DESIGN GUIDELINES

FOR THE TREE STREETS HISTORIC CONSERVATION DISTRICT

JOHNSON CITY

CITY OF JOHNSON CITY | HISTORIC ZONING COMMISSION







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INTRODUCTION

The Tree Streets Historic Conservation District Design Guidelines were originally adopted in 1999 and amended in 2012. Beginning in 2021, a major rewrite was undertaken to codify best practices in the review of maintenance, renovations, remodels, additions, and new construction in the Tree Streets Historic Conservation District (hereafter referred to as "the District").

The rewritten guidelines are intended to provide an easy-to-use document for homeowners, builders, and contractors to reference as they plan projects in the District. They are also intended to better facilitate the design review process.

PRESERVATION IN JOHNSON CITY

The Johnson City Historic Zoning Commission (HZC) was established by ordinance in 1996, along with the creation of a Historic/Conservation Overlay District. Pursuant to Section 6.26.1 of the ordinance, the intent of the Overlay District is:

A. To preserve and protect the historical and/or architectural value of buildings, other structures, or historically significant areas;
B. To regulate exterior design, arrangement, texture, and materials proposed to be used within the historic district to ensure compatibility;
C. To create an aesthetic appearance which complements the historic buildings or other structures;
D. To stabilize and improve property values;
E. To foster civic beauty;
F. To strengthen the local economy; and
G. To promote the use of Historic/Conservation Overlay Districts for the education, pleasure, and welfare of the present and future citizens of Johnson City.

The District is part of the larger South Side neighborhood which comprises one of the largest cohesive collections of early twentieth-century houses in Northeast Tennessee.

The District includes approximately 225 primarily residential structures built primarily between 1900 and 1940. South Side Elementary School is a non-residential structure within the District.

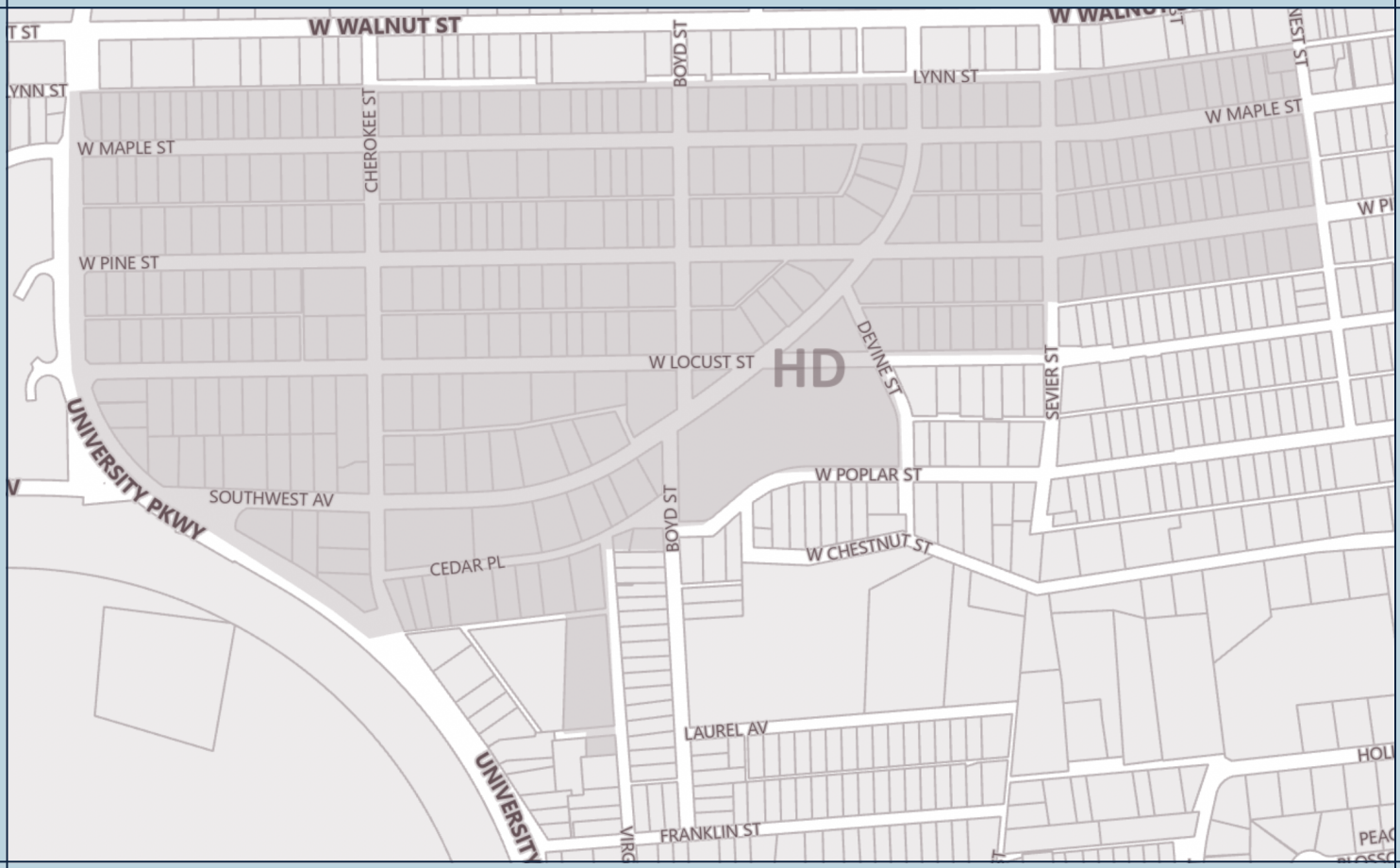
Also in 1996, a larger portion of the South Side neighborhood was classified as a National Historic District on the National Register of Historic Places.

The National Register District is generally bounded by University Parkway, South Roan Street, and Lynn Street.



DISTRICT BOUNDARIES

The Conservation District is generally bounded by Lynn Street, University Parkway, as well as property lines south of Cedar Place, Locust Street, Devine Street, Sevier Street, Lynn Street, and Earnest Street.



PURPOSE OF THE GUIDELINES

The Tree Streets Historic Conservation District Design Guidelines were created to assist in the maintenance and preservation of the District's architectural and historic character. The guidelines also assist homeowners, contractors, and other stakeholders in restoration and rehabilitation projects to ensure that they meet acceptable standards of design and treatments of historic properties.

They are intended to address issues that arise in the preservation of the character of the Tree Streets Neighborhood, including:

01 Performing routine maintenance to building exteriors to ensure that they do not detract from the character of the District

02 Designing additions to historic buildings that are sympathetic to its defining architectural and historic features

03 Constructing new buildings that contribute to and enhance the character of the District

04 Demolishing structures that detract from or do not contribute to the character of the District

WHY A CONSERVATION DISTRICT?

There are some significant distinctions between conservation districts and local historic districts. Both strive to preserve a neighborhood's architecturally and historically significant physical attributes. However, conservation districts are more concerned with overall district character than minute architectural details.

Conservation districts do regulate the physical attributes of buildings that comprise a district, but only to prevent changes that could adversely affect a district's character. They do not require homeowners to "upgrade" existing building elements or architectural features during renovations of individual properties.

GOALS OF THE GUIDELINES

1. To protect and preserve historic resources that represent distinctive and significant elements of the District's architectural identity



2. To promote harmonious and orderly development within the District



3. To foster a sense of community pride in the District



4. To protect and enhance property values throughout the District by ensuring that changes do not adversely impact its historic character



5. To encourage the use of the District's historic resources for the education, enjoyment and welfare of the people of Johnson City and its visitors



6. To provide an equitable and transparent review process for the preservation and appropriate development of the District



CLASSIFICATION SYSTEM

Properties within the District have varying levels of historical and/or architectural significance. To recognize this, each property has been classified into one of three categories: Blue, Red and Green.

The level of review required is based on the nature of the work and the property's rating. Please contact the HZC staff at 423-434-6071 or go online to johnsoncitytn.org for the classification of your specific property.

BLUE

Buildings in this classification were typically constructed prior to 1930, though some exceptional examples of later construction are included. They include emblematic examples of a particular architectural style, and the majority of the original details remain unaltered. All buildings must be preserved and protected from unsympathetic modifications. When possible, original features and treatments should be restored.

RED

Buildings in this classification were typically constructed prior to 1950, though some exceptional examples of later construction are included. They make a significant contribution to the overall character of the Tree Streets District. Buildings should be preserved and when feasible, restored as closely as possible to their original appearance.

GREEN

Buildings in this classification were typically constructed after 1950 and follow more simplistic architectural styles. Although some of these buildings compromise the historic integrity of the Tree Streets District, others are sympathetic in terms of their siting, proportions and massing. Modifications to these buildings should not create a detrimental impact on the character of the District.

TYPES OF APPLICATIONS AND REVIEWS

Any item that must be reviewed by the Historic Zoning Commission will be placed on the correct agenda for the Commission's monthly meeting. Staff level reviews may follow a spereate review period and will not need to be placed on an HZC agenda.



IN-KIND REPAIR/REPLACEMENT

Repair or replacement work that matches the existing materials, color, texture and details.

Blue	Staff
Red	Staff
Green	Staff



RESTORATION

Returning the building, structure or site to its original condition. Photographic or archival documentation as proof of the original design may be required.

Blue	HZC
Red	Staff
Green	Staff



RENOVATION

Changes to the exterior configuration of a building, such as the addition of dormers or alterations to windows or doors that are not considered restoration.

Blue	HZC
Red	HZC
Green	Staff



ADDITIONS/NEW CONSTRUCTION

All new construction, including accessory buildings, porches, and additions.

Blue	HZC
Red	HZC
Green	HZC



DEMOLITION

Blue	HZC
Red	HZC
Green	Staff (less than 600 sq ft) HZC (more than 600 sq ft)

CERTIFICATE OF APPROPRIATENESS REQUIREMENTS

If exterior work is proposed on a property within the bounds of the District, the City of Johnson City requires that an applicant obtain a CofA (Certificate of Appropriateness) prior to beginning work.

Jurisdiction is limited to areas of properties that are visible from a public right-of-way (sidewalk, street, etc.) with the exception of alleys. All exterior work visible from these rights-of-way require a CofA, regardless how minor.

Work that requires a CofA includes:

- Modifications or repairs to the exterior of a building or structure (including regular maintenance)
- Modifications to fences, or construction of new fences
- New building construction or additions
- Relocation or demolition of a building or structure, all or in part
- Hard landscaping (retaining walls, paths, landscaping structures, etc.)

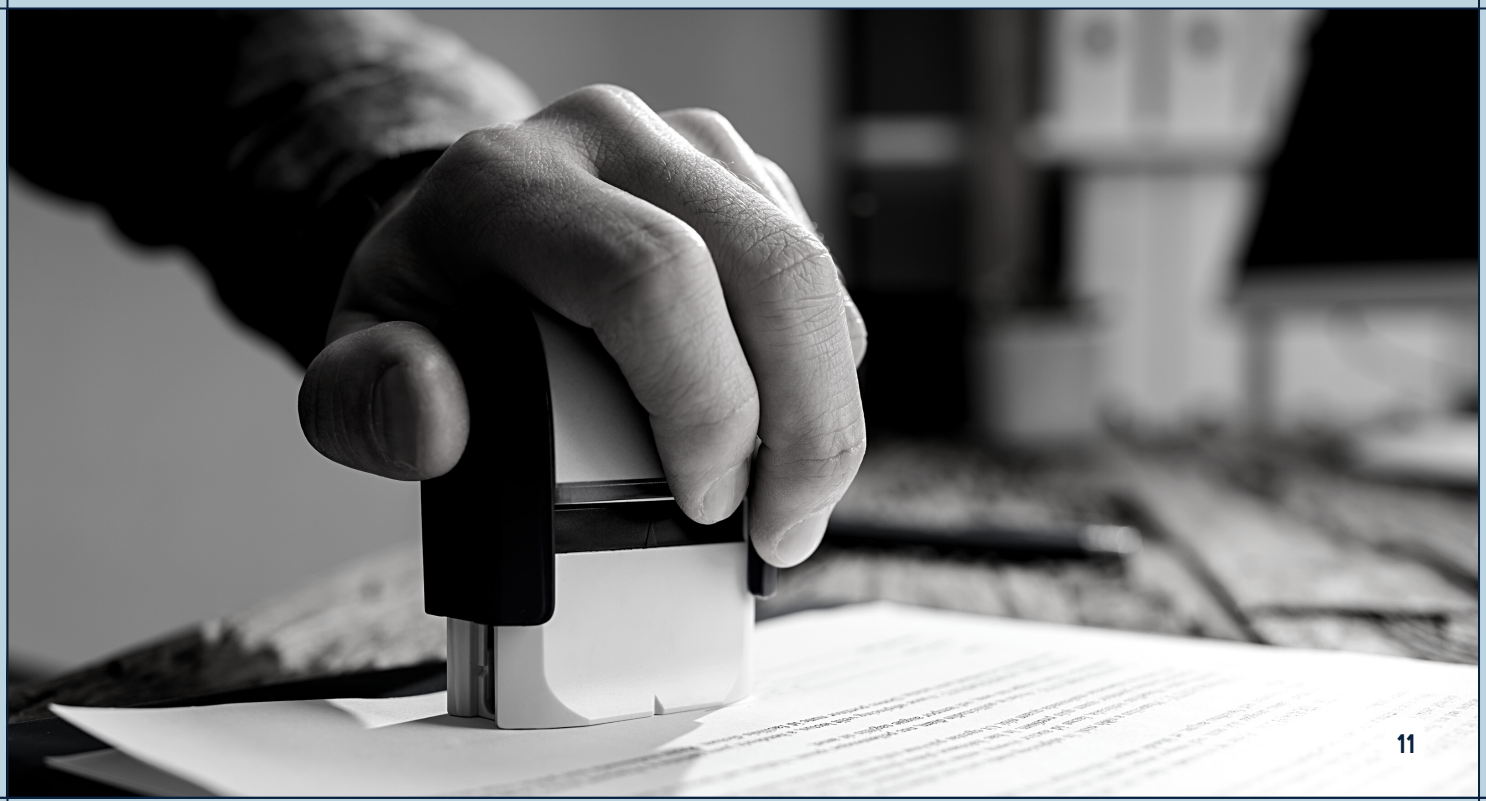
Work that does not require a CofA includes:

- Exterior paint
- Landscaping
- Interior repairs and renovations
- Work done that is not visible from a public right-of-way with the exception of alleys

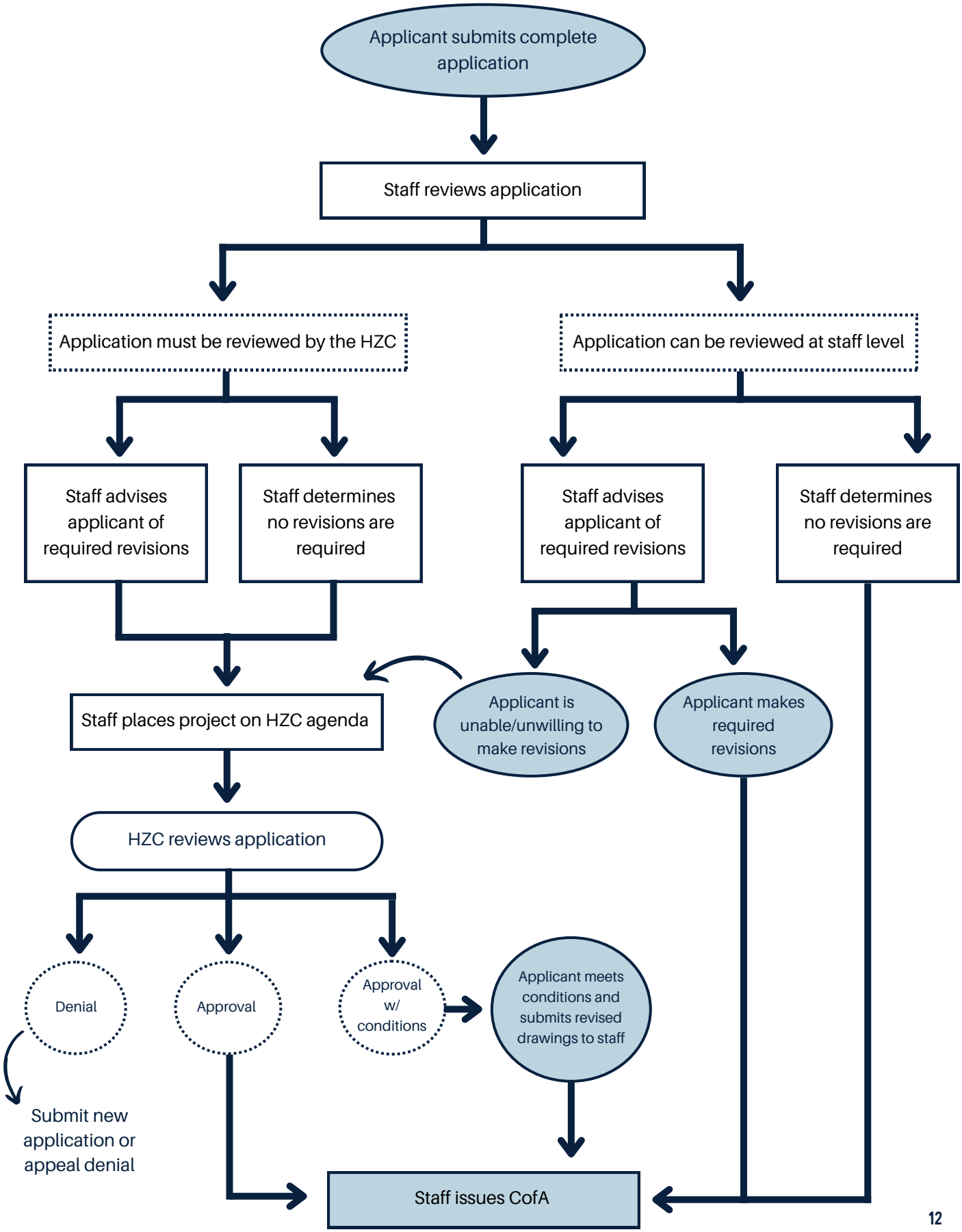
The HZC staff will review proposed modifications to assess their appropriateness to the specific site and its surroundings. The staff will also determine the structure's classification (see pg 9) and the type of application (see pg 10) to determine the level of review required.

If the project is not consistent with the Guidelines, the staff will advise the applicant how to make appropriate changes to bring it into compliance. If the applicant is unwilling or unable to make the revisions requested by staff, the project will automatically be reviewed by the full HZC at a regular meeting.

Work completed without a CofA may be subject to Code Enforcement procedures.



CERTIFICATE OF APPROPRIATENESS REVIEW PROCESS





DISTRICT CHARACTER

The District is located southwest of downtown Johnson City. It is a sub-area within the larger Southside Neighborhood, which was developed beginning in the late nineteenth century. The District is generally bounded by Lynn Street, University Parkway, property lines south of Cedar Place, Locust Street, Devine Street, Sevier Street, Lynn Street, and Earnest Street.

It consists of predominantly single-family residential uses, though some multi-family and institutional uses can be found. Its development pattern is typical of areas developed at the turn of the twentieth century, before provisions for vehicles shaped the layout of subdivisions. Accordingly, the streets are relatively narrow, lots are smaller and setbacks are minimal. Combined with the tree-lined streetscape, this development pattern creates a traditional, pedestrian-friendly neighborhood.

ARCHITECTURAL STYLES

The most architecturally significant styles in the District are Bungalows, Queen Anne, Four Square and Colonial Revival.

BUNGALOW

Bungalows, which often bear Craftsman influence, are generally one or one and one-half stories, constructed of frame or brick veneer, and feature symmetrical front porches. Details include multi-light windows, entrances with Craftsman doors, porches with battered wood columns, and wood trim.



QUEEN ANNE

Queen Anne examples can be divided into Cottages that are one or one and one-half stories in height, and Houses that are two or two and one-half stories. Both feature the asymmetrical facades and front-facing gables that are typical of the style.



FOURSQUARE

Foursquares are two-story, box-shaped forms with minimal ornamentation. They feature symmetrical facades with full-width front porches. Roofs are hipped with a single, central dormer.



COLONIAL REVIVAL

Colonial Revival examples feature the traditional symmetrical elements that are characteristic of the style: fanlights above front doors, pedimented facade porches with traditional columns, and gable-ended roofs.



Other styles or forms in the district include L-Plan Houses and I-Houses. At the edges of the district, many of the later twentieth century houses were built in period revival styles such as Tudor Revival, Cape Cod Revival, and English Cottage Revival. Minimal Traditional houses, built during this same time, have minimal decorative features, usually Colonial Revival or Tudor Revival.



QUEEN ANNE (415 W Maple St)



CRAFTSMAN (709 W Maple St)



COLONIAL REVIVAL (801 W Pine St)



FOURSQUARE (819 W Maple St)

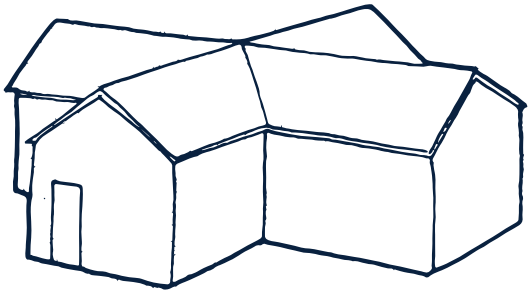


TUDOR REVIVAL (734 W Maple St)



MINIMAL TRADITIONAL (828 W Maple St)

URBAN FORM



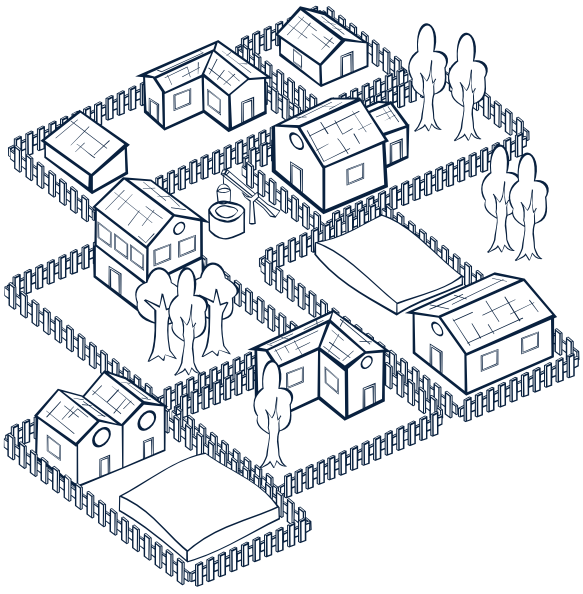
MASSING/FORM

- Buildings are predominantly of wood construction with gabled or hipped roofs
- Most structures are one to two stories in height



STYLES

- Styles commonly found in the District include Craftsman, Queen Anne, Foursquare and Colonial Revival
- Single-family residences are the dominant use type, with some multi-family and institutional uses



SETTING/LANDSCAPE

- Development is relatively dense with structures near abutting property lines
- The area was originally platted with all lots being 25 ft wide and 135 - 145 feet in depth
- Most houses are built on 2 plats and some are 3 or 4
- Many driveways are shared within the District
- Street parking is found throughout the neighborhood
- Many properties include detached garage structures built in the early Twentieth Century



GUIDELINES

This section codifies the standards for appropriate exterior modification within the District. The Guidelines provide criteria for the maintenance, restoration, repair, and replacement of building features. They also outline strategies for incorporating sustainable technologies and new construction in a sympathetic manner.

Sections:

1. Typical Exterior Maintenance
2. Roofing, Gutters and Downspouts
3. Exterior Cladding, Trim and Other Features
4. Windows, Doors and Porches
5. Site Elements
6. New Construction, Demolition and Relocation
7. Sustainability

TYPICAL EXTERIOR MAINTENANCE

Building Maintenance

The historic architecture of the Tree Streets District comprises a housing stock of early- to mid-20th century buildings. The majority of these buildings have been occupied and maintained since they were built. Regular maintenance helps individual properties retain their value in the marketplace. It also helps neighborhoods retain their historic character. The goal of this section of the guidelines is to provide a manual for proactive repair and replacement work to prevent serious (and more costly) problems from developing.

TYPICAL BUILDING MAINTENANCE NEEDS



Building Envelope

The building envelope comprises the roofing, walls, foundations, windows and doors. These components function together to protect the building's interior and exterior from environmental conditions such as rain, wind, snow, sun, insects and other pests, and vegetation.

As building materials naturally deteriorate over time, it is necessary for homeowners to take consistent and proactive measures to protect the building envelope from these environmental influences. This type of regular maintenance will slow the rate of deterioration and resolve small issues before they develop into larger, more detrimental problems. This will allow the buildings in the Tree Streets to last for generations to come.

Repair and Replacement

Repair/replacement work is primarily intended to keep buildings water-tight by identifying and rectifying areas of deterioration as quickly as possible. Regular maintenance assists in identifying areas in need of repair before replacement is necessary. For example, if one muntin on a window is loose, it can be re-fastened with minimal work and expense. If this repair is neglected, water intrusion can quickly deteriorate other elements of the window such that costly replacement is the only option.

When repair is not possible, replacement should be in-kind to the greatest extent possible.

REPAIR AND REPLACEMENT GUIDELINES

01 Repair and replacement work should be the least-intrusive intervention as possible

02 Repairs and/or replacements should focus on making the building water-tight and preventing and/or addressing deterioration

03 Repairs and/or replacements should focus on protecting and preserving the building's distinguishing features

04 When repair is not possible, replacement should be compatible with the original element in terms of design, color, texture, and visual quality

05 Distinctive architectural features should not be removed or encapsulated with incompatible materials

ROOFING, GUTTERS AND DOWNSPOUTS

Roofing

Roofs are important elements in terms of protection against the elements and visual quality of the building. The following considerations should inform the evaluation of requests for roof repair and replacement work:

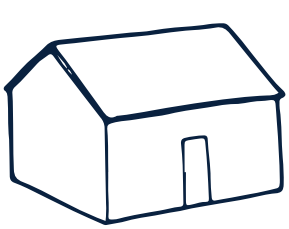
01 Roofs should be made weather-tight as a first line of defense against deterioration of the entire structure

02 Roof forms are an integral component of the building's architectural style and therefore one of the most important defining characteristics

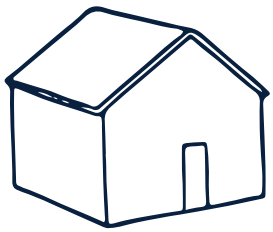
03 Roofing repair and replacement should maintain the form, color and texture of the historic roof to the greatest extent possible

04 If the original roof form and/or material has already been replaced, repair/replacement in kind is appropriate. If historic documentation can be produced to determine the original conditions, restoration is also appropriate, though not mandatory

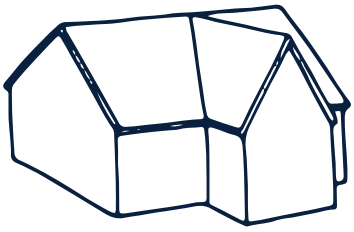
TYPICAL ROOF FORMS



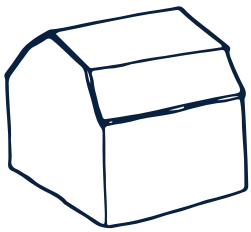
Side Gable



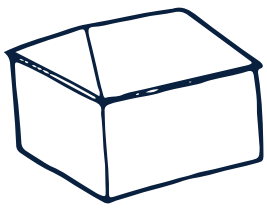
Front Gable



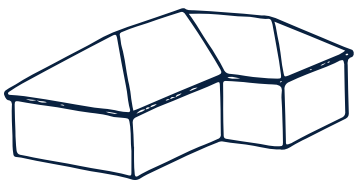
Cross Gable



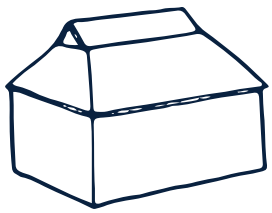
Gambrel



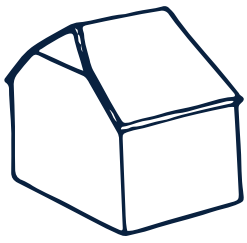
Hipped



Cross Hipped



Gable on Hip



Hip on Gable

APPROPRIATE ROOFING MATERIALS

1. **Metal.** In the mid-19th century, metal became a common roofing material for many types of structures, including industrial, commercial and residential. Colors should be natural metal (silver, gray, or black to resemble metal) or muted green.



2. **Asphalt/Fiberglass.** Asphalt was popularized as a roofing material in the early 20th century. Modern asphalt shingles are made of fiberglass, generally as 3-tab, architectural or dimensional shingles. If over 20% of the asphalt shingles on a roof slope are damaged or missing, complete replacement of the roofing might be warranted.



ROOF FEATURES

1. **Ridge Tiles and Finials.** Ridge details and finials are important features on historic buildings. Ridge tiles are typically made from terra cotta and appear along the top ridge or hip of a roof. Finials are also commonly made of terra cotta and they are typically located at the end of a gable roof or dormer. Whenever possible, ridge tiles should be preserved.



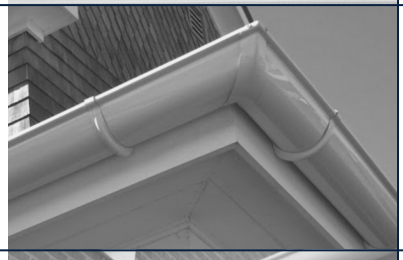
2. **Chimneys and chimney braces.** Chimneys are defining elements of historic buildings. Removal of historic chimneys is discouraged. If a chimney appears unstable, an architect or structural engineer should be consulted to determine the appropriate course of action.



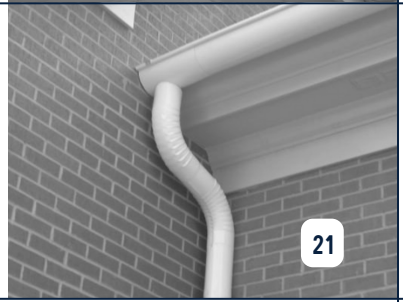
3. **Dormers.** Dormers typically feature gable or shed roofs and are defining architectural features. Existing historic dormers should be retained and reconstructed. New dormers on buildings where there is clear evidence that they historically existed is appropriate. New dormers on historic buildings where they did not previously exist should not be allowed at the front elevation.



4. **Gutters.** Gutters are typically located near or along the bottom edge of a roof slope to collect rainwater. When installed properly, they can significantly reduce water intrusion into historic buildings. Simple, half-round gutters are most appropriate for historic buildings.



5. **Downspouts.** Downspouts direct water collected from a gutter down the exterior wall of the building to the ground or an underground drainage system. They should direct water away from the building foundation at the ground level. Round downspouts are most appropriate for historic buildings.



EXTERIOR CLADDING, TRIM AND OTHER FEATURES

Exterior Cladding

Exterior cladding acts as the "skin" of the building, protecting it from water intrusion and deflecting sunlight and wind. Aesthetically, cladding is an important design feature that helps define the style, period, and character of a building.

In the Tree Streets District, cladding is typically weatherboard or brick. Some examples of historic stone siding, as well as inappropriate metal and vinyl siding, can also be found.

Weatherboard Siding and Alternatives

Weatherboards are installed by nailing an upper board overlapping a lower board with joints staggered across the wall surface. Whenever possible, original weatherboards should be repaired and retained. When replacement is necessary, the profile of replacement siding should be historically appropriate and align around building corners.

ALTERNATIVE SIDING MATERIALS

Artificial siding. Vinyl and aluminum siding are intended to simulate wood. They are not appropriate for historic structures as they fail to accurately recreate the appearance of wood and trap moisture. The installation of new vinyl or aluminum siding at the front elevation of any structure is inappropriate. Repair/replacement of existing vinyl or aluminum siding is allowed, though the restoration of the original material is highly encouraged.

Fiber-Cement Siding. Fiber-cement siding is a solid material that is both durable and more aesthetically appropriate than vinyl or aluminum siding. The replacement of damaged wood siding with smooth-finish fiber-cement siding is appropriate. The installation of wood-grained fiber-cement siding is inappropriate.

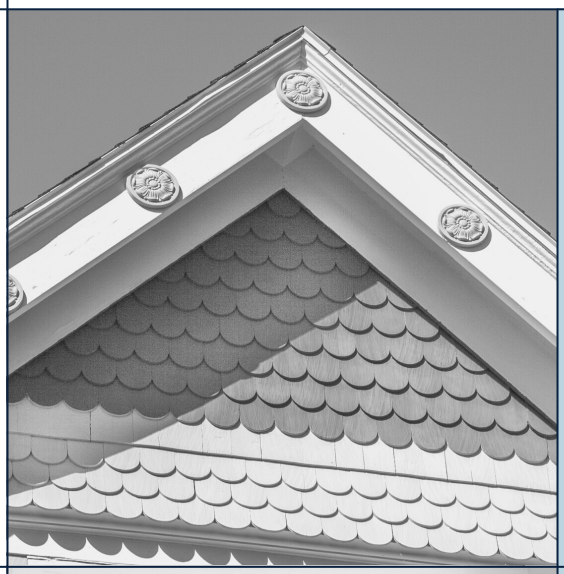
Other materials. In some cases, alternative siding materials such as Insulbric or Asbestos shingles have been added that have become part of the historic evolution of the structure. Repair and/or replacement of such materials should be reviewed by the full Historic Zoning Commission at a meeting on a case-by-case basis. Generally speaking, materials that were added more than 50 years ago, even if not original, may be retained.

Masonry Siding

Exterior masonry includes stone, brick, and stucco. Historically, a building's exterior masonry surface serves both visual and functional purposes. In the Tree Streets, masonry exteriors are typically veneer and not structural components. Whenever possible, original masonry elements should be repaired and retained to the greatest extent possible. When replacement is necessary, the details of replacement material should be historically appropriate in terms of design, color, texture, and visual quality.

Exterior Woodwork

In addition to siding, wood is used for decorative features such as brackets, cornices, window and door surrounds, soffits, and fascias. It is also used as trim to serve as the transition between other elements. Wood trim and ornament are considered distinguishing features and the retention, maintenance, and repair of existing wood trim and ornament is highly encouraged.



Decorative Wood Shingles

Generally limited to the front and side gables of buildings, decorative wood shingles are important defining characteristics. Proactive maintenance and minimally-intrusive repair of original wood shingles is highly encouraged. Cement board shingles are an acceptable alternative material.



Alternate Materials for Wood Trim and Ornament

When the retention of original wood trim and ornament is not possible for decorative features, the dimensions, profiles, and detailing of the alternate material should be as closely matched as practicable to the historic wood element.

WINDOWS, DOORS AND PORCHES

Window and Doors

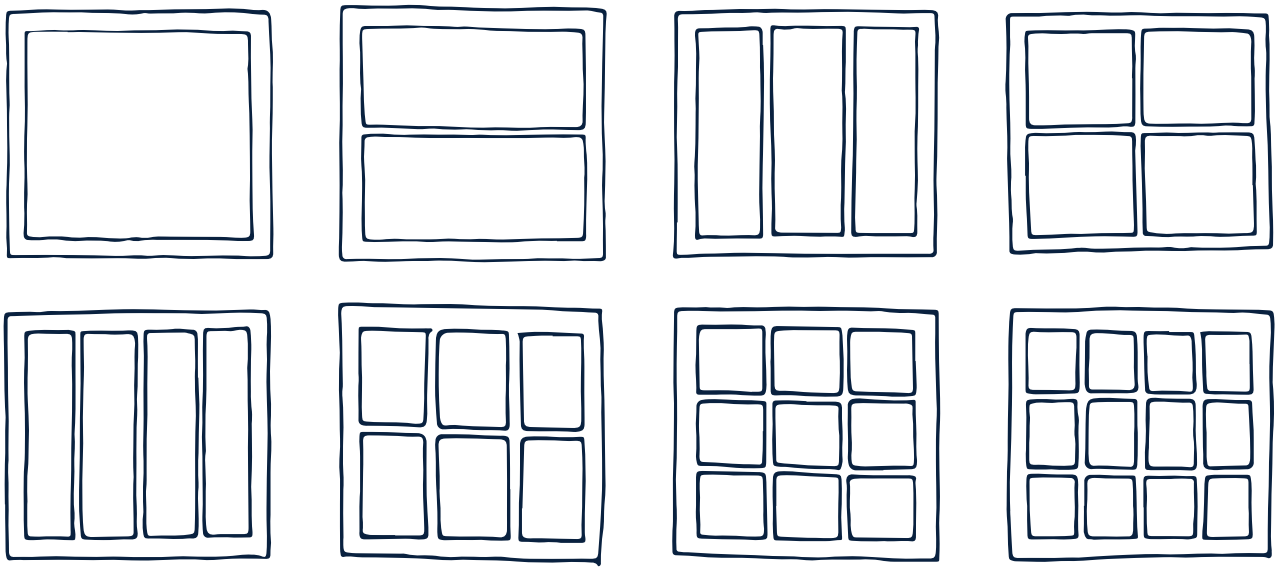
Windows and doors typically comprise a significant portion of the surface area of exterior walls. They define the character of buildings and provide visual interest. Windows and doors can also help define a building's architectural style and date the age of construction. In addition, they provide natural light and ventilation and serve as an important threshold between a building's exterior and interior. They are important elements of historic buildings and should be retained in their original configuration to the greatest extent possible.

Window Configurations

Window configurations are one of the important defining characteristics associated with specific architectural periods and styles. The window pattern and cadence in relation to the overall building elevation should be considered. Modifying the window openings, style, shape, material, muntin pattern or location can dramatically alter the appearance of the building and should be avoided. Many times a restored original wood window with a storm window is more energy efficient. Interior storm windows may be encouraged. When repair is not possible, replacement windows should match the size, configuration, shape and proportions of the existing window. When muntins are historically appropriate, exterior muntins are encouraged.

Wood, vinyl, and aluminum replacement windows that match the original window configuration as outlined above are appropriate if repair is not practicable.

APPROPRIATE WINDOW GLAZING PATTERNS



Doors

Door styles are important indicators of the architectural style of the building. As a result, doors are considered distinguishing characteristics and the retention, maintenance, and repair of historic doors is highly encouraged.

Original entrance elements, including doors, transoms, sidelights, and surrounds, should be retained and preserved. Door opening size should not be changed to fit standard doors. This especially applies when adding a storm door. When repair is not possible, replacement doors that match the original materials, type, size, shape, configuration, panel pattern, glazed window type and pattern, proportions, profiles and details as historic doors are appropriate.

APPROPRIATE EXTERIOR DOORS



Colonial Revival | Queen Anne | Colonial Revival | Craftsman | Four-square

INAPPROPRIATE EXTERIOR DOORS



Porches

Porches are typically one of the most prominent and historic elements of a building. They are essential in determining a building's style and they play a key role in its visual appeal.

PORCH COMPONENTS AND MATERIALS



Roof - usually the same material as main roof

Lintel - typically wood

Post/Column - typically wood or brick; no columns above piers are also common

Pier - typically brick on Craftsman examples; columns that extend straight to porch floor with no pier are also common

Balustrade - typically wood or brick

Porch floor - typically tongue and groove wood

Steps - typically wood or masonry

Foundation - typically wood or masonry

Due to the significance that porches bring to the historic streetscape, original materials and details should be preserved. Typically, areas protected by a porch tend to require less maintenance. The elements that are exposed to weather, however, require proactive maintenance and swift repair work. One of the best ways to preserve wood features is regular painting. If an element is deteriorating, repair or replacement in kind is recommended as part of the regular maintenance.

Alternative Porch Treatments

1. **Enclosing Porches.** Porches were meant to be open exterior spaces. Enclosing them, particularly where visible from the street, is a dramatic modification to a building and its visual identity. The enclosing of any porch that is visible from the street is strongly discouraged.
2. **Alternate Materials**. In areas that are more exposed to the elements, such as column bases, or where the replication of a material will be prohibitively expensive, the use of alternate materials is appropriate. The proposed replacement material should match to the greatest extent practicable the appearance, size, profiles, texture and finish of the historic material being duplicated.
3. **New Porches**. Generally speaking, the addition of a porch to a front facade that never had a porch is inappropriate. Consideration of new front porches may be given for red- and green-rated properties. In these cases, along with new construction, porches should be as simple as possible and not make any attempt to emulate a historic porch.



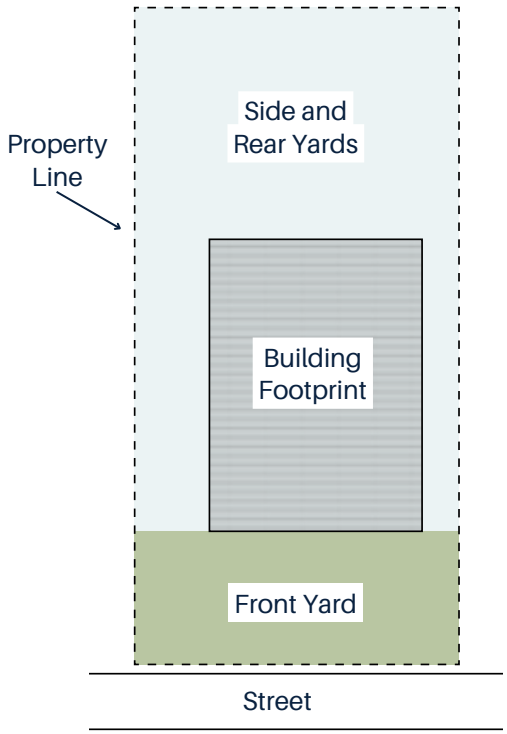
FENCES AND WALLS

Fences

Fences identify boundaries and play a key role in framing properties at streetscape. Historic fences should be maintained and preserved. New fences should relate to the architectural style of the primary structure when appropriate. Fences should never obscure the view of building facades.

Fence Materials

1. Natural materials like wood and masonry are encouraged.
2. Vinyl fencing is discouraged. Applications for vinyl fencing must be reviewed by the Historic Zoning Commission at a meeting.
3. Chain link fences are inappropriate in historic districts and not permitted.



Front Yards

Fences between the front property line and front facade of the primary structure should not exceed 4’ in height. Wood, wrought iron, and metal pickets are the most appropriate materials for fences in front yards.

Side and Rear Yards

Fences between the front facade of the primary structure and the rear property line should not exceed 6’ in height. Appropriate materials include wood, wrought iron, and metal pickets as well as wood plank and solid masonry at these locations.

Fencing may not exceed 6' in height

Fencing may not exceed 4' in height

Walls

Landscape walls and retaining walls greater than 2’ in height require a Certificate of Appropriateness. They may be constructed of masonry with either a brick or stucco finish or split-faced concrete block are appropriate. Smooth-faced concrete block is prohibited. It is also encouraged that such walls match the foundation material of the associated primary structure. Existing historic retaining walls are a distinguishing feature and should be maintained and preserved.

Landscaping

Vegetative landscaping does not require a CofA.

NEW CONSTRUCTION, DEMOLITION AND RELOCATION

New Construction

New construction is inevitable in thriving historic neighborhoods. This includes new primary buildings, additions to existing buildings, and new secondary structures. Historic "copies" that give the impression that they were constructed much earlier in time are discouraged. New construction should, however, feature high-quality design and be compatible with and contribute to its surroundings.

COMPATIBILITY INCLUDES:

1. **Scale.** The height and width of new buildings should be similar in proportion to neighboring properties. When there is a variation in proportions on a blockface, the overarching rhythm of scale should be maintained.



2. **Form and Massing.** Building form is defined as the shape of the major volumes that comprise a structure. It includes roof form and projections such as bays. Massing refers to the arrangement of the major volumes, and how the structure is situated on the site. New buildings with similar form and massing to adjacent structures create a compatible blockface.



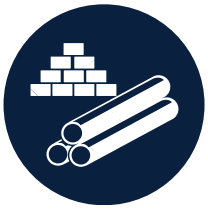
3. **Orientation.** The primary facade of new construction should face the same direction as the majority of the buildings on the blockface. Main entrances should be located on the primary facade. For corner sites, the primary facade should follow the rhythm of the existing buildings on the streetscape.



4. **Details.** The trim and decorative elements of new construction should create a cohesive effect on the building and should be compatible with the context of the neighborhood.



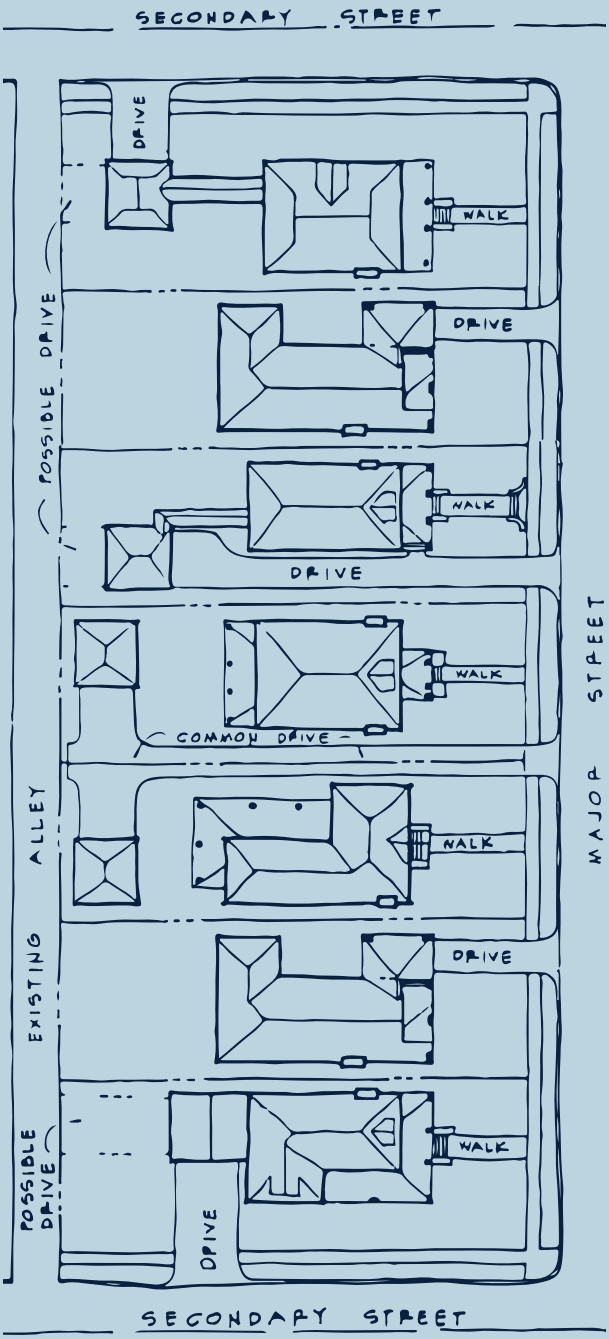
5. **Materials.** Materials should include those predominantly found on surrounding buildings. Alternative materials that have the same visual and functional effect as the predominant materials may be appropriate.



Site Layout

Natural contours and the location of sidewalks and walls should be maintained where possible. A new residence must conform to surrounding house setbacks and side yards. A good site plan takes into account the preservation of existing trees. Accessory structures are subject to zoning code placement standards.

APPROPRIATE SITE LAYOUT

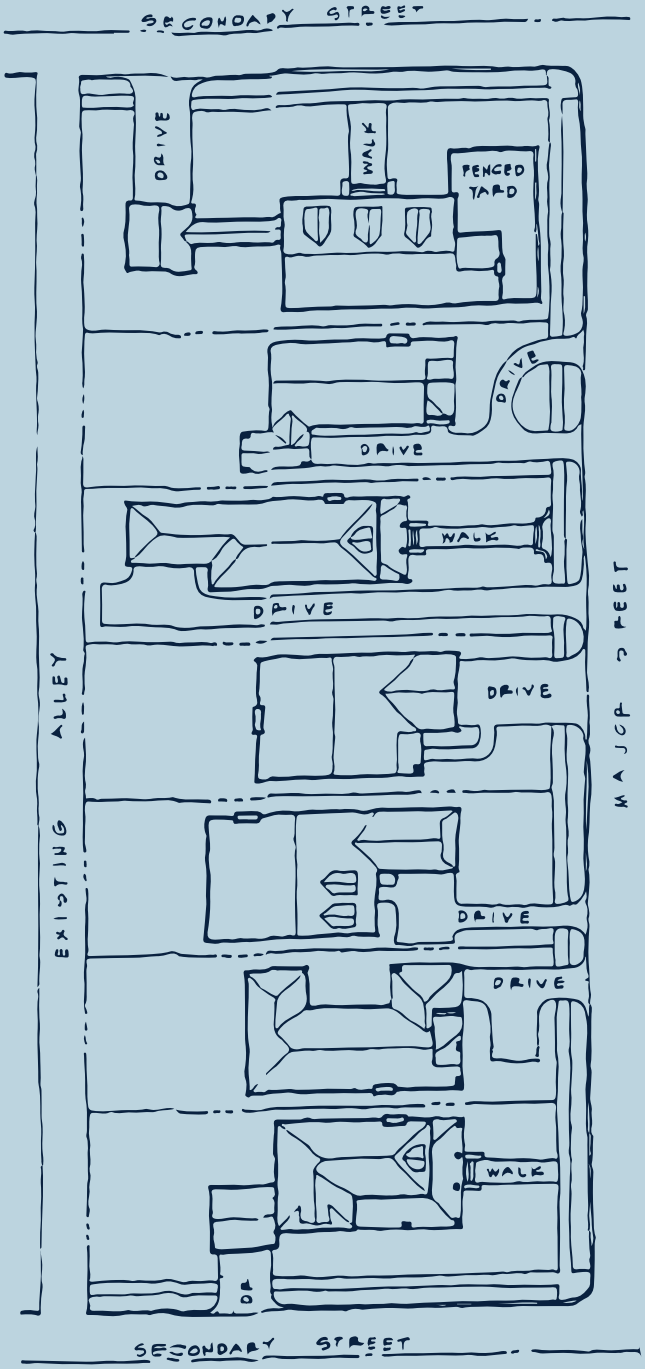


- Front of house oriented toward main street in typical fashion with neighbors.
- Carport or garage located to rear of property and offset, if possible, from building line.
- Concrete sidewalks 4 feet in width and concrete driveways 8-10 feet in width are appropriate.
- Carport or garage located behind the house. Access from alley is encouraged when this condition exists.
- Carport or garage located to rear of property and accessed by a common driveway. Note: A recorded access easement is usually required for this condition.
- Open carport which architecturally ties into a covered porte cochere porch is acceptable. This design is typical of the bungalow style.
- Covered porch relates to the corner lot while maintaining the consistent street orientation.
- Carport or garage is located to the rear and setback from the minimum building line or main street facade.

Inappropriate Site Layouts

Site plans that are not compatible with the setback, orientation, paving patterns, accessory building location, and spacing of adjacent buildings are inappropriate.

INAPPROPRIATE SITE LAYOUT



- Houses not maintaining the orientation and setback toward the major street are inappropriate.
- Circle drive in front yards are inappropriate.
- Houses with greater setbacks than typical street patterns are inappropriate.
- Front loaded carports or garages located in front of main house are inappropriate.
- Carports or garages located in front of main houses (even if access is to the side) are inappropriate.
- Paved parking pads located in front yards are unacceptable.
- Garages/carports in front of the street elevation of the house is inappropriate.

Demolition

Demolition involves the complete or partial removal of a building, object or structure. Since the purpose of historic zoning is to protect historic properties, the demolition of a building, object or structure which contributes historically or architecturally to the character and significance of the District is inappropriate and should be avoided. Should a proposed demolition be deemed appropriate by the Commission, such demolition should proceed only when an immediate reuse is envisioned for the property. The proposed design of new construction should be submitted to, and reviewed by, the Commission in conjunction with the submission and review of the proposed demolition. When demolition is necessary, historic salvage is encouraged.

Demolition is appropriate if:

- If a building, object, or structure has lost its architectural and historical integrity and importance, and its removal and the proposed new construction will not in the Commission's reasonable discretion result in a more negative, less appropriate visual effect on the District;
- If a building, object, or structure does not contribute to the historical or architectural character and importance of the District and its removal and the proposed new construction will in the Commission's reasonable discretion result in a more positive, appropriate visual effect on the District;
- If the Commission determines by the provisions outlined in the Historic/Conservation Ordinance for Economic Hardship for demolition based on financing; or
- If the demolition is required by a final and nonappealable order or ruling of a court, governmental body or agency having appropriate jurisdiction, and such order or ruling does not allow for the restoration and continued use of the applicable building, object, or structure.

Demolition is inappropriate if:

- If a building, object, or structure is of such architectural or historical interest and value that its removal would be detrimental to the public interest and the goals of historic zoning;
- If the proposed reuse and new construction would diminish or detract from the predominantly single-family residential character of the District;
- If a building, object, or structure is of such old or unusual or uncommon design and materials that it could not be reproduced without great difficulty and expense; or
- If its proposed replacement or lack of replacement would in the Commission's reasonable discretion make a less positive visual contribution to the District, would disrupt the character of the District, or would be visually incompatible.

Relocation

Relocation involves moving a building into the District or from one site to another within the District. Removal of a building, object, or structure from the District shall be considered and reviewed as a demolition of the building, object, or structure.

Moving an existing building which still retains architectural and historical integrity and which contributes to the architectural and historical character of the District should be avoided.

Moving a building which does not contribute to the historical and architectural integrity of the District or which has lost architectural integrity due to deterioration and neglect is appropriate if its removal or the proposal for its replacement will result in a more positive appropriate visual effect on the District.

Relocated buildings must be carefully rebuilt to retain and maintain original architectural details and materials.

A building may be moved into the District if it maintains a sense of architectural unity in terms of style, height, scale, massing, materials, quality of construction, texture, and setback with existing buildings along the street.

A building may be moved from one site to another in the District if:

- The integrity of location and setting of the building in its original location has been lost or is seriously threatened;
- The new location will be similar in setting and siting;
- The building will be compatible with the buildings, adjacent to the new location in style, height, scale, materials, and setback; and
- The relocation of the building will not result, in the Commission's reasonable discretion, in a negative visual impact on the site and surrounding buildings from which it will be removed.

Sustainability

The goals and principles of historic preservation and sustainability are closely aligned. The preservation of historic buildings saves energy, minimizes waste and reduces new environmental impacts associated with new construction. Further, improving the energy performance of existing historic buildings can be done in a way that is sympathetic to the distinctive character of the Tree Streets, thus simultaneously meeting the goals of preservation and green building.

Sustainability Guidelines for Windows and Doors:

- Maintain/restore operability of windows and transoms to allow for ventilation
- Maintain/add weather-stripping to existing windows
- Ensure that the seal around the window and between the upper and lower sash is tight
- Maintain perimeter sealant and putty glazing
- Use caulk, glazing putty and sealants to ensure that the joints around frames, trim and glazing are air-tight
- Storm windows and doors can improve efficiency. New installations should be compatible with the appearance of a historic element. Single-glazed storm windows or doors with trim that matches the window or door frame are appropriate



Solar Technology Guidelines

- Retain original character-defining roof features and finish materials
- Panel locations are dependent on the individual property's classification (see chart below)
- Panels should be located away from roof edges and ridges to further reduce visual impacts
- Panels should be low-profile and flush with the roof
- The color of the panels should complement the color of the roof
- All conduit and accessory materials should be run inside the building or in a manner that is not visible from the street



Solar Technology Locations

Building Classification	Solar panels allowed at primary elevation	Solar panels at secondary elevations	Solar shingles allowed all elevations
Blue	✗	✓	✓
Red	✗	✓	✓
Green	✓	✓	✓
New Construction	✗	✓	✓

All solar technology installations must be reviewed by the HZC at a public meeting.

Primary elevations are considered those facades facing the architectural front of the home.

Secondary elevations are considered those facades that are not facing the architectural front of the home.

IN SUMMARY

- All exterior work done in the Historic District that is visible from a public road requires a Certificate of Appropriateness (CoA) prior to beginning work.
- CoA's can be granted by staff or by the Historic Zoning Commission depending on the scope of the work to be completed.
- Staff and the Historic Zoning Commission will review applications for their adherence to these Design Guidelines.
- All City of Johnson City standards and requirements are applicable to a project. A CoA is in addition to any permit that may be required.

USEFUL LINKS

CityView Portal

Johnson City Zoning Code

For any additional questions or to set up a Pre-Application meeting, reach out to Planning Staff at 423-434-6071 or by email at planning@johnsoncitytn.org.



APPENDICES

Sections:

1. Glossary
2. Article 6, Section 6.26 - Historic/Conservation Overlay District
3. Bylaws

GLOSSARY

ADDITION

New construction that increases the dimension of an existing building or structure.

ALTERATION

A replacement or change in building material; the addition or elimination of any architectural element of a building; a repair that reconstructs any part of the exterior of any existing building; or construction of or change to an appurtenance.

APPURTENANCES

Fences, walls, paving, street lights, curbs, signs, mailboxes, gazebos, fountains, and other accessory or adjunct permanent built features related to a building or streetscape.

BLOCKFACE

The buildings that comprise one side of a street between 2 intersecting streets.

BRACKET

Projecting support member found under eaves or other overhangs. May be only decorative or may be used to support weight.

BUILDING

Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, or personal property.

CERTIFICATE OF APPROPRIATENESS

A document issued by the Historic Zoning Commission certifying that the Commission has reviewed the described proposal and determined that it meets all applicable standards of the Commission.

CONSTRUCTION

The process of erecting a new building or restoring/ rehabilitating existing building.

CORNICE

Projecting decorative molding along the top of a building or a wall.

DEMOLITION

The removal of a building, or major portion thereof.

EXTERIOR

The outer features of a building that open to the elements.

MAJOR WORK

Major work must be approved by the Historic Zoning Commission and requires a Certificate of Appropriateness. In general, these are projects which involve a change in the appearance of a building or landscape, and are more substantial in nature than minor work projects.

MINOR WORK

Any change to a historic resource that does not change the historic characteristic of a property (i.e. roof replacement, replacement of windows, replacement of mechanical equipment). Minor work projects will require a Certificate of Appropriateness and can be approved by the staff liaison to the Historic Zoning Commission.

MUNTIN

Strips separating panes of glass in a window sash.

ROUTINE MAINTENANCE

Work that does not alter exterior features of a historic resource and is done to keep buildings water tight and prevent deterioration (i.e. masonry repairs, painting, cleaning).

PITCH

The slope of a roof.

PRESERVATION

The retention of all historic fabric through conservation, maintenance & repair. It reflects a buildings continuum over time, through successive occupancies, and the respectful changes and alterations that are made.

RECONSTRUCTION

The recreation of a non-surviving site, landscape, building, structure, or object in all new materials.

REHABILITATION

The act of returning a building to a usable condition through repair, alteration, and/or preservation of its features.

RENOVATION

Changes to the exterior configuration of a building that result in a condition that is different than the original condition.

RESTORATION

The process of accurately taking a structure's appearance back to a specific period of time by removing later work and/or by replacing missing earlier features to match the original.

SETBACK

Distance from a building to a property line.

ARTICLE 6, SECTION 6.26 – HISTORIC/CONSERVATION OVERLAY DISTRICT

6.26 - HCZO HISTORIC/CONSERVATION OVERLAY DISTRICT

6.26.1 INTENT:

The Historic/Conservation Overlay District provisions are established in order that appropriate measures may be taken to ensure preservation of structures of historic value to Johnson City pursuant to the authority contained in Section 13-7-401 of the Tennessee Code Annotated. The general intent includes, among others, the following specific purposes:

A. To preserve and protect the historical and/or architectural value of buildings, other structures, or historically significant areas;

B. To regulate exterior design, arrangement, texture, and materials proposed to be used within the historic district to ensure compatibility;

C. To create an aesthetic appearance which complements the historic buildings or other structures;

D. To stabilize and improve property values;

E. To foster civic beauty;

F. To strengthen the local economy; and

G. To promote the use of Historic/Conservation Overlay Districts for the education, pleasure, and welfare of the present and future citizens of Johnson City.

6.26.2 CREATION OF HISTORIC/CONSERVATION OVERLAY DISTRICT:

The Historic District and/or Conservation District boundaries shall be shown on the zoning map or on special overlays thereto and are made a part of this Code and noted by name on said map. Any Historic District and/or Conservation District shall be created by the Johnson City Board of Commissioners upon the recommendations of the Johnson City Regional Planning Commission and the Historic Zoning Commission. Within an Historic District no structure shall be constructed, relocated, demolished, or altered unless the action complies with the requirements set forth in this Code. Within a Conservation District, no structure shall be constructed, relocated, demolished, or increased in habitable area unless the action complies with the requirements set forth in this Code.

6.26.3 DEFINITION OF HISTORIC/CONSERVATION OVERLAY DISTRICT:

A Historic/Conservation Overlay District shall be defined as a geographic area which possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects which are united by past events or aesthetically by plan or physical development, and which meets one or more of the following criteria:

6.26.3.1 Associated with an event which has made a significant contribution to local, state, or national history; or

6.26.3.2 Includes structures associated with the lives of persons significant in local, state, or national history; or

6.26.3.3 Contains structures or groups of structures which embody the distinctive characteristics of a type, period, or method of construction, or that represents the work of a master, or someone that possesses high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

6.26.3.4 Yielded or may be likely to yield archaeological information important in history or prehistory; or

6.26.3.5 Is listed in the National Register of Historic Places.

6.26.4 CREATION OF A HISTORIC ZONING COMMISSION:

A Historic Zoning Commission is hereby created for the city of Johnson City, Tennessee, consisting of seven members who shall have a demonstrated interest, experience, or knowledge in historic preservation and are residents of Johnson City at the time of their appointment and who shall continue to so eligible as long as they serve.

6.26.4.1 Membership on the Historic Zoning Commission: Membership on the Historic Zoning Commission shall be composed of at least the following members: a) one architect who is a member, or meets membership requirements, of the American Institute of Architects; b) one member of the Johnson City Regional Planning Commission; c) one member with knowledge of the history of Johnson City; and d) remaining members selected from the community at large.

6.26.4.2 Appointment to the Historic Zoning Commission: Members of the Historic Zoning Commission shall be appointed by the Johnson City Board of Commissioners.

6.26.4.3 Terms of Appointment, Removal, and Vacancies: The members of the Historic Zoning Commission shall serve five-year terms. All members shall serve without compensation and may be removed from membership by the Board of Commissioners for just cause. Any vacancies on the Historic Zoning Commission shall be filled in the manner herein provided for the appointment of such member. Such appointment shall be for the duration of the expired term.

6.26.4.4 Election of Officers, Rules, and Meetings: The Historic Zoning Commission shall elect from its members a Chairman and Vice-Chairman. The Commission shall adopt rules of procedure and shall keep records of application and action thereon, which shall be public record. Meetings of the Commission shall be held at the call of the Chairman and at such times as two or more members of the Commission may determine. All meetings shall be open to the public. At least three members of the Commission shall constitute a quorum for the transaction of its business. Actions and recommendations of the Commission shall be by majority vote. The Secretary of the Historic Zoning Commission, who shall be the Planning Director or designee, shall conduct all official correspondence, keep the minutes and records of the Commission, give adequate public notice of meetings, keep a file on each item which comes before the Commission, and attend to such other duties as are normally the function of a Secretary.

6.26.4.5 Conflict of Interest: When any member of the Historic Zoning Commission shall have a conflict of interest in a matter before the Commission, it is expected that he or she declare that conflict of interest prior to considering whether to vote upon the matter.

6.26.5 POWERS AND DUTIES OF THE HISTORIC ZONING COMMISSION:

6.26.5.1 The Historic Zoning Commission shall review applications regarding the creation of Historic Districts and/or Conservation Districts. The review of such applications shall be in accordance with the criteria set forth in the Definition of Historic/Conservation Overlay District in this Article. The Commission shall furnish to the Planning Commission, in writing, its recommendations regarding the creation of any Historic District and/or Conservation District.

6.26.5.2 Prior to the establishment of a Historic District and/or Conservation District, and subsequent to Board of Commissioners adoption of the District, the Historic Zoning Commission shall adopt for each such proposed District a set of review guidelines, which it will apply in ruling upon the granting or denial of a certificate of appropriateness as provided for in this Code. Such review guidelines shall be consistent with the purposes of this Code and with regulations and standards adopted by the Secretary of the Interior pursuant to the National Historic Preservation Act of 1966, as amended, applicable to the construction, alteration, rehabilitation, relocation or demolition of any building, structure, or other improvement situated within a Historic District and/or Conservation District. Reasonable public notice and opportunity for public comment, by public hearing or otherwise, shall be required before the adoption of any such review guidelines.

6.26.5.3 It shall further be the duty of the Historic Zoning Commission to make the following determinations with respect to the Historic District and/or Conservation District when applicable:

A. Appropriateness of altering or demolishing any building or structure within the Historic District and/or Conservation District. The Commission may require interior and exterior photographs, architecturally 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 Commission.

B. Appropriateness of exterior architectural features, including signs and other exterior fixtures, of any new buildings and structures to be constructed within the Historic District and/or Conservation District.

C. 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 and/or Conservation District.

D. Appropriateness of the general exterior design, arrangement, texture, material, of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings and entire district. However, the Historic Zoning Commission shall not consider interior arrangement or design.

E. That all work to be undertaken in the Historic District and/or Conservation District complies with the applicable review guidelines, with primary consideration to be given to:

1. Historical or architectural value of the present structure;
2. The relationship of the exterior architectural features of such structure to the rest of the structures, to the surrounding area, and to the character of the District;
3. The general compatibility of exterior design, arrangement, texture, and materials proposed to be used; and
4. To any other factor, including aesthetic, which is reasonably related to the purpose of this Article.

6.26.5.4 Right of Entry Upon Land: The Commission, its members 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 Code, but there shall be no right of entry into any building without the consent of the owner.

6.26.6 SUBMITTAL OF APPLICATION TO THE HISTORIC ZONING COMMISSION:

Prior to issuance of any building permit for the construction, alteration, repair, demolition, or relocation of a building or other structure within any Historic District and/or Conservation District, the applicant shall first receive a Certificate of Appropriateness from the Historic Zoning Commission. Application for such certificate shall be made by the applicant to the Secretary of the Historic Zoning Commission and shall include all plans, elevations, or other information as may be required to determine the appropriateness of the proposed actions.

6.26.7 MEETINGS ON APPLICATION:

The Historic Zoning Commission shall meet within 15 days after notification by the Secretary of the Historic Zoning Commission of the filing of an application relating to the Historic District and/or Conservation District.

6.26.8 APPROVAL BY THE HISTORIC ZONING COMMISSION:

Upon approval of any application, the Historic Zoning Commission shall forthwith transmit a report to the Chief Building Official stating the basis upon which such approval was made and cause a Certificate of Appropriateness to be issued. The provisions of the Certificate of Appropriateness, and any conditions attached thereto, shall become a part of the Building Permit upon issuance. Upon failure of the Historic Zoning Commission to take final action with 30 days after receipt of the application, the case shall be deemed approved, except when mutual agreement has been made for an extension of the time limit. When a Certificate of Appropriateness has been issued, a copy thereof shall be transmitted to the Chief Building Official, who shall from time to time inspect the construction or alteration of the exterior approved by such certificate, and report to the Historic Zoning Commission any work not in accordance with such certificate before issuing a certificate of occupancy.

6.26.9 DISAPPROVAL BY THE HISTORIC ZONING COMMISSION:

In the case of disapproval of any application, the Historic Zoning Commission shall state the reasons therefore in a written statement to the applicant, in terms of design, arrangement, texture, color, material, and the like of the property involved. Notice of such disapproval and a copy of the written statement of reasons therefore shall also be transmitted to the Chief Building Official.

6.26.10 APPROVAL OF REMOVAL OR DEMOLITION:

In the event an application for removal or demolition of a building or other structure within a Historic District and/or Conservation District is submitted or such demolition is required, the governmental agency receiving such request or initiating such action shall transmit a copy thereof to the Historic Zoning Commission and said Commission shall have a period of 30 days from the date the application was filed to act upon the application. Upon failure of the Historic Zoning Commission to take final action within 30 days after the filing of the application, the case shall be deemed approved, except when mutual agreement has been made for an extension of the time limit.

6.26.11 DETERMINATION OF ECONOMIC HARDSHIP:

Any applicant denied a Certificate of Appropriateness by the Commission within 30 days thereafter and any applicant seeking demolition of a landmark or contributing structure within a district may make application for a Certificate of Economic Hardship from the Commission.

6.26.11.1 The applicant shall submit all the following information by affidavit for an application to be considered:

A. The assessed value of the property and/or the structure. In the case of a demolition, two recent assessments;

B. For the previous two years, the real property taxes paid;

C. The amount paid for the property by the owner, the date of purchase, the name of the party from whom it was purchased, and a description of the relationship, if any, between the current owner and the previous owner;

D. The current balance of any mortgage or any other financing secured by the property owner and the annual debt service, if any, for the previous two years;

E. All appraisals obtained within the previous two years by the owner or applicant in connection with purchase, offerings for sale, financing, or ownership of the property, or state that none were obtained;

F. All listings of the property for sale or rent, price asked and offers received, if any, within the previous four years, or state that none were obtained;

G. All studies commissioned by the owners as to profitable renovation, rehabilitation, or utilization of any structures or objects on the property for alternative use, or a statement that none were obtained;

H. For income producing property, itemized income and expense statements from the property for the previous two years;

I. Estimate of the cost of the proposed alteration, construction, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary for it to approve a Certificate of Appropriateness; and

J. Form of ownership or operation of the property, whether sole proprietorship, for-profit, or not-for-profit corporation, limited partnership, joint venture, or other.

6.26.11.2 In the event that the information required to be submitted by the applicant is not reasonably available, the applicant shall file with the affidavit a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.

6.26.11.3 Not withstanding the submission of the above information, the Commission may require additional evidence.

6.26.11.4 The Commission shall hold a public hearing on the application within 30 days following receipt of the completed application form.

6.26.11.5 The determination by the Commission shall be made within 45 days following the close of the public hearing and submission of all information, documentation, or evidence requested by the Commission. The determination shall be accompanied by findings of fact.

6.26.11.6 The Commission shall not grant approval of any application involving demolition, unless the Commission determines, upon clear and convincing evidence that one or more of the following circumstances applies:

A. The structure is not subject to this article; or

B. Denial of a demolition permit would result in a hardship to the property owner so great that it would effectively deprive the owner of all reasonable use of the structure. The extent of any demolition permitted shall be limited to the amount necessary to allow reasonable use of the structure. Where the condition of the structure is not the result of the acts of neglect of the owner or his predecessors in title occurring in whole or in part after August 1, 1988.

6.26.11.7 If the determination of the Commission is to disapprove the application for a Certificate of Economic Hardship, the applicant shall be notified within five business days. The notice shall include a copy of the findings of fact and report.

6.26.12 APPEALS FROM DECISION OF THE HISTORIC ZONING COMMISSION:

Appeals from any decision of the Historic Zoning Commission may be taken to a court of competent jurisdiction as provided for by law.

Nothing in this article shall be interpreted as giving the Historic Zoning Commission any authority to consider, review, examine, or control the use of property classified as a conservation zoning district. Use shall be controlled solely by the zoning of such property prior to its classification as a Historic District and/or Conservation District or as may be rezoned by subsequent amendments.

BYLAWS

JOHNSON CITY HISTORIC ZONING COMMISSION BY-LAWS

I. PURPOSE

To establish procedures for processing applications for certificates of appropriateness for (1) changes in external appearance of existing structures; (2) design of new structures; and (3) for demolition of existing structures within a Johnson City Historic District.

II. GENERAL RULES

The Johnson City Historic Zoning Commission shall be governed by the terms of the Johnson City Historic Zoning Ordinance as contained in the Zoning Ordinance for the City of Johnson City, Tennessee.

III. JURISDICTION

The City's jurisdiction for requiring certificates of appropriateness as required by the Johnson City Historic Zoning Ordinance shall be delineated on the official zoning map on file at City Hall.

IV. MEMBERS, OFFICERS AND DUTIES

A. **General** The Commission shall be composed of seven (7) members, including an architect if available, a member of the Planning Commission at the time of his/her appointment, and a member of a local patriotic or historical group. The members shall be appointed by the Johnson City Board of Commissioners. The majority of the members shall have demonstrated special interest, experience, or education in history or architecture. All members shall reside within Johnson City.

B. **Chairperson** A chairman shall be elected by the voting members of the Historic Zoning Commission. His/her term shall be for one (1) year, and he/she may be reelected to consecutive terms. The chairman shall decide all points of order and procedure, subject to these rules, unless directed otherwise by a majority of the Commission in session at the time. The chairman shall appoint any committees found necessary to investigate any matters before the Commission.

C. **Vice-Chairman** A vice-chairman shall be elected by the Commission from among its members in the same manner as the chairman and shall be eligible for re-election. He/she shall serve as acting chairman in the absence of the chairman, and at such times he/she shall have the same powers and duties as the chairman.

D. **Secretary** The secretary, who shall be the Planning Director or designee, shall conduct all official correspondence, keep the minutes and records of the Commission, give adequate public notice of meetings, keep a file on each item which comes before the Commission, and attend to such other duties as are normally the function of a Secretary.

E. **Committees** Committees may be created by the Chairman with the approval of the Commission members. At least one Commission member must be appointed to a committee; however members of the Community may serve on a committee. The Commission may create a Design Review Committee to serve as a counsel to the public for the Commission to expedite questions in design review. Three (3) members of the Commission must be appointed to the Design Review Committee.

F. **Elections** Terms of officers shall be held at the January Commission meeting. Terms of officers shall begin at said meeting, following elections. Members shall be notified of the election of officers at least ten (10) days prior to the regular January meeting.

G. **Terms of Appointments** Members shall be appointed to serve terms of five (5) years. Vacancies shall be filled for the unexpired term only.

H. **Attendance at Meetings** Any member of the Commission who misses more than three (3) consecutive regular meetings or more than half the regular meetings in a calendar year shall lose his/her status as a member of the Commission and shall be replaced or reappointed by the Johnson City Board of Commissioners. Commission members must notify the Secretary of plans to miss a meeting via email or phone call. Absence due to sickness, death, or other emergencies of a like nature shall be recognized as excused absences, and shall not affect the member's status on the Commission except that in the event of a long illness or other such cause for prolonged absence, the member shall be replaced. When a member has exceeded the maximum number of unexcused absences, the Secretary shall notify the full Commission and the Johnson City Board of Commissioners.

I. **Applications Involving Members** No Commission member **shall** take part in the hearing, consideration or determination of any case in which he/she owns property within 300 feet of, is a party to, or has a financial interest in the case.

J. **No Commission** member shall vote on any matter deciding an application or a request to reconsider unless he/she has attended the Commission's previous deliberations on such application, or shall otherwise have the approval of the Chairman to vote on such matter. The Chairman's approval shall be contingent on the assurance by the member that he/she has familiarized himself/herself with the application and the minutes of any meetings at which the application was discussed.

K. **No Commission** member shall discuss in any manner any application with any parties prior to the Commission's deliberations on such application, except as specified elsewhere in the Commission's By-Laws and Procedures.

L. **Members of the Commission** shall not express individual opinions on the proper judgment of any application with any person prior to the determination of that application except in accordance with these rules. Violation of this rule shall be cause for dismissal from the Commission.

M. **Each member of the Commission** shall thoroughly familiarize himself/herself with all statutes, laws, the ordinance, by-laws and procedures relating to Historic Zoning.

N. **Members of the Commission** may be removed by the Johnson City Board of Commissioners for just cause.

O. **An Annual Presentation** shall be given by the Commission to the Johnson City Regional Planning Commission and the Johnson City Board of Commissioners in December of each year. This presentation shall include the accomplishments of the Commission and the status of any grants applications and awards during the past year and also what the Commission plans to accomplish in the coming year.

V. MEETINGS

A. Regular meetings of the Commission shall be held on the 4th Tuesday of each month at 5:30 p.m. in the City Commission Chambers of the Municipal & Safety Building; meetings may be held at some other convenient place in the City if directed by the Chairman in advance of the meeting.

B. A meeting can be canceled by posting a notice with the media twenty-four (24) hours prior to the scheduled meeting.

C. Special meetings of the Commission may be called at any time by the Chairman. At least seventy-two (72) hours notice of the time and place of special meetings shall be given, by the Secretary or by the Chairman, to each member of the Commission; provided, that this requirement may be waived by emergency request by action of a majority of all the members; however, all notices must be posted with the media.

D. **Quorum** A quorum shall consist of a majority of the appointed and eligible members of the Commission.

E. **Conduct of Meetings** All meetings shall be open to the public. The order of business at regular meetings shall be as follows:

(a) call to order
(b) approval of agenda
(c) reading and approval of minutes of previous meetings
(d) report of committees
(e) unfinished/old business
(f) new business
(g) motion to adjourn

F. **Review Criteria** In reviewing applications for certificates of appropriateness, the Commission shall take into account the Secretary of the Interior's Standards along with the historic and architectural significance of the structure. In its review, the Commission shall also take into account the following elements to ensure that the exterior form and appearance of the structure is consistent with the historic or visual character of the District:

(1) The height of the building in relation to the average height of the nearest adjacent and opposite buildings.
(2) The setback and placement on lot of the buildings in relation to the average setback and placement of the nearest adjacent and opposite buildings.
(3) Exterior construction materials, including textures and patterns, excluding color.
(4) Architectural detailing, such as lintels, cornices, brick bond, and foundation materials.
(5) Roof shapes, forms, and materials.
(6) Proportions, shapes, positioning and locations, patterns and sizes of any openings in the facade.
(7) General form and proportions of buildings and structures.
(8) Appurtenant fixtures and other features such as lighting, signage and awnings, railings, etc.
(9) Structural condition and soundness.
(10) Architectural Scale, in drawing refers to the proportion or ratio that defines the size relationship between objects in the propsed design.

The Commission may designate more formal design criteria as it deems necessary, as shall be found in the Johnson City Historic District Design Guidelines.

G. **Consideration of Applications** Any party shall appear in person or have a designated agent or attorney at the meeting. The order of business for consideration of applications for Certificate of Appropriateness shall be as follows:

(1) The Chairman, or such person directed by the Chairman, shall give a preliminary statement concerning the application;
(2) The applicant shall present the argument in support of his/her application. The applicant will have a maximum of five (5) minutes for his/her presentation;
(3) Staff will provide a presentation regarding how the proposed application meets or does not meet the Design Guidelines and a recommendation to approve, deny, or defer the application;
(4) Members of the public will have two (2) minutes each to comment on the application. Anyone representing an organization or group, such as a neighborhood association, will have five (5) minutes to comment;
(5) The applicant shall have time for a rebuttal and will be limited to a maximum of three (3) minutes;
(6) The Chairman will close the public hearing after all comments have been made;
(7) The Commission shall after a second to the motion consider the application as it applies to the design guidelines and approve or disapprove a Certificate of Appropriateness;
(8) The Commission will vote on the application.

The Commission may, at its discretion, view the premises and obtain additional facts concerning any application before arriving at a decision. All decisions of the Commission shall be based on the Johnson City Historic District Design Guidelines.

VI. APPLICATION PROCEDURES

A. A completed application must be turned into the Planning Department Office on or before the tenth (10th) day of the month of the Commission meeting.

Note: The Historic Zoning Commission does not need a complete set of plans, only those relating to the exterior of the structure and a site plan.

It is the sole responsibility of the applicant to obtain a Certificate of Appropriateness beginning work. No building permit will be issued without a Certificate of Appropriateness. The applicant will be subject to fines for non-approved work.

B. The agenda for the Commission meetings must be posted on the City's website three (3) days prior to the Commission meeting. The agenda must list all applications to be reviewed for the current Commission meeting. These serve as notification for property owners with adjoining properties.

C. It shall be the policy of the Commission in regard to application involving new structures or extensive alterations and/or additions to existing structures that the

Design Committee of the Commission, shall be available to meet with representatives of the persons or organizations involved in the forthcoming application, to informally offer advise in the pre-design stage concerning the Commission's guidelines, the nature of the area where the proposed construction is to take place, and other relevant factors. This committee, collectively and individually, shall refrain from any indication of approval or disapproval, but shall not, for that reason be barred from a reasonable discussion of the applicant's proposals. No advice or opinion given, or reported as having been given, by any member of the committee at such an informal meeting shall be in any way official or binding upon the Johnson City Historic Zoning Commission at any time. Notice of the need for such a conference should be given to future applicants by the Town at the earliest appropriate time.

D. The Commission must issue or deny a Certificate of Appropriateness within thirty (30) days after the hearing of an application, except when the time limit has been extended by mutual agreement between the applicant and the Commission. ***Incomplete applications will not be considered for a Certificate of Appropriateness.***

E. The Secretary for the Commission shall notify the applicant of the status of the application by mail and shall file a copy of the decision in the City Office. If an application is denied, ***such notice shall include the reasons for such actions as defined in the design guidelines.***

VII. APPEALS PROCESS

The Commission shall have exclusive jurisdiction relating to historic matters. Anyone who may be aggrieved by any final judgment of the Commission may appeal to the General Session Court in Johnson City for a review of the judgment as provided for in the Tennessee Code Annotated, Section 27-9-102 and 27-9-103.

VIII. AMENDMENTS

These rules may, within the limits allowed by law, be amended at any time by an affirmative vote of not less than four (4) members of the Commission, provided that such amendment shall have first been presented to the commission in writing at a regular or special meeting preceding the meeting at which the vote is taken.