



CITY OF JOHNSON CITY

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FROM: Samantha Bamman, (434-6032)
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DATE: October 13, 2020

SUBJECT: Legal Notice

**PLEASE ADVERTISE
AS SOON AS POSSIBLE**

ORDINANCE NO. 4753-20

AN ORDINANCE TO AMEND ARTICLE II – ‘DEFINITION OF TERMS USED IN THE CODE’ AND ARTICLE VI – ‘USE REQUIREMENTS BY DISTRICT’ IN THE ZONING CODE OF THE CITY OF JOHNSON CITY.

WHEREAS, Sections 13-7-201 to 13-7-211 of the Tennessee Code Annotated provide the City of Johnson City, Tennessee with the powers and authority to enact local municipal zoning codes;

WHEREAS, said Sections provide a process for amendment of local municipal zoning codes;

WHEREAS, the Johnson City Regional Planning Commission on August 11, 2020 considered and recommended amendments to the Zoning Code of the City of Johnson City hereto;

WHEREAS, The Board of Commissioners of the City of Johnson City, Tennessee has determined that it is in the public interest to amend the local municipal zoning codes;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF JOHNSON CITY AS FOLLOWS:

SECTION 1. That Article II – ‘Definition of Terms Used in the Code’ of the Zoning Code of the City of Johnson City, Tennessee, Exhibit A, is hereby amended as underlined and/or stricken.

SECTION 2. That Article VI – ‘Use Requirements by District,’ Section 6.15 – ‘B-2 Central Business District’ of the Zoning Code of the City of Johnson City, Tennessee, Exhibit B, is hereby amended as underlined and/or stricken.

SECTION 3. BE IT FURTHER ORDAINED, That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 4. BE IT FURTHER ORDAINED, That this ordinance shall take effect upon final passage and publication of this ordinance in a newspaper of general circulation, the public welfare requiring it.

PASSED IN OPEN, PUBLIC MEETING ON THE
FIRST READING 9/03/2020

PASSED IN OPEN, PUBLIC MEETING ON THE
SECOND READING 9/17/2020

PASSED IN OPEN, PUBLIC MEETING ON THE
THIRD READING 10/01/2020

APPROVED AND SIGNED IN OPEN MEETING ON THE
1st DAY OF October, 2020
FOLLOWING PASSAGE ON THIRD READING.

/s/ Jenny Brock
MAYOR

ATTEST:

/s/ Janet Jennings
CITY RECORDER

/s/ Sunny Sandos
STAFF ATTORNEY

EXHIBIT A

ARTICLE II - DEFINITION OF TERMS USED IN THE CODE

Except as specifically defined herein, all words used in the Code have their customary dictionary definition to give this Ordinance its most reasonable application given its stated purpose and objectives. For the purpose of this Code, certain words or terms used herein shall be defined as follows: words used in the present tense include the future tense; words used in the singular number include the plural, and words used in the plural include the singular; the word "person" includes a firm, co-partnership, company, organization, trust, association, corporation, as well as an individual; the word "lot" includes the word "plot" or "parcel", and the word "building" includes the word "structure".

The word "shall" is always mandatory; the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the word "intended", arranged, or designed to be used or occupied.

* * *

Live-Work Unit means a single unit (e.g. studio, loft, or one-bedroom) consisting of both a non-residential and residential component that is occupied by the same resident. The live-work unit shall be the primary dwelling of the occupant.

Teleworking means a work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.

EXHIBIT B

6.15 - B-2 CENTRAL BUSINESS DISTRICT

6.15.1 INTENT:

The intent of the B-2, Central Business District is to promote a compact urban core with a mixture of commercial, office, institutional, and residential uses which facilitate pedestrian accessibility.

6.15.2 PERMITTED USES:

Within the B-2 Central Business District the following uses are permitted:

6.15.2.24 Residential dwellings on the upper floors of buildings, subject to the Area Regulations of 6.15.4.4;

* * *

6.15.4 AREA REGULATIONS:

To create an interesting and visually stimulating environment, all buildings, excluding civic and institutional uses, should be located at the sidewalk edge. Civic and institutional uses, such as churches, museums, and publicly-owned buildings, are encouraged to be set back from the street with a plaza or lawn. Blank or monotonous facades create a hostile and uninviting environment and are to be avoided on all buildings by using doors, windows, display areas, sculptures, columns, and other architectural features.

6.15.4.1 Building Placement: All buildings, excluding cultural, civic, and institutional uses, shall be set back no further than five feet from the front lot line for at least 90 percent of the front facade, unless an outdoor eating area is provided which extends from the front building line to within five feet of the front lot line. Corner lots shall be considered to have front lot lines for all sides of the lot adjoining a public right-of-way, excluding alleys.

6.15.4.2 Exterior Building Treatment:

- A. Cultural, civic, and Institutional Uses: A minimum of 25 percent of the street level facade of all buildings shall be windows, doors, display areas, or similar architectural features.
- B. All Other Buildings: A minimum of 65 percent of the street level facade of all buildings, shall be windows, doors, display areas, or similar architectural features.

6.15.4.3 Building Height: All buildings will be a minimum of two stories in height.

6.15.4.4 Residential Dwelling Options: Any building in the B-2 district shall primarily reserve ground floor space along principal street frontages for non-residential uses. Alternatively, ground floor residential dwellings may be permitted in the following special circumstances:

- A. **Access: Access points to ground or upper floor residential spaces may be located at any point on the front, side, or rear of a building, which may include an access point adjacent to any ground floor non-residential space along the primary street front.**
- B. **Frontage: Ground floor residential dwellings may front upon (including access and fenestration) any private or non-street public space, including but not limited to courtyards, alleys, parking areas, and walkways, under the following circumstances:**
 - 1. **Notwithstanding any building code provisions, frontage upon private property shall provide a permanent access easement to the closest public right-of-way.**

2. Frontage upon public rights-of-way, including but not limited to alleys and walkways, may include minor encroachments, such as a stoop or awning, but any encroachment shall not impede vehicular or pedestrian movement.
- C. Live-Work Unit: Pursuant to the building code provisions related to live-work units, horizontal or vertical live-work units may be provided as new construction or redevelopment of an existing building under the following circumstances:
1. Horizontal live-work units may only be provided on the ground (first or main) floor where the residential dwelling portion is accessed via the commercial space. Access to the commercial space via the residential dwelling is prohibited.
 2. Vertical live-work units may be provided from the ground floor upwards or between a basement and ground floor. In the case of a basement to ground floor live-work unit, the residential dwelling portion shall be located in the basement.