

LOCAL HISTORIC DISTRICTS

CITY OF BIRMINGHAM

DEPARTMENT OF PLANNING, ENGINEERING & PERMITS

BIRMINGHAM HISTORICAL COMMISSION

9. ARE PROPERTY OWNERS WITHIN THE DISTRICT REQUIRED BY ORDINANCE TO ACTUALLY VOTE ON THE DESIGNATION?

At the Birmingham Historical Commission public hearing, a hand or ballot vote of property owners within the proposed district is not taken. However, property owners are given 14 days (from the date that the BHC hearing was adjourned) within which they can file a written objection to the designation of the district. The public hearing and objection process are based on the City's Historic Preservation Ordinance, which states as follows: "The owner of private property which meets the criteria for eligibility as a local historic property as contained in this Article or a majority of the owners of private property within a proposed historic district shall be given the opportunity to concur in or object to the designation of the property or proposed district for designation as a historic property or district."

10. HOW CAN PROPERTY OWNERS KEEP THE AREA FROM BEING DESIGNATED AS A LOCAL HISTORIC DISTRICT?

According to the City's Historic Preservation Ordinance, if a majority of the owners of the properties within the proposed district object to the designation, then the district shall not be designated, and the City Council would not review the matter at all. As a matter of administrative policy and practice, City staff develops "objection forms" which are distributed at the conclusion of the Birmingham Historical Commission's public hearing. The forms must be returned to the Dept. of Planning, Engineering & Permits, within 14 days after the conclusion of that hearing.

11. WHO MAKES THE FINAL DECISION ON WHETHER AN AREA WILL BE DESIGNATED AS A LOCAL HISTORIC DISTRICT?

If the majority of owners of properties within the district do not object to the designation, then the nomination proceeds to the Birmingham City Council for consideration. The City Council makes the final decision on whether an area will be designated as a local historic district.

12. HOW IS THE BOUNDARY OF THE LOCAL HISTORIC DISTRICT DETERMINED?

Generally, the boundary of the local historic district is based on the boundary of the National Register historic district as noted in the National Register nomination for the particular district. Therefore, it is preferred that an area has obtained National Register designation prior to seeking local historic district designation.

13. WHAT CAN LOCAL DESIGNATION DO TO ENHANCE MY PROPERTY VALUES?

Local designation will help to stabilize the neighborhood by protecting its visual and historical integrity. The "sense of place" will be protected by preventing the district's visual and historical destruction, and thus increasing its desirability as a place to live.



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For further information, contact the Urban Design Division of the Planning, Engineering, & Permits Dept. at 254-2479.

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1. WHAT IS A LOCAL HISTORIC DISTRICT?

A local historic district is a geographically definable historic area that has received local district designation through the City of Birmingham's Historic Preservation Ordinance (Ordinance No. 92-223 as amended by Ordinance No. 00-81). It is an area where property owners have elected to assume the regulatory process of design review under an adopted Historic Preservation Plan that includes design guidelines for the particular district being designated.

2. WHAT BUILDINGS OR NEIGHBORHOODS QUALIFY?

Any building or district that is already listed in the National Register of Historic Places, that is determined eligible for the National Register of Historic Places by the State Historic Preservation Office in Montgomery or the Birmingham Historical Commission, or that meets the criteria included in the State of Alabama's enabling legislation of 1989 is eligible for listing.

3. WHAT ARE THE MAJOR PURPOSES OF LOCAL HISTORIC DISTRICT DESIGNATION?

- ✳ To ensure that the character of historic districts is retained, protected, and enhanced;
- ✳ To review major, proposed exterior changes to historic properties for conformity with the historic guidelines adopted in the district's preservation plan; and
- ✳ To strengthen the economy of the City of Birmingham by enhancing its attractiveness to residents, visitors, and businesses and by stabilizing and improving property values, thereby maintaining economic investment in the City and avoiding or reversing urban decay and blight.

4. WHAT ARE THE BENEFITS OF LOCAL HISTORIC DISTRICT DESIGNATION?

The designation helps to maintain the architectural and historical integrity of the neighborhood as plans for alterations and new construction are reviewed to ensure enhancement to the historic appearance of existing buildings and environments. Other benefits of the designation include the following:

- ✳ The visual "sense of place" of the neighborhood is protected; architectural heritage;
- ✳ Historic districts are preserved as records of our City's historical and architectural heritage;

- ✳ Historic areas are given official recognition by the City;
- ✳ Neighborhoods are revitalized and strengthened;
- ✳ Economic incentives for investment are yielded;
- ✳ Property values are protected and increased;
- ✳ The community's tax base is strengthened;
- ✳ Potential negative impacts on the environment are minimized;
- ✳ The typically high quality of construction for historic buildings is maintained;
- ✳ Education is provided about rehabilitation & restoration techniques and design; and
- ✳ A framework is provided for consistency and uniformity in decision-making.

5. WHAT IS THE PROCESS FOR OBTAINING LOCAL HISTORIC DISTRICT DESIGNATION?

Requests for any district to be nominated as a historic district shall be directed only to the Birmingham Historical Commission which alone will recommend nomination to the Birmingham City Council. Any individual or organization may submit such requests; however, the general policy is to accept a request from the neighborhood association(s) representing the properties proposed for the district. Once the request is made, a historical survey of the district being considered for nomination must be conducted by a professional historian or preservationist and a Historic Preservation Plan, which includes design guidelines, must be developed. If the district is listed in the National Register or Historic Places or is pending listing in the National Register, then the required survey work has already been completed. All property owners of record are notified of the designation request and are invited to attend a public hearing where the Birmingham Historical Commission will consider the designation. If the Commission recommends the designation, then property owners will have 14 days from the date of the Historical Commission hearing in which to object to the designation. If a majority of property owners within the district do not object to the designation, the Birmingham City Council will hold a public hearing to consider the designation. If the City Council votes to approve the designation, then the district boundaries shall officially be entered as an overlay on the City's Zoning Map.

6. WHAT IS THE DIFFERENCE BETWEEN BEING LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES AND BEING DESIGNATED AS A LOCAL HISTORIC DISTRICT?

Inclusion in the National Register of Historic Places is recognition of historic merit with the U.S. Department of Interior. While it brings prestige and tax advantages, it does not offer the building or neighborhood any type of regulatory protection except where federal funding or federal licensing regarding the building or district occurs.

Local designation offers regulatory protection from inappropriate rehabilitation, new construction, and demolition. Plans must be submitted to the City's Design Review Committee, which is authorized to protect the district's or building's historical integrity.

7. WHAT TYPES OF RESTRICTIONS WILL APPLY TO MY PROPERTY UNDER BOTH NATIONAL AND LOCAL DESIGNATION?

Inclusion in the National Register of Historic Places does not restrict what an owner can do with his or her property (except where federal funding or federal licensing is involved). However, with local historic district designation, if an owner proposes to alter the exterior of a property, then the City of Birmingham's Design Review Committee will be required to review the plans before permits can be issued for the project. The plans will be reviewed for consistency with the design guidelines for the particular local historic district.

8. WHO DETERMINES THE NATURE OF THE DESIGN GUIDELINES FOR THE DISTRICT?

The Urban Design Section of the City of Birmingham's Planning, Engineering & Permits Dept. will draft a set of sample Design Guidelines for distribution to the neighborhood association officers. The neighborhood association president will appoint or seek volunteers to serve on a subcommittee to review the guidelines and make recommendations. City staff reviews the recommendations of the neighborhood subcommittee and, if feasible, the changes are incorporated into a revised draft that is tailored to the particular area under consideration and then presented to the larger neighborhood association for comments. Residents may then submit comments on changes they would like to see incorporated into the final draft of the guidelines, which the Birmingham Historical Commission will consider for recommendation.