

**Zoning Plan: Rezoning Requests and/or Zoning Text Amendments**  
**SULLIVAN COUNTY COMMISSION PUBLIC HEARING MEETING**

April 21, 2022

**RESOLUTION #1 - To Consider the Waiver of Rules for the following zoning amendments (map or text).**  
**motion by: \_\_\_\_\_ 2nd by: \_\_\_\_\_**

Order of Cases	Date of Application	Applicant's Name	Neighbor Opposition	Staff's Recommendation	Planning Commission's Recommendation	Regional Planning Commission Jurisdiction	Current Zoning District	Requested Zoning District	Civil District	Commissioner District
1	2/3/2022	Andrew & Stephanie Sanders	none	yes	yes	Sullivan County	PMD-2	A-1	18th	7th
2	2/15/2022	Sullivan County Regional Planning Commission and staff	none	yes	yes	all three				
<b>Voting Summary:</b>										
<b>Name</b>	<b>Case Order</b>	<b>yes</b>	<b>no</b>	<b>pass</b>	<b>absent</b>	<b>Approved (yes or no)</b>				
Sanders	1									
ZTA duplicate section	2									
ADA parking but Non-Confid	3-102.9 7-104.3 and 106.3 11-102 & 11-103 12-102.3 and 12-102.6									
* Date of application begins when fee was obtained for completed application										

**Ad Number**      **Ad Type**  
0001590560-01      XLegal Liner

External Ad Number

**Ad Size**                      **Color**  
2 X 37 li

**Order Start Date**              **Order Stop Date**  
**03/28/2022**                      **03/28/2022**

PUBLIC NOTICE

Sullivan County Board of County Commissioners will hold a Public Hearing on **Thursday, April 21, 2022** at 6:00PM within the Commission Hall of the Sullivan County Historic Courthouse, located at 3411 Highway 126, Blountville, TN. The Public Hearing will consider the following rezoning request from individual property owner: 1) **Andrew & Stephanie Sanders** request their property to be rezoned from PMD-2 (Planned Manufacturing) to A-1 (General Agricultural) at 208 Cash Avenue, Blountville. The Zoning Map Amendment have been reviewed by the appropriate regional planning commission and shall be considered for final amendment by the Commission at this meeting. The public is invited to attend and speak on these requests. In addition, the Commission will hear and consider for approval several minor Zoning Text Amendments that have been unanimously recommended by the Sullivan County, Bristol, and Kingsport Regional Planning Commissions. The amendments shall update the following sections of the Sullivan County Zoning Resolution, Articles: 1) 3-102.9; 7-104.3; 7-106.3; 11-102; 11-103; 12-102.3 and 12-102.6. All inquiries, questions or concerns can be shared prior to the public meeting by contacting the Planning Director at 423.279.2603 or by emailing her at [planning@sullivancountytn.gov](mailto:planning@sullivancountytn.gov). Copies of these amendments are filed in the Sullivan County Planning & Codes Department located within the Historic Snow House at 3425 Hwy 126, Blountville, TN.

PUB 1T: 3/28/22

- The chair read the opening statement regarding the Rezoning Policy and Public Hearing Procedures:

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

**F1. REZONING REQUEST PMD-2 BACK TO A-1 (PLANNED MANUFACTURING TO GENERAL AGRICULTURAL**

**FINDINGS OF FACT –**

<b>Property Owners:</b>	<b>Andrew &amp; Stephanie Sanders</b>
<b>Applicants:</b>	<b>same</b>
<b>Representative:</b>	<b>same</b>
<b>Location:</b>	<b>208 Cash Avenue, Blountville</b>
<b>Mailing Address of Owners:</b>	<b>196 Cash Avenue, Blountville</b>
<b>Civil district of rezoning:</b>	<b>18<sup>th</sup></b>
<b>Commission District:</b>	<b>7<sup>th</sup></b>
<b>Parcel ID:</b>	<b>Tax Map 079, Parcel 100.20</b>
<b>Subdivision of Record:</b>	<b>replat of a replat – Sanders Property (PB 55, Pg 495 &amp; PB 56, Pg 325 &amp; PB 56, Pg 325)</b>
<b>PC1101 Growth Boundary:</b>	<b>Sullivan County Planned Growth Area</b>
<b>Utility District:</b>	<b>Johnson City Public Water Utility District – water line ends at Sander’s home</b>
<b>Public Sewer:</b>	<b>not available</b>
<b>Lot/Tract Acreage:</b>	<b>3.03 PMD-2 area to be considered for rezoning back to A-1</b>
<b>Zoning:</b>	<b>PMD-2</b>
<b>Surrounding Zoning:</b>	<b>R-1, PMD-2, A-5, A-1</b>
<b>Requested Zoning:</b>	<b>A-1</b>
<b>Existing Land Use:</b>	<b>vacant</b>
<b>Surrounding Land Uses:</b>	<b>residential and farmland</b>
<b>2006 Land Use Plan:</b>	<b>Low Density Residential/General Agricultural</b>
<b>Neighborhood Opposition:</b>	<b><i>none received prior to hearing</i></b>

**Staff Field Notes and Findings of Facts:**

- The owner is requesting to rezone the vacant tract adjacent to his residence from PMD-2 back to A-1 in order to replat his property and use it for residential and agricultural purposes without having to meet manufacturing district zoning setbacks and restrictions.
- Many of these farms were rezoned in the late 1990s to PMD-2; however, have continued to be used for pastureland and residential developments. Several rezonings for similar cases have been recently approved as well along this road.
- Staff recommends in favor of this request for the following reasons:
  - Conformance with adopted 2006-2026 Land Use Plan to maintain low-density residential.
  - Public infrastructure is not in place nor planned to support future industrial development along Cash Avenue.
  - Recent trend in approved rezoning requests have already been approved to go back to A-1 zoning.

**Meeting Notes at Planning Commission:**

- Staff read her report and recommendation. The chair recognized the owner, Mr. Sanders, as being present. No one was present in opposition. Discussion followed.
- Ms. Brittenham motioned to forward a **favorable recommendation** on to the County Commission per staff’s recommendations. Commissioner Calton seconded the motion and the vote in favor passed unanimously (7 yes, 2 absent).

**PETITION TO SULLIVAN COUNTY FOR REZONING**

A request for rezoning is made by the person named below; said request to go before the Sullivan County Regional Planning Commission for recommendation to the Sullivan County Board of Commissioners.

Date: 02/03/2022

Property Owner: Andrew & Stephanie Sanders

Address: 196 Cash Ave Blountville TN 37617

Phone number: 423-967-7034

Email: andysteph85@yahoo.com

**Property Identification**

Tax Map: 079	Group:	Parcel: 100.20	
Zoning Map: 16	Zoning District: PMD-2	Proposed District: A-1	Civil District: 18
Property Location: 208 Cash Ave Blountville TN 37617			Commission District: 7
Purpose of Rezoning: Residential Use			

**Meetings**

**Planning Commission:**

Place: Historic Courthouse, 2nd Floor, 3411 Hwy 126 Blountville TN

Date: March 15, 2022 Time: 6 PM

*2 yes  
2 absent*

Approved:  Denied:

**County Commission:**

Place: Historic Courthouse 2<sup>nd</sup> Floor Commission Chambers!3411 Highway 126!Blountville, TN

Date: April 21, 2022 Time: 6:00 PM

Approved:  Approved 22 Yes, 2 Absent  
Denied:

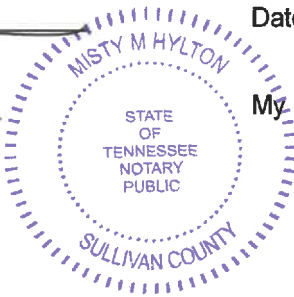
**DEED RESTRICTIONS**

I understand that rezoning does not release my property from the requirements of private deed/Subdivision restrictions. The undersign, being duly sworn, hereby acknowledges that the information provided in this petition to Sullivan County for Rezoning is true and correct to the best of my information, knowledge and belief.

Owner's Signature: *[Handwritten Signature]*

Date: *2.3.2022*

Notary Public: *Misty M Hylton*



My Commission Expires: *May 22, 2023*










**Address Data Source:**  
 Sullivan County, Sul Co 911  
 Kingsport, TN GIS  
 Johnson City, JC GIS  
 Bristol, Bristol 911

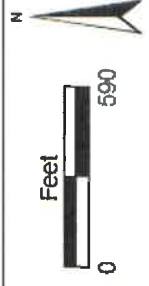
**Notice:**

A tax map has no legal standing other than the assessment of taxes. It cannot be used to establish boundary lines or transfer and convey property. A land surveyor licensed to practice land surveying in the State of Tennessee should be retained for all questions of boundary and / or location of lot lines.

-  Bristol Sewer Lines
-  KPT Sewer Lines
- Thoroughfares**
-  Arterial
-  Collector
-  Kingsport UGB



**Andrew & Stephanie Sanders Property**






Parcel is color-coded by use as follows:  
 Blue: Residential Single-Family  
 Yellow: Residential Medium-Density  
 Green: Residential Single-Family  
 Orange: Other  
 Source: Kingsport, TN GIS



















**Sullivan County, TN**  
 Planning and Codes Dept.

**Address Data Source:**  
 Sullivan County, TN, Co 9111  
 Kingsport, TN, GIS  
 Johnson City, TN, GIS  
 Bristol, TN, GIS

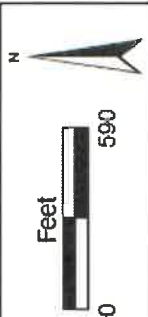
**Notice:**  
 A tax map has no legal standing other than the assessment of taxes. It cannot be used to establish boundary lines or transfer and convey property. **When establishing lines practice and surveying in the State of Tennessee should be limited to the following:**  
 1. Boundary and / or location  
 2. Easements  
 3. Right of way

-  Arterial
-  Collector
-  Kingsport UGB

**Sullivan County Zoning**

-  A-1
-  A-2
-  A-5
-  AR
-  B-1
-  B-2
-  B-3
-  B-4
-  M-1
-  M-2
-  PBD-3
-  PBD/SC
-  PM D-1
-  PM D-2
-  R-1
-  R-2
-  R-2A
-  R-3
-  R-3A
-  R-3B
-  Water

# Andrew & Stephanie Sanders Property



**Flood Inundation Risk Map (FIRM) 2007**  
 1. Flood Hazard Zone  
 2. Flood Hazard Zone  
 3. Flood Hazard Zone  
 4. Flood Hazard Zone  
 5. Flood Hazard Zone

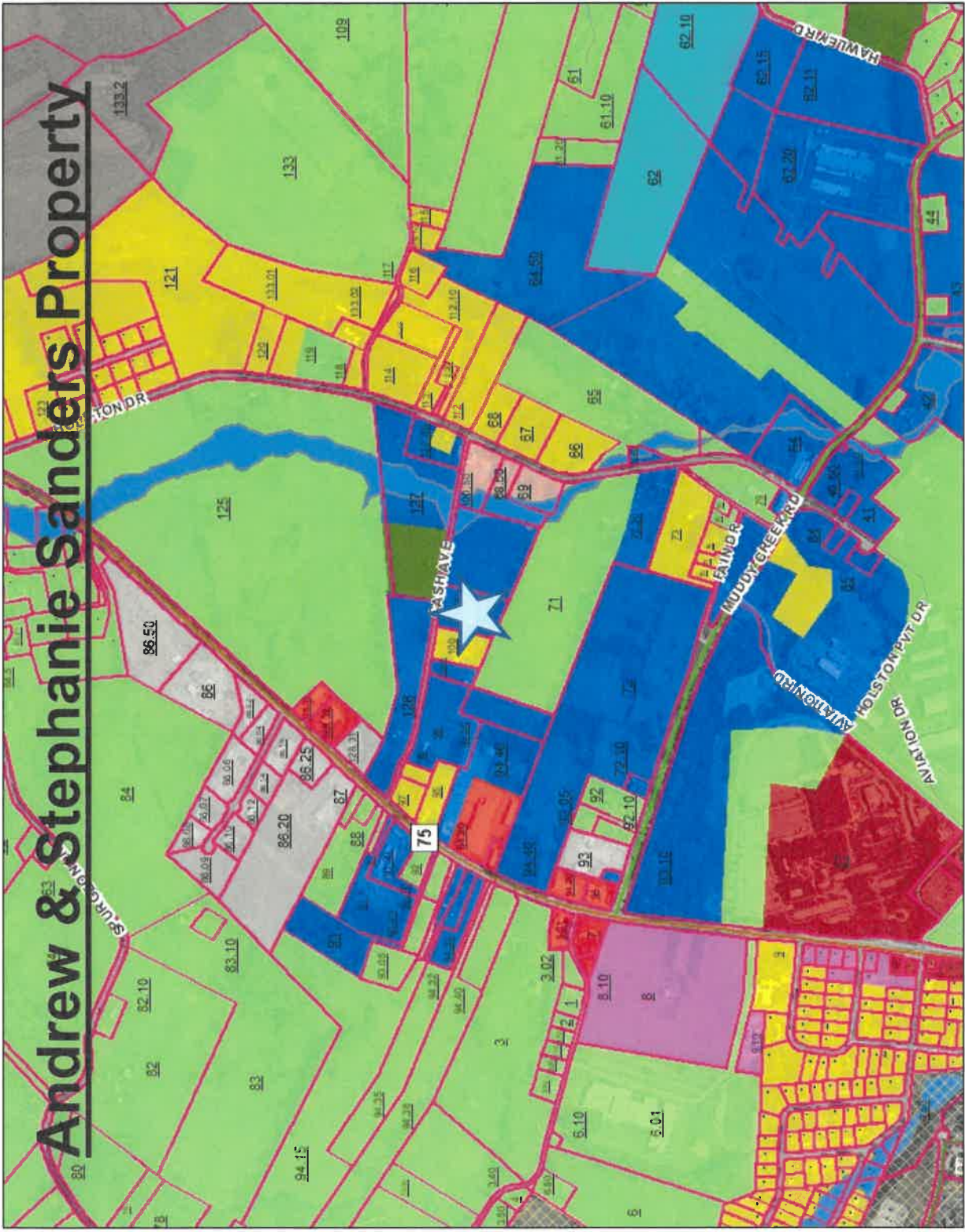
**Sullivan County, TN**  
**Planning and Codes Dept.**



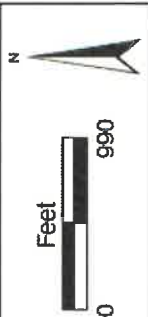
**Address Data Source:**  
 Sullivan County, State Co 911  
 Kingsport, TN GIS  
 Johnson City, JC GIS  
 Bristol, Bristol 911

**Notice:**  
 A tax map may not be a legal standing document. It cannot be used to establish boundary lines or transfer and convey property. **Always consult a professional land surveyor in the State of Tennessee should be required for establishing a boundary and / or location of a right-of-way.**

- Arterial
- Collector
- Kingsport UGB
- Sullivan County Zoning**
- A-1
- A-2
- A-5
- AR
- B-1
- B-2
- B-3
- B-4
- M-1
- M-2
- PBD-3
- PBD/SC
- PMD-1
- PMD-2
- R-1
- R-2
- R-2A
- R-3
- R-3A
- R-3B
- Water



# Andrew & Stephanie Sanders Property



**Flood Hazard Data**  
 Flood Hazard Data from FEMA (1981) 2007  
 Flood Hazard Data from FEMA (1981) 2007  
 Flood Hazard Data from FEMA (1981) 2007  
 Flood Hazard Data from FEMA (1981) 2007



**Sullivan County, TN**  
 Planning and Codes Dept.





**SULLIVAN COUNTY**  
Planning & Codes Department  
3425 Highway 126  
Blountville, TN 37617  
Office: 423.323.6440  
Fax: 423.279.2886

***NOTICE OF REZONING REQUEST***

February 21, 2022

Dear Property Owner:

Please be advised Andrew & Stephanie Sanders have applied to Sullivan County to rezone property located on 208 Cash Ave from PMD-2 (Planned General Manufacturing District) to A-1 (General Agricultural/Estate Residential District) for the purpose of residential use.

**Sullivan County Regional Planning Commission – 6:00 PM on March 15, 2022**

**County Commission – 6:00 PM on April 21, 2022**

Both meetings are held in the Old Historic Sullivan County Courthouse, 2<sup>nd</sup> Floor Commission Hall at 3411 Highway 126, downtown Blountville. Please let the Sullivan County Planner know if you need any special assistance for these public meetings at 423-279-2603.

Regards,

Ambre M. Torbett, AICP  
Director Planning & Codes

mh



**NOTICE**  
THIS PROPERTY IS  
BEING CONSIDERED  
FOR RE-ZONING  
333-5440

03/01/2022



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

USES Cont.	DISTRICTS					
	A-5/A-2 A-1	AR	R-1	R-2/R-2A	R-3A/R-3B	R-3
<b>ACCESSORY USES AND ACTIVITIES</b>						
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 and Major) see appendix for SUP	SUP	SUP	SUP	SUP	SUP	SUP
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 Event on Private Property	BZA	BZA	BZA	BZA	X	X
<b>KEY TO INTERPRETING USE CLASSIFICATIONS</b>						
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						

~~**3-102.9 — Restriction of Buildings Permitted on Residential Zone Lots** — Only one (1) principal residential building and its customary accessory structures may be permitted on any zone lot, except as may otherwise be approved as follows:~~

- ~~1. As part of a complex of dwellings subject to the provisions of Subsections 3-104.1 or 3-104.3;~~
- ~~2. As part of an Open Space Residential Development or Planned Unit Development and/or;~~
- ~~3. If an additional principal residential building meets all of the applicable bulk regulations on its own to ensure future subdivision compatibility and accommodations.~~

**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**

1. **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.
2. **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.

**TABLE 3-103C**  
**REGULATIONS FOR DETACHED RESIDENTIAL ACCESSORY STRUCTURES BY DISTRICT**

District	Zoning District Name	Maximum Total Square Footage for Detached Accessory Buildings	% Area
A-5	Agricultural/Large Tract Residential	3000	10%
A-2	Rural Estate Residential	2600	10%
A-1	Rural Residential	2400 if on lots 1 acre or larger and 1500 if less than an acre	10%
AR	Rural Single Family / Outdoor recreational	2000 if for individual single-family lot 1 acre or larger or SUP regs for campground developments subject to PC approval	10%
R-1	Low Density/Single Family Subdivision	1200	10%
R-2	Medium Density/Singlewide	1000	10%
R-2A	Medium Density/Duplex/Single Family	1000	10%
R-3	High Density/Mobile Home Park	1000 for single-family * See Mobile Home Park Standards	10%
R-3A	High Density/Apartments	800 for single-family and only one accessory storage building for apartment complex at 1000 max	10%
R-3B	High Density/Condos	800 for single-family detached or 1000 max for HOA – one only	10%
PUD	Planned Development	800 for single-family detached or 1000 max for HOA – one only	10%

(Table 3-103C was added on February 20, 2020)

3. Obstructions Prohibited at Street Intersections - On a corner lot, no fence, wall, parking, sign, hedge, or other planting or structure that will materially obstruct vision between a height of three (3) feet and ten (10) feet above the center line grades of the intersecting streets shall be erected, placed, or maintained within the triangular area formed by the street lines at such corner lots and a straight line joining such street lines at points which are thirty-five (35) feet distance from the intersection of the street lines and measured along said street lines (see illustration in Appendix C). In case of rounded street lines at the intersecting streets, such measurement shall be made from the point of intersection of the tangents of the curve constituting the rounding. The purpose of this clear vision of the corner is for vehicular traffic approaching the intersection.
  
4. Special Conditions Affecting Yards
  - a. Front Yards to be Measured from Street Rights-Of-Way - For the purposes of providing adequate space for the future widening of streets, safety for occupants of structures, vehicular glare and noise reduction and sight visibility for vehicular traffic, required front yards shall be determined by the rights-of-way as shown on the latest official major thoroughfare plan. For clarification, please consult with the Sullivan County Highway Commissioner and/or a representative from the Tennessee Department of Transportation (TDOT).
  - b. Rear Yard Setback for Double-Frontage Lots –The minimum required width of a rear yard abutting a street shall be the same as the front yard setback.
  - c. Special Yard Requirements for Corner Lots - The minimum required width of a side yard abutting a street shall be the same as the front yard requirements.
  - d. Special Provisions for Yard Setbacks on Lots-of-Record With Legal but Non-Conforming Dwelling -
    - As approved by the Building Commissioner, any alteration, addition or construction of a dwelling on a lot-of-record (“Grandfathered In”) shall extend no closer to the street which abuts the designated front yard than the average of the distances of the dwellings located within one hundred (100) feet on each side of the lot-of-record whereon the alteration, addition or construction is to occur.
    - The average yard requirement shall not prohibit alterations or additions to an existing dwelling, which has irregular walls provided said alteration or addition extends no closer to the street or other property line than the existing closest wall to the street, side or rear property line.
    - The BZA shall have jurisdiction to vary from this strict application upon property where such provision would create an undue hardship. (See Article XII, variance application).
  
5. One Principal Building – There shall be no more than one principal structure and its customary and incidental accessory structures on any lot or parcel of land, unless otherwise specifically permitted in this chapter or unless a development plan is approved by the Planning Commission as provided in this chapter. (amended July 21, 2008). Accessory Dwelling Units may be permitted– see Supplemental Regulations in Appendix B for Accessory Dwelling Units (amended October 18, 2018).

*existing*

**ILLUSTRATION 7-104.2  
PARKING SPACE AND AISLE DIMENSIONS**

*(corrections adjusted August 2009 – See diagrams following Appendices)*

Parking Angle	Stall Width	Stall Depth Perpendicular	DIMENSIONS IN FEET		
			Wall Aisle Length	Interlock Module Width	Module
<u>90-Degree Parking Angle, Two-Way Aisle</u>					
90	9.00'	19.0'	24.0	62.0	62.0
<u>75-Degree Parking Angle, One-Way Aisle</u>					
75	9.0'	19.0'	22.0	63.0	61.0
<u>60-Degree Parking Angle, Two-Way Aisle</u>					
60	9.0'	19.0'	22.0	64.0	59.5
<u>45-Degree Parking Angle, One-Way Aisle</u>					
45	9.0'	19.0'	15.0	42.0	48.5
<u>30-Degree Parking Angle, One-Way Aisle</u>					
30	9.0'	19.0'	20.0	62.0	57.5
<u>Parallel Parking - One-Way Aisle</u>					
0	9.0'	22.0'	15.0	24.0	24.0

**ILLUSTRATION 7-104.3  
ADA ACCESSIBLE (HANDICAPPED) PARKING REQUIREMENTS**

**DESIGN DETAILS FOR HANDICAPPED PARKING SPACES**

Total Parking Spaces	Minimum Number of Handicapped Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
1001 and over	20, plus 1 for each 100 over 1000

} delete  
↓  
replace

Total Number of Parking Spaces Provided in Parking Facility (per facility)	(Column A) Minimum Number of Accessible Parking Spaces (car and van)	Minimum Number of Van-Accessible Parking Spaces (1 of 6 accessible spaces)
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	2
301 to 400	8	2
401 to 500	9	2
500 to 1000	2% of total parking provided in each lot or structure	1/6 of Column A*
1001 and over	20 plus 1 for each 100 over 1000	1/6 of Column A*

\*one out of every 6 accessible spaces

**7-106.3** No point of access shall be allowed within thirty-five (35) feet of the public right-of-way intersection, to ensure safety and clear sight-visibility clearance area (See Appendix C).

**7-106.4** Where sidewalks exist and/or required, the area existing between the street and an interior parking space or driveway parallel to the street shall have a curb at least six (6) inches in height and six (6) inches in width separating the parking area from the sidewalk to prevent encroachment of vehicles onto the sidewalk area.

**7-106.5** No curbs on county streets or rights-of-way shall be cut or altered without written approval of the County Road Commissioner and/or his designee (*see department for application form*).

**7-106.6** Cases requiring variances relative to this action, and hardships not caused by the property owner shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street parking or storage shall be permitted where the arrangement would require that vehicles back directly into a public street.

**7-106.7** Access control on property abutting State or Federal highways shall be governed by official regulations of the Tennessee Department of Transportation, Division of Highways or the provisions of this resolution, whichever is more restrictive.

**7-106.8** Unless access point (driveway connection) is shared with an adjoining property as noted on an approved site plan, approved subdivision plat, and/or recorded easement agreement, the minimum separation between access points is forty (40) feet for all non-residential land uses.

**7-106.9** Sight Distance Clearance – Where possible, in order to protect the safety of the property owner and on-coming motorists, all driveway connections shall be appropriately sited on the available public road frontage that will ensure proper sight distance clearance at a minimum of one hundred (100) feet in all directions on local residential roads, and a minimum of two hundred (200) feet in all directions on collector streets and arterial streets. All driveway connections onto local roads within the county shall be approved by the Sullivan County Highway Department and onto State Highways shall be approved by the Tennessee Department of Transportation.

**7-106.10** Corner Lots – Where possible, driveway connections shall correspond to the E-911 address of the property and located on the interior street rather than a collector street, as interior streets such as cul-de-sacs, lanes and loop streets are lesser traveled. Refer to the adopted Major Thoroughfare Plan list for roadway classification.  
(Amended by County Commission on September 21, 2009)

### **7-107 Stacking Lane for Drive-Thru Pick-Up Window Service**

Any use, such as restaurants or dry-cleaners, which has service windows, such a drive-thru lane must accommodate the traffic off the public road as the vehicle is in queue. For restaurants and high traffic-generated uses, the drive-up lane must accommodate a minimum of eight (8) vehicles for the first pick-up and six (6) vehicles for each additional pick-up window. For all other uses with drive-up window services, a minimum of three (3) vehicles for each pick-up window shall be required. All stacking vehicle distances shall be calculated at the property line excluding any internal aisles or roads. Any public deceleration or acceleration lanes in the public rights-of-way shall not be used for this purpose.

# U.S. Department of Justice

Civil Rights Division

Disability Rights Section



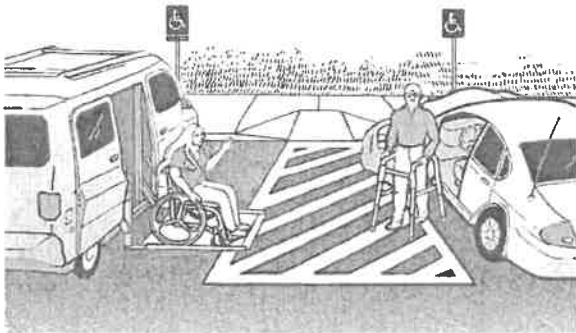
## Americans with Disabilities Act **ADA Compliance BRIEF:** **Restriping Parking Spaces**

### Accessible Parking Spaces

When a business or State or local government restripes parking spaces in a parking lot or parking structure (parking facilities), it must provide accessible parking spaces as required by the 2010 ADA Standards for Accessible Design (2010 Standards).

In addition, businesses or privately owned facilities that provide goods or services to the public have a continuing ADA obligation to remove barriers to access in existing parking facilities when it is readily achievable to do so. Because restriping is relatively inexpensive, it is readily achievable in most cases. State and local government facilities also have an ongoing ADA obligation to make their programs accessible, which can require providing accessible parking.

This compliance brief provides information about the features of accessible car and van parking spaces and how many accessible spaces are required when parking facilities are restriped.



**One of six accessible parking spaces, but always at least one, must be van-accessible.**

The required number of accessible parking spaces must be calculated separately for each parking facility, not calculated based on the total number of parking spaces provided on a site. One of six (or fraction of six) accessible parking spaces, but always at least one, must be van accessible.

Parking for hospital outpatient facilities, rehabilitation facilities, outpatient physical therapy facilities or residential facilities have substantially different requirements for accessibility (see 2010 Standards 208.2).

Total Number of Parking Spaces Provided in Parking Facility (per facility)	(Column A) Minimum Number of Accessible Parking Spaces (car and van)	Minimum Number of Van-Accessible Parking Spaces (1 of six accessible spaces)
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	2
301 to 400	8	2
401 to 500	9	2
500 to 1000	2% of total parking provided in each lot or structure	1/6 of Column A*
1001 and over	20 plus 1 for each 100 over 1000	1/6 of Column A*

\*one out of every 6 accessible spaces



## ARTICLE XI

# NONCONFORMING USES AND NONCOMPLYING BUILDINGS OR OTHER STRUCTURES

### SECTIONS

#### 11-101 STATEMENT OF PURPOSE

#### 11-102 PROVISIONS GOVERNING NONCONFORMING USES

#### 11-103 NONCOMPLYING BUILDINGS OR OTHER STRUCTURES

#### 11-104 SUBSTANDARD RESIDENTIAL LOTS

**11-101 STATEMENT OF PURPOSE** - The districts established in this resolution (as set forth in district regulations, in ARTICLES III through V) are designed to guide the future use of land in Sullivan County, Tennessee, by encouraging the development of desirable residential, commercial, and manufacturing areas with appropriate groupings of compatible and related uses and thus promote and protect the public health, safety, and general welfare.

As a necessary corollary, in order to carry out such purposes, nonconforming uses, which adversely affect the development of such areas, must be subject to certain limitations. The provisions governing nonconforming uses set forth in this article are, therefore, established to contain the existing undesirable conditions resulting from such incompatible nonconforming uses, which are detrimental to the achievement of such purposes. While such uses are generally permitted to continue, this resolution is designed to restrict any expansion of such uses beyond the site, which the use occupied upon the effective date of this resolution.

In the case of buildings or other structures not complying with the bulk regulations of this resolution, the provisions governing non-complying buildings or other structures set forth in this article are established in order to permit the continued use of such buildings or other structures, but to limit the creation of additional noncompliance or increase in the degree of noncompliance.

These provisions are thus designed to preserve the character of the districts established in this resolution in light of their suitability to particular uses, and thus to promote the public health, safety, and general welfare. The following provisions are pursuant to TCA 13-7-109, 13-7-208 and all other State codes.

#### 11-102 PROVISIONS GOVERNING NONCONFORMING USES

**11-102.1 Applicability** - The provisions of this article are applicable to all uses that are not permitted within the districts wherein they are located. Additionally, buildings and other structures located within the floodplain are considered within the regulation of nonconforming uses.

**11-102.2** Nothing contained herein shall require any change in the overall layout, plans, construction, site or designated use of any development, building, structure, or part thereof where official approvals and required building permits have been granted before the enactment of this resolution, or any amendment thereto, the construction of which, conforming with such plans, shall have been started prior to the effective date of this resolution and completion thereof carried on in a normal manner ~~within the subsequent twelve (12) month period, and not discontinued~~ until completion except for reasons beyond the builder's control. If in the event that the activity or construction of such building or other structures is not **substantially** underway and being diligently pursued **within three (3) years pursuant TCA 13-3-413 of the vesting twelve (12) month period** following the issuance of a building permit, then such permit shall automatically lapse and the provisions of this resolution shall apply.

**11-102.3 Repairs and Alterations** - Nothing in this article shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

**11-102.4 Continuation of Nonconforming Use** - Any nonconforming use which existed lawfully at the time of enactment of this resolution and which remains nonconforming under the provisions contained herein or any use which shall become nonconforming upon enactment of this resolution, or any subsequent amendments thereto, may be allowed to continue in operation and be permitted provided that no change in use (see Subsection 12-102.5) is undertaken.

## 11-102.5 Change of Nonconforming Use

1. General Provisions - For the purpose of this article, a change in use is a change to another use either under the same activity type or any other activity type or major class of activity; however, a change in occupancy or ownership shall not, by itself, constitute a change of use. A nonconforming use may be changed to any conforming use, when determined by the Planning Commission as a lesser offensive use, and the applicable bulk regulations and accessory off-street parking requirements shall apply to such change of use or to alterations made in order to accommodate such conforming use.
2. Land with Incidental Improvements - In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall be changed only to a conforming use.
3. Nonconforming to Conforming Use - Whenever a nonconforming use is changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.
4. Nonconforming to Less Intense Use - Any building containing a nonconforming use shall not be changed to another nonconforming use unless it is determined by the Planning Commission that such use is less offensive with regards to impact upon adjacent properties than the previous use.

**11-102.6 Expansion of Nonconforming Uses** - Any nonconforming use which shall become nonconforming upon enactment of this resolution, or any subsequent amendments thereto, may be allowed to expand operations and construct additional facilities which involve an actual continuance and expansion of the nonconforming use provided that any such expansion shall not violate the provisions set out below. Any industrial, commercial or other business establishment in operation shall be permitted to operate subject to the provisions set forth in TCA 13-7-208 as applicable to county zoning regulations.

1. Land with Incidental Improvements - In all districts a nonconforming use of land, not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of the land, shall not be allowed to expand through the addition of buildings or other structures.
2. Adequate Space for Expansion - No expansion of any nonconforming use shall infringe upon, or increase the extent of any infringement existing at the time of adoption of this resolution, upon any open space required by this resolution.
3. Application of Other Provisions to Expanded Facilities - ~~In the event that any proposed expansion or addition is valued at less than fifty (50) percent of the assessed valuation (as recorded on the most current edition of the property tax records) of the improvements located upon the site, all provisions of this resolution other than those which would act to eliminate the use of the property, shall be applicable to the expansion or addition. In the event, however, that the proposed expansion or addition is valued at fifty (50) percent or more of the assessed valuation of the improvements located upon the site, all provisions of this resolution other than those which would act to eliminate the use of the property, shall apply both to the existing facilities, as well as the expansion or addition.~~
4. Expansion Limited - Any expansion of a nonconforming use permitted under the provisions of this section shall take place only upon the zone lot(s) on which said use was operating at the time the use became nonconforming, and said expansion is approved by the **Sullivan County Regional Planning Commission**. Nothing within this provision shall be construed so as to permit expansion of any nonconforming use through the acquisition and development of additional land. Where parking, open space or other provisions of this resolution may so require, future expansions or additions shall be limited to that which can be accommodated without creating any new noncompliance.
5. Expansion upon Land Subject to Flood - No expansion of any nonconforming use shall violate the provisions of the Flood Hazard Prevention Ordinance as adopted by Sullivan County pursuant to the Federal Flood Insurance Program.

**11-102.7 Damage or Destruction** - Any use which shall become nonconforming upon enactment of this resolution, or any subsequent amendments thereto, may be permitted to reconstruct damaged or destroyed facilities which involve an actual continuance of the nonconforming use provided that any such reconstruction shall not violate the provisions set out below.

1. **Change in Use Prohibited** - No reconstruction of damaged or destroyed facilities may occur which shall act to change the nonconforming use (as regulated in Subsection 11-102.5, above) to other than a permitted use.
2. **Land with Minor Improvements** - In all districts, when a nonconforming building or other structure or improvements located on "land with incidental improvements" (as defined by this resolution) is damaged or destroyed to the extent of fifty (50) percent or more of the assessed valuation of all buildings, and other structures or other improvements located thereon (as determined from the assessment rolls effective on the date of damage or destruction), such nonconforming use shall be reviewed for approval by the Planning Commission and the tract of land shall, thereafter, be used only for a conforming use.
3. **Infringement upon Open Space Restricted** - No reconstruction of damaged or destroyed facilities utilized by a nonconforming use shall increase the extent of any infringement upon any open space required by this resolution.
4. **Damage or Destruction of Buildings or Other Structures** - In all districts, when any building or other structure which is substantially occupied by a nonconforming use is damaged or destroyed ~~to the extent of fifty (50) percent or more of the assessed valuation (as recorded on the most current edition of the property tax records) of the improvements located upon the site~~, such building or other structure may be reconstructed provided that no such action shall increase the extent of any infringement upon any open space required by this resolution and that the reconstructed buildings, structures and other site improvements, shall comply as fully as possible with all other provisions of this resolution. ~~When the extent of damage or destruction is less than fifty (50) percent of the assessed valuation of the improvements~~, the nonconforming use may be continued and the buildings or other structures may be restored provided that:
  - a. A building permit pertaining to such restoration, repair or replacement is applied for and issued within one (1) year of such damage, destruction or removal of such residential structure and within thirty (30) months for industrial, commercial, or multi-family per State Law.
  - b. ~~A certificate of zoning compliance is issued within one (1) year after the issuance of the building permit.~~
  - c. Such restoration shall not cause a new nonconformance nor increase the degree of nonconformance or noncompliance existing prior to such damage or destruction. Otherwise, the nonconforming use shall be deemed to have ceased active operation and the provisions of Subsection 11-102.8, shall apply.
5. **Reconstruction of Flood Damaged Property** - The provisions of the Sullivan County Flood Damage Prevention Ordinance, Special Provisions Governing All Buildings Within Floodplain Districts, shall apply to the reconstruction of all buildings and structures associated with any nonconforming use located within the floodplain district.

**11-102.8 Discontinuance** - When a nonconforming use of land or the active operation of substantially all the nonconforming uses in any building or other structure or tract of land is discontinued for a period of **one (1) year for one (1) and two (2) family residential land uses and thirty (30) months for industrial, commercial and multi-family**, then the land or building or other structure shall thereafter be used only for a conforming use. Intent to resume active operations shall not affect the foregoing provision.

## **11-103 NONCOMPLYING BUILDINGS OR OTHER STRUCTURES**

**11-103.1 General Provisions** - The provisions of this section shall control buildings and other structures, which do not meet the bulk or any other provisions applicable in the districts in which they are located, except those provisions, which pertain to activity or use.

**11-103.2 Continuation of Use** - The use of a non-complying building or other structure or parcel may be continued, except as, otherwise, provided by this section.

**11-103.3 Repairs and Alterations** - Repairs, incidental alterations, or structural alterations may be made in non-complying buildings or other structures subject to the provisions of Subsection 11-103.4.

**11-103.4 Enlargement of Conversion**

1. **Adequate Space for Expansion** - No expansion or enlargement of any non-complying building or other structure may be made which would either create a new noncompliance or increase the degree of any previously existing noncompliance of any building or other structure or parcel or portion, thereof.
2. ~~**Application of Other Provisions to Expanded Facilities** - In the event that any proposed expansion or addition to a non-complying building or structure is valued at less than fifty (50) percent of the assessed valuation (as recorded on the most current edition of the property tax records) of the improvements located upon the site, all provisions of this ordinance shall be applicable to the expansion or addition. In the event, however, that the proposed expansion or addition is valued at fifty (50) percent or more of the assessed valuation of the improvements located upon the site all provisions of this ordinance shall apply to both the existing facilities, with the exception of any pre-existing non-complying conditions, and the expansion or addition.~~

**11-103.5 Damage or Destruction of Non-complying Buildings and Other Structures** - In all districts, when any non-complying building or other structure is damaged or destroyed such building or other structures may be restored provided that such restoration shall not cause a new noncompliance nor increase the degree of noncompliance existing prior to such damage or destruction.

**11-104 SUBSTANDARD RESIDENTIAL LOTS** - Within all districts where residential uses are authorized, one dwelling may be built upon a lot, which was of record upon the date of adoption of this ordinance or amendments herein, providing such lot has a permit for a subsurface sewage disposal system (SSDS) through the State of Tennessee, Department of Environment and Conservation or is connected to public sewer. This means, that as long as the deed for a parcel of land was recorded prior to the adoption of this ordinance or any subsequent amendments, and was legal at the time of said recordation, then it will be classified as a legal lot-of-record. However, if the deed was recorded and did not conform to the local regulations at the time and still does not meet these requirements herein, then the parcel is not determined to be a legal lot-of-record. Substandard parcels will only be given legal, but non-conforming status if they met all legal requirements at the time of said recordation. Proof of public or private sewage permits and copy of recorded deed shall be required prior to any issuance of a building permit.

**12-102.6 Construction Progress/Vesting Period for Approved Plans** - Due to changing conditions within the planning region, it is necessary to establish specific time periods after the passage of which approved plans shall become null and void, thereby assuring that no new development will, due to altered conditions, etc., damage the public interest. Pursuant TCA 13-3-413, the following regulations (As excerpted from the State Law) apply to approved Development Plans or Plot Plans regarding continuance of construction and the vesting rights for such approved plan:

(a) A regional planning commission shall have the power to promulgate provisions in its subdivision regulations and recommend amendments to the zoning ordinance for the establishment of review and approval powers for site plans and the establishment under the zoning provisions for review and approval of planned unit developments, overlay districts, mixed use developments, condominiums and other types of sustainable design and development of property. The provision of well-designed and properly constructed infrastructure within such developments is vital to the health, safety and welfare of the public utilizing such development and the community as a whole. These types of development typically contain infrastructure that may be dedicated to a governmental entity or may be controlled by other types of bodies or nongovernmental entities including, but not limited to, property owner associations. These infrastructure and internal development improvements such as, but not limited to, public and nonpublic roads, water and sewer lines, landscaping, green space, sustainable design features and other improvements as required by the planning commission, either through its subdivision regulation or through the zoning resolution, shall be subject to bonding or other methods of guaranteeing their installation. The planning commission may set and hold these guaranteeing instruments.

(b) A vested property right shall be established with respect to any property upon the approval, by the county in which the property is situated, of a preliminary development plan or a final development plan where no preliminary development plan is required by ordinance or regulation or a building permit allowing construction of a building where there was no need for prior approval of a preliminary development plan for the property on which that building will be constructed. During the vesting period described in subsections (c) and (d), the locally adopted development standards which are in effect on the date of approval of a preliminary development plan or the date of approval of a building permit, as described by this subsection (b), shall remain the development standards applicable to that property or building during the vesting period.

(c) Unless an extension is granted by the county, the vesting period applicable to an approved construction project for which a building permit has been issued shall begin on the date of issuance of the building permit by the county and shall remain in effect for the time period authorized by the approved building permit, including any approved renewal obtained by the applicant prior to the expiration or termination of the permit to be renewed; provided, that the applicant pursues with reasonable diligence site preparation, if applicable, and construction.

(d)

(1) The vesting period applicable to a development plan shall be a period of three (3) years, beginning on the date of the local government's approval of the preliminary development plan; provided, that the applicant obtains local government approval of a final development plan, secures any necessary permits and commences site preparation within the vesting period. If the applicant obtains local government approval of a final development plan, secures any necessary permits, and commences site preparation within the vesting period, then the vesting period shall be extended an additional two (2) years to commence construction from the date of the expiration of the three-year period. During the two-year period, the applicant shall commence construction and maintain any necessary permits to remain vested.

(2) If construction commences during the vesting period, the development standards applicable during the vesting period shall remain in effect until the county has certified final completion of the development or project; provided, that the total vesting period for the project shall not exceed ten (10) years from the date of the approval of the preliminary development plan unless the local government grants an extension pursuant to an ordinance or resolution; provided further, that the applicant maintains any necessary permits during the ten-year period.

(3) In the case of developments which proceed in two (2) or more sections or phases as described in the development plan, there shall be a separate vesting period applicable to each section or phase. The development standards which are in effect on the date of approval of the preliminary development plan for the first section or phase of the development shall remain the development standards applicable to all subsequent sections or phases of the development; provided, that the total vesting period for all phases shall not exceed fifteen (15) years from the date of the approval of the preliminary development plan for the first section or phase unless the local government grants an extension pursuant to an ordinance or resolution; provided further, that the applicant maintains any necessary permits during the fifteen-year period.

(e) The county, by adoption of this amendment, shall specifically identify the type or types of development plans within the county's jurisdiction that will cause property rights to vest; provided, that regardless of nomenclature used in the resolution to describe a development plan, a plan which contains any of the information described in subdivision (k)(5) or (k)(6) shall be considered a development plan that will cause property rights to vest

according to this section. Any such resolution shall also specify what constitutes approval of a development plan within the county.

(f)

(1) During the vesting period described in subsections (c) and (d), the adopted development standards which are in effect on the date of approval of a preliminary development plan or the issuance of a building permit, whichever applies, shall remain the development standards applicable to the property described in such preliminary development plan or permit, except such rights shall terminate upon a written determination by the county under the following circumstances pursuant to subdivision (f)(2):

(A) When the applicant violates the terms and conditions specified in the approved development plan or building permit; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the county may, upon a determination that such is in the best interest of the county, grant, in writing, an additional time period to cure the violation;

(B) When the applicant violates any of the terms and conditions specified in the resolution; provided, the applicant is given ninety (90) days from the date of notification to cure the violation; provided further, that the local government may, upon a determination that such is in the best interest of the county, grant, in writing, an additional time period to cure the violation;

(C) Upon a finding by the county that the applicant intentionally supplied inaccurate information or knowingly made misrepresentations material to the issuance of a building permit or the approval of a development plan or intentionally and knowingly did not construct the development in accordance with the issued building permit or the approved development plan or an approved amendment for the building permit or the development plan; or

(D) Upon the enactment or promulgation of a state or federal law, regulation, rule, policy, corrective action or other governance, regardless of nomenclature, that is required to be enforced by the county and that precludes development as contemplated in the approved development plan or building permit, unless modifications to the development plan or building permit can be made by the applicant, within ninety (90) days of notification of the new requirement, which will allow the applicant to comply with the new requirement.

(2) A written determination by the county of the occurrence of any of the circumstances provided in subdivision (f)(1) shall cause the vested property rights to terminate; provided, however, that the county may allow a property right to remain vested despite such a determined occurrence when a written determination is made that such continuation is in the best interest of the county.

(g)

(1) A vested development standard shall not preclude the county enforcement of any development standard when:

(A) The county obtains the written consent of the applicant or owner;

(B) The county determines, in writing, that a compelling, countervailing interest exists relating specifically to the development plan or property which is the subject of the building permit that seriously threatens the public health, safety or welfare of the county and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the county, by the applicant using vested property rights;

(C) Upon the written determination by the county of the existence of a natural or man-made hazard on or in the immediate vicinity of the subject property, not identified in the development plan or building permit, and which hazard, if uncorrected, would pose a serious threat to the public health, safety, or welfare and the threat cannot be mitigated within a reasonable period of time, as specified in writing by the local government, by the applicant using vested property rights;

(D) A development standard is required by federal or state law, rule, regulation, policy, corrective action, order or other type of governance that is required to be enforced by county, regardless of nomenclature; or

(E) The county is undertaking an action initiated or measure instituted in order to comply with a newly enacted federal or state law, rule, regulation, policy, corrective action, permit, order or other type of governance, regardless of nomenclature.

(2) A vested property right does not preclude, change, amend, alter or impair the authority of the county to exercise its eminent domain powers as provided by law.

(3) This section shall not preclude, change, amend, alter or impair the authority of the county to exercise its zoning authority, except a vested property right, once established as provided for in this section, precludes the effect of any zoning action by the county which would change, alter, impair, prevent, diminish, or otherwise delay the development of the property, while vested, as described in an approved development plan or building permit.

(4) In the event the county enacts a moratorium on development or construction, the vesting period authorized pursuant to this section shall be tolled during the moratorium period.

(h)

(1) An amendment to an approved development plan by the developer must be approved by the county to retain the protections of the vested property right. An amendment may be denied based upon a written finding by the local government that the amendment:

- (A) Alters the proposed use;
- (B) Increases the overall area of the development;
- (C) Alters the size of any nonresidential structures included in the development plan;
- (D) Increases the density of the development so as to affect traffic, noise or other environmental impacts; or
- (E) Increases any local government expenditure necessary to implement or sustain the proposed use.

(2) If an amendment is denied by the local government based upon such a written finding, then the applicant may either proceed under the prior approved plan with the associated vested property right or, alternatively, allow the vested property right to terminate and submit a new application under this section. Notwithstanding this subsection (h), a vested property right shall not terminate if the county determines, in writing, that it is in the best interest of the community to allow the development to proceed under the amended plan without terminating the vested property right.

(i) The county shall not require an applicant to waive the applicant's vested rights as a condition of approval or as a consideration of approval of a development plan or the issuance of a building permit.

(j) A vested property right shall attach to and run with the applicable property and shall confer upon the applicant the right to undertake and complete the development and use such property under the terms and conditions of a development plan, including any amendments thereto or under the terms and conditions of any building permit that has been issued with respect to the property.

(k) As used in this section:

(1) "Applicant" means a landowner or developer who is responsible for filing with the county an application for a building permit, a development plan or application for a permit requisite to a development plan, or the representatives, assigns, successors, transferees, heirs or agents of such landowner or developer;

(2) "Construction" means the erection of construction materials in a permanent position and fastened in a permanent manner. Where excavation, demolition or removal of an existing building has been substantially begun prior to rebuilding, such excavation, demolition or removal shall be deemed to be construction; provided, that work shall be carried on diligently and complies with all applicable requirements;

(3) "Development plan" means both a preliminary development plan and a final development plan;

(4) "Development standards":

(A) Means all locally adopted or enforced standards, regulations or guidelines applicable to the development of property, including, but not limited to, planning; local storm water requirements; layout, design; local construction standards for buildings, streets, alleys, curbs, sidewalks; zoning as provided for in subsection (g); lot size, lot configuration; yard dimensions; and off-site improvements, including public or private infrastructure, in which an applicant may acquire vested rights or vested property rights according to this section; and

(B) Does not include standards required by federal or state law; or building construction safety standards which are adopted pursuant to authority granted under § 68-120-101;

(5)

(A) "Final development plan" means a plan which has been submitted by an applicant and approved by the county describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not be limited to, any of the following plans or approvals:

(i) A planned unit development plan;

(ii) A subdivision plat;

(iii) General development plan;

(iv) Subdivision infrastructure construction plan;

(v) Final engineered site plan; or

(vi) Any other land-use approval designation as may be utilized by the county;

(B) Unless otherwise expressly provided by the county, such a plan shall include the boundaries of the site; significant topographical and other natural features affecting development of the site; the location on the site of the proposed buildings, structures, and other improvements; the dimensions, including height, of the proposed buildings and other structures or a building envelope; and the location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. A variance shall not constitute a final development plan, and approval of a final development plan with the condition that a variance be obtained shall not confer a vested property right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type of use, the intensity of use, and the ability to be served with essential utilities and road infrastructure for a specified parcel or parcels of property may constitute a final development plan;

(6) "Preliminary development plan" means a plan which has been submitted by an applicant and that depicts a single-phased or multi-phased planned development typically used to facilitate initial public feedback and secure preliminary approvals from local governments. Examples of information found on development plans include proposed land uses, density and intensity of development, public utilities, road networks, general location of off-street parking, building location, number of buildable lots, emergency access, open space, and other environmentally

sensitive areas such as lakes, streams, hillsides, and view sheds. An approved preliminary development plan serves as a guide for all future improvements within defined boundaries; and

(7) "Site preparation" means excavating, grading, demolition, removing excess debris to allow for proper grading, or providing a surface for a proper foundation, drainage, and settling for a development project, and physical improvements including, but not limited to, water and sanitary sewer lines, footings, or foundations installed on the site for which construction permits are required.

- ~~1. Time Limit on Site Development Plans - Any site development plan approved under the provisions of this resolution shall become null and void one (1) year after the date of its approval, unless a building permit for the project has been obtained in such case the provisions of Subpart, 2, of this section, shall apply, provided, however, that in no instance shall an approved plot plan or site development plan become null and void in less than one (1) year.~~
2. Time Limit on Building Permit - Any building permit issued becomes invalid if work authorized is not commenced within **one hundred and eighty (180) days** (per International Code Congress standard) ~~one (1) year~~ of the date of issuance. All exterior construction shall be completed within (36) thirty-six months from the date of permit, and a Certificate of Occupancy requested and approved or such permit shall become invalid and a new permit must be purchased.

**12-102.7 Construction to be in Accordance with Approved Plans** - In general, all site construction and development activity shall proceed in strict compliance with the final site development plan as approved. Minor modifications in the terms and conditions of the approved development plans may be made from time to time as provided in the following paragraphs. Any proposed modification, which is not permitted under these provisions, may be approved only as an amendment to the development plan. (See Subpart 4, below).

1. Minor Modifications During Construction - The Building Commissioner may approve minor modifications in the location, siting, and configuration of buildings and structures if required by engineering or other circumstances not foreseen at the time the development plan was approved so long as:
  - a. No modification violates any provision of this resolution;
  - b. No modification involves an item for which modification is prohibited under the provisions of Subpart 3, below; and
  - c. The total of such modifications approved by the Building Commissioner shall **never in aggregate** result in:
    - i. Any increase in residential density (i.e., number of dwelling units permitted);
    - ii. An increase of more than three (3) percent in the total ground area covered by buildings, provided that no such increase shall be permitted which would exceed the impermeable surface ratio established for the site;
    - iii. A reduction of more than two (2) percent in the area set aside for open space (exclusive of parking area green spaces and required screening areas);
    - iv. Movement of a point of access by a distance greater than twenty-five (25) feet.
  - d. No modification may be approved which is greater than the absolute minimum necessary as defined by the provisions of Subpart 2, (below) of this section.
2. Minimum Adjustments Only - Any modification identified below must be held to the minimum necessary. The Building Commissioner must find that each of the following conditions apply to the particular circumstances prior to the granting of the adjustment.
  - a. Practical Difficulties or Unnecessary Hardship - Which strict application of the provisions of this resolution would result in practical difficulties or unnecessary hardship.
  - b. Extraordinary Circumstances - That there are exceptional or extraordinary circumstances or conditions applying to the land, buildings or uses referred to in the application, which circumstances or conditions do not apply generally to other land, buildings or uses in the same district.
  - c. Not Detrimental - That granting the application will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood of the premises.
  - d. Health or Safety not Adversely Affected - That granting the application under the circumstances of the particular case will not adversely affect the health or safety of persons working or residing in the neighborhood containing the property of the applicant.
  - e. Maintains Intent of Resolution and the Development Plan - That such adjustment is within the intent and purpose of the resolution and will not adversely affect the community objectives of the comprehensive plan.



2. **Site Plans Required for All Other Buildings and Activities** - This procedure is to be utilized for all buildings and activities except those subject to the provisions of Subpart 1, of this section. Unless otherwise specified, the reviewing agency shall be the Sullivan County Regional Planning Commission and/or planning staff. Such plans shall be prepared by a licensed and qualified professional, such as an engineer, surveyor, or landscape architect. Additional information may be required for certain uses such as multi-family dwellings or manufactured home parks. In such instance this information shall be in addition to the basic information required by this section. All site plans shall be drawn to scale using a standard engineering scale.
  
3. **The Following Information Shall Be Included in the Site Plan:**
  - a. **General Location Sketch Map at a Scale Not Smaller Than 1"=2,000'. Showing:**
    - i. The approximate boundaries of the site.
    - ii. External (public access streets or roads in relation to the site).
    - iii. Surrounding development (i.e. residential, commercial, and manufacturing areas) within the general vicinity of the site.
  - b. **A Site Development Plan Drawn at a Scale No Smaller Than 1"=50' Showing:**
    - i. The actual shape, location, and dimensions of the lot.
    - ii. The shape, size, and location of all buildings or other structures already on the lot.
    - iii. The existing and intended use of the lot and of such structures upon it, including, for residential activities, the number of dwelling units the buildings are intended to accommodate.
    - iv. Topographic features, both existing and proposed, with contours at a vertical interval no greater than five (5) feet (requirement may be waived per staff discretion).
    - v. Location of all driveways and entrances.
    - vi. Location of all accessory off-street parking areas to include a plan showing design and layout of such parking facilities where five (5) or more accessory off-street parking spaces are to be provided. (Dimensions shall be shown.)
    - vii. Location of all accessory off-street loading docks.
    - viii. Location of open space.
    - ix. Proposed ground coverage, floor area, and building heights.
    - x. Position of fences and walls to be utilized for screening (materials specified).
    - xi. Position of screen planting (type of planting specified).
    - xii. Proposed means of surface drainage, including all drainage ways and facilities.
    - xiii. Location of all easements and rights-of-way.
    - xiv. Location of areas subject to flooding.
    - xv. Location and size of all utilities including all fire hydrants.
    - xvi. Location, type, and size of proposed signs.
    - xvii. Signature of the owner, operator or developer of the property.
    - xviii. Location and plan for erosion and sediment controls per Subsection 8-103.4.
    - xix. Electronic/digital plans shall be submitted in the portable digital file format (pdf) for purposes of the preliminary review, attachment to permit and Certificate of Occupancy, as well as for archival reference.
    - xx. **One complete set of Development Plans may also be required on paper size 18"x24" or 24"x 36" for final review.**  
~~AND reduced to 8 1/2 "x 11" to be attached to Certificate of Occupancy after final inspection.~~

**12-102.4 Fees** - The Sullivan County Commission shall establish a schedule of fees and a collection procedure for Building Permits. The schedule of fees shall be posted in the Office of the Building Commissioner. Only the County Commission may alter or amend the fee schedule. Until the appropriate fee has been paid in full, no action shall be taken on any application. All fees are controlled by Section 12-109 of this Article.

**12-102.5 Issuance of Permit** - If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this resolution, the Building Commissioner shall issue a building permit for such excavation or construction. If an application for a building permit is not approved, the Building Commissioner shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this resolution. **Acceptance of the building application does not constitute approval of plans or guarantee issuance of a permit.**

## Ambre Torbett

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**From:** Heather Moore <hmoore@bristoltn.org>  
**Sent:** Wednesday, March 23, 2022 9:18 AM  
**To:** Ambre Torbett  
**Subject:** Bristol Planning Commission recommendation to Sullivan County Commission on Minor text amendments to Sullivan County Zoning Resolution  
**Attachments:** Staff review signed with SCZR pages for PC Packet.pdf

Good morning Ambre. Bristol Municipal Regional Planning Commission met on March 21, 2022. During the meeting they voted unanimously (eight) to send a favorable recommendation to Sullivan County Commission on the proposed Minor text amendments to the Sullivan County Zoning Resolution. Please let me know if you have any questions.

Regards,

Heather Moore, AICP  
Planner, City of Bristol, Tennessee  
104 8th Street, Bristol, TN 37620  
hmoore@bristoltn.org <mailto:hmoore@bristoltn.org>  
423-989-5549

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## Ambre Torbett

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**From:** Weems, Ken <KenWeems@KingsportTN.gov>  
**Sent:** Friday, March 18, 2022 3:54 PM  
**To:** Ambre Torbett  
**Subject:** minor ztas

Ambre,

The zta that included vesting, ADA parking, driveway entrance, etc. received a positive recommendation (7-0) from the KRPC to the SCC last night. I'll have your latest one on their April agenda. John Moody said he paid attention ;)

Thanks,

**Ken Weems, AICP**

Planning Manager

City of Kingsport

P: 423-229-9368

C: 423-782-0116

[kenweems@kingsporttn.gov](mailto:kenweems@kingsporttn.gov)



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TENNESSEE

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**MINUTES**  
**SULLIVAN COUNTY REGIONAL PLANNING COMMISSION**  
**SULLIVAN COUNTY**  
**FEBRUARY 15, 2022 – 6:00 PM**

A. **CALL TO ORDER:** *The chairman will call the meeting to order. The chairman will lead the Pledge of Allegiance.*

**MEMBERS PRESENT** – *Mark Webb (chair and Bristol PC rep); Linda Brittenham (vice-chair); Mary Ann Hager (Historic Zoning Commission Liaison/alternate secretary); Darlene Calton (County Commissioner Liaison); John Moody (Kingsport PC rep); Don Mumpower; Mary Rouse, Calvin Clifton, and Laura McMillan. Seven members were present and two were absent.*

**STAFF** – *Jason VanHoy (Building Official); Ambre Torbett (Planning & Codes Director/PC Secretary); and SCSO, Whetsell.*

**GUESTS/CITIZENS IN ATTENDANCE** – See sign-in sheet.

B. **MINUTES:** *On a motion by Dr. Rouse and seconded by Commissioner Calton, the published Minutes from the regular monthly meeting held on January 18, 2022 were approved.*

C. **SWEARING IN OF WITNESSES:** *The public, applicants, staff, and any persons planning to speak for or against any scheduled application on the agenda shall be sworn in under oath. Ambre Torbett, AICP, swore in all applicants and public who wanted to address the board.*

D. **SUBDIVISION PLATS AND PLANS:**

D1. **SMALL PROPERTY – 3 LOTS OFF YOAKLEY ROAD, BLOUNTVILLE** **DEFERRED**

D2. **HARRISON AND HARLESS PROPERTY – REPLAT OF LOT 6 OF THE SULLIVAN DEVELOPMENT INC PROPERTY**

**FINDINGS OF FACT –**

<b>Property Owners:</b>	<b>Joseph Harrison and Evelyn Harless</b>
<b>Applicants:</b>	<b>same</b>
<b>Representative:</b>	<b>Michael Culbertson/Chris Graham</b>
<b>Location:</b>	<b>Center Drive, Blountville</b>
<b>Civil district:</b>	<b>18<sup>th</sup></b>
<b>Parcel ID:</b>	<b>Tax Map 108F, Group B, Parcel 006.00 and TM 108, parcel 065.10</b>
<b>Surveyor:</b>	<b>Larry Culbertson, RLS – Culbertson Land Surveyors</b>
<b>Engineer:</b>	<b>n/a</b>
<b>Growth Boundary:</b>	<b>Sullivan County Rural Area</b>
<b>Utility District:</b>	<b>Johnson City Utility District</b>
<b>Public Sewer:</b>	<b>none available</b>
<b>Zoning:</b>	<b>R-1</b>
<b>Surrounding Zoning:</b>	<b>A-1 and R-1</b>
<b>TDEC NOC:</b>	<b>n/a</b>

**Staff Field Notes and Findings of Facts:**

- The applicant is seeking approval for three lots off Center Drive near Boone Lake and Tri-Cities Airport.
- Originally, this land was part of property called Sullivan Development Incorporated Property (plat book 49, page 93A)
- The surveyor, Chris Graham, has communicated many times confirming center lot has passed soil testing, has been signed by TDEC and other agencies.
- Staff recommends in favor of this final plat subject to submittal of signed plats in hand.

**Meeting Notes at Planning Commission:**

- *The chairman introduced the request and asked staff to provide her report.*
- *Staff confirmed that the surveying company representative and the owners were present. She stated that she received an email from TDEC confirming approval of the lots and soil suitability.*
- *Linda Brittenham made a motion to approve the final plat as presented. Don Mumpower seconded the motion and the vote in favor passed unanimously (7 yes, 1 absent).*

**D3. HORN PROPERTY – 3 LOTS OFF PLEASANT GROVE ROAD, BLUFF CITY**

**FINDINGS OF FACT –**

<b>Property Owners:</b>	Larry & Nedda Charles, and Virginia Booker
<b>Applicants:</b>	same
<b>Representative:</b>	Jerran Owens, RLS – Bakers Construction Services
<b>Location:</b>	1344 Pleasant Grove Road and 1369 Pleasant Grove Road, Bluff City
<b>Civil district:</b>	16 <sup>th</sup>
<b>Parcel ID:</b>	Tax Map 082, Parcels 062.50 and 062.40
<b>Surveyor:</b>	Jeremy Alexander, RLS
<b>Engineer:</b>	n/a
<b>Growth Boundary:</b>	Sullivan County Rural Area
<b>Utility District:</b>	Utility District
<b>Public Sewer:</b>	none available
<b>Zoning:</b>	A-1 zoning
<b>Surrounding Zoning:</b>	A-1
<b>TDEC NOC:</b>	n/a

**Staff Field Notes and Findings of Facts:**

- The applicant is seeking approval for a division of three lots. Lots 1 and 3 each have an existing home. Lot 2 is vacant and has recently been soil tested and approved.
- Staff recommends in favor of this request as amended subject to final plat submittal with all signatures.
- The owner has called and is securing the last signatures. The owner confirmed she will attend the meeting.

**Meeting Notes at Planning Commission:**

- *The chairman introduced the request and asked for staff to provide her report.*
- *Staff confirmed that Mrs. Horn was present, who is the buyer of the center lot.*
- *Staff stated that she obtained the final plats and all copies were signed by every agency and department.*
- *Laura McMillan motioned to approve the final plat. Dr. Rouse seconded the motion and the vote in favor passed unanimously (7yes, 2 absent).*

*Dr. Webb, chair, read the opening rezoning hearing statement regarding the procedures when hearing rezoning requests:*

**F1. REZONING REQUEST R-1 TO A-1 (SINGLE-FAMILY RESIDENTIAL TO GENERAL AGRICULTURAL/RESIDENTIAL)**

**FINDINGS OF FACT –**

<b>Property Owners:</b>	<b>Larry Puckett</b>
<b>Applicants:</b>	<b>same</b>
<b>Representative:</b>	<b>same</b>
<b>Location:</b>	<b>512 Pleasant Hill Road, Blountville</b>
<b>Mailing Address of Owners:</b>	<b>1557 Riverside Road, Bluff City</b>
<b>Civil district of rezoning:</b>	<b>5<sup>th</sup></b>
<b>Commission District:</b>	<b>4<sup>th</sup></b>
<b>Parcel ID:</b>	<b>Tax Map 080B, Group B, Parcel 027.00</b>
<b>Subdivision of Record:</b>	<b>n/a</b>
<b>PC1101 Growth Boundary:</b>	<b>Sullivan County Planned Growth Area</b>
<b>Utility District:</b>	<b>Blountville Utility</b>
<b>Public Sewer:</b>	<b>not available</b>
<b>Lot/Tract Acreage:</b>	<b>approximately 4 acres</b>
<b>Zoning:</b>	<b>R-1</b>
<b>Surrounding Zoning:</b>	<b>R-1</b>
<b>Requested Zoning:</b>	<b>A-1</b>
<b>Existing Land Use:</b>	<b>vacant</b>
<b>Surrounding Land Uses:</b>	<b>residential</b>
<b>2006 Land Use Plan:</b>	<b>Low Density Residential</b>
<b>Neighborhood Opposition:</b>	<b>a few phone calls prior to meeting</b>

**Staff Field Notes and Findings of Facts:**

- The owner is requesting to rezone the vacant triangular lot from R-1 to A-1 in order to allow for a larger residential accessory structure.
- Staff received a few phone calls from neighbors that received their letter or saw the posted rezoning sign. The main issue was to confirm that it was not planned for a commercial land use.
- The owner has placed a shipping container on site, which must be removed as they are not permitted in residential or agricultural zones.
- The surrounding land uses, and zoning are:
  - Residential neighborhood/single family dwelling along Pleasant Hill Road all zoned R-1;
  - Some A-1 zoning off Hawley Road nearby used as farmland.
- Staff recommends in favor of this request for the following reasons:
  - Conformance with adopted 2006-2026 Land Use Plan to maintain low-density residential;
  - Larger tract of land to support request and not within a planned subdivision.

**Meeting Notes at Planning Commission:**

- *The chairman asked staff to provide an overview of the request. She read her report.*
- *Staff stated that when inspecting the site, she installed the temporary rezoning sign. Upon returning to office, she fielded several calls from neighbors and explained the purpose of the rezoning as requested.*
- *Several neighbors were present at the hearing.*
- *Mr. Puckett addressed the board. He stated that he bought the 4-acre parcel to build a home and then build a 4-bay garage. He stated he had several trucks and an antique 1939 Chevrolet that he wanted to store in an 1800 square*

foot garage. He confirmed he understood that he had to build his home first. He asked to keep the shipping container for a longer period until he built his home and garaged.

- Staff confirmed that the shipping container was in violation with the zoning code; however, that would be a matter of Code Enforcement. The purpose of pointing this out in the staff report was to communicate with the owner and the public as he did not respond to her email on the matter. Staff confirmed the minor differences between the R-1 zoning district and the A-1 zoning district.
- Mr. Puckett further explained his plans.
- Ernest Stephy, who resides at 3832 Highway 126, was present as he and his wife are adjoining landowners. He also stated he was representing Mrs. Hicks who could not attend. He read a deed indicating there is a 12-foot non-exclusive r-o-w easement on Mr. Puckett's property for access to creek. He was against the zoning change as Mrs. Hicks wanted the land left undeveloped.
- Larry Hicks, who lived on this road, provided a history of the land being in the Hicks family for several generations. He expressed concerns about the rezoning and was against any commercial use.
- Vice Chair, Linda Brittenham, confirmed that the request would not allow a commercial use. Staff also reiterated the zoning limitations.
- Quentin Williams, who lives off of Highway 75, stated his land adjoins Mr. Puckett's from the rear yard. He was concerned about clearing of the woods in order for the owner to build his proposed 4-bay garage. He asked Mr. Puckett what his plans would be.
- The chairman called the meeting to order and explained that the neighbors could address the board directly. Discussion continued.
- Commissioner Calton motioned to forward a favorable recommendation on to the County Commission for the rezoning request from R-1 to A-1. Calvin Clifton seconded the motion as well as other members. The motion was approved unanimously with 7 yes, 2 absent. Laura McMillian reaffirmed that the shipping container would need to be removed and that he should work with Codes Enforcement for that issue.

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

F2. **REZONING REQUEST R-1 TO B-3 (SINGLE-FAMILY RESIDENTIAL TO GENERAL BUSINESS)**

**FINDINGS OF FACT –**

<b>Property Owners:</b>	<b>Matthew &amp; Jessica Means</b>
<b>Applicants:</b>	<b>Matthew Means</b>
<b>Representative:</b>	<b>same</b>
<b>Location:</b>	<b>2122 Hwy 75, Blountville</b>
<b>Mailing Address of Owners:</b>	<b>277 Spurgeon Lane, Blountville</b>
<b>Civil district of rezoning:</b>	<b>18<sup>th</sup></b>
<b>Commission District:</b>	<b>7<sup>th</sup></b>
<b>Parcel ID:</b>	<b>Tax Map 0079, Parcel 090.00</b>
<b>Subdivision of Record:</b>	<b>n/a</b>
<b>PC1101 Growth Boundary:</b>	<b>Sullivan County Planned Growth Area</b>
<b>Utility District:</b>	<b>Johnson City Public Water</b>
<b>Public Sewer:</b>	<b>Johnson City Public Sewer along Hwy 75</b>
<b>Lot/Tract Acreage:</b>	<b>n/a</b>
<b>Zoning:</b>	<b>A-1</b>
<b>Surrounding Zoning:</b>	<b>A-1, PMD-2, R-1</b>
<b>Requested Zoning:</b>	<b>B-3</b>
<b>Existing Land Use:</b>	<b>small home close to the highway</b>
<b>Surrounding Land Uses:</b>	<b>farmland, residential, Self-Storage,</b>
<b>2006 Land Use Plan:</b>	<b>Corridor Commercial for future land use</b>
<b>Neighborhood Opposition:</b>	<b>none received prior to meeting</b>

### **Staff Field Notes and Findings of Facts:**

- The owner is requesting to rezone the small house to General Business in order to convert the brick home into an office. He owns and operates M2 Renovations.
- The surrounding land uses: farmland, residential, Gateway Self-Storage, Commercial Businesses
- Staff recommends in favor of this request for the following reasons:
  - Conformance with adopted 2006-2026 Land Use Plan for commercial land uses;
  - Public water to meet the requested land use change.
  - Adjacent to existing business.
  - Small lot with home close to the highway, not as ideal for continued residential along the highway.

### **Meeting Notes at Planning Commission:**

- *The chair introduced the rezoning request and asked staff for her report and recommendation.*
- *Staff confirmed that the owners were present. She read her report and findings. Upon inspection and placement of the rezoning sign, she took pictures of the surrounding land uses. Discussion followed.*
- *Matt Means addressed the board. He stated that he had replaced the roof with a new metal roof, upgraded the electrical and plumbing to bring it up to code. He owns M Squared Renovations and would like to make this structure his commercial office. There was no opposition present, nor anyone left in the audience to address the commission.*
- *Linda Brittenham motioned to forward a favorable recommendation to the County Commission for this rezoning request. Laura McMillian seconded the motion and the vote in favor passed unanimously with 7 voting yes, and 2 absent.*

### **G. NEW BUSINESS: - NEW ITEMS FOR DISCUSSION AND/OR ACTION**

#### **G1. Subdivision Regulations Amendment – Discussion on Amending Performance Guarantee Policy – Surety Bond or ILOC for one-year maintenance of Streets and Infrastructure as well as minor corrections to document (see attached Draft Subdivision Regulations 2022 amendments as highlighted in yellow)**

- *Due to the on-going issue of damages to the pavement within newly constructed subdivision roads while houses are being built, staff recommends that a minimum of a one-year maintenance bond for all new roads be a requirement. This would require an amendment to the Subdivision Regulations: Performance Guarantee Standards.*
- *Staff distributed copies of the full Subdivision Regulations document. She explained that the base document was prepared in 1971 when the Local Planning Assistance technical staff were on contract with Sullivan County. There were multiple references to that agency in the document and that agency no longer exists. In addition, she included updated text to source the State Law on Vesting Rights as well as terminology to match the State law on planning. She and the commission went through each page and section. Where noted in strikethrough text, those areas would be deleted and replaced with text highlighted in yellow. Discussion continued.*
- *Calvin Clifton suggested adding some wording to help clarify the required Maintenance Bond Period for new developments. Upon conclusion of presentation of changes and discussion, staff confirmed that if approved she would schedule the public hearing on these changes for the next meeting. Calvin Clifton motioned to accept the draft Subdivision Regulations update as presented and to proceed with the scheduling of the public hearing for final adoption. Laura McMillian seconded the motion and the vote in favor passed unanimously.*

#### **G2. Minor Zoning Text Amendments:**

Staff will present a few minor text amendments per recommendation of the department in order to clarify policy with practice. Staff recommends updating the ADA Parking Standards to match the U.S. Department of Justice ADA Brief as well as include updating the Legal but Non-Conforming Chapter on Damage or Destruction of Buildings or Other Structures section.

- *Staff distributed copies of the highlighted section of the Zoning Resolution reflecting the areas to be updated. As proposed the following sections of the Zoning Resolution were considered for recommended changes:*
  - *Delete Article 3-102.9 paragraph as it was already replaced with 3-103.2 (5) regarding number of buildings per lot.*



- Add the third column to Illustration 7-104.3 to match verbatim the US Department of Justice ADA Compliance Brief on the Minimum number of Accessible Parking Spaces per facility.
- Update Article 7-106.3 on the point of access for new driveway connections from an intersection to increase length to 35 feet in order to match county policy on driveway connections, sight-visibility clearances guidelines and Appendix C exhibit. Staff explained the code should match the practice and policy between departments.
- Update Article XI, Section 11-102.2 to include the three year vesting period pursuant TCA 13-3-413; add a line in 11-102.6 to include the reference to the "grandfather clause" of the State Law as it pertains to legal but non-conforming industrial, commercial or other business establishments; Delete the paragraph 11.102.6 (3) on the 50% valuation of damage or destruction of facilities and buildings as this language came about prior to TCA 13-3-208 updates; and similarly update 11-102.7 (4) on Damage or Destruction of Buildings to insert the thirty (30) month language per State Law; update the discontinuance of use by landuse within 11-102.8 to be one year for residential and 30 months per State Law and to delete the entire paragraph of 11-103.4 (2).
- Update the Site Plan Check List 12-102.3 (3) to include requirement of submittal of digital plans as well as the option to also include paper set; and add 12-102.6 section on the Vesting Period for Approved Plans, verbatim from TCA 13-3-413 applicable to County Zoning.
- Jason VanHoy commented that the time limit for building permits is 180 days as opposed to one year or 90 days. Staff confirmed she would change that typo to match the Building Code and the Permit Fee schedule as published.
- Considerable discussion ensued regarding each update. Staff explained the primary purpose of these changes were to include language per updated Zoning Enabling legislation in order to avoid conflicting regulations. Discussion continued.
- Calvin Clifton motioned to forward a favorable recommendation to the County Commission and the Bristol and Kingsport Planning Commissions for adoption of the included zoning text amendments. Laura McMillian seconded the motion and the vote in favor passed unanimously with 7 yes and 2 absent.

H. **OLD BUSINESS:** - NONE

I. **OTHER MATTERS OF MUTUAL INTEREST:**

11. **Next Month's Rezoning Cases: for Sullivan County Regional Planning Commission 03-15-2022**  
**196 Cash Avenue, Blountville (PMD-2 to R-1) for expansion of residential lot**

12. **2021 Annual Report: Planning & Codes Department –**

- *Ambre Torbett distributed updated copies of the annual report stating that a few totals were not added properly before. The chairman highlighted that many more commercial developments were approved this past year than in recent past. Discussion continued.*

J. **UNSCHEDULED PUBLIC COMMENTS:** *Anyone wishing to address the Planning Commission on matters of concern other than a scheduled agenda application is welcome to sign in on the list. In the interest of conducting business in a timely manner, citizens shall be limited to 3-5 minutes each. No action shall be made by the Planning Commission on matters otherwise not on the published agenda.*

- *No one was left in the audience to address the commission.*

K. **ADJOURNMENT:** *Members adjourned at approximately 8:04PM.*  
*The next regularly scheduled meeting will be held **March 15, 2022 at 6:00PM.***

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**Approval of Minutes:**

Sign: \_\_\_\_\_  
Secretary of Planning Commission

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
Alternate Secretary of the Planning Commission

Date: \_\_\_\_\_