

ORDINANCE NO. 5 , 2010

**AN ORDINANCE AMENDING CHAPTER 151.14 OF THE
CODE OF ORDINANCES REGARDING
HERITAGE DISTRICT DESIGN GUIDELINES**

WHEREAS, at the request of Council, the staff has undertaken an extensive review of the Heritage District design guidelines in conjunction with the Landmarks Commission and the Planning Commission; and

WHEREAS, upon recommendation of the Planning Commission, Council does desire to adopt the revised guidelines for the Heritage District to balance business development within the district and to preserve the historic character and aesthetic quality of the district.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Montgomery, Hamilton County, Ohio, that:

SECTION 1. Chapter 151.14, as revised March 15, 2010, attached hereto and incorporated herein by reference, is adopted in its entirety. All sections of Chapter 151.14 of the Code of Ordinances inconsistent herewith are hereby amended and/or repealed as is appropriate.

SECTION 2. All sections, subsections, parts and provisions of the Heritage District design guidelines are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

SECTION 3. This Ordinance shall take effect the earliest opportunity as allowable by law.

PASSED: July 7, 2010

ATTEST: Susan J. Hamm
Susan J. Hamm, Clerk of Council

Gerri Harbison
Gerri Harbison, Mayor

APPROVED AS TO FORM:
Terrence M. Donnellon
Terrence M. Donnellon, Law Director

CHAPTER 151.14
Heritage Overlay District Regulations

- 151.1401 Purpose.
- 151.1402 Application of the district.
- 151.1403 Use regulations.
- 151.1404 Development standards.
- 151.1405 Design review criteria.
- 151.1406 Review procedures.

§ 151.1401 PURPOSE.

The Heritage Overlay (H-O) District is established in order to set specific design criteria for both rehabilitation and new construction projects within the Heritage Overlay District in Montgomery. Therefore the purposes of this Chapter are to:

- (a) Guide development in the Heritage Overlay District to protect the valuable historic and architectural resources and 19th century character of the City of Montgomery.
- (b) Ensure that new development and/or redevelopment respects the City’s historic qualities and resources through compatible design.
- (c) Provide the basis for consistent and objective decision making by providing criteria and a review process to be used by the Zoning Administrator, Landmarks Commission, Planning Commission and City Council when evaluating proposed development.
- (d) Provide standards for property owners, architects and contractors to aid in the preparation of appropriate plans.
- (e) Increase public awareness of the value of the historic resources and appropriate design.

§ 151.1402 APPLICATION OF THE DISTRICT.

The Heritage Overlay District shall be in addition to and shall overlay all other zoning districts where the H-O is established.

Therefore, any parcel of land lying in the H-O district shall also lie in one or more zoning districts provided for in this Zoning Code. The Heritage Overlay District shall be established in accordance with the required procedures for a Zoning Map amendment pursuant to Chapter 150.22. The boundaries of the Heritage Overlay District shall be indicated on the Zoning Map and the district designation of H-O shall be superimposed over the existing zoning designations.

§ 151.1403 USE REGULATIONS.

The uses permitted in the Heritage Overlay District shall be governed by the permitted uses established in the underlying zoning districts.

§ 151.1404 DEVELOPMENT STANDARDS.

All lots, buildings, and structures in the Heritage Overlay District shall comply with the Secretary of the Interior Standards for Rehabilitation. When preservation work is done which involves a modification to a Landmark or contributing structure, the work shall be approached using the principle of reversibility. All lots, buildings and structures must also comply with the standards set forth in the underlying zoning districts except as otherwise specifically modified in this chapter. In the event of a conflict between regulations of the H-O District and the underlying district, the regulations of this Chapter shall supercede.

§ 151.1405 DESIGN REVIEW CRITERIA.

The following design review criteria are

in addition to the specific regulations and requirements set forth in the underlying zoning districts. All proposals in the Heritage Overlay District shall comply with the following Design Review Criteria. Further, the Design Review Criteria are applicable to all Landmark Properties as defined in §150.03 wherever located in Montgomery and are applicable to the Landmark itself, the underlying real property, and any improvements thereon:

(a) Design Review Criterion # 1 BUILDING HEIGHT, SHAPE, SCALE: Ensure that building height, shape and scale are appropriate to the District, the era and the architecture of the building.

- (1) Minimum building height shall be two stories for the front elevation(s) facing a street. Maximum height shall be determined by the existing skyline of adjoining buildings and/or across the street, and in no case shall exceed 25 feet as measured from the grade line to the gutter. Additional stories may be permissible for the rear or side elevations when lower grade lines allow, but in no case shall exceed 40 feet as measured from grade line to gutter.
- (2) A building's vertical and horizontal dimensions shall be in proportion to each other without over emphasis of either dimension. Horizontally long buildings shall be broken up, through the use of recesses or setback variations, to cause the elevation to appear as a series of proportionally correct masses.
- (3) Overall building mass must be in appropriate proportion to adjoining buildings, the lot upon which the building is intended, as well as other similar buildings in the district.
- (4) For new construction, the top of the exposed foundation shall, to the extent possible, be set within 10% of the average height of the foundation of the building on either side.

(b) Design Review Criterion # 2 ROOFLINE, CONTOUR, CORNICE: Ensure that roofline, contour and cornice are appropriate to the District, the era and the architecture of the building.

- (1) The roof of a primary structure shall be gabled and/or a shed roof. On a two-story building, a flat roof with a gabled appearance may be permitted.
- (2) For a gabled roof, the height of the gable shall not be less than $\frac{1}{4}$ of the building height as measured from the grade line to the gutter. The roof of an attached shed may have a lower pitch than the roof over the main structure.
- (3) For new construction, the cornice shall be strong, well articulated and well proportioned.

(c) Design Review Criterion #3 WINDOWS, DOORS: Ensure the rhythm and character of windows and doors are appropriate to the District, the era and the architecture of the building.

- (1) The shape and configuration of windows and doors shall be based on historic and traditional design. Window panes shall be divided into smaller panes; 6-over-6 and 2-over-2 double-hung sashes are typical. The first and second story openings shall have a strong relationship to one another. Alterations to window or door size or shape may be permitted on Landmark buildings only to the extent that such a change would bring about greater historical accuracy.
- (2) Window and door openings shall occupy about 25% to 30% of the front elevation of a residential building.
- (3) Window emphasis shall generally be vertical with the height of a window being approximately two times its width. The spacing between windows in historic structures is usually between one and two times the width of the window. If spacing is less than one times the width, shutters shall not be used. Shutters shall be constructed of wood and be proportioned as if they would

cover the entire window opening if closed. They shall be operable or mounted on hinges.

- (4) Windows may be fixed or operable window openings in masonry buildings shall be configured with traditional components: sill, lintel, and trim.

Windows shall be glazed in clear glass rather than tinted glass. Narrow-line windows are prohibited. Snap on grills or grill in airspace are prohibited. All windows shall be made of wood.

In addition, the following criteria apply:

(a) Landmark Property. Windows shall be repaired when possible. When replacement is necessary, the replacement shall be an all-wood window. If the original window was divided into smaller panes, then the replacement must mimic that pattern and it shall have true divided lights. If the new window is replacing a window that was not original to the building, the new replacement shall match the original window. On additions, simulated divided light sashes may be used.

(b) Contributing Property. Windows shall be repaired when possible. When replacement is necessary, the replacement shall be an all-wood window. Simulated divided light sashes may be used.

(c) Design-Consistent Property and New Construction. Simulated divided light sashes shall be used except as provided in d(1) below. Extruded aluminum-clad or vinyl-clad wood windows may be permitted, if appropriate.

(d) Non-Contributing Property. Aluminum-clad or vinyl-clad wood windows may be permitted, if appropriate.

- (1) Display windows on the first story of commercial buildings, may be larger than those typical of residential buildings and are not required to be subdivided. The first story windows shall show symmetry and proportion to the building and relate to the windows of the second floor. The length of a hypothetical rectangle that encompasses all first story windows and

doors shall be the same length as that of a rectangle, which encompasses all second story windows. Commercial buildings may have a greater amount of building elevation occupied by windows and doors than residential buildings.

- (2) The main entry of a building shall preferably face the street. The entry of a corner building may face the street or be at an angle to the street. Entries may be flush with the building or recessed.
- (3) For residential and commercial buildings, doors shall be constructed of wood and be paneled, either solid or with glass panes. Door trim shall be compatible with window trim. Transoms above doors with glass panes and side lights may be permitted. On residential buildings, doors shall be about the same width as the windows. On commercial buildings, rear service doors may be wider than windows and may be constructed of metal. On commercial buildings, four or six paneled steel doors will be allowed when required by the Fire Code.

(4) Exterior storm/screen windows with a wood frame or painted aluminum may be allowed as an alternative to replacing existing sash or on a new unclad sash.

(d) Design Review Criterion #4 MATERIALS: Ensure the use of construction materials appropriate to the District, the era and the architecture of the building.

- (1) Appropriate construction materials include brick, stone, natural wood clapboard, wood board and batten, wood shingles, and traditionally applied stucco. Vinyl, aluminum, and steel siding and exterior insulation and finishing system (EIFS, aka synthetic-stucco) are prohibited. Smooth fiber-cement siding and trim may be used on new construction, as a replacement on non-Landmark Property, and on additions to any property including Landmark Property. Materials for windows and doors are covered in Design Review Criterion # 3.

- (2) Brick masonry in new buildings or additions to existing buildings shall have brick and mortar joints similar in color, size, and texture to historic examples in the district. The preferred color for brick is in the red-orange range. Variations in color may be used to reduce the mass of a large building. The color should be uniform rather than mottled or speckled. Unpainted brick is preferred, unless the building has been previously painted.
- (3) Clapboard siding shall run horizontally, and shall have appropriate lap exposure.
- (4) Slate, copper, wood, or standing seam metal roofs are preferred. Asphalt-fiberglass shingles may also be used but shall be uniform in color. When replacing roofing, every effort shall be made to duplicate the original roofing material.

(e) Design Review Criterion #5 COLORS: Use paint colors appropriate to the District.

Paint serves two purposes—esthetic enhancement and protection against deterioration. Paint colors shall relate to the style and period of the building and to the traditional character of the District. In general paint colors for buildings shall be muted rather than vivid.

In the early 19th century, white and light neutral colors were favored; then in the late 19th century colors darkened and palettes broadened, until the early 20th century brought a return to white and light colors. Greek Revival homes typically had white exteriors and dark green or black doors and shutters, while Victorian dwellings were enhanced by rich color treatments such as browns, olives, blues, ochres, and grays with contrasting colors for trim and decorative details.

- (1) The simpler the building design, the fewer colors should be used on it, with a maximum of three different colors on a building unless appropriate to the architecture of that era. The body of a

building should be painted all one color. However, variations in paint color may be used to reduce the mass of a large building.

- (2) The body and trim of the building shall be painted different, but complementary colors. However, for late 19th century buildings, trim may be painted the same color as the body in a lighter or darker shade.
- (3) Select colors that complement a building’s materials —whether brick, wood, or stone—as well as the colors of abutting buildings.
- (4) The City maintains a color chart of historic colors that should be used as a guide in picking appropriate colors. For guidelines on colors for permanent and sandwich board signs, see Design Review Criteria #7.
- (5) A flat or satin finish shall be used on the body, and semi-gloss on windows and trim.

(f) Design Review Criterion #6 LANDSCAPE: Use landscape elements and street furniture appropriate to the District.

- (1) Improvements in the public right of way shall conform to the City of Montgomery’s Heritage District Streetscape Plan. Improvements shall also conform to City of Montgomery Ordinance #10, 2007 regarding street furniture and furnishings.
- (2) The materials to be used for fences, non-structural walls, railings, and trellises are strictly limited to natural materials or painted iron. Vinyl fences are prohibited. The materials to be used for steps, stairs, or railings are limited to wood, concrete, stone, or brick.

(g) Design Review Criterion #7 SIGNS: Use sign design appropriate to the District.

- (1) Signs must comply with the regulations in Chapter 151.30.

- (2) Signs shall respect the overall architectural composition of the building and its scale, while not overwhelming the façade.
- (3) Sign colors shall be harmonious with the building's materials and colors. Sign colors shall relate to the style and period of the building and to the traditional character of the District. In general sign colors should be muted rather than vivid.
- (4) Corporate identity colors or logos may be permitted and shall be used with restraint.
- (5) Sign letter styles and heights shall be appropriate to the District and respect the overall composition of the sign.
- (6) Wall signs shall be affixed on a continuous, flat, vertical, opaque surface and cannot project more than 6" from the building surface. Signs shall not cover architectural features
- (7) Wall signs shall not extend higher than the bottom of the sill of the second story window, or above the lowest point of the roof, or over 25' above grade whichever is lowest. Wall signs shall be at least 6" from the lintel, sill or other trim of the windows above and below.
- (8) No more than one right angle sign, projecting not more than 4', is allowed for each business establishment. The bottom of the sign shall be at least seven feet above the ground level (sidewalk). The top of the sign shall not extend higher than the bottom of the sills of the second story window, the lowest point of the roof, or 25' above grade, whichever is lowest.
- (9) Window signs shall only be applied directly to the inside surface of the window glass. The letters shall be 4" or less and symbols shall not be larger than 8".
- (10) Signs shall have a simple design, and shall not have more than three lines of letters.
- (11) Signs may be externally illuminated. Neon lighting, internally illuminated, and backlit signs are prohibited. Ground signs shall include the street address.
- (12) Sign materials may be of wood, cast metal, natural stone, brick, or glass, with painted faces or letters. Other materials may be permitted if appropriate. Plastic and foam signs are prohibited. Vinyl or plastic letters may be approved, if appropriate.
- (h) Design Review Criterion #8 ACCESSORY STRUCTURES: Ensure that accessory structures enhance, yet be subordinate to the primary structure in size, scale, and architectural detail.**
- (1) All accessory structures shall be limited to the rear yard and shall not exceed 1 1/2 stories in height. Roof style shall be limited to either gable or shed roof designs. Flat or gambrel roofs are not allowed.
- (2) Garage doors shall be made only of wood. Other materials may be permitted if appropriate. Separate doors must be used for each bay. Exceptions may be made for the replacement of existing, non-conforming garage doors.
- (3) Decks, patios and porches shall be compatible with the era of the building.
- (i) For Landmark and Contributing buildings, masonry and concrete patios directly on grade are permissible. Porches are permitted if they are compatible in design to the rest of the building and the era. The deck of new porches shall not be more than four feet above grade. Porches in conjunction with walk-out basements are discouraged. Above-grade decks are not permitted as additions to Landmark and Contributing buildings.
- (ii) For other buildings, masonry and concrete patios directly on grade are encouraged. Walk-out basements or porches are discouraged. Decks are permitted, but shall be painted or stained (not clear) and be compatible with the era of the building. Vinyl is prohibited

but other materials may be considered if appropriate.

development plan review shall comply with the procedures set forth in § 150.1207.

- (4) Arbors, trellises, fences and other accessory structures shall be of a natural material. If they are made of wood, they must be painted or stained (not clear). They shall be designed to be compatible with the era of the building. Vinyl is prohibited but other materials may be considered if appropriate.

(i) Design Review Criterion #9 LIGHTING: Use exterior lighting appropriate to the District in type, design, location, and quantity.

- (1) Lighting shall be used in a very limited manner and only to highlight architectural details on a building, illuminate a sign, or illuminate walkways and/or parking areas.
- (2) The use of incandescent, natural gas, or halogen lights is allowed, but colored, flashing or neon lights are prohibited. Compact fluorescents and LED lights may be used but only if enclosed in a light fixture. Other lights may be considered if appropriate. Lighting must also comply with other sections of this code. See Design Review Criteria #7 for allowable lighting for signage.
- (3) Lighting must not exceed the standards set in §151.1213(b) and 151.3212(c).

§151.1406 REVIEW PROCEDURES.

(a) The Zoning Administrator, subject to approval by the Landmarks Commission, shall adopt certain rules and regulations setting forth the color guidelines, roof materials, building materials, and other construction materials acceptable in the Heritage Overlay District for the enforcement of this Code.

(b) All new and rehabilitation projects in the Heritage Overlay District shall be subject to the development plan review procedures set forth in Chapter 150.14.

(c) Applications for exterior changes to property in the Heritage Overlay District that is neither a listed landmark nor subject to