

ORDINANCE NO. 928

AN ORDINANCE AMENDING ORDINANCE NO. 506 KNOWN AS THE ZONING ORDINANCE OF WINCHESTER, TENNESSEE TO CREATE A NEW DOWNTOWN OVERLAY DISTRICT INCLUDING DESIGN STANDARDS AND GUIDELINES AND CREATE A DESIGN REVIEW COMMISSION TO REVIEW DEVELOPMENT WITHIN THE OVERLAY FOR COMPLIANCE WITH THESE STANDARDS.

WHEREAS, Ordinance No. 506, the Zoning Ordinance of Winchester, Tennessee, has been adopted to regulate development within the corporate limits of Winchester in order to protect the health, safety and welfare of citizens, and

WHEREAS, the Courthouse Revitalization Pilot Project Act has allowed the Winchester Downtown Program Corporation to invest significant time, effort and public funds in the revitalization of Downtown Winchester, and

WHEREAS, the City of Winchester desires to support and protect the revitalization effort through the creation of design standards and guidelines and a design review commission, and

WHEREAS, the Winchester Municipal-Regional Planning Commission at its meeting held May 16, 2011 recommended to the City Council that the Zoning Ordinance of Winchester, Tennessee be modified as provided within this ordinance of amendment, and

WHEREAS, the City Council has given due consideration to the recommendation, has conducted a public hearing as required by law and has determined that this ordinance of amendment shall benefit the health, safety and welfare of the citizens of Winchester. Now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WINCHESTER, TENNESSEE, that Ordinance No. 506 known as the Zoning Ordinance of Winchester, Tennessee be amended as follows:

1. ARTICLE V, SECTION 5.054.3. DO, Downtown Overlay District., is created to read:

5.054.3. DO, Downtown Overlay District.

A. Purpose

The purpose of the Downtown Overlay District is to maintain and improve the character of Downtown Winchester and to protect the significant investments of time and resources by public and private entities in revitalizing the Downtown.

B. Design Standards and Guidelines

The document, Downtown Overlay District Design Standards and Guidelines, is adopted, as Appendix A, in its entirety to regulate development within this district and shall become a part of this ordinance.

2. APPENDIX A. Downtown Overlay District Design Standards and Guidelines., is created by incorporating the document attached to this ordinance as Appendix A.
3. A new ARTICLE VII, SECTION 7.090. Design Review Commission., is created to read:

7.090. Design Review Commission.

In accordance with 6-54-133 of the Tennessee Code Annotated, the City of Winchester is empowered to create a design review commission. As of the effective date of this

ordinance, the Winchester Design Review Commission shall be established and governed by the following.

A. Composition of membership.

The Winchester Design Review Commission shall consist of five (5) members. All members must be residents of the City of Winchester, Tennessee. The membership of the Design Review Commission shall include two (2) members who sit on the Board of the Winchester Downtown Program Corporation (WDPC), one (1) member who shall be an elected official or employee of the City of Winchester, and two (2) members who do not sit on the Board of the WDPC, do not hold elected office in Winchester, and are not employees of the City of Winchester. The elected official or employee member may sit on the Board of the WDPC. If possible, members with skills in or knowledge of architecture, engineering, landscape architecture, urban planning, art, construction, or other profession involved in implementing aesthetic design principles shall be selected.

B. Appointment of members.

Each member of the Design Review Commission shall be appointed or re-appointed by the mayor. Vacancies occurring for reasons other than expiration of terms shall be filled as they occur for the period of the unexpired term.

C. Term of members.

Each member shall be appointed for a term of four (4) years, except that the initial terms shall be staggered so that one (1) term expires after four (4) years, two (2) terms expire after three (3) years, one (1) term expires after two (2) years, and one (1) term expires after one (1) year.

D. Removal of members.

Members of the Design Review Commission may be removed without cause at the will of the mayor.

E. Meetings.

Meetings of the Design Review Commission shall be held at such times as the commission may determine. Three (3) members shall constitute a quorum; and it shall take three (3) votes to approve an item. The commission shall keep minutes of its proceedings and decisions. A majority of the commission may adopt rules and regulations to govern the procedure before the commission.

F. Responsibilities.

It shall be the responsibility of the Design Review Commission:

1. To review development proposals in the Downtown Overlay District; and
2. To develop specific review procedures and apply such procedures in either approving or disapproving proposals in accordance with the Downtown Overlay District Design Standards and Guidelines.

G. Applications.

Every application for a building permit in the Downtown Overlay District shall be submitted to the Design Review Commission, along with plans,

elevations and specifications, before being approved by the Building Official. A preliminary submittal prior to completion of detailed plans is recommended but not mandatory.

1. General Requirements

Applications must include the following documents, if applicable:
(The number of sets of plans to be as determined by the Design Review Commission.)

- (a) Site plan;
- (b) Building elevation;
- (c) Landscaping plan.

2. Specific Requirements

(a) Landscaping.

- (1) Identify all existing trees and denote those to remain and those to be removed. Grade to save trees where possible.
- (2) Indicate proposed new trees, shrubs, and ground covers graphically with plant, common name, and size.

(b) Signage.

- (1) Provide color drawing or actual sign;
- (2) Size;
- (3) Dimensions;
- (4) Construction materials;
- (5) Colors;
- (6) Lettering and illustration;
- (7) Lighting;
- (8) Location; (Provide site plan for ground signs and building elevation for building signs.)
- (9) Ground sign justification;
- (10) Landscaping around sign;
- (11) Linear feet of building frontage.

(c) Exterior lighting.

- (1) Provide location;
- (2) Height;
- (3) Style of fixtures;
- (4) Must be designed and arranged to prevent intrusion on adjoining property and streets.

(d) Garbage collection areas.

- (1) Indicate type and location on plan;
- (2) Must be properly screened.

(e) Electric meters, transformers, and connecting conduit; gas meters; mechanical units; vents (plumbing, heating, etc.).

- (1) Provide location;
- (2) Must be properly screened.

(f) Exterior materials.

- (1) Provide material;

- (2) Colors;
- (3) Samples (bring if available).

H. Procedure

Within thirty (30) days after the submission of a complete application to the Design Review Commission, the Commission shall examine the submission and determine whether the proposed development will conform to the Downtown Overlay District Design Standards and Guidelines and be conducive to the proper development of the downtown. At said meeting, the Design Review Commission shall examine the plans, elevations, and specifications, and any other evidence that may be pertinent or requested. The applicant or his representative shall be required to appear at the Commission meeting or the application will not be considered. The Design Review Commission shall act as expeditiously as practicable and in no event shall any applicant be caused unreasonable delay.

At said meeting or at any meeting within thirty (30) days subsequent thereto, the Design Review Commission shall approve the application if, in its opinion, the proposed development conforms to the Downtown Overlay District Design Standards and Guidelines and shall be conducive to the proper development of the downtown. Upon approval, a Certificate of Compliance shall be issued. The Design Review Commission shall disapprove and return the application if it determines that the proposed development will be unsightly or unsuitable in appearance or detrimental to the downtown. However, the Design Review Commission may make comments and recommendations if it sees fit, toward the end of informing the applicant, the Building Official, and the City Council why the proposal is unsuitable and what might be done to help bring it into conformance.

I. Issuance of Permit.

If the Design Review Commission approves the application, the Building Official may issue the permit. If the Design Review Commission returns the application with its disapproval and recommendations, the Building Official shall refuse to issue a building permit until such time as appropriate changes have been made and resubmitted in such form that meets the approval of the Design Review Commission.

J. Appeals.

Any applicant may appeal any decision of the Design Review Commission to the Planning Commission. The appeal shall be considered at a regular meeting of the Planning Commission not more than thirty (30) days after said appeal. The Planning Commission, at said hearing, shall listen to all parties who desire to be heard, and after said hearing, shall approve or disapprove the appeal. If the Planning Commission approves, the Building Official may issue the building permit. The action of the Planning Commission in regard to the application, together with the report of the Design Review Commission, shall be entered in the minutes of the Planning Commission.

4. The existing SECTION 7.090. Amendments to the Ordinance, shall be renumbered as SECTION 7.100., and all subsequent Sections of ARTICLE VII shall be renumbered in accordance with the current numbering scheme.

BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF WINCHESTER, TENNESSEE that this ordinance of amendment shall become effective twenty (20) days after its passage.

PASSED FIRST READING: 06-14-11
PASSED SECOND READING: 07-12-11
PASSED THIRD READING: 08-09-11

CITY OF WINCHESTER

BY: 
TERRY HARRELL, MAYOR

ATTEST:


BETH J. RHOTON, CITY ADMINISTRATOR

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