

AN ORDINANCE OF THE BOARD OF MAYOR AND
ALDERMEN OF THE TOWN OF LOUISVILLE
AMENDING THE TOWN OF LOUISVILLE ZONING
ORDINANCE 1992-2 AS AMENDED TO CREATE
A DESIGN REVIEW COMMISSION IN ACCORDANCE
WITH TCA 6-2-201 AND TCA 6-54-133 AND TO
AMEND RESOLUTION 2008-21 AND ORDINANCE 2009-2
CONCERNING DESIGN REVIEW COMMISSION

ORDINANCE NO.: 2011 - 4

APPROVED ON FIRST
READING: April 12, 2011

APPROVED ON SECOND
READING: June 14, 2011

PUBLIC HEARING: June 6, 2011

WHEREAS, The Board of Mayor and Aldermen, by resolution #2008-21 has established a Design Review Commission (also denominated Design Review Board) pursuant to T.C.A. 6-2-201(33), and T.C.A. 6-54-133, and

WHEREAS, the Board of Mayor and Aldermen passed an amendment to the zoning ordinance regarding the Design Review Commission, and

WHEREAS, The Board of Mayor and Aldermen has appointed such Board, and

WHEREAS, The Design Review Commission has drafted design standards and procedures, and

WHEREAS, The Louisville Planning Commission has heard, reviewed and recommended that this Amendment to the zoning be granted favorable consideration and approved and passed by the Board of Mayor and Aldermen of the Town of Louisville, and

WHEREAS, The Design Review Commission was charged with promulgating administrative rules of procedure, and

WHEREAS, The Design Review Commission has not met in over a year and not promulgated administrative rules of procedure, and

WHEREAS, there is no evidence in the Town's records of the adoption of design guidelines and specifications, and

WHEREAS, it is necessary to amend and adopt a legal ordinance providing for the creation and operation of the Design Review Commission and for the adoption, within the zoning ordinance, of design guidelines as set out in state statute and in conformity with TCA 6-2-201(33) and 6-54-133,

THEREFORE BE IT HEREBY ORDAINED:

That The Louisville Zoning Ordinance Shall Be Amended By Rescinding, In Its Entirety, Ordinance # 2009-2 and replacing it with the following:

Chapter 11A

DESIGN REVIEW COMMISSION

11A-1101. GENERAL PROVISIONS

Pursuant to the authority granted in TCA 6-2-201(33) and 6-54-133, a design review commission (“DRC”) is established to review and approve the plans for public and private improvements in the Town of Louisville. Pursuant to procedures and conditions provided in this chapter, the DRC shall work to realize the following objectives:

1. Promote the Town of Louisville as a place for a viable mix of commercial, office, civic and residential uses, including development that creates a pedestrian-friendly environment.
2. Create publicly-oriented spaces, including streets, pedestrian ways, parks and squares that are safe and beautiful.
3. Create harmony in architectural and landscape architectural elements to provide a pleasing environment.
4. Develop procedures for the exterior appearance of all nonresidential property, multiple family residential property, and entrances to nonresidential developments within the Town.
5. Establish a means for design review for public improvements and building

development and renovation to protect overall property investments of its residents.

6. Foster new development that compliments adjacent historic resources.

11A-1102. Design Review Commission

For the purpose of making decisions relative to the design guidelines, a design review commission (“DRC”) is established. The DRC's function is not to impose any architectural preferences. In no way are the guidelines meant to bring uniformity in design or approach or to require specific materials. They are meant to be applied in as flexible manner as possible to meet the needs of the building designer or owner while encouraging the design to respect the context of nearby buildings and the streetscape. The guidelines are thus not a rigid set of rules, but rather a set of key principles to guide development. The DRC’s task is to provide certainty that both immediate surroundings as well as the Town as a whole are taken into account with each building project. Administrative rules, including rules governing the DRC, terms of membership and application schedules, shall be approved by the planning commission. The responsibilities of the board and its membership are outlined below.

A. Responsibilities

1. Review the designs for all public projects, including, but not limited to, street and sidewalk design, landscaping, park improvements, public facility improvements and public way-finding systems.
2. Review and approve private nonresidential and multiple family residential development plans, based upon adopted design guidelines.
3. Advise the board of mayor and aldermen, the planning commission and the historic zoning commission, should one exist, on means to improve downtown design, incentives that could be used to foster good design, and programs that should be pursued to foster beautification, safety and related public purposes in the Town.

B. Composition

In accordance with TCA 6-54-133, the DRC shall be composed of seven (7) rotating members who shall be appointed by the mayor and shall be composed of residents of the Town of Louisville. In making these appointments, the mayor shall strive to ensure that the membership of the commission is representative of the Town as a whole, including, if possible, members with either architectural or engineering knowledge, or any other person having experience in nonresidential building. The terms of the members of the original commission are undefined in the records of the Town, and all such terms shall terminate upon passage of this ordinance whereupon, the mayor shall appoint seven (7) members. Two members shall serve initial one (1) year terms. Two members shall serve initial two (2) year terms, and three (3) members shall serve three (3) year terms. Every appointment thereafter shall be for three (3) year terms, the intent to have staggered terms to ensure continuity on the Commission.

C. Administrative rules

The Commission shall be governed by Robert's Rules of Order and shall elect a chairman and secretary from among its members. Said rules are attached to this ordinance by specific reference.

11A-1103. Administrative procedures

A. Public improvements

The design of projects that are initiated by the Town, such as improvements to or new construction of streets, sidewalks, way-finding and other signs, lighting, parks and civic buildings, must be submitted to the DRC for approval. The DRC shall send a report to the board of mayor and aldermen and the planning commission regarding their findings.

B. Private development

The DRC must issue a certificate of appropriateness before a building permit can

be issued. The following procedures are to be utilized:

1. The developer shall meet with the DRC to discuss preliminary concepts of the proposed development; the DRC may waive this provision should they find the project to be of a minor nature (such as window, door or sign board replacement) or if the renovation is not oriented to a publicly-oriented space (such as a street, plaza or pedestrian way). Sketches, draft architectural drawings or photographs of similar projects are means which may be used to provide an understanding of the project. The DRC, in turn, will discuss the implications of the design guidelines relative to the proposed concept. A brief report will be provided to the developer and maintained by the Town of Louisville.
2. An application for a certificate of appropriateness shall be filed with the Town of Louisville Planning Commission which shall forward said application immediately to the DRC, and shall include the application form and the following information for the DRC's consideration:
 - a. A site plan, including property lines, sidewalk location, building footprint, landscaping, exterior lighting, storm water detention, and parking and access points (as applicable);
 - b. Building elevations, showing entrances, windows, sign(s), construction materials and parapet or other structures to avoid visual or noise problems associated with heating/cooling or other utility units (other drawings such as perspectives are encouraged, but not required by the review board); and
 - c. A written description, stating the intended uses for the floors of the building(s); these may be presented as notes on the elevation(s).
3. Certificates of appropriateness will be issued in accordance with the following:

- a. All applications for certificates of appropriateness shall be considered by the DRC, which shall have the power to approve, approve with conditions or deny certificates of appropriateness.
 - b. No permit shall be issued for the following activities without issuance of a certificate of appropriateness by the DRC:
 - (1) New construction,
 - (2) Facade changes to a publicly-oriented space or interior changes that would obscure windows and doors (such as drop ceilings or display cases), and
 - (3) Parking facility development or redevelopment.
4. Exemptions to the DRC's review include ordinary repairs, removal of signs (without replacement), temporary signs or structures, emergency safety repairs and interior alterations that do not obscure windows.
 5. The DRC shall, within Twenty-three (23) days following the the submission to the Planning Commission, grant a certificate of appropriateness with or without attached conditions or deny said certificate, and shall state the specific reasons for denial or the conditions attendant with the granting of a certificate in writing. Said action by the DRC must be a public meeting, duly noticed.

C. Appeals:

As to application for certificates of appropriateness the applicant submitting an application, or any person who was a party for or against the application at the design review commission meeting, may appeal approval, conditions of approval, or disapproval of such application to the planning commission, in accordance with the design review commission administrative rules and procedures which are adopted as attachments to this ordinance.

This ordinance shall be submitted to the Planning Commission for its

consideration and approval and further, this Ordinance must be presented at a duly noticed public hearing.

This Ordinance shall become effective immediately, upon its passage on second reading, the public welfare requiring it.

Mayor

City Recorder

Recommended for approval by the Planning Commission on March 15, 2011