

ORDINANCE NO. 2010-003

**AMENDING THE ZONING MAP OF THE VILLAGE OF WAYNESVILLE
AND AMENDING SECTIONS 153.081 AND 153.087 OF THE VILLAGE OF
WAYNESVILLE CODIFIED ORDINANCES REGARDING WAYNESVILLE
HISTORIC PRESERVATION DISTRICT**

WHEREAS, the Waynesville Preservation Board has recommended certain amendments to the Village of Waynesville Zoning Map and Zoning Code concerning the Waynesville Historic Preservation District; and

WHEREAS, the Planning Commission for the Village of Waynesville has reviewed the proposed amendments and has recommended said amendments; and

WHEREAS, a public hearing has been held pursuant to the requirements of the Zoning Code.

NOW, THEREFORE, BE IT ORDAINED by the Village Council of the Village of Waynesville, with _____ members elected thereto concurring:

Section 1. That Sections 153.081 and 153.087 of the Village of Waynesville Codified Ordinances are hereby amended as set forth in Exhibit “A” attached hereto and incorporated herein by reference.

Section 2. That the Zoning Map of the Village of Waynesville is hereby amended as set forth in Exhibit “B” attached hereto and incorporated herein by reference.

Section 3. That this Ordinance shall take effect and be enforced from and after the earliest period allowed by law.

Adopted this _____ day of _____ 2010.

Attest: _____
Staci Morris, Clerk of Council

Earl J. Isaacs, Mayor

EXHIBIT “A”

§ 153.081 DEFINITIONS.

Add the following definitions:

ADVISORY PORTION OF DISTRICT (APD). The area within the Waynesville Historic Preservation District, as designated on the Zoning Map, where a Certificate of Appropriateness shall be only advisory to the Owner unless the Property has attained individual historic designation status as set forth in section 153.092 of the Waynesville Codified Ordinances.

MANDATORY PORTION OF DISTRICT (MPD). The area within the Waynesville Historic Preservation District, as designated on the Zoning Map, where a Certificate of Appropriateness shall be mandatory for the Owner of Property.

§ 153.087 ISSUANCE OF CERTIFICATE OF APPROPRIATENESS.

Add Paragraph (G)

The procedure for the issuance of a certificate of appropriateness (hereinafter referred to as a “certificate”) shall be as follows:

(A) When the owner or user of a property within a preservation district, or an otherwise listed property, desires to make any environmental change, including the construction of a building or an addition, reconstruction, demolition, erection of a sign, or display, or landscaping, he or she shall first obtain a written certificate from the Board.

(B) If the proposed work requires a building or a sign permit, the owner or user shall file an application through the Building Department which shall then refer the matter to the Board. If the change or sign is not incompatible with nor does it adversely affect any historic, architectural or environmental feature of the property, or physically related properties which are also within a preservation district or otherwise listed, and does not violate the spirit and purpose of this subchapter, then the Board shall issue an approved written certificate and the owner or user may proceed.

(C) If, after due consideration by the Board, it is determined that the change or sign would have an adverse effect on properties subject to the provisions of this subchapter, then the Board shall deny the issuance of the certificate. The Board shall state reasons for such disapproval in writing and transmit the written statement to the applicant together with recommendations the Board may have made for appropriate changes (see appeals procedures, § 153.094).

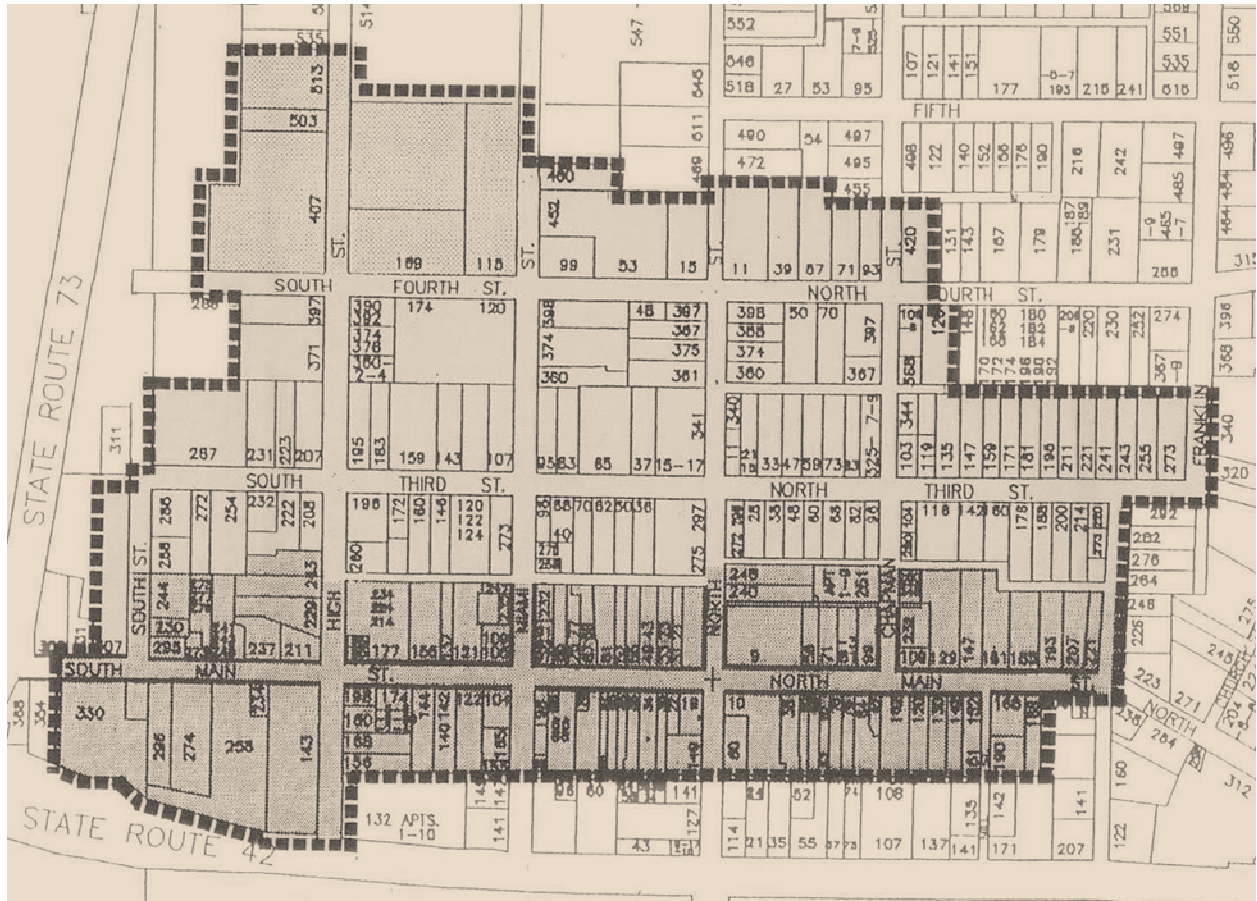
(D) In the case of an inappropriate change, sign proposal or landscape plan, the Board shall, during this waiting period, attempt to work out an alternate plan with the owner or user, or his or her representative, that is acceptable to all parties. In the case of a proposed demolition, the Board shall attempt to find practicable alternatives to such demolition.

(E) Within 30 calendar days after the date of filing of an application for a certificate, the Board shall decide whether the proposed change, sign or landscaping is appropriate. The Board is obligated to act as quickly as possible on all applications so as to cause as little inconvenience to the owner or user as is possible, and shall attempt, where the proposed change, sign, display or landscaping is inappropriate, to keep the waiting period as brief as it may be. Where a recommendation of disapproval is made to Council, the reasons shall be set forth in writing.

(F) Where the position of the Board is overruled by Council, a certificate shall automatically be issued upon such action.

(G) Notwithstanding the other provisions of this section, if the Property is located in the Advisory Portion of District (APD) and not in the Mandatory Portion of District (MPD), a Certificate of Appropriateness shall be advisory only to the Owner and shall be designated as "ADVISORY" marked in plain letters on the Certificate of Appropriateness. An Owner may proceed with Environmental Changes only after the Board provides said advisory Certificate of Appropriateness.

Waynesville Historical District Map



Mandatory Portion of District (MPD) is along Main Street and around Friends Museum in darker shading or individually designated properties

Advisory Portion of District (APD) is non shaded area bound by dashed line on map

Depiction of Historical District for February 2010 legislation