

Chapter 12½ HISTORIC PRESERVATION

Chapter 12½ HISTORIC PRESERVATION [11](#)

[ARTICLE I. - IN GENERAL](#)

[ARTICLE II. - COMMISSION](#)

[ARTICLE III. - HISTORIC DISTRICTS AND PROPERTIES](#)

FOOTNOTE(S):

--- (1) ---

Editor's note— Ordinance No. 91-O-18, adopted April 24, 1991, did not specifically amend this Code; hence inclusion of §§ 1—8 as Ch. 12½ was at the discretion of the editor. ([Back](#))

Cross reference— Buildings, Ch. 6. ([Back](#))

ARTICLE I. IN GENERAL

ARTICLE I. IN GENERAL

[Sec. 12½.1. Intent and purpose.](#)

[Sec. 12½.2. Definitions.](#)

[Sec. 12½.3. Affirmation of existing building and zoning codes.](#)

[Sec. 12½.4. Violation of chapter provisions.](#)

[Secs. 12½.5—12½.20. Reserved.](#)

Sec. 12½.1. Intent and purpose.

The city council does hereby find and declare that the historical culture and aesthetic heritage of the City of Anniston is among its most valued and important assets and that the preservation of this heritage is essential to the promotion of the health, prosperity and general welfare of this community and the people of the city. For such purpose, the city council deems it advisable to stimulate the revitalization of the business districts and historic neighborhoods of the city and to protect and enhance local historical and aesthetic attractions to tourists in order to thereby promote and stimulate business, and to enhance the opportunities for federal or state tax benefits under relevant provisions of federal or state law. Further, the city council declares its intent by this chapter to provide a system for the designation, protection, preservation and rehabilitation of historic properties in historic districts, and to participate in federal and state programs created and designed to achieve the same goals. The city council hereby further declares it to be the purpose and intent of this chapter to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings, structures, objects, landscape features and works of art having a special historical, cultural or aesthetic interest or value, in accordance with the provisions of this chapter.

(Ord. No. 91-O-18, § 1, 4-24-91)

Sec. 12½.2. Definitions.

[As used in this chapter:]

Certificate of appropriateness means a document evidencing approval by the historic preservation commission of an application to make a material change in the appearance of a designated historic property or of a property located within a designed historic district.

City means the City of Anniston, Alabama.

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.

Exterior environmental features means all those aspects of the landscape or the development of a site which affect the historical character of the property.

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 by the city council as a historic property.

ARTICLE I. IN GENERAL

Material change in appearance means a change that will effect either the exterior architectural or environment features of a historic property or any building, structure, site, object, landscape feature or work of art within a historic district, such as:

- (1) A reconstruction or alteration of the size, shape or facade of a historic property, including relocation of any doors or windows or removal or alteration of any architectural features, details or elements;
- (2) Demolition or relocation of a historic structure;
- (3) Commencement of excavation for construction purposes;
- (4) A change in the location or advertising visible from the public right-of-way;
- (5) The erection, alteration, restoration or removal of any building or other structure within a historic property or district, including walls, fences, steps and pavements or other appurtenant features; or
- (6) A change or alteration in the existing color scheme utilized on the exterior of any historic property, or the materials utilized on the exterior of any historic property, or any structure within a historic district.

Sec. 12½.3. Affirmation of existing building and zoning codes.

Nothing in this chapter 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.

(Ord. No. 91-O-18, § 7, 4-24-91)

Sec. 12½.4. Violation of chapter provisions.

- (a) *Misdemeanor.* Any person violating any provision of this chapter shall, upon conviction, be punished by a fine of not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00) or by imprisonment or hard labor for the city for not more than six (6) months, or both, in the discretion of the court trying the case.
- (b) *Civil remedies.* In addition to any other remedy available to the city under the terms hereof, or granted it by statute, common law or otherwise, the city shall have the right to enforce the terms of this chapter, by injunctive relief filed in the circuit court of the county, against any person found to be in violation of any provision of this chapter.

(Ord. No. 91-O-18, § 8, 4-24-91)

Secs. 12½.5—12½.20. Reserved.

ARTICLE II. COMMISSION

ARTICLE II. COMMISSION

[Sec. 12½.21. Creation.](#)

[Sec. 12½.22. Members; number; appointment; terms; compensation; rules and standards.](#)

[Sec. 12½.23. Meetings; minutes; and public participation.](#)

[Sec. 12½.24. Authority.](#)

[Sec. 12½.25. Annual reports of commission's activities.](#)

[Sec. 12½.26. Conflict of interest.](#)

[Sec. 12½.27. Records of commission meetings.](#)

[Sec. 12½.28. Responsibilities of commission members.](#)

[Sec. 12½.29. Liaison between commission and state historic preservation office \(Alabama Historical Commission\).](#)

[Sec. 12½.30. Reserved.](#)

Sec. 12½.21. Creation.

There is hereby created a commission whose title shall be "City of Anniston Historic Preservation Commission" (hereinafter "commission").

(Ord. No. 91-O-18, § 3A, 4-24-91)

Sec. 12½.22. Members; number; appointment; terms; compensation; rules and standards.

- (a) The commission shall consist of nine (9) members nominated by the city manager of the city, and appointed by a majority vote of the city council. All members of the commission shall be residents of the city and shall be persons who have demonstrated training or experience in history, architecture, planning, archaeology or law, or shall be residents of a historic district. Not more than one-fifth of the commission membership shall be public officials.
- (b) 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 (2) of the original members of the commission shall be appointed to serve one-year terms; two (2) 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, and may be removed by the city council for cause.
- (c) Vacancies on the commission shall be filled by persons nominated by the city manager of the city and appointed by the majority vote of the legislative body of that municipality of the unexpired term of the member being replaced.
- (d) Members of the commission shall elect a chairman, vice chairman, provided, however, that the ex officio secretary of the commission shall be a staff member of the city designated by the city manager, and such other officers as the commission deems 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 city council, which rules of procedure shall specify what number of members of the commission constitutes a quorum for the conduct of its business. The commission

ARTICLE II. COMMISSION

shall be empowered to amend its procedures and bylaws, from time to time, provided, however, that any such amendment shall immediately be communicated to the city council.

(Ord. No. 91-O-18, § 3B, 4-24-91)

Sec. 12¹/₂.23. Meetings; minutes; and public participation.

- (a) Meetings of the commission shall be open to the public, and shall be publicly announced and conducted on regular intervals in accordance with the procedures and bylaws adopted by the commission. Public notice must be provided prior to any special meetings.
- (b) Minutes shall be maintained of all decisions, actions and activities of the commission, which minutes shall be forwarded to the city manager of the city.
- (c) All decisions of the commission shall be made at a public meeting of the commission and all applicants shall be given written notification of the commission's decisions.

(Ord. No. 91-O-18, § 3C, 4-24-91)

Sec. 12¹/₂.24. Authority.

The city council does hereby authorize and empower the commission to:

- (1) Prepare and maintain an inventory of all property within the city having the potential for designation as historic property;
- (2) Recommend to the city council specific places, districts, sites, buildings, structures, objects or work of art to be designated, by ordinance, as historic properties or historic districts;
- (3) Renew applications for certificates of appropriateness and grant or deny same in accordance with the provisions of this chapter;
- (4) Recommend to the city council that the designation of any place, district, site, building, structure, objects or work of art as a historic district be revoked or removed;
- (5) Restore and preserve any historic properties acquired by the city or acquired by the commission;
- (6) Promote the acquisition by the city of facade easements and conservation easements;
- (7) Develop and conduct educational programs on historic properties located with the city and on general historic preservation activities;
- (8) Make such investigations and studies of matters relating to historic preservation including employment of historic preservation experts the city council or the commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources;
- (9) Seek out local, state, federal and private funds for historic preservation, and make recommendations to the city council concerning the most appropriate uses of any funds acquired;
- (10) Perform historic preservation activities as the official agency of the city historic preservation program;
- (11) Employ persons, if necessary, to carry out the responsibilities of the commission, provided, however, that such employment shall be within the budget of the Commission and funding by the city, if any;
- (12) Receive donations, grants, funds or gifts of historic property;

ARTICLE II. COMMISSION

- (13) 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 provided, however, that the commission shall not obligate the city without its prior express written consent;
- (14) Review and make comments to the Alabama Historical Commission concerning the nomination of properties within its jurisdiction to the National Register of Historic Places;
- (15) Investigate, survey and assist the Alabama Historical Commission in processing nominations of properties to the National Register of Historic Places;
- (16) Investigate, survey and assist the Alabama Historical Commission in processing applications for certification of historic properties for tax credits for preservation expenditures; and
- (17) Participate in private, state and federal historic preservation programs and with the consent of the city council, either into agreements with the same to perform historic preservation related functions.

(Ord. No. 91-O-18, § 3D, 4-24-91)

Sec. 12¹/₂.25. Annual reports of commission's activities.

The commission shall prepare and file with the city council and with the Alabama Historical Commission, an annual report of its activities as required by the city council and the Alabama Historical Commission. The annual report shall cover the period from October 1 to September 30 and shall be submitted in October of each year. The report shall include such items as the number of cases reviewed, historic district and property designations made, revised resumes of commission members and staff, appointments to the commission, attendance records and all minutes relating to the review of National Register nominations. The report shall document attendance at the orientation and training session referred to in sections.

(Ord. No. 91-O-18, § 3E, 4-24-91)

Sec. 12¹/₂.26. Conflict of interest.

At any time the commission reviews a project in which a member of the commission or a family member of such member, has an ownership or other vested pecuniary interest, that member shall not be present in any meeting during the discussion of any such project and shall not vote on any issue affecting said project.

(Ord. No. 91-O-18, § 3F, 4-24-91)

Sec. 12¹/₂.27. Records of commission meetings.

A public record shall be kept of the commission's resolutions, proceedings and actions.

(Ord. No. 91-O-18, § 3G, 4-24-91)

Sec. 12¹/₂.28. Responsibilities of commission members.

Each commission member and anyone serving the commission in a technical and professional staff capacity is required to attend not less than two (2) informational or educational meetings per year pertaining to historic preservation. Such meetings may include those sponsored by the Alabama Historical Commission, Board of Advisors, the National Trust for Historic Preservation or a local preservation organization. One of the two (2) should be a regional or statewide meeting.

ARTICLE II. COMMISSION

At least one member of the commission or a person serving the commission in a technical and professional staff capacity, shall be required to attend the annual Alabama Historical Commission Conference for Certified Local Government (CLG) Training.

(Ord. No. 91-O-18, § 3H, 4-24-91)

Sec. 12 $\frac{1}{2}$.29. Liaison between commission and state historic preservation office (Alabama Historical Commission).

Should the city council elect to become a certified local government, the city council shall designate a paid member to the city's staff or a person working under contract as a source of technical, administrative, and professional assistance to be responsible for the operations of the commission in keeping with the requirements of certification for participation in the certified local government program. At least one member of the commission and/or the person serving as the commission's technical staff, and/or a representative appointed by the city manager who has an ongoing relationship with the commission, will attend the Alabama Certified Local Government orientation and training session sponsored by the Alabama Historical Commission each year.

(Ord. No. 91-O-18, § 3I, 4-24-91)

Sec. 12 $\frac{1}{2}$.30. Reserved.

- CODE

ARTICLE III. HISTORIC DISTRICTS AND PROPERTIES

ARTICLE III. HISTORIC DISTRICTS AND PROPERTIES

[DIVISION 1. - GENERALLY](#)

[DIVISION 2. - DESIGNATION](#)

[DIVISION 3. - CERTIFICATE OF APPROPRIATENESS](#)

DIVISION 1. GENERALLY

DIVISION 1. GENERALLY

[Sec. 12½.31. Maintenance of historic properties.](#)

[Secs. 12½.32—12½.40. Reserved.](#)

Sec. 12½.31. Maintenance of historic properties.

- (a) *Expedited review procedure for approval of routine maintenance.* The commission may adopt rules of procedure for an expedited review process for approval of routine maintenance to historic properties or to buildings or structures in historic districts, including ordinary maintenance or repair of any exterior architectural or environmental feature in or on the historic property to correct deterioration decay or damage, or to sustain the existing form that does not involve a material change in design, material or outer appearance. The expedited review procedure shall waive the requirements for submission of an application for a certificate of appropriateness and for consideration at a public hearing or meeting.
- (b) *Failure to provide ordinary maintenance or repair.* Property owners of historic properties or properties within historic districts shall not allow their buildings to deteriorate by failing to provide ordinary maintenance or repair. The commission shall be charged with the following responsibilities regarding deterioration by neglect.
 - (1) The commission shall monitor the condition of historic properties and existing buildings in historic districts to determine if they are being allowed to deteriorate by neglect. Such conditions as broken windows, doors and openings which allow the elements and vermin to enter, the deterioration of exterior architectural features, or the deterioration of a building's structural system shall constitute failure to provide ordinary maintenance or repair.
 - (2) In the event the commission determines a failure to provide ordinary maintenance or repair, the commission shall notify the owner of the property and set forth the steps which need to be taken to remedy the situation. The owner of such property will have ninety (90) days in which to commence construction.
 - (3) In the event that the condition is not met in ninety (90) days, the owner shall be punished as provided in [section 12½.4](#) and, at the direction of the city council, the commission may perform such maintenance or repair as is necessary to prevent deterioration by neglect. The owner of the property shall be liable for the cost of such maintenance and repair performed by the commission.

(Ord. No. 91-O-18, § 6, 4-24-91)

Secs. 12½.32—12½.40. Reserved.

DIVISION 2. DESIGNATION

DIVISION 2. DESIGNATION

[Sec. 12½.41. Preliminary research by commission.](#)

[Sec. 12½.42. Designation.](#)

[Secs. 12½.43—12½.50. Reserved.](#)

Sec. 12½.41. Preliminary research by commission.

The commission shall compile and collect information and conduct surveys of historic resources within the city, and shall, as it deems appropriate, present to the city council recommendations relating to historic districts and properties provided, however, that prior to any recommendation to the city council for designation of a historic district or historic property, the commission shall prepare and forward a report to the city council consisting of:

- (a) Physical description of the property or district.
- (b) Statement of the historical, cultural, architectural and/or aesthetic significance of the property or district.
- (c) A map showing district boundaries and classification (i.e. historic, non-historic, intrusive) of individual properties therein, or showing boundaries of individual historic properties.
- (d) Statement justifying district or individual property boundaries; and
- (e) Representative photographs.

(Ord. No. 91-O-18, § 4A, 4-24-91)

Sec. 12½.42. Designation.

(a) *Historic district.*

- (1) *Criteria.* A historic district is a geographically definable area containing buildings, structures, sites, objects, landscape features and works of art or a combination thereof that:
 - a. Are associated with events that have made a significant contribution to the broad patterns of our history;
 - b. Are associated with the lives of persons significant in our past;
 - c. Embody the distinctive characteristics of a type, period, or method of construction, or that represent a significant and distinguishable entity whose components may lack individual distinction;
 - d. Have yielded or may be likely to yield information important in pre-history or history; or
 - e. Contains architectural features or qualities not generally found within the City in a narrowly defined district or area.
- (2) *Boundaries:* The boundaries of a historic district, once adopted or approved by the City Council, shall be depicted or shown upon the official zoning map of the City of Anniston.
- (3) *Characterization of individual properties with historic districts.* Individual properties within historic districts shall be classified as:
 - a. Historic (contributes to the district);

DIVISION 2. DESIGNATION

- b. Nonhistoric (does not contribute, but does not detract from the district);
 - c. Intrusive (detracts from the district).
- (b) *Historic property; criteria.* A historic property is a building, structure, site, object, work of art, including the adjacent area necessary for the proper appreciation or use thereof deemed worthy of preservation by reason of value to the city for one of the following reasons:
- (1) The said property is associated with events that have made a significant contribution to the broad patterns of our history; or
 - (2) The property is associated with the lives of persons significant in our past; or
 - (3) The property embodies the distinctive characteristics of a type, period, or method of construction, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 - (4) The property has yielded or may be likely to yield information important in history.
- (c) *Official designation of historic districts and historic properties.*
- (1) On recommendation of the commission, the city council may designate, by ordinance, historic properties and historic districts within the city, provided, however, that the commission shall not recommend designation of a historic property or historic district unless such recommendation is based upon 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, and upon a finding and recitation of the criteria for the selection of such district or property.
 - (2) Before the commission shall recommend the designation of a historic property or historic district to the city council, it shall first conduct a public hearing on any proposed recommendation which the public hearing shall not be conducted until notice thereof shall first have been published in a newspaper of general circulation published in the city, with the first publication not being less than fifteen (15) days prior to the public hearing, and the second publication being not less than five (5) days prior to the public hearing. Further, written notice of the public hearing shall be mailed by the commission to all owners of such properties not less than fifteen (15) days prior to the public hearing. All notices shall state the substance of the recommendation and state the date, time and place of the public hearing to be conducted on the recommendation. For the purposes hereof, written notice to the property owners mailed through the United States mail, with proper postage affixed, to the last known owner of the property as shown on the tax assessment rolls maintained in the office of the tax collector of the county, to the address shown thereon shall constitute notification to the owner as required by this subsection.
 - (3) *Action of commission.* The proposal or application before the commission for a recommendation for designation may be affirmed, modified, or withdrawn, but in any event, the commission shall act upon the proposal or application within thirty (30) days following the public hearing. If the proposal or application is denied, the commission shall indicate such in the minutes of the meeting of the commission. If the proposal or recommendation as proposed, or as modified, is approved, then the approval must be evidenced by a resolution recommending the designation so proposed, which the resolution shall be immediately forwarded to the city council.
 - (4) *Council action.* Upon receipt of the commission's recommendation, and after due consideration of the same, the city council may adopt an ordinance so as to adopt the recommendation of the commission declaring the historic property or district, or the city council may reject the recommendation.
 - (5) *Notification of adoption of ordinance for designation.* Within thirty (30) days following the adoption of the ordinance for designation by the city council, the owners of each designated historic property, and the owners of each structure, site or work of art located within a designated historic district, shall be given written notification of such designation by the city council which notice shall apprise the owners of the necessity of obtaining a certificate of

DIVISION 2. DESIGNATION

appropriateness prior to undertaking any material change in appearance of the historic property designated or within the historic district designated. For the purposes hereof, written notice to the property owners mailed through the United States mail, with proper postage affixed, to the last known owner of the property as shown on the tax assessment rolls maintained in the office of the collector of the county, to the address shown thereon shall constitute notification to the owner as required by this subsection.

(Ord. No. 91-O-18, § 4B, C, 4-24-91)

Secs. 12¹/₂.43—12¹/₂.50. Reserved.

DIVISION 3. CERTIFICATE OF APPROPRIATENESS

DIVISION 3. CERTIFICATE OF APPROPRIATENESS

[Sec. 12½.51. Required.](#)

[Sec. 12½.52. Guidelines and criteria.](#)

[Sec. 12½.53. Submission of plans to commission.](#)

[Sec. 12½.54. Acceptable commission reaction to applications for certificate of appropriateness.](#)

[Sec. 12½.55. Public hearings on application.](#)

[Sec. 12½.56. Action by commission.](#)

[Sec. 12½.57. Rejection of application.](#)

[Sec. 12½.58. Appeals.](#)

[Sec. 12½.59. Records of applications.](#)

[Sec. 12½.60. Requirement of conformance with certificate of appropriateness.](#)

[Sec. 12½.61. Certificate of appropriateness void if construction not commenced.](#)

[Sec. 12½.62. Technical advice.](#)

Sec. 12½.51. Required.

After the designation by ordinance of the city council of historic property or historic district, no historic property may be demolished, and no building or structure in the historic district may be erected, demolished or moved, and no material change in the exterior appearance of such historic property, or of a structure, site, object or work of art within such district, shall be made or permitted to be made by the owner or occupant thereof, unless or until an application for a certificate of appropriateness therefor has been submitted to and approved by the commission. Additionally, no new construction within a historic district shall commence without first having received a certificate of appropriateness therefor, which certificate shall issue by the commission if the new construction conforms in design, scale, building material, setback and landscaping to the character of the district as specified in the design criteria developed by the commission.

Signs shall be considered as 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 commission.

The requirement of a certificate of appropriateness shall apply to public property which has been designated as a historic property or which is contained within a historic district, and shall apply to all actions by public authorities which involve historic properties and properties within historic districts.

(Ord. No. 91-O-18, § 5A, 4-24-91)

Sec. 12½.52. Guidelines and criteria.

The commission shall adopt rules and regulations setting forth the procedure for submission and consideration of applications for certificates of appropriateness. Design standards shall be in compliance with the Secretary of the Interior's "Standards for Historic Preservation Projects" including the Secretary's "Standards for Rehabilitation."

(Ord. No. 91-O-18, § 5B, 4-24-91)

DIVISION 3. CERTIFICATE OF APPROPRIATENESS

Sec. 12¹/₂.53. Submission of plans to commission.

An application for certificate of appropriateness shall be accompanied by such drawings, photographs, plans or other documentation as may be required by the commission. Applications involving demolition or relocation shall be accompanied by post-demolition or relocation plans for the site.

(Ord. No. 91-O-18, § 5C, 4-24-91)

Sec. 12¹/₂.54. Acceptable commission reaction to applications for certificate of appropriateness.

- (a) The commission shall approve the application and issue a certificate of appropriateness if it finds that the proposed material change(s) in the appearance would not have a substantial adverse effect on the aesthetic, historic or architectural significance and value of the historic property or the historic district. In making this determination, the commission shall consider, in addition to any other pertinent factors, the historical and architectural value and significance, architectural style, general design arrangement, texture and material of the architectural features involved and the relationship thereof to the exterior architectural style and pertinent features of the other structures in the immediate neighborhood.
- (b) The commission shall deny a certificate of appropriateness if it finds that the proposed material change(s) in appearance would have substantial adverse effects on the aesthetic, historic or architectural significance and value of the historic property or the historic district. The commission shall not grant certificates of appropriateness for demolition or relocation without reviewing at the same time the post-demolition or post-relocation plans for the site.

(Ord. No. 91-O-18, § 5D, 4-24-91)

Sec. 12¹/₂.55. Public hearings on application.

All applications for certificates of appropriateness shall be reviewed by the commission and a public hearing conducted thereon, which public hearing shall be conducted not later than forty-five (45) days from the date that such application is made. Not less than seven (7) days prior to the public hearing upon the certificate of appropriateness, the commission shall take such action as may reasonably be required to inform the owners of any property likely to be affected by reason of the application, as well as the applicant, and shall give any person in attendance at the public hearing the opportunity to be heard on the issue presented by the application.

(Ord. No. 91-O-18, § 5E, 4-24-91)

Sec. 12¹/₂.56. Action by commission.

The commission shall approve or reject any application for a certificate of appropriateness within thirty (30) days after the hearing or review thereof, and approval shall be evidenced by the issuance of a certificate of appropriateness issued by the commission to the applicant. Notice of the issuance or denial of a certificate of appropriateness shall be sent by United States mail to the applicant and all other persons requesting such notice in writing filed with the commission.

Failure of the commission to act upon the certificate of appropriateness within the time stated above, shall constitute approval of said application, and no other evidence of approval shall be needed.

(Ord. No. 91-O-18, § 5F, 4-24-91)

DIVISION 3. CERTIFICATE OF APPROPRIATENESS

Sec. 12 $\frac{1}{2}$.57. Rejection of application.

- (a) In the event the commission rejects an application, it shall state its reasons for doing so, and shall transmit a record of such actions and reasons, in writing, to the applicant. The commission may suggest alternative courses of action it thinks proper if it disapproves of the application submitted. The applicant, if he or she so desires, may make modifications to the plans and may resubmit the application at any time after doing so.
- (b) In cases where the application covers a material change in the appearance of a structure which would require the issuance of a building permit, the rejection of the 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 cases, no building permit shall be issued.

(Ord. No. 91-O-18, § 5G, 4-24-91)

Sec. 12 $\frac{1}{2}$.58. Appeals.

Any person having a request for a certificate of appropriateness denied by the commission, may appeal such denial to the Circuit Court of Calhoun County, Alabama.

(Ord. No. 91-O-18, § 5H, 4-24-91)

Sec. 12 $\frac{1}{2}$.59. Records of applications.

The commission shall keep a public record of all applications for certificates of appropriateness and of all the commission's proceedings in connection with the application.

(Ord. No. 91-O-18, § 5I, 4-24-91)

Sec. 12 $\frac{1}{2}$.60. Requirement of conformance with certificate of appropriateness.

- (a) All work performed pursuant to an issued certificate of appropriateness shall conform to the requirements of such certificate. In the event work is performed not in accordance with such certificate, the commission shall issue a cease and desist order and all work shall cease.
- (b) The city council or the commission shall be authorized to institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any material change in appearance of a designated historic property or historic district, except those changes made in compliance with the provisions of this chapter or to prevent any illegal act or conduct with respect to such historic property or historic district.

(Ord. No. 91-O-18, § 5J, 4-24-91)

Sec. 12 $\frac{1}{2}$.61. Certificate of appropriateness void if construction not commenced.

A certificate of appropriateness shall become void unless construction is commenced within six (6) months of date of issuance. Certificates of appropriateness shall be issued for a period of two (2) years and are renewable.

(Ord. No. 91-O-18, § 5K, 4-24-91)

DIVISION 3. CERTIFICATE OF APPROPRIATENESS

Sec. 12¹/₂.62. Technical advice.

The commission shall have the power to seek technical advice from outside its members on any application.

(Ord. No. 91-O-18, § 5L, 4-24-91)