
Sec. 98-28. Certificate of occupancy.

- (a) No vacant land shall be occupied or used, except for agricultural uses, until a certificate of occupancy shall have been issued by the building official.
- (b) No premises shall be used and no buildings hereafter erected or structurally altered shall be used, occupied or changed in use until the provisions of this chapter are met and a certificate of occupancy and compliance shall have been issued by the building official.
- (c) Certificates of occupancy and compliance shall be applied for coincident with the application for a building permit, and shall be issued within ten days after the erection or structural alterations of such buildings shall have been completed in conformity with the provisions of this chapter. A record of all certificates shall be kept on file in the office of the building official.
- (d) A certificate of occupancy shall not be issued for any temporary building unless and until such temporary building shall have met all requirements imposed by other city ordinances. Any permit issued will be valid for six months, and will be reviewed by the city council for any extensions.

(Ord. No. 2014-03, § 1, 5-20-2014)

Sec. 98-347. Approval for alteration or new construction within historic preservation districts or affecting historic landmarks.

No person shall carry out any exterior construction, reconstruction, alteration, restoration, rehabilitation, demolition, or relocation of any historic landmark or any property within an historic preservation district, nor shall any person make any material change to other exterior elements visible from a public right-of-way which will affect the appearance and cohesiveness of any historic landmark or any property within an historic preservation district without receiving approval from the planning and zoning commission. New construction within an historic preservation district or on property designated as an historic landmark, or buildings or structures moved onto a property within an historic preservation district or onto property designated as an historic landmark will be subject to and in accordance with the design guidelines for the city.

(Ord. No. 2014-03, § 1, 5-20-2014)

Sec. 98-349. Historic preservation district/landmark building permit application procedures.

- (a) Prior to the commencement of any work requiring planning and zoning commission approval in accordance with this article, the owner shall follow standard procedures for a building permit application and provide the following information for review:
 - (1) Name, address, email address and telephone number of the applicant and property owner;
 - (2) A detailed description of proposed work;
 - (3) Location and photograph of the property and adjacent properties;
 - (4) A written narrative describing the design intent and historical precedence is required. Historical photographs may be submitted if available;
 - (5) Elevation drawings of the proposed changes;
 - (6) Description of materials and colors to be used; and
 - (7) If the proposal includes signs or lettering, in addition to meeting all sign ordinances of the city, a scale drawing showing the type of lettering to be used, all dimensions and colors, a description of materials to be used, method of illumination (if any), and a plan showing the sign's location on the property.
- (b) Planning and zoning commission approval required by this article shall be in addition to, and not in lieu of, any other building permit requirements for the city.
- (c) The planning and zoning commission shall review the application at the first regularly scheduled meeting after the application is received, at which time an opportunity will be provided for the applicant to be heard. The planning and zoning commission shall approve, approve with modifications, or deny the request. A denied application may be resubmitted to the planning and zoning commission after required adjustments are made.
- (d) All decisions of the planning and zoning commission shall be in writing. The commission's decision shall state its findings pertaining to the approval, denial, or modification of the application. A copy shall be sent to the applicant and a copy shall be filed with the city secretary as part of the public record.
- (e) An applicant dissatisfied with the action of the planning and zoning commission relating to the issuance or denial of building permit approval, as a result of this article, shall have the right to appeal to the city council by submitting a request in writing to the city within 30 days after receipt of notification of such action.

(Ord. No. 2014-03, § 1, 5-20-2014)

Sec. 98-350. Criteria for approval by the planning and zoning commission.

Approval by the planning and zoning commission shall be guided by the adopted design guidelines for the city. The design guidelines for the city shall be made available at the office of the city secretary.

(Ord. No. 2014-03, § 1, 5-20-2014)

DESIGN GUIDELINES FOR THE CITY OF MONTGOMERY,

For Residential and Commercial Structures Within the Historic Preservation District and Structures Designated as Historic Landmarks

GENERAL. The City of Montgomery wishes to preserve the architectural style, form, scale, materials, colors, details and treatments of buildings constructed in the period between 1830 and 1941. Consistent with the zoning ordinance and other codes and ordinances, the interior of period buildings may be altered at the discretion of the owner but any repair, alteration, addition, replacement, removal or reconstruction of all or a part of the exterior must be done in accordance with the requirements contained herein and upon receipt of approval from the Planning and Zoning (P & Z) Commission. Any building to be moved into the district, or onto a property designated as a historic landmark, must have been constructed during the period 1830 to 1941 and/or substantially reflect a style of architecture of that period and be consistent with the Design Guidelines for the City of Montgomery, which are contained herein. New buildings that are to be constructed in the historic district, or on a property designated as a historic landmark, must also reflect a style of architecture from that period and must be constructed in accordance with the guidelines. Buildings moved into the district or newly constructed in the district, or on a property designated as a historic landmark, must submit plans and receive approval from the P & Z Commission prior to the commencement of movement or construction.

1. *Building placement form and treatment.*
 - a. *Accessory buildings.* Accessory buildings are only permitted in the rear yard and the interior side yard and must be compatible with the scale, shape, roof form, materials, detailing, and color of the main building. Accessory buildings must have pitched roofs. Pre-fabricated metal accessory buildings are permitted if they are completely screened from view from any abutting street or private property.
 - b. *Additions.* Additions to a main building are only permitted on the side and rear facades, except that a porch may be added to the front facade if such addition is consistent with the architecture of the period for the building. Other exceptions may be reviewed by the P & Z Commission. All additions to a building must be compatible with the dominant horizontal or vertical characteristics, scale, shape, roof form, materials, detailing, and color of the building. Additions must be consistent with the style of the house as originally constructed.
 - c. *Architectural detail.* Materials, colors, structural and decorative elements, and the manner in which they are used, applied, or joined together must be typical of the style and period of the other buildings and compatible with

similar, conforming structures in the historic district.

- d. *Awnings.* Awnings on the front and corner side facade must be made to complement the main building in style and color. Awnings must be typical of the style and period of the main building, and compatible with other conforming structures of a similar style in the historic district.
- e. *Building placement.* All structures within a historic district or on a property designated as a historic landmark must comply with the standards contained in the City of Montgomery Code of Ordinances.
- f. *Building widths.* All structures within a historic district must comply with the property setback standards established in the Zoning Ordinance of the City of Montgomery.
- g. *Chimneys.* All chimneys must be compatible with the style and period of the main building and the conforming structures of a similar style in a historic district. Chimneys on the front fifty (50) per cent of a main building or on a corner side facade must be:
 - (i) Constructed of brick or other materials that look typical of the style and period of the main building; and of a style and proportion typical of the style and period of the main building.
- h. *Color.*
 - (i) *Brick surfaces.* Brick surfaces not previously painted may not be painted unless the applicant establishes that the color and texture of replacement brick cannot be matched with that of the existing brick surface or that the painting is necessary to restore or preserve the brick itself.
 - (ii) *Certain colors prohibited.* Fluorescent and metallic colors are not permitted on the exterior of any structure in a historic district.
 - (iii) *Dominant and trim colors.* All structures must have a dominant color and no more than five (5) trim colors. Trim colors must complement the dominant color of a structure and be appropriate to and compatible with the structure, and the overall character of the historic district. The colors of a structure must be complementary to each other and the overall character of the historic district.
 - (v) *Gutters and downspouts.* Where appropriate, gutters and

downspouts must be painted or colored to match the trim color or the roof color of the structure.

- (vi) *Roof colors.* Roof colors must complement the style and overall color scheme of the structure.
- (vii) *Stain.* The use and color of stain must be typical of the style and period of the building.

i. *Columns.*

- (i) *Function.* Columns are only permitted as vertical supports near the front entrance of the main building or as vertical supports for porches.
- (ii) *Materials.* Columns must be constructed of masonry or wood or other materials that match the style of the main building.

j. *Facade materials.*

- (i) *In general.* The only permitted facade materials are stone, brick and lap siding composed of wood or fiber cement that looks like wood. All facade treatments must be done in a manner so as not to change the character of the building or obscure the architectural features and trim of the building.
- (ii) *Facades.* Existing facades must be preserved to appear in a manner for which they were originally intended.

k. *Front entrances and porches.*

- (i) *Detailing.* Railings, moldings, tile work, carvings, and other detailing and architectural decorations on front entrances and front porches must be typical of the style and period of the main building and the conforming structures of a similar style in the historic district.
- (ii) *Enclosures.* A front entrance or front porch may not be enclosed with any material, including iron bars, glass, or mesh screening without approval by the P & Z Commission.
- (iii) *Floor coverings.* Carpeting is not permitted as a front porch floor or step covering. Non-slip nosing and tread surfacing are allowed.
- (iv) *Style.* Each front porch and entry treatment must have a shape, roof

form, materials, and colors that are typical of the style and period of the building, and must reflect the dominant horizontal or vertical characteristics of the main building and the conforming structures of a similar style in the historic district.

- l. Porte cocheres.* Porte cocheres must be preserved as architectural features and not be enclosed by fences, gates, or any other materials without approval by the P& Z Commission.

- m. Roof forms.*
 - (i) Materials and colors.* Roof materials and colors must complement the style and overall color scheme of the building or structure. On residential structures, tar and gravel (built-up) and other low slope membrane systems are permitted only as a roof material on covered porches and porte cocheres with low slope roofs. Carpet is not permitted as a roof material. Composition shingle, cedar or metal shingle, and non-corrugated, standing seam metal roofing materials are permitted.
 - (ii) Overhang.* The minimum permitted roof overhang for a new or move-in main building is twelve (12) inches. A replacement roof on an existing building must have an overhang equal to or greater than the overhang of the roof it replaces.
 - (iii) Patterns.* Roof patterns of a main building must be typical of the style and period of the architecture of the building and the conforming structures of a similar style in the historic district.
 - (iv) Slope and pitch--residential.* The degree and direction of roof slope and pitch must be typical of the style and period of the main building and compatible with existing building forms in the historic district. In no case is a roof permitted with a pitch less than a four and one-half (4 ½) inch rise in any twelve (12) inch horizontal distance. Flat roof designs are not permitted on main or accessory buildings or structures, except that a covered porch or porte cocheres may have a flat roof that is typical of the style and period of the main building.
 - (v) Slope and pitch--commercial.* Low slope roofs with parapets are allowed as a primary roof for commercial structures.

- n. Windows and doors.*

(i) *Front facade openings.*

- 1) *Glass.* Clear, decorative stained, beveled, etched, and clear leaded glass may be permitted in any window opening. Reflective, tinted, opaque, and mirrored glass and plastic are not permitted in any opening. Translucent glass is not permitted, except in bathrooms, front doors, sidelites, specialty windows and commercial storefronts. No glass pane may exceed sixteen (16) square feet in area unless part of the original design or in commercial storefronts in which case a pane may not exceed fifty (50) square feet.
- 2) *Screens, storm doors, and storm windows.* A screen, storm door, or storm window on a front or side facade of a main building may be permitted only if:
 - a) Its frame matches or complements the color scheme of the main building; and
 - b) It does not obscure significant features of the window or door it covers.
- 3) *Security and ornamental bars.* Security and ornamental bars are permitted pending review by the P & Z Commission on any side of a main or accessory building abutting a street.
- 4) *Style.*
 - a) All windows, doors, sidelites, and shutters in the front or side facade of a main building must be proportionally balanced in a manner typical of the style and period of the building.
 - b) The size and proportion of window and door openings located on the front and side facades of a main building must be typical of the style and period of the building.
 - c) The frames of windows should be trimmed in a manner typical of the style of the building.

2. *Fences.* Fences must be consistent with the same period of the main building.

- a. *Form.* Fences must be constructed and maintained in a vertical position.
- b. *Height.* Within a front yard, no fence or wall shall be erected to exceed a height of four (4) feet.
- c. *Location.*
 - (i) A fence in an interior side yard must be located no further forward on the lot than the front of the main building.
 - (ii) A fence in a corner side yard must not be directly in front of the corner side facade, except that the building official may allow a fence that is directly in front of the corner side facade if:
 - 1) More screening is necessary to insure privacy due to unusually high pedestrian or vehicular traffic; and
 - 2) The fence does not screen all or any portion of a significant architectural feature of the main building.
 - (iii) A fence must run either parallel or perpendicular to a building wall or lot line.
- d. *Materials.* A fence in a front or corner side yard must be constructed of wrought iron, wood or brick. Concrete block fences are not permitted.
- e. *Masonry columns and bases.* The color, texture, pattern and dimensions of masonry and the color, width, type and elevation of mortar joints in a fence column or base must match the masonry and mortar joints of the main building as nearly as practicable.
- f. *Metal fences.* Wrought iron and metal fences must be compatible with the style and period of the main building. Non-decorative chain link, barbed and razor wire fences are permitted only in back yards and must not be visible from adjacent properties or abutting streets.
- g. *Wooden fences.*
 - (i) All wooden structural posts must be at least four (4) inches by four (4) inches in diameter (nominal size).
 - (ii) Wooden fences facing a public street must present the finished side to the street.

(iii) Wooden fences may be painted or stained a color that is complementary to the main building.

3. *Nonconforming uses and structures.* Except as otherwise provided in this document, the Zoning Ordinance of the City of Montgomery relating to nonconforming uses and structures applies to all historic districts and all properties designated as a historic landmark.
4. *Rebuilding damaged or destroyed buildings or structures.* If a lawful nonconforming building or structure in a historic district is damaged by fire, explosion, act of God or other calamity, the building or structure may be rebuilt or repaired at the same location with the approval of the P & Z Commission as long as the building is consistent with the original structure. New construction that is not consistent with the original structure must comply with the design guidelines provided in this section.
5. Excellent photographic examples of buildings and structures to be constructed in the historic district, or on a property designated as a historic landmark, are attached to these guidelines as Appendix "A", and are incorporated herein by reference. These photographs include appropriate guidelines and standards for roofs and porches, front facade openings, home details, chimneys, dormers, fences, accessory buildings, garages, and other features, as well as commercial structures. The examples reflect the architectural style, form, scale, materials, colors, details and treatments of buildings and other structures constructed in the period between 1830 and 1941, and in which the City is seeking to preserve and maintain, in its effort to maintain economic viability, protect property values, and to preserve the integrity and character of the historic district, and properties designated as historic landmarks, in a manner of quality indicative of the City of Montgomery.