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Historic Zoning Commission Certificate of Appropriateness Requirements for Public Properties

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**Note: As authorized by § 8.5.2.C.1 (p. 401), this interpretation is provided at the initiative of the Zoning Administrator for the purpose of providing clarification to property owners and improving administration of the Ordinance. Capitalized terms are defined in § 9.3 of the Ordinance. This interpretation may be appealed to the Board of Zoning Appeals per § 8.5.17 of the Ordinance.**

**Summary**

A Certificate of Appropriateness (CoA) is required for exterior alteration of City-managed structures within the designated historic districts for which the Building Official issues a permit. City projects benefit from two exemptions from the CoA requirement. Some sections of the Historic District Design Guidelines (“Guidelines”), namely those pertaining to Site and Setting, do not apply to public property. This is an extension of the recognition that the City’s stewardship of the public right-of-way and related infrastructure is not subject to the Guidelines. Government signs do not require a permit under §7.1.10.3. of the Zoning Ordinance. Consequently, they do not require a CoA. All other alterations to publicly owned structures in the historic districts require a CoA.

**Rationale**

**The Guidelines contain an apparent contradiction related to public properties.** The Site and Setting section (Article 7 of the Guidelines) contains the statement “...the guidelines do not regulate change on public property” (p. 7-1). It also provides shaded recommendations for public property, which are clearly distinguished from the mandatory standards.

**Municipalities may impose CoA requirements on themselves.** The enabling legislation (codified at TCA 13-7-401 – 13-7-410) authorizes municipalities to create and empower Historic Zoning Commissions (HZCs). Specifically, a municipal HZC “**may** also be authorized to review the construction, alteration, rehabilitation, relocation or demolition of **any building, structure or other improvement** on real property, **whether privately or publicly owned**, which is situated in a historic district or zone” (TCA 13-7-407(a)).<sup>1</sup>

**Columbia applies its historic guidelines broadly.** The Columbia HZC is established at §8.3.6 of the Zoning Ordinance. The HZC is authorized to recommend the establishment of historic districts, promulgate guidelines for the historic districts, and apply those guidelines through the CoA review process outlined at §8.5.13. The Ordinance requires a CoA for alteration of “any **Structure** or other property within a Historic District...**requiring a Building Permit**”<sup>2</sup> In §9.3 of the Ordinance, the definitions section, the term

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<sup>1</sup> Emphasis added.

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“Structure” includes most human-made improvements. The term “Building” refers to roofed structures supported by posts or walls. The use of the word Structure applies the CoA requirement broadly to nearly all improvements located outside the right of way. Obtaining a CoA is a condition precedent for the issuance of a building permit. The requirement extends to all City projects within the historic districts for which the Building Official issues a permit. Consequently, excluding signs and improvements in the right of way, most city projects located in historic districts require a CoA.