

ORDINANCE # 1394

AN ORDINANCE CREATING THE HISTORIC PRICHARD DEVELOPMENT COMMISSION AND PRESCRIBING THE DUTIES AND POWERS THEREOF.

WHEREAS, THE CITY COUNCIL OF THE CITY OF PRICHARD Deem it necessary, in order to promote the general welfare; to preserve the distinctive and historic architectural character of the City of Prichard; to protect those buildings, streets, ways, sections, trees, and approaches having architectural and historic worth; to insure that new buildings are designed and constructed as harmonious parts of the City; that the Historic Prichard Development Commission be established to carry out these said purposes in areas designated as Historic Prichard Districts. Now therefore:

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PRICHARD AS FOLLOWS:

Section One; Historic Prichard Development Commission.

1. Creation of Commission. There is hereby created an Historic Prichard Development Commission, hereinafter for abbreviation referred to as the "Historic Commission", with membership, duties, and powers as herein designated.
2. The Historic Commission shall be composed of fifteen members appointed by the City Council upon recommendation from the Bienville Historical Society.
3. Term of Appointment. Members shall be appointed for a period of five years, commencing on the effective date of this ordinance. Vacancies shall be filled by appointment of the City Council as above. All members shall be Citizens of the Prichard area, and shall serve without compensation.
4. Rules and regulations. The Historic Commission shall elect its own Chairman from among the members thereof. The Commission may operate under a constitution as approved by the City Council of the City of Prichard. The term of chairmanship shall be one year with eligibility for re-election. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations.
5. Purposes, Duties, and Powers.
 - A. Purposes. The Historic Commission shall have as its purposes:
 - (1) The preservation and protection of buildings of historic and architectural value in the Historic Prichard Districts as defined in Section 2, Subsection 2, of this Ordinance, and the maintenance of the distinctive character of the Districts;
 - (2) The fostering and encouraging of the preservation, restoration, and utilization of buildings of historic and architectural value in the Historic Prichard Districts;
 - (3) The development and promotion of the Historic Prichard Districts, in accordance with the Prichard Planning Commission, as continuing tourist attractions of historic and economic value.
 - B. Duties and Powers. It shall be the duty of the Historic Commission to exercise such powers as it shall deem necessary and fitting to carry out the above stated purposes. It shall also be the duty

of the Historic Commission to submit a written report to the City Council and the Mayor of the City of Prichard, containing a review of the activities of the Historic Commission for the previous quarter and the proposed activities for the coming quarter; provided however, that nothing herein contained shall be construed to grant to the Historic Commission any powers, duties, or authority granted to the Prichard City Council or to any other board, commission or agency of the City of Prichard, provided further, however, that nothing herein contained shall be construed to authorize the Historic Commission to obligate the City of Prichard to expend any of its funds without prior approval of the City Council of the City of Prichard.

Section Two. Historic Prichard Districts.

1. Character of Districts. The Historic Prichard Districts are sections containing buildings marked or designated by the Bienville Historical Society and having, in their overall visual aspect, an atmosphere of age and a distinctive character not found generally in other sections of the City. The Districts may be residential or commercial or a combination of residential and commercial uses.
2. Establishment of Districts. The term "Historic Prichard Districts" applies to any districts which may be established by ordinance as Historic Prichard Districts in conformity with the provisions of this ordinance.

Section Three. Procedure for Review of Plans.

1. Submission of Plans. Every application for a building permit for a building located or to be located in an Historic Prichard District shall be accompanied by plans for the proposed building. As used herein, plans shall mean drawings or sketches with sufficient detail to show, as far as they relate to the exterior appearance, the architectural design of the building, including proposed materials, textures and colors, and the plot plan or site layout, including all site improvements or features such as walls, walks, terraces, planting, accessory buildings, signs, lights, and other appurtenances. Such plans shall be forwarded by the Building Inspector to the Commission for review.
2. Review and Decision. The Commission shall promptly review such plans and shall render its decision thereon, as a written order to the Building Inspector and shall forward a copy of said order to the Planning Commission.
3. Notification and Building Permit. Upon receiving the order of the Commission, the Building Inspector shall thereupon notify the applicant of the decision of the Commission. If the Commission shall have approved the plans, and if all other requirements of the City of Prichard have been met, the Building Inspector shall issue a permit for the proposed building. If the Commission shall have disapproved the plan, the Building Inspector shall not issue such permit. In a case where the Commission has disapproved the plans, the Building Inspector shall furnish the applicant with a copy of any recommendations for changes necessary to be made before the Commission will reconsider the plans.
4. Failure to Review Plans. If no action upon plans submitted to the Commission has been taken at the expiration of thirty (30) days from the date of application for building permit and submission of plans, such plans shall be deemed to have been approved and, if all other requirements of the City of Prichard have been met, the Building Inspector shall issue a permit for the proposed building.

Section Four. Decisions.

1. General Consideration. In passing upon plans, the Commission shall consider exterior design and appearance of the building, including the front, sides, rear, and roof, materials, textures, and colors; plot plan or site layout, including features such as walls, walks, terraces, planting, accessory buildings, signs, and other appurtenances; the relation of the building to immediate surroundings and to the Historic Prichard District in which it is located or to be located. The term "exterior" shall be deemed to include all of the outer surfaces of the building, and is not restricted to those exteriors visible from a public street, way, or place. The Commission shall not consider interior design or plan, and it shall not impose any architectural style, traditional or modern, as a condition precedent to approval. The Commission shall not exercise any control over land use, such as is governed by the Zoning Ordinance, or over construction, such as is governed by the Building Code.
2. Specific Rules Governing Decisions. Before approving the plans for any proposed building located or to be located in an Historic Prichard District, the Commission shall find:
 - A. In the case of a proposed alteration or addition to an existing building, that such alteration or addition will not materially impair the architectural or historic value of the building;
 - B. In the case of a proposed new building, that such building will not, in itself or by reason of its location on the site, materially impair the architectural or historic value of buildings on adjacent sites or in the immediate vicinity;
 - C. In the case of a proposed new building, that such building will not be injurious to the general visual character of the Historic Prichard District in which it is to be located;
 - D. In the case of the proposed demolition of an existing building, that the removal of such building will not be detrimental to the historic and architectural character of the District or that, balancing the interest of the City in preserving the integrity of the District and the interest of the owner of the property, approval of the plans for demolition is required by consideration of reasonable justice and equity; in the latter event the Commission shall issue an order postponing the demolition for a period of not to exceed twelve months. If the Commission concludes that the demolition shall be postponed, it shall, before issuing any final order with respect to such postponement, afford the applicant an opportunity to appear before the Commission to offer any evidence he may desire to present concerning the proposed order. Within the period of postponement, the Commission shall consult with others to ascertain what the City or other agency or organization may do to preserve such architecturally or historically valuable building and shall make recommendations to that effect to the City Council or otherwise cause the building to be preserved;
 - E. In the case of a proposed addition to an existing building or the case of a proposed new building, that such addition or new building will not adversely affect the Master Plan of the City of Prichard.

3. Form of Decision. Every decision of the Commission, in passing upon plans for buildings located in the Historic Prichard Districts, shall be in the form of a written order stating the finding of the Commission, its decisions, and the reasons thereof.
4. Recommendations for changes. The Commission shall not disapprove any plans without giving its recommendations for changes necessary to be made before the plans will be reconsidered. Such recommendations may be general in scope, and compliance with them shall qualify the plans for reconsideration by the Commission.
5. Member Disqualified from Voting. Any member of the Commission who shall be employed to design or construct a building or who shall have any tenancy, proprietary, or personal interest in such building requiring approval of the plans by the Commission shall be disqualified from voting thereon.

Section Five. Appeals.

1. Procedure for Appeals. Any person aggrieved by a decision of the Commission may within fifteen (15) days thereafter, appeal therefrom to the City Council of the City of Prichard. He shall file with the Commission a written notice of appeal specifying the decision from which such appeal is taken.
2. Transcript of Proceedings. Upon receiving notice of an appeal, the Commission shall transmit to the City Council a certified copy of the proceedings in the case. The issue shall be tried by the City Council solely on the question of whether the Commission, in rendering its decision has acted beyond the limits of its powers or abused its discretion.

Section Six. Effective Date. This Ordinance shall become effective upon its adoption and publication as required by law.

ADOPTED THIS 20TH DAY OF AUGUST, 1974.

MAYOR

ATTEST

Eva C. Greene
CITY CLERK - TREASURER

Publish: Register September 9, 1974