

ORDINANCE NO. 2024 - 12

AN ORDINANCE TO DELETE AND REPLACE ORDINANCE NO. 2011 - 25 RELATING TO PRESERVING DOWNTOWN DESIGN AESTHETICS OF THE CITY OF CULLMAN WITHIN THE CBD

SECTION I. Purpose.

The purpose of this Ordinance is to hereby delete and replace Ordinance No. 2011-25, *An Ordinance Creating a Façade Improvement Program Within the CBD District of the City of Cullman*.

WHEREAS, Ordinance No. 2011-25 was established for the protection, preservation and rehabilitation of downtown properties located within the Central Business District (“CBD”) within the City of Cullman, Alabama; and

WHEREAS, the intent of the City of Cullman is to provide a uniformed 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 significance to the City of Cullman; and

WHEREAS, the City of Cullman’s historic buildings and streetscapes are valuable economic and cultural assets, and good design can stabilize and strengthen property values as well as attract businesses, residents, and tourists who value the area’s special qualities; and

WHEREAS, design guidelines enhance a district’s image by emphasizing sensitive storefront and building rehabilitation, thoughtful use of landscaping and signage, and intelligent implementation of parking and pedestrian access; and

WHEREAS, design guidelines are the tool used to address the dynamic balance between growth and change on the one hand and preservation of historic resources which define community character on the other; and

WHEREAS, these guidelines serve as a guide to making improvements which are compatible with the City’s character, and they set broad parameters while encouraging design creativity, individual choices, and personal taste; and

WHEREAS, the result of these guidelines is a pattern of growth and change consistent with the historic qualities of the City of Cullman within the primary commercial area of the CBD.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CULLMAN, ALABAMA, AS IT FOLLOWS:

SECTION II. Ordinance No. 2011-25 of the City of Cullman, Alabama, is hereby deleted in their entirety and replaced with the following:

A. Definitions.

1. *Façade* is defined as the principal face of the building which faces a public street or roadway; or, as determined by the Building Official(s) for any particular building (which must be visible from any public street).
2. *Building Official(s)* is defined as the official(s) designated by the City Council to administer and enforce these regulations, or his/her designee.
3. *District* is defined as the development area in the Central Business District located within the corporate limits of the City of Cullman, Alabama, shown in “Exhibit A,” as “*downtown core*,” and “*downtown edge*,” including but not limited to, private buildings used for business, commercial and mixed-use purposes.

SECTION III. Application Process.

- A. The City Council hereby re-adopts the Downtown Design Guidelines (“Guidelines”) as the standards for review for façade improvements.
 1. The façade/structure design must be submitted to the Building Official(s) by an architect or engineer licensed and doing business in the State of Alabama.
 2. The Building Official(s) shall make determinations based upon this Ordinance and the Guidelines.
 3. The licensed architect or engineer referenced hereabove shall apply to the Building Official(s) for a Certificate of Appropriateness (“COA”) upon providing all design plans.
 4. The purpose of the Building Official(s) under this Ordinance is to issue a COA or deny a downtown façade/structure design.
 5. Nothing in this Ordinance shall be construed to amend, exempt or nullify any requirements and process of the Planning Commission and City of Cullman Zoning Ordinance, or as amended hereafter.
 6. All successors in title to the beneficiary shall be bound by this Ordinance and the Guidelines.

A. Improvement Requirements.

1. Improvements shall be made in accordance with conditions and standards approved by the City in advance of work being performed.
2. Improvements shall be made by a licensed and bonded contractor(s) in the City of Cullman.
3. Historic palette must be used for color scheme on all repainting of facades regardless of permit requirements.
4. Building permit- if required.

C. The Building Official(s) shall review the façade plans or any remodel, additions or new construction plans by the developer or property owner to the extent which requires a building permit or that of a material change in appearance of the exterior of the existing structure. Property owners must discuss with City Building Staff prior to initiating any work on the property to determine whether the work would constitute a material change within the district. A material change in appearance is defined as a change that will affect either the exterior architectural or environmental features of a property or any building, structure, site, object, landscape feature or work of art within the district, such as, but not limited to:

1. An alteration, change of the exterior color/palette, exterior material; or, alteration or reconstruction of the size, shape, or façade 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 of advertising visible from the public right of way.
5. The erection, alteration, restoration, or removal of any building or other structure within the district, including walls, fences, steps and pavements, or other appurtenant features.
6. The erection of any LED display signage within the district.

SECTION IV. New Construction and Additions Within the District.

A. The following standards shall be applied to all new structures or additions to existing structures along with the Downtown Cullman Design Guidelines, 2011, when determining whether or not to issue a COA either by the Building Official(s) or upon an appeal by the aggrieved party.

1. Recognizing Prevailing Character of Existing Development. The design of buildings is determined by the way in which various basic design concepts and elements are utilized: building orientation and setback, shape, proportion, scale and height, directional emphasis, massing, rhythm, and architectural and site elements. These concepts form the basis for visual relationships among buildings, which in turn influence the ways in which buildings are perceived by the public.
 - i. *Historical Architectural and Community Character General Guideline:* In the CBD of the City of Cullman, the historical architectural and community character of the historic districts is primarily commercial.
2. Community Character General Guideline. The purpose of the following guidelines is to encourage appropriate new development within the district while preserving the historic character of the existing district and buildings.
 - i. The health of the overall district will depend, in significant part, on the compatibility of new construction with historical construction materials, types, setback, and scale.
 - ii. New construction or addition designs shall be compatible with the historical architectural and community character of the district as described in paragraphs "A" above, "Historical Architectural and Community Character." Specific sites shall be considered in relation to the area of influence and will consider every aspect that affects its public visual appearance including, but not exclusive to, building materials, fenestration, height, scale, landscaping, and setback.
3. New Building Design Specific Guidelines.
 - i. Each building unit (whether existing or proposed), shall be an integral element of an overall site design plan and shall reflect and complement the character of the surrounding area or plans prepared therefore.
 - ii. Each building facade shall be compatible with adjacent or nearby facades in terms of scale, amenity, and appearance.
 - iii. Buildings shall be designed to function as an integral part of the streetscape with attention to visibility, safety, lighting and incorporation of public amenities. It should reflect and confirm the pedestrian oriented character of the district.
 - iv. Building design shall reflect an overall compatibility to existing historical architecture with regard to building materials, fenestration, height, scale, color, contrast, roofs, and parapets.
 - v. Building design shall address the public right-of-way, ADA accessibility and define and complement the streetscape.
 - vi. Generally, blank walls are not permitted. Developers and designers should provide windows in high activity areas or provide architectural relief elements in wall design to the ground level.
 - vii. Historic palette must be used for color scheme on all painting of facades.

- viii. Awnings, canopies, etc., shall be designed as an integral part of the structure and shall be meet all State and Federal law requirements, and adhere to the specific requirements such as height, projection, structural design criteria as prescribed elsewhere in the *Code of Ordinances of the City of Cullman*.
- ix. Building entrances shall provide ease of access, be designed so that pedestrians/patrons have visual and actual access from the front/street facade of the building, can easily identify the entrance points, be well lighted, and act as an integral part of the streetscape.
- x. Building materials shall be of good quality. Metal buildings, or buildings of other materials which are “modern” and not in keeping with the historical character of the district are prohibited unless they cannot be seen from the public right-of-way.
- xi. Corner buildings shall be designed so that they are architecturally responsive to the corner condition, help to define the intersection, and accentuate the building line along the street.
- xii. No LED signage shall be permitted with any existing, addition or new structure within the district.

SECTION V. Severability Clause.

Each and every provision of this Ordinance is hereby declared to be an independent provision and the holding of any provision hereof to be void or invalid for any reason shall not affect any other provision hereof, and it is hereby declared that the other provisions of this Ordinance would have been enacted regardless of any provisions which might have been invalid.

SECTION VI. Effective Date.

This Ordinance shall be effective following its passage, approval, and publication as required by law.

ADOPTED BY THE CITY COUNCIL this the 22nd day of January, 2024.

ATTEST:

President of the City Council

City Clerk

APPROVED BY THE MAYOR this the 22nd day of January, 2024.

Mayor