

**Zoning Plan: Rezoning Requests and/or Zoning Text Amendments**  
**SULLIVAN COUNTY COMMISSION PUBLIC HEARING MEETING**  
**Thursday, November 9, 2023**

**RESOLUTION #1 - To Consider the following zoning amendments (map or text) as reviewed by the Regional Planning Commission.**  
**motion by: Calton 2nd by: Gardner**

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	9/15/2023	Christopher Dover	yes	yes	yes	Bristol	R-1	A-5	5th	4th
2	9/14/2023	Gateway Development	yes	yes	yes	Sullivan County	PMD-1/ PMD-2	R-1/R-3B	8th	4th
3	ZTA: 7-102.5	Staff	no	yes	yes	All				
4	ZTA: Special Events	staff	no	yes	SC and Kpt yes (Bristol No)	All				
<b>Voting Summary:</b>										
<b>Name</b>	<b>Case Order</b>	<b>yes</b>	<b>no</b>	<b>pass / abstain</b>	<b>absent</b>	<b>Approved (yes or no)</b>				
Dover	1	21			3	YES				
Gateway	2	21			3	YES				
7-102.5	3	21			3	YES				
Special Events - Appendix B	4	1	20		3	NO				
	5									

\* Completed Application is when all information is signed, fee has been paid and no outstanding documents needed. Date of Application is when the applicant initially files

**footnote:**

**Ad Number** 0001645154-01  
**Ad Type** XLegal Liner

External Ad Number

Ad Size 2 X 39 li  
Color

**Order Start Date** 10/23/2023  
**Order Stop Date** 10/23/2023

**PUBLIC NOTICE**

Sullivan County has received two individual rezoning requests from property owners: 1) Christopher and Hannah Dover have requested their property to be rezoned from R-1 (single-family residential) to A-5 (Large Tract Residential/General Agricultural) which is located at 425 Grace Hills Drive, Bristol; being Tax Map 035, Parcel 183.00; and 2) Gateway Development have requested Tax Map 094, Parcels 062.10, 062.11, and 062.15 to be rezoned from Planned Manufacturing (PMD-1 and PMD-2) to R-1 (single-family residential) and R-3B (Single-Family-High Density Residential) for the purposes of developing the land for new single-family dwellings. In addition, the board will consider two minor Zoning Text Amendments: 1) Amendment to Article 7-102.5 on variances to parking and loading spaces; and 2) Appendix B – Special Events on Private Property. The final public hearing for these requests shall be heard by the Sullivan County Commission during their scheduled Work Session on **Thursday, November 9, 2023**, at 6PM, held in the Commission Room of the Sullivan County Historic Courthouse, at 3411 Highway 126, Blountville. 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: [planning@sullivancountyttn.gov](mailto:planning@sullivancountyttn.gov). Copies of the requests are filed in the Sullivan County Planning & Codes Department located within the Historic Snow House at 3425 Hwy 126, Blountville, TN.

PUB 1T: 10/23/23

**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. BRISTOL

Date: 09/15/2023

Property Owner: DOVER CHRISTOPHER L & Owner 2: HANNAH M GUINN

Address: GRACE HILLS DR 425

Phone number: 276-791-7220

Email: Dover454@yahoo.com

**Property Identification**

Tax Map: 035

Group:

Parcel: 183.00

Zoning Map:

Zoning District: R-1

Proposed District: A-5

Civil District: 05

Property Location: GRACE HILLS DR 425

Commission District: 4th

Purpose of Rezoning: Construction Of Personal and Agricultural Building, Start Small Farm

**Meetings**

Planning Commission: Bristol

Place: Easley Annex Conference Room 8th St

Date: Oct 16 2023

Time: 6:00 PM

Approved: ✓

Denied: \_\_\_\_\_

County Commission:

Place: Historic Courthouse 2nd Floor Commission Chambers 3411 Highway 126, Blountville TN

Date: Nov 09 2023

Time: 6:00 PM

APPROVED 21 YES, 3 ABSENT

Approved: \_\_\_\_\_

Denied: \_\_\_\_\_

**DEED RESTRICTIONS**

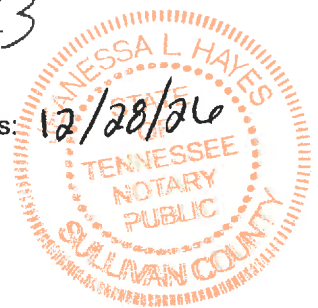
I understand that rezoning does not release my property from the requirements of private deed/Subdivision restrictions. The undersign, being duly sworn, hereby acknowledges that the information provided in this petition to Sullivan County for Rezoning is true and correct to the best of my information,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

Owner's Signature: Chris Dover

Date: 9-15-23

Notary Public: Jessica Hughes

My Commission Expires: 12/28/26



## Ambre Torbett

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**From:** Heather Moore <hmoore@bristoltn.org>  
**Sent:** Tuesday, October 17, 2023 10:08 AM  
**To:** Ambre Torbett  
**Subject:** \*\*EXTERNAL\*\*Rezoning recommendation for 435 Grace Hills Drive to Sullivan County Commission  
**Attachments:** 04 Staff Report - RZZ23-609 - 425 Grace Hills Drive.pdf

Good morning, Ambre. I hope your day is starting well. Bristol Planning Commission reviewed the application for rezoning at 425 Grace Hills Drive during their October 16, 2023 meeting. They voted unanimously (8-0) to send a favorable recommendation to Sullivan County Commission. Mr. and Mrs. Dover attended the meeting.

Please let me know if you have any questions.

Thank you.

*Heather Moore, AICP*

Land Use Planner, City of Bristol, Tennessee  
104 8th Street, Bristol, TN 37620

[hmoore@bristoltn.org](mailto:hmoore@bristoltn.org) <<mailto:hmoore@bristoltn.org>>

Office: 423-989-5549

Fax: 423-989-5717

This e-mail is the property of the City of Bristol, TN and may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorized and may be illegal. The views and opinions expressed in this e-mail are those of the sender and are not necessarily those of the City of Bristol, TN.

# Sullivan County Rezoning Recommendation



SUMMARY		
<p><b>Owner/Applicant:</b> Christopher &amp; Hannah Dover</p> <p><b>Location:</b> 425 Grace Hills Drive</p> <p><b>Tax Map (TM):</b> Sullivan County TM 35, Part of Parcel 183.00</p> <p><b>Acreage:</b> 7.52 acres</p> <p><b>Zoning:</b> R-1</p>	<p><b>Request:</b> Rezone (within UGB) from R-1 to A-5</p> <p><b>Existing Land Use:</b> Single-family home</p> <p><b>Proposed Land Use:</b> Personal and agricultural building</p> <p><b>Water Service:</b> City of Bristol</p> <p><b>Sanitary Sewer Service:</b> Private</p>	<p><b>Staff Recommendation:</b> Send a favorable recommendation to the Sullivan County Commission for this request.</p> <p><b>Public Notification:</b> The notification process is handled by Sullivan County. The sign is on the property.</p> <p><b>Public Comments:</b> None received as of the packet publication.</p> <p><b>Planner:</b> Heather Moore</p>

## BACKGROUND

Property owners, Christopher and Hannah Dover, filed a request to rezone their 7.52-acre parcel, addressed as 724 Grace Hills Drive, from R-1 (Low Density/Single-Family Residential District) to A-5 (Large Tract Rural Residential and General Agricultural District). The property is located at the north terminus of Grace Hills Drive, beyond Golden Oaks Estate and north of Island Road and Interstate 81 in Sullivan County. Mr. Dover explained via telephone that he wants a workshop with electricity for personal and agricultural use. He works on tools that he owns (tractor, bush hog, small dump truck, backhoe) to care for their property. The Dovers are interested in establishing a hydroponic greenhouse (growing plants in water), in addition to keeping small quantities of livestock. He requested A-5 zoning as it would best suit their needs.

Ambre Torbett, Director of the Sullivan County Department of Planning and Codes, verified that Sullivan County staff is in favor of the rezoning request. She confirmed that, given the topography, it would be very costly to create a road extension that met road design standards if developed in the future, therefore preserving it as a large tract seemed to be the most viable option. A-5 zoning allows for a larger residential accessory storage building, with restrictions that the lot cannot be subdivided as the minimum lot size in A-5 is five acres. The maximum allowable square footage for detached accessory buildings in R-1 is 1,200 square feet and 3,000 square feet in A-5. For comparative purposes, the maximum for A-1 is 2,400 square feet.

The Bristol Tennessee Municipal Regional Planning Commission must make a recommendation on the proposed rezoning because the property is located within the city's Urban Growth Boundary. The recommendation will be forwarded to the Sullivan County Commission for final action on November 9, 2023.





423 Grace Hills Drive, with the Dover residence visible,  
taken from the driveway

## PREVIOUS ACTIONS

This is the first known application for the city's review.

# SPECIFICATIONS

## General

The property, currently used residentially, is in the northern portion of Bristol's Urban Growth Boundary. The topography is hilly as indicated on the following map which includes contour lines at 20-foot intervals. The property is not impacted by the Special Flood Hazard Area. Water is currently available through the city of Bristol.





## Zoning and Land Use

The zoning of the subject property, surrounding parcels, and existing land uses are listed below.

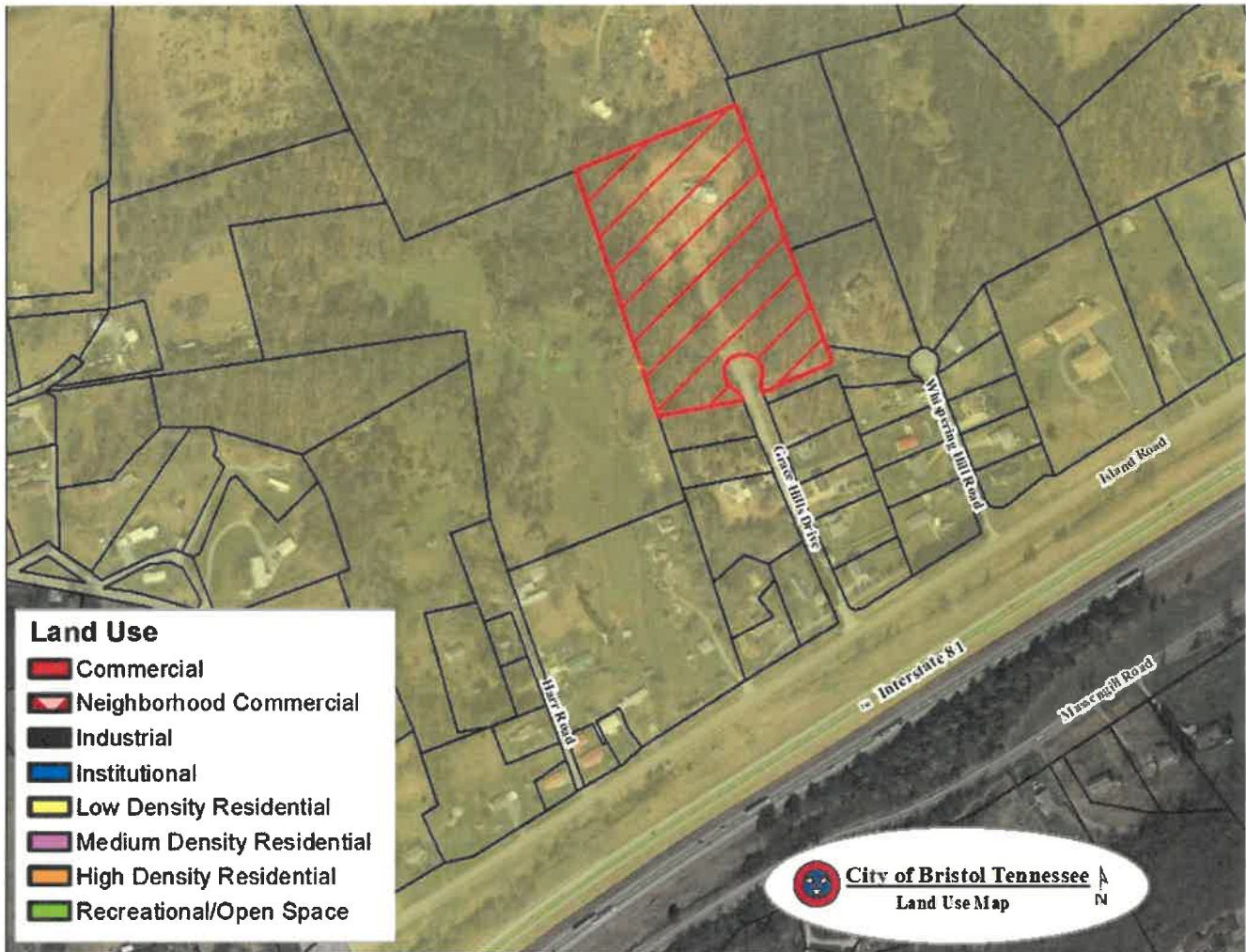


	Existing Zoning	Existing Land Use
<b>Subject Property</b>	Sullivan County, R-1 (Low Density/Single-Family Residential District)	Residential - Single-family
<b>North</b>	Sullivan County, R-1 (Low Density/Single-Family Residential District)	Agricultural and Residential - Single-family
<b>South</b>	Sullivan County, R-1 (Low Density/Single-Family Residential District) and then Sullivan County A-1 (General Agricultural/Estate Residential)	Golden Oaks Estate, Sec. 1 subdivision, Residential - Single-family and Vacant
<b>East</b>	Sullivan County, R-2 (Medium Density Residential District) and Sullivan County, R-1 (Low Density/Single-Family Residential District)	Vacant and Residential - Single-family
<b>West</b>	Sullivan County, R-1 (Low Density/Single-Family Residential District)	Vacant

The 425 Grace Hills Drive site is currently single-family residential and is adjacent to residential use and vacant property. It is surrounded by single-family residential, medium density residential, and agricultural zones.

## Land Use Plan and Policy

The Land Use Map indicates that the site will be developed as low-density residential, as shown below. Rezoning the site to A-5, with its low-density nature, agrees with the Future Land Use Plan and Policy.



## ANALYSIS

Staff analyzed the Sullivan County Zoning Resolution. The proposed A-5 zone remains a “new” district, added to Sullivan County Zoning Resolution in 2020. The district’s purpose is to preserve small working farm tracts and low-density residential. The uses allowed in the Sullivan County A-5 district are similar to those of Bristol’s R-1A (Low Density Single Family Residential District) and to those of Sullivan County’s R-1 zone. The main or primary use in Sullivan County A-5 District is low-density single-family residential. The single-family residential use exists on the site and on surrounding properties, but the A-5 District is not adjacent or in close proximity. Because the A-5 District’s list of allowed uses is similar to those of the Sullivan County R-1 district, a parcel zoned A-5 in this location would not introduce a spearhead of new uses in the neighborhood.

The question of spot zoning arises because the A-5 district is not adjacent to the parcel, or in close proximity. This request is not considered a spot zoning, for the following reasons:

- A-5 is a new zoning district, enacted in 2020.
- The rezoning would be consistent with the Future Land Use Plan and Policy.

Staff also researched the Sullivan County bulk standards. The A-5 minimum lot size is 5 acres, which is larger than the R-1 district’s minimum lot size requirement of 1 acre and means with A-5 zoning cannot be subdivided. Setbacks in Sullivan County A-5 are 30 feet on all sides.

### R-1 Setbacks:

Front - 30 feet  
Rear - 30 feet  
Sides - 12 feet

The maximum allowable square footage for detached accessory buildings in R-1 is 1,200 square feet, and 3,000 square feet in A-5, which is greater.

The bulk standards comparison of requirements in the different zones shows that the request can be considered an act of “downzoning” from a bulk standards perspective. Dimensional lot size requirements for general development in the A-5 district are more restrictive than in the R-1 district, requiring more space for development. The allowed uses include a similar list in both districts.

Changing the zoning from R-1 to A-5 is considered a step down in level of density of use, or “downzoning”. The impact on surrounding properties, the neighborhood, and the city and urban grown area is considered positive due to the downzoning element. Included for your review of the application are Table 3-103A (Minimum Lot Sizes for Agricultural and Residential Districts) and Table 3-103C (Regulations for Detached Residential Accessory Structures by District)

Staff notes the presence of A-1 (General Agricultural-Estate Residential) district may be a more appropriate district than the R-5 district for the subject property at first look. However, the detached residential accessory structure regulations in the A-1 zone have a 2,400 maximum total square footage allowance for this property, which hinders the planned agricultural use as described by the owner/applicant. The A-5 zone allows 3,000 square feet.



## STAFF RECOMMENDATION

Staff recommends the Bristol Tennessee Municipal Regional Planning Commission send a favorable recommendation to the Sullivan County Commission for this request for the following reasons:

- The A-5 District is a new zone and not considered a spot zoning request.
- A-5 zoning agrees with the City of Bristol's Future Land Use Plan and Policy

## REVIEW/APPROVAL PROCESS - NEXT STEPS

Staff will communicate the Bristol Tennessee Municipal Regional Planning Commission's recommendation to the Sullivan County Commission. The Sullivan County Commission is scheduled to hear this request on November 9, 2023.



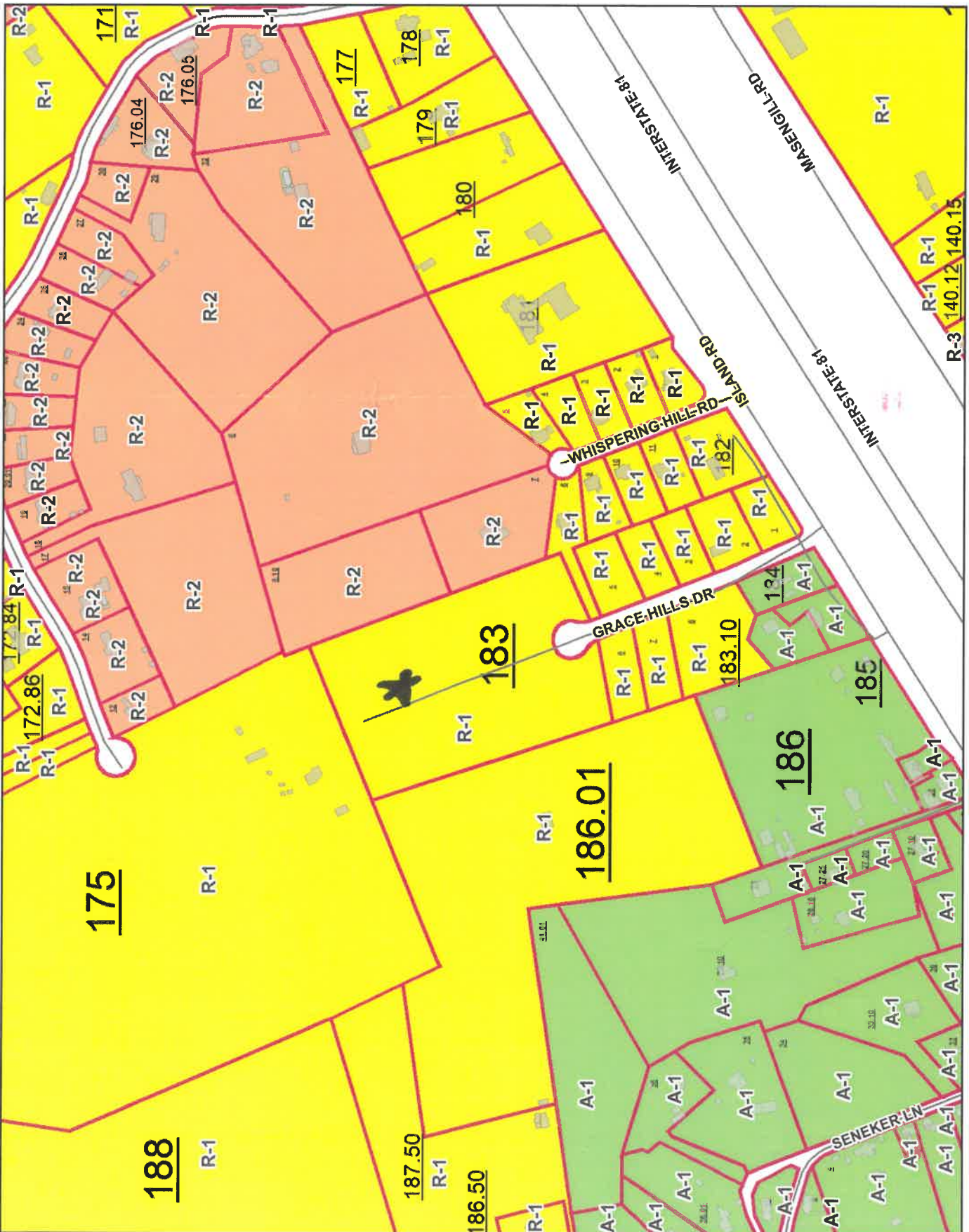
Heather Moore, AICP  
Land Use Planner



**Address Data Source:**  
 Sullivan County: Sull Co 911  
 Kingsport: Kpt 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.

- Buildings
- Parcel Lines (20220325)
- 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



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



# SULLIVAN COUNTY

Planning & Codes Department  
3425 Highway 126 | Historic Snow House  
Blountville, TN 37617  
Office: 423.323.6440  
Fax: 423.279.2886



## NOTICE OF REZONING REQUEST

**September 29, 2023**

Dear Property Owner:

Please be advised that, **CHRISTOPHER DOVER & HANNA GUINN** have requested their property to be rezoned from R-1 (Single Family Residential District) to **A-5** (Large Tract/Rural Residential/General Agricultural District). This property address is 425 Grace Hills Drive, Bristol and in the 5<sup>th</sup> Civil District. The purpose of this rezoning request is to allow the construction of a larger personal and agricultural type storage building. Attached is the Zoning Code brochure for your reference which details the square footage limitations on detached accessory structures by district. This property is identified as Tax Map 035, Parcel 183.00 and is 7.52 acres. Please note, this property is located within the Bristol Urban Growth Boundary but in the county; therefore, the ***Bristol Regional Planning Commission shall review this request.*** This request shall be reviewed by the Planning Commission first and then shall be heard by the County Commission.

The following are the scheduled meeting dates for this request:

**Bristol Regional Planning Commission – Monday, 5:00 PM on October 16, 2023**  
**held at the Easley Annex/Development Services Conference Room, 104 8<sup>th</sup> Street, Bristol, TN**

**Sullivan County Commission's Work Session – Thursday, 6:00 PM on November 9, 2023**  
**held at the Sullivan County Historic Courthouse – Commission Room**

The final public hearing shall be held in the Historic Sullivan County Courthouse, 2<sup>nd</sup> Floor Commission Hall at 3411 Highway 126, downtown Blountville. Please let me know if you need any special assistance for these public meetings. Both meetings are open to the general public, and you are welcome to attend. If you have any questions or concerns on this request, please contact me. You may call, email, or stop by our office during normal business hours. My email address is [planning@sullivancountyttn.gov](mailto:planning@sullivancountyttn.gov) or you may call me directly at 423.279.2603.

Regards,

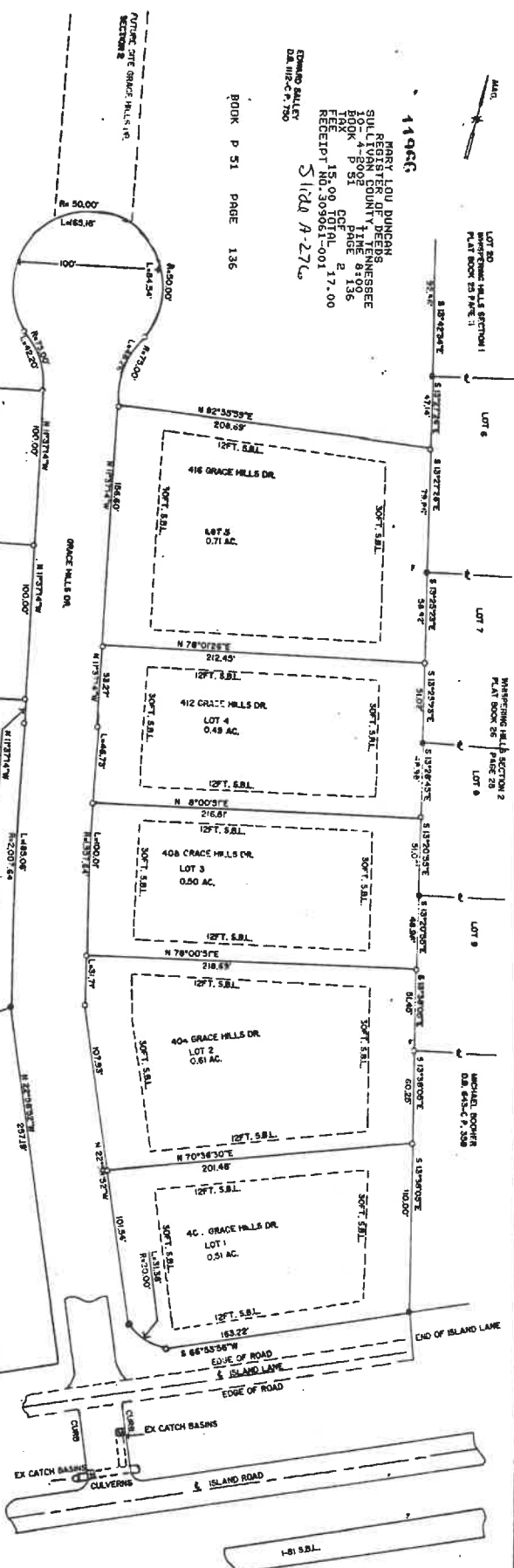
Ambre M. Torbett, AICP  
Director Planning & Community Development  
Sullivan County Stormwater Coordinator

EC: Heather Moore, AICP, Bristol Planning & Community Development Dept.



14942  
 RORY LOU DUNNEN  
 REGENT ENGINEERS  
 SULLIVAN COUNTY, TENNESSEE  
 BOOK 4 PAGE 11  
 DATE 8-9-06  
 DCF # 17-00  
 RECEIPT # 09-0301-001  
 \$1200 A-276

BOOK P 51 PAGE 136



**NOTES:**

1. THE SURVEY IS BASED UPON EXISTING RECORDS AND FIELD SURVEY DATA.
2. THE SURVEY IS BASED UPON THE FIELD SURVEY AND THE INFORMATION HAS BEEN CHECKED FOR ACCURACY.
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**CERTIFICATE OF APPROVAL OF STREETS**

1. THE STREETS SHOWN ARE IN THE FINAL STAGE OF CONSTRUCTION AND ARE TO BE OPENED TO TRAFFIC AT THE TIME OF THE APPROVAL OF THIS PLAN.

2. THE STREETS SHOWN ARE IN THE FINAL STAGE OF CONSTRUCTION AND ARE TO BE OPENED TO TRAFFIC AT THE TIME OF THE APPROVAL OF THIS PLAN.

3. THE STREETS SHOWN ARE IN THE FINAL STAGE OF CONSTRUCTION AND ARE TO BE OPENED TO TRAFFIC AT THE TIME OF THE APPROVAL OF THIS PLAN.

**CERTIFICATION OF COMMON AREAS DEDICATION**

1. THE COMMON AREAS SHOWN ARE TO BE DEDICATED TO THE PUBLIC USE OF THE COMMUNITY AT THE TIME OF THE APPROVAL OF THIS PLAN.

2. THE COMMON AREAS SHOWN ARE TO BE DEDICATED TO THE PUBLIC USE OF THE COMMUNITY AT THE TIME OF THE APPROVAL OF THIS PLAN.

3. THE COMMON AREAS SHOWN ARE TO BE DEDICATED TO THE PUBLIC USE OF THE COMMUNITY AT THE TIME OF THE APPROVAL OF THIS PLAN.

**CERTIFICATE OF APPROVAL FOR COMMON AREAS DEDICATION**

1. THE COMMON AREAS SHOWN ARE TO BE DEDICATED TO THE PUBLIC USE OF THE COMMUNITY AT THE TIME OF THE APPROVAL OF THIS PLAN.

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3. THE COMMON AREAS SHOWN ARE TO BE DEDICATED TO THE PUBLIC USE OF THE COMMUNITY AT THE TIME OF THE APPROVAL OF THIS PLAN.

DATE: May 6, 2002  
 BY: Edward T. Alley

DATE: May 6, 2002  
 BY: Bob J. Collier

NOT AVAILABLE

SCALE: 1" = 40'

APPROVED: [Signature]

APPROVED: [Signature]

APPROVED: [Signature]



**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: 9-14-2023

Property Owner: GATEWAY DEVELOPMENT - (UNDER CONTRACT) [Orth, Hodges, Powers, Davis]

Address: 3312 WAYFIELD DR., JOHNSON CITY, TN 37601 - Orth Construction, builder

Phone number: 423-979-0380

Email: ironmountainsurvey@gmail.com

**Property Identification**

Tax Map: 094

Group:

Parcel: 062.10; 062.11; 062.15

Zoning Map: 16

Zoning District: PMD-1

Proposed District: R-1/R3B Civil District: 8TH

Property Location: HAWLEY RD., BLOUNTVILLE, TN 37617

Commission District: 4th

Purpose of Rezoning: REZONE FOR RESIDENTIAL DEVELOPMENT

**Meetings**

Planning Commission: Sullivan County

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

Date: OCT 17, 2023

Time: 6:00 PM

Approved:

Denied:

County Commission:

Place: Historic Courthouse 2nd Floor Commission Chambers 3411 Highway 126, Blountville TN

Date: NOV 09, 2023

Time: 6:00 PM

Approved: APPROVED 21 YES, 3 ABSENT

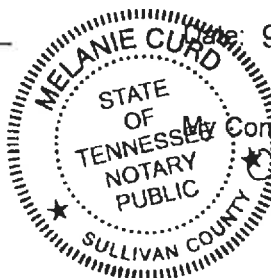
Denied:

**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: [Signature]

Notary Public: Melanie Curd



Date: 9-14-2023

Commission Expires: 08-31-2025



**REZONING REQUESTS: ZONING PLAN AMENDMENT: ZONING MAP CHANGE AND ZONING TEXT AMENDMENTS**

**F1. REZONING REQUESTS FROM GATEWAY DEVELOPMENT PARTNERS FROM PMD-2/PMD-1 TO R-1 AND R-3B**

**FINDINGS OF FACT –**

<b>Landowner:</b>	<b>Gateway Development (buyers) &amp; NETWORKS and Sam Kite (sellers)</b>
<b>Applicants:</b>	<b>Terry Orth, Jordan Hodge (Orth Construction), Joseph Powers and Davis Construction (d.b.a. Gateway Development, LLC)</b>
<b>Representatives:</b>	<b>same</b>
<b>Location:</b>	<b>Hawley Road, Blountville</b>
<b>Mailing Address of Owners:</b>	<b>3312 Wayfield Drive, Johnson City (Orth Construction)</b>
<b>Civil district of rezoning:</b>	<b>8<sup>th</sup></b>
<b>Commission District of rezoning:</b>	<b>4<sup>th</sup></b>
<b>Parcel ID:</b>	<b>Tax Map 094, Parcels 062.10; 062.11; 062.15</b>
<b>Subdivision of Record:</b>	<b>n/a</b>
<b>PC1101 Growth Boundary:</b>	<b>Sullivan County Planned Growth Area</b>
<b>Existing Land Use of Lot:</b>	<b>Pastureland (used as the Battle of Blountville Reenactment Event in recent past, which will be relocated back to downtown historic Blountville proper – in actual battlefield location)</b>
<b>Utility District:</b>	<b>Blountville Public Water</b>
<b>Public Sewer:</b>	<b>Johnson City Public Sewer</b>
<b>Lot/Tract Acreage:</b>	<b>61.87 acres total for rezoning (Concept Plan for only 36 acres – Phases I &amp; II)</b>
<b>Existing Zoning:</b>	<b>A-1 (Single-family Residential)</b>
<b>Surrounding Zoning:</b>	<b>PMD-1 behind (NW), PMD-2 (West), A-5 across the road, A-1 (NE and SE)</b>
<b>Existing Land Use:</b>	<b>Pastureland</b>
<b>Surrounding Land Uses:</b>	<b>residential, industrial (FedEx Facility) &amp; Airport Overlay Zone (Approach Zone)</b>
<b>2006 Land Use Plan:</b>	<b>Planned Manufacturing (as requested by NETWorks at the time of Plan)</b>
<b>Neighborhood Opposition:</b>	<b>staff received two calls and one email from neighborhood.</b>

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

- The partners have joined their development and building trades to form Gateway Development. They have recently purchased three tracts of land and have proposed a Concept Plan for single family residential homes.
- The site is served by public utilities to support the plan.
- The recommendation is to rezone the tracts from Planned Manufacturing to Residential. The NETWorks Partnership no longer plans on developing these large tracts into future industrial sites and have thus sold the lots to the developers.
- This request is considered a “down” zoning as the R-1 zoning district is the most restrictive district in the county. The R-3 district supports single family detached homes on smaller lots so long as public sewer is available to support the density.
- The partners and sellers have confirmed that these will be custom homes built by the partners and not sold to any other building firm. Staff received an email from the owner across Hawley Road stating his opposition to the development to preserve the farmland and rural character. However, again, the properties are already zoned Planned Manufacturing prior to the new home construction along Hawley Road. While the parcels have remained pastureland and leased for hay; they are currently zoned for planned manufacturing developments.
- Staff recommends in favor of the rezoning requests as present.

**Meeting Notes at Planning Commission:**

- *Staff read her report and recommendation. The chair asked if there was anyone in the audience that is in opposition and would like to address the commission.*

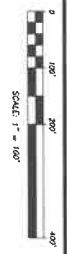
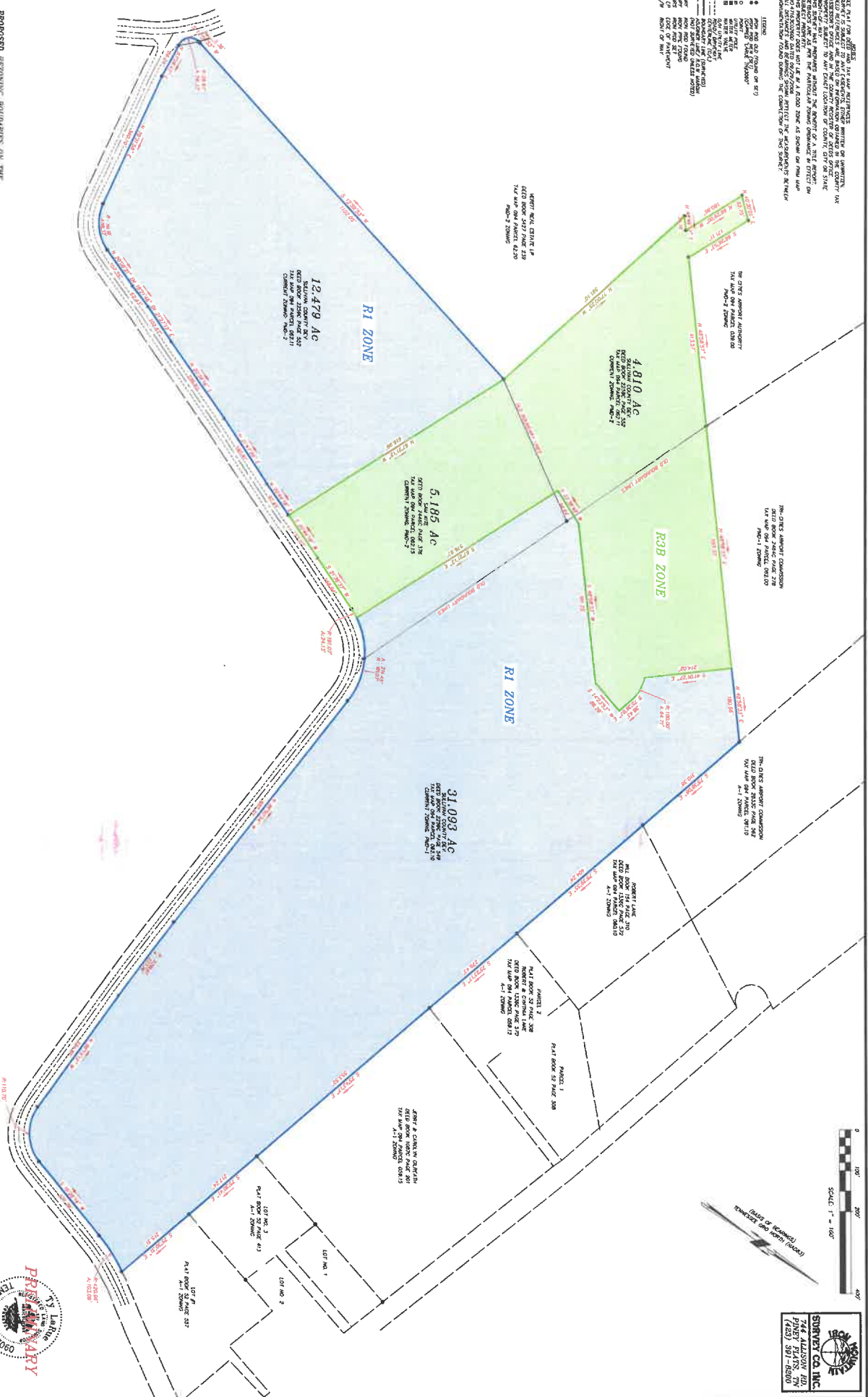
- *The chairman asked if there was anyone in the audience who wanted to address the commission with any opposition or questions.*
- *Michael David Cross, 2075 Muddy Creek Road, address the commission and stated that this land used own the land behind Fed Ex property, which is also behind this area. He is here on a fact-finding mission on behalf of the farmers in the area.*
- *Jack Joseph, 2300 Muddy Creek Road, stated he was concerned about this property being down zoned from business to residential as he was under the impression this would be developed for industrial or a business park. Calvin Clifton asked Mr. Joseph what his business was on Muddy Creek Rd. He stated he sells machinery for cutting systems. Discussion followed.*
- *Janice Gilreath, 960 Hawley Road, stated she was speaking on behalf of Julia Garst, who is a neighbor. They were concerned about traffic. Dr. Webb reminded all, that the Planning Commission's role is to review the rezoning request only at this time. She stated they already had to deal with the Muddy Creek Racetrack traffic. She did not want it changed from farmland to housing. Linda Brittenham explained that the rezoning request was from the current manufacturing zoning districts to single-family residential for a planned development. Calvin Clifton stated that he did not see this request creating more traffic than what a potential business park could or future industrial uses with large tractor trailers. Discussion continued.*
- *Michael Parker, representative from NETWORKS Partnership, explained that the Economic Development Board of the county purchased these tracts in 2005 and then it was rezoned to manufacturing by the county. He explained that a few of the tracts have a r-o-w stub outs as that was for realigning Hawley Road to improve the access for industrial traffic. This did not occur so many potential industrial buyers for the sites have declined interest due to current road alignment. Mr. Parker stated that he had been working with Gateway Development as they represented several experienced builders in the community. They formed Gateway Development to pool their resources and experience for a quality project.*
- *Jordan Hodges has worked with Orth Construction for many years. Gateway Development partners represent Orth Construction and other local builders and business folks.*
- *Linda Brittenham asked what the average home value they typically build. Mr. Hodges stated that it just depended on price of building materials at the time; however typically for ½ acre to 1-acre tracts he believed the proposed development would have homes sell for \$450-\$850 range depending on size of lot. They also plan to build some patio homes to cater to the need for the retiree population seeking to downsize.*
- *Laura McMillan motioned to send a favorable recommendation to the County Commission for the rezoning request. Linda Brittenham seconded the motion and the vote in favor passed unanimously.*

1. SEE PLAN FOR DETAILS.
2. ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
3. ALL DISTANCES ARE BASED ON THE INFORMATION CONTAINED ON THIS PLAN.
4. PROPERTY SUBJECT TO ANY EASEMENTS OR RIGHTS OF WAY SHOWN ON THIS PLAN.
5. THE DISTANCES BETWEEN THE CORNERS OF A TRACT ARE GIVEN FOR THE PURPOSES OF IDENTIFYING THE CORNERS AND NOT FOR THE PURPOSES OF DETERMINING THE AREA THEREOF.
6. THE DISTANCES BETWEEN THE CORNERS OF A TRACT ARE GIVEN FOR THE PURPOSES OF IDENTIFYING THE CORNERS AND NOT FOR THE PURPOSES OF DETERMINING THE AREA THEREOF.
7. THE DISTANCES BETWEEN THE CORNERS OF A TRACT ARE GIVEN FOR THE PURPOSES OF IDENTIFYING THE CORNERS AND NOT FOR THE PURPOSES OF DETERMINING THE AREA THEREOF.
8. THE DISTANCES BETWEEN THE CORNERS OF A TRACT ARE GIVEN FOR THE PURPOSES OF IDENTIFYING THE CORNERS AND NOT FOR THE PURPOSES OF DETERMINING THE AREA THEREOF.

LEGEND

- PROPERTY OWNED BY THE STATE OF TENNESSEE
- PROPERTY OWNED BY THE COUNTY OF SULLIVAN
- PROPERTY OWNED BY THE CITY OF MEMPHIS
- ▨ PROPERTY OWNED BY THE UNIVERSITY OF TENNESSEE
- ▩ PROPERTY OWNED BY THE UNIVERSITY OF TENNESSEE
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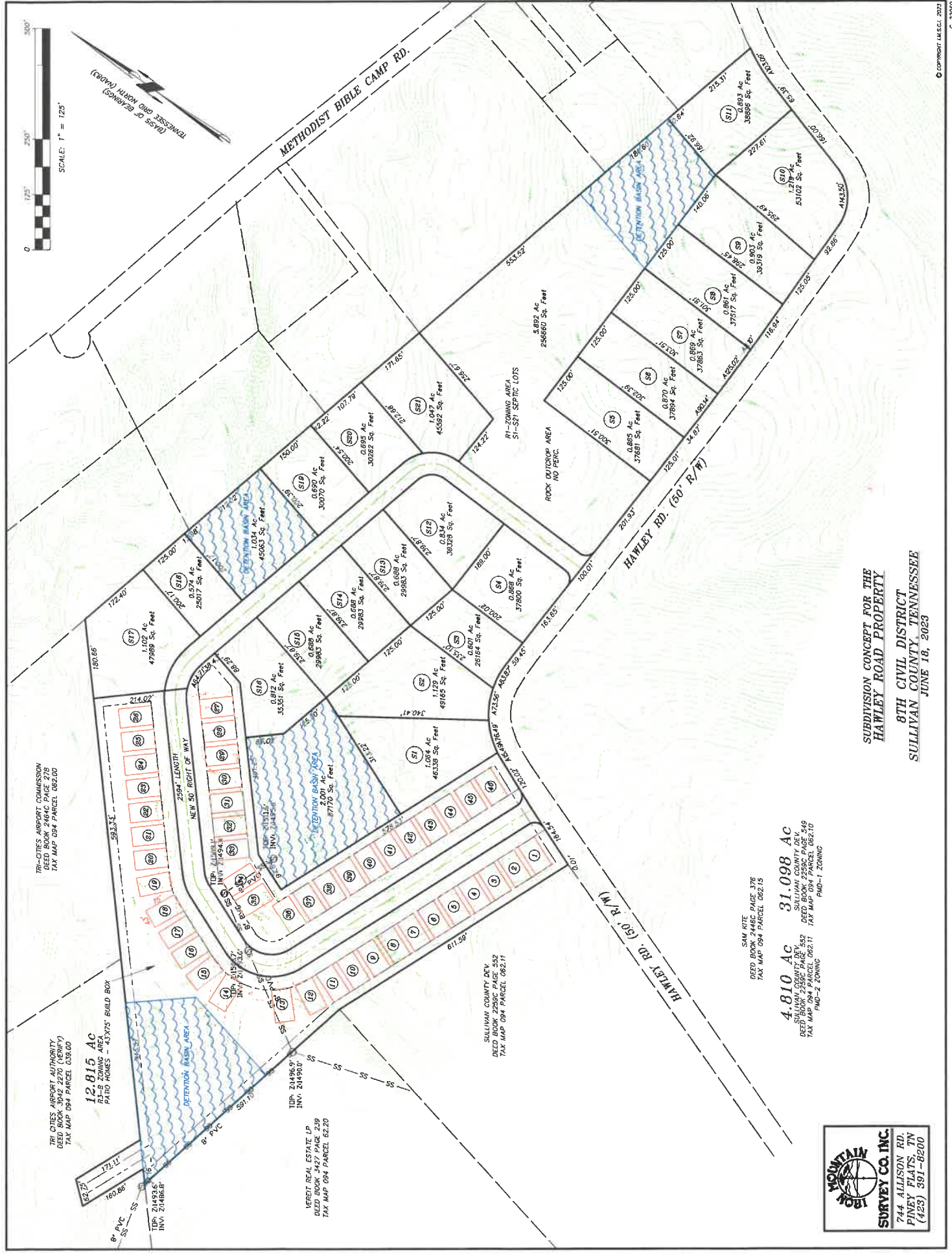
PROPOSED ZONING ORDINANCES ON THE  
**SULLIVAN COUNTY ECONOMIC  
 DEVELOPMENT & SMM SITE PROJECT**  
 SULLIVAN COUNTY, TENNESSEE  
 OCTOBER 11, 2023



**SWINNEY CO. INC.**  
 714 ALISON DR.  
 SUITE 100  
 MEMPHIS, TN 38117  
 (901) 581-8500



I, ROBERT A. SWINNEY, being duly sworn, certify that I am a duly Licensed Professional Engineer in the State of Tennessee, License No. 0097, and that I have prepared the foregoing plat for the purpose of recording the same in the Public Records of the County of Sullivan, Tennessee, and that the same is a true and correct copy of the original as shown to me by the person or persons who presented the same to me for recording.



TRI-CITIES AIRPORT COMMISSION  
DEED BOOK 2464C PAGE 275  
TAX MAP 094 PARCEL 0652.00

TRI-CITIES AIRPORT AUTHORITY  
DEED BOOK 3042C PAGE 2270 (KERRY)  
TAX MAP 094 PARCEL 039.00

**12.815 AC**  
R3-B ZONING AREA  
PATIO HOMES - 43'X75' BUILD BOX

TOP 21493.6'  
INV. 21486.8'

TOP 21496.9'  
INV. 21490.0'

TOP 21495.7'  
INV. 21488.9'

TOP 21495.7'  
INV. 21488.9'

VERRET REAL ESTATE LP  
DEED BOOK 3437 PAGE 239  
TAX MAP 094 PARCEL 62.20

SULLIVAN COUNTY DEV.  
DEED BOOK 2293C PAGE 552  
TAX MAP 094 PARCEL 062.11

SAW KITE  
DEED BOOK 2445C PAGE 376  
TAX MAP 094 PARCEL 062.15

**4.810 AC**      **31.098 AC**  
SULLIVAN COUNTY DEV.  
DEED BOOK 2293C PAGE 552      SULLIVAN COUNTY DEV.  
DEED BOOK 2259C PAGE 349  
TAX MAP 094 PARCEL 062.11      TAX MAP 094 PARCEL 062.10  
P&Z CONING      P&Z-1 ZONING



**SUBDIVISION CONCEPT FOR THE  
HAWLEY ROAD PROPERTY  
8TH CIVIL DISTRICT  
SULLIVAN COUNTY, TENNESSEE  
JUNE 16, 2023**





## Ambre Torbett

---

**From:** Olinger, Travis <tolinger@johnsoncitytn.org>  
**Sent:** Tuesday, September 12, 2023 9:34 AM  
**To:** Jordan Hodges  
**Cc:** Ambre Torbett; Witherspoon, Tom  
**Subject:** RE: Revised concept FedEx Partnership Park (sewer capacity)  
**Attachments:** 22069-HAWLEY RD SUBDIVISION LAYOUT.pdf

Jordan,

Please consider the previous commitment good for 46 units (revised concept attached). Also note that the concept plan depicts a small portion of existing sanitary sewer which will require relocation.



**Travis Olinger**  
W/S Development Coordinator  
Water and Sewer Services Department  
City of Johnson City, Tennessee  
423.975.2620 o. / 423.262.7580 c.  
[www.johnsoncitytn.org](http://www.johnsoncitytn.org)

---

**From:** Olinger, Travis  
**Sent:** Tuesday, July 11, 2023 1:08 PM  
**To:** 'Jordan Hodges' <jordan@orthhomes.com>  
**Subject:** Revised concept FedEx Partnership Park (sewer capacity)

Jordan,

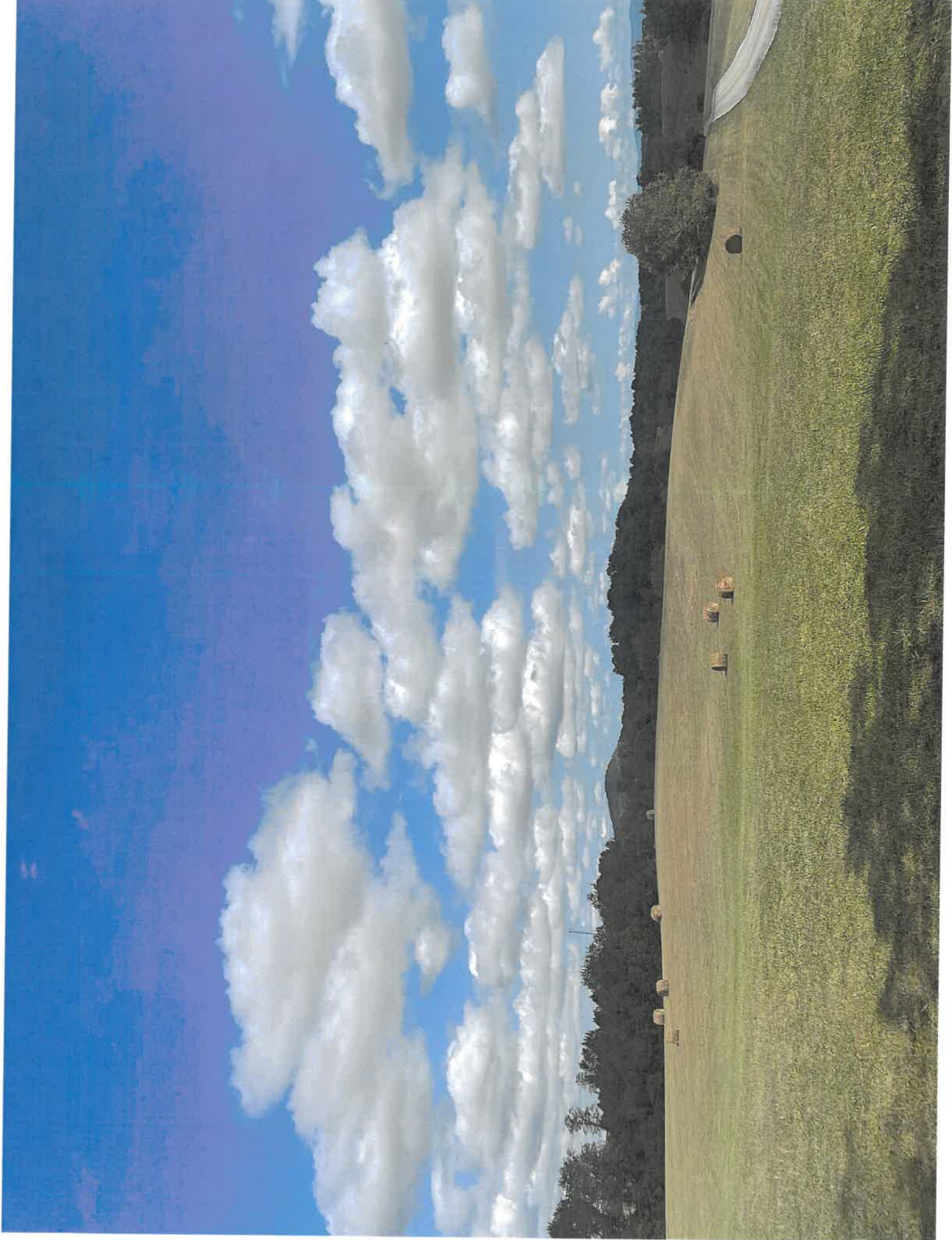
Please be advised that our department has available sewer capacity to serve the proposed 40 unit development via gravity sewer (concept plan attached). This commitment for capacity is valid for 12 months from today and can be reevaluated upon request after expiration. Please let me know if you have additional questions.



**Travis Olinger**  
W/S Development Coordinator  
Water and Sewer Services Department  
City of Johnson City, Tennessee  
423.975.2620 o. / 423.262.7580 c.  
[www.johnsoncitytn.org](http://www.johnsoncitytn.org)

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**Address Data Source:**  
 Sullivan County: Sull Co 911  
 Kingsport: Kpt 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.

Buildings  
 Lot Lines  
 Parcel Lines



**Flood Insurance Rate Map (FIRM) 2007**  
 0.5 PCT Annual Chance Flood Hazard  
 Zone A - No Base Flood Elevations Determined  
 Zone AE - Base Flood Elevations Determined

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







Ballwin County, TN  
**NOTICE**  
THIS PROPERTY IS  
BEING CONSIDERED  
FOR RE-ZONING  
423-323-6440



# SULLIVAN COUNTY ZONING RESOLUTION

## TEXT AMENDMENT PROCESS AND CHECKLIST:

Date: *September 2023*

Article Reference (Pg #):

*7-102.5 Variances to the parking & loading spaces*

Existing Zoning Resolution Text:

*part 2 & part 4*

Proposed Zoning Resolution Text Amendment:

*delete Planning Commission and add Board of Zoning Appeals*

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

*Only the BZA can grant variances*

Initiated by:

*Staff*

Planning Director

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>9-19-23</i>	<i>yes</i>	
2nd Review by SCRPC	<i>N/A</i>		
Bristol Staff	<i>10-16-23</i>	<i>yes</i>	
Bristol Regional PC	<i>10-16-23</i>	<i>NO</i>	
Kingsport Staff	<i>10-19-23</i>		
Kingsport Regional PC	<i>10-19-23</i>		
Public Notice	<i>10-20-23</i>		
County Commission Public Hearing	<i>11-9-23</i>	APPROVED	21 YES, 3 ABSENT
<i>If CC Denies/Remands back for further Study - repeat full public review process</i>			

**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.

# SULLIVAN COUNTY ZONING RESOLUTION

## 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)

*for clarification in approval process*

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 absent unanimous</i>
2 <sup>nd</sup> Review by SCRPC	<i>9-19-2023</i>	<i>yes</i>	<i>7 yes</i>
Bristol Staff	<i>10-16-2023</i>	<i>yes</i>	
Bristol Regional PC	<i>10-16-2023</i>	<i>no</i>	<i>7 no / 1 yes</i>
Kingsport Staff	<i>10-19-2023</i>	<i>yes</i>	
Kingsport Regional PC	<i>10-19-23</i>	<i>yes</i>	
Public Notice			
County Commission Public Hearing			
If CC Denies/Remands back for further Study – repeat full public review process		FAILED	1 YES, 20 NO, 3 ABSENT



### **3-102 USES AND STRUCTURES**

**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**

<b>USES Cont.</b> (Amended 03 16 2023)	<b>DISTRICTS</b>					
	A-5/A-2 A-1	AR / A-RV / RRC	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) 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
<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						

**3-103 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	B-1
<b>III. COMMERCIAL ACTIVITIES – Amended 09 17 07</b>						
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
<b>IV. MANUFACTURING ACTIVITIES (deleted 02/16/2023)</b>						
<b>V. AGRICULTURAL AND EXTRACTIVE ACTIVITIES</b>						
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
<b>VI. ACCESSORY/SEASONAL/TEMPORARY ACTIVITIES</b>						
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
K. Commercial/Recreational – Limited Outdoor and Indoor Sport Shooting Ranges (amended on 03/15/10)	PC	PC	PC	PC
<b>III. COMMUNITY FACILITY ACTIVITIES</b>				
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
<b>IV. AGRICULTURAL AND EXTRACTIVE ACTIVITIES</b>				
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
<b>V. ACCESSORY /SEASONAL/TEMPORARY USES</b>				
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 <b>Alternative Training Facilities</b> – 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 hours of **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.

- k. A total of one (1) yard sign, not exceeding six (6) square feet in area and three and one-half (3 1/2) 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 (BZA 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 Manufacturing Districts; 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 or zones, 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:



**B-106**      **TEMPORARY USES** - The provisions of this section are necessary to govern the operation of certain seasonal and other temporary uses. Application for a temporary use and occupancy permit shall be made to the Building 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)