

ORDINANCE NUMBER 1367

AN ORDINANCE FOR THE BOARD OF MAYOR AND COUNCIL OF THE CITY OF LAWRENCEBURG, TENNESSEE TO AMEND ORDINANCE #789 AND ORDINANCE 810 AND ORDINANCE 1220 ENTITLED "ZONING ORDINANCE FOR THE CITY OF LAWRENCEBURG", TENNESSEE; AND TO AMEND THE LAWRENCEBURG MUNICIPAL CODE ARTICLE V. SECTION 5.092 REGARDING HISTORICAL ZONING REGULATIONS CONCERNING CHANGES IN THE HISTORICAL ZONING ORDINANCE AND COMMISSION OF THE CITY OF LAWRENCEBURG First Reading

WHEREAS, the City of Lawrenceburg desires to amend Ordinance 810, 1220 and the Lawrenceburg Municipal Code Article V. Section 5.092 concerning the Historic Zoning Overlay District.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND COUNCIL OF THE CITY OF LAWRENCEBURG, TENNESSEE, A MUNICIPAL CORPORATION UNDER THE LAWS OF THE STATE OF TENNESSEE, as follows:

SECTION I: The Board of Mayor and Council amend Ordinance Number 810 and 1220 and the Lawrenceburg Municipal Code Article V Section 5.092 /as follows deleting all wording in Article V. Section 5.092 regarding Historic Zoning Regulations;

SECTION II: The Board of Mayor and Council amend Ordinance Numbers 789, 810 and 1220 by adding the wording in Ordinance 1367 attached as exhibit "A"

THEREFORE, BE IT ORDAINED BY THE CITY OF LAWRENCEBURG that this Ordinance amends Ordinance 810 and Ordinance 1220 as well as Ordinance Number 789 Lawrenceburg Municipal Code and is hereby adopted by reference as though copied herein fully: and may be viewed in its entirety in the office of the City Administrator and on the City of Lawrenceburg's Web Site <http://www.lawrenceburgtn.gov>.

SECTION III: EFFECTIVE DATE:

This Ordinance shall take effect from and after its passage, the public welfare requiring it and the welfare of the City of Lawrenceburg requiring it. All Ordinances,

Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby modified or repealed to comply with the provisions of this Ordinance.

This Ordinance approved as to form by:

ALAN BETZ, CITY ATTORNEY

ORDINANCE FILED: May 26, _____, 2023
Passed First Reading: _____, 2023
Notice of Public Hearing Issued: _____, 2023
Public Hearing Held: _____, 2023
Passed Second Reading: _____, 2023

PASSED AND ADOPTED BY THE BOARD OF MAYOR AND COUNCIL ON THIS THE _____ DAY OF _____, 2023.

MAYOR

CITY RECORDER

**AN ORDINANCE TO AMEND THE LAWRENCEBURG MUNICIPAL CODE
ARTICLE V, SECTION 5.092 REGARDING HISTORIC ZONING
REGULATION**

WHEREAS, the state of Tennessee, through the *Tennessee Code Annotated*, section 13-7-401 et seq. grants cities the right and authority to establish special historic districts or zones, and to regulate the construction, repair, alteration, rehabilitation, relocation, and demolition of any building or other structure which is located or is proposed to be located within the boundaries of any historic district or zone; and

WHEREAS, the City of Lawrenceburg has existing standards regarding historic zoning; and

WHEREAS, the City of Lawrenceburg desires to strengthen its current regulations; and

NOW THEREFORE BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF LAWRENCEBURG, TENNESSEE:

SECTION 1. City of Lawrenceburg’s Municipal Code is hereby amended by deleting section 5.092 in its entirety and replacing it with the following:

5.092 Historic Zoning Overlay District

A. Intent of the Historic District

This Article’s purpose is to provide for the identification, designation, and regulation of those sites, structures, and districts of historical, archaeological, architectural, or cultural value to the City of Lawrenceburg. These requirements are adopted pursuant to the authority granted in Section 13-7-401, of the Tennessee Code Annotated. The general intent of this provision includes, among others, the following specific purposes:

1. To preserve and protect the historical and/or architectural value of buildings or other structures;
2. To regulate exterior design, arrangement, texture, and materials proposed to be used within the historic district to ensure compatibility;
3. To create an aesthetic appearance that complements the historic buildings or other structures;

4. To stabilize and improve property values;
5. To foster civic beauty;
6. To strengthen the local economy; and
7. To promote the use of historic districts for the education, pleasure, and welfare of the present and future citizens of the City of Lawrenceburg.

B. Definitions

For this Article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

1. Alteration

Any act or process that changes one or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

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.

4. Demolition by Neglect

The failure to provide ordinary and necessary maintenance and repair to a historic site or a historic resource within a historic district, whether by negligence or willful neglect, purpose, or design, by the owner or any party in possession of such site.

5. Design Guidelines

Standards adopted by the Lawrenceburg Historic Zoning Commission to preserve the historical, cultural, and

architectural character of an area or a structure.

6. An Economic Hardship

An economic burden imposed upon the owner that is unduly excessive and prevents a realization of a reasonable rate of return upon the value of his property.

7. Historic District

A group of historic resources that are significant as a cohesive unit and contribute to historical, architectural, archaeological, or cultural values within the City of Lawrenceburg and that has been so designated by the Historic Zoning Commission.

8. Historic Landmark

Any individual historic resource that is significant and contributes to historical, architectural, archaeological, or cultural values within the City of Lawrenceburg and which has been so designated by the Historic Zoning Commission.

9. Ordinary Repair and Maintenance

Any work, the purpose of which is to correct any deterioration or decay or damage to a structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition before such deterioration, decay, or damage, using available materials that are the same as or as close as possible to the original.

10. Relocation

Any change of the location of a structure.

11. Structure

A nonmoveable work made up of interdependent and interrelated parts in a definite pattern of organization.

C. Creation of the Historic Zoning Commission

To execute the purposes of this act there, a commission is established to be known as the Historic Zoning Commission. The commission shall consist of five (5) members, appointed by the

mayor and subject to confirmation by the Board of Council. Additionally, one (1) city council member shall serve as an advisory, non-voting, member of said Historic Zoning Commission.

1. Membership of the Historic Zoning Commission shall be selected by the following:

2.

- a. Lawrenceburg Regional Planning Commission.
- b. A member of the downtown association.
- c. Drafter, designer or construction contractor with preferred experience in commercial and historical restoration, or architect that meets membership requirements, of the American Institute of Architects, if available.
- d. Business owner in the historic district.
- e. No more than one member from the community in general.
- f. A member of the Lawrenceburg Board of Council, elected by the council members. Said City Council member shall be an advisory member and shall not have voting rights.

3. Terms of Office

The members of the Historic Zoning Commission shall serve for a three (3) year term, except for the members first appointed, who shall serve respectively as follows: One (1) for one (1) year; one (1) for two (2) years; three (3) for three (3) years. All members shall serve without compensation and may be removed from membership by vote of the Board of Council of the City of Lawrenceburg.

Vacancies on the Historic Zoning Commission shall be filled for the unexpired term of those members whose position has become vacant in the manner provided for the appointment of such members; vacancies shall be filled within sixty (60) days.

4. Organization

The Historic Zoning Commission shall elect its chairman and other officers deemed appropriate to carry out its purpose from its voting members. Meetings of the Historic Zoning Commission shall be held at the call of the chairman or the majority of the membership. The commission shall adopt rules for the conduct of its business. At least three (3) voting members of the commission shall constitute a quorum for the transaction of its business. The concurring vote of a majority of the members present shall constitute final action of the commission on any matter before it.

5. Conflict of Interest

Any member of the Historic Zoning Commission who shall have a direct or indirect interest in any property 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.

D. Boundaries of Historic Districts and Landmarks

Upon adoption of this ordinance, the Historic Zoning Commission shall delineate the boundaries of the historic district and the location of landmarks and have it approved by the Lawrenceburg City Commission. After the boundary receives approval from the City Commission, it shall be shown on the zoning map or as special overlays to the zoning map. Changes in the boundaries of the historic district or the location of landmarks may occur after a recommendation by the Historic Zoning Commission and the City Commission's approval.

1. Historic District Defined

A historic district shall be defined as a geographically definable area that possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects which are united by past events or aesthetically by plan or physical development, and which meets one (1) or more of the following criteria.

- a. That it is associated with an event which has made a significant contribution to local, state, or national history; or
- b. That it includes structures associated with the lives

of persons significant in local, state, or national history; or

- c. That it contains structures or groups of structures which 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
- d. That it has yielded or may be likely to yield archaeological information important in history or prehistory; or

2. Landmark Defined

A historic landmark shall be defined as a building, structure, site, or object, its appurtenance, and the property it is located on, of high historical, cultural, architectural, or archeological importance and whose demolition or destruction would constitute an irreplaceable loss to the quality and character of Lawrenceburg and which meets one (1) or more of the following criteria:

- a. That is associated with an event which has made a significant contribution to local, state, or national history;
- b. That is associated with the lives of persons significant in local, state, or national history;
- c. That embodies the distinctive characteristics of a type, period, or method of construction or that represents the work of a master, or that possesses high artistic value;
- d. That has yielded or may be likely to yield archaeological information important in history or prehistory; or
- e. That is listed in the National Register of Historic Places.

E. Powers and Duties of the Historical Zoning Commission

1. The Historic Zoning Commission shall review applications regarding the creation of historic districts and landmarks. The review of such applications shall be in accordance with the criteria set forth in Subsection D., of this article. The commission shall furnish to the city council, in writing, its recommendations prior to the establishment of such districts or landmarks.
2. Prior to establishing a historic district or landmark, the Historic Zoning Commission shall adopt a set of review guidelines for each such proposed district or landmark, which will apply in ruling upon the granting or denial of a certificate of appropriateness as provided for in this article. However, the historic zoning commission may prepare a listing of prior approvals permitted in the historical district and determine work activities deemed ordinary maintenance and repair. Reasonable public notice and opportunity for public comment, by public hearing or otherwise, shall be required before adopting any such review guidelines.
3. It shall be the duty of the Historic Zoning Commission to make the following determinations for the historic districts or landmarks when applicable:
 - a. Appropriateness of altering or demolishing any building or structure within the historic district or any landmark.
 - b. Appropriateness of exterior architectural features, including signs and other exterior fixtures, of any new buildings and structures to be constructed within the historic district or of any landmark.
 - c. Appropriateness of exterior design of any new extension of any existing building or structure within the historic district or of any landmark.
 - d. Appropriateness of front yards, side yards, rear yards, off-street parking spaces, location of entrance drives into the property, sidewalks, along the public right-of-way, which might affect the character of any building or structure within the historic district or landmark.
 - e. Appropriateness of the general exterior design,

arrangement, texture, and material of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings and entire district. However, the Historic Zoning Commission shall not consider interior arrangement or design.

4. In the performance of its work, the commission, its members and employees may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance, but there shall be no right of entry into any building without the consent of the owner.
5. The commission may require interior and exterior photographs, measured architectural drawings of the exterior, or other notations of architectural features to be used for historical documentation as a condition of any permission to demolish a building or structure, such photographs, drawings, etc., shall be at the expense of the commission.

F. Construction, Alteration, Repair, Moving, or Demolition

1. There shall be no construction, alteration, demolition, or relocation that affects the external appearance of a historic site without the prior approval of the Historic Zoning Commission. Such approval shall be signified by a Certificate of Approval which shall be issued by the commission in such form as the commission shall deem advisable.

a. Applications

Applications for a Certificate of Approval shall be made at the office of the Building Inspector of the City of Lawrenceburg. The Building Inspector shall notify the Historic Zoning Commission of such applications, which shall include preliminary scale drawings and specifications, and other appropriate documents to acquaint the commission with the proposed project details. All applications for Certificates of Approval received by the Building Inspector shall be provided to the Historic Commission within fifteen (15) days of receiving a complete application and shall bear the Building Inspector's recommendation for approval,

disapproval, or approval with conditions.

b. Acceptance of Applications

The Historic Zoning Commission shall meet within thirty (30) days of receiving a complete application to consider the application. If the preliminary drawings and other data are sufficiently clear, the commission may grant final approval based on them. However, the commission shall have the power to require drawings signed by registered architects or engineers and such other documentation as required.

Upon first considering the application, the Historic Zoning Commission shall determine if preliminary drawings and other data provided are sufficiently clear or whether to require additional drawings and other documentation.

Upon receipt of all necessary information, the Historic Zoning Commission shall accept the application as complete.

c. Approval or Disapproval

Within thirty (30) days following the acceptance of an application, the Historic Zoning Commission shall issue its Certificate of Approval with or without condition or refuse to grant a Certificate of Approval. If the commission should refuse to grant a Certificate of Approval, it shall state its grounds for refusal in writing and communicate such grounds to the applicant.

d. Timely Approval Required

If the Historic Zoning Commission cannot give timely approval to applications, the application shall be considered approved and the Building Inspector shall allow alteration, relocation, or demolition if:

- i. The Historic Zoning Commission does not meet to consider a complete application provided by the Building Inspector within thirty (30) days
- ii. The Historic Zoning Commission does not notify the applicant of approval, with or without

conditions, or disapproval within thirty (30) days of accepting an application

iii. Except that such automatic approval shall not apply during any citywide state of emergency.

2. No historic site may be demolished or partially demolished without the prior approval of the Historic Zoning Commission. Any application to demolish or partially demolish a structure in the historic district shall be forwarded to the Historic Zoning Commission.

G. Moratorium on Alteration or Demolition

The commission shall have the power to require a one hundred eighty (180) day moratorium on any request to demolish or alter any structures covered by this ordinance. If action has not been taken or any provisions made for acquiring or restoring the structure within this period, the proposed demolition or alteration shall be deemed approved by the commission.

1. Demolition by Neglect

Structures located within a historic district which contribute architecturally or historically to the character and importance of the district and all landmarks shall be preserved against decay and deterioration and kept free from structural defects by the owner or such other person or persons who may have legal custody and control thereof. The owner or other person having custody and control, in keeping with the city's housing standards, shall repair any exterior or interior portions of such building, sites, structure, or object which is becoming deteriorated, decayed, or damaged and tending to cause the structure to fall into a state of disrepair.

2. The Historic Zoning Commission, on its own initiative, may file a petition with the Building Inspector requesting that he proceed under the public safety and housing regulations to require the correction of defects or repairs to a structure covered under Section 5.092, G, 1, above, so that such structure shall be preserved and protected in accordance with the purposes of this ordinance.

3. If any structure covered by Section 8.1, above, shall have to be demolished as a public safety hazard and the owner of

the structure shall receive two or more notices from the Building Inspector of building neglect in violation of this ordinance and other city ordinances, no application for a permit for a project on the property may be considered for a period of two (2) years from the date of demolition of the structure. Additionally, no permit for a curb cut needed for the operation of a surface parking lot shall be granted by any city office during this period.

H. Determination of Economic Hardship

Each application for removal or demolition shall be considered, taking into account economic hardship. The commission may, after reasonable notice, set an application for public hearing and may consider any or all of the following:

1. Estimate of the cost of the proposed redevelopment, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the commission for changes necessary for the issuance of a Certificate of Appropriateness.
2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structure of the property and their suitability for rehabilitation.
3. Estimated market value of the property in its current condition; after completion of the proposed redevelopment, alterations, demolition, or removal; after any changes recommended by the commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use.
4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate consultant, appraiser, or other real estate professional experienced in rehabilitation or reuse of the existing structure on the property.
5. 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.

6. If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the

previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.

Any other information considered necessary by the commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.

Request for reconsideration shall be taken up at a public hearing with reasonable notice and consideration given to any or all of the factors listed above.

I. Jurisdiction and Appeals

Appeals from any decision of the Historic Zoning Commission may be taken to a court of competent jurisdiction as provided by law.

Nothing in this Article shall be interpreted as giving the commission any authority to consider, review, examine or control the use of property classified as a historic zoning district or landmark. Use shall be controlled solely by the zoning controlling such property prior to its classification as a historic district or landmark or as may be rezoned by subsequent amendments. (Ord. #789, June 1993, as amended by Ord. #810, Sept. 1994, and Ord. #1220, Jan. 2018 *Ch4_03-28-19*)

SECTION 2. Each section, subsection, paragraph, sentence, and clause of this ordinance, including codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in this ordinance shall not affect the validity of any other portion of said ordinance, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

[signature block information]