. The Board shall hold a public hearing as soon as practicable but not longer than seventy-five ( 75) days of receipt of a completed application for a Certificate of Economic Hardship. Notice shall be provided in the same manner the Board uses for hearings on Certificates of Appropriateness. At the hearing, the Board shall take testimony presented by the owner and any other interested parties on the standards set forth above. The Board shall issue its decision within forty five (45) days of the hearing. If the Board fails to timely hold a public hearing, or having conducted a hearing fails to render a decision within seventy five (75) days, the applications for a Certificate of Economic Hardship shall be deemed granted.**

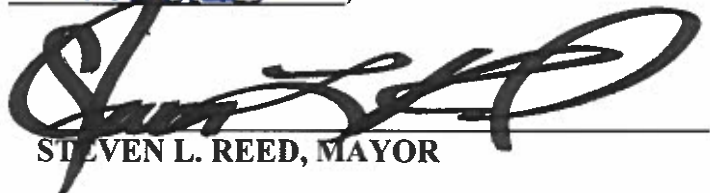
**Sec. 15-146 Denial. If the Board denies the application for a Certificate of Economic Hardship, the applicant shall be notified in writing and shall be provided a copy of the Board's final order.**

Sec. 15-147: Initial determination. If the Board makes an initial determination that the applicant has presented a case which may establish substantial economic hardship, but finds that reasonable alternatives may exist which should be addressed by the applicant, the Board may delay its final order for a period of no more than six (6) months. The applicant shall be notified of the initial determination and shall be provided a copy of the Board's findings and reasons for the postponement.

Sec. 15-148: Postponement. Within any period of postponement specified in subsection (8), the Board, in cooperation with the City, the Commission, and the Owner, may explore alternatives that will assure reasonable use of the property including, but not limited to, loans or grants from public or private sources, acquisition by purchase or eminent domain, building and safety code modifications to reduce cost of maintenance, restoration, rehabilitation or renovation, changes in applicable zoning regulations, or relaxation of the provisions of this chapter sufficient to allow reasonable use of the property.

Sec. 15-149: Issuance of Certificate. Upon the expiration of the period of postponement, the Board shall issue a Certificate of Economic Hardship. The certificate may be subject to conditions including design guidelines for subsequent construction not inconsistent with the standards set forth in this chapter and the Board's design guidelines. The Certificate of Economic hardship shall be valid for a period of one hundred twenty (120) days from approval by the Board.

ADOPTED this the 16<sup>th</sup> day of March, 2021.

  
STEVEN L. REED, MAYOR

ATTEST:

  
BRENDA GALE BLALOCK, CITY CLERK



ALABAMA HISTORICAL COMMISSION  
The State Historic Preservation Office

468 S. Perry Street  
Montgomery, Alabama 36130-0900  
Voice: (334)242-3184  
Fax: (334)262-1083  
www.preserveala.org

## HISTORIC BUILDING SURVEY FORM

### I. Location/Ownership

AHC Survey Number:		Form completed by:		Date:	
Property Name:					
Location/Street Address:					
City/Zip:		County:			
USGS Quad:		Township/Range/Section:			
Current Owner's Name & Contact Info (if known):					

### 2. Physical Description

Construction date:		Source:	
Alteration date:		Source:	
Architect/Builder:		Contractor:	
Physical condition: (Excellent, Good, Fair, Poor, Ruinous)		Remaining historic fabric: (High, Medium, Low)	
No. of stories:			
Historic use of property:			
Current use of property:			
Architectural style category:		Architectural style sub-category:	
Basic typology:		Basic shape:	
Basic floor plan:		Historic Construction material(s):	
Current exterior wall material(s)		Roof finish material(s):	
Main roof configuration:		Foundation material:	
Porch type:			
Window type and materials:			
Describe alterations:			
Number and type of all outbuildings: (if significant, fill out separate survey form)			
Exterior Architectural Description:			
Description of Setting:			
Historical Notes:			

### 3. Eligibility

Appears Eligible for Alabama Register:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> would contribute to a district	<input type="checkbox"/> Undetermined
Appears Eligible for National Register:	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> would contribute to a district	<input type="checkbox"/> Undetermined
AR Criteria:	<input type="checkbox"/> A	<input type="checkbox"/> B	<input type="checkbox"/> C	<input type="checkbox"/> D <input type="checkbox"/> Undetermined
NR Criteria:	<input type="checkbox"/> A	<input type="checkbox"/> B	<input type="checkbox"/> C	<input type="checkbox"/> D <input type="checkbox"/> Undetermined
Level of Significance:	<input type="checkbox"/> Local	<input type="checkbox"/> State	<input type="checkbox"/> National	<input type="checkbox"/> Undetermined
Justification of Eligibility/Ineligibility:				





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## HISTORIC BUILDING SURVEY FORM INSTRUCTIONS

<b>Survey Number</b>	<p>The survey number is comprised of a two letter county abbreviation followed by a five digit number. The survey number uniquely identifies each resource and should be used on the survey forms, maps, inventory, photographs, and survey report.</p> <p>A county abbreviation list can be found on the AHC website survey page.</p> <p><i>Example: the survey number for the 25<sup>th</sup> property surveyed during a project in Dallas County would be: Ds00025.</i></p>
<b>Form completed by</b>	Enter the name of the person who filled out the survey form.
<b>Date</b>	Enter the date when the survey was performed. Enter the date as MM/DD/YYYY.
<b>Property Name</b>	<p>Enter the historic name of the property, if known. Generally this is the name of the first occupant, the name of the most significant occupant, or the name given to the property by an early occupant. If no historic name can be determined, enter the common name of the house, typically a subsequent or current owner. If no historic or common name can be determined, the name may be the type of the resource, for example: House, Store, Church, etc.</p>
<b>Location/Street Address</b>	Enter the location of the property, including the street number and street name of the property, if available.
<b>City/Zip</b>	<p>Enter the name of the city or town where the property is located. If the property is located in a rural area outside the boundaries of a town or city, enter the name of the nearest city or town.</p> <p>Enter the postal zip code for the area where the property is located. Postal zip codes can be found online at <a href="http://zip4.usps.com/zip4/welcome.htm">http://zip4.usps.com/zip4/welcome.htm</a></p>
<b>County</b>	Enter the name of the county in which the resource is located.
<b>USGS Quad</b>	Enter in the name of the USGS quadrangle map on which the resource is located.
<b>Township, Range, Section</b>	Enter the township/range/section in which the property is located. Example: 9N-4W-13
<b>Current Owner Info</b>	If known, indicate the current owner's name, address, phone number, email, etc.
<b>Construction Date/Source</b>	If known, indicate the exact date(s) of construction. If the exact date is not known, give the construction date by circa date. Source of date (i.e. maps, stylistic evidence, cornerstone) should be cited.
<b>Alteration Date/Source</b>	If known, indicate the exact date(s) of alterations. If the exact date is not known, give the alteration date by circa date. Source of date (i.e. maps, stylistic evidence, cornerstone) should be cited.
<b>Architect/Builder</b>	If known, provide the name of the primary individual or firm responsible for designing & building the property.





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<b>Contractor</b>	If known, indicate the name of the primary individual or company responsible for constructing the building.
<b>Physical Condition</b>	Based on an inspection of the exterior, this refers solely to the physical condition of the building, not its architectural integrity or extent of alterations. Excellent: No visible repair work needed Good: Need for general maintenance Fair: In need of more than routine maintenance Poor: In need of major repairs Ruinous: Structural collapse
<b>Remaining Historic Fabric</b>	Indicate whether the building retains a <b>High, Medium, or Low</b> amount of its original historic fabric. This estimate, based on visual observation and/or archival research, includes materials, finishes, details, and any character-defining features. High=a majority of character-defining features are intact Medium= some alterations; most character-defining features are present Low=still recognizable as a historic building, but with major alterations (windows, siding, porch, etc.)
<b>No. of Stories</b>	Indicate the number of stories (vertical levels) in the building.
<b>Historic/Current Use</b>	Multiple entries are allowed. Choices include: agriculture; commerce/trade; defense; education; government; healthcare; industry/processing; multiple dwelling; recreation/culture; religion; residence—farm; residence—non-farm; social; transportation; unknown; vacant/not in use; or other.
<b>Architectural Style Category</b>	Choose from the following: No Style; Colonial; Early Republic; Mid-19 <sup>th</sup> Century; Late Victorian; Late 19 <sup>th</sup> & 20 <sup>th</sup> Century Revivals; Late 19 <sup>th</sup> & Early 20 <sup>th</sup> Century American Movements; Modern Movement; Mixed; Other.
<b>Architectural Style Subcategories</b>	Choose from the following: French Colonial; Spanish Colonial; Dutch Colonial; Postmedieval English; Georgian; Early Classical Revival; Federal; Greek Revival; Gothic Revival; Italian Villa; Exotic Revival; Octagon Mode; Eclectic; Gothic; Italianate; Second Empire; Queen Anne; Stick/Eastlake; Shingle Style; Romanesque; Renaissance; Beaux Arts; Colonial Revival; Classical Revival; Tudor Revival; Late Gothic Revival; Mission/Spanish Colonial Revival; Italian Renaissance; French Renaissance; Pueblo; Prairie School; Commercial Style; Chicago; Skyscraper; Bungalow/Craftsman; Moderne; International Style; Art Deco; Other.
<b>Basic Typology</b>	Choose from the following: Arcaded Block; Bungalow; Center block with wings; Coastal/Creole Cottage; Dogtrot (open hall); Double pile; Double shotgun; Extended I-House; Enframed Block; Enframed Window Wall; Four-Square; I-House (single pile); One-Part Commercial Block; Pre-Fabricated Buildings; Quonset; Upright with Wing; Raised Cottage; Ranch-style; Saddlebag; Shotgun; Split-Level; Stacked Vertical Block; Temple Front; Three-Part Commercial Block; Tidewater Cottage; Two-Part Commercial Block; Vault; Other.
<b>Basic Shape</b>	Choose from the following: Center block with wings; crescent; cruciform; E-shaped; H-shaped; equilateral cross; L-shaped; rectangular; round; square; T-shaped; U-shaped; Other.
<b>Basic Floor Plans</b>	Choose from the following: Akron-plan; center-hall; hall-and-parlor/hall-and-chamber; nave-and-chancel; open plan; side-hall; single room; two-room; other; unknown.



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<b>Current covering</b>	Enter the selection that best describes the <b>current, predominate</b> type of materials that covers the exterior of the resource: asbestos; asphalt; brick; cast iron; concrete; glass; log; metal, stone; stucco, terra cotta; tile; vinyl, wood-frame; other.
<b>Historic construction material(s):</b>	Enter the selection that best describes the type of material that was used to construct the building: brick; cast iron; concrete; glass; log; metal, stone; stucco, terra cotta; tile; wood-frame; other.
<b>Main roof configuration</b>	Choose from the following: clipped gable/jerkinhead, conical, cross gable, flat, front gable, gable on hip, gambrel, hip, hip on gable, hip with cross gables, hip with double front gables, hip with triple front gables, mansard, monitor, multi-gable, pyramidal, round, sawtooth, shed, side gable, spraddle, and vaulted.
<b>Roof finish material</b>	Enter the selection that best describes the roof finish materials (i.e. asphalt, built-up, composite, metal, slate, tar, tile, wood, other or unknown).
<b>Porch Type</b>	Enter the selection that best describes the porch type (i.e. attached, door hood, entry porch, inset/loggia, porte cochere, recessed, stoop, other or unknown).
<b>Foundation material</b>	Enter the selection that best describes the materials used to construct the foundation (i.e. brick, concrete block, poured concrete, stone, wood, other or unknown).
<b>Window type and materials</b>	Enter the selection that best describes the principal window type (i.e. awning, casement, double hung, fixed, hopper, and jalousie) and materials (i.e. metal, synthetic, and wood).
<b>Number and type of all outbuildings</b>	Enter in the total number of outbuildings associated with the main resource and the type of outbuildings present. Choices included: barn, blacksmith, cellar, chicken coop, cotton gin, crib, dairy, equipment shed, fence/wall, flower pit, garage, gazebo/summerhouse, granary, greenhouse, hog parlor, ice house, kitchen, kitchen with breezeway, milk house, office, privy, shed, silo, smokehouse, stable, storm shelter, tenant dwelling, well/spring house.
<b>Exterior Architectural Description</b>	Write an architectural description of the property. (Example: One-story brick Tudor Revival style house with a cross gable composition shingle roof; faces south, rectangular core with rear extensions; entrance bay gable porch with brick pillars; off-center entrance at façade flanked by double Bungalow Craftsman geometric windows, similar single and double windows at side elevations; exposed brick veneer exterior walls. Also, one-story, detached wood-frame shed).
<b>Description of Setting</b>	Write a description of the setting that includes an analysis of landscape features including, but not limited to: drives, walks, designed plantings/beds; fencing; walls; drainage/irrigation systems; fence/hedgerows; field systems; formal/geometric features; pastures; groves; orchards; ponds; terracing/contouring, and woods.
<b>Historical Notes</b>	If available, include any historical information about the property.
<b>Eligibility</b>	Indicate whether or not the property is eligible for the Alabama or National Registers. If eligible for the National Register, indicate the criteria and level of significance. Also, provide a statement justifying why the property is eligible or not eligible for the Registers.

## Montgomery Architectural Review Board Application for Proposed Work

City Ordinance requires the Architectural Review Board to review any proposed restoration, alteration or construction in historic districts prior to beginning work on a project.

Date of Application: \_\_\_\_\_ Date received: \_\_\_\_\_

Address of Property: \_\_\_\_\_

Name of Owner: \_\_\_\_\_

Owner's address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Name of applicant: \_\_\_\_\_ ☐ Owner ☐ Owner Representative

Applicant's address: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

Applicant's phone number: \_\_\_\_\_

Refer to the **Checklist** on the back of this application for the requirements for specific work items to be performed. Refer to the Design Guidelines for assistance with appropriate treatment for structures in Montgomery's Historic Districts. Staff is available to assist with application preparation. For large projects, such as new construction or substantial renovations or additions, consultation with staff is strongly encouraged. **Note: Incomplete applications will not be placed on the ARB Agenda.**

Describe the Proposed work \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Does the proposed work involve **demolition**? ☐ Yes ☐ No If Yes, attach a completed Demolition Application

Does the proposed work involve **signage**? ☐ Yes ☐ No If Yes, attach a completed Sign Application

Will the proposed work require the **removal of any trees** from the site? ☐ Yes ☐ No If yes, attach a detailed site plan showing all trees and landscaping that will be removed and complete a Tree Removal application. *Consultation with the Urban Forester is strongly recommended.*

**All submissions should include photographs of the property from the street and the project area. For projects involving new construction, additions, fences, drives, extensive landscaping, or major renovations, site plans are required.**

Signs will be placed in the front yard of the property prior to the Review Board meeting to notify surrounding property owners of a pending application. Attendance at the meeting is **required** by the applicant or a representative for the Review Board to consider the request.

If the proposed work is not visible from the public right-of-way, will you give permission for City Staff to enter the property to take any additional photos necessary for the meeting? ☐ Yes \_\_\_\_\_ Initial ☐ No

As the owner/applicant of the property in a historic district, I understand any incomplete information may result in a delay of my request for review by the Architectural Review Board.

Signature of Applicant \_\_\_\_\_ Date \_\_\_\_\_

Date of Hearing \_\_\_\_\_ at 5:30 p.m. in City Council Auditorium, City Hall, 103 N Perry Street

**FOR NEW CONSTRUCTION (INCLUDING OUTBUILDINGS), ADDITIONS, OR FOR EXTENSIVE RENOVATION OR REPAIR TO EXISTING STRUCTURES**

**1. Scaled drawings which shall include:**

- a. ☐ A site plan illustration location, with dimensions, required setbacks, landscaping, trees, and other site facilities;
- b. ☐ A floor plan, with dimensions, as it impacts the exterior of the building;
- c. ☐ A drawing with dimensions, of all affected exterior elevations;
- d. ☐ Notes describing materials to be used on the exterior (i.e. walls, roof, trim, cornice, windows, doors, etc.). In some cases, sample materials may be required
- e. ☐ Detailed drawings or photographs of decorative architectural details (i.e. columns, balustrades, modillions, etc.)
- f. ☐ Paint samples and plan keyed to location of each color

**2. Photographs of the subject property to be worked on and surrounding buildings are required**

- ☐ Subject Property photographs  
☐ Surrounding Buildings photographs

**FOR MINOR RENOVATION OR REPAIR TO EXISTING BUILDINGS**

For work which includes changes to the exterior of existing buildings, the following is required:

- a. ☐ Elevations
- b. ☐ Floor plans
- c. ☐ Photographs of each face of the building to be renovated with details of the areas of work

**EXTERIOR PAINTING**

Period color schemes are encouraged, and the City has a pre-approved color palette. However, other colors may be acceptable.

- a. Submit color samples for: ☐ main body color  
☐ Trim or decorative features  
☐ Accent areas
- b. ☐ Photos of the building

**FENCES, DRIVES, AND GATES**

- a. ☐ A drawing or photograph of the type of fence, wall or gate with the height and scale noted
- b. ☐ A site plan, with dimensions, showing the placement of any proposed change to the property as it relates to property boundaries, all other building or site facilities, and trees.
- c. ☐ A description of the materials to be used.
- d. ☐ Paint samples, if the fence, wall, or gate is to be painted.
- e. ☐ Photographs of street view and proposed location of fences, drives, and gates.

- **For demolition of existing structures, historic or non-historic, submit a Demolition Application.**
- **For signage requests, submit a Sign Application**
- **For tree removals, submit a Tree Removal Application**

**Note: Incomplete applications will not be placed on the ARB Agenda.**

Staff use:

	Required		Attached		Required		Attached
Site plan	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/>	Sign application	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/>
Color Samples	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/>	Demolition application	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/>
Photographs	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/>	Tree removal application	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/>
Roof samples	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/>				

Zoning \_\_\_\_\_

Will any variance be required from the Board of Adjustment? ☐ Yes ☐ No

If yes, type of variance(s): \_\_\_\_\_

### **Tree Removal Request**

Attach to the completed ARB Application for Proposed Work

**For any tree removal requests, consultation with the Urban Forester is strongly recommended.**

Name of applicant: \_\_\_\_\_

Property address: \_\_\_\_\_

Applicant phone number: \_\_\_\_\_

Location of tree (include site plan showing location in relation to buildings and property lines): \_\_\_\_\_

\_\_\_\_\_

Description of tree: Species: \_\_\_\_\_ Size (measured at base): \_\_\_\_\_

Reason for request/other information: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

#### **Plans for replacement**

Location of replacement tree (illustrate on site plan proposed location for replacement tree): \_\_\_\_\_

\_\_\_\_\_

Proposed species: \_\_\_\_\_

Proposed size at planting: \_\_\_\_\_

Proposed time frame for replanting: \_\_\_\_\_

Please submit photographs of the tree(s) as well as the general setting.

**Demolition Application**  
Attach to the completed ARB Application for Proposed Work

Name of applicant: \_\_\_\_\_

Property address: \_\_\_\_\_

Nature of request:      ☐ Main structure                      ☐ Outbuilding

Reason for request: \_\_\_\_\_

Date owner acquired property: \_\_\_\_\_

Condition of property at acquisition: \_\_\_\_\_

Current condition of the property (inspection and structural reports may be attached): \_\_\_\_\_

\_\_\_\_\_  
Photographs of the subject property. Photos of surrounding buildings are required for main structure demolition requests:

\_\_\_\_\_ Subject Property photographs

\_\_\_\_\_ Surrounding Buildings photographs (for main structure demolition requests)

**For requests to demolish main structure:**

Types of adaptive uses (including resale) considered by the owner: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed time frame for demolition and rebuilding \_\_\_\_\_

**Plans for replacement. New construction must be compatible with the surrounding properties in scale, orientation, setback, and materials.** Scaled drawings shall include:

- a. \_\_\_\_\_ A site plan illustrating location of new structure, with dimensions, required setbacks, landscaping, (existing and proposed) trees, and other site facilities;
- b. \_\_\_\_\_ A floor plan, with dimensions;
- c. \_\_\_\_\_ Elevation drawing with dimensions;
- d. \_\_\_\_\_ Notes describing materials to be used on the exterior (i.e. walls, roof, trim, cornice, windows, doors, etc.). In some cases, sample materials may be required
- e. \_\_\_\_\_ Detailed drawings or photographs of decorative architectural details (i.e. columns, balustrades, modillions, etc.)
- f. \_\_\_\_\_ Paint samples and plan keyed to location of each color

Photographs of the subject property to be worked on and surrounding buildings are required

\_\_\_\_\_ Subject Property photographs

\_\_\_\_\_ Surrounding Buildings photographs

\_\_\_\_\_ Financial proof of the ability to complete the replacement project, which may include a performance bond, a letter of credit, a trust for completion of improvements or a letter of commitment from a financial institution.



### Sign Permit Application

Attach to the completed ARB Application for Proposed Work

**Please provide the information listed below. In addition, please include photographs of the building, a site plan or building elevation showing the location of the proposed signage, and a scaled, color drawing or picture of the proposed signage.**

Name of Sign Owner: \_\_\_\_\_

Address of Applicant: \_\_\_\_\_

Address of Sign Location: \_\_\_\_\_

Type of Business: \_\_\_\_\_

Contact Phone Number: \_\_\_\_\_

Name of Sign Contractor: \_\_\_\_\_

Address of Sign Contractor: \_\_\_\_\_ Phone: \_\_\_\_\_

#### Signage Dimensions and Lighting

Height (from ground level to top of sign) \_\_\_\_\_ feet \_\_\_\_\_ inches

Height (from ground level to bottom of sign) \_\_\_\_\_ feet \_\_\_\_\_ inches

Width of sign \_\_\_\_\_ feet \_\_\_\_\_ inches      Single face ☐ Double face ☐

Monument ☐      Freestanding ☐      Projecting ☐

Walls ☐      Sandwich Board ☐      Banner ☐      Other ☐

Total square footage of Signage \_\_\_\_\_ square feet

Describe the type of lighting to be used: \_\_\_\_\_

\_\_\_\_\_

How will the sign be mounted: \_\_\_\_\_

\_\_\_\_\_

Sign materials (sample materials may be requested by the review board): \_\_\_\_\_

\_\_\_\_\_

Linear foot frontage of principal building: \_\_\_\_\_ feet \_\_\_\_\_ inches

Square footage of Existing Signage: \_\_\_\_\_ feet \_\_\_\_\_ inches      N/A ☐

**Note: Signs should not exceed 20 square feet of surface area. Signs should be illuminated from top or ground lighting. Internal illumination, moving or flashing lights are not appropriate.**



## Glossary of Terms

**Advisory Review** – A review of a proposal in the planning or preliminary stage. An advisory review is not required by the procedures. In addition, comments or agreements made at this informal review, which is conducted during a convened meeting, are not binding on any party.

**Alkyd Resin Paint**- A common modern paint using alkyd (one group of the thermoplastic synthetic resins) as the vehicle for the pigment; often confused with oil paint.

**Alteration/Addition** – A change in the exterior appearance of a structure.

**Aluminum Siding**- Sheets of exterior architectural covering, usually with a colored finish, fabricated of aluminum to approximate the appearance of wooden siding. Aluminum siding was developed in the early 1940s and became increasingly common in the 1950s and the 1960s.

**Apron**-A raised panel below a window sill.

**Arch**- A structure formed of wedge-shaped stones, bricks, or other objects laid so as to maintain one another firmly in position. A rounded arch generally represents classical or Romanesque influence whereas a pointed arch denotes Gothic influence.

**Architrave**-The lowest part of a classical entablature, symbolizing a beam laid across capitals of columns, or as more commonly used in connection with houses, the molded trim around a door or window opening. The lower part of an entablature, sometimes used by itself.

**Arts & Crafts**- Eclectic movement of American domestic architecture in the arts and architecture during the second half of the 19<sup>th</sup> century and early part of the 20<sup>th</sup> century, emphasizing craftsmanship in a regional expression.

**Asbestos Siding**-Dense, rigid board containing a high proportion of asbestos fibers bonded with Portland cement; resistant to fire, flame, or weathering and having a low resistance to heat flow. It is usually applied as large overlapping shingles. Asbestos siding was applied to many buildings in the 1950s.

**Ashlar**- A square building stone.

**Asphalt shingle**- Siding manufactured from saturated construction felts (rag, asbestos, or fiberglass) coated with asphalt and finished with mineral granules on side exposed to weather.

**Asphalt siding**- Siding manufactured from saturated construction felts (rag, asbestos, or fiberglass) coated with asphalt and finished with mineral granules on the side exposed to weather. It sometimes displays designs seeking to imitate brick or stone. Asphalt siding was applied to many buildings in the 1950s.

**Attic Ventilator**- In houses, a screened or louvered opening, sometimes in decorative shapes, located on gables or soffits. Victorian styles sometimes feature sheet soffits or metal ventilators mounted on the roof ridge above the attic.

**Awning**- A roof like covering of canvas, often adjustable, over a window, a door, etc., to provide protection against sun, rain, and wind. Aluminum awnings were developed in the 1950s.

**Balustrade**- A low barrier formed of balusters, or uprights, supporting a railing. An entire railing system including a rail, balusters, and often a bottom rail.

**Band, Band Course, Band Mold, Belt**- Flat trim running horizontally in the wall plane or a change in level.

**Bargeboard (also Vergeboard)**-A wooden member, usually decorative, suspended from and following the slope of a gable roof. Bargeboards are used on buildings inspired by Gothic forms.

**Batten**-A narrow strip of wood applied to cover a joint along the edge of two parallel boards in the same plane.

**Bay**-Within a structure a regularly repeated spatial element usually defined in plan by beams and their supports, or in elevation by repetition of windows and doors in the building façade.

**Beaded-Profile Panels**-Panels manufactured to resemble traditional bead board.

**Beveled glass**- Glass panes whose edges are ground and polished at a slight angle so that patterns are created when panes are set adjacent to one another.

**Blinds**-External or internal louvered wooden shutters on windows or doors that exclude direct sunlight but admit light when the louvers are raised.

**Board-and-Batten**-Closely applied vertical boards, the joints of which are covered by vertical narrow wooden strip; usually found on Gothic Revival-style buildings.

**Bond**-The laying of bricks or stones regularly in a wall according to recognized pattern for strength. Masonry bond is essential to brickwork when wire reinforcement is not used.

**Boxed Eave (boxed cornice)**-A hollow eave enclosed by the roofing, the soffit and the building wall. Eave condition where the top of a brick masonry wall is corbelled out to the eave eliminating the soffit.

**Bracket**-A symbolic cantilever, usually of a fanciful form, used under the cornice in place of the usual modillion. Brackets were used extensively in Victorian architecture and gave rise to a style known as Bracketed Victorian.

**Brick Eave**-Eave condition where the top of a brick masonry wall is corbelled out to the eave eliminating the soffit.

**Brickmold**-Window or door trim, typically 2 inches wide.

**Building** – A structure principally intended to be used for, or to shelter, human or related activity whether the structure is moving or stationary.

**Building Frontage** – The building frontage is that façade of a building which faces onto the public right-of-way, or any private easements dedicated for, or used by, the general public for vehicular or pedestrian movement.

**Build-to Line.** A uniform line established by a municipality to maintain a similar appearance in a neighborhood or street; the line is usually drawn a uniform distance from a curb or sidewalk, and requires that buildings be placed on it or not project beyond it.

**Bulkhead**-The area below the display windows on the front façade of a commercial storefront.

**Capital**-The top or head of a column. In classical architecture there exist orders of columns: Doric, Ionic, Corinthian, Tuscan, and Composite.

**Carriage Porch:** A roofed structure over a driveway at the door to a building, protecting from the weather those entering or leaving a vehicle.

**Casement Window**-A window that swings open along its entire length, usually on hinges fixed to the sides of the opening onto which it is fitted.

**Casing-**The exposed trim molding, framing, or lining around door or a window; may be either flat or molded.

**Cast Iron-**Iron that has been shaped by being melted and cast in a mold.

**Caulking-**A resilient mastic compound, often having a silicone, bituminous, or rubber base; used to seal cracks, fill joints, prevent leakage, and/or provide waterproofing.

**Certificate of appropriateness-** A document evidencing approval of an application for a material change to a property within a historic district.

**Chalking-** The formation of a powder surface condition from the disintegration of a binder or an elastomer in a paint coating; caused by weathering or an otherwise destructive environment.

**Chamfer-**A beveled edge or corner.

**Character Defining—**A distinctive architectural feature or combination of features or qualities that distinguish one building, neighborhood, or area from one another.

**Checking-**Small cracks in a film of paint or varnish that do not completely penetrate to the previous coat; the cracks are in a pattern roughly similar to a checkerboard.

**Chimney Cap-**Cornice forming a crowning termination of a chimney.

**Clapboard-**Horizontal wooden boards, tapered at the upper end and laid so as to cover a portion of a similar board underneath and to be covered by a similar one above. The exposed face of clapboard is usually less than 6 inches wide. This was a common outer face of nineteenth and early twentieth century buildings.

**Classical-**A loose term to describe the architecture of ancient Greece and Rome and later European offshoots, the Renaissance, Baroque, and Rococo styles. In the United States, classical embraced Georgian, Federal, Greek revival, and Renaissance Revival (or Neoclassical).

**Classical Architecture-**The architecture movement in the early nineteenth century based on the use of Roman and Greek forms.

**Classical Revival-** An architecture movement in the early nineteenth century based on the use of Roman and Greek forms.

**Clerestory-**Windows located relatively high up in a wall that often form a continuous band. This was a feature of many Gothic cathedrals and was later adapted to many of the Revival styles found here.

**Colonial Architecture-**Architecture transplanted from the motherlands to overseas colonies, such as Portuguese Colonial architecture in Brazil, Dutch Colonial architecture in New York, and above all, English Georgian architecture of the eighteenth century in the North American colonies.

**Colonial Revival-** The reuse of Georgian and colonial design in the U.S. in the late nineteenth and early twentieth centuries.

**Column-**A vertical shaft or pillar that supports or appears to support a load.

**Composition Board-**A building board, usually intended to resemble clapboard, fabricated from wood or paper fabric under pressure and at an elevated temperature, usually with a binder.

**Coping-**The cap or the top course of a masonry wall.

**Corbel**-A projection (or building out) from a masonry wall, sometimes to support a load and sometimes for decorative effect.

**Corbelling**-Brickwork projecting successively more in each to support or meet a structure above.

**Corinthian**-The slenderest and most ornate of the three Greek orders of architecture, having elaborate capitals with volutes and acanthus leaf decoration.

**Corner Block**-A block placed at a corner of the casing around a wooden frame building, usually treated ornamentally.

**Corner Board**-One of the narrow vertical boards at the corner of a traditional wooden frame building, into which the clapboards butt. A board which is used as trim on the external corner of a wood-frame structure.

**Cornice**-The top part of an entablature, usually molded and projecting; originally intended to carry the eaves of a roof beyond the outer surface. An ornamental molding at the meeting of the roof and walls; usually consists of bed molding, soffit, fascia, and crown molding.

**Cresting**-Decorative iron tracery or jigsaw work placed at the ridge of a roof.

**Crown Molding**-Projecting molding forming the top member of a cornice, door or window frame.

**Cupola**-A small vault on top of a roof; sometimes spherical in shape, sometimes with a mansard or conical roof.

**Deck**-An uncovered porch, usually at the rear of a building; popular in modern residential design.

**Demolition** – The partial or total dismantling, tearing down, removal, etc., of a structure

**Demolition by Neglect**—The “natural” demolition of a structure by failing to maintain it.

**Dentil**-A repetitive cubical element at the base of a classical cornice. Dentils resemble teeth. One of a band of small, square, tooth-like blocks forming part of the characteristics ornamentation of some classical orders.

**Doric Order**-The column and entablature developed by the Dorian Greeks, sturdy in proportion, with a simple cushion capital, a frieze of triglyphs and metopes, and mutules in the cornice.

**Dormer**-A structure containing a window (or windows) that projects through a pitched roof.

**Double-Hung Window**- A window with two sashes that open and close by sliding up and down in a cased frame.

**Downspout**-A vertical pipe, often of sheet metal, used to conduct water from a roof drain or gutter to the ground or a cistern.

**Dressed**-Descriptive of stone, brick, or lumber that has been prepared, shaped, or finished by cutting, planning, rubbing, or sanding one or more of its faces.

**Dripline**

**Duplicate Replacement** – The replacement of parts of a structure in a manner that reconstructs the condition of the structure immediately prior to the needed replacement.

**Eave**-The part of a sloping roof that projects beyond a wall.

**Elevation**-A drawing showing the vertical elements of a building, either exterior or interior, as a direct projection to a vertical plane.

**Entablature**-A horizontal member divided into triple sections consisting of, from bottom to top, an architrave (symbolizing a beam), a frieze, usually ornamented, and a cornice. In classical architecture, the elaborated beam member carried by the columns, horizontally divided into architrave, frieze, and cornice.

**Escutcheon**- A protective plate, sometimes decorated, surrounding the keyhole of a door, a light switch, or a similar device.

**Etched Glass**-Glass whose surface has been cut away with a strong acid or by abrasive action into a decorative pattern.

**Façade**-The exterior face of a building.

**Fanlight**-An arched over door light whose form and tracery suggest an open fan.

**Fascia**-A flat board with a vertical face that forms the trim along the edge of a flat roof, or along the edge of a flat roof, or along the horizontal, or eave side of a pitched roof. The rain gutter is often mounted on it. Vertical board that terminates a sloped roof at the eave.

**FEMA**-Federal Emergency Management Agency (<http://www.fema.gov>)

**Fenestration**-The windows and doors and their openings in a building.

**Finial**-A formal ornament at the top of a canopy, gable, pinnacle, streetlight, etc.

**Flashing**-A thin impervious material placed in construction to prevent water penetration, to provide water drainage, or both, especially between a roof and a wall.

**Flush Siding**-Wooden siding that lies on a single plane; commonly applied horizontally except when applied vertically to accent an architectural feature.

**Fluting**-A system of vertical grooves (flutes) in the shaft of an Ionic, Corinthian, or Composite column. Doric columns have portions of the cylindrical surface of the columns separating the flutes.

**Foundation**-The supporting portion of a structure below the first-floor construction, or below grade, including footings.

**French Window**-A long window reaching to floor level and opening in two leaves like a pair of doors.

**Fretwork**-A geometrically meandering strap pattern; a type of ornament consisting of a narrow fillet or band that is folded, crossed, and interlaced.

**Frieze**-The intermediate member of a classical entablature, usually ornamented; also a horizontal decorative panel. A frieze is a feature of the Greek Revival style, but may be found in other types of architecture. The middle horizontal member of classical entablature, above the architrave and below the cornice.

**Gable**-The vertical triangular piece of a wall at the end of a ridged roof, from the level of the eaves to the summit. The vertical triangular portion of the end of a building having a double sloping roof, from the level of the cornice or eaves to the ridge of the roof.

**Gable L**-Describes the massing of a house having a hipped roof with a projecting gable form at the front, typically two-thirds the width of the facade.

**Gable Roof**-A roof having a gable at one or both ends.

**Galvanize**-To coat steel or iron with zinc, as, for example, by immersing it in a bath of molten zinc.

**Gambrel roof**-A gable roof more or less symmetrical, having four inclined surfaces, the pair meeting at the ridge having a shallower pitch.

**German Siding**-Wooden siding with a concave upper edge that fits into a corresponding rabbet in the siding above.

**Gingerbread**-Thin, curvilinear ornamentation produced with machine-powered saws.

**Glue-chip Glass**-A patterned glass with a surface resembling frost crystals; common in turn-of -the-century houses and bungalows.

**Half-timbering**-A technique of wooden frame construction in which the timber members are exposed on the outside of the wall.

**Header**-A brick laid across the thickness of a wall to bond together different widths of a wall; the exposed end of a brick.

**Hipped Roof**-A roof without gables, each of whose sides, generally four, lies in a single plane and joins the others at an apex or ridge. A roof which slopes upward from all four sides of a building, requiring a hip rafter at each corner.

**Hood**-A cover placed above an opening or an object to shelter it.

**Integrity.** The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic period.

**Ionic Order**-The classical order of architecture characterized by its capital with large volutes, a fasciated entablature, continuous frieze, usually dentils in the cornice, and by its elegant detailing.

**Jack Arch**-A flat or straight masonry arch.

**Jamb**-The vertical sides of an opening, usually for a door or a window.

**Jerkin Head Roof**-A roof whose end has been formed into a shape midway between a gable and a hip, resulting in a truncated or "clipped" appearance; sometimes called clipped gable.

**Knee Wall**-Short, vertical wall that closes off the low space created by a sloping ceiling and the floor.

**Landscaping**— Landscaping is the arrangement and blending of those elements and materials including, but not limited to, vegetation, soil, walls, fences, furniture, walkways, paving, utilities, etc., which are related to a structure and the use of the property,

**Latex Paint**-A paint having a latex binder (an emulsion of finely dispersed) particles of natural or synthetic rubber or plastic materials in water).

**Lattice**-A network, often diagonal, of interlocking lath or other thin strips used as screening, especially in the base of a porch.

**Light**-A pane of glass. A pane of glass, a window or a subdivision of a window.

**Lintel**-A horizontal member spanning an opening and supporting construction above; a beam. A horizontal structural member (such as a beam) over an opening which carries the weight of the wall above it.

**Louver**-An assembly of sloping, overlapping blades or slates designed to admit air and/or light and exclude rain and snow.

**Lunette**-A semicircular opening.

**Mansard Roof**-A modification of the hipped roof in which each side has two planes, the upper being shallower. This roof is characteristic of the Second Empire style.

**Mildew**-A fungus that grows and feeds on paint, cotton and linen fabrics, etc., that are exposed to moisture; causes discoloration and decomposition of surface.

**Molding**-A decorative band having a constant profile or having a pattern in low relief, generally used in cornices or as trim around openings.

**Mortar**-A mixture of Portland cement, lime, putty, and sand in various proportions, used for laying bricks or stones. Until the use of hard Portland cement became general, the softer lime- clay or lime-sand mortars and masonry cement were common.

**Mullion**-A vertical member dividing a window area and forming part if the window frame. The vertical and horizontal members separating (and often supporting) window, doors, or panels set in series.

**Muntin**- A molding forming part of the frame of a window sash and holding one side for the handrail.

**Normal Maintenance** – Normal Maintenance is all activity required to assure that the property, structure, and all appurtenances are kept in a neat and orderly manner, and that they do not create public nuisances, or adversely affect public health and safety. Repainting a structure the same color is considered normal maintenance. Normal maintenance does not require approval from the ARB.

**Newel Post**-A vertical member or post, usually at the start of a stair or at any place a stair changes direction. Usually large and ornate, it is the principal support for the handrail.

**Ogee**-A double curve formed by the combination of a convex and concave line, similar to an s-shape.

**Oil Paint**-A paint in which a drying oil, usually linseed oil, is the vehicle for the pigment; rarely used as a house paint since the mid-twentieth century when it was commonly replaced by alkyd resin paints.

**Oriel Window**- In medieval English architecture a window corbelled out from the wall of an upper story...

**Palladian Motif**-A door window opening in three parts with a flat lintel over each side an arch over the center.

**Panel**-A thin, flat piece of wood framed by stiles and rails as in a door fitted into grooves of thicker material with molded edges for decorative wall treatment.

**Pantile**-A roofing tile that has the shape of an S laid on its side.

**Parapet**-A low wall along a roof, directly above an outer wall.

**Patio**-An open, outdoor living space adjacent to a building, usually surfaced with stone, tiles, or concrete at ground level.

**Pediment**-A triangular gable bounded on all sides by a continuous cornice. This form is characteristics of classical architecture. In classical architecture, the triangular gable end of the roof above the horizontal cornice. Also, a surface used ornamentally over doors or windows.

**Pergola**- A structure of posts or piers carrying beams and trelliswork for climbing plants.

**Period of Significance** The length of time when a property or district was associated with important events, activities, or persons, or attained the characteristics which qualify it for historic designation.

**Pilaster**-A flat or half-rounded decorative member applied at a wall suggesting a column; sometimes called engaged column. An engaged pier or pillar, often with capital and base.

**Port Cochere**-A roofed passageway large enough for wheeled vehicles to pass through. A carriage porch.

**Portico**- A small entrance porch or covered walk consisting of a roof supported by open columns. A porch or covered walk consisting of a roof supported by columns; a colonnaded porch.

**Portland Cement**- A very hard and strong hydraulic cement (one that hardens under water) made by heating a slurry of clay and limestone in a kiln.

**Post-and-Beam Framing**-A type of framing which horizontal members rest on a post as distinguished from a wall.

Preservation—the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property.

**Primer**-A paint applied as a first coat that serves the function of sealing and filling on wood, plaster, and masonry.

**Quarter Round**-A small molding that has the cross-section of a quarter circle.

**Quoin**- In masonry, a hard stone or brick used, with similar ones, to reinforce an external corner or edge of a wall or the like; often distinguished decoratively from adjacent masonry.

**Rafter Trails**- A rafter, bracket, or joist which projects beyond the side of a building and supports an overhanging portion of the roof.

**Rake**-Trim members that run parallel to a roof slope and form the finish between the wall and a gable roof extension.

**Recessed Light**-A light that has been placed into a surface so that its face is flush with the surface of a ceiling or a wall.

**Reconstruction**—the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

**Rehabilitation**- The act or the process of making possible a compatible use for a property through repair, alterations, and additions while preserving the portions or the features that convey the property's historical, cultural, or architectural values.

**Relocated Structure** – A structure, or significant part thereof, which is moved from its original location to a new location regardless of the distance involved.



**Repairs** – The exact replacement, reconstruction, restoration, refurbishment, etc., of a minor element of a structure.

**Repointing**-Raking out deteriorated mortar joints and filling into them a surface mortar to repair the joint.

**Restoration**-The act of the process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from the restoration period.

**Riser**-The vertical portion of a stair, connecting two steps.

**Roof Pitch**-The slope of a roof expressed as a ratio of its vertical rise to its horizontal rise.

**Roofing Tile**-A tile for roofing, usually of burnt clay; available in many configurations and types, such as plain tiles, single-lap tiles, and interlocking tiles.

**Rusticated Stone**-Masonry or wood in which each principal face is rough or highly patterned with a tooled margin.

**Sandblasting**-An extremely abrasive method of cleaning brick, masonry, or wood that involves directing high-powered jets of sand against a surface. Sanding, flattening down, rubbing-smoothing a surface with abrasive paper or cloth, either by hand or by machine.

**Sash**-The moving part of a window. Any framework of a window. May be movable or fixed; may slide in a vertical plane or pivoted.

**Sawnwork**-Ornamentation in cutout planking, formed with a bandsaw. Popular in the 1880s and the 1890s, this decorative detailing is flat.

**Setback**. The required minimum horizontal distance between the building line and the related front, side or rear property line.

**Sheet Metal**-A flat, rolled-metal product, rectangular in cross-section and form; when used as roofing material, usually terne- or zinc-plated.

**Shed Dormer**- A dormer window whose eave line is parallel to the eave line of the main roof instead of being gabled.

**Shed Roof**-A roof having only one sloping plane.

**Shingle**-A roofing unit of wood, asphalt, slate, tile, or other material cut to stock lengths, widths, and thickness; used as an exterior covering on roofs and applied in an overlapping fashion.

**Shotgun**. A house one room wide and two or more rooms deep without a hallway.

**Shutters**-Small wooden louvered or solid panels hinged on the exterior of windows, and sometimes doors, to be operable.

**Shutter Dog**-A pivoting bar for fixing shutters in the open position against a wall.

**Side Gable**-Describes the massing of a house having the gable end (or roof ridgeline) perpendicular to the street.

**Side Hall**-Narrow residential house type that is one room wide, associated with French settlements and the Mississippi River region.

**Sidelight**-A narrow window area beside an outside door, generally seen in Greek Revival style.

**Signs** – For the purposes of these criteria, a sign is considered to be any display, device, notice, figure, painting, drawing, message, placard, poster, billboard or other thing which is designated, intended or used to advertise or inform; and of which any part of the advertising or informative content is visible from any place on any public property or right-of-way.

**Sill**-The lowest horizontal member in a wall opening.

**Simulated Divided Light**-Refers to a light in a window sash that is visually subdivided by applied muntins that stimulates a true divided sash.

**Skirt Board**-A board set horizontally at the bottom of wall cladding.

**Snout House.** A house where the garage protrudes past the architectural face of the home and so is the prominent feature of the building.

**Soffit**-The exposed undersurface of any overhead of a building, such as an arch, balcony, beam, cornice, lintel, or vault.

**Stepped Gable**-A gable concealing the end of a roof with a stepped parapet.

**Stretcher**-A brick or stone laid with its length parallel to the length of the wall.

**Stile-and –Rail**-Type of door construction that utilizes a framework of vertical and horizontal members infilled with panels.

**Structure** – Any man-made thing constructed or erected whether permanently or temporarily attached or supported by the ground. Examples include, but are not limited to, houses, stores, sheds, barns, walls, signs, fences, etc.

**Stucco**-An exterior finish, usually textured, composed of Portland cement, lime, and sand mixed with water. Older-type stucco may be mixed from softer masonry cement rather than Portland cement.

**Surround**-The molded trim around a door or window opening.

**Tarpaper**-A roofing material manufactured by saturating a dry felt with asphalt and then coating it with a harder asphalt mixed with a fine material.

**Terneplate**-Sheet metal coated with terne metal, which is an alloy of lead containing up to 20 percent tin.

**Terra-cotta**-Hard unglazed fired clay, used for ornamental work and roof and floor tile; also fabricated with a decorative glaze and used as a surface finish for buildings in the Art Deco style.

**Textured Siding**-Wood cut in various flat patterns, such as half-rounds or scallops, and applied to portions of facades to create a picturesque or romantic look. This treatment was generally used in Queen Anne-style buildings. Surface textures are often found in diamond, scallop staggered butt, or composite patterns.

**Tongue and Groove**- A joinery system in which boards are milled with a tongue on one side and a grove on the other so that they can be tightly joined with a flush surface alignment. Method of joining materials, usually wood, where a tongue or projection in one board fits the grove of its neighbor.

**Trabeated Entrance**-A standard classical entrance featuring an over door light and sidelights.

**Tracery**-An ornamental division of an opening, especially a large window, usually made with wood. Tracery is found in buildings of Gothic influence.

**Transom, or Overdoor Light**-A glazed panel above a door or a storefront, sometimes hinged to be opened for ventilation at ceiling level. A horizontal bar of wood or stone across a window. Also the window or opening above the transom bar.

**Tread**-The horizontal surface of a step.

**Tree Canopy** the effect caused by interlocking branches of mature trees in the streetscape

**Trim**-The finish material on a building, such as molding applied around openings or at the floors and the ceilings of rooms.

**Turret**-A small tower, usually corbelled from a corner.

**Veranda**-A covered porch or balcony extending along the outside of a building, planned for summer leisure.

**Verge**-The edge projecting over the gable of a roof. Also, the area of planting, lawn or pavement between the sidewalk and the curb on a street.

**Vergeboard**-An ornamental board hanging from the rake, or verge, of a gable roof.

**Vernacular Architecture**-A mode of building based on regional forms and materials.

**Victorian**-Eclectic style of domestic architecture of the late 19<sup>th</sup> Century; named after the reign of Britain's Queen Victoria (1837-1901).

**Vocabulary**-A collection of related architectural elements, materials or stylistic conventions used to describe a building or structure.

**Vinyl Siding**-Sheets of thermal plastic compound made from chloride of vinyl acetates, as well as some plastics made from styrene and other chemicals, usually fabricated to resemble clapboard.

**Waterblasting**-A cleaning method similar to sandblasting except that water is used as the abrasive. As in sandblasting, high-pressure water jets can damage wood and masonry surfaces.

**Water Course or Water Table**-A board or masonry projection fixed to the foot of a wall to shoot water away from it.

**Water Table**-A belt course differentiating the foundation of a masonry building from its exterior walls.

**Weatherboarding**-Wooden clapboard siding.

**Wing**-A subsidiary part of a building extending out from the main portion or body.

**Wrought Iron**-Iron that is rolled or hammered into shape, never melted.

## buildings + trees = character

Each of Montgomery's historic districts possesses a unique character. It is not the houses alone that define a district. The street networks, sidewalks, landscaping, and tree canopies all play a vital part in defining a district's identity. It is the distinctive combination of buildings and the environment that create the character of the district.



## Things to remember...

- ◆ Plan ahead! Because public notice must be given, applications are due approximately three weeks before a meeting date.
- ◆ Clearly define your project. The ARB reviews and takes action on the scope of work presented. If there are major changes to the project or additional work that is not presented, an additional hearing may be required.
- ◆ Certificates of Appropriateness are valid for 12 months from date of issue and may be renewed.

**CITY OF MONTGOMERY**  
**Land Use Division, Development Dept**  
**25 Washington Avenue, 4th Floor**  
**PO Box 1111**  
**Montgomery, Alabama 36101-1111**

CITY OF MONTGOMERY

## Historic Designation and the Architectural Review Process



**Architectural Review Board**

## What is Historic Designation?

Local historic designation means an individual structure or neighborhood has been recognized by the City of Montgomery as being architectural-ly or historically significant to the community. These resources are characteristic of architectural



styles, periods of development or im-  
portant events. The  
cumulative effects of  
small, inappropriate  
changes over time  
can be as detri-  
mental to the historic

character as one large change. Historic districts  
are not created to prevent changes, but to insure  
proposed changes will compliment both the indi-  
vidual property and the district as a whole.

## What are design guidelines?

The design guidelines for Montgomery Historic  
Districts are intended to set forth best practices for  
the treatment of historic properties. For property  
owners, residents, and contractors, the guidelines  
provide direction in planning projects sympathet-  
ic to the special character of each of Montgom-  
ery's historic districts. For Architectural Review  
Board (ARB) members and Planning staff, the  
guidelines offer a basis for evaluating proposed  
changes. In reviewing applications, the ARB and  
staff considers the property itself, the street con-  
text within which it is located, and the special  
character of the entire historic district.

## How does the Architectural Review Process work?

If your property is historically designated and you are  
planning to:

- **demolish** a building or accessory structure
- **construct** a new building or accessory structure
- **add** to an existing building (build an addition, add a  
roof dormer—anything that increases habitable  
space)
- **move** a building or
- **repair** or **alter** a building;
- **remove trees**;
- change landscaping by **grading, excavating, pav-  
ing, or constructing new drives, walkways, and  
fences**;

you must first obtain a Certificate of Appropriateness  
from the ARB. The ARB reviews any exterior changes to  
designated properties.

Staff members can meet with you to discuss your project,  
answer any questions about historic designation, and  
advise you as to whether or not your plans will meet the  
design guidelines. Each appli-  
cation will be unique and have  
its own set of considerations  
based on location, setting, and  
scope of project. In reviewing  
applications, the ARB and staff  
considers the property itself,  
the street context within which  
it is located, and the special character of the entire his-  
toric district.



Routine maintenance such as minor repairs, painting  
(existing colors or pre-approved colors) and re-roofing  
may be approved through an expedited procedure that  
does not require ARB review. Planning staff will deter-  
mine whether the work requires referral to the Architec-  
tural Review Board.

Regular meetings of the Architectural Review  
Board are generally held the 4th Tuesday of eve-  
ry month except December and other months  
that may have conflicting holidays. Submission  
deadlines and meeting dates can be found on the  
department website.

Applicants are required to present their request  
to the ARB. Applications will not be reviewed if  
no one is present to represent the project. The  
ARB will review the request and render a deci-  
sion at the meeting. Approved projects will re-  
ceive a Certificate of Appropriateness.

Once you receive a certificate of appropriate-  
ness, you may apply for a Building Permit. Per-  
mit fees (the amount charged depends on the  
type and value of the work to be done) will be  
charged to you then. There are no fees for a Cer-  
tificates of Appropriateness.

Certificates of Appropriateness are valid for 12  
months from the date of issue and may be re-  
newed.

If you have questions regarding making changes  
to buildings, paint colors, repairs/maintenance,  
the review process, tree removal and replace-  
ment, landscaping, paving, or you are interested  
in a sign for a historic building, call the Land Use  
Division at 625-2722 or stop by our office located  
at 25 Washington Avenue, 4th Floor. Meeting  
dates, deadlines, district maps, and applications  
are available on our web site.

### CITY OF MONTGOMERY

**25 Washington Avenue, 4th Floor  
PO Box 1111  
Montgomery, Alabama 36101-1111**

Phone: 334-625-2722  
Fax: 334-625-2017

[http://www.montgomeryal.gov/city-government/city-departments/  
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