

ORDINANCE NO: 2005-31

AN ORDINANCE OF THE CITY OF CLEVELAND, TENNESSEE, PROVIDING THAT THE CLEVELAND MUNICIPAL CODE, TITLE 14 CHAPTER 2, BE AMENDED BY REVISING SECTION 2.0 SO AS TO ADD THE HP-HISTORIC PRESERVATION ZONING OVERLAY DISTRICT; AND PROVIDING THAT THE OFFICIAL ZONING MAP IS AMENDED SO AS TO ATTACH THE HISTORIC PRESERVATION ZONING OVERLAY DISTRICT AS DESCRIBED HEREIN; AND PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

Whereas the City Council of the City of Cleveland, Tennessee did create the Cleveland Historic Preservation Commission, hereinafter “HPC”, by Ordinance 2004-07, and charge the HPC with the duty of studying boundaries for an historic zoning overlay district and other duties including the determination of appropriateness of proposed construction and demolition within the historic zoning overlay district, and;

Whereas the HPC has considered an historic preservationist’s analysis of potential historic zoning overlay district boundaries and conducted two public workshops on the proposed boundaries prior to making a recommendation on the proposed boundaries, and;

Whereas the HPC met in open public meeting on May 10, 2005 and recommended the Historic Preservation Zoning Overlay boundaries as described herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CLEVELAND, TENNESSEE:

Section 1. The Cleveland Municipal Code Title 14, Chapter 2 be amended by revising Section 2.0 so as to include the HP-Historic Preservation Zoning Overlay district. The HP district is an overlay zone that is to be attached to the official zoning map in following the process for a zoning map amendment. The HP district is an overlay district, meaning that the underlying zoning designation of the property prior to the attachment of the overlay district is unchanged by the attachment of the zoning overlay district. Permitted uses, conditional uses, setbacks, and other property development rights and requirements affected by zoning are not affected by the HP district except as provided within the authority of the Historic Preservation Commission established by Ordinance 2004-07.

Section 2. The Official zoning map of the City of Cleveland, Tennessee is hereby amended to attach the HP-Historic Preservation Zoning Overlay district to the properties identified in the map and list in Exhibit A which is attached hereto and incorporated herein.

Section 3. That all Ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent necessary to implement this ordinance.

Section 4. In the event that any part of this ordinance is invalidated by a court of competent jurisdiction, all other parts shall remain in full force and effect unless otherwise lawfully repealed or amended.

Section 5. This ordinance shall take effect immediately upon passage on second reading, the public necessity requiring it.

APPROVED AS TO FORM:

L. Harlen Painter, City Attorney

Tom Rowland, Mayor

Janice S. Casteel, City Clerk