

**SECTION 14  
H-1 HISTORIC OVERLAY DISTRICT**

A. GENERAL DESCRIPTION:

This district is intended, as provided in T.C.A. Subsection 13-7-401 et. seq., to preserve and protect historic structures and areas which serve as visible reminders of the history and cultural heritage of the City of Knoxville, State of Tennessee and the United States of America. This district is also intended to assist in stabilizing and improving property values in historic areas by encouraging rehabilitation or new construction harmonious with the historic area. Through this district, historic structures and areas of sufficient historical or architectural significance are designated for public protection. It is the intent of this district to regulate the construction, repair, alteration, rehabilitation, relocation or demolition of any building or other structure which is located or proposed to be located in an H-1 Historic Overlay District. This district is not intended, however, to regulate the use of land, buildings or structures.

B. PERMITTED USES:

Property and buildings in an H-1 Historic Overlay District shall be used for the purpose permitted by the base zoning district in effect at the time of historic overlay zoning or subsequent zoning districts legislatively approved for the site.

C. NON-CONFORMING USES AND STRUCTURES:

The Historic Zoning Commission may permit the remodeling and rebuilding of any non-conforming structure for the purpose of continuing a use which was lawfully existing at the time of historic overlay zoning; provided, however, that any such design and appearance of the remodeled or rebuilt structure is, in the opinion of the Historic Zoning Commission, in keeping with the historical and architectural character of the Historic Overlay District.

D. AREA REGULATIONS - HEIGHT REGULATIONS AND OFF-STREET PARKING:

Lot sizes, front, side and rear yard setbacks and off-street parking are to be in accordance with design guidelines adopted at the time an H-1 Historic Overlay District is created. In the case of an H-1 Historic Overlay District that is not a single structure, minimum lot sizes specified by the design guidelines may be smaller than those required by the base zone. If the guidelines do not specify any particular area, setback, height or parking requirements, the requirements of the base zoning district shall be applicable. Intensity of use for multi-dwelling structures or development shall be determined by the base zoning district.

E. HISTORIC ZONING COMMISSION - CREATION - APPOINTMENT OF MEMBERS - TERM OF OFFICE - JURISDICTION AND POWERS:

For the purpose of enforcing the H-1 Historic Overlay District requirements, a Historic Zoning Commission is hereby established. Said Commission shall consist of nine persons of which one shall be a representative of a local patriotic or historic organization, one shall be an architect, if available, and the remainder shall be from the community in general. Historic Zoning Commission members shall be appointed by the Mayor of the City of Knoxville, subject to confirmation by the City Council for the City of Knoxville. The terms of members of the Historic Zoning Commission shall be five years, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one member but not more than two members shall expire each year. All members shall serve without compensation. The Commission may adopt rules and regulations consistent with the provisions of this part.

(Amended by Ordinance No. 53-96)

F. H-1 HISTORIC OVERLAY DISTRICTS DEFINED - CRITERIA FOR SELECTION:

The definition of historic districts subject to regulations to be applied under the H-1 Historic Overlay District shall be based on the standard of a geographically definable area which 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 meet 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 in 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 represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components 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.

G. KNOXVILLE HISTORIC REGISTER - CREATION OF H-1 HISTORIC OVERLAY DISTRICTS:

1. The City Council of Knoxville or the Mayor or the owner of the subject property shall have the authority to initiate applications for H-1 historic overlay designation or the removal of properties from an H-1 historic overlay designation. The Historic Zoning Commission shall review requests for designation or removal of designation and shall advise City Council of their recommendations concerning designation or removal of designation for H-1 historic overlay. In the case of a request for designation, the Knoxville Historic Zoning Commission shall review the request based on the Criteria for Selection contained in Article 4, Section 14 F of this ordinance. In making recommendations for removal of designation, the Historic Zoning Commission shall likewise base its recommendations on the criteria contained in Article 4, Section 14 F of this ordinance, and the impact of removal on the remainder of the district. An applicant for removal of a property from an H-1 Historic Overlay District shall provide evidence of consultation with the historic district liaison prior to consideration of the request for removal by the Historic Zoning Commission. The City Council of Knoxville shall have authority to make final determination of designation or removal of designation after reviewing both the recommendations of the Historic Zoning Commission and the Metropolitan Planning Commission. The City Council of Knoxville shall notify the Historic Zoning Commission, the Metropolitan Planning Commission and the Building Official of the City of Knoxville of their approval or rejection of each proposed H-1 Historic Overlay District designation or the removal of designation within 30 days following such decision. All H-1 Historic Overlay Districts created or modified by the action of City Council shall be listed on the Historic Register of Knoxville.
2. The Historic Zoning Commission shall have the authority to submit recommendations to the City Council of Knoxville regarding the creation of historic overlay districts in accordance with the criteria for selection contained in this historic zoning ordinance and shall likewise review requests for designation made by individuals, organizations or other governmental bodies. The Historic Zoning Commission shall submit their recommendations regarding such designations in writing to the City Council of Knoxville.
3. The Historic Zoning Commission and the Metropolitan Planning Commission shall each submit written recommendations to the City Council of Knoxville regarding the creation or the removal of properties from Historic Overlay Districts.

H. REVIEW GUIDELINES - PUBLIC HEARING - NOTICE:

Prior to any recommendation on a pending application made to establish an Historic Overlay District, the Historic Zoning Commission shall adopt for each proposed H-1 Historic Overlay District a set of review guidelines which shall guide any granting or denial of Certificates of Appropriateness within the district so established. Such review guidelines shall be consistent with the purposes enumerated in this ordinance and with the regulations and standards adopted by the U.S. 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 building, structure, or other improvement situated within an H-1 Historic Overlay District. The review guidelines shall be made a part of the recommendations forwarded by the Historic Zoning Commission to the City Council of Knoxville for adoption, and a public hearing shall be held by the Historic Zoning Commission before such recommendations are made to City Council. Recommendations made by the Historic Zoning Commission shall be forwarded to the City Council of Knoxville within forty-five days of said public hearing.

I. CERTIFICATES OF APPROPRIATENESS WITHIN H-1 HISTORIC OVERLAY DISTRICTS - APPLICATIONS FOR BUILDING PERMITS:

1. All applications for permits for construction, alteration, repair, rehabilitation, relocation or demolition of any structure, object, or other improvement to real estate located or to be located within an Historic Overlay District, shall be referred to the Historic Zoning Commission, which shall have broad powers to request detailed construction plans and related data pertinent to a thorough review of the proposal. No building permit issuing authority in the City of Knoxville shall issue any such permit for new structure or improvements within an Historic Overlay District without issuance of a Certificate of Appropriateness by the Historic Zoning Commission.
2. MPC staff assigned to serve the Historic Zoning Commission shall review applications for Level I Certificates, and shall issue them if, in staff's judgement, the application meets the adopted design guidelines for the property. Level 1 Certificates include the repair of historic siding, fascia, soffits, windows, roof (including replacement) and other features with features of identical material and design. The Knoxville Historic Zoning Commission shall review all other matters for which Certificate applications are made.
3. Level I Certificates issued by MPC Staff shall be summarized in a report to be presented to the Knoxville Historic Zoning Commission at their regularly scheduled monthly meeting.
4. In the event of a denial of a Level I Certificate, the applicant may appeal the staff decision to the next regularly scheduled meeting of the Knoxville Historic Zoning Commission for which the application deadline is met.

5. The provisions of this section of the ordinance notwithstanding, MPC staff or the applicant may exercise the option of requesting a review by the Knoxville Historic Zoning Commission. In that event, the application for Certificate of Appropriateness will be heard by the Knoxville Historic Zoning Commission at the next regularly scheduled monthly meeting for which the application deadline is met.

J. GUIDELINES FOR ISSUANCE OR DENIAL OF CERTIFICATE OF APPROPRIATENESS:

The Historic Zoning Commission shall, within thirty days following the availability of sufficient data, grant a Certificate of Appropriateness with or without attached conditions or deny said Certificate, and shall state the reasons for denial or the conditions attendant with the granting of a Certificate, in writing. In its review of any such work to be undertaken in an Historic Overlay Zone, the Historic Zoning Commission shall apply the applicable review guidelines as provided herein, and shall give prime consideration to the following general criteria when applying specific review guidelines:

1. Historic or architectural value of the present structure, object or building.
2. The relationship of the exterior architectural features of such structure to the rest of the structures, to the surrounding area, and to the character of the district.
3. The general compatibility of exterior design, arrangement, texture, and materials to be used.
4. Any other factor, including aesthetic, which is justified by the historic character of the proposed district or is reasonably related to the purposes of this section.

K. APPEAL OF HISTORIC ZONING COMMISSION DECISIONS:

Anyone who may be aggrieved by any final order or judgment of the Historic Zoning Commission may have such order or judgment reviewed by the courts by the procedure of statutory certiorari, Chapter 8, Title 27 of the Tennessee Code Annotated.

L. MORATORIUM ON THE ISSUANCE OF DEMOLITION PERMITS

1. No application for a demolition permit shall be accepted and no demolition permit shall be issued for any building or structure located on property for which an application has been filed for rezoning to and designation as an H-1 historic overlay district for a period not to exceed one hundred eighty (180)

days after the rezoning and designation application process has been initiated.

2. If litigation is filed challenging a decision of the Historic Zoning Commission, the Metropolitan Planning Commission or Knoxville City Council approving the H-1, Historic Overlay District, the prohibition on application for and issuance of a demolition permit set forth in the preceding subsection shall be extended until the court's decision in any such litigation is final.
3. In the event that the proposed rezoning to and designation as an H-1 historic overlay district is denied, withdrawn or not approved by city council, or is withdrawn by the applicant or mayor, within the 180 day period or is subsequently set aside by a court of competent jurisdiction and the court's decision becomes final, the prohibition on application for or issuance of a demolition permit for buildings or structures on such property shall terminate.