

FAÇADE IMPROVEMENT PROGRAM OF THE CITY OF CULLMAN, ALABAMA

September 2, 2011

Purpose:

To provide for the improvement of the appearance of street facades and the quality of the built environment in the City of Cullman, Alabama to promote and develop for the public good and general welfare trade, commerce, industry, and employment opportunities in the City of Cullman, Alabama.

Development Area and Structures:

- (a) The area, within the corporate limits of the City of Cullman, Alabama, described on Exhibit A;
- (b) Private buildings used for business, commercial and mixed use purposes.

Definition of Facade:

- (a) The principal face of a building which faces a public street or roadway;
- (b) As determined by the Board of Design Review for any particular building.

Legal Authority:

- (a) Amendment No. 772 of the Constitution of Alabama of 1901, as amended
- (b) Compliance with Amendment No. 772
 - (1) Any proposed action under Am. No. 772 must be taken at public meeting
 - (2) Notice describing the proposed action and private businesses to benefit therefrom must be published at least seven days in advance

Process:

(a) Application to and approval by City Council of City of Cullman, Alabama, upon recommendation by the Board of Design Review, as set forth on Exhibit B.

(b) The Application shall be in form and of content as set forth on Exhibit C, and shall contain an agreement in which the Beneficiary shall covenant and agree that (1) the Program Requirements shall be met; and (2) the Beneficiary shall maintain and preserve such façade for a period and in a condition specified by the City or, upon demand by the City, repay all or a specified portion of the funds advanced by the City for such façade; and (3) all successors in title to the Beneficiary shall be bound by such agreement.

Program Requirements:

- (a) Improvements made in accordance with conditions and standards approved by City in advance of work being done;
- (b) Improvements made by licensed/bonded contractor(s) in City;
- (c) Historic palette must be used for color scheme;
- (d) Building permit.

Amount; Payment of Aid:

- (a)
 - (i) Lesser of 50% of cost or \$5,000
 - (ii) The City may, in its discretion, increase the amount paid for façade improvement in certain circumstances (such as multiple tenants of one building) or with respect to certain buildings (such as buildings with special historical significance)
- (b) Paid upon written request accompanied by invoices after improvements are inspected by City

Subject to Law-Imposed Requirement:

The amounts provided by the City under this program are, in accordance with *Johnson v. Sheffield*, 183 So. 265 (Ala. 1938), subject to the law-imposed requirement that, if necessary, there must first be paid from all funds and revenues of the City the legitimate and necessary governmental expenses of operating the City.

Special Note Regarding Application of Historic Preservation Laws:

(a) There are no regulatory requirements or restrictions under Alabama law upon use of funds of private citizens, and funds of the City of Cullman which are derived from local taxes, for the improvement, repair and restoration of façades of historic buildings in Cullman, including buildings that are listed on national and state registers of historic places, except as provided in Chapter 68 of Title 11 of the Code of Alabama 1975 (providing for establishment of local historic preservation commission). If Cullman has not created a historic preservation commission under Chapter 68, and has not otherwise complied with Chapter 68, then the provisions of Chapter 68 do not apply to Cullman or the use of public funds of Cullman for the façade improvement program.

(b) There are restrictions on the use of federal funds for such purposes, but that is not part of the program.

Exhibits

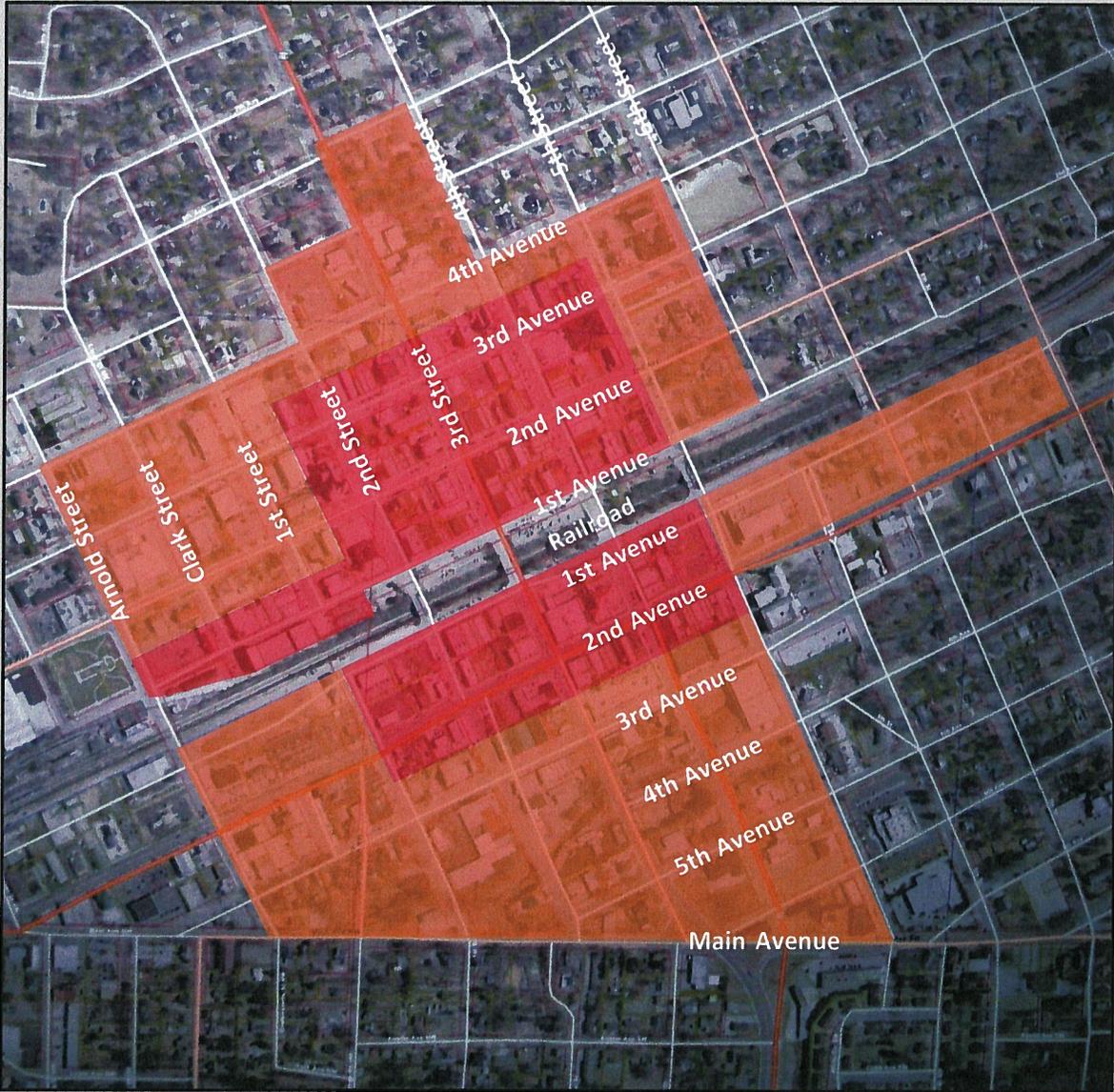
Exhibit A: Map of Development Area

Exhibit B: Process of Application

Exhibit C: Application and Agreement

EXHIBIT A

DOWNTOWN HISTORIC DISTRICT



Subdistricts Legend

	Downtown Core
	Downtown Edge

EXHIBIT B

Cullman Historic District Review Process

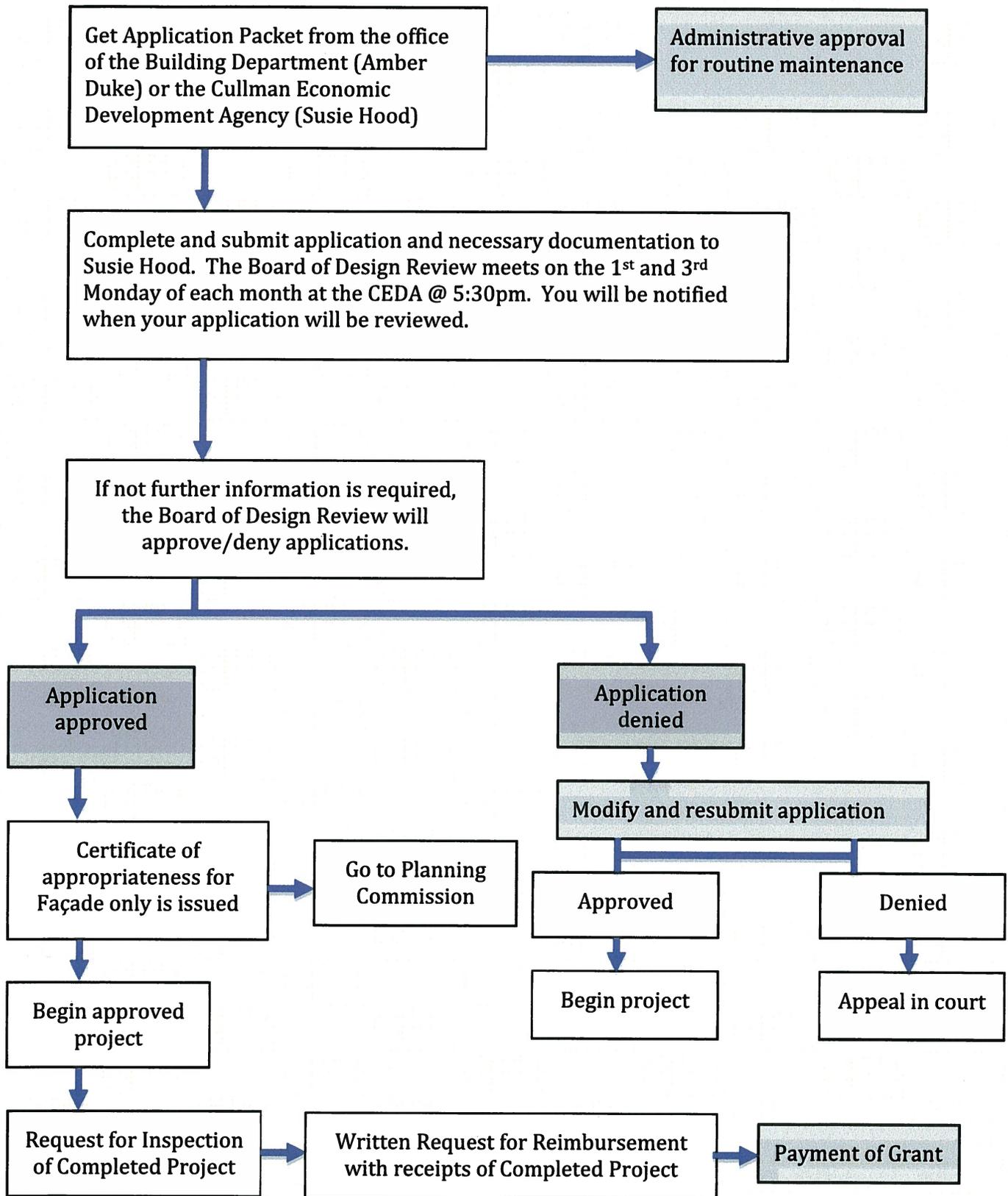


EXHIBIT C

**CULLMAN DOWNTOWN HISTORIC DISTRICT
APPLICATION FOR CERTIFICATE OF APPROPRIATENESS**

Note: Application and grant are void if on-site construction is not started within six (6) months of approval date

PROPERTY OWNER INFORMATION					
Last Name		First		Date	
Street Address					
City		State		ZIP	
Phone		E-mail Address			
Tax Map & Parcel ID #:	(Attach legal description)				
FAÇADE IMPROVEMENT PROGRAM					
<input type="checkbox"/> I wish to participate in the Façade Improvement Program and have received Exhibit 1 outlining the program _____					
(Initial Here)					
BUSINESS OWNER INFORMATION (IF DIFFERENT THAN OWNER)					
Business Owner Name					
Business Name		Address			
Phone		Email Address			
TYPE OF PROJECT					
<input type="checkbox"/> New Development <input type="checkbox"/> Remodeling <input type="checkbox"/> Addition <input type="checkbox"/> Painting <input type="checkbox"/> Other _____					
PROJECT DESCRIPTION					
PROPOSED WORK					
Please refer to the attached checklist to determine what information will be required when you submit your application. It is in the best interest of both the applicant and the Board of Design Review that all required information be submitted. Lack of information will delay the review of the application.					
GRANT INFORMATION <i>(the lessor of 50% or \$5,000.00)</i>					
Estimated Amount of Grant Requested: \$ _____					
AGREEMENT					
In consideration of the acceptance by the City of Cullman of this application and the issuance to the undersigned of a Façade Improvement Grant in the amount of \$ _____ the undersigned applicant and owner hereby agree					
a) to execute, deliver and perform the Grant Agreement attached hereto or a joint and several obligation, and					
b) the City of Cullman may record a memorandum of the Grant Agreement in the Office of the Judge of Probate of Cullman County Alabama, substantially in the form attached for the Grant Agreement.					
SIGNATURE OF APPLICANT					
SIGNATURE OF OWNER IF DIFFERENT					
SIGNATURE OF WITNESS (& print name)					
FOR BOARD OF DESIGN REVIEW ONLY:					
Date Received		Date Reviewed	Amount Approved \$ _____		
Application #		<input type="checkbox"/> Approved	Pending:		
Board Chairman Signature		<input type="checkbox"/> Denied			

**CULLMAN DOWNTOWN HISTORIC DISTRICT
CERTIFICATE OF APPROPRIATENESS CRITERIA CHECKLIST**

Not all information listed below is required for each project. In order to save time and effort, please consult with design review personnel prior to completing your application.

	General Requirements
	Location / address of work to be done
	Zoning Classification
	Proposed start date of work
	A. New Development
	1. Elevation drawings, minimum scale: 1/4" = 1' -0" up to 120' -0", 1/8" = 1' -0" if larger, showing façade(s) (highly visible from the primary street). Elevation drawings in scale showing relationship to structures immediately adjacent.
	2. Photograph of proposed site and adjoining properties
	Site plan showing building footprint and location of off-street parking. Indicate all other information required under Parking Areas per Planning & Zoning.
	3. Floor plan showing setbacks and other exterior features such as steps, doors, windows and texture samples. Minimum 1/8" scale
	4. Material list including door and window styles, paint color selections from a Historical Palette, and texture (as deemed necessary by the Board of Design Review).
	B. Existing Buildings (remodeling & additions)
	1. Elevation drawings indication proposed alterations. Minimum scale: 1/4" – 1' -0". (Architectural rendering may be required for major alterations. Please consult design review personnel.) Make sure to include door and window design if altered. Manufacturers catalog data may be used if applicable.
	2. All applicable exterior material description. Paint color selections from a Historical Palette.
	3. Site plan showing dimensions of lot and locations of existing building on lot, location of additions, dimensions of existing structure and additions.
	4. Photograph of existing conditions from all elevations.
	5. Historic photographs should accompany any request to return a structure to an earlier historic appearance.
	C. Material Change
	1. Written description of area involved.
	2. Color photographs of areas involved and surrounding structures if applicable.
	3. Sample manufacturer's cut sheet or color photo of materials involved.
	D. Signage/Graphics (where applicable)
	1. Dimensional elevation identifying materials, colors (include samples), lettering style and wording
	2. Description of lighting (if applicable)
	3. Designation of location (for fascia sign, show how and where it will be attached; for freestanding, show height above ground, clearance and distance).
	4. Photographs of sign location from all directions
	E. Site Improvements
	1. Parking Areas:
	a. Site plan showing layout and locations of screening
	b. Indicate height, design, and materials of walls and fences; indicate type of vegetation. Include material samples if applicable

	2. Fences & Walls:
	a. Site plan showing location of fence/wall
	b. Architectural rendering or photograph showing design of fence/wall, material, and height
	c. Photograph of area to be fenced/walled and adjacent structure
	F. Walks, Signal Receiving Devices, and Other Landscape Features
	1. Site plan showing location and layout
	2. Photograph of area affected
	3. Description of materials and design

Any questions concerning the application procedure should be directed to the design review personnel.

Please contact a local licensed architect, contractor and/or designer for assistance with planning and renderings.

CITY OF CULLMAN FAÇADE IMPROVEMENT GRANT PROGRAM AGREEMENT

This Agreement is made and delivered on _____, 20__, by

- (a) The City of Cullman, Alabama (the "City"),
- (b) _____ (the "Applicant"), and
- (c) _____ (the "Owner"),

pursuant to the Application for Certificate of Appropriateness dated _____, 20__ by the Applicant and the Owner to the City (the "Application") under the City of Cullman Façade Improvement Program.

For and in consideration of the delivery by the City to the Applicant and the Owner of the Façade Improvement Grant, in accordance with the Application, the Applicant and the Owner hereby, jointly and severally, covenant and agree with the City as follows:

1. The representations in the Application are true and correct.
2. The Applicant and the Owner hereby acknowledge receipt of a Façade Improvement Grant pursuant to the Application in the amount of \$_____.
3. The Owner hereby agrees the improvements to the Façade, as described in the Application, may be made by, or at the direction of, the Applicant.
4. The Applicant and the Owner agree that the covenants, agreements and undertakings herein are a joint and several obligation of each thereof, and each is fully liable and responsible for payment and performance of all such covenants, agreements and undertakings of the Applicant and the Owner pursuant to the Application and under this Agreement.
5. The Façade Improvements shall be made by licensed contractors in the City in accordance with conditions and standards approved by the City in advance of work being done.
6. The Applicant and the Owner shall obtain a building permit for the Façade Improvements.
7. The Applicant and the Owner shall use an historic color palette for the Façade Improvements.
8. The Applicant and the Owner shall maintain and preserve the Façade Improvements for the period and in the condition set forth on Exhibit hereto.

9. In the event the City determines, and advises the Applicant and the Owner in writing, that the Applicant and the Owner are in default of the agreement thereof in Paragraph 5, the Applicant and the Owner shall, as a joint and several obligation thereof, pay to the City, within 30 days of written demand therefor, the amount of \$_____ of the Façade Improvement Grant.

10. This Agreement shall be binding upon the respective successors and assigns of the Applicant and the Owner and all successors in title or interest with respect to the Property. The City may record a memorandum or notice of this Agreement, substantially in the form of Exhibit B hereto, in the Office of the Judge of Probate of Cullman County, Alabama.

Caution: It is important that you thoroughly read this contract before you sign it.

In Witness Whereof, the Applicant and the Owner have each caused this Agreement to be executed, under seal, by themselves or by a legal representative thereof duly authorized thereunto, on the date and year first above written.

Witness (Print Name)

Property Owner

Witness Signature

Applicant (if different)

Witness (Print Name)

Representative (Print Name)

Witness Signature

Representative of City of Cullman

Notice of Covenants
Regarding
City of Cullman Façade Improvement Grant Program

Notice is hereby given that:

1. The City of Cullman, Alabama has issued a Façade Improvement Grant in the amount of \$_____ with respect to the real property described on Exhibit A hereto (the "Property").

2. The owner and tenant of the Property have delivered to the City an Agreement dated _____, 20__ (the "Agreement") wherein the owner and tenant agreed that if the façade is not maintained and preserved for the period and in the condition set forth on Exhibit B hereto, the owner and tenant shall pay to the City, within 30 days of written demand therefor, the amount of \$_____ of the Grant.

3. The Agreement is binding upon all successors in title or interest with respect to the Property.

4. The Agreement, and the covenants therein, shall expire on _____, 20__.

5. For further information contact the City at

In Witness Whereof, the City has caused this Notice to be executed by an officer thereof duly authorized thereunto.

City of Cullman, Alabama

By _____

Its _____

STATE OF ALABAMA)
COUNTY OF CULLMAN)

I, the undersigned authority, a Notary Public in and for said County in said State, hereby certify that _____, whose name as _____ of the City of Cullman, Alabama, an Alabama municipal corporation, is signed to the foregoing conveyance instrument and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he, as such officer and with full authority, executed the same voluntarily for and as the act of said municipal corporation.

Given under my hand and official seal this ____ day of _____, 20__.

Notary Public

[NOTARIAL SEAL]

My Commission Expires: _____