

## SECTION 232

### HS

#### HISTORIC DISTRICT

(As amended by Ordinance Nos. O05-04-06 and O14-02-02)

#### SECTION 232.1 GENERAL DESCRIPTION

The HS District intended to protect and preserve the heritage and historic sites of the City of Cookeville. It is designed to create an aesthetic atmosphere and foster civic beauty, stabilize and enhance property values, stimulate business and tourism and promote the education and heritage of present and future citizens.

#### SECTION 232.2 PURPOSES

The HS District is established for the purposes of protecting and preserving the heritage and historic sites of the City; safeguarding the character and heritage of the HS District by preserving the district as a whole and individual property therein that embodies important elements of its social, economic, cultural, political or architectural history; promoting and conserving the HS District for the education, pleasure and enrichment of residents of the HS District and of the City of Cookeville, Putnam County and the State of Tennessee as a whole; creating an aesthetic atmosphere and fostering civic beauty; stabilizing and enhancing property values throughout the HS District as a whole; enhancing attraction of the City to tourists and visitors, thereby supporting and stimulating business and industry; and promoting the education and patriotic heritage of the present and future citizens of the City, all of which purposes contribute to the improvement and the general health and welfare of the City and the residents of the HS District. The regulations within the HS District are provided for the purposes of preserving and protecting the historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, squares and neighborhoods of historic areas.

#### SECTION 232.3 HISTORIC ZONING COMMISSION

##### 232.3A Creation and Membership (As amended by Ordinance No. O05-04-06)

Pursuant to the provisions of Sections 13-7-401 through 13-7-409 of the Tennessee Code, there is hereby created the Historic Zoning Commission, hereinafter referred to as the Commission. The Commission shall consist of seven (7) members, including a representative of a local patriotic organization; a representative from a local preservation organization; an architect, if available, and a member of the Cookeville Regional Planning Commission, at the time of the appointment. The remainder shall come from the community in general. Members shall be appointed by the Mayor and confirmed by a majority vote of the Cookeville City Council. The terms of membership shall be five (5) years, except that the initial individual appointments to the Commission shall be for terms of one (1), two (2), three (3), four (4) and five (5) years, respectively. Vacancies shall be filled for any unexpired terms by the Mayor and confirmed by the City Council. All members shall serve without compensation.

### 232.3B Procedure

The members shall elect a Chair from among themselves to preside over meetings. Meetings of the Commission shall be held at the call of the Chair and at other times as the Commission may determine. Meetings of the Commission shall be open to the public. The Commission shall adopt rules of procedure and shall keep records of applications and actions, which shall be public records. A majority of the membership shall constitute a quorum. The concurring vote of a majority of those present at any meeting shall constitute final action of the Commission on any matter before it.

### 232.3C Powers and Duties

Applications for building permits for construction, alteration, repair, moving or demolition conducted within the HS District shall be referred by the Department of Planning and Codes to the Commission, which shall:

1. Request detailed construction plans and related data pertinent to review a proposal before the Commission;
2. Direct, within thirty (30) days following the availability of sufficient data, the granting of a building permit, with or without conditions, or the refusal of a building permit, provided that the grounds for refusal are stated in writing;
3. Consider the following in making its decision:
  - a. Historic and/or architectural value of the existing structure;
  - b. Relationship of exterior architectural features of the structure to the remaining structures of the surrounding area;
  - c. General compatibility of exterior design, arrangement, texture and materials proposed to be used; and
  - d. Any other factor, including aesthetic, which is deemed pertinent.

### 232.3D Additional Powers and Duties

It shall be the duty of the Commission to make the following determinations with respect to the HS District:

1. Appropriateness of altering or demolishing a building or structure. The Commission may require interior and exterior photographs, architectural measured drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of permission to demolish a building or structure. The photographs, drawings, and so forth, shall be provided at the expense of the applicant.
2. Appropriateness of the exterior architectural features, including signs and other exterior fixtures, of new buildings and structures to be constructed.
3. Appropriateness of exterior design or extension of an existing building or structure.
4. Appropriateness of front, side or rear yards, off-street parking spaces, location of entrance drives into property or sidewalks along the public right-of-way, which might affect the character of a building or structure.

5. The general compatibility of exterior design, arrangement, texture and material of the building or structure in relation to similar features of buildings in the immediate surroundings. However, the Commission shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings.
6. No decision by the Commission shall cause undue economic hardship for any applicant.

#### 232.3E Jurisdiction

The Commission shall have jurisdiction relating to historic zoning matters. Anyone who may be aggrieved by the final order or judgment of the Commission may have the order or judgment reviewed by the courts by the procedures of statutory certiorari as provided for in Section 27-9-101 et seq. of the Tennessee Code.

### **SECTION 232.4      PROCEDURE FOR ESTABLISHMENT OF HS DISTRICT ZONING**

The HS District classification may be superimposed in addition to existing zoning classifications provided the provisions of Section 233.10 of this Zoning Code and the provisions contained in this Section are complied with.

#### 232.4A Historic Zoning Commission Recommendation Required

Recommendations for the establishment of HS District zoning overlays shall be submitted by the Historic Zoning Commission to the Planning Commission. The Historic Zoning Commission's recommendations for HS District overlay rezoning may originate from the Historic Zoning Commission, through its own initiative, or they may originate from a request submitted by property owners to the Historic Zoning Commission.

#### 232.4B Procedure for Requests by Property Owners

An application for HS District overlay rezoning shall be filed with the Historic Zoning Commission. Said application shall indicate the map, group and parcel numbers of all properties proposed for rezoning. The application shall be signed by the owners of the affected properties. The applicant, which may be the individual property owners or one (1) person may act as a liaison for more than one (1) property owner, shall present the request to the Historic Zoning Commission. The Historic Zoning Commission shall review the request and determine if it should be approved and recommended to the Planning Commission.

232.4D Criteria for Recommendation for HS District Zoning

Prior to submitting a recommendation to the Planning Commission for the establishment of a HS District overlay rezoning, the Historic Zoning Commission shall determine that the following criteria exists. The quality of significance in American history, architecture, archaeology and culture is present in districts, sites, buildings and structures that possess integrity of location, design, setting, materials, workmanship, feeling and association; and

1. That are associated with events that have made a significant contribution to the broad patterns of history; or
2. That are associated with the lives of persons significant in the past; or
3. That embody the distinctive characteristics of a type, period or method of construction or that represent 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; or
4. That have yielded, or may be likely to yield, archaeological information.

232.4E Simple Majority Approval of Property Owners Required (As amended by Ordinance No. O14-02-02)

A simple majority of property owners in any area proposed for HS District overlay rezoning shall be in favor of such rezoning. Written confirmation of the majority approval (signed petitions, letters of approval, or similar documentation) shall be provided by the Historic Zoning Commission to the Planning Commission at the time its recommendation for rezoning is submitted.

232.4F Notice to Affected Property Owners

Notice of the time and place of the meeting of the Planning Commission at which the Historic Zoning Commission's recommendation for a HS District overlay rezoning shall be presented shall be published in the Herald Citizen at least seven (7) days prior to said meeting. Where properties are proposed for rezoning whose owners have not consented in advance in writing, the Historic Zoning Commission shall notify the owners of the properties so affected by certified mail, return receipt requested, of the time and place of the meeting of the Planning Commission at which the rezoning request will be presented, and the receipts shall be presented as exhibits for the rezoning request.

**SECTION 232.5 USES PERMITTED**

The uses permitted in an underlying zoning district shall be permitted in the HS District.

## **SECTION 232.6 CERTIFICATE OF APPROPRIATENESS REQUIRED**

- 232.6A No building permit for construction, alteration or rehabilitation, moving or demolition to be conducted within the HS District shall be issued by the Department of Planning and Codes until the project has been submitted to, and received a written certificate of appropriateness from, the Commission.
- 232.6B Administration shall be by the Codes Director and the Commission, and the items regulated within the HS District shall be submitted to the Commission, through the Department of Planning and Codes, for its review.
- 232.6C Alterations, additions or new construction previous to the establishment of the HS District, which required that application be made for a building permit, shall continue to require that application be made for a building permit, and approval shall be obtained from the Commission before work can begin.

## **SECTION 232.7 GUIDELINES FOR REVIEW**

In evaluating an application for a certificate of appropriateness, the Commission shall determine the following:

- 232.7A Whether the proposed action is in harmony with the intent of this section;
- 232.7B Whether the proposed action would complement other structures within the HS District;
- 232.7C In the case of alterations to existing structures, whether the proposed action complies with the “Standards for Rehabilitation” and the applicable guidelines for exterior features promulgated by the Secretary of the Interior in the publication, “Standards for Rehabilitation”, (Revised 1990), as hereafter amended;
- 232.7D In the case of new construction, whether the proposed action complies with the “Standards for Rehabilitation” and the applicable guidelines for new construction promulgated by the Secretary of the Interior in the publication, “Standards for Rehabilitation”, (Revised 1990), as hereafter amended;
- 232.7E In the case of removal or demolition, whether the structure could not be rehabilitated and used for a conforming purpose with reasonable efforts; and
- 232.7F In the case of removal or demolition, whether the structure is without substantial historic or architectural significance.
- 232.7G A certificate shall be granted:
1. In the case of alterations to existing structures if the Commission answers (A), (B) and (C) affirmatively;

2. In the case of new construction, if the Commission answers (A), (B) and (D) affirmatively; and
3. In the case of removal or demolition, if the Commission answers (A), (B) and either (E) or (F) affirmatively.

232.7H If the Commission does not answer the required questions affirmatively, then it shall either deny the certificate of appropriateness or grant it subject to the conditions as may be required in order to permit an affirmative answer to the required questions.

232.7I Additional Design Guidelines

The Commission shall have the authority to adopt additional design guidelines, based on the Secretary of the Interior’s “Standards for Rehabilitation,” for each HS, Historic District.

**SECTION 232.8 BUILDING PERMIT PROCEDURES**

232.8A Application for a building permit within the HS District shall be made to the Department of Planning and Codes, and the application shall be referred directly to the Commission. The Commission shall have broad powers to request detailed construction plans and related data pertinent to the thorough review of applications.

232.8B Upon receiving an application for a building permit, the Commission shall, within thirty (30) days following the availability of sufficient data, meet and consider the request and issue a letter to the Department of Planning and Codes stating its approval, with or without attached conditions, or disapproval, with the grounds for disapproval stated in writing. This time period may be extended by mutual agreement. If the certificate of appropriateness is issued, then the application shall be processed in the same manner as that of any other building or demolition permit. If the Commission disapproves the application, then a certificate of appropriateness shall not be issued, and the Department of Planning and Codes shall so advise the applicant.

232.8C The Department of Planning and Codes shall review applications for building permits which have received written approval from the Commission, in the same manner as applications made outside of the HS District, and final issuance or rejection shall be based upon adopted building codes. The fee charged for building permits within the HS District shall conform to the existing fee schedules for building permits in any other zoning district.

**SECTION 232.9 RIGHT OF ENTRY UPON LAND**

The Commission, its members and employees, in the performance of its work, may enter upon land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this Zoning Code, but there shall be no right of entry into a building without the consent of the owner.

**SECTION 232.10 MAINTENANCE AND REPAIR OF IMPROVEMENTS**

Property owners in the HS District shall maintain the exterior portions of their improvements in conformity with the Standard Building Code.

**SECTION 232.11 REMEDYING OF DANGEROUS CONDITIONS**

When the City of Cookeville shall order or direct the construction, removal, alteration or demolition of an improvement in the HS District for the purpose of remedying conditions determined to be dangerous to life, health or property, then nothing contained in this chapter shall be construed as making it unlawful for a person, without prior issuance of a letter of approval pursuant to this Section, to comply with the order or direction. However, the City shall give the Commission notice of the proposed order or direction, which affects, or may affect, the exterior appearance of a structure or site in the HS District. The Commission shall have adequate opportunity to review and provide written comments upon the action proposed by an enforcement agency within the HS District prior to the initiation of an action.

**SECTION 232.12 INJUNCTIVE POWERS AND PENALTIES**

Where it appears that the owner or person in charge of an improvement on a landmark site or preservation site threatens to start, or has started, work in violation of this Section, then the City shall apply to an appropriate court for an injunction against a violation of this Section. If an order of the court enjoining or restraining the violation does not receive immediate compliance, then the city attorney shall apply to an appropriate court to punish the violation pursuant to law.