



REGIONAL PLANNING COMMISSION MEETING AGENDA

Thursday, October 19, 2023 at 5:30 PM

City Hall, 415 Broad Street, Montgomery-Watterson Boardroom

This meeting is an open and accessible meeting. If interested parties request special assistance or accommodations, please notify the Planning Department three (3) days in advance of the meeting.

I. INTRODUCTION AND RECOGNITION OF VISITORS

II. APPROVAL OF THE AGENDA

III. APPROVAL OF MINUTES

- [1.](#) Approval of the September 18, 2023 Work Session Minutes
- [2.](#) Approval of the September 21, 2023 Regular Meeting Minutes

IV. CONSENT AGENDA

Consent items are those items that have previously been brought before the Planning Commission, which have been reviewed by the Planning Commission in previous meetings or work sessions or are minor subdivisions and final plats not requiring any variances.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

- [1.](#) Granby Road Rezoning (REZONE23-0298). The Commission is requested to send a positive recommendation to the Board of Mayor and Aldermen in support of the rezoning request from the R-1B zone to the R-3 zone. (McMurray)
- [2.](#) Tidewater Court Rezoning (REZONE23-0306). The Commission is requested to send a positive recommendation to the Board of Mayor and Aldermen in support of the rezoning request from the B-4P and A-1 zone to the M-1R zone. (McMurray)

3. 2023 Sullivan County ZTA (ZTA23-0307). The Commission is requested to send a positive recommendation in support of the submitted zoning text amendments to the Sullivan County Commission. (McMurray)

VII. OTHER BUSINESS

VIII. PUBLIC COMMENT

Citizens may speak on issue-oriented items. When you come to the podium, please state your name and address and sign the register that is provided. You are encouraged to keep your comments non- personal in nature, and they should be limited to five minutes.

IX. ADJOURN



REGIONAL PLANNING COMMISSION WORK SESSION MINUTES

Monday, September 18, 2023 at Noon

City Hall, 415 Broad Street, Conference Room 226

This meeting is an open and accessible meeting. If interested parties request special assistance or accommodations, please notify the Planning Department three (3) days in advance of the meeting.

I. INTRODUCTION AND RECOGNITION OF VISITORS

Commission members present: Sharon Duncan, John Moody, James Phillips, Sam Booher, Tim Lorimer, Anne Greenfield, Chip Millican

Commission members absent: Travis Patterson, Jason Snapp

Staff present: Ken Weems, AICP, Jessica McMurray, Savannah Garland, Garret Burton

II. APPROVAL OF THE AGENDA

III. APPROVAL OF MINUTES

1. Approval of the August 14, 2023 Work Session Minutes
2. Approval of the August 17, 2023 Regular Meeting Minutes

IV. CONSENT AGENDA

Consent items are those items that have previously been brought before the Planning Commission, which have been reviewed by the Planning Commission in previous meetings or work sessions or are minor subdivisions and final plats not requiring any variances.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

1. West Stone Drive Rezoning (REZONE23-0266). The Commission is requested to send a positive recommendation to the Board of Mayor and Aldermen in support of the rezoning

request from the B-3 zone to the R-4 zone. Staff presented the details of the item to the Commission. Staff stated that the proposed use for the site is a new apartment complex. Staff noted that a traffic impact study will be required for the project. Staff likened the proposal to an extension of the existing multifamily zone and use to the north. No official action was taken.

- 2. 1251 & 1245 Montvue Road Minor Subdivision (MINSUB23-0265). The Commission is requested to approve the Division of Beverly G. Wright Property along with the accompanying road frontage variance. Staff drew attention to the location of the request in the southern part of our city. Staff stated that that the sole street frontage for the parcel is along Tall Tree Drive. Staff further stated that it is highly unlikely that a driveway entrance would ever be constructed along Tall Tree Drive due to the Montvue Road entrance being the easement access for the site. Staff noted that the minor amount of road frontage variance would be insignificant to the community due to the topography and layout of the parcels being subdivided. No official action was taken.

- 3. Annexation off of Jan Way (ANNEX23-0279). The Commission is requested to send a positive recommendation for the annexation, zoning, and plan of services for the Jan Way Annexation to the Kingsport Board of Mayor and Aldermen. Staff described the location as the request as being off of Jan Way. Staff stated that a total of 3.735 acres of unincorporated land had been recently combined with an existing parcel that is already inside city limits. Staff noted that the request for annexation is due to the desire for streamlined plan review as the exiting coal yard on the property is planning to expand. Staff stated that there are no costs to bringing the added acreage into the city due to the new combined parcel already having water and sewer services. Staff noted that no streets are included in the annexation area. No official action was taken.

VII. OTHER BUSINESS

- 1. Approved Aug-Sep 2023 Subdivisions

VIII. PUBLIC COMMENT

Citizens may speak on issue-oriented items. When you come to the podium, please state your name and address and sign the register that is provided. You are encouraged to keep your comments non- personal in nature, and they should be limited to five minutes.

IX. ADJOURN



REGIONAL PLANNING COMMISSION MEETING MINUTES

Thursday, September 21, 2023 at 5:30pm

City Hall, 415 Broad Street, Montgomery-Watterson Boardroom

This meeting is an open and accessible meeting. If interested parties request special assistance or accommodations, please notify the Planning Department three (3) days in advance of the meeting.

I. INTRODUCTION AND RECOGNITION OF VISITORS

Commission members present: Sharon Duncan, John Moody, James Phillips, Travis Patterson, Tim Lorimer, Anne Greenfield, Chip Millican

Commission members absent: Sam Booher, Jason Snapp

Staff present: Ken Weems, AICP, Jessica McMurray, Savannah Garland, Garret Burton

Visitors: Todd Miller, Gary Emerson, Beverly Wright, Al Weeks, Keith Goulder

II. APPROVAL OF THE AGENDA

A motion was made by John Moody, seconded by James Phillips to approve the agenda as presented. The motion passed unanimously, 6-0.

III. APPROVAL OF MINUTES

1. Approval of the August 14, 2023 Work Session Minutes
2. Approval of the August 17, 2023 Regular Meeting Minutes

A motion was made by James Phillips, seconded by John Moody to approve the minutes of the August 14, 2023 work session and the August 17, 2023 regular meeting. The motion passed unanimously, 6-0.

IV. CONSENT AGENDA

Consent items are those items that have previously been brought before the Planning

Commission, which have been reviewed by the Planning Commission in previous meetings or work sessions or are minor subdivisions and final plats not requiring any variances.

V. UNFINISHED BUSINESS

VI. NEW BUSINESS

1. West Stone Drive Rezoning (REZONE23-0266). The Commission is requested to send a positive recommendation to the Board of Mayor and Aldermen in support of the rezoning request from the B-3 zone to the R-4 zone. Staff presented the details of the item to the Commission. Staff stated that the proposed use for the site is a new apartment complex. Staff noted that a traffic impact study will be required for the project. Staff likened the proposal to an extension of the existing multifamily zone and use to the north. James Phillips stated concern about the impact to the private road north of the Stone Drive frontage properties. Staff noted that the developer would ultimately need to come to an agreement with associated property owners as to the maintenance of the private road in the context of the deed descriptions. A motion was made by James Phillips, seconded by Tim Lorimer, to send a positive recommendation to the Board in support of the rezoning. The motion passed unanimously, 6-0.

At this time, Mr. Chip Millican joined the meeting.

2. 1251 & 1245 Montvue Road Minor Subdivision (MINSUB23-0265). The Commission is requested to approve the Division of Beverly G. Wright Property along with the accompanying road frontage variance. Staff drew attention to the location of the request in the southern part of our city. Staff stated that that the sole street frontage for the parcel is along Tall Tree Drive. Staff further stated that it is highly unlikely that a driveway entrance would ever be constructed along Tall Tree Drive due to the Montvue Road entrance being the easement access for the site. Staff noted that the minor amount of road frontage variance would be insignificant to the community due to the topography and layout of the parcels being subdivided. The Commission acknowledged the unique disposition of the property and its frontage along Montvue Road. A motion was made by John Moody, seconded by James Phillips, to grant final subdivision approval along with the associated variance. The motion passed unanimously, 7-0.
3. Annexation off of Jan Way (ANNEX23-0279). The Commission is requested to send a positive recommendation for the annexation, zoning, and plan of services for the Jan Way Annexation to the Kingsport Board of Mayor and Aldermen. Staff described the location as the request as being off of Jan Way. Staff stated that a total of 3.735 acres of unincorporated land had been

recently combined with an existing parcel that is already inside city limits. Staff noted that the request for annexation is due to the desire for streamlined plan review as the existing coal yard on the property is planning to expand. Staff stated that there are no costs to bringing the added acreage into the city due to the new combined parcel already having water and sewer services. Staff noted that no streets are included in the annexation area. A motion was made by John Moody, seconded by Chip Millican, to send a positive recommendation to the Board for the annexation, zoning, and plan of services for the Jan Way Annexation. The motion passed unanimously, 7-0.

VII. OTHER BUSINESS

1. Approved Aug-Sep 2023 Subdivisions

VIII. PUBLIC COMMENT

Citizens may speak on issue-oriented items. When you come to the podium, please state your name and address and sign the register that is provided. You are encouraged to keep your comments non- personal in nature, and they should be limited to five minutes.

IX. ADJOURN

The Chairman adjourned the meeting adjourned at 5:49pm.

Kingsport Regional Planning Commission

Rezoning Report

File Number REZONE23-0298

Granby Road Rezoning

Property Information			
Address		TBD Granby Road	
Tax Map, Group, Parcel		Tax Map 029F Group B Parcel 009.00	
Civil District		12	
Overlay District		n/a	
Land Use Designation		Single Family & Multi-Family	
Acres		13.962 acres +/-	
Existing Use		Existing Zoning	R-1B
Proposed Use		Proposed Zoning	R-3
Owner /Applicant Information			
Name: 3 Lands, LLC Address: PO Box 1951 City: Roseburg State: OR Zip Code: 97470 Email: hadproperties@gmail.com Phone Number: (530)635-3959		Intent: <i>To rezone from R-1B (Residential District) to R-3 (Low Density Apartment District) to accommodate future multi-family development.</i>	
Planning Department Recommendation			
<p>The Kingsport Planning Division recommends sending a POSITIVE recommendation to the Kingsport Board of Mayor and Alderman for the following reasons:</p> <ul style="list-style-type: none"> • <i>The zoning change is compatible with the 2030 Future Land Use Plan designation.</i> • <i>The zoning change will appropriately match the proposed use.</i> <p>Staff Field Notes and General Comments:</p> <ul style="list-style-type: none"> • <i>The rezoning site is currently vacant.</i> • <i>The number of proposed units is 160.</i> • <i>Water and sewer are available to the property.</i> • <i>Fire does not have any concerns with re-zoning but there is concerns with the access into the development. 2018 IFC requires two ingress/ egress points for development of multi-family units over 100. There is an exception for this, that if the units are under 200 and all buildings have a sprinkler system installed (including non-residential buildings) the site is allowed to have one access.</i> • <i>The site plan is sufficient for rezoning purposes as it demonstrates the overall intent. A thorough review and modifications will be necessary to bring the plan up to the standard of the multifamily zone being sought. Staff is providing a positive recommendation to the PC in support of changing the zone as requested</i> • <i>Based on numbers Traffic Impact Study will be required with development</i> 			
Planner:	Jessica McMurray	Date:	September 25, 2023
Planning Commission Action		Meeting Date:	October 19, 2023
Approval:			
Denial:		Reason for Denial:	
Deferred:		Reason for Deferral:	

Kingsport Regional Planning Commission

Rezoning Report

File Number REZONE23-0298

PROPERTY INFORMATION

ADDRESS	Parcel 009.00
DISTRICT	12
OVERLAY DISTRICT	n/a
EXISTING ZONING	R-1B (Residential District)
PROPOSED ZONING	R-3 (Low Density Apartment District)
ACRES	13.962 +/-
EXISTING USE	vacant land
PROPOSED USE	multi-family development

PETITIONER

ADDRESS PO Box 10667, Knoxville, TN 37939

REPRESENTATIVE

PHONE (865) 292-5692

INTENT

To rezone from R-1B (Residential District) to R-3 (Low Density Apartment District) to accommodate future multi-family development.

Vicinity Map

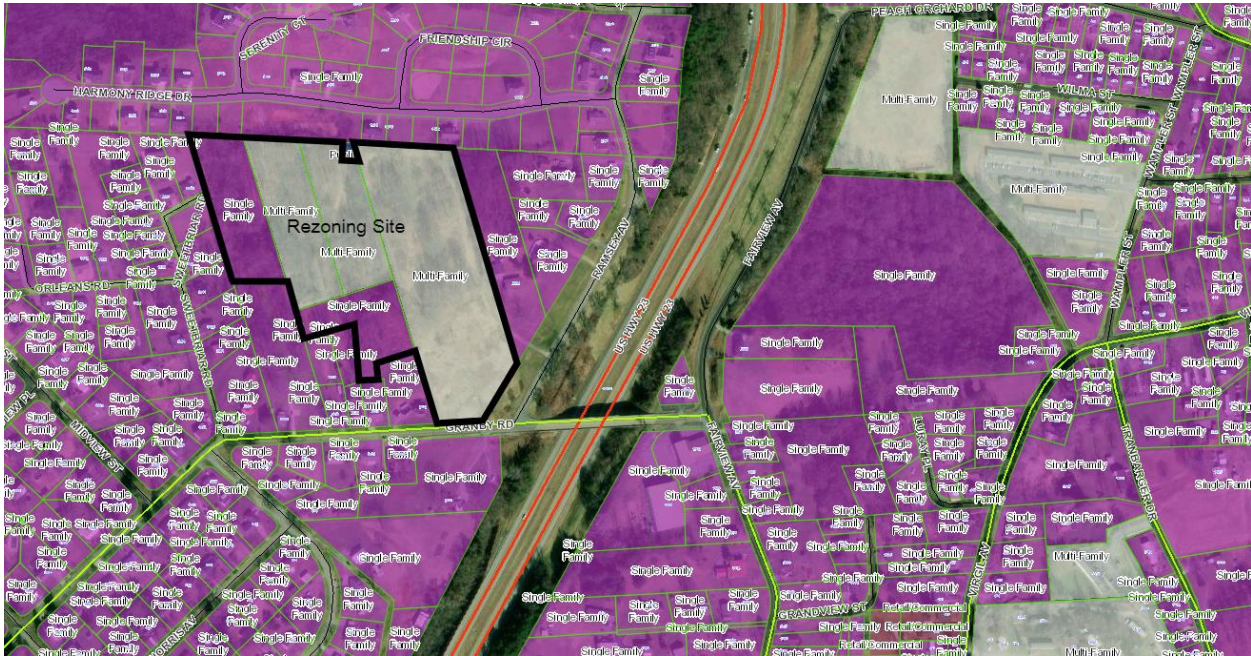


Kingsport Regional Planning Commission

Rezoning Report

File Number REZONE23-0298

Future Land Use Plan 2030



Aerial



View from Granby Drive (South)



View from Ramsey Ave (East)



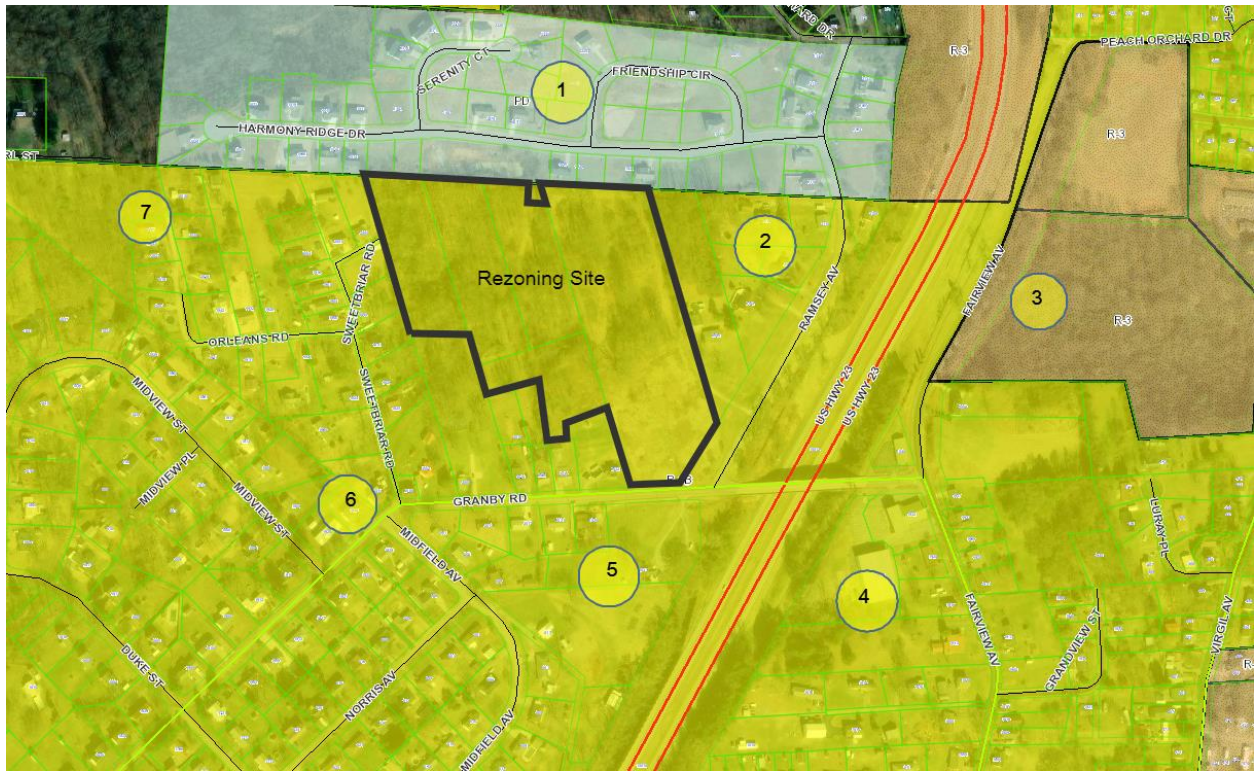
View from Harmony Ridge Dr. (North)



Aerial View (Google Earth Image)



EXISTING USES LOCATION MAP



Kingsport Regional Planning Commission

Rezoning Report

File Number REZONE23-0298

Existing Zoning/ Land Use Table

Location	Parcel / Zoning Petition	Zoning / Name	History Zoning Action Variance Action
North	1	<u>Zone: City PD</u> Use: single family	
East	2	<u>Zone: City R-1B</u> Use: single family	
Southeast	3	<u>Zone: City R-3</u> Use: vacant	
South	4	<u>Zone: City R-1B</u> Use: single family	
Southwest	5	<u>Zone: City R-1B</u> Use: single family	
West	6	<u>Zone: City B-3</u> Use: vacant	
Northwest	7	<u>Zone: City R-1B</u> Use: single family	

Standards of Review

Planning Staff shall, with respect to each zoning application, investigate and make a recommendation with respect to factors 1 through 6, below, as well as any other factors it may find relevant.

1. **Whether or not the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby Property?** Rezoning will permit an appropriate use that is suitable for the Future Land Use development.
2. **Whether or not the proposal will adversely affect the existing use or usability of adjacent or nearby property?** The adjacent and nearby property will not be adversely affected by the proposal.
3. **Whether the property to be affected by the proposal has a reasonable economic use as currently zoned?** The property has a reasonable economic use as currently zoned. There is also a reasonable economic use for the proposed zone.
4. **Whether the proposal is in conformity with the policies and intent of the land use plan?** The R-3 rezoning proposal does conform to the 2030 Land Use Plan, although a small portion of the rezoning site to the left is designated as single family.

Proposed use: Multi-family Development

The Future Land Use Plan Map recommends multi-family & single family.

5. **Whether there are other existing or changed conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the proposal?** The existing conditions support approval of the proposed rezoning, as abutting and nearby parcels are zoned for multi-family development.
6. **Whether there are other existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal?** The vacant land mass is appropriately sized for a new development that will meet zoning restrictions of the R-3 zone.

Kingsport Regional Planning Commission

Rezoning Report

File Number REZONE23-0298

Zoning Development Plan (A Full Size Copy Available For Meeting)



CONCLUSION

Staff recommends sending a POSITIVE recommendation to rezone from R-1B to R-3 based upon the increasing residential trend in the area and need for housing development in the city.

Kingsport Regional Planning Commission

Rezoning Report

File Number REZONE23-0306

Tidewater Court Rezoning

Property Information			
Address		1025 Tidewater Court	
Tax Map, Group, Parcel		Tax Map 076 Parcel 020.00 & Parcel 020.10	
Civil District		13	
Overlay District		Gateway District	
Land Use Designation		Retail/Commercial	
Acres		Rezone Site 42.266 acres +/-	
Existing Use		Existing Zoning	B-4P & A-1
Proposed Use		Proposed Zoning	M-1R
Owner /Applicant Information			
Name: Eric Sauer Address: 1 Riverside Plaza City: Columbus State: OH Zip Code: 43215 Email: easauer@aep.com Phone Number: (614) 716-1614		Intent: <i>To rezone from A-1 (Agricultural District) and B-4P (Planned Business District) to M-1R (Light Manufacturing Restricted District) to accommodate future public utilities service center.</i>	
Planning Department Recommendation			
<p>The Kingsport Planning Division recommends sending a POSITIVE recommendation to the Kingsport Board of Mayor and Alderman for the following reasons:</p> <ul style="list-style-type: none"> • <i>The zoning change is compatible with abutting M-1 and M-1R zoning.</i> • <i>The zoning change will appropriately match the proposed use.</i> <p>Staff Field Notes and General Comments:</p> <ul style="list-style-type: none"> • <i>The rezoning site is currently vacant.</i> • <i>Water and Sewer available at the rezoning site.</i> • <i>City development review team sent positive recommendation.</i> 			
Planner:	Jessica McMurray	Date:	October 2, 2023
Planning Commission Action		Meeting Date:	October 19, 2023
Approval:			
Denial:		Reason for Denial:	
Deferred:		Reason for Deferral:	

Kingsport Regional Planning Commission

Rezoning Report

File Number REZONE23-0306

PROPERTY INFORMATION

ADDRESS	Parcel 020.00 & Parcel 020.10
DISTRICT	13
OVERLAY DISTRICT	Gateway District
EXISTING ZONING	A-1 (Agricultural District) & B-4P (Planned Business District)
PROPOSED ZONING	M-1R (Light Manufacturing Restricted District)
ACRES	Rezone Site 42.266 acres +/-
EXISTING USE	vacant land
PROPOSED USE	public utilities service center

PETITIONER

ADDRESS 1 Riverside Plaza, Columbus, OH 43215

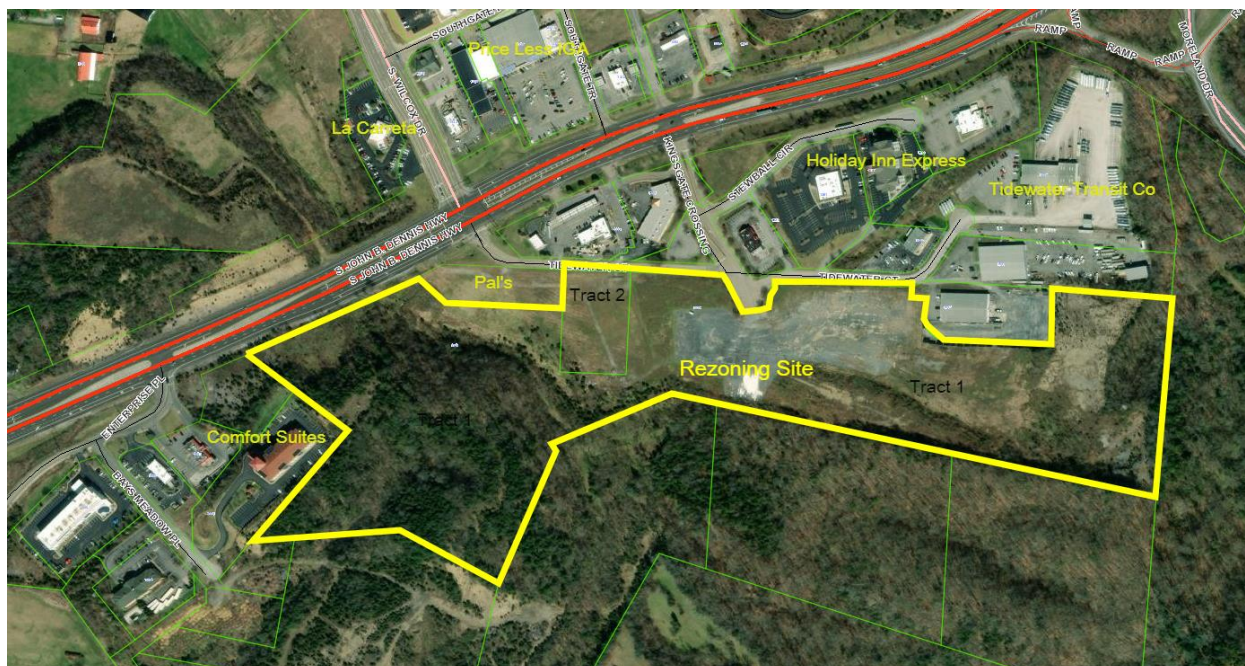
REPRESENTATIVE

PHONE (614) 716-1614

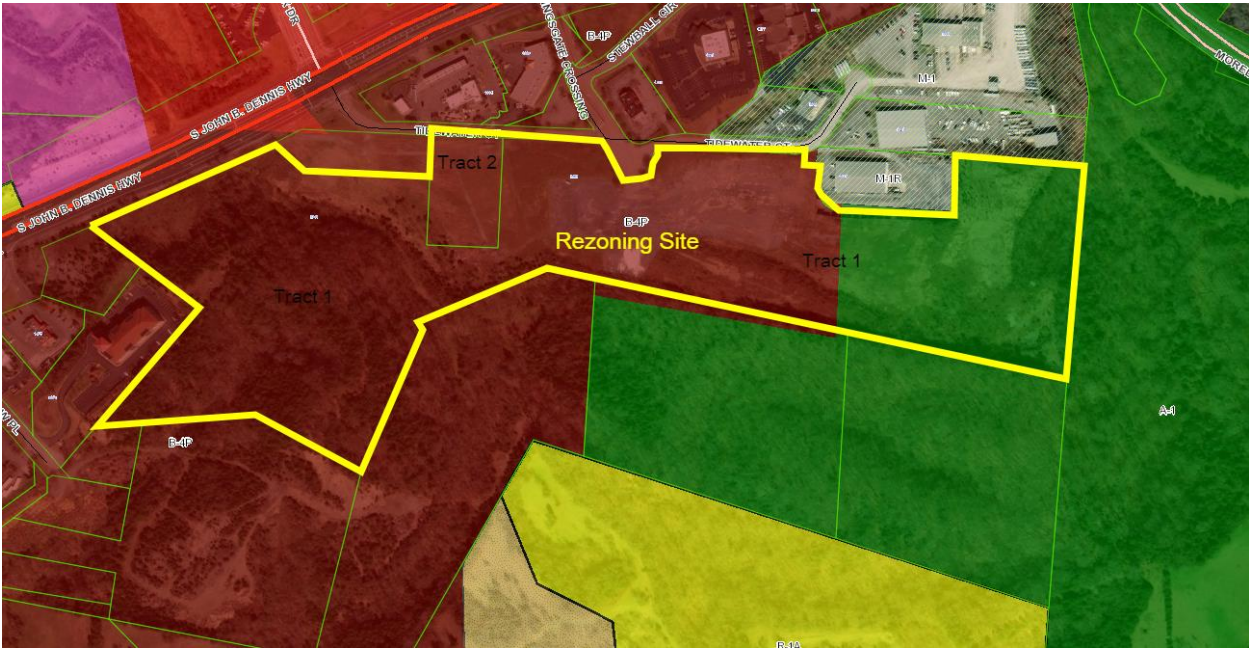
INTENT

To rezone from A-1 (Agricultural District) and B-4P (Planned Business District) to M-1R (Light Manufacturing Restricted District) to accommodate future public utilities service center.

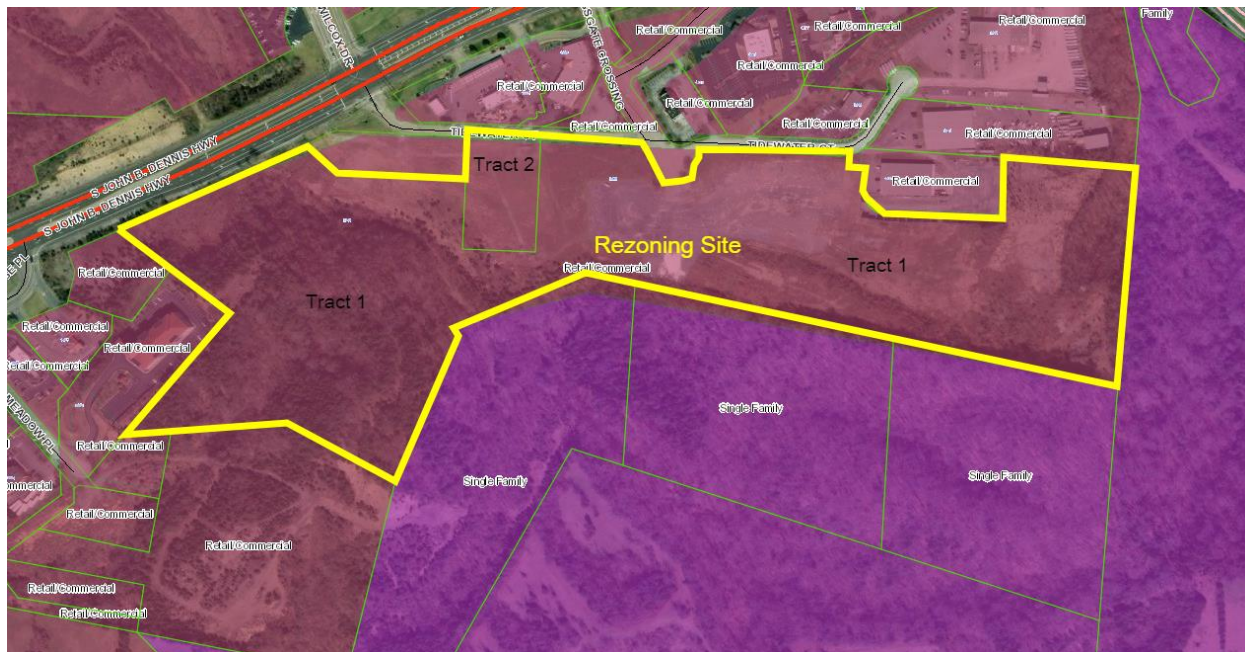
Vicinity Map



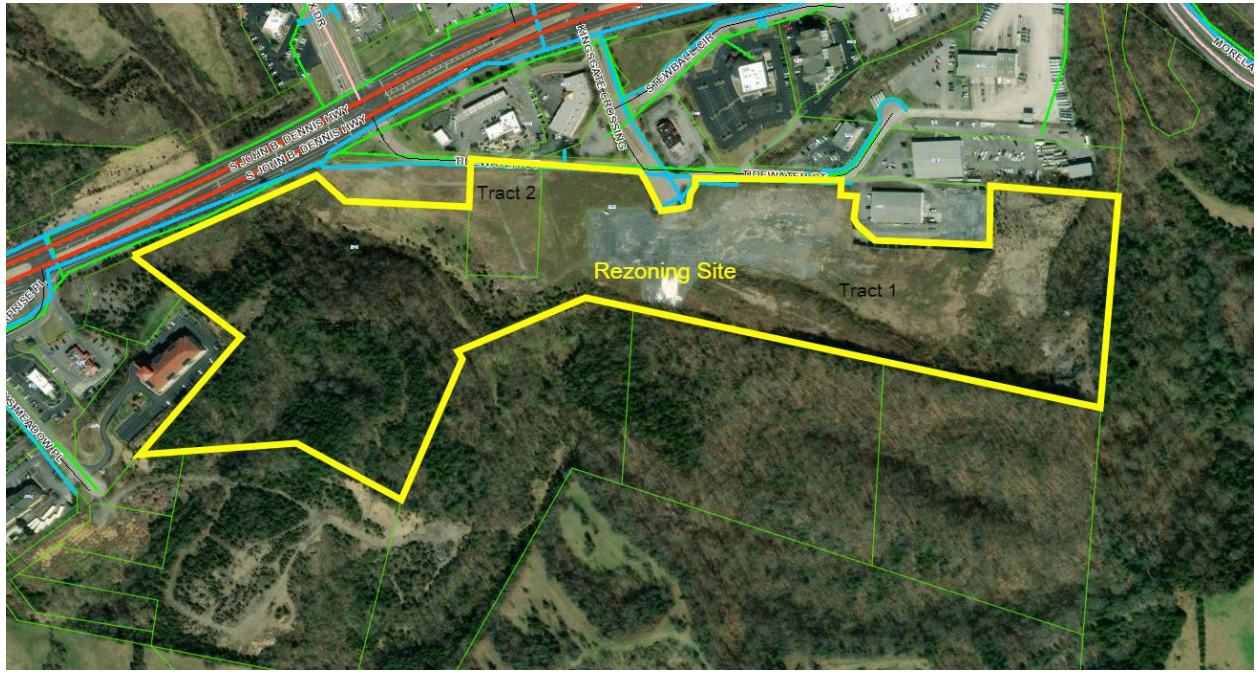
Surrounding City Zoning Map



Future Land Use Plan 2030



Aerial



View from Tidewater Court (South)



View from Tidewater Court (North)



View from Tidewater Court (North, Google Earth Image)



View from Tidewater Court (West)



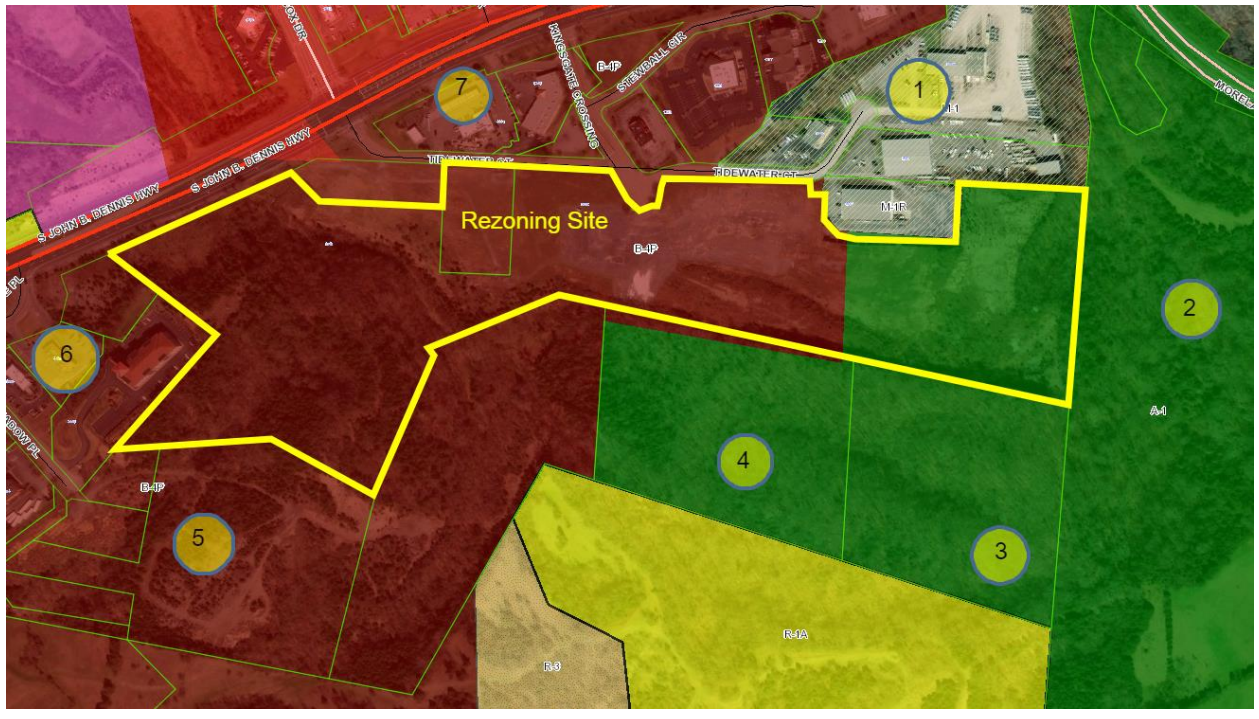
View from Tidewater Court (East)



Aerial View (Google Earth Image)



EXISTING USES LOCATION MAP



Kingsport Regional Planning Commission

Rezoning Report

File Number REZONE23-0306

Existing Zoning/ Land Use Table

Location	Parcel / Zoning Petition	Zoning / Name	History Zoning Action Variance Action
North	1	<u>Zone: City M-1</u> Use: light manufacturing	
East	2	<u>Zone: City A-1</u> Use: vacant	
Southeast	3	<u>Zone: City A-1</u> Use: vacant	
South	4	<u>Zone: City A-1</u> Use: vacant	
Southwest	5	<u>Zone: City B-4P</u> Use: vacant	
West	6	<u>Zone: City B-4P</u> Use: retail/commercial	
Northwest	7	<u>Zone: City B-4P</u> Use: retail/commercial	

Kingsport Regional Planning Commission

Rezoning Report

File Number REZONE23-0306

Standards of Review

Planning Staff shall, with respect to each zoning application, investigate and make a recommendation with respect to factors 1 through 6, below, as well as any other factors it may find relevant.

1. **Whether or not the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby Property?** The proposal abuts M-1R zoning to the north. Rezoning will permit an appropriate use that is suitable for the Future Land Use development.
2. **Whether or not the proposal will adversely affect the existing use or usability of adjacent or nearby property?** The adjacent and nearby property will not be adversely affected by the proposal. Abutting property is zoned City B-4P, Planned Business District to the north and southwest, A-1, Agricultural District to the southeast and M-1, Light Manufacturing District and M-1R, Light Restricted Manufacturing District to northeast.
3. **Whether the property to be affected by the proposal has a reasonable economic use as currently zoned?** The property has a reasonable economic use as currently zoned. There is also a reasonable economic use for the proposed zone.
4. **Whether the proposal is in conformity with the policies and intent of the land use plan?** The M-1R rezoning proposal does not conform to the 2030 Land Use Plan, however the M-1R proposal for this particular site should serve the area well.

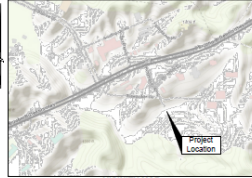
Proposed use: public utilities service center

The Future Land Use Plan Map recommends retail/commercial.

5. **Whether there are other existing or changed conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the proposal?** The existing conditions support approval of the proposed rezoning, as abutting parcels are zoned M-1 and M-1R.
6. **Whether there are other existing or changed conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal?** The rezoning site abuts M-1 and M-1R zoning to the north. The vacant land mass is appropriately sized for a new development that will meet zoning restrictions of the M-1R zone.

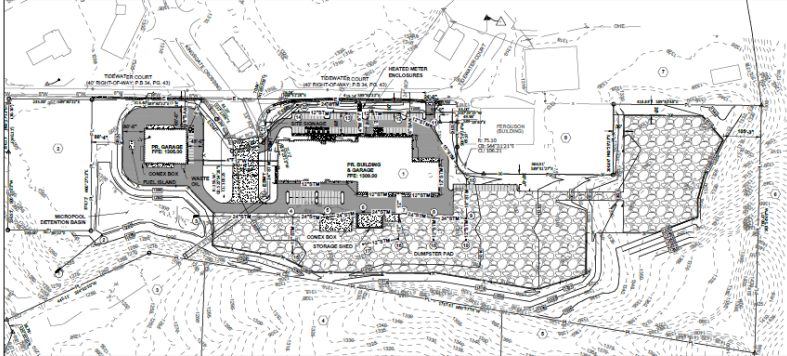
Kingsport Regional Planning Commission
Rezoning Report **File Number REZONE23-0306**
Zoning Development Plan (A Full Size Copy Available For Meeting)

CITY OF KINGSPORT, SULLIVAN COUNTY, TENNESSEE
 ZONING DEVELOPMENT PLAN
 FOR
AEP- KINGSPORT SERVICE CENTER
 1025 TIDEWATER COURT
 KINGSPOINT, TN 37660



VICINITY MAP
NOT TO SCALE

PROPOSED ZONING: M-1R



GENERAL PROJECT INFORMATION

MINIMUM BUILDING HEIGHT	NA
PROPOSED BUILDING HEIGHT	2P
SITE RANGE	PUBLIC UTILITIES
BUILDING AREA OFFICE (SQ FT)	30,000
BUILDING AREA GARAGE (SQ FT)	4,000

GENERAL ZONING INFORMATION

ADDRESS	1025 TIDEWATER COURT
PARCEL NO.	023700300
EXISTING ZONING CLASSIFICATION/DISTRICT	SAP & A-1 GATEWAY DISTRICT
PROPOSED ZONING CLASSIFICATION/DISTRICT	M-1R GATEWAY DISTRICT
ADJACENT DISTRICTS	S-1S
TOTAL SITE AREA	8.17
ACRES	0.187
FLOOD ZONE	X
FLOOD INSURANCE RISK ZONE	4718000000
UNDEVELOPED ZONE	NA
MOIST RECENT AFFLICTED ZONE	800000
BASE FLOOD ELEVATION (FEET)	NA

SITE DATA TABLE

TOTAL SITE AREA	8.17
TOTAL DEVELOPED AREA	17.28
DEVELOPED IMPROVEMENT AREA	5.38
PRE-DEVELOPED IMPROVEMENT	5.38
POST-DEVELOPED IMPROVEMENT	0.38

PARKING CALCULATION

REQUIRED PARKING (TYPE) PER 1,000 SQ FT OFFICE	40
REQUIRED PARKING (TYPE) PER COMPANY VEHICLE	40
PROPOSED PARKING	124
REQUIRED ADA PARKING (MINIMUM)	12
PROPOSED ADA PARKING (MINIMUM)	15
REQUIRED BICYCLE PARKING	NA

PROPERTY OWNERS

(X)	OWNER NAME	PARCEL	ADDRESS	ZONING CLASS
1	ARROWHEAD POWER COMPANY	023700300	1025 TIDEWATER COURT	SAP/A-1
2	ROY CLEGG AND ASSOCIATES	023700300	1025 TIDEWATER COURT	S-1P
3	SOUTH KINGSPORT DEVELOPMENT LLC	023700304	JOHN S DENNIS HWY	S-1P
4	SHAWANDA TRACY TRACY & SONS	023700305	JOHN S DENNIS HWY	A-1
5	SOUTH KINGSPORT DEVELOPMENT LLC	023700305	JOHN S DENNIS HWY	A-1
6	ROBERT CLAY & MARSHALL	023700300	BROADWAY RD 128	A-1
7	TELE OFFICE INC	023700300	1025 TIDEWATER COURT	M-1
8	JAMES A BEWLEY	023700300	1025 TIDEWATER COURT	M-1

EXISTING

- 1 - PROPERTY LINE
- 2 - RIGHT-OF-WAY
- 3 - EASEL CONTOUR
- 4 - CURB AND GUTTER
- 5 - CURB
- 6 - PAVEMENT
- 7 - WALK
- 8 - DRIVE
- 9 - DRIVE LINE
- 10 - FENCE
- 11 - ENDMENT
- 12 - UNDERGROUND ELECTRIC LINE
- 13 - OVERHEAD ELECTRIC LINE
- 14 - FIRE HYDRANT

PROPOSED

- 15 - UTILITY METER
- 16 - VALVE
- 17 - CATCH BASIN
- 18 - CURB AND GUTTER INLET
- 19 - CURB
- 20 - MANHOLE
- 21 - TELEPHONE POLE
- 22 - POWER POLE
- 23 - LIGHT POLE
- 24 - PULL BOX
- 25 - UTILITY FEDESTAL
- 26 - UNDERGROUND TELEPHONE LINE
- 27 - OVERHEAD TELEPHONE LINE
- 28 - WATER LINE

INDEX MAP

- 29 - BUILDING WALL
- 30 - STRAIGHT CURB
- 31 - PAVEMENT
- 32 - STIPPLED LINE FENCE
- 33 - WYS BARBED WIRE
- 34 - HIGH DUTY ASPHALT
- 35 - LIGHT DUTY ASPHALT
- 36 - HEAVY DUTY CONCRETE PAVEMENT
- 37 - SIDEWALK
- 38 - GRAVEL STORAGE LOT
- 39 - INDEX CONTOUR
- 40 - STORM SEWER
- 41 - CATCH BASIN
- 42 - MANHOLE
- 43 - STRUCTURE NUMBER
- 44 - WATER LINE
- 45 - FIRE PROTECTION SERVICE LINE
- 46 - FIRE HYDRANT
- 47 - SANITARY SEWER
- 48 - UNDERGROUND ELECTRIC LINE

SITE DEVELOPMENT DATA

ARCHITECT: TERRY JAMES ENGINEERING & ARCHITECTURE, INC. 37660
 CONTACT: TERRY JAMES
 P: 615-754-8114
 E: TERRY@TJEA.COM

DEVELOPER: AEP - KINGSPOINT SERVICE CENTER
 CONTACT: TERRY JAMES
 P: 615-754-8114
 E: TERRY@TJEA.COM

ENGINEER: TERRY JAMES ENGINEERING & ARCHITECTURE, INC. 37660
 CONTACT: TERRY JAMES
 P: 615-754-8114
 E: TERRY@TJEA.COM

LANDSCAPE ARCHITECT: TERRY JAMES ENGINEERING & ARCHITECTURE, INC. 37660
 CONTACT: TERRY JAMES
 P: 615-754-8114
 E: TERRY@TJEA.COM

KINGSPORT, TENNESSEE

AEP - KINGSPOINT SERVICE CENTER

1025 TIDEWATER COURT KINGSPOINT, TN 37660

TITLE SHEET

DRAWING NUMBER: 1/1

KORDA

CONSULTING ENGINEERS

1000 KINGSPOINT BLVD, SUITE 200

KINGSPOINT, TN 37660

DRAWN BY: DSW

CONCLUSION

Staff recommends sending a POSITIVE recommendation to rezone from A-1 and B-4P to M-1R based upon conformance to policy.

2023 Sullivan County Minor Text Amendments

Property Information		County-wide	
Address			
Tax Map, Group, Parcel			
Civil District			
Overlay District			
Land Use Designation			
Acres			
Existing Use		Existing Zoning	
Proposed Use		Proposed Zoning	
Owner /Applicant Information			
Name: Sullivan County Address: 3411 TN-126 #30 City: Blountville State: TN Zip Code: 37617 Email: planning@sullivancountyttn.gov Phone Number: (423) 323-6440		Intent: To make minor amendments the Sullivan County Zoning Resolution.	
Planning Department Recommendation			
(Approve, Deny, or Defer) The Kingsport Planning Division recommends APPROVAL			
Planner:	Jessica McMurray	Date:	October 5, 2023
Planning Commission Action		Meeting Date:	October 19, 2023
Approval:			
Denial:		Reason for Denial:	
Deferred:		Reason for Deferral:	

INTENT

Intent: To make minor amendments the Sullivan County Zoning Resolution.

Presentation:

At the request of the Sullivan County Planning Commission/ Sullivan County Planning and Codes Department, the Kingsport Regional Planning Commission is requested to send a positive recommendation in support of the submitted zoning text amendments to the Sullivan County Commission. The proposed amendments are as follows:

1. Amendment to code granting the Board of Zoning Appeals authority to approve/disapprove variances to the required number of parking and loading spaces.
2. Amendment to code requirement for Temporary Uses and Special Events. Any request for a temporary special event shall be considered as a Special Exception or Conditional Use and shall require approval from the Board of Zoning appeals.

Comparison of the proposed changes with current City of Kingsport zoning regulations:

The City of Kingsport Board of Zoning Appeals has the following powers; administrative review, conditional uses or special exceptions, variances and granting procedure for variances, detailed in [Division 2 – Board of Zoning Appeals](#) in the Municipal City Code.

The City of Kingsport staff oversee special events through an application process. [Applications](#) are reviewed by the Special Event Committee and meetings are held on the third Wednesday of every month at 1:00 PM at the City Hall Council Room.

The complete text changes are added at the end of this report with proposed changes highlighted in yellow.

Recommendation:

Staff recommends sending a positive recommendation to the Sullivan County Commission in support of the zoning text amendment.

From: [Ambre Torbett](#)
To: [Heather Moore](#); [Weems, Ken](#); [Garland, Savannah](#); [Cherith Young](#); [McMurray, Jessica](#)
Cc: [Luke Meade](#)
Subject: Sullivan County minor Zoning Text Amendments for your October PC please
Date: Tuesday, September 19, 2023 4:28:46 PM
Attachments: [F3 - ZTA for Variances to Parking.pdf](#)
[F2 - Special Events zoning text amendments.pdf](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear fellow planners,

Attached are two ZTAs the Planning Commission has been discussing and will vote again tonight. Please add these to your October Planning Commission agenda for your respective reviews. Thank you so much.

Sorry for the trouble, but you know how it is, one person digs in to the zoning and challenges us over a word or two. The Parking Variance just changes from Planning Commission to BZA as legally only the BZA can grant variances to zoning code.

Thanks,

Ambre M. Torbett, AICP

*Director of Planning & Community Development
Stormwater Administrator*

Sullivan County, Tennessee
Planning & Codes Department
3425 Hwy 126 | Historic Snow House
Blountville, TN 37617
Desk: 423.279.2603 | Main: 423.323.6440

F3. Zoning Text Amendment to Article VII

7-102.5 Variance in the Required Number of Parking and Loading Spaces (Overflow Spaces) -

The number of parking and loading spaces to be constructed may be less than the number of spaces required herein in the event that the following conditions are met to the satisfaction of the ~~Planning Commission~~ **Building Commissioner**:

1. Evidence is submitted firmly documenting that the special nature of the use, activity, or building proposed requires less parking area or spaces than required by this chapter for the same.
2. The Site Plan submitted to and approved by the **Planning and Codes Department and/or the Planning Commission** in accordance with ARTICLE XII, Subsection 12-102.3, Site Plan Requirements, indicates that the location and layout of that portion of the parking requirement deemed unnecessary can and will be constructed accordingly in the event that the **Board of Zoning Appeals** ~~Planning Commission~~ determines at any time that all or any portion of this parking is necessary in the interest of the public health, safety, and welfare.
3. In no event shall that portion of the required parking or loading, which is so designated, but not constructed as provided herein, be counted as open space or other non-paved area required by other provisions of this resolution.
4. If the **Board of Zoning Appeals** ~~Planning Commission~~ makes an exception to the construction of some of the required parking spaces, those exempted spaces shall be reserved in a pervious surface area. Such area shall be graded, cleared and maintained in a dustless surface and be accessible to vehicles in the event of overflow. Such area shall not be sold, transferred or used for any other permanent use.

Meeting Notes at Planning Commission:

SULLIVAN COUNTY ZONING RESOLUTION

Item VI.3.

TEXT AMENDMENT PROCESS AND CHECKLIST:

Date: 8-4-2023

Article Reference (Pg #):

*Special Event Supplemental Regulations
Appendix B*

Existing Zoning Resolution Text:

Proposed Zoning Resolution Text Amendment:

Purpose and Need / Background Information: (Staff Report Attached)

Initiated by: *Building Official*

Planning Director *+ Mayor*

Sullivan County Regional Planning Commission

Landowner/Developer

Review and Recommendation Timeline:

<u>Public Review</u>	<u>Date</u>	<u>Recommendation</u>	<u>Vote Tally</u>
Initial Discussion by SCRPC	<i>8-15-2023</i>	<i>yes</i>	<i>7/2 advised unanimous</i>
2 nd Review by SCRPC	<i>8-19-2023</i>		
Bristol Staff			
Bristol Regional PC			
Kingsport Staff			
Kingsport Regional PC			
Public Notice			
County Commission Public Hearing			
<i>If CC Denies/Remands back for further Study - repeat full public review process</i>			

E. COMPREHENSIVE DEVELOPMENT PLAN/SITE PLANS: *Nothing filed*

Item VI.3.

F. REZONING REQUESTS: ZONING PLAN AMENDMENT: ZONING MAP CHANGE

F2. Zoning Text Amendment:

General Public Events versus Private Events - Amendment to add Temporary/Seasonal Uses to the Accessory Use Table for certain Agricultural, Residential, Commercial and Manufacturing Districts as a Conditional Use Permit reviewed by the Board of Zoning Appeals.

- *Staff is requesting final review of the proposed minor text amendments as discussed last month.*

Excerpts from Zoning Resolution:

- Article III, Section 3-102.6 Temporary Uses Category
- Article III, Use Table 3-102A to add the words Temporary Events found in Appendix B
- Article IV – Use Table 4-102A to add Seasonal/Temporary Uses
- Article V – Use Table 5-102A to add Seasonal/Temporary Uses
- Appendix B-103.3 Part 7. Activity Type – Entertainment and Amusement Services
- Appendix B 103.3 Part 10 Activity Type – Group Assembly
- Appendix B 104 – Supplementary Regulations by Land Use/Activity Type – 104.7 part 4
- Appendix B-105 – Accessory Uses by Land Use/Activity Type – 105.2 part 6 – Special Event Supplemental requirements for Conditional Use by BZA
- Appendix B – Temporary Uses – add D. Temporary Special Events (as opposed to Seasonal/Reoccurring Accessory Use Events)

Meeting Notes at Planning Commission:

G. OLD BUSINESS:

G1. Public Hearing for Subdivision Regulations Amendments – Final Reading

Subdivision Regulation Amendment to Article II -C – add a new section that better defines the need for requiring a Comprehensive Construction/Development Plan Requirement when proposed subdivision plat request meets the parameters below: Add Part 11:

Comprehensive Construction/Development Plan Requirements Shall be Required for Lots Fronting along an Existing Public Road for one or more of these parameters:

- Six (6) or more lots along an existing public road; and/or
- If the proposed plan may create a land disturbance of one-acre or more as determined by the Tennessee Department of Environment & Conservation (TDEC) and thus considered part of a larger development plan, a Civil Engineer shall develop the Stormwater Pollution Prevention Plan to ensure compliance with the Best Management Practices outlined in the NPDES – Stormwater Pollution Prevention Planning for both grading and post construction stormwater quality as adopted in Article VIII of the Zoning Resolution; and/or;
- The original (parent-parcel) tract is ten (10) acres or greater; and/or
- In the opinion of the Planning & Codes Department and concurrence with TDEC, the preliminary plan layout of less than six (6) lots may exceed one-acre or more of land disturbance based upon proposed lot configuration.

3-102 USES AND STRUCTURES

Item VI.3.

3-102.1 General Provisions - Principal uses of buildings or other structures and land have been classified and combined into major classes and activity types in Appendix B, of this resolution. The procedure for interpreting the classes and type of activities is provided in Appendix B, Section 101. TABLE 3-102A, presents a tabulation of uses and structures, which are classified as "principal permitted" (P), "permitted with supplemental provisions" (SUP), "Uses on Review" by the Regional Planning Commission (PC) or "special exception/conditional uses" (BZA) permitted by approval of the Board of Zoning Appeals.

3-102.2 Principal Permitted Uses, (P) - Principal permitted uses are permitted as a matter of right within the district indicated, subject to the general requirements and bulk regulations, such as parking, setbacks, height, lot coverage, et cetera, established for the district wherein the use is located.

3-102.3 Use Permitted with Supplemental Provisions, (SUP) - A use permitted with supplemental provisions is an activity, use or structure which is permitted subject to a finding by the Building Commissioner that the specific standards indicated for the use in question have been met. Only those uses and structures so indicated in TABLE 3-102A, may be allowed within the districts indicated. Supplemental Provisions for review are listed in Appendix B.

3-102.4 "Use on Review" by the Regional Planning Commission, (PC) - This category is concerned with any permitted use, which requires site plan approval from the Regional Planning Commission. Such uses may require additional regulations and restrictions to ensure compatibility with the surrounding existing land uses. Supplemental Provisions for review are listed in Appendix B.

3-102.5 Accessory Uses - In addition to the principal activities expressed above, each activity type shall be deemed to include activities customarily associated with, and appropriate, incidental, and subordinate to the principal activity when such accessory activity is located on the same zone lot as such principal activity and meets the further conditions set forth in Appendix B. Such accessory activities shall be controlled in the same manner as the principal activities within such type, except as otherwise, expressly provided in this resolution

3-102.6 Temporary Uses - The temporary uses and structures specified in Appendix B, as permissible within residential and agricultural districts may be permitted for the limited time periods indicated for each such use or activity. Any request for a temporary special event shall be considered as a Special Exception or Conditional Use and shall require approval from the Board of Zoning appeals.

3-102.7 Uses Not Permitted (X) - Any uses or structures not allowable as permitted uses, uses permitted with supplementary provisions, uses on review, temporary uses, accessory uses or conditional uses are prohibited within the various agricultural and residential districts.

3-102.8 Special Exception/Conditional Uses, (BZA) - Any use not specifically allowed as a permitted use, but may be approved as a special exception/conditional use after review and approval by the Board of Zoning Appeals (pursuant T.C.A. Title 13, Chapter 7, Section 109 (2)). The BZA shall hear and decide all such uses permitted by special exception, as so indicated in TABLE 3-102A, after a formal public hearing and with consideration to the development guidelines as stated herein (see Appendices). Upon approval for a special exception as granted by the Board of Zoning Appeals, the applicant shall then seek site plan approval pursuant to Article XII.

**TABLE 3-102A (continued)
USES AND STRUCTURES ALLOWABLE WITHIN
AGRICULTURAL AND RESIDENTIAL DISTRICTS**

Item VI.3.

USES Cont. (Amended 03 16 2023)	DISTRICTS					
	A-5/A-2 A-1	AR / A-RV / RRC	R-1	R-2/R-2A	R-3A/R-3B	R-3
ACCESSORY USES AND ACTIVITIES						
Accessory Apartment (amended 2018)	SUP	SUP	SUP	SUP	X	X
Accessory Cargo Shipping Containers (Adaptive Reuse of Steel)	X/X/BZA*	X	X	X	X	X
Accessory Forest Operations	PC	PC	X	X	X	X
Accessory Plant Raising and Animal Care	P	P	SUP	SUP	SUP	SUP
Bed and Breakfast Homestay (Home Occupation – 1 to 3 rooms)	BZA	BZA	X	X	BZA	X
Bed and Breakfast Inn (4 to 12 rooms)	BZA	BZA	X	X	BZA	X
Columbarium/Mausoleum	SUP	SUP	X	X	X	X
Farm Employee Housing	SUP	SUP	X	X	X	X
Family Child Care Facility (Major Home Occ./Accessory Use)	SUP	SUP	X	SUP	SUP	X
Group Child Care Facility (Major Home Occ./Accessory Use)	SUP	SUP	X	X	X	X
Home Occupations (Minor) see appendix B-105.1	SUP	SUP	SUP	SUP	SUP	SUP
Home Occupations (Major) see appendix B-105.1	BZA	BZA	BZA	X	X	X
In-Home Day Care (Minor Home Occupation – less than 4 unrelated children)	SUP	SUP	SUP	SUP	SUP	SUP
Off-Street Parking (depends on road classification and HOA's)	X	P	P	P	P	P
Parents Day Out	SUP	SUP	SUP	SUP	SUP	SUP
Private Recreation Facilities	P	P	P	P	P	P
Special Public Events on Private Property (See also Temporary Events in Appendix B)	BZA	BZA	BZA	X	X	X
KEY TO INTERPRETING USE CLASSIFICATIONS						
X = Specifically not permitted. P = Use Permitted by Right Within the District. SUP = Principal Use Permitted with Supplemental Provisions.						
BZA = Subject to approval by the Board of Zoning Appeals PC = subject to the Regional Planning Commission approval of site plan.						
* See Supplemental Design Guidelines in Appendix B-105.2 #7 as amended on 05/16/2011						

3-103 BULK REGULATIONS

3-103.1 General - The minimum lot dimensions, maximum lot coverage, maximum density, minimum front, rear, interior and street side yards, maximum building heights and minimum separation between buildings on the same zone lot within any base agricultural or residential district shall be as indicated in TABLE 3-103A, (Bulk Regulations for Agricultural and Residential Districts), and the additional bulk regulations specified in this section. For certain uses, alternative bulk regulations, such as the Open Space Residential Development provisions, may be specified in this article or other articles of this zoning resolution.

3-103.2 Lot Area

- Basic Requirement** - Within the various agricultural and residential districts, the minimum horizontal area of a lot shall not be less than that indicated TABLE 3-103A, or in the case of multi-family dwellings situated on the same lot, that required by TABLE 3-103B. The minimum lot size is calculated by the buildable area, excluding pipe-stem or flag lot areas or areas within the designated floodway.
- Reduction in Lot Area Prohibited** - No lot, even though it may consist of one or more adjacent lots-of-record, shall be reduced in area so that yards, lot area per dwelling unit, lot width, building area, or other requirements of the zoning resolution are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose such as public utility stations, etc.

3-103.3 Lot Dimensions

- Basic Requirement** - No lot shall be created and no building permit or zoning approval shall be issued for any lot that does not meet the minimum dimensional requirements indicated in TABLE 3-103B, unless, otherwise, provided in the preliminary development plan of a planned unit development or OSRD plan as approved.

TABLE 4-102A

DISTRICTS	PBD-3	PBD/SC	B-4	B-3	B-2	Item VI.3.
III. COMMERCIAL ACTIVITIES – Amended 09 17 07						
A. Adult Entertainment Establishments	X	X	X	X	X	X
B. Animal Care and Veterinary Services	PC	PC	SUP	SUP	SUP	SUP
C. Automotive Parking – open lots only in B-2 and B-1, no public garages or parking structures	PC	PC	P	P	P*	P*
D. Automotive and Marine Craft Sales and Accessory Services	PC	PC	P	P	X	X
E. Automotive Body and Repair Shops	X	PC	X	P	X	X
F. Auto Towing and temporary storage	X	X	X	SUP	X	X
G. Banking, Financial, Insurance and Real Estate Services	PC	PC	P	P	P	P
H. Convenience Retail Sales and Services	PC	PC	SUP	SUP	SUP	SUP
I. Entertainment and Amusement Services - Limited	PC	PC	SUP	SUP	SUP	X
J. General Business and Communications	PC	PC	P	P	P	X
K. General Retail Trade	PC	PC	P	P	P	X
L. Group Assembly and Commercial Outdoor Recreation	PC	PC	SUP	SUP	SUP	X
M. Outdoor Material and Equipment Sales and Repair	PC	PC	P	P	X	X
N. Professional Services – Medical	PC	PC	P	P	P	P
O. Professional Services – Non-medical/Professional Offices	PC	PC	P	P	P	P
P. Restaurant, Full Service	PC	PC	P	P	P	X
Q. Restaurant, Fast Food	PC	PC	P	P	X	X
R. Scrap Operations/junk yards	X	X	X	X	X	X
S. Self-Storage/Mini-Warehouse Facilities	PC	PC	P	P	X	X
T. Transient Habitation	PC	PC	PC	X	X	X
U. Warehousing, Goods, Transport, and Storage	X	PC	X	X	X	X
V. Wholesale Sales	PC	PC	P	P	X	X
W. Indoor Sport Shooting Range Facilities <i>amended on 3/15/10</i>	PC	PC	PC	PC	X	X
IV. MANUFACTURING ACTIVITIES (deleted 02/16/2023)						
V. AGRICULTURAL AND EXTRACTIVE ACTIVITIES						
A. Agricultural – General	P	P	P	P	P	P
B. Agricultural – Intensive	PC	PC	PC	PC	PC	PC
C. Agricultural Services	P	P	P	P	P	P
D. Plant and Forest Nurseries	PC	PC	PC	PC	PC	PC
VI. ACCESSORY/SEASONAL/TEMPORARY ACTIVITIES						
A. Commercial Accessory Storage Structures/Buildings – Enclosed <small>(residential accessory structures permitted where residential land uses are permitted)</small>	X	PC	X	P	X	X
B. Accessory Day Care within business ctr.	PC	PC	SUP	SUP	SUP	SUP
C. Administrative Office	PC	PC	SUP	SUP	SUP	SUP
D. Bed and Breakfast Inn	PC	PC	PC	PC	PC	PC
E. Columbarium/Mausoleum	SUP	SUP	SUP	SUP	SUP	SUP
F. Operation of a Cafeteria	PC	PC	PC	PC	X	X
G. Parents Day Out	SUP	SUP	SUP	SUP	SUP	SUP
H. Production for Retail Sale	PC	PC	SUP	SUP	SUP	X
I. Residential Occupancy <small>(approved administratively)</small>	SUP	SUP	SUP	SUP	P	P
J. Special Public Event on Private Property	BZA	BZA	BZA	BZA	SUP	BZA

KEY TO INTERPRETING USE CLASSIFICATIONS

- BZA = Special Exception of Use with Approval from Board of Zoning Appeals
- P = Use Permitted by Right Within the District
- SUP = Principal Use Permitted with Supplemental Provisions
- PC = Subject to Review and Approval by the Planning Commission
- X – Not permitted

TABLE 5-102A

Cont.	PMD-2	PMD-1	M-2	M-1	Item VI3.
K. Commercial/Recreational – Limited Outdoor and Indoor Sport Shooting Ranges (amended on 03/15/10)	PC	PC	PC	PC	
III. COMMUNITY FACILITY ACTIVITIES					
A. Administrative Services *	PC	PC	SUP	SUP *	
B. Child Care Facilities, any type	PC	PC	SUP	SUP	
C. Community Assembly	X	X	X	X	
D. Essential Public Transport, Communication and Utility Service	SUP	SUP	SUP	SUP	
E. Extensive Impact Facilities – Limited (see B-104.6 part 6)	PC	PC	PC	X	
F. Intermediate Impact Facilities (Telecommunication Transmission Facilities – PC approval)	PC	PC	SUP	SUP	
G. Religious Facilities	X	X	X	X	
H. Special Institutional Care Facilities	X	BZA	X	BZA	
I. Waste Disposal Operations	PC	X	PC	X	
J. Substance Abuse Medical Clinics (amended on 11/15/2010)	X	X	BZA	X	
IV. AGRICULTURAL AND EXTRACTIVE ACTIVITIES					
A. Agricultural – General	P	P	P	P	
B. Agricultural – Intensive	PC	PC	PC	PC	
C. Agricultural Services	P	P	P	P	
D. Plant and Forest Nurseries	PC	PC	PC	PC	
V. ACCESSORY /SEASONAL/TEMPORARY USES					
A. Accessory Storage – Enclosed Structure	PC	PC	SUP	SUP	
B. Accessory Child Care	PC	PC	SUP	SUP	
C. Administrative Office	PC	PC	SUP	SUP	
D. Operation of Cafeteria	PC	PC	PC	PC	
E. Outdoor Storage	PC	PC	SUP	SUP	
F. Production for Retail Sale	X	X	X	X	
G. Residential Occupancy (approved administratively)	SUP	SUP	X	SUP	
H. Special Events on Private Property	BZA	BZA	BZA	BZA	
KEY TO INTERPRETING USE CLASSIFICATIONS					
P = Indicates Permitted Use.					
SUP = Indicates Use Permitted with Supplemental Provisions.					
PC = Indicates Permitted Use on Site Plan Review by the Planning Commission.					
O = Indicates Use Allowable within Special Overlay District (See Article VIII, Section 8-401, ADULT ENTERTAINMENT DISTRICTS)					
BZA = Special Exception of Use after Approval of the Board of Zoning Appeals					
NOTES:					
(1) See Section 5-104.					
*Approved Alternative Training Facilities – Use of Cargo Shipping Containers for Administrative Services (PC approved with Supplemental Design Guidelines in Appendix B-104.6 Subpart 1D) amended on May 17, 2010.					

5-103 BULK REGULATIONS

5-103.1 General - The minimum lot dimensions, maximum lot coverage, minimum front, rear, interior and street side yards, maximum building heights and minimum separation between buildings on the same zone lot within any base manufacturing district shall be as indicated in TABLE 5-103A, (Bulk Regulations for Manufacturing Districts), and the additional bulk regulations specified in this section. For certain uses, alternative bulk regulations may be specified in this section or other sections of this zoning resolution.

5-103.2 Lot Dimensions - No lot shall be created, and no building permit or zoning approval shall be issued for any lot that does not meet the following minimum dimensional requirements.

1. Lot Area
 - a. Minimum Area

6. Activity Type - Convenience Retail Sales and Services

- a. Intent and Limitations - This grouping is intended to include firms engaged in the retail sale, from the premises, of goods and services that are needed immediately and often, and which are purchased where it is most convenient for the shopper; as well as the provision of personal convenience services that are typically needed frequently and recurrently. Individual establishments are limited to a gross floor area of five thousand (5,000) square feet.
- b. Use Listing
 - Bakeries*
 - Barber Shops*
 - Beauty Shops*
 - Candy, Nut and Confectionery Stores*
 - Convenience Markets*
 - Dairy Products Stores*
 - Drug Stores*
 - Fruit Stores*
 - Gasoline Service Stations*
 - Hardware Stores*
 - Health Spas*
 - Laundry, Cleaning and Garment Services*
 - Liquor Stores*
 - Meat and Fish Markets*
 - News Stands*
 - Shoe Repair Shops*
 - Vegetable Markets*

7. Activity Type - Entertainment and Amusement Services-Limited

- a. Intent and Limitations - This grouping is intended to include establishments engaged in providing amusement or entertainment the **general public**, spectators and/or participants for payment of a fee admission charge or for free. ~~The activities are limited to those conducted within enclosed buildings having a total seating capacity for five hundred (500) or less.~~
- b. Use Listing
 - Art Galleries - Commercial*
 - Bowling Alleys and Billiard Parlors*
 - Coin Operated Amusement Arcades*
 - Dance Studios, and Schools*
 - Exhibition Halls and Commercial Auditoriums*
 - Fitness Centers and Reducing Salons*
 - Gardens (Botanical and Zoological)*
 - Karate Schools*
 - Motion Picture Theaters*
 - Recording and Television Production Studios*
 - Theaters - Legitimate*
 - Theatrical Producers, Bands, Orchestras, and Entertainers*
 - Video Game Arcades*

8. Activity Type - General Business and Communication Service

- a. Intent and Limitations - This grouping is intended to include firms engaged in the provision of clerical services, goods' brokerage, and communications of a minor processing nature.
- b. Use Listing
 - Advertising Agencies & Services*
 - Commercial Cleaning Services*
 - Commercial Testing Laboratories*

Miscellaneous General Merchandise Stores:

- Direct Selling Organizations
- Mail Order Houses

Miscellaneous Home Furnishings Stores:

- Bedding and Linen Stores
- Cookware Stores
- Cutlery Stores
- Glassware and China Shops
- Lamp and Shade Shops
- Paint and Wallpaper Stores
- Music Stores
- News Stands
- Proprietary Stores
- Radio and Television Stores
- Sewing and Piece Goods Stores
- Shoe Stores
- Sporting Goods Stores
- Tobacco Stores
- Variety Stores
- Women's Accessory and Specialty Stores
- Women's Ready-to-Wear Store

10. Activity Type - Group Assembly and Commercial Outdoor Recreation Facilities

- a. Intent and Limitations - This grouping is intended to include the provision of cultural, entertainment, educational and athletic services to the **general public**, groups of individuals for payment of a fee or admission charge. ~~This grouping includes activities conducted either to groups of more than five hundred (500) assembled spectators or at outdoor locations.~~
- b. Use Listing
 - Amusement Parks and Fairgrounds
 - Commercial Campgrounds
 - Commercial Resorts
 - Commercial Sporting Facilities:
 - Commercial Sports Arenas and Playing Fields
 - Drag Strips
 - Golf Courses and Driving Ranges
 - Marinas, Boat Docks, and Boat Rental
 - Racetracks (Auto, Motorcycle, Dog, and Horse)
 - Riding Stables
 - Skating Facilities
 - Swimming Pools and Beaches
 - Tennis Courts

11. Activity Type - Outdoor Material and Equipment Sales and Repair Yards

- a. Intent and Limitations - This grouping is intended to include establishments engaged in the retail and wholesale storage and sale of bulk materials and heavy equipment where operations require open storage and display.
- b. Use Listing
 - Construction Equipment Sales
 - Contractors Storage Yards
 - Farm Equipment Sales and Service
 - Feed Milling and Sales
 - Garden Centers
 - Heating, Plumbing and Electrical Suppliers
 - Highway and Street Construction Contractors
 - Lumber and Other Building Material Dealers

used for overnight accommodations. The use of exercise yards shall be restricted to the Item VI.3.
7:00 a.m. to 8:00 p.m.

- c. The design of animal care facilities shall provide for the off-street pickup and drop-off of animals.
 - d. The boarding of domestic pets in an enclosed outside facility is allowed only if located within a non-residential zone and is completely screened with a buffer strip from any existing residential uses. Furthermore, such outside boarding facility shall be fenced and located in the rear or side yards only.
3. Convenience Retail and Services - In all districts where authorized as a use permitted with supplemental provisions (SUP), the Convenience Retail and Services activity type shall be subject to the following supplementary regulations.
- a. Strong preference shall be given to location of complementary additions in the immediate vicinity of existing convenience establishments of other types in patterns that facilitate easy pedestrian circulation from the surrounding area and from one establishment to another, and to arrangements which encourage joint use of parking areas and automotive entrances and exits. In cases where a proposed location is suitable for later addition of other permitted convenience facilities, an isolated food service or general personal service activity may be permitted. Separate medical service activities (other than professional offices conducted as accessory uses in residences of such physicians and dentists) shall also be so located unless substantial public advantage can be demonstrated for other locations.
 - b. In the environment in which convenience establishments are intended to be permitted, it is the intent of this section that no such establishment or group of establishments shall be of such size or character as to create the impression of general commercial development. Therefore, in addition to other limitations designed to achieve these ends, no individual convenience establishment shall have a gross floor area exceeding five thousand (5,000) square feet).
 - c. All sales, services, or displays in connection with convenience establishments shall be within completely enclosed buildings, and there shall be no display, service, or storage outside such buildings. No public address systems or other devices for reproducing or amplifying voices or music shall be mounted outside such buildings or be audible beyond any line of the lot on which the building is situated.
 - d. Exterior storage of goods or materials of any kind is prohibited. The placement of waste disposal facilities is permitted in the rear of the commercial operation only and shall not be located in any required yard. Such facilities shall be totally screened using similar exterior materials from which the outside walls of the principal building is constructed and shall be maintained in a clean and orderly manner.
4. Entertainment and Amusement Services – Limited - Within those districts where authorized as a special exception (BZA) use, Planning Commission approval (PC) required, or a use permitted with supplemental provisions (SUP) activities classified in the Entertainment and Amusement Services - Limited activity type shall be subject to the following supplementary regulations.
- a. The facility shall be located so as to be compatible with the surrounding area and provide safety to those using such facility.
 - b. All state and local regulations pertaining to fire safety and emergency access shall be met.
 - c. All public utilities, including a central sewage collection and treatment system shall be available to the site.
 - d. Adequate accessory off-street parking shall be provided to accommodate such use.
 - e. Notwithstanding the afore described provisions, the Board **County** shall in each instance require such additional measures as are in its judgment necessary and proper to protect the health, safety and welfare of users or occupants of the facility and of the public in general.
5. Group Assembly and Commercial Outdoor Recreation - Within those districts where authorized as a special exception (BZA) use, Planning Commission approval (PC) required, or a use permitted with supplemental provisions (SUP) activities classified in the Group Assembly and Commercial Outdoor Recreation activity type shall be subject to the following supplementary regulations.

B 100,2

Item VI.3.

- k. A total of one (1) yard sign, not exceeding six (6) square feet in area and three and one-half feet in height may be permitted provided it is situated in a manner so as not to adversely affect traffic safety, corner vision or similar condition. The sign may only be indirectly illuminated. Banners, flags, noise making or musical devices, portable or lighted signs are not permitted.
3. Operation of a Cafeteria (PC approval) - Operation of a cafeteria for employees, residents, patrons or others participating in the principal activity conducted by an organization engaged in community facility activity on the same zone lot. Where the community facility is permitted as a conditional use an accessory cafeteria must be approved as a part of the action granting said permit.
 4. Residential Occupancy in Connection with Nonresidential Activity (PC approval) - Residential occupancy may be permitted as an accessory use to a principal nonresidential activity located on the same zone lot subject to the following:
 - a. Only One Unit Permitted - No more than one (1) dwelling or rooming unit may be permitted in connection with a principal nonresidential activity located upon the same zone lot.
 - b. Occupancy Limited - Any dwelling or rooming unit permitted under the provisions of this section shall be limited to occupancy by person(s) employed in the principal nonresidential activity located upon the same zone lot.
 - c. Residential Occupancy Prohibited - No dwelling or rooming unit may be located upon any site with a nonresidential activity that is defined by this resolution as a "hazardous occupancy."
 5. Special Public Private Event(s) on Private Property (BZA approval) - Any special event, such as a wedding ceremony, reception, shower or other private party held at a private residence shall be permitted. In the event that a residence holds facilities and makes accommodations for such private parties as a service for a fee, such accessory use shall be considered a type of Major Home Occupation requiring Board of Zoning Appeals approval. The following supplemental provisions shall apply in all cases:
 - a. The property shall be a minimum of five (5) acres in order to accommodate parking, diffuse noise and lighting;
 - b. The party shall conform to those operational performance standards as described in Article VIII;
 - c. The accommodation of special events/parties open to the public as a service for a fee shall be seasonal in nature;
 - d. The owner of the property shall present to the BZA written consent from the adjacent property owners;
 - e. A declaration of intent shall be presented to the BZA illustrating the nature of the accessory use;
 - f. The site shall have direct access to a public street and accessible road frontage to the public street;
 - g. Occupancy shall not exceed designated approved parking areas; and
 - h. All other home occupational standards shall apply.
 6. Special Public Event on Private Property Use or Use-On-Review (PC approval) – any public event, whether the event is seasonal, one-time, or reoccurring the following Supplemental Regulations shall be satisfied to ensure public health and safety measures are in place to accommodate the participants, spectators, or attendees:
 - a. The property shall be zoned General Commercial (B-3, B-4, PBD-3 or PBD-SC or Light Manufacturing (M-1); and
 - b. The property shall be a minimum of two (2) acres in order to accommodate the necessary parking, diffuse noise and lighting to adjacent properties; and
 - c. All regular Bulk Regulations and Operational Standards shall be applied per the zoning district; and
 - d. A declaration of intent, summary of the event and/or other marketing materials shall be provided to the county to understand the requested use; and
 - e. The property shall have direct access to a publicly maintained road with accessible road frontage already permitted and shall not use a private easement agreement for the general public; and
 - f. The occupancy of the event and any other existing concurrent land uses on such property, shall not exceed the parking accommodations for such occupancy load, whether the event is held indoors or outdoors; and
 - g. The County may require additional buffering, screening or setbacks of the event area depending on the adjacent incompatible land uses, such as residential or agricultural uses or zones.
 7. Residential Accessory Structure as Principal Structure – Under unique circumstances, a residential accessory structure may be permitted on a parcel wherein a principal structure is not established, subject to BZA approval when the following conditions are present:

minor edit

add

B-106 TEMPORARY USES - The provisions of this section are necessary to govern the operation of seasonal and other temporary uses. Application for a temporary use and occupancy permit shall be made to the Planning Commissioner. The application shall contain information as to the nature of the proposed use, the anticipated period of operation, the number and location of parking spaces and sanitary facilities. No permit issued, herein under, shall be for a time period in excess of that stipulated below for the individual activity indicated.

- A. Circus or Carnival - May be permitted in the following districts:
 Commercial Districts - All
 Manufacturing Districts - All

Such permit may be issued for a period of no longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided.

- B. Christmas Tree Sale - May be permitted in agricultural, commercial or manufacturing district. Such permit may be issued for a period not longer than forty-five (45) days.
- C. Religious Tent Meetings - May be permitted in any district. Such permit shall be issued for not more than a thirty (30) - day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided.

- D. Temporary Special Events - Requests for any temporary special event shall be considered as a Special Exception or Conditional Use and shall require approval from the Board of Zoning appeals. The following supplementary provisions shall apply.
 - (1) ~~No permit may be issued for a period not longer than fifteen (15) days.~~
 - (2) Such activity may be permitted only on lots where adequate off-street parking can be provided.
 - (3) ~~When the activity is to be located within any residential district, the minimum site shall be no less than four (4) acres in size.~~
 - (4) All necessary temporary restroom/sanitary facilities shall be approved by the local Department of Health.
 - (5) The Board of Zoning Appeals shall have the power to restrict the days and hours of operation of the activity.
 - (6) Reoccurring Events, where permitted shall be considered an Accessory Use and shall require additional supplemental regulations in Appendix B-105.2.

- E. Temporary Construction Offices - In any district, a temporary use permit may be issued for contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six (6) month extensions. Such use shall be removed immediately upon completion of the construction or expiration of the temporary use permit, whichever occurs sooner.

- F. Temporary Dwelling Unit in Cases of Special Hardship or During Construction of Permanent Dwelling
 In any agricultural or residential district, the use of a pre-existing residential dwelling may be continued during the construction of the permanent dwelling allowed within the district with the following regulations: Along with the issuance of a temporary dwelling permit, the applicant must file for a new dwelling permit simultaneously. The purpose of such temporary use shall be to provide shelter for only the residents of the principal structure during the period of construction and to prevent an exceptional hardship on the same. Upon completion of the new dwelling, before a Certificate of Occupancy can be issued for the new dwelling, the pre-existing dwelling must be demolished or removed to comply with 3-103.6(5). Under no circumstances shall such dwelling be used for a permanent accessory structure, as defined herein. (Amended May 19, 2022)