

CHAPTER 10

HISTORIC ZONING PROVISIONS

SECTION

- 11-1001. General purposes.
- 11-1002. Definitions.
- 11-1003. Creation.
- 11-1004. Appointment.
- 11-1005. Membership.
- 11-1006. Terms of appointment, removal, and vacancies.
- 11-1007. Election of officers, rules and meetings.
- 11-1008. Conflict of interest.
- 11-1009. Powers and duties.
- 11-1010. Procedures for review of historic zoning commission of permit applications.
- 11-1011. Enforcement.
- 11-1012. Designation of historic districts.
- 11-1013. Appeals.

11-1001. General purposes. The historic district zoning provisions are established in order that appropriate measures may be taken to ensure the preservation of structures of historic value to the Town of Jonesborough pursuant to the authority contained in section 13-7-401 of the Tennessee Code Annotated. The general intent includes, among others, the following specific purposes:

- (1) To effect and accomplish the preservation and protection of historic sites and districts having a special historic, architectural, or cultural interest and value to this town, state, and nation.
- (2) To regulate proposed exterior alterations to existing structures and property and the proposed exterior design of new construction within historic districts to ensure compatibility.
- (3) To regulate the proposed demolition of structures within historic districts, the loss of which would be detrimental to the public interest.
- (4) To promote the educational, cultural, economic, and general welfare of the people and safeguard the town's history and heritage as embodied and reflected in historic districts.
- (5) To stabilize and improve property values in historic districts and in the town as a whole.
- (6) To foster civic pride in the value of notable accomplishments of the past.
- (7) To strengthen the economy of the town.
- (8) To protect and enhance the town's attractions to residents, tourists, and visitors, and serve as support and stimulus to business and industry.

(9) To enhance the visual and aesthetic character, diversity, and interest of the town. [Ord. of May 8, 1989]

11-1002. Definitions. (1) Alteration. Any act that changes the exterior features of a designated property.

(2) Construction. The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

(3) Demolition. Any act that destroys the external walls in whole or in part of a structure in a historic district.

(4) Design guidelines. Standards adopted by the Jonesborough Historic Zoning Commission which preserve the historic, cultural, and architectural character of an area or of a structure.

(5) Economic hardship. An economic burden imposed upon the owner which is unduly excessive and prevents a realization of a reasonable rate of return upon the value of his property.

(6) Historic district. An area meeting one or more of the criteria contained in section 11-1012 of this of this chapter.

(7) Ordinary repair and maintenance. Any work, the purpose and effect of which is to correct any deterioration or decay of or damage to a structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original.

(8) Relocation. Any change of the location of a structure in its present setting or to another setting.

(9) Structure. A nonmovable work make up of interdependent and interrelated parts in a definite pattern of organization. [Ord. of May 8, 1989]

11-1003. Creation. A Historic Zoning Commission (HZC) is hereby created for the Town of Jonesborough, Tennessee. It shall consist of nine members who shall have been bona fide residents of the area of jurisdiction of the Town of Jonesborough for not less than three years immediately prior to the appointment and who shall continue to be so eligible as long as they serve. [Ord. of May 8, 1989]

11-1004. Appointment. Members of the Historic Zoning Commission shall be appointed by the Mayor of the Town of Jonesborough subject to approval by the Jonesborough Board of Mayor and Aldermen. [Ord. of May 8, 1989]

11-1005. Membership. Membership on the Historic Zoning Commission shall be composed of the following:

(1) One architect who is a member, or meets the membership requirements of the American Institute of Architects.

- (2) One member of the Jonesborough Planning Commission at the time of his appointment.
- (3) One member representing the local historic organization.
- (4) Six (6) members as selected from the community in general. [Ord. of May 8, 1989]

11-1006. Terms of appointment, removal, and vacancies. Appointments to membership on the Jonesborough Historic Zoning Commission shall be arranged so that the terms of no more than two members shall expire each year and their successors shall be appointed in like manner for a term of five (5) years. All members shall serve without compensation and may be removed from membership by the appointing authority after adequate notice and just cause. Any member being so removed shall be provided upon request, a public hearing on the removal decision before the Board of Mayor and Aldermen. Vacancies on the Historic Zoning Commission shall be filled for the unexpired term of those members whose position has become vacant in the manner herein provided for the appointment. Members who miss three consecutive meetings without just cause and adequate notice to the Chairman shall be subject to removal by the commission. [Ord. of May 8, 1989]

11-1007. Election of officers, rules and meetings. The Historic Zoning Commission shall elect from its members its own chairman and other officers deemed appropriate to carry out its purpose. The commission shall adopt rules of order and establish regular meeting dates. At least five members of the commission shall constitute a quorum for the transaction of its business. A concurring vote of a majority of any quorum shall constitute final action of the commission of any matter before it. [Ord. of May 8, 1989]

11-1008. Conflict of interest. Any member of the Historic Zoning Commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of the commission shall be disqualified from participating in the discussion, decision, or proceedings of the Historic Zoning Commission in connection therewith. [Ord. of May 8, 1989]

11-1009. Powers and duties. (1) The Historic Zoning Commission shall review applications regarding the creation of historic districts. The review of such applications shall be in accordance with the provisions set forth in section 11-1009 of this chapter. The commission shall furnish to the Jonesborough Board of Aldermen, in writing, its recommendations regarding the creation of any historic district. The district shall be established in accordance with Article XIII of the Jonesborough Zoning Ordinance. The board of aldermen shall review the recommendations of the commission prior to the establishment of such district.

(2) Prior to the establishment of a historic district the Historic Zoning Commission shall adopt for each such proposed district a set of review guidelines, which it will apply in ruling upon the granting or denial of a certificate of appropriateness as provided for in this chapter. Such review guidelines shall be consistent with the purposes of the ordinance and with regulations and standards adopted by the Secretary of the Interior pursuant to the National Historic Preservation Act of 1966, as amended, applicable to the construction, alteration, rehabilitation, relocation, or demolition of any historic structure situated within a historic district.

(3) The Historic Zoning Commission shall review permit applications for the alteration, construction, relocation, or demolition of structures within historic districts.

Such review shall be to ensure that all work undertaken in the historic districts complies with the applicable review guidelines, with primary consideration given to

(a) The historical or architectural value of the present structure.

(b) The relationship of the exterior architectural features of such structure to the rest of the structure, to the surrounding area, and to character of the district.

(c) The general compatibility of exterior design, arrangement, texture, and materials, proposed to be used.

(d) To any other factor, including aesthetic, which is reasonably related to the purpose of this chapter.

(4) The Historic Zoning Commission may conduct surveys and inventories to identify historically, culturally, and architecturally significant structures, sites, and areas that exemplify the cultural, social, economic, political, architectural, and archeological history of the nation, state, or town.

(5) The Historic Zoning Commission shall testify before all boards and commissions on any matter affecting historically exceptional or significant structures, sites, or areas or historic district.

(6) The Historic Zoning Commission shall inform and educate the citizens of Jonesborough concerning the historical, cultural, architectural, and archaeological heritage of the town. [Ord. of May 8, 1989]

11-1010. Procedures for review of historic zoning commission of permit applications. (1) Permit applications and building inspector. All permit applications for exterior alterations, new construction, relocation, or demolition with the historic districts shall be referred to the historic zoning commission, together with all plans, elevations, or other information as may be necessary to determine the appropriateness of the features to be passed upon by the historic zoning commission by the building inspector.

(2) Historic zoning commission review. The historic zoning commission shall meet within fifteen days after notification by the building inspector of the filing of a complete permit application involving property in the

historic district. At such meeting, the historic zoning commission shall apply the applicable design guidelines for the historic district to determine the appropriateness of the proposal and approve or disapprove the application with or without attached conditions or defer the application.

(3) Approval. Upon approval of an application, the historic zoning commission shall forthwith issue a certificate of appropriateness to the applicant and notify the building inspector of the approval. Upon failure of the historic zoning commission to take final action with thirty days after receipt of an application, the application shall be deemed approved, except when mutual agreement has been made for an extension of the time limit.

(4) Disapproval. In the case of disapproval by the historic zoning commission of any permit application, the historic zoning commission shall state the reasons therefore in a written statement to the applicant, in terms of design, arrangement, texture, color, material, and the like of the property involved. Notice of such disapproval and a copy of the written statement of reasons therefore shall also be transmitted to the building inspector.

(5) Economic hardship in cases of demolition. In cases involving demolition, the historic zoning commission may take into account economic hardship in addition to other review guidelines. The historic zoning commission may, after reasonable notice to the applicant and the public set an application for demolition for public hearing and may consider any or all of the following:

(a) Estimate of the cost of proposed redevelopment, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the historic zoning commission for changes necessary for the issuance of a certificate of appropriateness.

(b) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.

(c) Estimated market value of the property in its current condition; after completion of the proposed redevelopment, alteration, demolition, or removal; after any changes recommended by the historic zoning commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use.

(d) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.

(e) Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.

(f) If the property is income-producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service if any during the same period.

(g) Any other information considered necessary by the historic zoning commission to a determination as to whether the property does or may yield a reasonable return to the owners. [Ord. of May 8, 1989]

11-1011. Enforcement. (1) Enforcing officer. The historic zoning provisions shall be enforced by the town building inspector, who shall have the right to enter upon any premises necessary to carry out his duties in this enforcement.

(2) Penalties. Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two dollars (\$2.00) nor more than fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense. [Ord. of May 8, 1989]

11-1012. Designation of historic districts. Criteria. A historic district shall be defined as a geographically definable area which possesses a significant concentration, linkage or continuity of sites, building, structures or objects which are united by past events or aesthetically by plan or physical development, and which meets one or more of the following criteria:

(1) That it is associated with an event which has made a significant contribution to local, state, or national history.

(2) That it includes structures associated with the lives of persons significant to local, state, or national history.

(3) That it contains structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.

(4) That it has yielded or may be likely to yield archeological information important in history or prehistory.

(5) That it is listed in the National Register of Historic Places. [Ord. of May 8, 1989]

11-1013. Appeals. Appeals from any decision of the historic zoning commission may be taken to a court of competent jurisdiction as provided for by state law.

Nothing in this chapter shall be interpreted as giving the historic zoning commission any authority to consider, review, examine or control the use of property classified as within a historic district. Use shall be controlled solely by

Change 9, November 13, 2006

11-118

the zoning controlling such property prior to its designation as a historic district or as may be rezoned by subsequent amendments. [Ord. of May 8, 1989]