



# Capitol Heights Neighborhood Plan

Plan Adopted by the Montgomery, Alabama, Planning Commission  
March 2007

CAPITOL HEIGHTS NEIGHBORHOOD PLAN

Presented to the City of Montgomery Planning Commission  
???? 2008

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Planning Principles Guiding the Neighborhood Plans  
Prepared by  
Department of Planning and Development  
City of Montgomery, Alabama  
March 2007

1. Ensure that the decisions will not create an arbitrary development pattern (e.g. spot zoning);
2. Ensure an adequate and diverse supply of housing for all income levels within the community;
3. Minimize negative impacts between incompatible land uses (e.g. residential abutting heavy industrial development);
4. Recognize suitable areas for public uses, such as hospitals and schools, that will minimize the impacts to residential areas;
5. Discourage intense commercial uses in or adjacent to residential areas;
6. Ensure neighborhood commercial businesses are designed to minimize adverse effects to the neighborhood;
7. Minimize development in flood plains and/or environmentally sensitive areas;
8. Promote goals which provide additional environmental protection;
9. Consideration of regulations that address safety as it pertains to future development;
10. Ensure adequate transition between adjacent land uses and development intensities;
11. Protect and promote the historical and cultural significant areas;
12. Avoid creating undesirable precedents for other properties;
13. Promote stabilization and expansion of the economic base and job creation;
14. Ensure similar treatment for land use decisions on similar properties throughout the City;
15. Balance individual property rights with community interests and goals;
16. Avoid over zoning in areas that could not be supported by the existing or proposed street and utility network;
17. Promote development that serves the needs of a diverse population



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## Preparing to Plan

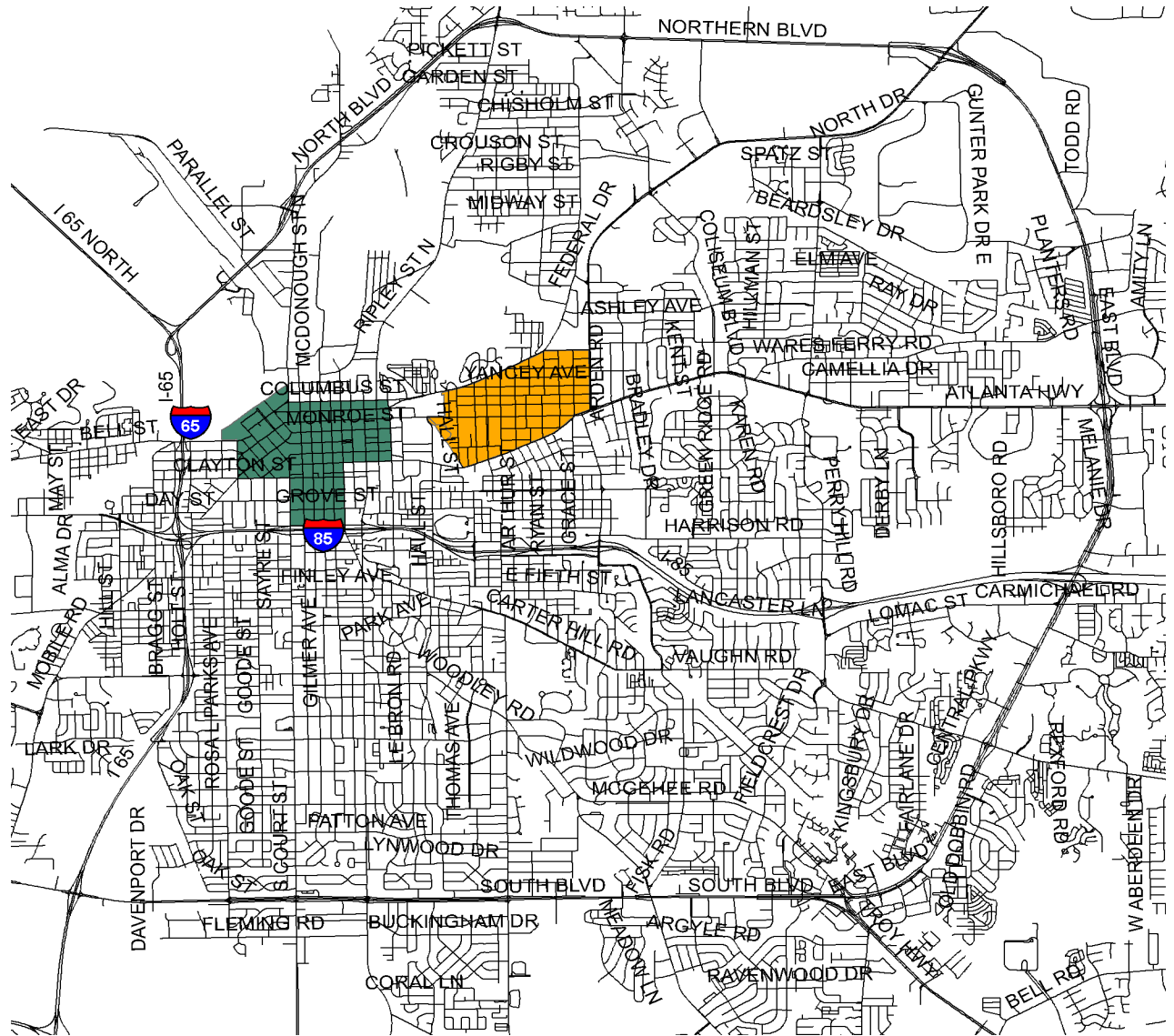
# Introduction

Capitol Heights occupies a desirable central position in Montgomery in both location and historical importance. Capitol Heights is adjacent to downtown. The boundaries for the planning area are: Mt. Meigs Road on the southern edge, the Upper Wetumpka Road on the north, the western edge is the abandoned Central of Georgia Railroad and Federal Drive forms the eastern edge. Capitol Heights offers convenient access to the rest of the city as well as easy access to regional transportation. The heart of Capitol Heights is only one mile from City Hall.

This planning area consists of 1,300 parcels and covers 300 acres. The 2000 U.S. Census indicates a population of 2,911 for Capitol Heights. There is one large neighborhood organization that represents this entire planning area.

The beautiful older homes of Capitol Heights offer scenic vistas for all who drive through the neighborhood. The historic significance is documented and preserved by the neighborhood organization as a large portion of Capitol Heights is designated as an historic district.

Commercial areas lie along the north and south borders of the neighborhood. These areas offer services and retail opportunities for the area residents.



Capitol Heights (in gold) is just to the east of the downtown area (in green)

## Purpose and Objectives of the Plan

The purpose of the Plan is to identify and document strategies to reach the Neighborhood's long-range goals. It is designed to communicate to private and public interest groups the desire of the area's residents and business people to build a stronger neighborhood that protects and develops the historical elements in the area. The plan addresses the concerns of the residents for making a more walkable community, the need to calm or slow traffic moving through the area, the need for rehabilitation of some of the area housing, and for the redevelopment of the commercial areas on both the southern (Mt. Meigs) and northern (Upper Wetumpka Road) boundaries. Two key issues for this neighborhood are affordability and historic preservation.

Development of the plan entailed an interactive neighborhood process that engaged citizens, elected officials, City staff, business representatives and other civic-minded individuals. The process that evolved over a 2 year period consisted of an in-depth collection of data and analysis of the physical and social infrastructure of the neighborhood. The proposed improvements and the implementation priorities were established and approved by the residents in the Capitol Heights Planning Area.

## The Neighborhood Planning Approach

The Capitol Heights Neighborhood Plan reflects the ideas and suggestions generated by the residents who participated in the planning process facilitated by the City of Montgomery's Planning staff. The Board of Capitol Heights Civic Association has been active for some time in developing an active resident organization focused on neighborhood needs and historic preservation. The Board has been instrumental and highly effective in informing and encouraging the residents to participate in the planning process.

The City staff reviewed existing conditions in the neighborhood and compiled information based on research and extensive data collection in the field. After the data was compiled and entered into the City's GIS (Geographic Information System) it was presented in a series of Neighborhood meetings to all interested residents, land and business owners, and community leaders to solicit their input to determine the assets, liabilities, opportunities, and constraints for this neighborhood.

In addition, visioning sessions were conducted to help determine long range goals. These sessions included discussions on land use,

zoning, economic and community development, housing issues, traffic patterns, sidewalk, crime concerns, improving the infrastructure, improving neighborhood identity and image, enhancing community facilities, and preserving the history and heritage of the Neighborhood.

This interactive process led to the development of a document that articulates the Neighborhood Vision and short-term, mid-range, and long-range goals. Once formulated, the Plan was presented to the Board and the community at large to reevaluate and examine the implementation steps in light of the goals and objectives. Each proposal was examined with each of the goals and objectives to ensure that activities to implement, and any programs included in the implementation, would indeed address the goals and objectives. Reevaluation at every step will be important to track program effectiveness toward meeting the goals and objectives and necessary changes could be considered as needed.

A crucial element of the Neighborhood planning process was the direct involvement of the residents themselves. Throughout the process they were present and remained active. The cooperation of the community with the public officials and prospective investors is crucial to implement the Plan documented in this report.

Meeting One: August 9, 2005. City Planning staff met with the CHCA Board and neighbors to discuss the Comprehensive Plan and the process of Neighborhood planning. Once the Plan is completed and the neighbors approve it, the Plan will be submitted to the City of Montgomery Planning Commission for adoption into the City's Comprehensive Plan.

Meeting Two: September 27, 2005. Over 120 residents and land owners signed in to participate in the first meeting to solicit citizen input as to the assets and liabilities of the area. After presenting the Planning material to explain the process, the Planning Department Staff listened to the neighbors discuss their community.

Meeting Three: October 18, 2005. Over 100 residents and land owners signed in to participate in the second round of discussion meetings to determine citizen opinion on opportunities and constraints for growth and change in Capitol Heights and to participate in visioning the future for the neighborhood. The Planning Staff took notes to record comments that would be incorporated into the Neighborhood Plan.

Meeting Four: December 6, 2005. City planner attended the December Board meeting of CHCA to share initial outline of the Plan and to hear about plans and goals the Board had developed over time for the Neighborhood in order to incorporate these into the Plan.

As a result of working with the Capitol Heights Community and understanding their vi-

sions for the neighborhood, the Planning Department applied for a Transportation Enhancement Grant to ALDOT in September 2006, to address pedestrian and traffic issues along Mt. Meigs Road.

The Grant was awarded in early 2007 and the process to add sidewalks and curbs along Mt. Meigs Road is expected to be completed within three years. Residents of Capitol Heights were actively involved in guiding this proposal and during the engineering and construction phases.

Meeting ----- 2008, to present Plan to area residents and property owners. The Plan has been advertised and made available for anyone interested in reading the Plan. It was placed in the Public Library, The United Methodist Church, and it is available on CD-rom for free at the Planning Department.

Meeting \_\_\_\_\_ the regularly scheduled meeting of the Planning Commission to present the Plan for adoption into the City's Comprehensive Plan.



Section of Mt. Meigs Road addressed in the Transportation Enhancement Grant, 2006.



Proposed result of the Transportation Enhancement Grant. Graphic from Terry Robinson.



## Neighborhood Vision

*Neighbors are friendly and work together to support Neighborhood activities*

*Housing stock is rehabilitated where needed and unique architecture is preserved*

*Commercial areas are attractive and promote pedestrian access with sidewalks and crosswalks*

*Crime issues throughout the area are reduced*

*Traffic issues, especially along St. Charles, Madison, Vonora, and Mt. Meigs are addressed to facilitate safety for pedestrian, cyclists, and motorists*

*Add more pocket parks and possibly a Neighborhood Garden*

*Neighborhood beautification - a planted median along Madison to reinforce the friendly, residential character*

*Children have safe places to play, walk, and ride bicycles*

# Neighborhood Asset Inventory

	PEOPLE	PHYSICAL CHARACTER	BUSINESS	PUBLIC FACILITIES/SERVICES
ASSETS	Involved in Neighborhood Activities: Work Projects and Social Events	Mature, Native Trees	Good Location, Close to Downtown	Public Bus System
	Strong Neighborhood Organization	Great Central City Location	Mt. Meigs and Upper Wetumpka Roads Offer Services and Retail	Public Bus System Offers Easy Access to Rest of City
	Diverse Population	Grid Pattern Streets for Easy Connectivity	Good Market for Local Businesses	Public Schools Close
	Great Neighbors	Affordable Housing		Children's Center
	Large Percentage of Homeowners	Short, Walkable Blocks		Small Neighborhood Parks
	Community Organization has Historic Origin and is Oldest Community Organization in the City	Historic Neighborhood with Unique Architecture		

## Historic Notes . . .

The first section of today's Capitol Heights that appears in the Plat book is the Hopper Gilmore Hall Plat of the South Capitol Parkway area in 1856. In 1904, Colonel J. S. Pinckard of Montgomery and Henry L. Davis of Philadelphia purchased a 200 acre tract of land called the Vickers' Plantation. In 1905, Pinckard and 2 other men established the Capitol Heights Development Corporation.

The Vickers Plantation was surveyed and measured into parcels. The streets running east to west were avenues and each parcel was 60 - 100 feet wide. The streets running north to south were designated streets and the lots were all 50 feet wide. The streets were graded and gravelled and trees were planted on both sides of the streets. Restrictions were written into the deeds to specify size and quality of the homes to be built.

In the advertisements for this area, the Capitol Heights Development Company declared the superiority of the new suburb because it was 130 feet (some accounts say 180 feet) above Court Square, had definitely cool breezes, and no drainage problems. The Company offered free round-trip tickets to purchasers of

land within 150 mile radius of Montgomery to come and see their purchase and if not satisfied, the developers would refund their money plus 6% interest. Land could be purchased for \$5 or \$10 a month (total lot prices of \$250-\$500) at 6% interest on unpaid balance.

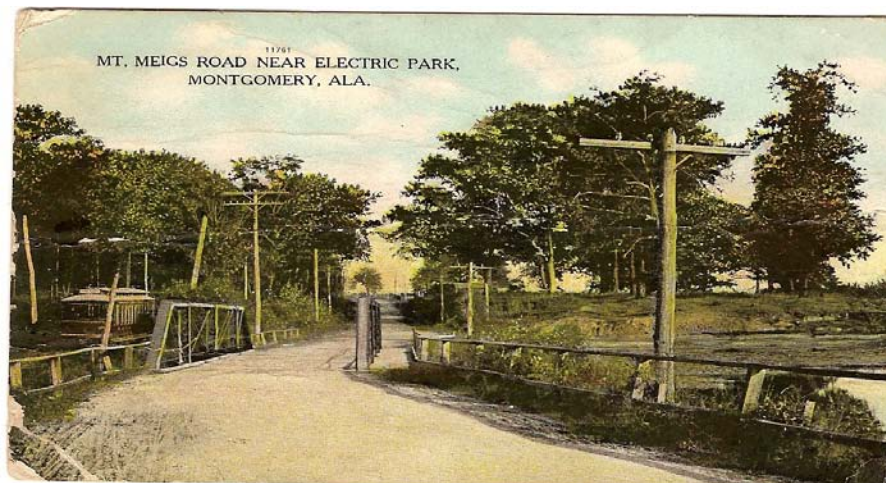
The Capitol Heights Development Company joined with the City of Montgomery to build a bridge across the Central of Georgia Railroad tracks at Madison Avenue in order that the new suburb would have easy access to downtown Montgomery. Before this, the only access was by way of the Upper Wetumpka Road and Mt. Meigs Road. The original bridge was later replaced with an attractive viaduct and bridge.

South Capitol Parkway, originally named Central Street, was built to replicate the design of Greene Street in Augusta, Georgia. The street was 108 feet wide with 3 park areas in the median with trees planted to enhance the neighborhood. Early architects such as the firm of Okel

and Cooper, and Richard S. Whaley left their creative mark on the handsome and distinct Craftsman style they used but made unique to Capitol Heights. The landscape for 4 South Capitol Parkway, the M.P. Wilcox house, was done by Fredrick Law Olmstead.

The streetcar line was extended along Madison to connect the new suburb to downtown Montgomery, and the automobile was soon a popular conveyance to make life in the suburb possible.

Capitol Heights was incorporated as a town in 1908 and J. S. Pinckard, president of the Capitol Heights Development Company, was elected the first Mayor in 1909. The first elementary school was built on Winona Street in about 1912, but it burned down. During the interim while a new school was being built, school was held on the second floor in the home of Mrs. George Turner on the corner of James Avenue and California Street. The second elementary school was built facing Winona, on the same lot as the original school and offered grades 1-6. In 1919, there were so many children in attendance that additions had to be made to accommodate an additional first grade class and again, the following year, as the children continued to second grade. With this growing need, the school was added





**1913, M.P. Wilcox House**

on to with an entrance on Florida Street and a wing extending to Yancey Street. This school also burned down and after that Capitol Heights did not rebuild and did not again have a private school of their own.

Lee Place, adjacent to the west side of Capitol Heights, was developed initially as a separate neighborhood. On June 12, 1908, the statue of Robert E. Lee was placed in Lee Circle which was located at the intersection of Vickers (today called Madison Terrace) and Yancey. The Lee Statue was later moved to the intersection of Madison and Mt. Meigs, and then to its current position in front of Robert E. Lee High School on Ann Street. All the while, General Lee stood so that his back was never turned on the north, indicating he was always on guard to detect interlopers from the north. The lion statues were placed at Madison and Madison Terrace shortly

after Lee's statue was dedicated. Lee Place development took off in the early 1920s.

In 1911, F. S. Lasseter, a building contractor (the spelling of this name: Lasiter, Lassiter, Lasseter, varies in the documents) was elected mayor and the tax rate for the city was set at one half of one percent which supported the existing city government and streets and secured two bonds, one for \$45,000 for road paving and one for \$10,000 for funding for the Capitol Heights Elementary School. Under Mayor Lasseter the city started growing at a rapid pace. North Capitol Parkway was originally named Lassiter Street. Mayor Lasseter served until 1915. Jimmy Heustess, principal of the school, was elected mayor in 1919, and Mr. McFall was the last mayor. Capitol Heights incorporated with the City of Montgomery in 1926.

In 1912, the first house was built on South Capitol Parkway by A. O. Clapp (house pictured on the right). Mr. Clapp has been credited with producing the hexagonal pavers that are seen in the older neighborhoods. By 1913, addresses were listed as being on Capitol Parkway as well as Central Street but it was officially designated as Capitol Parkway in 1919. Along Capitol Parkway, between 1912 and 1916, 15 homes were built; from 1917 to 1919, 7 were built; only 5 were built between 1920 and 1928; the last two along Capitol Parkway were built in 1935 and 1939.

The Lewis House, pictured on next page, was one built between 1912 and 1916, for C.

D. Lewis (for whom Lewis Street was named). The Lewis House is considered one of the finest examples of the Montgomery Bungalow.

Many of the early settlers of Capitol Heights were Greek immigrants. They used a variety of halls around Montgomery to hold worship services and in 1945, Mr. Pete Xides donated property at the corner of South Capitol Parkway and Mt. Meigs Road for a church site and a few years later the Greek Orthodox Church was constructed.



First house on South Capitol Parkway



The Lewis House



Whaley House

A couple other house that were built for Capitol Heights Founding Fathers include the house built for C. D. Lewis and the house Richard Whaley built for his family. Mr. Whaley was an architect who did many of the houses in Capitol Heights from the very beginning of its existence.

In 1924, the Capitol Heights Weekly was begun as a way to develop community spirit, inform neighbors of activities and events, and to raise money for the Capitol Heights School. For a subscription price of \$1.00 per year, the monies raised were donated to the school. A copy of one of the early volumes is attached to this Plan as Appendix B. Landmarks has several issues of this fascinating newspaper. The newspaper tradition continues in Capitol Heights today as the well-done publication of the Capitol Heights Civic Association.

In 1929, the city acquired 6 acres along Yancey between California and Madison Terrace for a park (Yancey Park). The Armstrong Park on Madison is the site of the J. S. Pinkard house, Rockhaven (built in 1909) that burned down. Fire was a persistent threat to the Capitol Heights area as water pressure was so low that extinguishing a fire was difficult. Many of the early structures did burn down. In 1952, the city of Montgomery renumbered the addresses in Capitol Heights to make locating lots easier and to reflect numbering consistent with the City of Montgomery, thus eliminating the old town of Capitol Heights numbering.

Over the years the neighborhood has been threatened by a variety of issues. There has been some deterioration and neglect but in the early 1980s the neighbors of Capitol Heights united to form the Capitol Heights Civic Association (CHCA) in response to the threat of commercialism taking over part of the historic residential area along Madison Avenue. In order to preserve the unique architecture as well as the variety of styles and sizes, the CHCA applied for historic designation in three areas of the neighborhood. All together, 315 structures have received historic designation by the City of Montgomery's Historic Development Commission.

In 1987, the CHCA filed a suit in federal court to prevent developers from building a shopping center along Madison Avenue. Judge Myron Thompson ruled in the neighbors' favor but the shopping center was built anyway. In the end, the process helped to unite the neighbors and the CHCA remains today a strong and active association of neighbors that meet monthly for business and social events. The goal of the organization is to unite this diverse neighborhood and build a cohesive community. There are annual fundraisers and socials as well as community meetings that help determine the goals and desires of the community.

\*A few early streets and their namesakes:

**S. Capitol Parkway** was originally Central Street

**N. Capitol Parkway** was Laseter Street after contractor and Mayor of Capitol Heights, F. S. Laseter (also spelled Lasseeter, Lasiter, Lassiter)

**Winona** named after Winona Watts, J.S. Pinckard's wife

**James Avenue** after James Steptoe Pinckard

**Panama** after the Panama canal which was built about the same time

**Vonora** name resulted from a contest to name the street in 1930, named after Jake Aronov, is actually Aronov spelled backwards

\*from *Who Was Dexter Avenue, Anyhow?*  
Black Belt Press, 1995

Thanks to Carole King, her research and notes, and Joe Johnson's notes loaned to the City, along with several folders from Carole's Landmark office that are stuffed with interesting articles and first-hand accounts collected over a period of time. Also to Kitty Chamberlain's collection of Montgomery memorabilia, and to *A Sense of Place*, by Dr. Jeffrey Benton



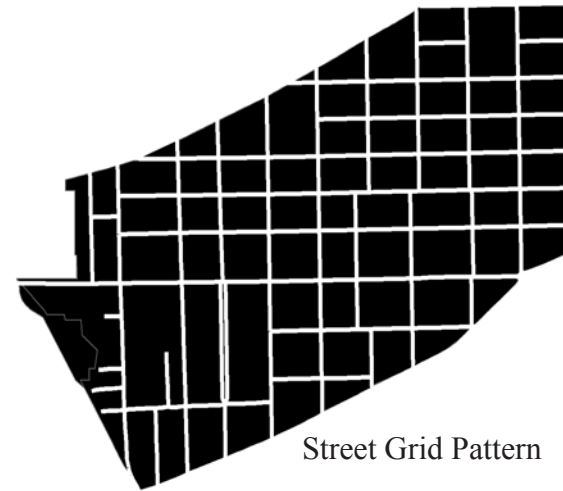
# Existing Conditions Assessment

## Physical Characteristics

The original development of Capitol Heights was along streets in a grid pattern that today is referred to as Traditional Neighborhood Development (TND). This layout is the popular “SmartGrowth” pattern touted by New Urbanists and smartgrowth advocates. For the most part, the blocks are uniformly small and the streets relatively narrow. The neighborhood streets do not end in cul-de-sacs, but rather connect with the surrounding streets so that there are many choices for traveling through the neighborhood and avoiding traffic congestion.

There is a tree canopy present that provides the neighborhood with a garden-like ambience. Though the canopy is diminished from past years, the City’s Urban Forester began working to restore this even before our first meetings to develop the Plan. The trees, along with the unique architecture and hexagonal pavers on the sidewalks help to define Capitol Heights as a unique neighborhood.

There are 4 areas with historic designations within the Capitol Heights boundaries. The map below illustrates the areas in different colors, they are located on Madison Avenue, St. Charles Avenue, Capitol Parkway, and Winona in the heart of Capitol Heights.



Street Grid Pattern

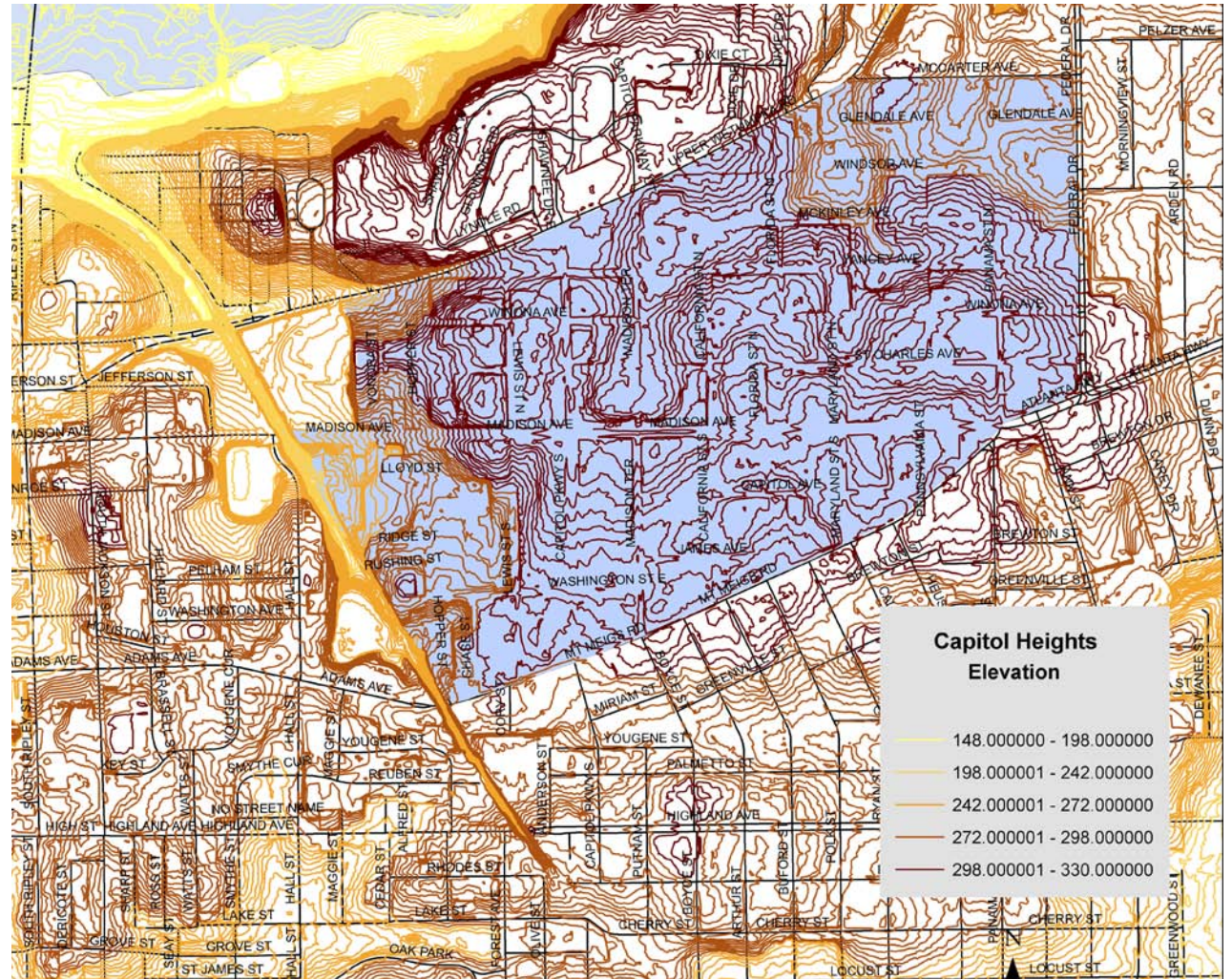


## Physiography

When homes in Capitol Heights were first under construction and advertisements were placed in newspapers all around the south to attract buyers, a major selling point was that the topography of the area was significantly higher than that of the nearby city of Montgomery.

This elevation contributed to the area enjoying a persistent and cooling breeze as well as raising the neighborhood above the flood plain which helped to minimize damage from floods and also contributed to decrease occurrences of diseases such as malaria.

Today, with the buildings and development in the downtown and Capitol Heights primarily complete, the difference in elevation is not particularly noticeable.

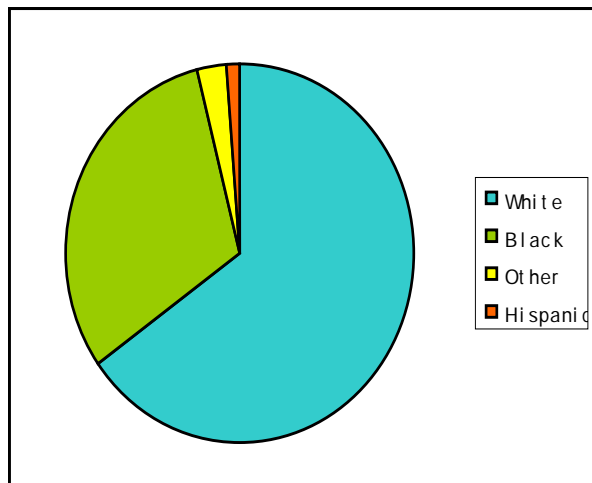




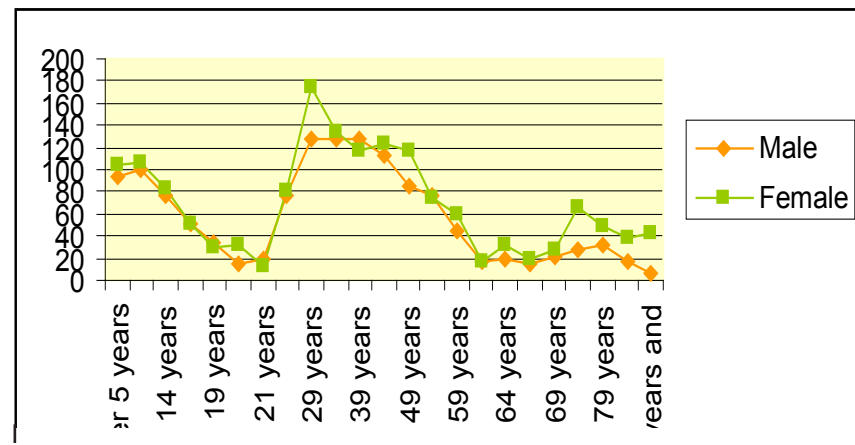
# Demographic Characteristics

	1970	1980	1990	2000
Total Population	3547	3074	2568	2911
Black	229	431	518	915
White	3309	2620	2020	1923
Hispanic	NA	24	27	34
Other	NA	48	30	72

Population change since 1970. US Census Data.



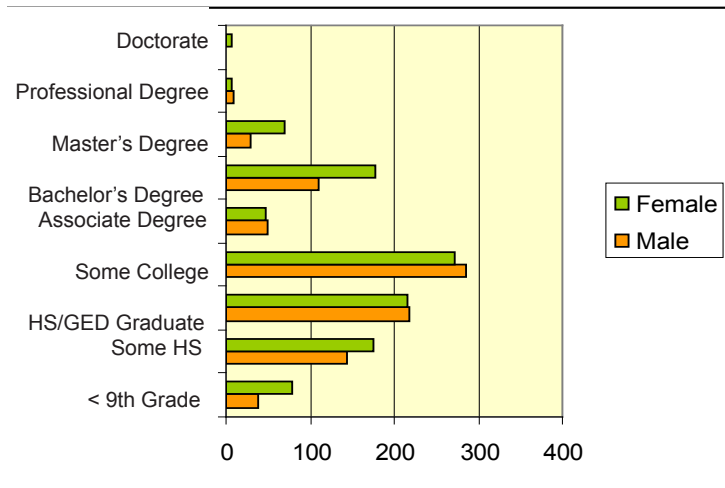
Racial Composition of Neighborhood



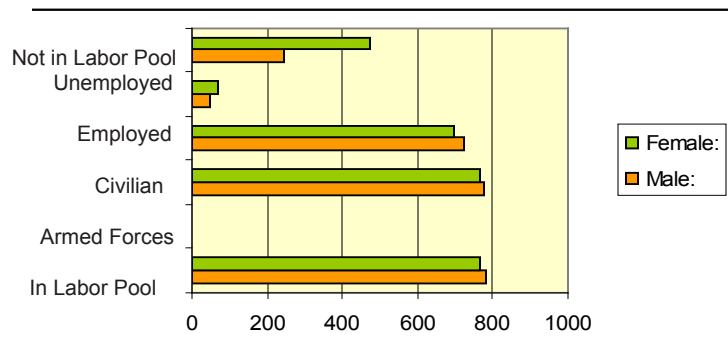
Gender by Age

Data from the US Census Bureau is used to illustrate population changes since 1970. The area is shown to have decreased in population in 1980 and 1990, but gained almost 400 residents by 2000. The Gender by Age graph demonstrates the number of males and females are very similar for most ages, but overall there are more females than males.

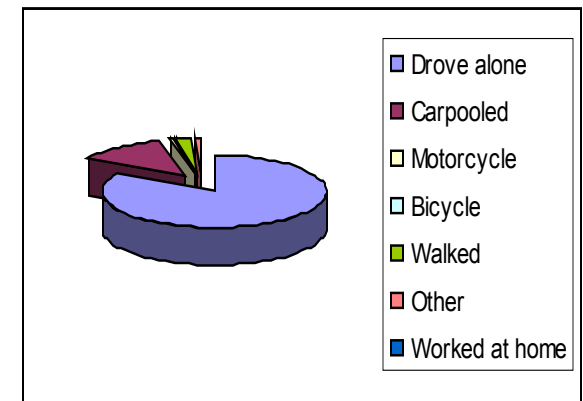
# Education and Employment



Education attainment by gender, for individuals over 25 years old



Workforce participation by gender



Transportation to work, for workers 16 and older

Capitol Heights residents are well educated, 77.4% of individuals over 25 have graduated from High School. Seventy five (75) percent of residents have some form of higher, post-secondary education. The median family income reported by the 2000 U S Census was \$35,658, the per capita income, \$16,494.

The pie graph shows that, like the rest of Montgomery, most people get to work by driving alone.

# Housing

The initial survey by the City Planning Department included determining types of housing units (single family detached units, duplexes, triplexes, and other multifamily units) and observing the area housing stock to determine general condition. This observation was limited to visual inspection from the street. No inside inspections were done, only observation of the sides, front, and roof visible from the street.

There were five possible classifications for the condition of a structure: (1) indicates structure appeared sound and in good condition; (2) indicates a structure that requires paint or minor repairs; (3) indicates a structure needs major repairs such as serious roof damage or significant sagging of normally straight construction lines which might indicate serious foundation or support problems; (4) was given to houses appearing to be beyond repair and should be demolished; (5) was a structure in the process of some type of renovation or construction.

These are broad, non-binding, non-legal descriptions used to estimate the overall condition of housing in the area. The data is used only to determine a degree of need for housing repairs in the area. The tables on pages 19 and 20 summarize the data from this survey.






Capitol Heights is predominantly a residential neighborhood. Approximately eighty nine percent (89.2%) of the parcels in the community have residential structures, 73.6% of these residential parcels have single family dwellings. Duplexes provide 9.2% of the total housing units and other multiple housing arrangements (from 3-200) contribute 17.2% of the total number of housing units in the area.

Overall, the housing stock in Capitol Heights is in relatively good condition, especially when considering that this is an older neighborhood. Of the total single family homes, 96.5% are in good condition or require minor repairs.

In addition to the general condition of housing, special circumstances of the property were also noted. In Capitol Heights, as in any neighborhood, some houses were vacant, some were for sale or rent, and some have individual historic designation. The table below illustrates this data from the survey.

Although Capitol Heights is primarily residential, institutional, commercial and office uses are also found in the neighborhood, generally located along the edges or boundary of Capitol Heights. These uses and the proportion of total parcels that they comprise has been summarized in the table on page 20.

	Number of Houses	Per Cent of Total
Historic Designation	21	1.5%
Houses for Sale	24	1.7%
Houses for Rent	5	0.4%
Vacant Houses	28	2.0%

Structural Condition	Single Family	Duplex	Three or More Units	Total Multifamily	Total Units
 1	727 (71.2%)	62 (48.4%)	107 (45%)	169 (46.2%)	896 (64.6%)
 2	258 (25.3%)	54 (42.2%)	131 (55%)	185 (50.5%)	443 (31.9%)
 3	26 (2.5%)	10 (7.8%)	0	10 (2.7%)	36 (2.6%)
 4	3 (0.3%)	0	0	0	3 (0.2%)
 5	7 (0.7%)	2 (1.6%)	0	2 (0.5%)	9 (0.6%)
Total Dwelling Units	1021 (100%)	128 (100%)	238 (100%)	366 (100%)	1387 (100%)

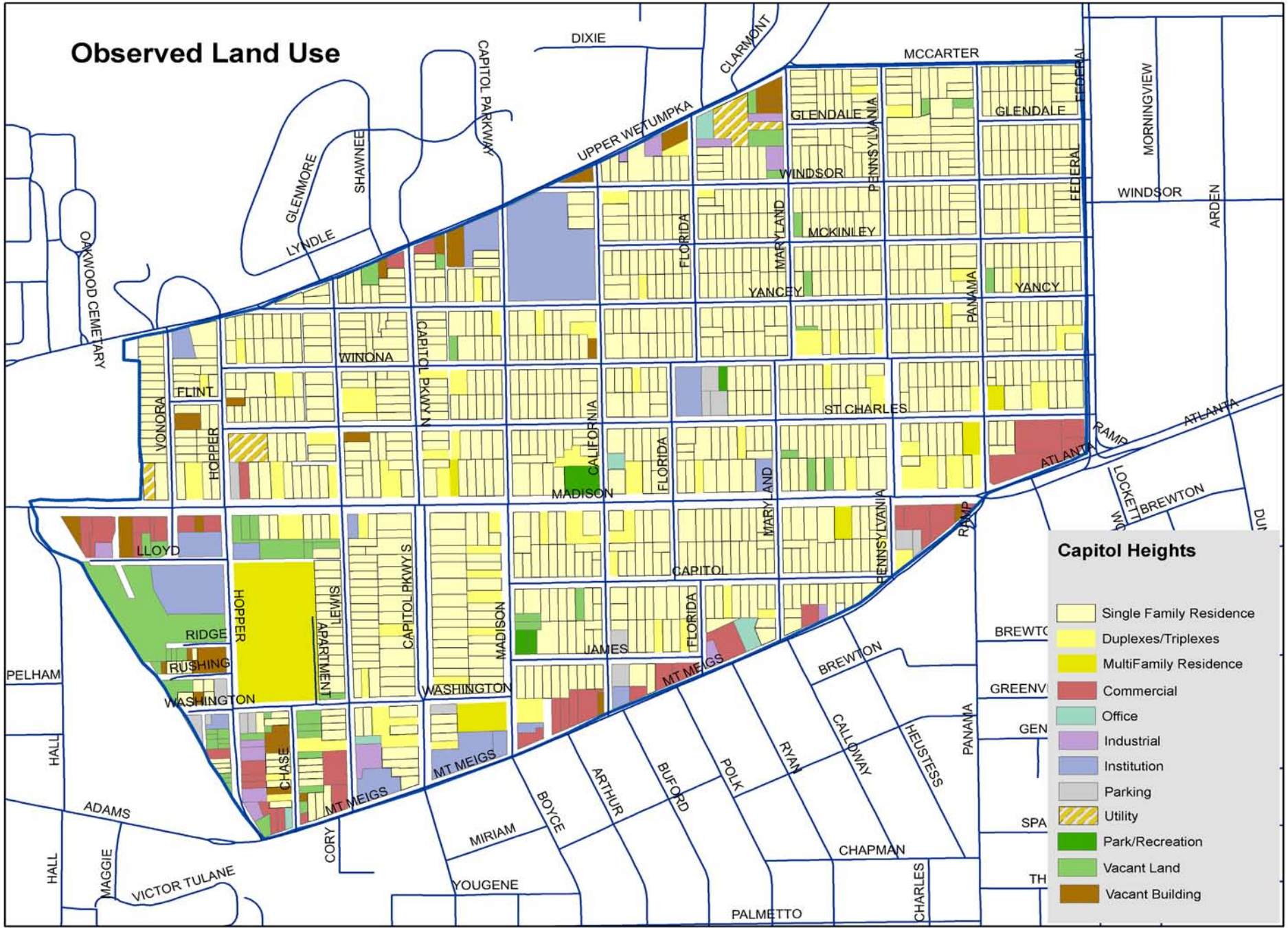
## Observed Land Use Summary

Observed Land Use	# of Parcels in Capitol Heights	Percent of Total Parcels in Neighborhood
Single Family Residence	1021	81.7%
Multifamily Residence	90	7.2%
Commercial	41	3.3%
Office	7	0.6%
Institutional	8	0.6%
Park	6	0.5%
Parking	14	1.1%
Utilities	3	0.2%
Vacant Commercial	16	1.3%
Vacant Land	44	3.5%
Total	1250	100%

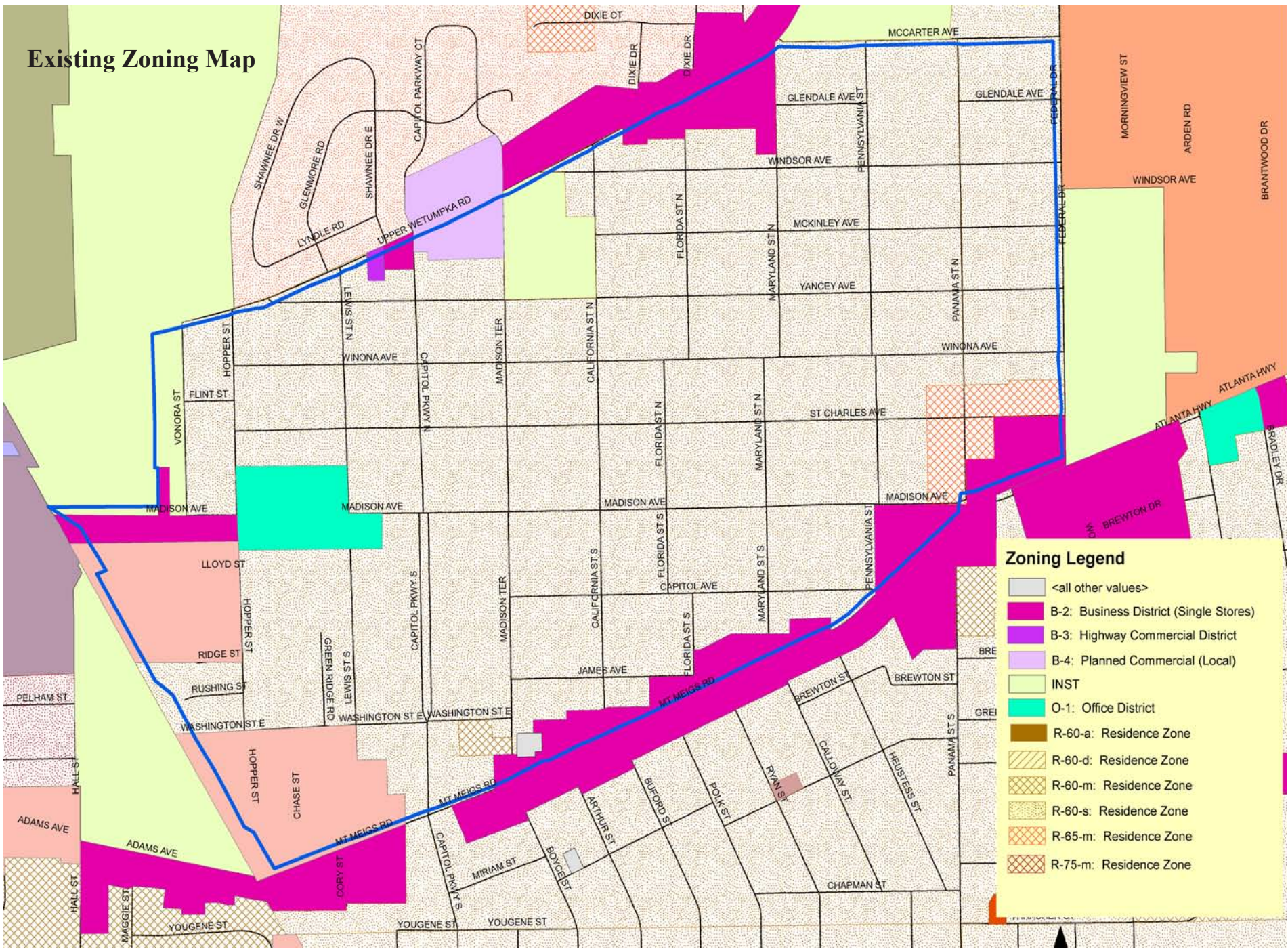
The Land Use Summary illustrates that Capitol Heights is predominantly a residential neighborhood containing little commercial support. This illustration is distorted because it measures the number of parcels, not area covered by a specific use and in the commercial areas, parcels are usually larger than a residential parcel. The commercial areas within the Capitol Heights boundaries contain numerous stores and services.

The commercial areas are along Mt. Meigs Road, Upper Wetumpka Road, and on both ends of Madison Avenue. The map on page 21 illustrates the area's land use.

The table also indicates that there are a few (16) vacant commercial parcels and some vacant land (44 parcels) which offer opportunities for development. Many of the vacant parcels have been incorporated into an adjacent property to make larger lots.



# Existing Zoning Map



[White Box]	<all other values>
[Pink Box]	B-2: Business District (Single Stores)
[Purple Box]	B-3: Highway Commercial District
[Light Purple Box]	B-4: Planned Commercial (Local)
[Light Green Box]	INST
[Cyan Box]	O-1: Office District
[Brown Box]	R-60-a: Residence Zone
[Tan Box]	R-60-d: Residence Zone
[Light Brown Box]	R-60-m: Residence Zone
[Yellow-Tan Box]	R-60-s: Residence Zone
[Orange-Tan Box]	R-65-m: Residence Zone
[Dark Orange Box]	R-75-m: Residence Zone

## Commercial Uses

Although Capitol Heights is primarily a residential neighborhood, commercial uses are located along the boundary edges. Mt. Meigs Road has the majority, Upper Wetumpka Road has a few, and the junction of Mt. Meigs Road, Ann Street, and Madison Avenue has a strip of shops.

Mt. Meigs has a large variety of shops and services, including a popular restaurant and some fast food food stops at the intersection of Mt. Meigs and Madison. There is a mix of services and retail along both sides of Mt. Meigs Road, extending from where Madison and Mt. Meigs meet at Ann Street to the western edge of the neighborhood boundary.

There is an attractive grouping of older buildings that contain retail shops on the western end of Madison, from Hopper to Hall Street. Madison also has a shopping center at the eastern end of the neighborhood that has a sandwich shop, movie rentals, and a laundromat as well as a few other shops.

The shopping strip on Upper Wetumpka Road is underutilized, but has potential for more shops or offices. Mt. Meigs, Madison and Upper Wetumpka roads are all arterials that connect multiple neighborhoods to downtown and to other major roads.



Madison Avenue: above left is on the western edge of the neighborhood, the shopping center is at Madison and Ann.



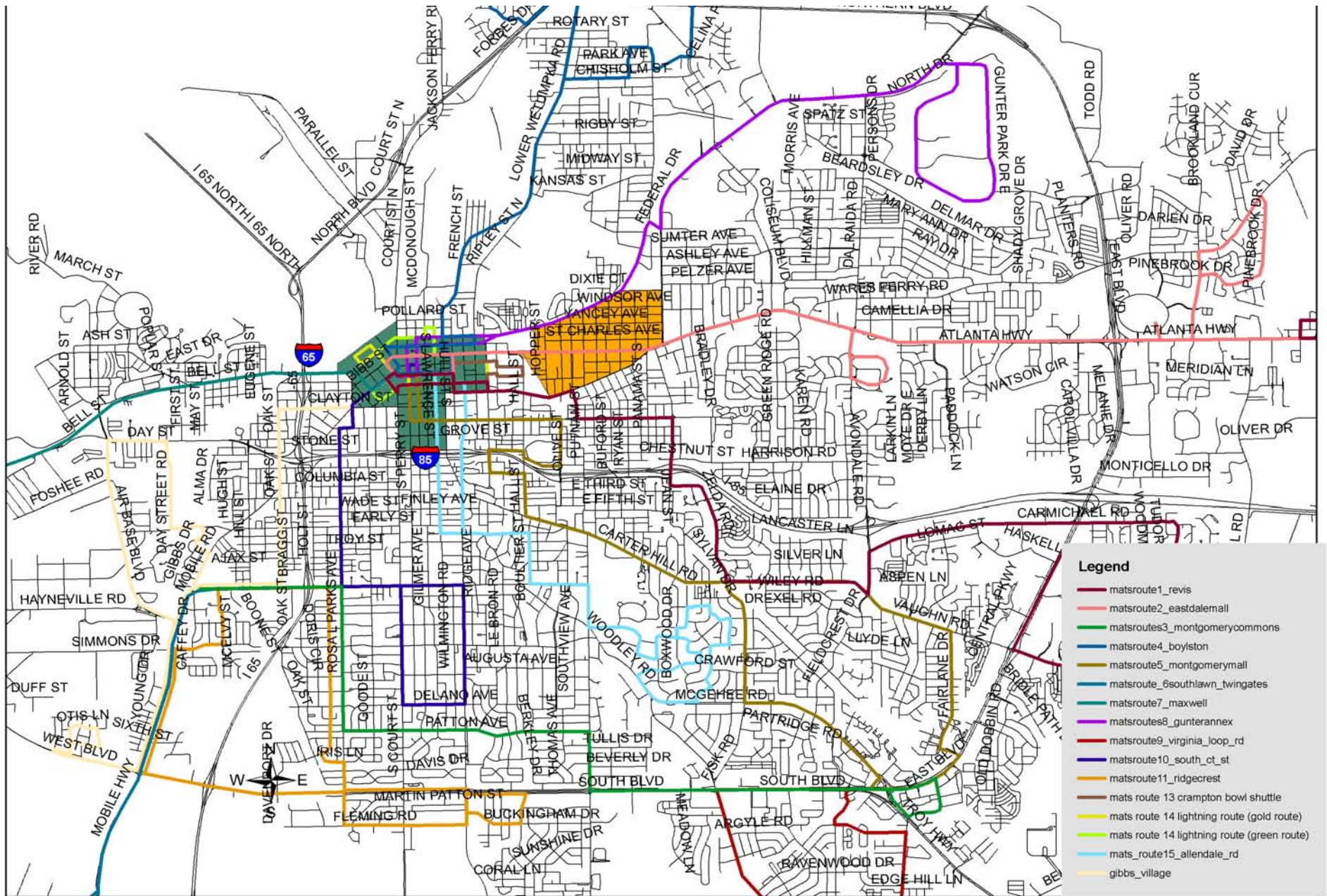
Commercial properties in the Upper Wetumpka Road area. There are opportunities here for redevelopment and revitalization.



The photos below were taken along Mt. Meigs Road and illustrate the diversity in the area, but also the problems of having no curbs, sidewalks and only pull in parking along such a busy road.







Public Transit System: Capitol Heights, in orange, downtown in green. The neighborhood is served by three different lines (along Upper Westumpka Road, Madison Avenue, and Mt. Meigs Road).

## Existing Public Facilities and Services

The neighborhood has two small parks, one on Madison at California, Louis Armstrong Park, which is named after a local physician, and the other, a neighborhood funded project, Vickers Park, at the corner of Madison Terrace and James Avenue.



Armstrong Park

There is a post office on Mt. Meigs near Ann Street and the City of Montgomery Fire Department has an equipment storage building on Upper Wetumpka Road. The Montgomery Area Transit System (MATS) serves the area along the three major streets as illustrated on the map on page 25. Riders can transfer at the Intermodal building downtown to access any part of town.

The Montgomery Public School system has Capitol Heights Junior High School at Madison and Federal Drive. Lee High School is just two blocks south of the neighborhood on Ann Street, and the Children's Center of Mont-

gomery, a school for children with special needs, is located within the neighborhood. The neighborhood is zoned for Morningview Elementary, either Capitol Heights or Houston Hills Junior High, and for Lee High School. The web address to check any address for the school it is zoned for is: <http://Zoning.mps.K12.al.us/Locator.viewer.htm>

Griel Hospital is located along the northern boundary of Capitol Heights

Patterson Field (baseball) and Crampton Bowl are located on the western boundary of the neighborhood. These offer venues for sports and recreation and are owned by the City of Montgomery.



The Children's Center, above

Patterson Field, below



Vickers Park

## Utilities

The Capitol Heights Planning Area is served by Alabama Power, Montgomery Water and Sanitary Sewer, and Alabama Gas Corporation. These are private entities and service must be arranged through the utility provider. Montgomery Water bills for the sewer and garbage pick-up, though the Sanitation Department of the City provides residential garbage collection. The Sanitation Department also provides each residential customer with a rollable trash container. Properties zoned other than residential must contract with private garbage services.

The City of Montgomery Sanitation Department has twice a week, curb side garbage pick up, one day a week curb pick up of trees and branches or other yard refuse, and will pick up, upon a call to request for special items. In addition, once a week the Sanitation Department places vehicles at area schools to receive any kind of refuse that people will take to the site for disposal. There is also a recycling program that picks up recyclables left in the provided recycling sacks (bright orange) on the curb once a week.

## Public Safety

The City of Montgomery Fire Department serves the city with 16 Class-A Pumpers, 6 ladder trucks, 6 paramedic trucks, 2 Hazardous Materials Teams, and a heavy rescue truck. Additionally, the City maintains a ISO Class 2 rating which assists homeowners in obtaining low fire insurance rates.

The City of Montgomery Police Department provides several services to the City at large and for the Capitol Heights Planning Area. Eight divisions support these efforts and include: the Administrative Division, the Community-Oriented Policing Division, the Detective Division, the Juvenile Division, the Patrol Division, the Planning and Technology Division, the Special Operations Division, and the Training and Recruitment Division.

The Police Department also sponsors two programs, the “Citizens Police Academy” and the “Volunteers in Police Service” to build trust and respect between the department and citizens. The “Citizens Police Academy” consists of a 10 week series of classes held on Tuesdays from 6 pm to 9 pm. Topics covered include: criminal investigations, patrol operations, communications, crime prevention, and the functions of the courts. After completing the course, participants have a working knowledge of the City of Montgomery Police Department’s personnel and

policies. Another program to assist the Police Department is called “Volunteers in Police Service” (VIPS). This program allows volunteers to work as partners with police personnel to free up officers for higher priority duties. These volunteer duties may include administrative work, neighborhood patrol, school patrol, and special event staffing. Each volunteer uses a distinctively marked patrol vehicle while fulfilling some of these duties.

The Capitol Heights neighbors have expressed concerns with criminal activity in their area. Neighbors have a legitimate complaint and must come together to plan a solution with the Police Department. Forming a system of Neighborhood Watches might be a first step. The police are available to discuss this at a community meeting.



## The Neighborhood Plan

# Neighborhood Plan

Neighborhoods are the building blocks of healthy cities and towns. Neighbors know each other and take special pride in their homes and community. In a well designed neighborhood, the residents can walk safely to nearby shopping, schools, and parks. Public facilities serve as points of interest and provide a variety of activities for the area. A broad range of housing options allow a mix of family sizes, ages, incomes, and cultures to live together. Transit service is convenient to the neighborhood to reach jobs and connects the neighborhood to the larger community. Using SmartCode or New Urbanist theories to direct the community in future redevelopment will help Capitol Heights restore declining areas as well as preserve and enhance its present value.

It is important to remember that a strong community has multifaceted issues. The following strategies should be considered as working together and not any one specific topic stands alone or is the only issue of importance to a community. Capitol Heights is in relatively good shape with only a few areas needing attention. On the other hand, restoring the area's commercial interests and enhancing the physical appearance and infrastructure of the neighborhood can raise the property values and attract new homeowners. Preserving the historical character of

the neighborhood will also help to support the property values. The few places where home owners are leaving and the rental property is increasing may be stabilized by redevelopment.

The Capitol Heights Neighborhood Plan addresses the concerns and desires of the citizens as expressed in a series of community meetings held at the Winona Street United Methodist Church. These concerns and goals were used to develop objectives with strategies for implementation to achieve the community goals. Short, medium, and long range suggestions for the community to work toward are listed at the end of this plan, in the Implementation section. There are suggestions for measuring the outcomes of the various projects so as to evaluate and reassess as necessary. Implementation needs to be evaluated with the stated goals in mind so progress may be tracked, or in order to rethink strategy if the goals are not being met.

The following outline itemizes important aspects of community life. Capitol Heights certainly has mastered some of these and needs to be commended for its diligence and good citizenship. Some elements are included only to stress the need for continued success with these endeavors. Many communities do not have the organization and committed leadership that is apparent in Capitol Heights. This is the first, and one of the most important tasks, for most neighborhoods to develop in order to begin any implementation of goals. The strategies for the Plan are divided into the following six categories:

Community Organization  
Economic Development  
Historic Preservation  
Housing  
Land Use/Zoning  
Public Safety

## **Community Organization:**

- Maintain and enhance membership
- Cover area with Neighborhood Watch
- Encourage development of community leadership
- Build community goals together and form committees to facilitate implementation
- Obtain a Community Center for the neighborhood
- Establish a Community Garden
- Monitor and evaluate implementation of community goals

## **Economic Development:**

- Redevelop commercial areas
- Increase number and diversity of businesses and services in the area

## **Historic Preservation:**

- Nurture and expand the historic designations
- Restore Trolley Route
- Install historic street signs

### **Housing:**

- Maintain affordable aspect of neighborhood housing
- Work to increase rate of homeownership and educate new home owners as to caring for their property

### **Land Use and Zoning:**

- Change zoning to allow mixed-use along Mt. Meigs and Upper Wetumpka Road to attract commercial and residential redevelopment
- Maintain residential character of the core neighborhood and monitor inconsistent uses in order to rezone when possible

### **Public Facilities and Safety**

- Designate bicycle and walking pathways
- Install sidewalks where possible
- Existing curbs need curb cuts to allow strollers
- Traffic calming
- Rails to Trails bike and pedestrian path
- Develop a disaster plan, if only at a triage level so neighborhood will be able to respond to emergencies

The neighborhood meetings identified the assets, liabilities, opportunities and constraints that led to the enumeration of the above strategies. At each meeting it was clear that the residents were involved and committed to the fact that they must be realistic about the pres-

ent conditions and take responsibility for their community issues. This level of commitment is a tremendous asset that will be necessary to sustain the residents and land owners through the time and efforts necessary to implement the adopted strategies.

The City of Montgomery has committed the time and resources that it has to offer to help the neighbors in meeting their goals. The Planning and Development Department is committed to helping define an action plan for approaching each strategy and helping with implementation to aid the neighbors meet their goals. The following section will outline numerous suggestions for implementing each strategy and goal. It will be necessary to evaluate the process frequently and measures will be suggested to help with evaluation in order to determine when and what changes need to be made to stay on track in implementation of the goals.

## Community Organization

People are a community's best asset. The strength and sustainability of any community growth is spearheaded by the people. In order to maintain and support the community, many people will be needed for numerous roles. Historically the Capitol Heights Civic Association has played a central role in uniting the neighbors and supporting community causes. A copy of a 1924 news letter is included in the Appendix as an interesting item, but also to illustrate how the community helped to support the neighborhood school, inform the neighbors of current events and local happenings, and to help in recruiting new members. The CHCA continues today as a strong organization.

While Capitol Heights is not facing major or threatening issues, community leadership must continue to develop a strong relationship with all residents in the area and work to help shape redevelopment of the commercial areas as well as promoting maintenance of housing conditions. In some areas of Capitol Heights there are some problems with property not being

maintained and with a gradual switch from primarily owner occupied housing to rental properties. This often results in higher turnover of residents and unsatisfactory upkeep of property. Community organization and strong neighbor participation will be a driving force for almost all the goals the neighborhood has set.

- Maintain and enhance CHCA membership: Since the community will be needed to sustain growth and change, developing a large membership will help build consensus, allow for committee work, and develop leadership that will be necessary for the long haul.

*“Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has.”*

*Margaret Mead*

Every effort should be made to encourage neighbors to join and participate to make them feel like an important and contributing member of the community team.

- Cover the area with a Neighborhood Watch system: If the area has a strong and dependable neighborhood watch, crime issues can

be addressed and improved. The Police Department has stated that they appreciate when neighbors call to report any and every observed crime as it occurs in order to track the data and allocate officers. Neighbors taking part in the Watch are an important link to crime prevention. Signs can be posted to notify potential criminals that the neighborhood is active and they will be encouraged to go elsewhere, and will do so, when they realize the sign is backed by consistent action and reporting by the neighbors.

- Development of community leadership: Membership drives combined with interesting meetings, socials, and committees that do active and productive things in the neighborhood while not demanding too much of an individual's time will help to build a pool of available leaders to help sustain Capitol Heights. With the long history of a neighborhood organization being an integral part of the community, CHCA has established itself as a premiere neighborhood organization. It has maintained this by encouraging leadership over time and nurturing a caring attitude concerning Capitol Heights. Bringing in new leadership and retaining the existing leaders will help maintain the link from the past into the future.
- Building mutual community goals: Capi-

tol Heights has become an interesting and diverse neighborhood over time. This increases both the value of the community as well as the frustration level. The community must be open and willing to listen to each other and to build consensus for neighborhood goals. A diverse neighborhood that works well together is extremely attractive and inviting to others .

- Obtain a Community Center: During the meetings with the residents and the Planning Department, the goal of having a Community Center was mentioned. The Executive committee of the CHCA has had this goal for some time. The possibility of reaching this goal should be explored and researched. If the majority of residents would be in favor of this, it could be presented to the City Council Representative (Capitol Heights is in District 3), the Parks and Recreation Department, the Community Development Division of the Planning Department. Neighborhood fund raisers might also contribute to achieving the goal.
- Community Garden and/or a park: There are a few areas with vacant land large enough to support a garden or small park in Capitol Heights and several residents mentioned the possibility of creating a Community Garden and or a park. These ideas could be researched by the neighborhood organization to determine the preference and commitment to maintaining and working either a garden or a park, or both. Any more parks

added to the City will need the Mayor’s approval and possibly require community care as neither the Maintenance Department nor the Parks and Recreation Department could be available for routine maintenance . Also, acquiring and designating the land may require legal documentation to preserve the public space. But where there is a will, a way may be found to build a community garden or park.

- Monitor and Evaluate Implementation: The primary responsibility for monitoring the implementation of the Plan will fall upon the Capitol Heights residents as they will

be the ones guiding implementation. Desired change can bring unanticipated results and the community will be first in line for and responsive to calls from the residents as well as conducting periodic checks with the community organization leaders and residents. Evaluation of implementation should be a group effort with the City Staff. The Implementation charts will contain specific suggestions for measuring implementation efforts.



Drawing by Tom Kaufman illustrates possible Capitol Heights Community Center



# Economic Development

- Redevelop commercial areas: To encourage the type of redevelopment that would be appropriate with the overall traditional neighborhood development (TND) that the residents and Planning Staff suggested at the community meetings. The zoning on properties along both sides of Mt. Meigs Road would be encouraged to be changed (upon request of the property owner to the City Planning Department) to a mixed use zone: either T4O, B-1-a, or B-1-b. These designations allow a retail or office use on the ground floor and residential on a second or third floor.
- The residents support a proposal to construct a planted median strip in the center of Madison Avenue with grass and trees for the dual purposes of beautification and traffic calming. Space would be allowed at corners for left turn lanes.
- Increase the number of commercial opportunities: A survey of the Capitol Heights and Highland Park residents could be done to help inform potential developers as to the needs and preferences of area residents. Highland Park is immediately south of Capitol Heights and shares Mt. Meigs Road as a boundary for that Neighborhood Planning

Area, so the residents of Highland Park should be involved with this goal as well. The increase in viable businesses would offer convenience, but also opportunities for jobs.

- The business and land owners on the existing commercial properties could form a Business Incentive District (BID) or a similar entity to earmark monies dedicated to improving a specific commercial area for mutual benefit. Many BID's apply the money to beautification projects for the whole area, publicity, or security, but the projects focus on an identified improvement that would benefit the entire group of properties, not just a single one.
- A Transportation Enhancement grant was written to and awarded by the Department of Transportation to address pedestrian issues along Mt. Meigs Road. This grant is to pay for for curbs, gutters, sidewalks, and a public space between the sidewalks and the street that will be planted with grass and trees. This is to provide a safe walking space for pedestrians and also be an attempt to give some form to the street instead of having so many entrances /exits from buildings along Mt. Meigs. The following illustrations will show how this might look:



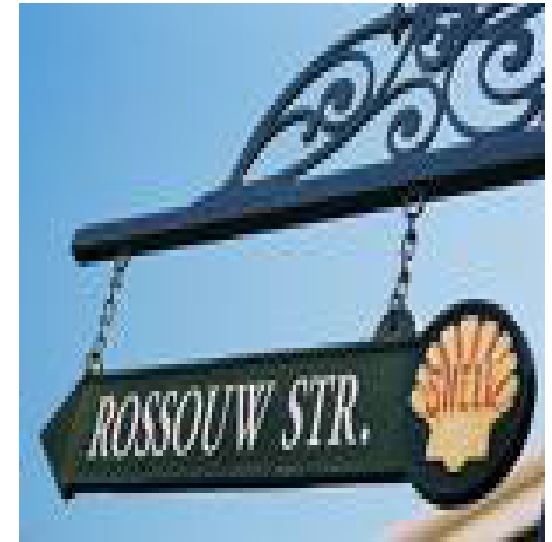
Present view of Mt. Meigs:



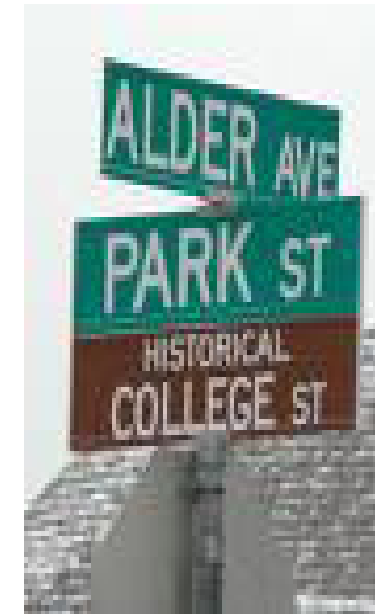
After the proposed changes are constructed:

## Historic Preservation

- Nurture and expand historic designation: Capitol Heights currently has a local historic designation along three streets: St. Charles, Madison, and Capitol Parkway. If there is enough interest in expanding, it could be pursued as historic designation helps to protect and even elevate property values.
- Restore the historic trolley route: Run the trolley into the neighborhood to replicate the original route by the trolley through the area. The original trolley had a route and turn-around in the Capitol Heights area. It would be necessary to talk with Montgomery Area Transit (MATs) and get a feasibility study to run the trolley for additional routes. Currently there is a bus route along Madison to Eastdale Mall. The demand for the trolley to run a separate route along the same street would have to be adequate to support the addition of the trolley run. Perhaps this could be considered for special events or only on a limited basis.
- Install historic street signs: It has been suggested in neighborhood meetings that the sign itself have an historic design and that also, for streets that previously had a different name, that the old and new street name be designated on the sign.



Examples of historic signs



# Housing

- Maintain affordable aspect of the area housing but a mix of housing prices is a positive goal
- Increase homeownership: The rate of homeownership has decreased over the past 20 years so that Capitol Heights currently has 50% of the homes in the rental market. Twenty years ago the rate of homeownership was over 60%. Rental housing usually means more frequent turnover of residents, and in some cases the care of the properties is not at the level a homeowner may give to a house. In addition, a rental house may stand vacant for more prolonged periods of time.
- Making the area a more desirable place to live will help attract buyers to the area. Safety and beautification are issues to be addressed.
- The City of Montgomery has the HOME Program to assist first-time home buyers with down payment assistance aid. In order to qualify for the money, one of the requirements is to take the City sponsored program that helps educate home buyers as to their responsibilities as homeowners.

- There is a need for residents, Real Estate agents and potential buyers of Capitol Heights property to be better informed of the benefits and regulations attached to historic properties. During neighborhood meetings it has been reported that individuals purchasing neighborhood homes are often not aware of the regulations that apply to historic properties. There are also misconceptions as to the extent of these regulations and may be discouraged from purchasing an historic property.

The charm and unique character of the homes in Capitol Heights are well worth the few regulations imposed upon historic homes. It must also be pointed out that historic homes retain and increase in value more than a non-historic house does.

\*A copy of the Historic Preservation Ordinance is in the Appendix

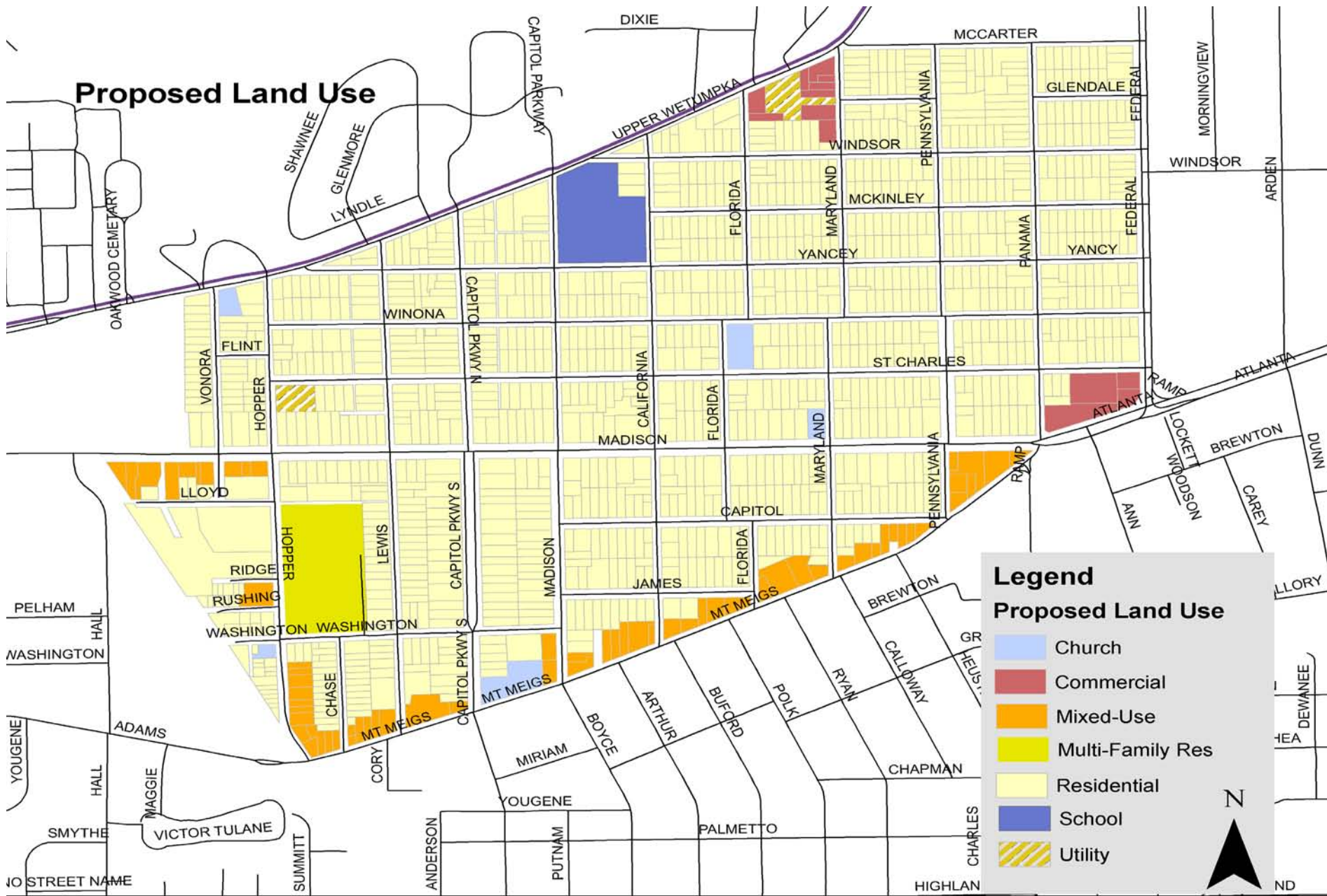


## Land Use and Zoning

- Zone to allow for Mixed-use: Along Mt. Meigs and Upper Wetumpka Road the zoning is for commercial use. Changing this to mixed-use would allow continued commercial uses but would permit residential units above the commercial. This would allow live-above opportunities for store owners, or anyone who would enjoy not having to care for a yard.
- Zone as much of Madison Avenue as residential as possible. While there is some commercial and office property along Madison, all efforts should be made to preserve Madison Avenue as the grand residential boulevard that it was in the original plan for Capitol Heights.
- In every public meeting with the residents of Capitol Heights, the neighbors requested that their area remain predominantly residential. They welcomed redevelopment of the commercial areas along Mt. Meigs and Upper Wetumpka Road, but they preferred to maintain the rest of the area as residential.
- The neighbors also requested that there be a neighborhood garden and possibly another park in Capitol Heights. The new zoning

regulations under consideration for the City of Montgomery include a neighborhood agriculture zone and this would be appropriate for the Capitol Heights neighborhood. It would also need to be 100% maintained by volunteers from the neighborhood as the City of Montgomery would not be responsible for it.

The Proposed Land Use Map is on page 37.



## Public Facilities and Safety

- Plan for a bicycle route to connect the neighborhood to other areas of the City. The Metropolitan Planning Organization (MPO) is the transportation planning group for Montgomery, Elmore, and Autauga Counties, and it has a section that plans for MPO-wide bicycle routes. The MPO should be notified once the Bicycle Route for Capitol Heights is decided upon in order that this neighborhood route be added to the MPO document. After this Plan is adopted, the neighborhood should have a meeting with the City of Montgomery Traffic Engineers to determine the route to be marked for the route.
- The old railroad that ran from Eufala to Montgomery and traveled beneath Highland, Mt. Meigs, Madison, Upper Wetumpka Road, and Ripley Street on its way to the train shed downtown is gone, but the rail cut that remains offers an amazing opportunity for a pedestrian and cycling trail. From at least I-85 south of Highland Park and continuing to the downtown, this former space for tracks is intact and would make a unique Rail-to-Trails for the City. It runs along the western edge of the Capitol Heights Planning boundary,

it would be a scenic spot as well as as great recreational opportunity. The Plan is to secure the use of the land for the City, clean up the area, place a trail for biking and walking, add access points to the street above where the trail goes under the roads mentioned, and place lighting for the trail all along its length. This would be a major connector for several neighborhoods as well as for Capitol Heights and Downtown.

The Rails-to-trails project would also be a stimulus to businesses located near the Trail and especially along the access points at Highland, Mt. Meigs, Madison, and Upper Wetumpka Roads.

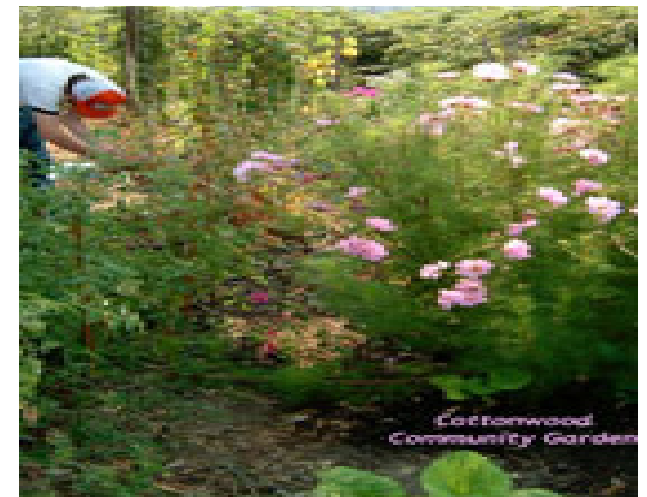
Tom Kaufman drawing of Rails-to-trails



- Neighbors have requested curb cuts along existing sidewalks to accommodate strollers and pedestrians. This request will go to the City of Montgomery Traffic Engineering Department upon Plan approval. The City would need to study the need for such cuts and develop a budget. The Capitol Heights' City Council Representative might also be able to help with getting this project accom-

plished.

- Traffic calming is needed along several streets. Neighbors reported speeding traffic along St. Charles Avenue, Ryan and Vonora. It has been suggested that placing a planted strip down the center of Madison Avenue would help slow traffic on Madison.
- <http://www.communitygarden.org/about-ac-ga/> has information and how-tos for starting a community garden. The location must first be secured. There are several points to consider before the Garden is begun. Source of water, how will volunteers work out schedules for maintenance, how will crops be divided, and what to plant. The neighbors interested in the project will be able to sort through all these things. The City of Montgomery Planning Staff will be happy to help as needed. Building a cistern might also be a good idea.





# Implementation

# IMPLEMENTATION CHART

## COMMUNITY DEVELOPMENT

GOAL	STRATEGY	RESPONSIBILITY	OUTCOME	MEASUREMENT
Maintain existing and increase size of membership	Continue efforts to offer diverse programs and socials to appeal to more neighbors	Existing Neighborhood Organization, BONDS and City Staff as needed	Community becomes closer knit, stronger ties the neighborhood	Increased number of neighbors involved in various programs and projects
Cover area with Neighborhood Watch	Enlist resident cooperation to report criminal activities to the police	Each resident, with help from Police Department and CHCA	Safer neighborhood and residents have increased confidence knowing they look out for each other	Decreased crime, increased reporting of incidents
Encourage leadership development	Share responsibilities for various projects; involve new people in decision making	Current leadership of the CHCA	Capable and willing leadership for years to come	Board of CHCA will change over time as more people are willing to be involved
Build Community Goals together	Extend goal setting to include opinions of non-members of the CHCA	CHCA volunteers and all neighbors	Diversity will offer more ideas, better decisions made when being inclusive	Increased numbers of neighbors involved in various activities
Obtain a Community Center for the area	All neighbors involved to identify location and facility desired - do not have to belong to CHCA use Center	Neighbors, City Planning and Parks & Rec staff as needed	Social and Activity Center for use by all will be open in the area	Community Center established and maintained by Capitol Heights residents
Monitor and evaluate implementation of goals	Development of stakeholders to support goals	Neighbors, City Planning Staff	Goals prioritized and monitored for results	Presence of active committees and progress toward goals



# IMPLEMENTATION CHART

## ECONOMIC DEVELOPMENT

GOAL	STRATEGY	RESPONSIBILITY	OUTCOME	MEASUREMENT
Redevelop Commercial Areas	Research ‘New Market Tax Credits’ and physical or infrastructure solutions to create ambience for commercial success (i.e. Mt. Meigs sidewalks and fewer curb cuts with better defined parking space)	Public and private partnerships	Mixed-use and commercial areas increase in number and diversity of retail and service opportunities for area	More attractive and viable commercial areas for the neighborhood
Establish BID (Business Improvement District)	Unite local business people around common goal to improve their sales and uses	Business owners, City Planners as needed	Businesses develop a plan to make commercial area more attractive, join to gether to advertise or set other mutual goals	BID is formed and sets goals
Increase number and diversity of services and businesses in the area	Poll neighbors to see what services or businesses they would like to see in their area. Be sure to include other close neighborhoods like Highland Park and King Hill	Neighborhood organization, BID, City Planning staff, Chamber of Commerce	Neighbors may become more responsive and aware of, and supportive of their local commercial opportunities	Increased number of businesses in the area

# IMPLEMENTATION CHART

## HISTORIC PRESERVATION

GOAL	STRATEGY	RESPONSIBILITY	OUTCOME	MEASUREMENT
Support and expand historic designations	Historic designations help to retain and even increase home and neighborhood value	Individual owners and the neighborhood at large	Property value is higher than areas with similar assets but without the historic designation	Number of houses with historic designation increase and number or size of existing historic areas increase
Make public transit more appealing to the neighbors and restore the historic trolley route to the neighborhood	Extend the Trolley route into Capitol Heights	Area residents, MATS staff and City Planning staff as needed	Trolley once again running in the area	Public transit ridership up in the neighborhood; the trolley is back!
Install Historic street signs	Add to ambience and aid those seeking to trace their genealogy or history in the neighborhood	Neighborhood could write grant or do fund raising to purchase signs; City could install signs	Increased awareness of historic importance of Capitol Heights	Signs are placed in the neighborhood

# IMPLEMENTATION CHART

## HOUSING

GOAL	STRATEGY	RESPONSIBILITY	OUTCOME	MEASUREMENT
Maintain affordable aspect of neighborhood housing	Encourage contextual zoning to guide infill development; support creation of a Community Land Trust	City Planning Dept and Planning Commission	Neighborhood will retain its diversity and unique character	Planning Commission and Planning Dept will adopt appropriate zoning
Embrace renters/work to increase homeownership	Renters who feel a part of the community and homeowners usually take the best care of their property	Capitol Heights' residents	Property in the area will be well taken care of	Property upkeep improves
	Educate new homeowner and renters as to care and maintenance of property	Lenders, rental property owners	Property in the area will be well taken care of	Property upkeep improves

# IMPLEMENTATION CHART

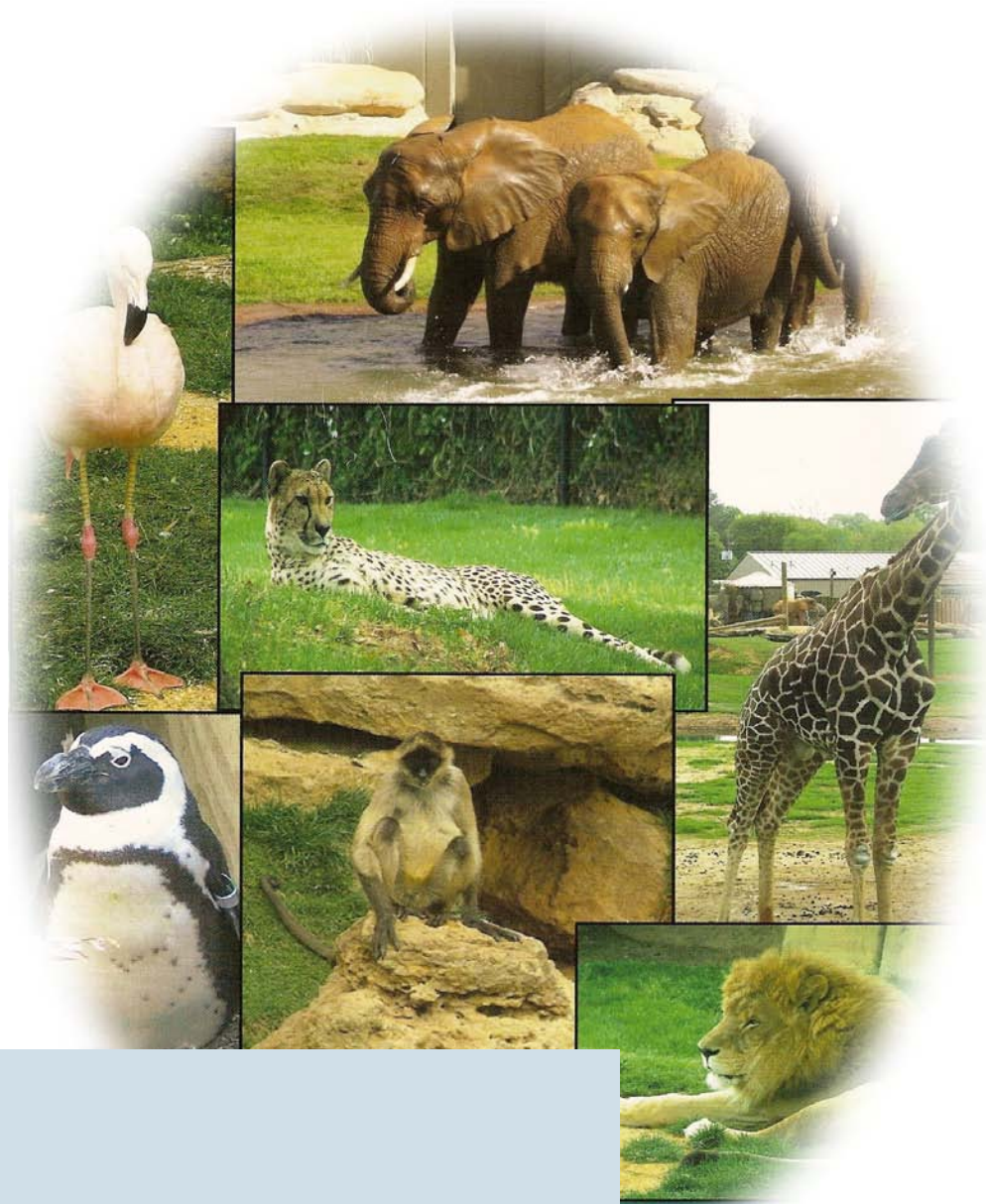
## LAND USE AND ZONING

GOAL	STRATEGY	RESPONSIBILITY	OUTCOME	MEASUREMENT
Encourage mixed-use along Mt. Meigs and Upper Wetumpka Road (especially on the north side of Upper Wetumpka)	Zone areas for mixed use as T4O or B-1-b	Planning Department and Planning Commission	Zoning will be in place, or allowed, that is necessary to redevelop with mixed use products	Planning Commission allows zoning and building of mixed use development
Maintain residential character of the core neighborhood	Use zoning to maintain residential core and when possible allow parcels, especially along Madison Avenue, to rezone to residential. Do not zone Madison in the future to anything but residential	Planning Commission, Planning Department Vigilant neighbors	Capitol Heights will regain and retain its original residential character	Observe Planning Commission decisions
Adopt Transect Map to indicate preference for SmartCode to direct future decisions for the neighborhood	SmartCode has stricter rules in favor of TND (Traditional Neighborhood Development) than the regular zoning Code	Neighbors should have a preference of zoning type * adoption of this Plan should be enough to maintain TND with or without the use of SmartCode	Insure TND	Observe Planning Commission decisions

# IMPLEMENTATION CHART

## PUBLIC FACILITIES AND PUBLIC SAFETY

GOALS	STRATEGY	RESPONSIBILITY	OUTCOME	MEASUREMENT
Designate bicycle and walking pathways	Neighborhood needs to be more walkable and have safe routes for bicycling	Public/private partners; City Planning staff and MPO	Easy to walk and cycle around neighborhood as well as connections to other neighborhoods	Designated bike and walk paths
Additional sidewalks and curb cuts to aid children, strollers, elderly & disabled	Identify streets that need sidewalks; check right of way availability; help from City Council Rep and City Maintenance Dept	Neighborhood, City departments; City Council	Sidewalks installed	More sidewalks in area
Slow down drivers on numerous street in the area	Use traffic calming devices such as speed tables crosswalks & chicanes, to slow traffic	Neighbors; City Traffic engineers	Streets are safer, vehicles travel slower	Neighbors report no traffic issues
Rail-to-Trails Project	Utilize the old railroad land that runs under Mt. Meigs, Madison and Upper Wetumpka for recreation for all ages	City project but would benefit businesses along Mt. Meigs and Madison	Unique space that would be an off-road connection to other neighborhoods and to the downtown riverfront	Railroad cut is cleaned out and path constructed
Establish a public garden	Neighbors should identify the place for the garden, set garden up for volunteer maintenance	Totally a neighborhood project	Positive experience for participants; use of harvested produce; possible income source	Establishment of garden, active participation by volunteers



# APPENDIX

## Community Support Opportunities

The Montgomery Area has a myriad of services for our citizens that can be accessed by calling 211. Everything from adoption, emergency shelters, employment, legal help, drug treatment, medical care, and youth services. The following services are primarily provided by the City of Montgomery or the Montgomery County School System.

### **Animal Control** 334-241-2970

To report stray animals. Also, the Humane Shelter, 334-409-0622, for adopting or getting help with animals and a great place to offer your volunteer services is available on John Overton Drive across from Gunter Air Force Base. To report a dead animal for removal, call 334-241-2515.

### **BONDS** (Building Our Neighborhood for Development and Success) 334-264-6223

Organization helps to organize, train and revitalize neighborhood community groups which in turn brings neighbors together for the health of the neighborhood, to do programs, socials, and address individual neighborhood concerns.

### **Chemical Addictions Program** 334-265-4544

1153 Air Base Blvd. 36108. Provides chemical dependence treatment for persons lacking insurance or other resources to obtain treatment through the private pay sector. Serves south-central Alabama

### **Clean City Commission** 334-241-2175

Helps with organizing and sponsoring various clean-ups around town; runs the recycling programs, and good source of information concerning these activities

### **Community Development Department** 334-241-2997

This City Department administers HUD funds: HOME funds for low income housing and a First-Time Home Buyers down payment assis

tance program. Once a year applications are accepted for Community Development Block Grant (CDBG) money – the applications must be specific as to the project and the project must be approved by HUD (federal Department of Housing and Urban Development). There are information and training meetings given by the Community Development Department to help citizens understand this process.

### **Community Policing** 334-241-2700

This division of the Montgomery Police Department, located on Fairwest Drive, works in neighborhoods to help with specific neighborhood issues.

### **Garbage Pick-Up and Recycling** 334-241-2750

Montgomery provides twice weekly garbage pickups, once a week curbside trash (like tree limbs and yard debris), Saturday drop off anything at specific school locations, and once weekly recycling collection for \$12.00 a month, billed through the Water Board with the water bill. Call to set up account and get the garbage container delivered to your residence or call to request special pick up needs like large limbs or unwanted furniture, etc.

### **Free School Lunch/Breakfast** 334-269-3817

Montgomery County School System has free lunch and breakfast program for income-qualified persons. Parents must call to register their children.

### **Historic Properties** 334-241-2722

For information concerning the local designation of historic properties and for the specific qualifications and responsibilities of these properties.

### **Lunch Trolley Express** [www.lunchtrolleyexpress.com](http://www.lunchtrolleyexpress.com)

The city provides trolley service downtown free during the hours of 11:00am – 2:00 pm. This helps connect downtown parking lots, offices and places of employment with the various restaurants in the downtown area. The trolleys run continuously and one should be along every 10-15 minutes.

**MATS ( Montgomery Area Transit System) 334-241-2249**

Call for regular bus scheduling, routes and times or check the web page at [www.montgomerytransit.com](http://www.montgomerytransit.com) ; if there is a need for specific need for door to door service due to a disability, the MAPS (Montgomery Area Paratransit) service is available for those who qualify, but medical records and a doctors request must be on file to access this service. Braille and audio instructions for the bus service is also available. For special services, please call 240-4691.

**Neighborhood Traffic Problems 334-241-2670**

**Neighborhood Watch 334-240-4800**

To get a Neighborhood Watch established in your area or call for information as to an existing one.

**Nuisance Reporting:**

**Abandoned vehicles** 334-241-2069, 241-2086

**Abandoned and derelict house** 334-241-2069, 241-2086

**Noise Complaints** 334-241-2669

**Vehicle Parked in yard** 334-241-2069, 241-2086

**Weeds overgrown, trash** 334-241-2069, 241-2086

**Parks and Recreation 334-241-2300**

The City of Montgomery has many parks and recreational facilities around the area. There are numerous activities and lessons (crafts, swimming, tennis, etc) available through this department for all ages. There are also summer jobs for youths but these opening are filled quickly, so call early in spring to get on their list.

**Sidewalk Repair 334-241-2880**

Report badly broken sidewalks in front of your house to the City Maintenance Department. The City now makes hexagonal pavers for use in historic districts.

**Stop Signs and Street Lights 334-241-2910**

This number can answer your questions about how to have your area evaluated for additional stop signs or street lights. If street lights are burned out, please call Alabama Power: 800-245-2244.

**Link to Landscape and Tree Ordinances:** on the City of Montgomery web page, under the Planning Department, in the Urban Forestry section <http://montgomeryal.gov/depts/planning/urban-forestry.aspx>



## ORDINANCE NO. 28-2004

WHEREAS, it is in the public interest to provide for the designation, protection, preservation and rehabilitation of historic properties and the historic, cultural and aesthetic heritage of the City of Montgomery; and

WHEREAS, the protection and enhancement of local historical and aesthetic attractions will stimulate the revitalization of business and historic neighborhoods and promote and stimulate business;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Ordinance 10-91 is hereby repealed and the following ordinance is hereby adopted. Further, Section 4, subsections F and H of Ordinance 24-95 are repealed, the references to the “Montgomery Historic Development Commission” and the “Architectural Review Board” are deleted from Section 1 of Ordinance 24-95 and the Commission and Board created by this Ordinance are expressly exempt from the provisions of Ordinance 24-95.

### PART I. HISTORIC PRESERVATION COMMISSION

#### Section 1. Creation of Montgomery Historic Preservation Commission; Purposes.

(a) There is hereby created a Montgomery Historic Preservation Commission which shall be referred to hereinafter as the Commission. The Commission is created pursuant to and shall have the authority granted in the Code of Alabama, § 11-68-1, et. seq.

(b) The purposes of the Commission shall be to promote the educational, cultural, economic and general welfare of the City of Montgomery through the preservation and protection of buildings, sites, structures, areas and districts of historic significance and interest; through the preservation and enhancement of local historic, architectural, archaeological and aesthetic heritage found in the City

of Montgomery; through the maintenance of the distinctive character of Montgomery’s Historic Districts; and through the promotion and enhancement of the City of Montgomery’s historic and aesthetic attraction to tourists and visitors.

Section 2. Composition of Commission; nomination of Members; terms of office; removal; vacancies; officers; rules; reimbursement of expenses; personnel; annual reports; meetings.

(a) The Commission shall be composed of nine (9) members who shall have demonstrated training or experience in the fields of history, architecture, architectural history, urban planning, archaeology or law, or who shall be residents of a designated historic district. Members of the Commission shall be residents of the territorial jurisdiction of the City of Montgomery. Not more than one-fifth of the members of the Commission shall be public officials. *(See Alabama Act 93-704 regarding number of members).*

(b) Members of the Commission shall be nominated by the Mayor and appointed by the City Council. Nomination and appointment of Members of the Commission shall be made to ensure that the Commission will be composed of persons with as much of the training and experience specified in subsection (a) of this section as is possible.

(c) Except for the original Members of the Commission, Members of the Commission shall serve three year terms and shall be appointed in such a manner so as to serve overlapping terms. Three of the original Members of the Commission shall be appointed to serve one year terms, three of the original Members of the Commission shall be appointed to serve two year terms, and the remaining three original Members of the Commission shall be appointed to serve three year terms. Members of the Commission may be reappointed.

(d) Members of the Commission may be removed for cause by the City Council.

(e) Vacancies on the Commission shall be filled by persons nominated by the Mayor and appointed by the City Council. Such appointments shall be for the unexpired term of the Member replaced.

(f) Members of the Commission shall elect a chairman and a vice-chairman and such other officers as the Members deem necessary. The term of the chairman and vice-chairman shall be one (1) year, and the chairman and the vice-chairman shall be eligible for re-election. The Commission shall adopt rules of procedure and bylaws to govern its operations and shall communicate those rules of procedure and bylaws to the Mayor and City Council. The rules of procedure and bylaws of the Commission shall specify what number of Members constitutes a quorum.

(g) Members of the Commission shall serve without compensation but may be reimbursed for expenses incurred on behalf of the Commission in accordance with the rules and regulation for reimbursement adopted by the Commission.

(h) The Commission may employ such professional, technical, office and other personnel as may be necessary to carry out the purposes and responsibilities of the Commission as set out herein.

(i) The Commission shall prepare and file with the Mayor, City Council and the Alabama Historical Commission an annual report of its activities. The annual report shall cover the period from January 1<sup>st</sup> to December 31<sup>st</sup> and shall be submitted within thirty-five (35) days following the close of the reporting period. The report shall include such items as the number of cases reviewed, historic district and property designations made, revised resumes of commission members/ staff, appointments to the Commission, attendance records and all minutes relating to the review of National Register nominations.

### Section 3. Commission meetings and notice of decisions.

(a) All meetings of the Commission shall be open to the public

and all votes taken by the Commission shall be taken in public. The Commission shall hold at least one regular meeting in each calendar month and shall keep minutes of the business brought before it as well as its resolutions, transactions, findings, determinations, and recommendations. Notice of all Commission meetings shall be published in a newspaper of local circulation in at least one issue published no more than 20 days and no less than 10 days prior to the meeting date.

(b) All applicants must be given written notification of the Commission's decision regarding their application.

(c) The rules of procedure and bylaws adopted by the Commission must be available for public inspection.

### Section 4. Powers and duties of the Commission.

The Commission shall have the following powers and duties and shall be authorized to:

(a) Preserve and protect buildings, structures and sites of historic and architectural value in the historic districts designated pursuant to this ordinance and previously designated pursuant to Ordinance 10-91;

(b) Prepare a survey of and maintain an inventory of all historic and architecturally significant property in the City;

(c) Recommend to the Mayor and City Council specific buildings, structures, sites and districts for designation as historic properties or districts; (*as to the designation of historic properties and districts, see the Code of Alabama §§11-68-6 through 11-68-8*)

(d) Restore and preserve any historic properties acquired by the City or the Commission;

(e) Promote acquisition of facade and conservation easements by the City or by the Commission;

**(f) Develop and conduct educational programs on historic projects, properties and districts;**

**(g) Make such investigations and studies of matters relating to historic preservation as the City or the Commission deems necessary and appropriate for the purposes of this Ordinance;**

**(h) Apply for funds to carry out the purposes and responsibilities of the Commission from municipal, county, state, federal and private agencies and sources;**

**(i) Purchase, sell, contract to purchase, contract to sell, own, encumber, lease, mortgage and insure real and personal property in carrying out the purposes and responsibilities of the Commission;**

**(j) Investigate, survey and process nominations of properties to the National Register of Historic Places;**

**(k) Investigate, survey and process applications for certification of historic properties for tax credits for preservation expenditures;**

**(l) Contract with other municipal, county, state, federal and private agencies and organizations to perform historic preservation related functions;**

**(m) Work with the Architectural Review Board to prepare and promulgate design guidelines based on the Secretary of the Interior's Standards for Rehabilitation; and**

**(n) Exercise such further powers as the Commission may deem reasonably necessary and proper to carry out the purposes, responsibilities and powers of the Commission.**

#### **Section 5. Conflicts of Interest.**

**At any time the Commission reviews a project in which a member of the Commission has ownership or other vested interest, that member**

**will be forbidden from presenting, voting or discussing the project, other than answering a direct question.**

### **PART II – HISTORIC DESIGNATION**

#### **Section 1. Designation of Historic Properties upon recommendation by the Commission.**

**(a) On recommendation of the Commission, the City Council may pass an ordinance designating Historic Properties within the City of Montgomery. Any such ordinance shall include the legal description of said property.**

**(b) The Commission shall not recommend designation of a Historic Property unless such recommendation is based on a finding of a survey of such property conducted by or for the Commission in accordance with the rules and regulations of the Alabama Historical Commission.**

**(c) The Commission shall not recommend designation of a Historic Property unless it finds that the building, structure, or site (1) is identified with or represents a significant aspect of the cultural, political, economic, military or social history of the City, region, state or nation; (2) has had a significant relationship with the life of a historic person or event, representing a major aspect of the history of the City, region, state or nation; (3) is a part of the historic, architectural, archaeological or aesthetic heritage of the City, region, state, or nation; or (4) is an example of an architectural style, or combination of architectural styles, which is representative of or which is unique to the City.**

**(d) Before the Commission shall recommend the designation of a Historic Property, it shall hold a public hearing on the proposed recommendation of historic designation. Notice of the hearing shall be published in two consecutive issues of a newspaper of local circulation at least ten (10) days prior to the public hearing.**

**(e) In addition to the notice of the public hearing required pursuant**

to subsection (d) of this section, written notice of the hearing shall also be mailed by the Commission to the owner, as identified on the county property tax rolls if such owner can be found on reasonable inquiry, and to the occupant at the address of the property recommended for designation. All such notices shall be mailed not less than ten (10) nor more than twenty (20) days prior to the date set for the public hearing.

(f) Before the Commission shall make a recommendation to the City Council for the designation of a property as a Historic Property, the written consent and approval of the owner of the property must be obtained. Said consent shall be submitted by the Commission to the City Council along with the recommendation of the Commission.

(f)(i) For purposes of selection only, the nine seats on the Commission shall be designated as seats 1 through 9, which shall correspond to Council Districts 1 through 9. Members of the Commission shall be nominated by the Mayor and appointed by the City Council. In selecting the original Members of the Commission and in filling vacancies, the Council Member for the Council District that corresponds to the Commission seat to be filled shall submit a list of at least three potential nominees to the Mayor from which the Mayor may select a nominee. Should the Mayor choose not to select a nominee from the list provided, the Mayor shall request a second list of potential nominees from the corresponding Council Member. Should the Mayor choose not to select a nominee from the second list provided, the Mayor shall nominate the individual of his/her choice. Nomination and appointment of Members of the Commission shall be made to ensure that the Commission will be composed of persons with as much of the training and experience specified in subsection (a) of this section as is possible. Members of the Commission need to not live in any particular Council District to be considered for nomination or appointment.

(ii) Except for the original Members of the Commission, Members of the Commission shall serve three-year terms and shall

be appointed in such a manner so as to serve overlapping terms. The original Members of the Commission serving in seats 1, 5 and 9 shall be appointed to serve one year terms; the original Members of the Commission serving in seats 2, 4 and 7 shall be appointed to serve two years terms; and the remaining three original Members of the Commission serving in seats 3, 6 and 8 shall be appointed to serve three year terms. Members of the Commission may be reappointed.

(iii) Vacancies on the Commission shall be filed by persons nominated by the Mayor and appointed by the City Council in the method set forth in subsection (f)(i) above. Such appointments shall be for the unexpired term of the Member replaced.

(iv) This subsection (f) is separable. It is intended that the procedures set forth in this subsection (f) be complementary to those set forth in subsections (b), (c) and (e) above, and the same shall be construed in *pari materia*. Should there be any conflict held to exist between this subsection (f) and the provisions of subsections (b), (c) or (e) above or corresponding state law, the provisions of subsections (b), (c) and (e) shall be controlling and prevailing.

## Section 2. Designation of Historic Districts upon recommendation by the Commission.

(a) On recommendation of the Commission, the City Council may pass an ordinance designating Historic Districts within the City of Montgomery. Any such ordinance shall delineate the boundaries of the Historic District by a legal description thereof.

(b) The Commission shall not recommend designation of a Historic District unless such recommendation is based on a finding of a survey of such district conducted by or for the Commission in accordance with the rules and regulations of the Alabama Historical Commission.

(c) The Commission shall not recommend designation of a Historic District unless it finds that the district (1) is identified with or represents a significant aspect of the cultural, political, economic,

military or social history of the City, region, state or nation; (2) has had a significant relationship with the life of a historic person or event, representing a major aspect of the history of the City, region, state or nation; (3) is a part of the historic, architectural, archaeological or aesthetic heritage of the City, region, state, or nation; or (4) that the area contains vernacular structures which contribute to an overall character and sense of place which is representative of the City.

(d) Before the Commission shall recommend the designation of a Historic District, it shall hold a public hearing on the proposed recommendation of historic designation. Notice of the hearing shall be published in two consecutive issues of a newspaper of local circulation at least ten (10) days prior to the public hearing.

(e) In addition to the notice of the public hearing required pursuant to subsection (d) of this section, written notice of the hearing shall also be mailed by the Commission to the owner, as such owner is identified on the county property tax rolls if such owner can be found on reasonable inquiry, and to the occupant at the address of each property located within the proposed Historic District. All such notices shall be mailed not less than ten (10) nor more than twenty (20) days prior to the date set for the public hearing.

(f) Before the Commission shall make a recommendation to the City Council for the designation of a Historic District, the written consent and approval of sixty percent (60%) of the property owners within such district must be obtained. Said consent shall be submitted by the Commission to the City Council along with the recommendation of the Commission.

### Section 3. Notice of historic designation.

(a) Upon the designation of any Historic Property or Historic District by the City Council, the Commission shall give notice in writing of that designation to all agencies of the City and to all owners of the property or properties included in the historic designation.

(b) The Commission shall have the authority to and shall cause to be recorded in the real estate records of Montgomery County a document including the legal description of any designated Historic Property or Historic District and serving as constructive notice to all in the subsequent chain of title that such property, as an individually designated property or as property within a Historic District, is subject to the procedures and requirements set forth in this ordinance, as it may be amended from time to time.

## PART III. ARCHITECTURAL REVIEW BOARD

### Section 1. Creation of Architectural Review Board; Purposes.

There is hereby created an Architectural Review Board of the City of Montgomery which shall be referred to hereinafter as the Board. The purpose of the Board shall be to aid in the preservation and protection of Historic Properties and buildings of historical and architectural value in the Historic Districts of the City of Montgomery through the consideration and approval or rejection of applications for certificates of appropriateness as set forth herein.

Section 2. Composition of Board; nomination of Members; terms of office; removal; vacancies; officers; rules; reimbursement of expenses; personnel; annual reports; meetings.

(a) The Board shall be composed of nine (9) members, all of whom shall have demonstrated training or experience in the fields of history, architecture, architectural history, urban planning, archaeology or law. Members of the Board need not be residents of the City of Montgomery. No member of the City Council shall serve as a Member of the Board. *(See Alabama Act 93-704 regarding number of members).*

(b) Members of the Board shall be nominated by the Mayor and appointed by the City Council of the City of Montgomery. Nomination and appointment of Members of the Board shall be made to ensure that the Board will be composed of persons with as much of the training and experience specified in subsection (a) of this section as is

possible.

(c) Except for the original Members of the Board, Members of the Board shall serve three year terms and shall be appointed in such a manner so as to serve overlapping terms. Three of the original Members of the Board shall be appointed to serve one year terms, three of the original Members of the Board shall be appointed to serve two year terms, and the remaining three original Members of the Board shall be appointed to serve three year terms. Members of the Board may be reappointed.

(d) Members of the Board may be removed for cause by the City Council.

(e) Vacancies on the Board shall be filled by persons nominated by the Mayor and appointed by the City Council. Such appointments shall be for the unexpired term of the Member replaced.

(f) Members of the Board shall elect a chairman and a vice-chairman and such other officers as the Members deem necessary. The term of the chairman and vice-chairman shall be one (1) year, and the chairman and the vice-chairman shall be eligible for re-election. The Board shall adopt rules of procedure and bylaws to govern its operations and the conduct of its meetings, including specific procedures for resolving matters demanding immediate action that arise between regularly scheduled meetings, and shall communicate those rules of procedure and bylaws to the Mayor and City Council. The rules of procedure and bylaws of the Board shall specify what number of Members constitutes a quorum.

(f)(i) For purposes of selection only, the nine seats on the Board shall be designated as seats 1 through 9, which shall correspond to Council Districts 1 through 9. Members of the Board shall be nominated by the Mayor and appointed by the City Council. In selecting the original Members of the Board and in filling vacancies, the Council Member for the Council District that corresponds to the Board seat to be filled shall submit a list of at

least three potential nominees to the Mayor from which the Mayor may select a nominee. Should the Mayor choose not to select a nominee from the list provided, the Mayor shall request a second list of potential nominees from the corresponding Council Member. Should the Mayor choose not to select a nominee from the second list provided, the Mayor shall nominate the individual of his/her choice. Nomination and appointment of Members of the Board shall be made to ensure that the Board will be composed of persons with as much of the training and experience specified in subsection (f)(i) of this section as is possible. Members of the Board need to not live in any particular Council District to be considered for nomination or appointment.

(ii) Except for the original Members of the Board, Members of the Board shall serve three-year terms and shall be appointed in such a manner so as to serve overlapping terms. The original Members of the Board serving in seats 1, 5 and 9 shall be appointed to serve one year terms; the original Members of the Board serving in seats 2, 4 and 7 shall be appointed to serve two years terms; and the remaining three original Members of the Board serving in seats 3, 6 and 8 shall be appointed to serve three year terms. Members of the Board may be reappointed.

(iii) Vacancies on the Board shall be filled by persons nominated by the Mayor and appointed by the City Council in the method set forth in subsection (f)(i) above. Such appointments shall be for the unexpired term of the Member replaced.

(iv) This subsection (f) is separable. It is intended that the procedures set forth in this subsection (f) be complementary to those set forth in subsections (b), (c) and (e) above, and the same shall be construed in *pari materia*. Should there be any conflict held to exist between this subsection (f) and the provisions of subsections (b), (c) or (e) above or corresponding state law, the provisions of subsections (b), (c) and (e) shall be controlling and prevailing.

(g) Members of the Board shall serve without compensation but may be reimbursed for expenses incurred on behalf of the Board in accordance with the rules and regulation for reimbursement adopted by the Board.

(h) The Board may employ such professional, technical, office and other personnel as may be necessary to carry out the purposes and responsibilities of the Board as set out herein.

### Section 3. Board meetings and notice of decisions.

(a) Meetings of the Board shall be open to the public and all votes taken by the Board shall be taken in public. The Board shall hold at least one regular meeting in each calendar month and shall keep minutes of the business brought before it as well as its resolutions, transactions, findings, determinations, and recommendations. Notice of all Board meetings shall be published in a newspaper of local circulation in at least one issue published no more than 20 days and no less than 10 days prior to the meeting date.

(b) All applicants must be given written notification of the Board's decision regarding their application.

(c) The rules of procedure and bylaws adopted by the Board must be available for public inspection.

## PART IV – CERTIFICATES OF APPROPRIATENESS

Section 1. Certificate of appropriateness prerequisite to changes in Historic Property or Historic District; submission and consideration of application for certificate; rules, regulations and standards; expedited procedure; records.

(a) No change in the exterior appearance of a Historic Property or any building, structure or site within a Historic District may be made, and no Historic Property may be demolished, and no building or structure in a Historic District may be erected or demolished unless

and until a certificate of appropriateness for such change, erection or demolition is approved by the Board. No permit for changing, building or demolishing a Historic Property or any building, structure or site within a Historic District may be issued by the Chief Building Official of the City of Montgomery until a certificate of appropriateness has been approved by the Board.

1. Signs shall be considered structures and no sign on a Historic Property or in a Historic District shall be changed, erected or demolished unless and until a certificate of appropriateness is approved by the Board.

2. Failure to maintain a Historic Property or a structure in a Historic District in a manner that threatens the structural integrity of the property constitutes demolition by neglect and constitutes a change for which a certificate of appropriateness is necessary.

3. Construction, reconstruction, repair or alteration of buildings or landscaping shall constitute a change for which a certificate of appropriateness is necessary.

4. Landscaping includes without limitation grading, paving, construction of walkways, driveways, pools, and all other surface additions and improvements, but does not include the mere planting or removal of plant materials, other than the removal of trees larger than twelve inches (12") in diameter, whose removal will nevertheless be permitted except where, all aspects of the removal having been considered, removal would, in the judgment of the Board, have a net material adverse impact on the character and appearance of the Historic Property or Historic District.

5. Repair does not include routine, necessary maintenance of a building or property wherein previously existing materials are to be replaced with identical materials or where existing paint

is to be replaced with paint of substantially the same color.

6. The painting of originally unpainted surfaces shall require a certificate of appropriateness.

7. The installation, removal or maintenance of mechanical systems and appurtenances such as heating and air conditioning, water treatment, and satellite systems are not changes for which a certificate of appropriateness is required.

(b) The requirement of a certificate of appropriateness shall apply to public property which has been designated as a Historic Property or which is contained in a Historic District, and shall apply to all actions by public authorities that involve Historic Properties and properties within Historic Districts.

(c) In addition to the procedures set forth in this Ordinance, the Board shall adopt rules and regulations setting forth additional procedures for submission and consideration of applications for certificates of appropriateness.

(d) Each application made to the City for a permit to demolish a Historic Property or any structure within a Historic District shall be submitted to the Board to begin the application process for a certificate of appropriateness.

(e) Each application made to the City for a permit to alter or repair a Historic Property or to build, alter or repair a structure within a Historic District shall be accompanied by plans for the proposed work. Such plans shall consist of photographs, drawings or sketches with sufficient detail to show the appearance of the architectural design of the building or work contemplated. With each set of plans there shall be submitted a detailed set of specifications and the plans and specifications shall be sufficient to show the plot plans or site layouts or features such as general exterior appearance, accessory structures, signs, lights, and other appurtenances. Such plans shall be forwarded to the Board to begin the application process for a certificate of

appropriateness.

(f) The Board shall promptly review such application and shall render its decision thereon and submit that decision in the form of a written order to the Chief Building Official. All applications for certificates of appropriateness shall be considered by the Board after a public hearing. Notice of said hearing shall be published in a newspaper of local circulation in at least one issue published no more than 20 days and no less than 10 days prior to the hearing date.

(g) Any applicant may appear in person before the Board in his own behalf and may present evidence. It shall not be mandatory that the usual rules of evidence be followed. If the Board disapproves any application or portion thereof, it shall state its reasons and its order shall state whether or not specific suggested revisions will make the plans eligible for reconsideration by the Board. If the Board fails to act or to report on an application within seventy-five (75) days, such failure shall be deemed to be approval of the application and its accompanying plans and specifications.

(h) The Board shall adopt general design standards that shall apply in considering the granting and denial of certificates of appropriateness. Design standards shall be consistent with the Secretary of the Interior's Standards, taking into account local characteristics and goals.

(i) The Board shall adopt and cause to be published a selection of approved body, roof, and trim paint colors for use on Historic Properties or buildings within Historic Districts. Any person using these pre-approved colors shall be deemed to have the approval of the Board to do so without having to appear before the Board. Changes to Historic Properties or buildings within Historic Districts other than painting with such pre-approved colors must be approved by the Board as otherwise provided in this Ordinance. Persons wishing to use colors not part of the approved selection may apply to the Board for approval following its regular procedures, and if such color is approved the Board may add it to the selection of approved paint colors.



(j) The Board may adopt an expedited procedure for approval of routine maintenance to Historic Properties, or to buildings or structures in Historic Districts. Such expedited procedure may waive the requirements for submission of an application for a certificate of appropriateness and for consideration at a public hearing.

(k) The Board shall keep a record of all applications for certificates of appropriateness and requests for approval of routine maintenance and of all of its proceedings.

**Section 2. Issuance of certificate; factors considered; reasons for rejection; application for reconsideration; effect of rejection on issuance of building permit.**

(a) The Board shall approve an application and issue a certificate of appropriateness if it finds that the proposed change, erection or demolition conforms to the general design standards established by the Board, is compatible with the character of the Historic Property or Historic District and does not materially impair the architectural or historic value of the Historic Property or Historic District. In making this determination, the Board shall consider, in addition to any other pertinent factors, the historic and architectural features involved and the proposed change thereto, and the relationship thereof, to the exterior architectural style, and pertinent features of other structures in the immediate neighborhood. Before the Board approves the plans for a proposed new building located within a Historic District, the Board shall find that such building neither in itself nor by reason of its location will materially impair the architectural or historic value of other buildings or sites in that Historic District. Before the Board approves the proposed demolition of an existing building within a Historic District, the Board must find that the removal of such building will not be detrimental to the historic or architectural character of that Historic District or the Board must find that, after balancing the interest of the City in preserving the integrity of the district against the interests of the property owner in the use and benefits of his property, approval of the plans for demolition is required by consideration of

reasonable justice and equity.

(b) In its review of applications for certificate of appropriateness, the Board shall not consider interior changes, design or use having no effect on the exterior of a building or structure. Further, the Board shall not impose any architectural style, traditional or modern, as a condition precedent to approval, except as necessary to ensure that the proposed work will not materially impair the architectural or historic value of the Historic Property or Historic District.

(c) In the event the Board rejects an application, it shall state its reasons for doing so and shall transmit a record of such action and reasons therefor, in writing, to the applicant and to the Chief Building Official. The applicant may make modifications to its plans and resubmit the application for reconsideration at any time after doing so.

(d) In cases where the application is for a change in the exterior of the building or structure that would require the issuance of a building permit, the rejection of an application for a certificate of appropriateness by the Board shall be binding upon all agencies of the City of Montgomery and, in such case, no building permit shall be issued.

**Section 3. Conflict of Interest.**

No member of the Board may vote on any application in which he has a proprietary, tenancy, or personal interest, or upon any design or plan, which he was employed to make.

**Section 4. No control over land use or building standards.**

The Board shall not exercise any control over land use otherwise provided for by the Zoning Ordinance, nor over the safety standards of construction otherwise provided for by the Building Code.

**Section 5. Appeal of denial of application to Circuit Court.**

Any person having a request for a certificate of appropriateness denied by the Board may appeal such denial to the Montgomery County Circuit Court. Any such appeal shall be filed with the circuit court within thirty (30) days after receipt of the notice of the final decision of the Board.

## **PART V - GENERAL PROVISIONS**

### **Section 1. Violation of requirements of ordinance.**

It shall be unlawful to change, construct or demolish a Historic Property or any structure within a Historic District without first having obtained the approval of the Board and having obtained a permit from the Chief Building Official of the City of Montgomery. Any person violating the provisions of this ordinance may be subject to punishment as set forth in Section 1-9 of the Code of the City of Montgomery.

### **Section 2. Institution of court proceedings to prevent violations and recover damages.**

Either the Commission or the City of Montgomery may institute any appropriate action or proceeding in a court of competent jurisdiction to prevent any change in the exterior of a building or structure which is either an Historic Property or which is contained in an Historic District, except those changes which are in compliance with the provisions of this ordinance, or to prevent any illegal act or conduct with respect to such Historic Property or Historic District, or to recover any damages which may have been caused by the violation of this ordinance.

### **Section 3. Other ordinances repealed.**

Ordinance 10-91 is hereby repealed; Section 4, subsections F and H of Ordinance 24-95 are repealed; the references to the “Montgomery Historic Development Commission” and the “Architectural Review Board” are deleted from Section 1 of Ordinance 24-95 and the

Commission and Board created by this Ordinance are expressly exempt from the provisions of Ordinance 24-95. All other ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

### **Section 4. Severability.**

Should any section, paragraph, sentence or word of this ordinance be declared to be invalid for any reason, it is the intent of the City Council that it would have passed all other portions of this ordinance independently of the elimination therefrom of any such portion that may be declared invalid. The provisions of this ordinance are severable. If any part of this ordinance is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

**ADOPTED this 6<sup>th</sup> day of April, 2004.**

**/s/ Brenda Gale Blalock  
Brenda Gale Blalock, City Clerk**

**Approved: 4-9-04  
/s/ Bobby Bright  
Bobby Bright, Mayor**