

# Foley Downtown Historic District Design Review Guidelines



Artist rendering by Christian Dew

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## I. Introduction and Purpose

The City of Foley, through the Foley Preservation Ordinance and these Design Guidelines, seeks to protect its unique and valuable historic resources. These guidelines pertain only to the Foley Downtown Historic District. These guidelines provide design standards for the property owners in the District who choose to renovate their properties, seek to demolish property in the District, or construct new buildings in the District. In those cases, he or she must follow these design guidelines and his or her plans must be approved by the Foley Historical Commission prior to receiving all permits required by law. Owners must follow these guidelines and all Federal, State, County, and Local codes and ordinances.

Note: These Guidelines are based on the Department of Interior's Standards for Rehabilitation (Section VII).

No owner, however, will be *required* by the Foley Historical Commission to renovate, demolish, or construct a new building in the District (unless there are pertinent health and/or safety issues involved). If however, someone *chooses* these activities, they will be *required* to follow these Guidelines.

## II. Brief History and Significance of the Foley Local Downtown Historic District

The Local Downtown Historic District was created in 2004 for the fine examples of every phase of Foley's commercial development from c. 1907 to 1954, and for its very fine examples of early to mid-20<sup>th</sup> Century architecture some of which were designed by prominent state and national architects.

The majority of these properties are one or two story commercial blocks or free-standing commercial structures with flat roofs, projecting parapets, wood or metal windows, transoms, and some stone or brick detailing. Most residential or religious structures have gabled roof lines and double hung wood windows.

**Commercial Significance:** From c. 1907 to the mid 1940s, Foley's economy was based predominantly on agriculture and trade. But, during the mid-late 40s, Foley's economy virtually exploded as it shifted dramatically toward the tourist traffic headed 10 miles south to Alabama's Gulf Coast. Approximately 50% of the District's resources date from c. 1907 to the early 1940s, while the remaining date from the mid-1940s to 1954. All are significant to piece together the physical story of a town whose commercial vitality has been central - and unique - to the State's overall economic history.

**Architectural Significance:** Approximately half of the District's resources date from its pre-1940s economic boom, while the remaining date from the relatively short period from the mid-1940s to 1954 during which time the town repositioned itself from an

agriculture-based economy to a tourist-based – and, in actuality – *traffic-based* economy. This economy transition is keenly noted in the abundance of automotive-related structures that remain in the District.

The District has many buildings typical of small Southern towns. But, it also contains Mission Revival, Renaissance Revival, Tudor Revival, Colonial Revival, and Craftsman from the 1910s and 1920s, as well as, fine examples of Art Deco, Art Moderne, and International styles from the mid-late 1940s.



# FOLEY LOCAL DOWNTOWN HISTORIC DISTRICT DESIGN REVIEW GUIDELINES

## IV. Definitions

**Alteration:** Any act or process that changes one (1) or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, expansion, rehabilitation, reconstruction, relocation, or removal of any structure.

**Architectural Details:** The small details like moldings, carved woodwork, etc. that add character to a building.

**Building:** Any structure having a roof supported by columns or walls designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or property of any kind.

**Certificate of Appropriateness:** A document evidencing approval by the Commission of an application to make a material change to a historic property or any building, structure, or site within a historic district.

**City:** The City of Foley, Alabama, an Alabama municipal corporation.

**Commission:** The Foley Historical Commission established pursuant to City ordinances.

**Conflict of Interest:** A conflict on the part of a Commission member between his or her private interest and the responsibilities imposed by this article. A conflict of interest involves any action, inaction, or decision by a member in the discharge of his or her duties which would materially affect his or her financial interest or those of his or her family members or any business with which the person is associated in a manner different from the manner it affects the other members.

**Contributing Property/Structure:** Any property or resource within a historic district that is fifty (50) years old or older that retains its primary historical/physical character and integrity and thus “contributes” to the historical significance or character of the district, as determined by the National Register of Historic Places.

**Demolition by Neglect:** Allowing a building to fall into such a state of disrepair that it becomes necessary or desirable to demolish it.

**Design Guidelines:** A document describing design features and examples of appropriate treatment to preserve the historic and architectural character of a property or district.

**Exterior Architectural Features:** 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.

**Family Members:** The spouse, a dependent, an adult child and his or her spouse, a parent, a spouse's parents, a sibling and his or her spouse, of the member.

**Historic District:** a group of buildings, properties, or sites that share a common history and/or architectural distinction that is significant to the community and have been designated by one of several entities on different levels as historically or architecturally significant. Buildings, structures, objects, and sites within a historic district are normally divided into two categories, contributing and non-contributing.

**Infill:** The use of vacant land and property within a built-up area for further construction or development, especially as part of a neighborhood preservation or limited growth program.

**Material Change in Appearance:** A change that will affect the exterior architectural or environmental features of a historic property or any building, structures, site, object, landscape feature, or work of art within a historic district.

1. A reconstruction or alteration of the size, shape or façade of a historic property, including relocation of any doors or windows or removal or alteration of 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. Any exterior work that must be permitted by the city's building department.

**Member(s):** A person or persons appointed to serve as members of the city's historical commission.

**National Register of Historic Places:** The official federal list of districts, sites, buildings, structures, and objects of local and state significance in American history, architecture, archaeology, engineering, and culture to prehistory or history of their community, state, or the nation that are worthy of preservation.

**Non-contributing Historic Property/Structure:** Any resource within a historic district that is less than fifty (50) years old or any resource that is more than fifty (50) years old that no longer retains its primary historical characteristics or physical character and thus

does not contribute to the historical significance of the district, as determined by the National Register of Historic Places.

**Object:** A material thing of functional, aesthetic, cultural, historic or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

**Owner:** The holder of the fee simple title as revealed on the property tax rolls of Baldwin County, Alabama, and any person (natural, legal, or corporate) or groups of persons, companies, associations, corporations, or partnerships who alone, jointly, or severally with others:

1. Shall have legal title to any property, with or without an accompanying right of possession; or
2. Shall have charge, care, or control of any property as owner, executor, executrix, administrator, trustee, guardian of the estate owner, mortgagee or vendee in possession, or assignee of rents, lessee, or other person, firm, or corporation in control of a property.

**Parapet:** A wall-like barrier at the edge of a roof, terrace, balcony, or other structure. Where extending above a roof, it may simply be the portion of an exterior wall that continues above the line of the roof surface or it may be a continuation of a vertical feature beneath the roof, such as a fire wall or party wall.

**Re-pointing:** The process of replacing old mortar in brick and stone walls.

**Setback:** The number of feet from the parcel's edge to the structure.

**Sign, Awning:** A building mounted sign that provides additional functionality as shelter.

**Sign, Logo:** A design that represents goods, identity or service.

**Sign, Banner:** Any sign not designed or intended for permanent use made of lightweight fabric or any other similar non-rigid material with no enclosing framework which is mounted to a pole, building, or other structure at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

**Sign, Bench:** A sign located on the seat or back of a bench or seat placed on or adjacent to a public right-of-way.

**Sign, Canopy:** Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

**Sign, Changeable Copy:** A sign upon which the copy may be changed, rearranged, or altered or removed without altering the structure of the sign face or support.

**Sign, Directional:** Signs designed to provide direction to pedestrian and vehicular traffic.

**Sign, Electronic Changeable Copy:** A sign or portion thereof that displays electronic information in which each character, graphic, or symbol is defined by a small number of matrix elements using different combinations of light emitting diodes (LED's), fiber optics, or other illumination devices within the display area. Electronic changeable copy signs include computer programmable, microprocessor controlled electronic displays.

**Sign, Freestanding:** Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent of support from any building.

**Sign, Ground:** Any outdoor advertising display sign which is supported by structures or supports in or upon the ground and independent of support from any building.

**Sign, Illuminated:** A sign designed or arranged to reflect light from an artificial source.

- A. Direct Illumination: Light sources, including spotlights and neon tubing, which is attached to the sign face or structure and directed toward the copy area.
- B. Electric Message Center: Light sources arranged in rows, intended and designed to be individually and sequentially lit in such a manner to form letters and/or graphics which may blink on and off, travel, or flash.
- C. Indirect Illumination: Light sources not attached to the sign structure or face area, but which are designed to be directed onto the sign face area.
- D. Internal Illumination: Light sources enclosed in a sign face.

**Sign, Locator:** A sign which identified multiple businesses located within a structure, shopping center or complex.

**Sign, Mural:** A decoration or artwork painted on the exterior wall of a building which may be classified as a sign when it contains lettering, trade emblems or logos. When such items are incorporated, the sign specification shall be as follows:

- A. Lettering: Shall be localized and the area measured to conform to the size limitations of the regulations.
- B. Trade emblems and logos: The entire area of the mural shall be considered to be the sign face area and shall meet the size limitations contained in the regulations.

**Sign, Pole or “Lollipop”:** A free-standing sign, usually double-faced, mounted on a round pole, square tube or other fabricated member without any type of secondary support.

**Sign, Projecting:** Any sign affixed to any building or structure extending beyond the building wall, structure, or building line by more than twelve (12) inches.

**Sign, Suspended:** A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

**Sign, Wall:** A sign entirely affixed directly to the wall of a building or the slope of a mansard-type roof, and/or projecting to a point less than twelve (12) inches beyond the wall surface.

**Sign, Window:** Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window.

**Site:** The location of a significant event, a prehistoric or historic occupation or activity or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical, cultural, or archaeological value regardless of the monetary value of the site or any structure thereon.

**Structure:** Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including but not limited to buildings, fences, gazebos, signs, billboards, backstops for tennis courts, swimming pools, radio/television antennae, including supporting towers.

**Temporary Structure:** Any shed, structure, building, trailer, tent or enclosure of any kind used for storage, commercial or business purposes which any person or business intends to place on the same lot with or on any lot immediately adjacent to, any permanent structure used for business or commercial purposes.

**Transom:** A horizontal window or crossbar located above a door that is usually hinged.

## **V. Rehabilitation of Existing Properties**

*Building Facades: Fronts, Sides and Rears Abutting Streets or Public Areas*

### **A. Guideline:**

1. All building facades, including structural and decorative elements of fronts, sides, and rears, shall be repaired or replaced to match as closely as possible to the original materials and construction of that building.

Rotten, deteriorated, or weakened elements shall be replaced to match the original in appearance as closely as possible.

**B. *Exterior walls***

1. **Guideline:** The typical exterior wall for commercial buildings in the Foley Downtown Historic District is brick, and in fewer cases, concrete block, wood, stone, or stucco. These historical materials are the District's most constant feature and should be preserved and protected. Brick, as well as concrete block and stucco, is a durable material that require little maintenance. Wood requires greater maintenance, but provides texture to the street and a relief to the more dominant brick.
2. All exterior front, side, or rear walls which have not been wholly or partially resurfaced or built over shall be repaired and or improved in an acceptable manner. Unpainted building facades should not be painted. If, however, buildings have been previously painted and are to be repainted, an approved color must be used. Existing painted masonry walls shall have loose material removed and be painted a single color as close to the original masonry color as possible. Patched walls shall match the existing adjacent surfaces as to materials, texture, color, bond, and jointing. Murals which are purely decorative in nature and content, and do not include advertising by picture or verbal message, are exempt from sign regulations but require a COA.
3. If masonry walls requiring re-pointing are proposed, the re-pointing mortar should be equivalent to or softer than the original mortar in the masonry joints. A high lime-content mortar will usually be compatible with most brick masonry more than 50 years old. If Portland Cement is to be included in the mortar mix to improve workability, no more than 20% of the combined total volume of lime and Portland Cement should be Portland Cement. This will insure that the hardness of the Portland Cement will not result in a hard mortar that could damage the masonry. The mortar used for re-pointing should also match the appearance, color, texture, joint width, and tooling of the original joint.
4. Where cleaning existing brick or stone is proposed, do not use sandblasting techniques under any circumstances. The abrasive sand used will destroy the brick or stone's outer hard surface and cause irreparable and irreversible damage which will accelerate deterioration. It is best to clean brick using the gentlest means necessary; often a water wash is enough, though chemical cleaning may be required for very dirty areas. Do not use masonry sealers; these do not allow walls to breath and will actually accelerate deterioration.

5. Applied facing materials shall be treated as follows: If original, they shall be painted and/or repaired according to the minimum standards set forth in these design guidelines. All paint colors must be consistent with the Commission's regulations concerning paint colors and application.
6. If not original and in need of significant repair, or not in harmony with the character of the building, they are to be removed to reveal the original exterior material which shall be repaired as necessary or removed and replaced by new facing materials, according to the minimum standards set forth in these design guidelines. Do not install any material over brick or stone in a manner that causes irreversible damage to the masonry. Acceptable installation of siding will involve nailing wood strips (known as "furring") into the masonry mortar joints and then fastening the siding to the furring; do not nail into the face of any masonry unit.
7. Wood siding walls should be repaired or replaced to match the original. Metal, plastic (including vinyl), or composite siding, or metal building panels are not recommended.
8. Existing miscellaneous elements on the building fronts, such as empty conduits, unused brackets, etc., shall be removed and the building surface repaired or rebuilt as required to match adjacent surfaces.
9. Gutters, downspouts and copings shall be repaired or, if not original, replaced as necessary and shall be neatly located, securely installed, and painted to harmonize with the other building front elements, and in accordance with the Commission's regulations concerning paint colors and application.

**C. *Store Fronts***

1. **Guideline:** Store fronts shall include the building face, show windows, and the entrance area leading to the door. Sidelights, transoms, and display platform devices, including lighting and signage, are designed to be viewed from the public right-of-way.
2. Show windows, entrances, signs, lighting sun protection, awnings, porches, security grilles, etc., shall be compatible and harmonious with the scale and character of the structure. All store front elements must be located within fourteen (14) feet of grade unless original store front elements exceed fourteen (14) feet.
3. Show windows shall not be painted for advertising purposes, but may be painted for authorized identification of the place of business in accordance with regulations concerning "Signs." They may be painted for civic purposes, but the paint shall not remain more than 30 days.

4. Show window trim, mullions or muntins not consistent or compatible with overall facade design shall be replaced or painted in a manner complementary to other store front elements. In particular, original wood storefronts should be repaired as necessary and retained, rather than replaced. If rotten, or modern inappropriate storefronts are removed, the replacement should conform to the original materials and look per historic photographs.
5. Glass in show windows and transoms shall be transparent, clear, bronze or gray tinted. Translucent, opaque, reflective or colored glass, other than gray or bronze tinted, unless original, shall not be permitted except with prior approval by the Foley Historical Commission.
6. Solid or permanently closed or covered storefronts shall not be permitted, unless treated as an integral part of the building facade using wall material and window detailing compatible with the upper floors, or other building surfaces. All damaged sagging or otherwise deteriorated storefronts, show windows or entrances shall be repaired or replaced.
7. Seasonal decorations on the exterior of the property or affixed to the store front, including but not limited to lights, wreaths, stickers, and figurines, may be installed for the duration of the corresponding season (winter, spring, summer, and fall).

***D. Windows and Doors***

1. **Guideline:** Windows and doors are always key defining features of any historical building and are critical to maintaining rhythm and scale. Inappropriate changes always interrupt the character of historical streetscapes.
2. Sashes with rotten wood and/or deteriorated metal, broken joints, or loose mullions or muntins shall be replaced with original materials or materials that closely resemble original materials. Glass in show windows and transoms shall be transparent, clear, bronze or gray tinted. Translucent, opaque, reflective or colored glass, other than gray or bronze tinted, unless original, shall not be permitted except with prior approval by the Foley Historical Commission. If non-clear glass is preferred for security reasons, it is recommended that the clear glass be painted black or dark gray on the inside of the glass to retain a reflective quality from the street.
3. All windows must be tight fitting and have sashes of proper size and design to be compatible and harmonious with the scale and character of the structure. Shutters on residential structures should be “real” operable shutters, and not “false” shutters that are typically undersized. Original doors should be repaired and retained wherever possible.

4. Maintain historic window styles: If it is necessary to replace windows or doors due to serious deterioration, the replacement should match or resemble the original in character and scale, and should have the same operating characteristics as the original. That is, double-hung windows should be replaced with double-hung replacement windows, casement windows should be replaced with casement windows, etc. Glass in show windows and transoms shall be transparent, clear, bronze or gray tinted. Translucent, opaque, reflective or colored glass, other than gray or bronze tinted, unless original, shall not be permitted except with prior approval by the Foley Historical Commission.
5. Modernizations which reduce or enlarge window or door openings from the original or change the original fenestration are not permitted without the prior approval of the Foley Historical Commission. Large, modern “picture” windows, for example, are totally out of character for the age and style of the District’s historical structures.
6. Do not enclose transom windows or side lights above or around doors. Transoms are a primary historical characteristic on commercial storefronts to allow light in, create visual interest, and where operable, allow air in and out. Covering transoms creates a “flat” character that is out of scale and uninteresting. If incoming light is not desired, paint the transom window inside with black or gray paint so that it continues to “read” as reflective glass from the street.
7. Window openings in upper floors of the front of the building shall not be boarded up and shall not be filled without prior approval by the Foley Historical Commission. If blocking up doors and windows is unavoidable, this must be done in a manner that maintains the size and shape of the existing opening, and that will not cause damage when removed. The front surface of the infill material should be set back from the front surface of the adjacent wall.
8. Windows or doors not in the front of the building shall be kept properly repaired or, with Fire and Community Development Departments approval, may be closed, in which case, sills, lintels and frame must be removed and the opening properly closed to be compatible with the adjacent wall.
9. It is important to the streetscape of a historic commercial District that the storefronts remain “clean” to the eye, and do not become visually marred by the appearance of the interior spaces behind the storefront: If dropped ceilings, partitions or other interior elements terminate inside the window area, and are visible through the window from the exterior, they shall be stopped short of the glass and the exterior edge or face shall be treated in such a manner so as not obvious from the exterior. Boxes, crates, etc.

should not be stacked inside windows unless concealed by shutters, blinds, drapes or other appropriate window covering.

10. Windows shall not be painted for advertising purposes, but may be painted for authorized identification of the place of business as authorized by the Foley Historical Commission and in accordance with guidelines involving “Signs.” They may be painted for civic purposes, but the paint shall not remain more than 30 days.

***E. Cornices and Trim***

1. **Guideline:** Cornices and trim provide most of the decoration for Foley’s commercial buildings and should be retained. They provide definition to the building and cohesion to the streetscape. Trim may be simple or elaborate and provides personality, framing, and interest along the street. It may also provide the function of sealing joints between building elements.
2. Do not remove cornices and trim. Cornices and trim shall be repaired or, if absolutely necessary, replaced to match the original as closely as possible in materials and style. In the case of wood trim, paint the back as well as the front to prevent deterioration from moisture.
3. If it is necessary to cover a cornice or trim, do not remove the original material, but leave it in place. Install new material in a manner that allow for ventilation of the cornice so that trapped moisture does not damage underlying material so that it may be re-exposed in the future.

***F. Paint Color and Placement***

1. **Guideline:** Unpainted building facades should not be painted. If buildings have been previously painted and are to be repainted, an approved color must be used.
2. **Trim Colors:** Architectural details such as cornices, windows, shutters, or doors should be the same color as the façade, a darker or lighter shade of the façade, or an accent color that complements the façade color. The most successful trim colors may differentiate trim work from the façade, but are not inconsistent with the color of the façade and other trim, signs, or awnings.
3. Historic color palettes must be approved by the Historical Commission or staff.

## **G. Awnings**

1. **Guideline:** Awnings provide color, style, and function and are often an integral part of the pedestrian streetscape. If used, they must be installed in a manner that does not destroy existing building facade.
2. If compatible and harmonious with the scale and character of the structure, and adjoining structures, soft, flameproof/flame resistant as specified by local building and fire codes awnings are permitted over the first floor doors and windows and on upper floors above windows only.
3. Awnings shall not project more than seven (7) feet from the building front, shall not be lower than nine (9) feet above grade and shall terminate against the building at a height not to exceed approximately twenty (20) feet or the roof line, whichever is lowest above the pavement, except with prior approval of the Foley Historical Commission and according to city regulations.
4. Rigid or fixed awnings or canopies are not recommended unless they were historically present, are an integral part of the structure, in good condition, or similar materials, and compatible with and harmonious with the scale and character of the structure and adjacent structures. The Foley Historical Commission must approve the awning and method of installation.

## **H. Porches and Steps**

1. **Guideline:** Porches and steps should be preserved as a key character-defining element.
2. Porches should be repaired with original materials or materials that closely match the original.
3. Porches shall not be removed unless determined to be imminently dangerous by the City of Foley. In case of necessary removal, the porch shall be reconstructed to match the original as closely as possible.
4. Alterations to porches that involve covering porch elements with vinyl or aluminum siding are not permitted without the approval of the Foley Historical Commission. When those types of alterations are unavoidable, do not remove historic building material, but leave it in place. Install new siding in a manner that does not damage or hasten the deterioration of the underlying material.

5. Enclosing porches essentially obliterates the visual presence of the porch and is not permitted without the approval of the Foley Historical Commission. However, if it is determined that enclosing the porch is necessary, the enclosure shall retain the details of the original porch. Columns and railings should remain in place, and the new construction must be set behind the original porch elements.
6. Alterations to front steps should use the same material and dimensions as the original. Change to step dimensions require prior approval by the Foley Historical Commission.

***I. Buildings Visible from Public Ways***

1. **Guideline:** Rear faces, or side faces, that were not intended to be primary, but have now become exposed (usually due to demolitions around it), should be treated as primary facades. If a building front, side, or rear is exposed to view from a public way or public parking lot, each face of the building so exposed shall be improved in a manner consistent with these design guidelines as necessary to avoid visually detracting from the area.

***J. Mechanical and Electrical Equipment on Exterior Walls***

1. Individual room air conditioning units shall not be installed in front or side wall windows, if visible from streets or public improvements.
2. Through wall air conditioning units may be installed, subject to prior approval by the Foley Historical Commission, provided where visible from streets or public improvements the units do not project beyond any adjacent exterior face of the building and are properly screened and ventilated and do not detract from the building character and appearance. The height must be a minimum of nine (9) feet from the bottom of the air conditioning unit.
3. Where through wall air conditioning units cannot be flush mounted, awnings may be used in order to make the units as unobtrusive as possible. In such a case, they must be compatible with the scale and character of the building.
4. Grilles, louvers, vents and other mechanical and electrical items may be installed in or on exterior walls, where unavoidable and necessary for the function of the building. Where visible from streets or public improvements, the necessary items shall be painted or otherwise made as unobtrusive as possible and shall not detract from the building character and appearance.

**K.     *Roofs***

1.     **Guideline:** Roof styles, materials, color and construction are very defining elements of the character of the Foley downtown streetscape and the integrity of individual buildings and should be maintained. The typical roof for commercial buildings in the Foley Downtown Historic District is flat, built up tar and gravel, often with a parapet. Some, on the south side of West Laurel Avenue have interesting gabled roofs. It is imperative that these historic roof lines be maintained and repeated on new structures throughout the District.
2.     Original or historical roof types, such as pitched; roof materials such as built up tar and gravel or tin; and roof elements such as gables or parapet, etc., should be repaired where possible or replaced to match the original or historical type.
3.     Chimneys, elevator penthouses or any other auxiliary structure on the roofs shall be repaired and cleaned as required in Section I, “Buildings visible from Public Ways.”
4.     Any mechanical equipment placed on a roof shall be concealed from public view, and be as inconspicuous as possible from other viewpoints. Equipment shall be screened with suitable elements of a permanent nature or finished so as to harmonize with the rest of the building. Where such screening is unfeasible, equipment shall be painted in a manner as to minimize its visibility.
5.     Roofs shall be cleaned and kept free of trash, and debris. Other elements which are not a permanent part of the building are not permitted.

**L.     *Temporary Structures***

1.     Structures, such as trailers, which are in place for a temporary purpose, must be reviewed by Foley Historical Commission Staff and should be held to the same standards and design guidelines as all other structures in the District, unless a variance is necessary for operational purposes. Approval is given on a three month basis. At the end of the three month period, a new Certificate of Appropriateness application must be filed and reapproved every three months by Foley Historical Commission Staff.
2.     Events shorter than one week that are held in the John B. Foley Park or Heritage Park are not subject to Commission’s design guidelines.

**M. *Auxiliary Structures***

1. Structurally deficient attached or unattached structures at the rear of buildings shall be properly repaired. If new siding material is necessary, the historical material should not be removed and the new siding installed in a manner not to damage historical material.
2. Auxiliary structures that are historically significant (i.e., listed in the National Register of Historic Places documentation as a “contributing” structure), should not be demolished unless they are considered imminently dangerous by the City of Foley; if ~~not~~ imminently dangerous, they should follow guidelines in Section T “Demolition. Non-historic auxiliary structures (i.e., considered “non- contributing” on the National Register of Historic Places) may be demolished according to Section T “Demolition.”

**N. *Rear and Side Yards and Parking Areas***

1. When a rear or side yard exists or is created through demolition, the owner may utilize the space for storage and loading or parking provided the area is appropriately landscaped and/or screened from all adjacent streets, alleys, and public improvement areas.
2. Off-street parking areas shall be designed as an integral part of the total site design with careful regard to orderly arrangement, landscaping and ease of access. Off-street parking areas, except at entrance ways, shall be separated from streets or public rights-of-way by appropriate landscaping or screening.
3. Existing front yard parking areas shall be clearly defined as to ingress, egress, and internal circulation and must be appropriately screened by plant materials and/or structure unless given prior approval by the Foley Historical Commission.
4. New front parking is only allowed in conformity with applicable laws and regulations. (see Section VI. “New Construction”)

**O. *Fences***

1. Fences or walls must be compatible with the architecture of the building and the streetscape. Galvanized chain link fence is prohibited along front or side streets or any place where there is public view.

***P. Public parks, public spaces, and public rights-of-way***

1. Any furniture, signs, kiosks, fencing, lighting, trash receptacles, or any other feature in public parks, public spaces, and/or public rights-of-way shall conform to the overall character of the historic district as set forth by these guidelines.
2. Any benches, trash receptacles, etc. shall be reviewed before being placed in the public right of way.

***Q. Signs***

1. Signs shall be limited to those identifying the property or identifying the use conducted therein. Advertising by material or product manufacturers and suppliers, other than the primary use of the property, shall not be permitted. These promotional signs may not cover more than 50% of the window space and cannot be permanently attached. All lighting elements such as wires, conduits, junction boxes, transformers, ballasts, switches, and panel boxes shall be concealed from view as much as possible.
2. Signs and displays for advertising or promotion are not permitted in public rights-of-way unless specifically authorized by the Foley Historical Commission, Foley City Council, and the Alabama Department of Transportation.
3. Historical markers, whether painted or mounted, should be repaired and retained. New projecting or mounted markers shall be permitted if they conform to the historical character of existing historical markers and if they are less than 12 square feet per face.
4. Painted or sewn signs on awnings, existing marquees, or canopies may be permitted, subject to approval.
5. Wall signs shall be placed parallel to the building face and shall not project more than 12 inches from the surface of the building and shall not exceed 40 sq ft except if a business does not have a ground sign, the wall sign may be increased by 32 sq ft. Signage on the wall and building shall not exceed 30 percent of the area of the buildings frontage. Wall signs shall be placed a minimum of 9 feet above grade, no higher than the bottom of the second story window where windows exist or approximately 14 feet above grade level, whichever is lower. Lettering on sign size may not exceed 75% of the height of the sign. Exceptions may be granted on a case by case basis by the Commission where a building has multiple tenants.
6. In the case of corner properties one wall sign per side is permitted. The depth, size, and height limitations shall apply as in paragraph (5) above.

7. Logos are permitted and may be any color, but may not exceed 25% of the total sign face.
8. Painted signs on framed backings or use of separate cut out letters shall be permitted in accordance with the above limits for flat signs.
9. Lettering applied to ground floor show windows or entrance doors shall not exceed six (6) inches in height and must not cover more than 25% of the window space. Text shall be limited to identification of the primary business therein and days and hours of operation. They may be painted for civic purposes, but the paint shall not remain more than 30 days.
10. Signs identifying the business occupant shall be permitted at rear entrance doors if they are mounted flush against the building and do not exceed 2 square feet in size, except where authorized by the Foley Historical Commission.
11. Lettering in upper floor windows is generally not permitted, unless the upper floor tenant does not have a ground sign or space for a wall sign. If so, the guidelines for wall signs applies.
12. New pole or “lollipop” signs are not permitted. Any existing pole or “lollipop” signs that need repair or redesign must be approved by staff or the Foley Historical Commission.
13. Ground signs may be permitted if they are in scale and character with surrounding buildings. Ground signs shall not exceed 32 sq ft in sign face area or 5 ft from grade. Ground signs should be appropriately landscaped by structure and/or plant materials. Exceptions may be granted on a case by case basis by the Commission for directional and locational signs where a building has multiple tenants.
14. Projecting signs, where permitted according to city regulations, must be a minimum of 9 feet above grade, not to exceed above the 2<sup>nd</sup> story window sill, and not project from the building more than 5 feet.
15. Temporary signs, such as lease or rental signs, political signs, may be permitted on a temporary basis not to exceed 90 days.
16. Flashing, neon, and electronic scrolling, are not permitted.
17. Signage must conform to the historic characteristics and flow of the district in color and design.

**R. *Product Vending Machines / Outdoor Equipment***

1. Product vending machines or encasements such as soft drink, newspaper, ice freezers, etc. shall be approved by the Foley Historical Commission prior to being installed or placed and, except for newspaper machines and public telephones, should provide for screening from the public right of way.
2. Broken or out of service machines or encasements, or machines and encasements in disrepair, shall be removed.
3. Electric Automobile Charging Stations

**S. *Landscaping and Vacant Lots***

1. Landscaping includes without limitation grading, paving, construction of walkways, driveways, pools, and all other surface additions and improvements. Its design, whether on private or public areas, should promote the safety and convenience of pedestrians, and enhance the appearance of Foley's downtown structures and public rights of way. Plantings and other materials shall be approved by the Foley Historical Commission prior to installation.
2. When a vacant lot exists, whether temporary or permanent, or is created through demolition, the owner must properly landscape and/or screen the property from adjacent streets, alleys and public improvement areas; cover all areas not actively used for storage, parking or loading with grass or other ground cover approved for the property by the Foley Historical Commission; and maintain said ground cover and keep all of the property free of trash and debris.

**T. *Demolition***

1. Note: Demolition is the single most important issue facing the Foley Downtown Historic District. In no case should an owner be permitted to raze a building in the District – whether it is “contributing” or “non-contributing.” No request for approval of a demolition permit will be considered without detailed plans for the proposed use of the site after demolition unless in the case of an emergency such as a catastrophic fire, tornado, etc. where health and safety factors are present.
2. No historic or contributing structure shall be demolished unless it is in imminently dangerous condition as cited by the City of Foley and unless

and until the Foley Historical Commission has reviewed the significance of the building based on the following criteria:

- a) Whether, in addition to being a historic or “contributing” building, it is also listed or eligible for listing as an individual listing on the National Register of Historic Places;
- b) Its historical or architectural significance in the context of the Foley Downtown Historic District has been reviewed in order to determine whether its significance is a:
  - (1) “Reconcilable Loss,” that is, the advantages of the demolition proposal to the community’s overall preservation/revitalization efforts outweigh the disadvantages of the demolition in which case the Foley Historical Commission may approve demolition;
  - (2) “Significant Loss,” that is, the advantages of the demolition proposal to the community are unclear or questionable and/or the resource is capable of being repaired and reused in a practical and feasible manner;
  - (3) “Highly Significant Loss,” that is, the resource is an outstanding example of an architectural style, its age is particularly important to the overall integrity of the District and the community’s preservation goals, its association with an event or person is strongly associated with the history of Foley, it is an important visual landmark in the District, the disadvantages of demolition outweigh the advantages, and/or the resource is capable of being repaired and reused in a practical and feasible manner.
  - (4) If the Foley Historical Commission approves demolition, the owner shall agree to some measures to “mitigate” the demolition including, but not exclusive to, retaining historical materials for reuse in any new structure, retaining and storing historical materials for later use, or identifying the historical building and its context within the District(s) through signage, public display or the like.

3. If a building is considered non-historic or “non-contributing,” the Foley Historical Commission will review the demolition proposal according to the following criteria:
    - a) If demolition will significantly impact historic or “contributing” structures;
    - b) If it is architecturally in keeping with the historic District and, within a five year period would be 50 years of age;
    - c) If advantages of demolition outweigh the disadvantages; and
    - d) If it is feasible to rehabilitate the property.
  4. No request for approval of a demolition permit will be considered without detailed plans for the proposed use of the site after demolition unless in the case of an emergency such as a catastrophic fire, tornado, etc. where health and safety factors are present.
- U. *Other***
1. All other building repairs identified by the City of Foley which are necessary to safeguard the health and safety of building occupants shall be made.

## **VI. New Construction and Additions to Existing Structures**

The following standards shall be applied to all new structures or additions to existing structures:

### **A. *Community Historic Architecture***

The historical, architectural, and community character of the Foley Downtown Historic District is primarily commercial, with a notable inclusion of several exceptionally important government cultural buildings and a few historical houses. It is important for new construction to blend seamlessly into the historic context and design of the district.

Commercial Architectural: The district’s commercial, civic, and government buildings range from the c. 1910s to the early 1950s with brick, limestone, or concrete block being the predominant material. Included are early twentieth century commercial blocks, Art Deco buildings, and the Mission Revival style Masonic Lodge. Commercial buildings are one or two stories and many feature decorative brick detailing (pilasters, corbelling, and belt courses). Wood windows and doors, as well as transoms, are common. Setback in Foley is generally close to the sidewalk and consistent with adjacent buildings and overall setback within the District.

## B. *Community Character*

**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. 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.

- a) New construction or addition designs shall be compatible to the historical architectural and community character of the District as described in paragraphs “A” and “B” above, “Community Historical Architectural and Community Character.” Specific sites shall be considered in relation to their immediate environment (that is, those buildings adjacent to or facing the proposed construction) and will consider every aspect that affects its public visual appearance including, but not exclusive to, building materials, fenestration, height, scale, landscaping, and setback. New Building Design
  1. 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.
  2. Each building facade shall be compatible with adjacent or nearby facades in terms of scale, amenity, and appearance.
  3. Building design 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.
  4. Building design shall reflect an overall compatibility to existing historical architecture with regard to building materials, fenestration, height, scale, color, contrast, roofs, and parapets.
  5. Building design shall address the public right-of-way and define and complement the streetscape.
  6. 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.
  7. Awnings, canopies, etc. shall be designed as an integral part of the structure, shall be at least 9 feet above grade, and shall not project more than 7 feet over a public right-of-way as allowed by City regulations.
  8. 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, easily identify entrance points, be well lit, and act as an integral part of the streetscape.

9. Building materials shall be of good quality and reflect the same historic characteristics of the surrounding structures. Metal buildings or buildings of other materials that are “modern” that do not follow the historical character of the district are prohibited unless they cannot be seen from the public right-of-way.
10. 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.

### C. *Building Additions*

**Guideline:** Additions to buildings must never be to the front of the property and/or, in most cases, visible from the street.

1. Additions to roofs, such as roof decks or roof structures, may not be visible from the street.
2. Install satellite dish antennas and mechanical equipment so that they are not visible from the street.
3. Enclosing historic house porches is not recommended. If it becomes necessary, the enclosure must visibly retain the details of the original porch. Columns and railings must remain in place, and any addition must be set behind the original porch elements. The construction of new porches to historical commercial buildings is generally prohibited. New porches to non-historic (“non-contributing”) buildings must be approved by the Foley Historical Commission prior to construction.

### D. *Site Planning and Design*

1. Site Planning shall consider the orderly arrangement of all site elements including: parking, delivery, access, trash storage and collection, landscape treatments, open space, pedestrian walkways, street furniture, auxiliary services (phone, vending machines, news etc.), signs, building and auxiliary structures, and fencing.
2. Buildings:
  - a) Where adjacent structures exist, buildings shall be located at comparable or compatible setbacks.

- b) Where no adjacent structures exist, buildings generally shall be located at the minimum setback in order to define the street/building line.
- c) Generally, buildings shall be located so that maximum building frontages define the street or public right-of-way.

3. Parking:

- a) Parking lots on corners are generally prohibited.
- b) Parking lots shall be located in rear or, where there is specific and compelling justification, side yards in order to minimize their view from public rights-of-way. Where parking areas are exposed to public view, they shall be screened with appropriate structure and/or plant materials.
- c) Paving the front yards of historical residential structures is prohibited.
- d) Vehicular access to parking areas shall be direct and not in conflict with general vehicular movement serving the various uses within the site. Ingress and egress points shall be well distanced from intersections to avoid congestion and interference with traffic. Where feasible, entrances shall be shared with adjacent properties.
- e) Entrances and exits shall be designed so that they are easily identifiable by motorists. Any signage required to direct motorists to entrances shall be simple, clear and designed to work in harmony with site elements and signs for the project. Any gates, arms, or booths will be reviewed as to their visual impact on the District.

4. Loading and Service Area Design

- a) Loading and service space shall be unobtrusively provided off-street to serve business uses in the proposed development.

5. Open Space and Landscape Design

- a) Proposed development shall consider the provision of appropriate open space in combination with the proper position of buildings. Streets, pedestrian walkways, and open spaces, including street furniture and signs, shall be designed as an integral part of the overall design, and shall be properly related to adjacent existing and proposed buildings.
- b) A coordinated landscape program for the proposed development shall be incorporated for the entire proposed site. Landscape development

includes paving, surface treatments, and other amenities deemed necessary to the project.

E. *Signs*

1. A systematic and coordinated sign package is required for all new developments. Sign packages for new developments shall address signs for the entire site including, but not limited to, building identification, business name, tenant signage, parking, loading or service, informational, and directional signs.
2. Consideration shall be given to the provision of sign space in the building and site design.
3. All signs shall reflect quality workmanship and materials.
4. Special consideration shall be given to the quality and placement of light sources emitting from or directed toward signs.
5. See Section Q “Signs” for specific criteria regarding size, placement, and types of signs allowed.

## **VII. Department of Interior Standards for Rehabilitation**

The Standards (Department of Interior regulations, 36 CFR 67) pertain to historic buildings of all materials, construction types, sizes, and occupancy and encompass the exterior and the interior, related landscape features and the building's site and environment as well as attached, adjacent, or related new construction. The Standards are to be applied to specific rehabilitation projects in a reasonable manner, taking into consideration economic and technical feasibility. Rehabilitation projects must meet the following Standards to qualify as "certified rehabilitations," eligible for the 20% tax credit for historic preservation.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

## VIII. Expedited Review for COA Review

**Routine Maintenance** does not require the issuance of a Certificate of Appropriateness. Routine maintenance includes repair or replacement where there is no change in the design, materials, or general appearance of the structure or grounds. Certificates of Appropriateness are issued for all other projects. Any repair or replacement where there is a change in the design, materials, or general appearance is defined as an alteration and needs a Certificate of Appropriateness.

**Minor Work** projects are reviewed by the staff of the local historic preservation commission. Staff will refer Minor Work projects to the commission for review if in staff's judgment the change involves alterations, additions, or removals that are substantial, do not meet the guidelines, or are of a precedent-setting nature.

**Major Work** projects are reviewed by the local historic preservation commission. In general, major work projects involve a change in the appearance of a structure or site, and are more substantial in nature than routine maintenance or minor work projects, such as new construction, expansion of a building footprint, or significant changes in landscape features.

A selection of common work items are listed below and classified as routine, minor or major work.

No.	TYPE OF WORK	ROUTINE MAINTENANCE	MINOR WORK (Staff)	MAJOR WORK (FHC)
1	New Construction or Additions to primary building			X
2	Demolition of any structure			X
3	Demolition of any part of a structure			X
4	Relocation of buildings			X
5	Alteration/Removal of Archeologically Significant Features			X
6	Alteration/Removal of Contributing Historical Features			X
7	Repair/Replacement of existing Accessory Structures or Buildings when there is no	X		

	change in design, materials, or general appearance			
8	Alteration of existing Accessory Structures or Buildings		X	
9	Additions to existing Accessory Structures or Buildings			X
10	New Accessory Structures or Buildings			X
11	Removal of existing Accessory Structures or Buildings which are not architecturally or historically significant		X	
12	Removal of existing Accessory Structures or Buildings which are architecturally or historically significant			X
13	Repair or Replacement of Architectural Details when there is no change in design, materials, or general appearance	X		
14	Alteration/Addition/Removal of Architectural Details		X	
15	Repair/Replacement of Awnings, Canopies, or Shutters when there is no change in design, materials, or general appearance	X		
16	Alteration/Addition/Removal of existing Awnings, Canopies, or Shutters		X	
17	Installation of New Awnings, Canopies, or Shutters		X	
18	Alteration/Addition/Removal of Carports			X
19	Construction of New Carports			X
20	Construction/Alteration/Removal of Chimneys		X	
21	Repair/Replacement of Decks when there is no change in	X		

	design, materials, or general appearance			
22	Alteration/Addition/Removal of existing Decks			X
23	Construction of new Decks			X
24	Alteration/Addition/Removal of Doors		X	
25	Installation of new Doors		X	
26	Installation/Alteration/Removal of storm Doors		X	
27	Repair/Replacement of existing Driveways when there is no change in design, materials, or general appearance	X		
28	Alteration/Addition/Removal of existing Driveways		X	
29	Construction of new Driveways			X
30	Repair/Replacement of existing Fences, Walls, Hedges or other Screen Plantings when there is no change in design, materials, or general appearance	X		
31	Construction of new Fences, Walls, Hedges or other Screen Plantings			X
32	Removal of existing Fences, Walls, Hedges or other Screen Plantings			X
33	Repair/Replacement of exposed Foundations when there is no change in design, materials, or general appearance	X		
34	Alteration of exposed Foundations		X	

35	Repair/Replacement of Gutters and Downspouts when there is no change in design, materials, or general appearance	X		
36	Installation/Addition/Removal of Gutters and Downspouts		X	
37	Installation of House Numbers and Mailboxes		X	
38	Repair/Replacement of exterior Lighting Fixtures when there is no change in design, materials, or general appearance	X		
39	Installation/Alteration/Removal of exterior Lighting Fixtures		X	
40	Repairs/Replacement, including repointing, to existing Masonry when the color and composition of the mortar match the original, and new brick or stone matches the original	X		
41	Construction/Alteration/Removal of Masonry		X	
42	Installation of Air Conditioners in windows		X	
43	Painting when there is no change in color	X		
44	Painting when there is a change in color		X	
45	Repair/Replacement of existing Parking Lots when there is no change in design, materials, or	X		

	general appearance			
46	Alteration/Removal of existing Parking Lots		X	
47	New Construction of/Addition to Parking Lots			X
48	New Construction/Addition/Removal of Porches			X
49	Repair/Replacement of Roof coverings when there is no change in design, materials, or general appearance	X		
50	Alteration of Roof coverings		X	
51	Installation of Satellite Dishes and/or Television Antennas		X	
52	Repair/Replacement of Signs when there is no change in design, materials, or general appearance	X		
53	Installation/Alteration/Removal of Signs		X	
54	Repair/Replacement of exterior Stairs and Steps when there is no change in design, materials, or general appearance	X		
55	Alteration/Addition/Removal of exterior Stairs and Steps		X	
56	Construction of new exterior Stairs and Steps		X	
57	Repair/Replacement of exterior Surfaces when there is no change in design, materials, or general appearance	X		
58	Alteration/Addition/Removal of		X	

	exterior Surfaces			
59	Installation/Alteration/Removal of Temporary Features that are necessary to ease difficulties associated with a medical condition		X	
60	Repair/Replacement of existing Walks when there is no change in design, materials, or general appearance	X		
61	Alteration/Addition/Removal of existing Walks		X	
62	Construction of new Walks		X	
63	Repair/Replacement of Windows when there is no change in design, materials, or general appearance	X		
64	Alteration/Removal of existing Windows		X	
65	Installation of new Windows		X	
66	Installation/Alteration/Removal of storm Windows		X	
67	Temporary Structures		X	