

ORDINANCE NO. 639

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF CLINTON, TENNESSEE, CHAPTER SIX, SECTION 14-604, B-1, CENTRAL BUSINESS DISTRICT, SECTION 14-611, H-1, HISTORIC OVERLAY DISTRICT, AND THE ADDITION OF SECTION 14-613, O-1, DOWNTOWN RESIDENTIAL OVERLAY DISTRICT.

RECOMMENDATION BY CPC: X FOR ADOPTION

AGAINST ADOPTION

DATE: February 11, 2019

PUBLIC HEARING HELD: March 25, 2019

PUBLIC NOTICE PUBLISHED: March 13, 2019

(in Clinton Courier-News)

1st READING: February 25, 2019

2ND READING: March 25, 2019

WHEREAS, The Clinton City Council, in accordance with Section 13-7-204 of the Tennessee Code Annotated, may amend the zoning ordinance and the "Zoning Map of Clinton, Tennessee",

WHEREAS, the Clinton Municipal Planning Commission reviewed proposed zoning amendments on *February 11, 2019* and recommended amending the zoning ordinance accordingly; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of Clinton, Tennessee that the following sections of the Zoning Ordinance of the City of Clinton, Tennessee:

Section 1. Section 14-604, B-1, Central Business District is hereby amended as follows:

14-604. **B-1 Central Business District.** It is the purpose and intent of this district to secure the commercial core of the City, to promote the historic preservation of the old CBD, and to encourage development for a vibrant community mixing office, private services, retail shopping facilities, and ample proportion of residential developments that will complement and support the downtown core. The requirements of the district are designed to protect and improve this area as the principal shopping and office district of Clinton. Prior to the issuance of building permits for all new construction, site plans as required by Section 14-310, shall be reviewed and approved by the planning commission to determine if the projects meet all requirements and are in keeping with the comprehensive planning program of the City of Clinton, Tennessee. When proposed uses are adjacent to a residential district, a buffer strip shall be planted and maintained.

A. In order to achieve the purpose and intent of the B-1 Central Business District, as shown on the zoning map of the City of Clinton, Tennessee, the following regulations apply and uses are permitted:

1. Restaurants, retail trade, *limited* services, excluding all types requiring outdoor display or storage.
2. *Limited* personal, business, and professional services, excluding repair garages, junkyards, waste collection or transfer sites, storage yards and other similar uses.
3. Cultural activities, parks, museums, art galleries, libraries, and similar profit or non-profit cultural facilities.
4. Churches, clubs, and lodges with the principal use being conducted indoors.
5. Dwelling units for the purpose of permanent occupancy located above street level.

6. Publicly owned buildings and uses, excluding schools and waste collection or transfer sites, following approval by the planning commission as required in Tennessee Code Annotated, 13-4-104.
7. Signs as regulated in Section 14-309.
8. Necessary customary accessory uses and structures permitted only by approval of the planning commission on a case-by-case basis.
9. A minimum of five (5) feet or sixty-five percent (65%) along a public sidewalk shall be kept unobstructed and maintained as a clear zone.
10. No off-street parking is required, however, any off-street parking provided shall meet the applicable provisions in Sections 14-302 - 14-307.
11. Setback and height requirements as regulated in Chapter 7 (Ord 357).
12. The Board of Zoning Appeals may hear and determine if any use not listed as a permitted use is of the same general character as other permitted uses in the district and is consistent with the intent and purpose of the district (Ord 557).

Deleted current 14-604.6 – Reference to townhouses & condos permitted as a PUD.

Retained 14-604.10 thru 14.604.12. This was not intended on being deleted from current zoning code.

- B. In order to achieve the purpose and intent of the B-1 Central Business District, as shown on the zoning map of the City of Clinton, Tennessee, the following uses may be permitted as a special exception by the board of zoning appeals:
1. Detached Single-family dwellings on individual lots, as new developments, in conformance with the Downtown Residential Policies of the Clinton Land Use and Transportation Policy Plan and other applicable standards.
 - A. Residential dwellings shall be oriented with the primary façade and entrance facing the street.
 - B. Residential dwellings shall not encroach past, but be consistent with the average existing building frontages of the adjoining buildings along the street (within 4 feet).
 - C. Residential developments shall provide a minimum one (1) on-site parking space per dwelling unit.
 - D. A downtown residential plot plan is required for review to include a rendering of the building.

Section 2. Section 14-611, H-1, Historic District, is hereby amended with a reference to Appendix E containing the Historic Zoning Commission Design Review Guidelines and the inclusion of Appendix E as follows:

14-611. H-1 Historic District. The H-1 District is established as an overlay district. The City of Clinton may designate areas within existing zoning districts as an H-1 district for the purpose of: preserving and protecting the historical and/or architectural value of buildings, other structures, or historically significant areas; regulating exterior design, arrangement, texture, and materials proposed to be used within the historic district to ensure compatibility; creating an aesthetic appearance which complements the historic building or other structures; stabilizing and improving property values; fostering civic beauty; strengthening the local economy; and promoting the use of historic districts for the education, pleasure, and welfare of the present and future citizens of the City of Clinton.

The regulations of any zoning district underlying the H-1 zone shall prevail, except that no building, development, or improvement project shall be commenced within the H-1 district unless such project has received a certificate of appropriateness from the building official and/or the Clinton Historic Zoning Commission, in accordance with the Clinton Historic Zoning Commission Design Review Guidelines contained in Appendix E.

APPENDIX E

CLINTON HISTORIC ZONING COMMISSION

DESIGN REVIEW GUIDELINES

CLINTON HISTORIC DISTRICT

(H-1)

PURPOSE:

These guidelines have been adopted pursuant to the provisions of Title 11, Section 11-1203 of the "Clinton Municipal Code," and Section 13-7-406 of the Tennessee Code Annotated (TCA), for the purpose of providing guidance to the Clinton Historic Zoning Commission (CHZC) in the review of projects requiring a certificate of appropriateness.

APPLICABILITY:

1. Certificate of Appropriateness in Regard to Projects Requiring a Building Permit:

Projects requiring a certificate of appropriateness shall be any building or development project affecting the exterior of a structure and which requires the issuance of a building permit before a project can be lawfully commenced within the City of Clinton.

In general, these projects include the construction of a new building or structure, the moving of a building or structure, the demolition/removal of a building or structure, the erection of signs, and any other project, which in the opinion of the building official, alters the exterior structural integrity of a building or structure or warrants review due to a possible impact on public safety.

The CHZC shall review all applications for building permits for such projects within the historic district, and shall grant, grant with conditions, or deny a certificate of appropriateness for the same.

2. Certificate of appropriateness in Regard to Projects not Requiring a Building Permit:

There are certain building, development, and improvement projects which do not require a building permit, but for which a certificate of appropriateness shall be required prior to any such project being undertaken.

The building official may grant a certificate of appropriateness for the following projects, provided, the materials and products to be used in such project are the same or are reasonable facsimiles of, materials and products which have been approved for use in the district by the CHZC and are on file in the office of the building official, and provided, such project is in keeping with the "GENERAL DESIGN REVIEW GUIDELINES," and the "SPECIFIC DESIGN REVIEW GUIDELINES," contained herein:

- a. Exterior painting of all or part of a building, including signs.
- b. Erection of fencing and similar types of structural site improvements.
- c. The placement of any type of street furniture within public right-of-ways, parks, etc.
- d. The addition or replacement of windows, doors, and visible roofing.
- e. The addition or replacement of decorative trim, such as, but not limited to, shutters and moulding.
- f. The addition or replacement of awnings, canopies, or similar structures.

The building official shall not have the power to fully and finally deny a certificate of appropriateness. When the materials, products, construction methods, or design concepts are not in compliance with these guidelines or product and materials on file with the building official, or in instances where the building official makes the determination it is beyond his scope of responsibility to make a decision regarding the appropriateness of a

certain project for the district, he shall refer the project to the CHZC for review. The CHZC shall make a review of the project and thereafter either grant, grant with conditions, or deny a certificate of appropriateness.

GENERAL DESIGN REVIEW GUIDELINES:

Any person wishing to initiate any project within the district which requires a certificate of appropriateness, and the CHZC or building official in reviewing such project shall use the following "Standards for Rehabilitation" of the U.S. Department of the Interior to evaluate whether such change will generally adhere to the statutory purposes and intent as set forth in Title 11, Sections 11-511, 11-1201 – 11-1204, of the Clinton Municipal Code, and Sections 13-7-401 – 13-7-409, T.C.A. Projects which meet the applicable standards of this section shall be subject to further review under the provisions of the section entitled "SPECIFIC DESIGN REVIEW GUIDELINES,"

Standards for Rehabilitation:

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs of the availability of different architectural elements from other buildings or structures.
7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.
10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

SPECIFIC DESIGN REVIEW GUIDELINES:

The following guidelines have been designed to aid property owners, the CHZC, and building official in making a determination as to whether or not a proposed project will preserve and/or enhance the unique character of the district. Where materials, construction methods, or design concepts are proposed for use by a property owner which have not been outlined in this document or are not on file with the building official, the CHZC and building official shall use their own best judgment, but in no case shall the CHZC or building official grant a certificate of appropriateness for a project that violates the intent of these guidelines or that inappropriately alters the visual quality of the district.

The guidelines concerning "BUILDING MATERIALS," "SIGNS," and "BENCHES, TRASH RECEPTACLES, DUMPSTERS, PLANTERS, AND OTHER STREET FURNITURE" below shall be used by both the CHZC and building official in making a determination regarding the granting of a certificate of appropriateness.

The building official shall maintain in his office a file of products and materials that CHZC has approved for use in the district. Any additions or deletions to such file shall be made only after the review and approval of the CHZC.

BUILDING MATERIALS:

Brick:

Many of the existing structures in the district were constructed during the last decade of the Victorian period (1910-1920) following a fire in 1909 that virtually destroyed the commercial district. Structures built during that period, as well as others constructed since, have generally been constructed of red brick. To maintain, existing structures should be executed in brick which closely matches the color and texture of that contained in existing structures. Examples of brick acceptable to the building official and/or CHZC are available for inspection in the building official's office.

Paint:

The exterior walls of brick structures were not normally painted when constructed. Therefore, painting of existing unpainted or newly built structures will be discouraged. Some buildings in the district have been painted at various times since being constructed. When the paint on such structures begins to deteriorate, the property owner and the building official and/or CHZC shall first consider removing the paint and returning the facade to its original condition. If it is found that the visual quality of the building would be lessened by a return to the original facade (for example, where repairs over the years have been made with bricks of different colors, etc.) the CHZC may allow the structure to be painted with an approved color. Although painting of unpainted and newly constructed brick structures are discouraged, the building official and/or CHZC may allow such a structure to be painted with an approved color if the building official and/or CHZC finds that such painting will not damage the visual integrity of the district. Paint colors acceptable to the building official and/or CHZC are available for inspection at the building official's office.

Windows (other than storefronts):

In existing structures, windows above the first floor shall be replaced in such a way that no alterations in the existing dimensions and shape of the window openings are required. Replacement windows shall be as close as possible in design and materials to the original. Where neither the original design nor materials can be reproduced, the design and materials shall be in keeping with the character of the district.

In new structures, windows shall be in keeping with the general design of the structure, as well as being of a size and located so as to approximate as closely as is possible the size and location of windows in nearby structures in the district.

Doors/Storefronts:

Many of the storefronts in the district have been altered from their original appearance. In those structures in which alterations have not occurred, replacement windows and doors shall match in size and material as closely as possible those original to the structure. Where replacement of materials in an altered storefront becomes

necessary, the property owner and the building official and/or CHZC shall consider alternatives to the current design and materials that would bring the altered storefront more into character with the district.

Roofing:

Although most roofing in the district is not visible, replacement roofing that will be visible shall be of a color compatible with the structure and with surrounding structures.

Lighting:

Lighting fixtures placed on the exterior of a structure by a property owner shall be in keeping with the character of the district. Examples of lighting fixtures acceptable to the building official and/or CHZC are on file in the building official's office.

Lighting fixtures placed in the district by a public entity or civic group shall be in keeping with the character of the district.

Awnings/Canopies:

Although canopies or awnings were not original to most of the structures in the district, many have been added through the years. Such devices often obscure or distract from the architectural and historical value of a structure and property owners and the building official and/or CHZC should carefully consider whether or not the replacement or addition of canopies and awnings is necessary. The horizontal aluminum canopies now in use in the district are not in keeping with the character of the district and shall not be replaced. Any new or replacement canopies or awnings approved by the building official and/or CHZC shall be: of canvas or treated cloth, fixed or retractable, of a color approved for use in the district, and of a shape complimentary to the shape and scale of the building to which they are attached.

SIGNS:

The types of signs, sign area, and location of sign shall be controlled by the requirements of the underlying zoning, district. The design, materials, and lighting for new or replacement signs, however, shall meet the following criteria:

1. Signs that are determined to be original to the structure should be restored if possible, provided such signs do not exceed or are not in conflict with the current provisions regarding signs found in the Clinton Zoning Ordinance or other provisions of these guidelines.
2. New and/or replacement signs shall be of a design that is consistent with the period of the structure and the character of the district and shall not cover or obscure important architectural features of the structure.
3. Wood and certain types of metal signs are considered most appropriate for the district, but the building official and/or CHZC may find other materials acceptable upon review.
4. Internally illuminated signs shall not be permitted.
5. Colors used in the sign shall complement the structure on which it is placed and shall consist of no more than three (3) colors approved for use in the district. The only exceptions shall be colors that are contained in regionally or nationally recognized logos. However, no such sign shall be of a material, size, or illuminated in a way that violates these guidelines or provisions of the Clinton Zoning Ordinance, i.e., the content and design of such logo signs shall be executed only in an approved material, be only externally illuminated, and not exceed the size or location requirements for signs in the underlying zoning district.

BENCHES, TRASH RECEPTACLES, DUMPSTERS, PLANTERS, AND OTHER STREET FURNITURE:

The location, design, and color of these items can have a great impact on the overall visual image of the district and therefore, the placement of such items shall be reviewed and approved by the building official and/or CHZC.

In general, these items shall be of a color approved for use in the district and located so as to provide the greatest ease of use and not impede the flow or safe movement of pedestrian or vehicular traffic.

QUALIFICATION FOR NATIONAL REGISTER OF HISTORIC PLACE:

These design review guidelines deal only with the exterior of structures and are designed to preserve and enhance the overall visual quality of the district as opposed to being designed to guide the interior and exterior restoration of structures in a manner which would qualify those structures for inclusion on the National Register for Historic Places. It is recommended that property owners interested in pursuing this designation seek professional design assistance and establish contact with the Tennessee Historical Commission early in the restoration project for specific information.

AMENDMENTS:

The "SPECIFIC DESIGN REVIEW GUIDELINES" portion of this document may be amended upon showing of good cause, provided such amendments do not destroy the intent of Title II, Sections 11-511 and 11-1201 – 11-1204, of the "Clinton Municipal Code," or the portion of this document entitled, "GENERAL DESIGN REVIEW GUIDELINES." No amendment shall be adopted, however, until and unless, opportunity is provided for public comment, and unless such amendment receives the affirmative vote of at least three members.

*This document is a result of guidelines adopted April 6, 1987, and subsequent amendments made to those guidelines on May 11, 1987.

Section 3. SECTION 14-613, O-1, Downtown Residential Overlay District, is hereby incorporated into the Clinton Zoning Ordinance as a new section as follows:

14-613. DR-1 Downtown Residential Overlay District. The DR-1 District is established as an overlay district to require supplementary uses and standards for the underlying central business district. The intent of this district is to afford compatible downtown housing options that encourage compact walkable areas for living, working, and shopping within the core city by providing integrated residential units that are consistent in function and appearance to the long-range residential policies for the downtown area.

In order to achieve the purpose and intent of the O-1 Downtown Residential Overlay District, as shown on the zoning map of the City of Clinton, Tennessee, the following regulations apply and uses are permitted:

Townhouses, condominiums, duplexes, and multi-family dwellings, as new developments, in conformance with the Downtown Residential Policies of the Clinton Land Use and Transportation Policy Plan.

- A. Residential dwellings shall be oriented in the same direction with the primary façade and entrance facing the street.
- B. Residential dwellings shall not encroach past the average existing building frontages of the adjacent buildings along the street.
- C. Street-facing garages are prohibited in the district.
- D. An unobstructed clear zone along a public sidewalk shall be maintained.
- E. Residential developments shall provide a minimum one (1) on-site parking space per dwelling unit.
- F. The density of such developments shall not exceed twenty (20) units per gross acre.
- G. Detached garages are the only customary accessory structures permitted as regulated in Section 14-408.

Section 4. This ordinance shall be effective from and after its passage, the public welfare requiring it.



City Recorder



Mayor

