

SECTION B. HD (Historic) District

Within the areas designated HD (Historic) District on the official zoning map of Martin, Tennessee, the following regulations shall apply:

1. Intent of Historic Districts

It is the intent of this district to protect and preserve historic and/or architectural value; create aesthetic atmosphere; strengthen the economy; protect and enhance the city's attraction to tourists and visitors and the support and stimulus to business and industry thereby provided; and promote the education and patriotic heritage of the present and future citizens of the community. In order to achieve this intent a quality of significance to American history, architecture, archaeology and culture shall be present in the sites, buildings and structures of Historic Districts that:

- (a) are associated with events that have made a significant contribution to the broad patterns of our history; or
- (b) are associated with the lives of persons significant in our past; or
- (c) 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) have yielded, or may be likely to yield, archaeological information.

2. Uses Permitted

The uses permitted and the area regulations of the existing district in which the site, structure or area is located shall govern.

3. How Zoning Map Amended to Designate Historical Districts

Any amendments to the zoning map of the City of Martin designating historic districts shall be subject to the provisions of Article XIII of the Martin Zoning Ordinance.

4. Administration

- (a) No building permit for construction, major alteration or rehabilitation, moving, or demolition to be carried on within the H-D District shall be issued by the Building Inspector until it is submitted to and receives approval in writing by the Historical Zoning Commission.
- (b) Administration shall be by the office of the Building Inspector and the Historic Zoning Commission and all items regulated within the H-D District shall be submitted to the Historic Zoning Commission (through the office of the Building Inspector) for its review.
- (c) Within 90 days of designation of a Historic District, the Historic Zoning Commission shall prepare and submit to the Martin City Board design review guidelines which shall be used by the Historic Zoning Commission in the consideration of any application for certificate of appropriateness applied for under this Ordinance. No application may be considered by the Historic Zoning Commission until such time as said guidelines have received the approval of the City Board.

(d) Building Permit Procedures

All alterations, additions or new construction which, previous to the establishment of this H-D District, required that application be made for a Building Permit shall continue to require that application be made for a Building Permit, and approval obtained before the work on such alterations, additions, or new construction can begin. In addition it shall be required that application be made in the same manner for any work, including but not limited to, alterations, additions, demolition, removal or new construction which alters or contributes to the exterior appearance of existing structures.

- (1) Applications for building permits within the District shall be made to the Office of the Building Inspector and all such applications shall be referred directly to the Historic Zoning Commission. The Historic Zoning Commission shall have broad powers to request detailed construction plans and related data pertinent to thorough review of any application.
- (2) Upon receiving an application for a Building Permit the Historic Zoning Commission shall, within thirty (30) days following the availability of sufficient data, issue to the office of the building Inspector a letter stating its approval with or without attached conditions or disapproval with the grounds for disapproval stated in writing.
- (3) The office of the Building Inspector shall additionally review applications for Building Permits (which have received written approval from the Historic Zoning Commission) in the same manner review is made of Building permit applications outside of the District and final issuance or rejection shall additionally be based upon the adopted Building Codes of the City of Martin. The fee charged for building permits within the District shall conform to existing fee schedules for Building permits in any other zoning district within the City of Martin.

5. Historic Zoning Commission

(a) Creation and Appointment

In accordance with Tennessee Code Annotated 13-716, a Historic Zoning Commission is hereby established. The Mayor and City Board shall create a nine (9) member Historic Zoning Commission which shall consist of a representative of a local patriotic or historic organization; an architect, if available; a member of the Planning Commission, at the time of his appointment; and the remaining members shall be appointed from the community in general. Historic Zoning Commission member shall be appointed by the Mayor, subject to confirmation by the Martin City Board. Appointments to membership on the Historic Zoning Commission shall be arranged so that the term of one member shall expire each year and his successor shall be appointed in like manner in terms of five (5) years. All members shall serve without compensation. The members of the Commission shall elect a Chairman yearly from among themselves to preside over meetings.

(b) Procedure

Meetings of the Historic Zoning Commission shall be held on the third Tuesday of each month or at the call of the Chairman or the majority of the membership. All meetings of the Commission shall be open to the public. The Commission shall give notice of the place, date, and time of any hearing which is called under the provisions of this Ordinance, by publication in an official newspaper or a newspaper of general circulation

at least three (3) days immediately prior thereto. At least five (5) members of the Commission constitute a quorum for the transaction of its business. The concurring vote of five (5) members of the Commission will determine any matter before it. The Commission shall keep minutes upon each question and those members that are absent or failing to vote, indicating such fact.

(c) Powers and Duties

The Historic Zoning Commission shall have the following powers:

- (1) To request detailed construction plans and related data pertinent to thorough review of any proposal before the Commission.
- (2) The Historic Zoning Commission shall within thirty (30) days following availability of sufficient data, direct the granting of a building permit with or without conditions or direct the refusal of a building permit providing the grounds for refusal are stated in writing.
- (3) Upon review of the application for a building permit, the Historic Zoning Commission shall give prime consideration to:
 - (a) historic and/or architectural value of present structure;
 - (b) the relationship of exterior architectural features of such structures to the rest of the structures of the surrounding area;
 - (c) the general compatibility of exterior design, arrangement, texture and materials proposed to be used;
 - (d) to any other factor, including aesthetic, which is deemed pertinent.
- (4) Additional powers and duties.
 - (a) It shall be the duty of the Historic Zoning Commission to make the following determination with respect to the historic district approved guidelines. Any approved changes by the Commission shall be published in the local newspaper within seven (7) days.
 - (i) Appropriateness of altering or demolishing any building or structure within the Historic District. 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 any permission to demolish a building or structure, such photographs, drawings, etc. shall be at the expense of the applicant.
 - (ii) Appropriateness of the exterior architectural features including signs and other exterior fixtures of any new buildings and structures to be constructed within the Historic District.
 - (iii) Appropriateness of exterior design of any new extension of any existing building or structure within the historic district.
 - (iv) 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.

(v) The general compatibility of 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. However, the Historic Zoning Commission shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extension incongruous to the historic aspects of the surroundings.

(b) Right of Entry Upon Land

The Commission, its member and employees, in the performance of its work, 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.

(c) Liability of Historic Zoning Commission Members

Any Historic Zoning Commission member acting within the powers granted by the ordinance is relieved from all personal liability for any damage and shall be held harmless by the city government. Any suit brought against any member of the Commission shall be defended by a legal representative furnished by the city government until the termination of the procedure.

(d) Jurisdiction

The Historic Zoning Commission shall have the exclusive jurisdiction relating to historic matters. Anyone who may be aggrieved by any final order or judgment of the Commission may have said order or judgment reviewed by the courts by the procedures of statutory criteria as provided for in the Tennessee Code Annotated, Sections 27-902 and 27-930.

(e) Conflict of Interest

Any member of the Historic Zoning Commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said Commission shall be disqualified from participating in the discussion, decision, or proceedings of the Historic Zoning Commission in connection therewith.

6. Maintenance and Repair of Improvements

Every person in charge of an improvement in a history district shall keep in good repair all of the exterior portions of such improvements and all interior portions thereof which, if not so maintained may cause or tend to cause the exterior portions of such improvement to deteriorate, decay or become damaged or otherwise to fall into a state of disrepair.

7. Remedying of Dangerous Conditions

In any case where a city enforcement agency shall order or direct the construction, removal, alteration, or demolition of any improvement in a historic district for the purpose of remedying conditions determined to be dangerous to life, health, or property, nothing contained in this chapter shall be construed as making it unlawful for any person, without prior issuance of a letter of approval pursuant to this Ordinance, to comply with such order of direction. However, the enforcement agency shall give the Commission notice of any proposed order to direction which affects of may affect the exterior appearance of any

structure, or site, on or in the environs of a historic district. The Commission shall be afforded adequate opportunity to review and provide written comments upon any action proposed by an enforcement agency within a historic district prior to the initiation of any said action.

8. Injunctive Powers and Penalties

- (a) Where it appears that the owner or person in charge of an improvement of a landmark site or preservation site threatens or is about to do or is doing any work in violation of the ordinance, the City Attorney for the City of Martin shall, when directed by the Mayor or City Board, forthwith apply to an appropriate court for an injunction against such violation of this Ordinance. If an order of the court enjoining or restraining such violation does not receive immediate compliance, the city Attorney shall forthwith apply to an appropriate court to punish said violation pursuant to law.
- (b) A violation of this Ordinance is punishable by a fine of not less than two dollars (2.00) and not exceeding fifty dollars (\$50.00). Every day of violation may be held to constitute a separate offense.