

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

March 14, 2024 - Work Session

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	1/5/2024	Theodore Dougherty	none	yes	yes	Sullivan County	A-1	R-1	20th	5th
2	1/9/2023	Arc3 Gases, Inc. c/o Bill Hall agent	none	yes	yes	Sullivan County	B-3	M-1	18th	7th
3	1/30/2024	ZTA - Article III. 3-103.6	n/a	yes	SC yes Kpt yes Bristol no	all			all	all
4										
Voting Summary:										
Name	Case Order	yes	no	pass / abstain	absent	Approved (yes or no)				
Dougherty	1	21			3	Yes				
Arc3 Gases	2	22			2	Yes				
ZTA 3-103	3	15	7		2	Yes				
	4									

* 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

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: 1-5-24

Property Owner: Theodore L Dougherty
Address: 3357 Rocky Springs rd Piney Flats TN 37688
Phone number: 423-340-2897 Email:

Property Identification

Tax Map: 123 Group: Parcel: 090.20
Zoning Map: Zoning District: A-1 Proposed District: R-1 Civil District: 20
Property Location: 3357 Rocky Springs Rd, Piney Flats Rd Commission District:
Purpose of Rezoning: To allow for 1/2 acre lot 5th

Meetings

Planning Commission: Sullivan County
Place: Historic Courthouse, 2nd Floor, 3411 Hwy 126 Blountville TN
Date: 02-20-2024 Time: 6:00 PM

Approved: Denied:

County Commission:

Place: Historic Courthouse 2nd Floor Commission Chambers 3411 Highway 126, Blountville TN
Date: 03-14-2024 Time: 6:00 PM

Approved: **APPROVED 21 YES, 3 ABSENT** Denied:

DEED RESTRICTIONS

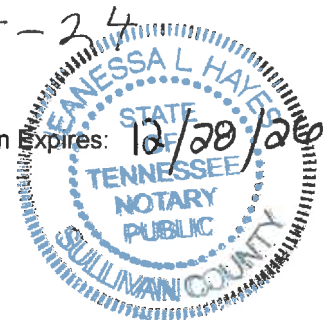
I understand that rezoning does not release my property from the requirements of private deed/Subdivision restrictions. The undersign, being duly sworn, hereby acknowledges that the information provided in this petition to Sullivan County for Rezoning is true and correct to the best of my information,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

Owner's Signature: Theodore L Dougherty

Date: 1-5-24

Notary Public: Jessica Hughes

My Commission Expires: 12/28/2028



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

FINDINGS OF FACT—

Landowner:	Theodore Dougherty
Applicants:	same
Representative:	same
Location:	a portion of the farm off Allison Road - 3357 Rocky Springs Road, Piney Flats
Mailing Address of Owners:	same
Civil district of rezoning:	20 th
Commission District of rezoning:	5 th
Parcel ID:	Tax Map 123, a portion of Parcel 090.20
Subdivision of Record:	n/a
PC1101 Growth Boundary:	Sullivan County Rural Area
Existing Land Use of Lot:	Farm/Open Space
Utility District:	Blountville Utility District
Public Sewer:	n/a
Lot/Tract Acreage:	each ½ acre lot proposed
Flood Plain:	n/a
Existing Zoning:	A-1
Surrounding Zoning:	A-1, A-5, R-1
Proposed Zoning Request:	R-1 for ½ acre lot and leave remaining farm A-1
Surrounding Land Uses:	single family/low density residential
2006 Land Use Plan:	Low Density Residential/Agricultural
Neighborhood Opposition:	none

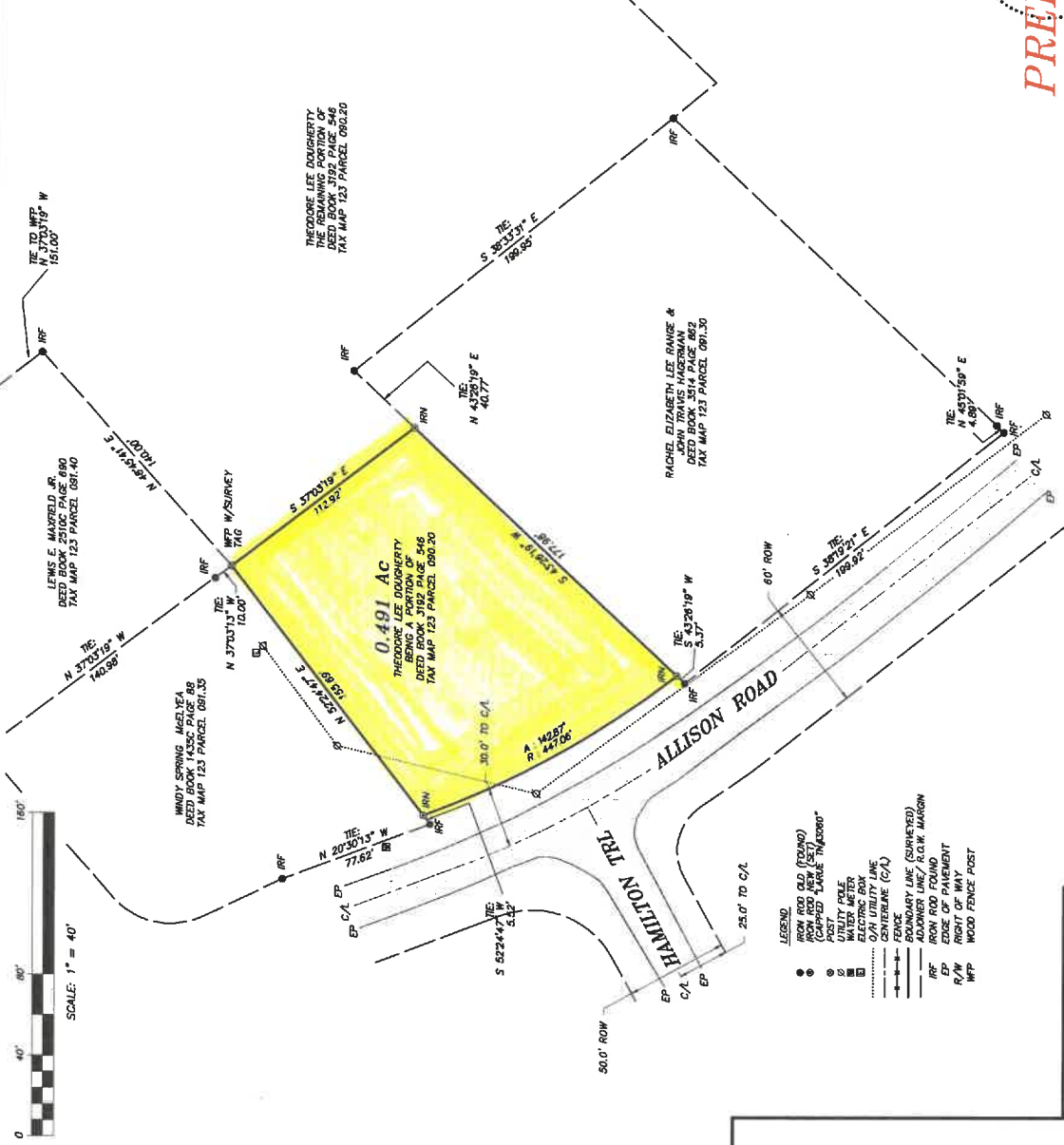
Staff Field Notes and Findings of Facts:

- The owner is requesting a rezoning of ½ acre lot out of his farm in order to subdivide and build a new home.
- The surrounding land uses are single-family residential. The adjacent lots around this land are of similar size and use.
- Staff recommends in favor of this request:
 - The proposed single-family land use is congruent with the surrounding land uses.
 - Will not be out of character with the other lots sizes of existing homes on this road.
 - Public water is available to serve this new lot as proposed.

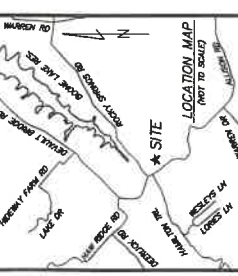
Meeting Notes at Planning Commission:

- *Staff read her report and findings. There was no one in opposition, nor did staff receive any opposition prior to the meeting. She reported she received one phone call from a neighbor just as soon as they put up the rezoning sign; however, the neighbor was calling to ensure it was for residential and not commercial.*
- *Mr. Dougherty was present.*
Darlene Motioned to send a favorable recommendation to County Commission for this rezoning request. Mary Ann Hager seconded the motion and the vote in favor passed unanimously.

THEODORE LEE DOUGHERTY
THE REMAINING PORTION OF
DEED BOOK 3192 PAGE 546
TAX MAP 123 PARCEL 080220



THE MOUNTAIN SURVEY CO. INC.
744 ALLISON RD.
PINEY FLATS, TN
(423) 391-8800



- NOTES**
1. THIS PROPERTY IS DESCRIBED IN DEED BOOK 3192 PAGE 546.
 2. THIS PROPERTY IS CURRENTLY ZONED: A-1
 3. THIS PROPERTY IS 30' WIDE.
 4. THIS PROPERTY IS 30' WIDE.
 5. THIS PROPERTY IS 30' WIDE.
 6. THIS PROPERTY IS 30' WIDE.
 7. THIS PROPERTY IS 30' WIDE.
 8. THIS PROPERTY IS 30' WIDE.
 9. THIS PROPERTY IS 30' WIDE.
 10. THIS PROPERTY IS 30' WIDE.

UTILITY & ETC. INFORMATION

THIS PROPERTY ESTABLISHED AN EGRESS AREA A MINIMUM OF 7' (SEE DEED BOOK 3192 PAGE 546) AND IS SUBJECT TO ANY EASEMENTS EITHER WRITTEN OR UNWRITTEN. DEED REFERENCES ARE BASED ON INFORMATION OBTAINED IN THE COUNTY PROPERTY RECORDS AND THE COUNTY REGISTER OF DEEDS OFFICE. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. SUBJECT PROPERTY.

RESERVED FOR TREE/GROUNDWATER PROTECTION



I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THAT THE TOLERANCE FOR THIS SURVEY IS NOT LESS THAN 1:10,000 AS SHOWN HEREON AND IS DONE IN COMPLIANCE WITH THE TENNESSEE MINIMUM STANDARDS OF PRACTICE.

A DIVISION OF THE THEODORE LEE DOUGHERTY PROPERTY, ROCKY SPRINGS RD., PINEY FLATS, TN 37888
SULLIVAN COUNTY, TENNESSEE
JANUARY 8, 2023

THEODORE LEE DOUGHERTY DIVISION		
CERTIFICATE OF OWNERSHIP AND DEDICATION	CERTIFICATE OF APPROVAL OF EGRESS	CERTIFICATE OF APPROVAL FOR RECORDING
I AND I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND I HEREBY DEDICATE THE PROPERTY SHOWN TO THE PUBLIC AS SHOWN ON THIS PLAN. THE DEDICATION IS SUBJECT TO THE APPROVAL OF THE SULLIVAN COUNTY REGIONAL PLANNING COMMISSION AND THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER DEEDS OFFICE RECORDS WHICH MAY AFFECT THE PROPERTY. ALL DEDICATIONS ARE SUBJECT TO THE APPROVAL OF THE SULLIVAN COUNTY REGIONAL PLANNING COMMISSION.	I HEREBY CERTIFY THAT THE PROPOSED EGRESS ROUTE IS AVAILABLE TO ALL VEHICLES AND IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE SULLIVAN COUNTY REGIONAL PLANNING COMMISSION AND THAT THE PROPOSED EGRESS ROUTE IS NOT SUBJECT TO ANY OTHER DEEDS OFFICE RECORDS WHICH MAY AFFECT THE PROPERTY. ALL EGRESS ROUTES ARE SUBJECT TO THE APPROVAL OF THE SULLIVAN COUNTY REGIONAL PLANNING COMMISSION.	I HEREBY CERTIFY THAT THE PROPERTY IS AVAILABLE TO ALL VEHICLES AND IS IN ACCORDANCE WITH THE REQUIREMENTS OF THE SULLIVAN COUNTY REGIONAL PLANNING COMMISSION AND THAT THE PROPERTY IS NOT SUBJECT TO ANY OTHER DEEDS OFFICE RECORDS WHICH MAY AFFECT THE PROPERTY. ALL RECORDING APPLICATIONS ARE SUBJECT TO THE APPROVAL OF THE SULLIVAN COUNTY REGIONAL PLANNING COMMISSION.
OWNER: <input type="text"/>	DISTRICT: <input type="text"/>	DATE: <input type="text"/>
DATE: <input type="text"/>	COUNTY ROAD SUPERVISOR/STAFF OF AUTHORIZED REPRESENTATIVE: <input type="text"/>	SULLIVAN COUNTY REGIONAL PLANNING COMMISSION SECRETARY: <input type="text"/>
DATE: <input type="text"/>	DATE: <input type="text"/>	DATE: <input type="text"/>
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Address Data Source
 Sullivan County, Sull Co 911
 Kingsport: Kpi GIS
 Johnson City: JC GIS
 Bristol: Bristol 911

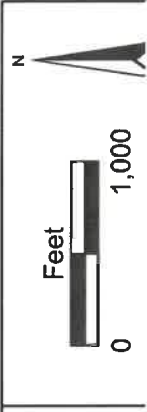
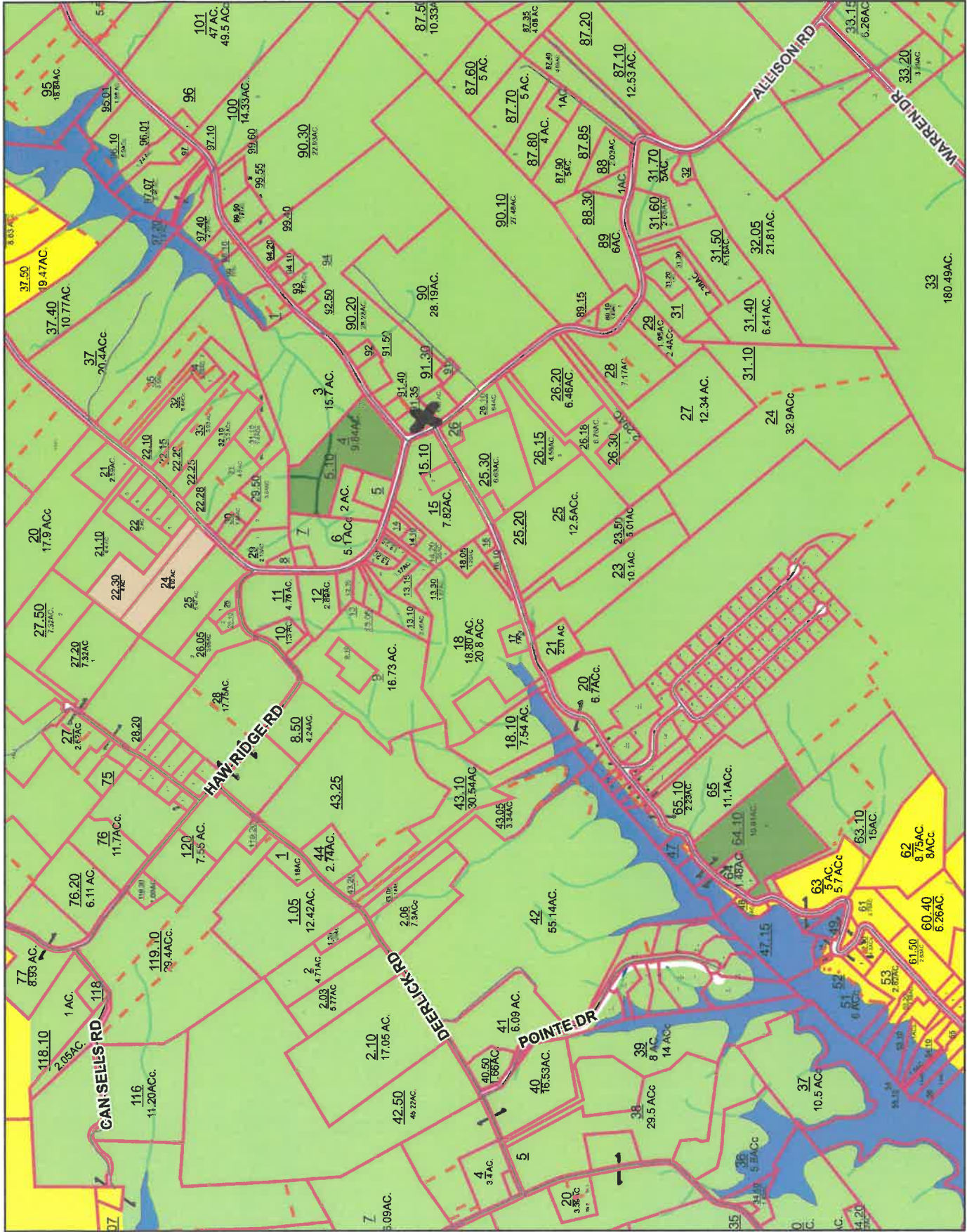
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- Lot Lines
- Parcel Lines (20220325)

Sullivan County Zoning

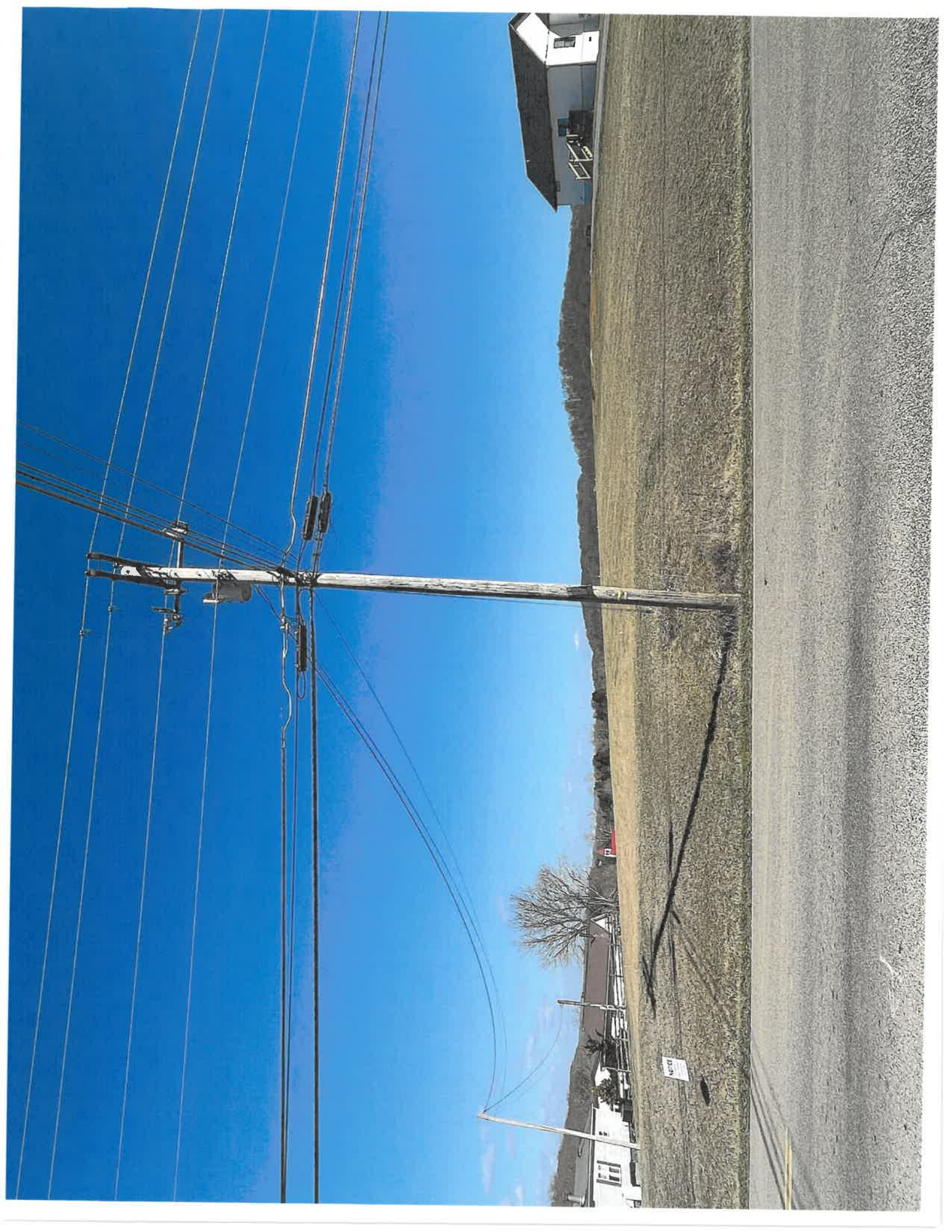
- A-1
- A-2
- A-5
- AR
- B-1
- B-2
- B-3
- B-4
- M-1
- M-2
- PBD-3
- PBD/SC
- PMD-1
- PMD-2
- R-1
- R-2
- R-2A
- R-3
- R-3A
- R-3B
- Water
- Hydrology
- Streams

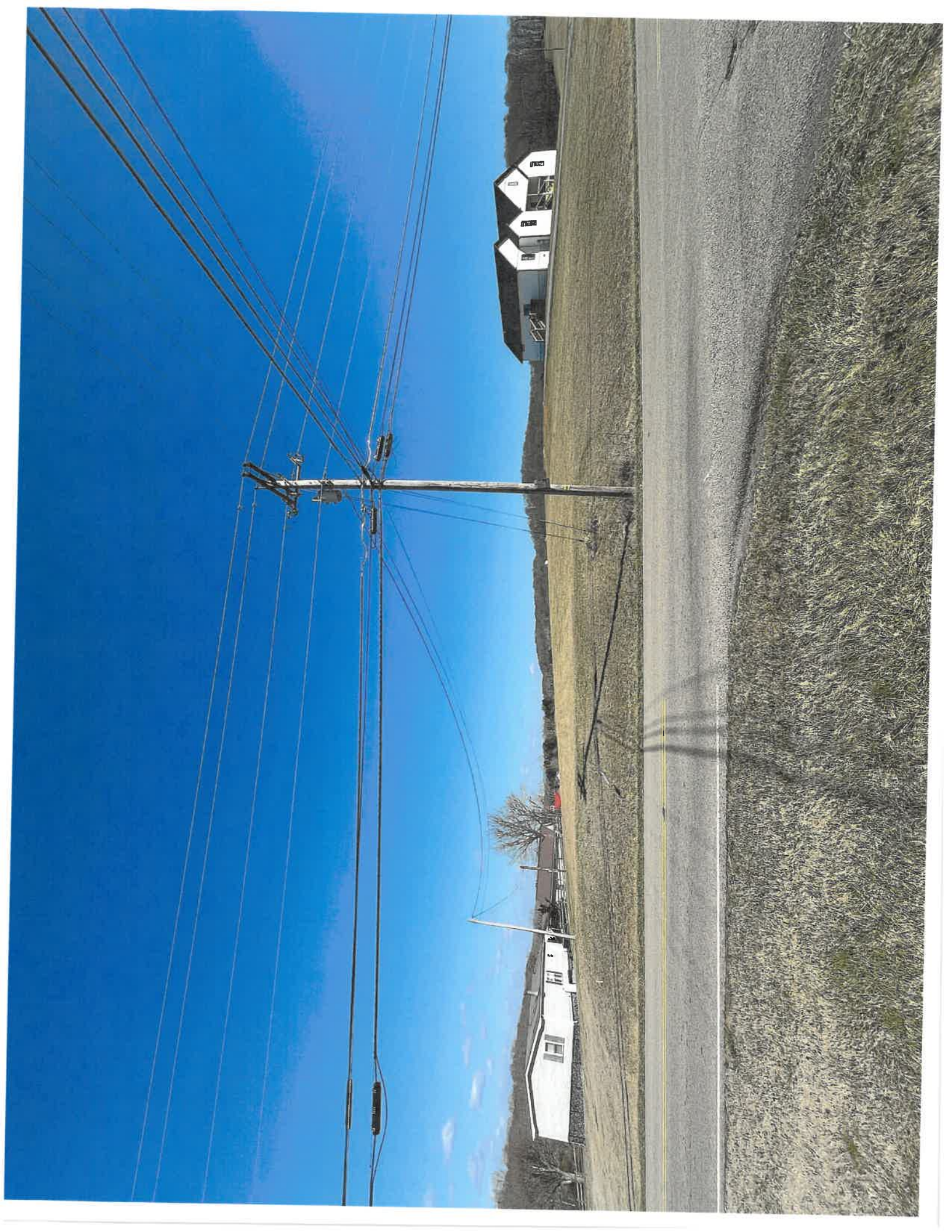


Flood Insurance Rate Map (FIRM) 2007
 0.2 PCT Annual Chance Flood Hazard
 Zone A - No Base Flood Elevations Determined
 Zone AE - Base Flood Elevations Determined

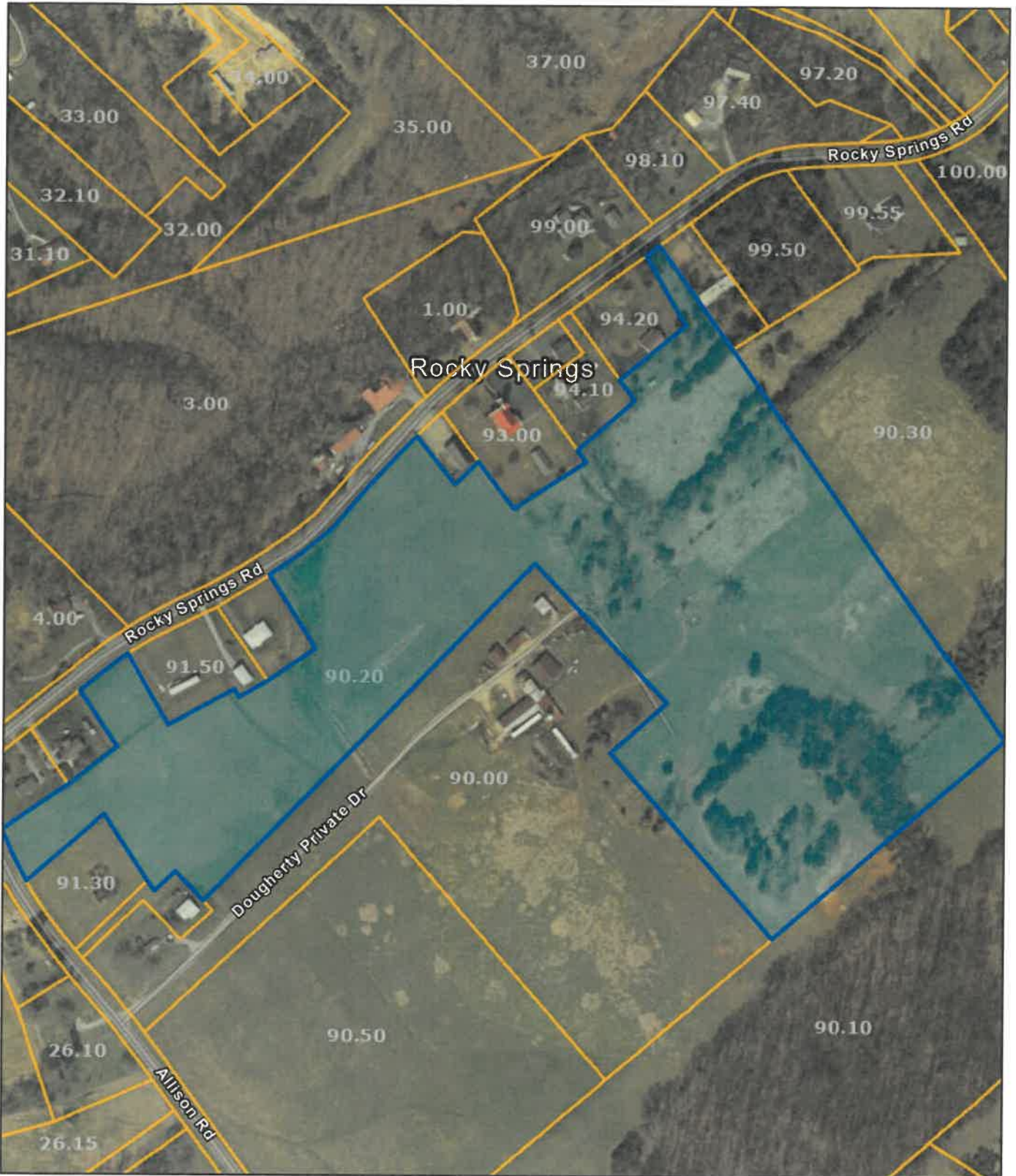
Sullivan County, TN
 Planning and Codes Dept.





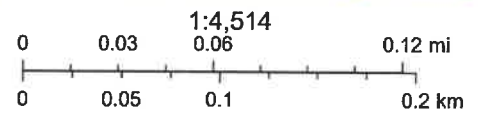


Sullivan County - Parcel: 123 090.20



Date: February 15, 2024

County: Sullivan
Owner: DOUGHERTY THEODORE LEE
Address: ROCKY SPRINGS RD
Parcel Number: 123 090.20
Deeded Acreage: 28.28
Calculated Acreage: 0
Date of TDOT Imagery: 2019
Date of Vexcel Imagery: 2023



Esri Community Maps Contributors, Tennessee STS GIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/ NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, State of Tennessee, Comptroller of the Treasury, TDOT Aerial Surveys

The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.

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

February 8, 2024

Dear Property Owner:

Please be advised that your neighbor, **Theodore Dougherty** has requested the property at **3357 Rocky Springs Road, Piney Flats** be rezoned from General Agricultural (A-1) to Single Family Residential (R-1) so that he can subdivide off a lot along Allison Road for a new home. The A-1 zoning district requires a minimum lot size of one acre and the R-1 district allows for a minimum lot size of ½ acre. The property ID is Tax Map 123 Parcel 090.20 and the proposed house lot is staked with surveying flags for your reference, along Allison Road at the intersection of Hamilton Trail Road. The following are the scheduled meeting dates for this request:

Sullivan County Regional Planning Commission – Tuesday, 6:00 PM on February 20, 2024

Sullivan County Commission's Work Session – Thursday, 6:00 PM on March 14, 2024

The public meetings shall be held in the Historic Sullivan County Courthouse, 2nd Floor Commission Hall at 3411 Highway 126, downtown Blountville. Please let me know if you need any special assistance for these public meetings. The 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 or you may call me directly at 423.279.2603.

Regards,

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



Sullivan (082)
Tax Year 2024 | Reappraisal 2021

Jan 1 Owner
 DOUGHERTY THEODORE LEE
 3357 ROCKY SPRINGS RD
 PINEY FLATS TN 37686

Current Owner
 3357 ROCKY SPRINGS RD
 PINEY FLATS TN 37686

ROCKY SPRINGS RD
 Cntl Map: 123
 Group: 090.20
 Parcel: 090.20
 PI:
 SI: 000

Value Information

Land Market Value: \$201,400
 Improvement Value: \$0
 Total Market Appraisal: \$201,400
 Land Use Value: \$68,800
 Improvement Value: \$0
 Total Use Appraisal: \$68,800
 Assessment Percentage: 25%
 Assessment: \$17,200

Additional Information

General Information

Class: 11 - Agricultural
 City #: City:
 Special Service District 1: 000 Special Service District 2: 000
 District: 20 Neighborhood: A46
 Number of Buildings: 0 Number of Mobile Homes: 0
 Utilities - Water/Sewer: 01 - PUBLIC / PUBLIC Utilities - Electricity: 01 - PUBLIC
 Utilities - Gas/Gas Type: 00 - NONE Zoning:

Outbuildings & Yard Items

Building #	Type	Description	Units
------------	------	-------------	-------

Sale Information

Long Sale Information list on subsequent pages

Land Information

Deed Acres: 28.28	Calculated Acres: 0	Total Land Units: 28.28
Land Code	Soil Class	Units
46 - ROTATION	G	25.33
62 - WOODLAND 2	G	2.95

Sale Information

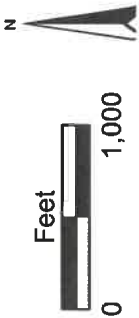
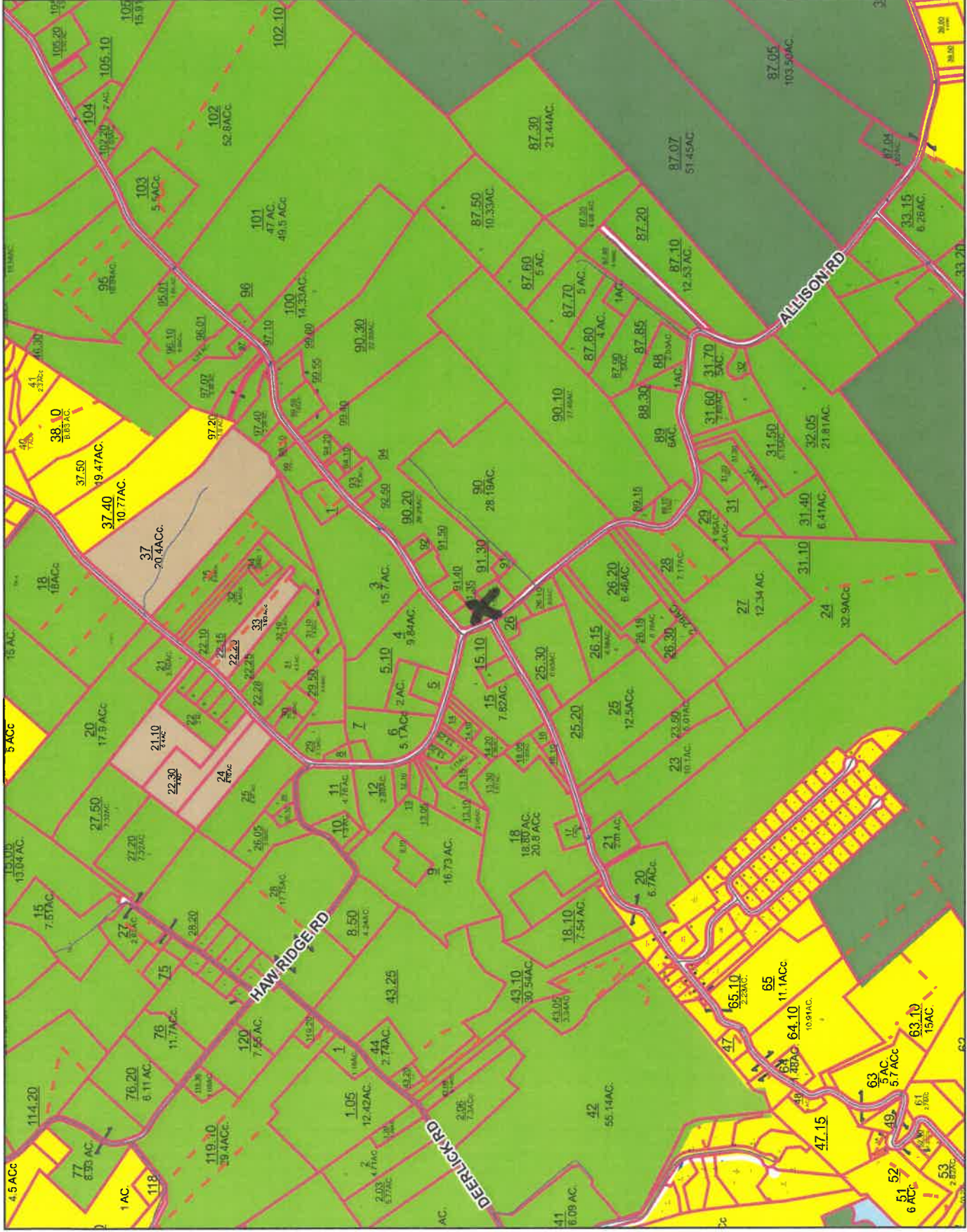
Sale Date	Price	Book	Page	Vacant/Improved	Type Instrument	Qualification
2/15/2017	\$0	3233	604		GB - GREENBELT APPLICATION	-
2/23/2016	\$0	3192	546		-	-
2/17/1974	\$0	42C	189		-	-

Address Data Source
 Sullivan County: Sull Co 911
 Kingsport: Kpt GIS
 Johnson City: JC GIS
 Bristol: Bristol 911

Notice:

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- Lot Lines
- Parcel Lines (20220325)
- Land Use Plan: 2006-2026
 - Ag / Single Fam Res
 - Ag / Open Space
 - Neighborhood Comm
 - Blountville-Mixed Use
 - General
 - Commercial
 - Corridor Commercial
 - Manufact-Light Ind
 - High Impact Use
 - Plan Corridor Comm
 - Plan General Comm
 - Plan Manufac-Lt Ind
 - Plan Manufac-Hvy Ind
 - Plan Unit Devel
 - Low Density Res
 - Medium Density Res
 - High Density Res
 - Mobile Home Park
 - Water
 - Hydrology
 - Streams



Flood Insurance Rate Map (FIRM) 2007
 0.2 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.



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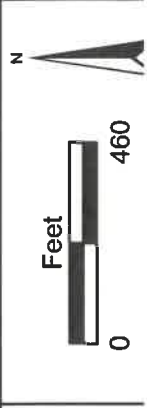
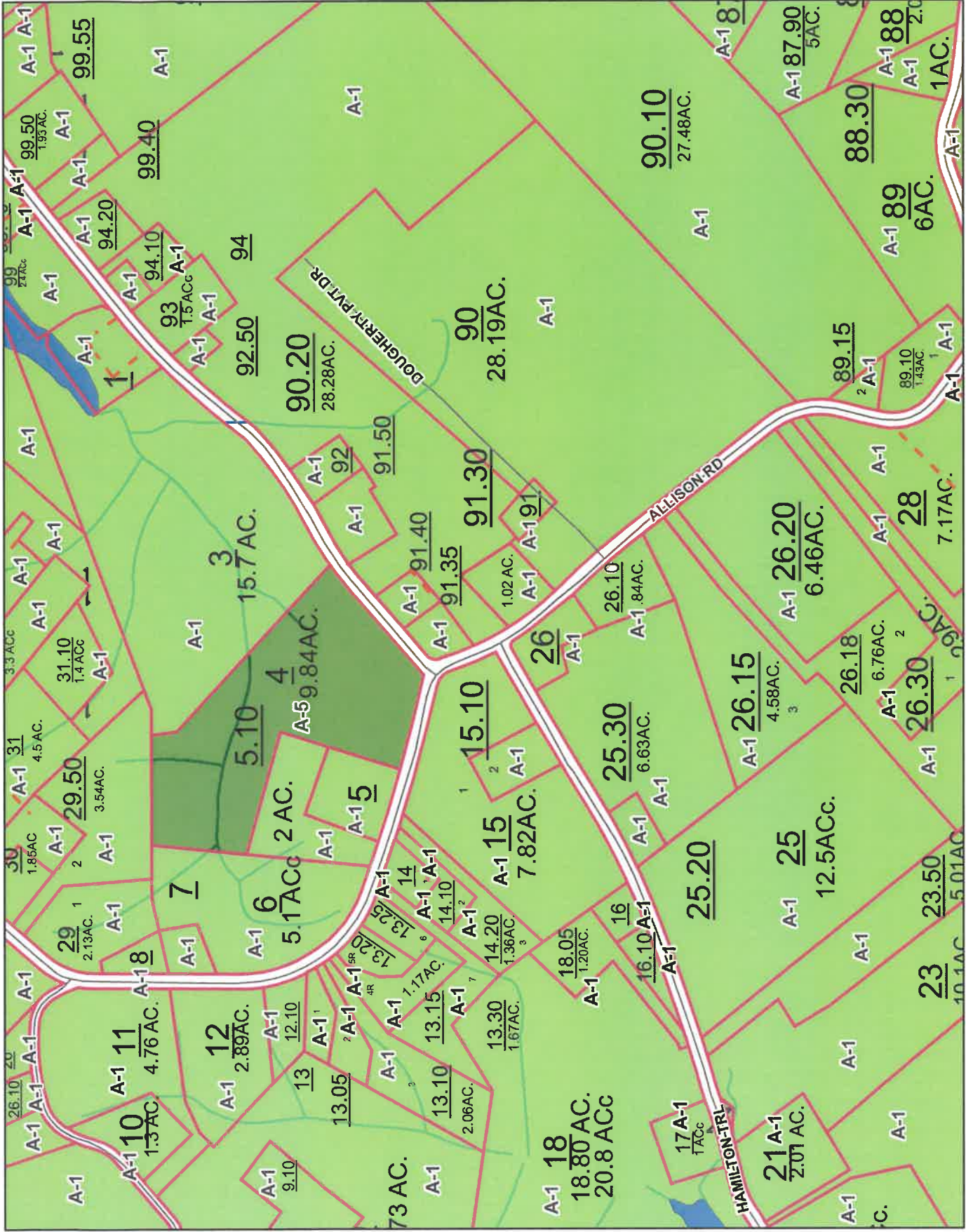
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Lot Lines

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
- Hydrology
- Stream



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



Sullivan County, TN
 Planning and Codes Dept.

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: 01-09-2024

Property Owner: AMA Industrial Services, LLC

Contact Agent: Bill Hall
423-967-0227

Address: 3053 Hart Rd - Lebanon, OH 45036

Email: Billhall@btes-TV

Phone number: 513-836-3800

Email: andrea@amaservicesllc.com

Property Identification

Tax Map: 079

Group:

Parcel: 079 128.35

Zoning Map: 16

Zoning District: B-3

Proposed District: M1

Civil District: 18

Property Location: 2017 Highway 75 South - Blountville, TN 37617

Commission District: 7th

Purpose of Rezoning: New business sales and store flammable products

Meetings

Planning Commission: Sullivan County

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

Date: 02-20-2024

Time: 6:00 PM

Approved:

Denied:

County Commission:

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

Date: 03-14-2024

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:

Andrea P. Simonaco

Date:

1/9/2024

Notary Public:

Tina Rhodus

My Commission Expires:

9/8/2028



Tina Rhodus
Notary Public, State of Ohio
My Commission Expires
September 08, 2028

F2. REZONING REQUEST FROM B-3 (GENERAL BUSINESS) TO M-1 (GENERAL MANUFACTURING)

FINDINGS OF FACT—

Landowner:	AMA Industrial Services, LLC
Applicants:	Andrea R N Licomomaco
Representative:	Bill Hall, agent
Location:	2017 Highway 75 South, Blountville
Mailing Address of Owners:	3053 Hart Road, Lebanon, OH
Civil district of rezoning:	18th
Commission District of rezoning:	7th
Parcel ID:	Tax Map 079, Parcel 128.35
Subdivision of Record:	Brooks Property Division, Plat book 49, Page 77, lot 1
PC1101 Growth Boundary:	Sullivan County Planned Growth Area
Existing Land Use of Lot:	Commercial building – vacant
Utility District:	Johnson City Public Water
Public Sewer:	Johnson City Public Sewer
Lot/Tract Acreage:	Lot 1 .96 of an acre
Flood Plain:	n/a
Existing Zoning:	B-3
Surrounding Zoning:	B-3, M-1, A-1
Proposed Zoning Request:	M-1
Surrounding Land Uses:	General Business, Industrial Business Park, Open Space/Agricultural
2006 Land Use Plan:	General Manufacturing and Future Commercial Corridor
Neighborhood Opposition:	none

Staff Field Notes and Findings of Facts:

- The owner is requesting a rezoning of an existing commercial building and property to be rezoned from B-3 to M-1 so they can locate the AMA Industrial Services business on site.
- Staff recommends in favor of this request based upon the following:
 - The Land Use Plan General Manufacturing and Commercial Corridor Growth;
 - The surrounding lands uses are general retail, Industrial/Business Park and open space
 - Public utilities are available to support this use;

Meeting Notes at Planning Commission:

Staff read her report and findings.

- Bill Hall, Realtor/Agent was present to represent the request. David Shinault, representative from Arc3Gases Inc. was also present. Mr. Shinault stated that Arc3 Gases was a distributor of gases for medical and welding services. This will be their 60th location and it is a family-owned company since the 1940s.
- Ms. Brittenham stated she appreciates when our businesses work closely with our offices to get approvals. She motioned to send a favorable recommendation to the County Commission for the rezoning request. Mary Rouse seconded the motion and the vote in favor passed unanimously.

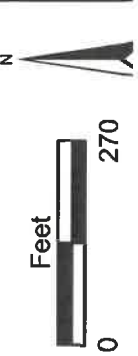
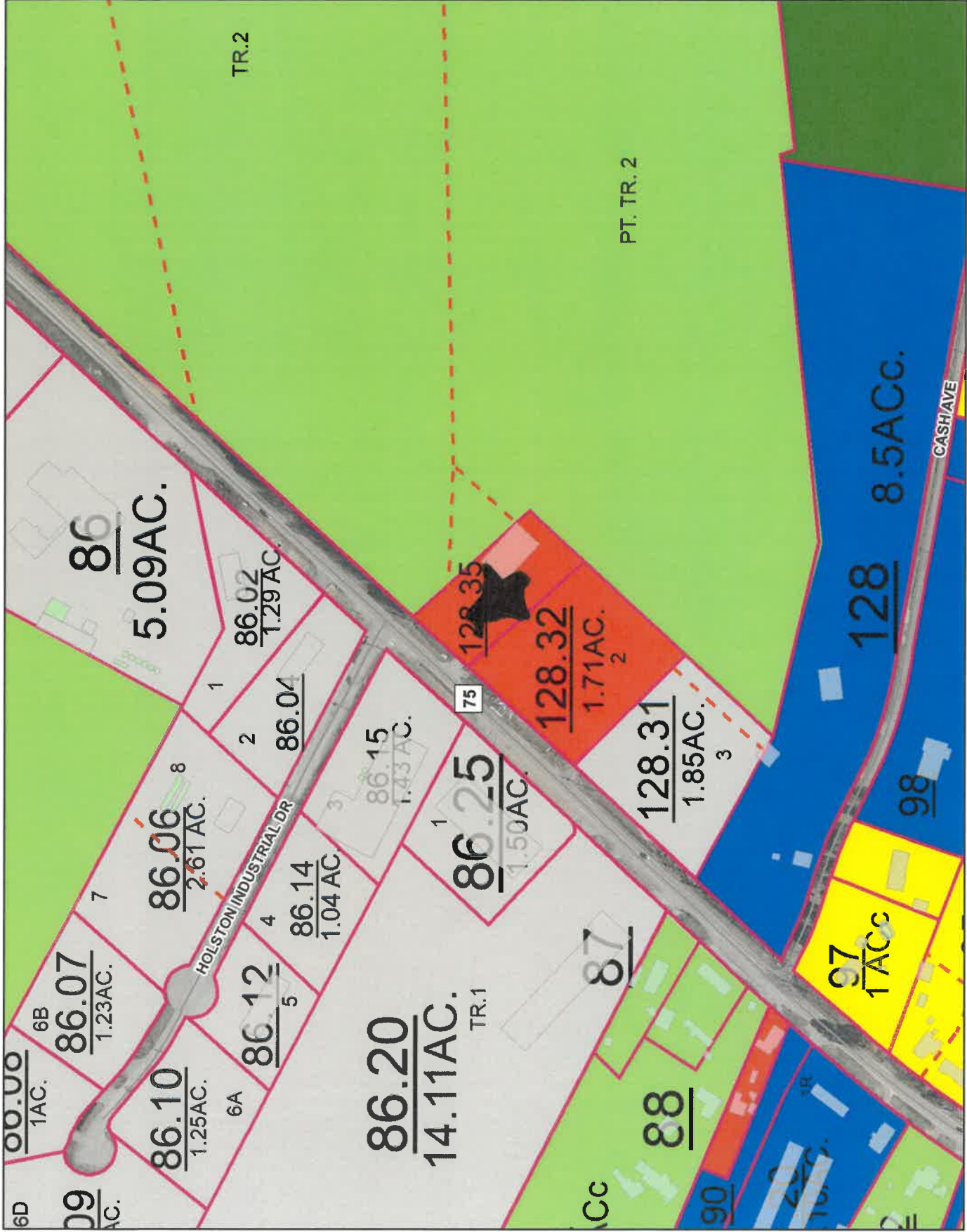
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- Buildings
- Lot Lines
- Parcel Lines (20220325)

Current 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
- Hydrology
- Streams



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

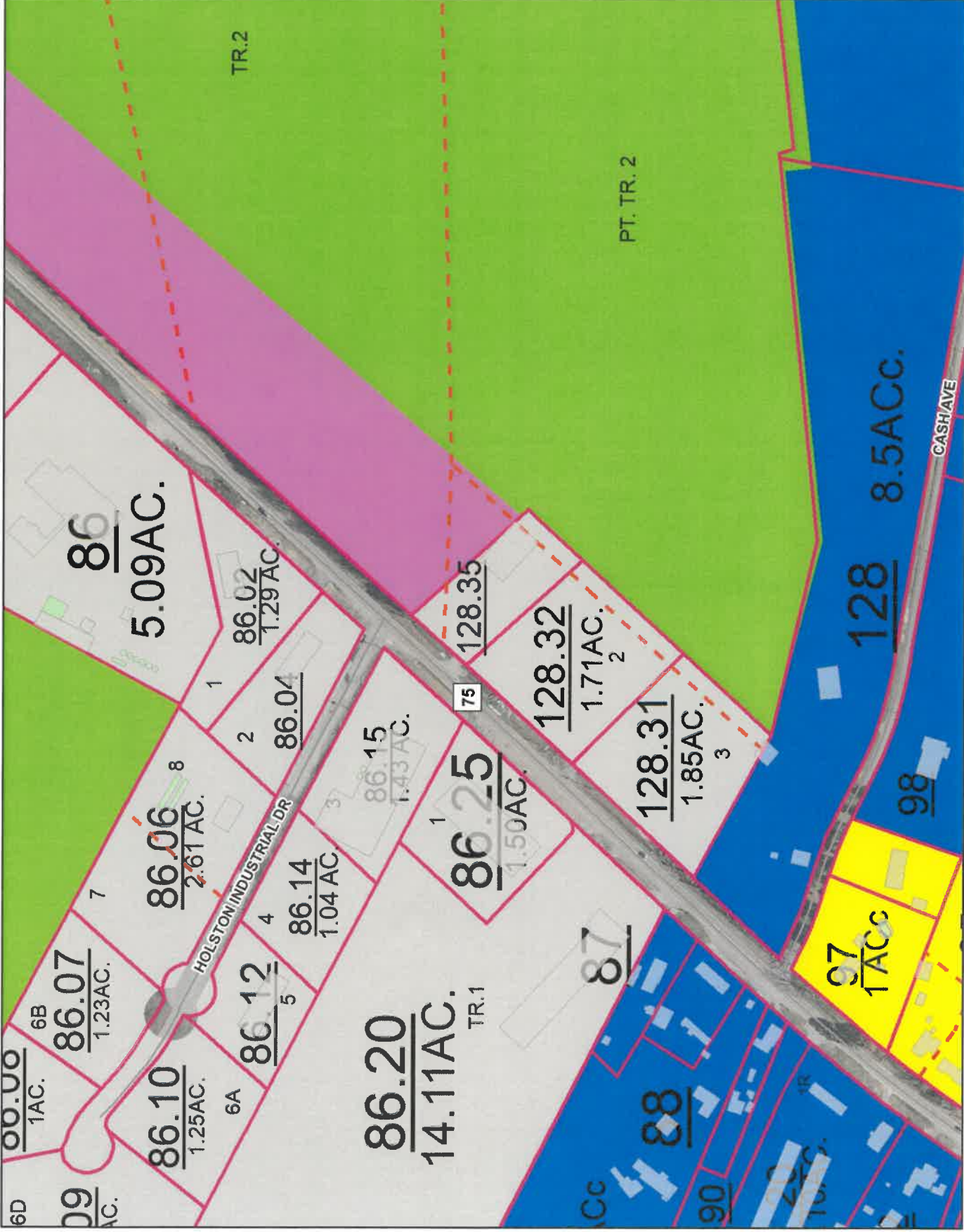
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- Ag / Single Fam Res
- Ag / Open Space
- Neighborhood Comm
- Blountville-Mixed Use
- General Commercial
- Commercial
- Commercial
- Manufac-Light Ind
- High Impact Use
- Plan Corridor
- Comm
- Plan General Comm
- Plan Manufac-Lt Ind
- Plan Manufac-Hvy Ind
- Plan Unit Devel
- Low Density Res
- Medium Density Res
- High Density Res
- Mobile Home Park
- Water
- Hydrology
- Streams



Flood Insurance Rate Map (FIRM) 2007

- 0.2 PCT Annual Chance Flood Hazard
- Zone A - No Base Flood Elevations Determined
- Zone AE - Base Flood Elevations Determined

Feet
 0 270

N

Sullivan County, TN
 Planning and Codes Dept.

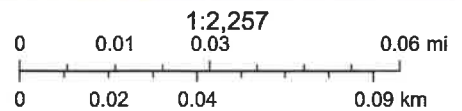


Sullivan County - Parcel: 079 128.35



Date: February 15, 2024

County: Sullivan
Owner: AMA INDUSTRIAL SERVICES LTD
Address: HWY 75 2017
Parcel Number: 079 128.35
Deeded Acreage: 0.96
Calculated Acreage: 0
Date of TDOT Imagery: 2019
Date of Vexcel Imagery: 2023



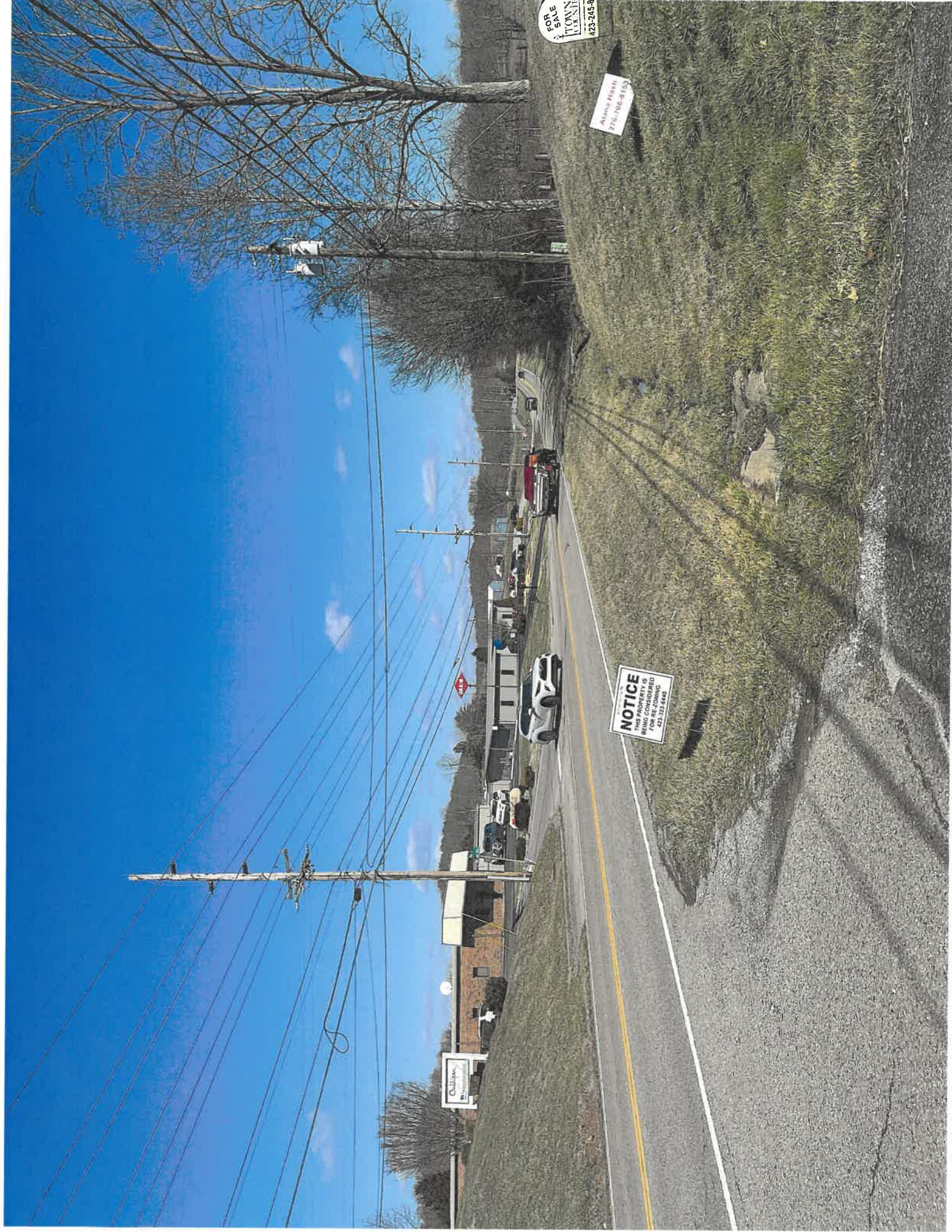
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The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.



AMA SERVICES LLC
CONSTRUCTION LLC
1000 S. 10th St.
Tulsa, OK 74106

AMA



FOR SALE
TOWN LOT
423-245-6

Along Hush
278-208-8123

NOTICE
THIS PROPERTY IS
BEING CONSIDERED
FOR RE-ZONING
423-323-8440

Callahan
Real Estate

Ambre Torbett

From: Larry Magdovitz <Larry@harrimack.com>
Sent: Friday, February 23, 2024 3:35 PM
To: William Hall
Cc: Eric Fleming; Ambre Torbett
Subject: **EXTERNAL**RE: 2017 Hwy 75 Blountville, TN

You don't often get email from larry@harrimack.com. [Learn why this is important](#)

Thanks Bill, I looked at Arc3's website and they look like a good company. I googled it as well looking for any explosions related to Arc3 and didn't find any of those either. I wouldn't have any objection to them being next door to the Dollar General.

Sincerely,
Larry Magdovitz

Lawrence M. "Larry" Magdovitz, II, J.D., LL.M, CPM
1005 Cordova Station Ave
Cordova, TN 38018
(901) 737-0500 ext 201
(901) 737-1604 (fax)
larry@harrimack.com



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From: William Hall <wrh4883@icloud.com>
Sent: Friday, February 23, 2024 12:57 PM
To: Larry Magdovitz <Larry@harrimack.com>
Cc: Eric Fleming <Eric@harrimack.com>; planning@sullivancountytg.gov
Subject: Re: 2017 Hwy 75 Blountville, TN

Larry, I will be glad to talk with you. I'm attaching the company's website to give you additional information. This is family owned company with almost 60 locations. They have been in business 90+ years. Please call after you review their website, if you have further questions. I can also refer you to one of their representatives if I can't answer your questions.

Thanks,
Bill Hall
Earl Webb Real Estate, Inc.
190 Bluff City Hwy
Bristol, TN 37620
423-764-4114 (work)
423-967-0227 (mobile)

On Feb 23, 2024, at 12:32 PM, Larry Magdovitz <Larry@harrimack.com> wrote:

Dear Bill,

I got your information from Ambre Torbett at Sullivan County Planning & Codes. My company owns the Dollar General building adjacent to the AMA Industrial Services building. I wanted to get some more information about what the potential use of the building is if the rezoning is approved. Given what I have been told so far, we would have concerns about customer safety and fire risk to our building given the close proximity of the building and the fenced in area on the AMA property. If you would please give me a call I would appreciate it.

Sincerely,
Larry Magdovitz

Lawrence M. "Larry" Magdovitz, II, J.D., LL.M, CPM
1005 Cordova Station Ave
Cordova, TN 38018
(901) 737-0500 ext 201
(901) 737-1604 (fax)
larry@harrimack.com

<image001.jpg>

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=

SULLIVAN COUNTY ZONING RESOLUTION

TEXT AMENDMENT PROCESS AND CHECKLIST:

Date: 1/30/2024

Article Reference (Pg #): 3-103.6

Existing Zoning Resolution Text:

include Table 103C

Proposed Zoning Resolution Text Amendment:

delete table 103C and replace with 5% lot coverage

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

(see public comments AND Minutes)

Initiated by:

Planning Director staff & County Commissioners

Sullivan County Regional Planning Commission

Landowner/Developer

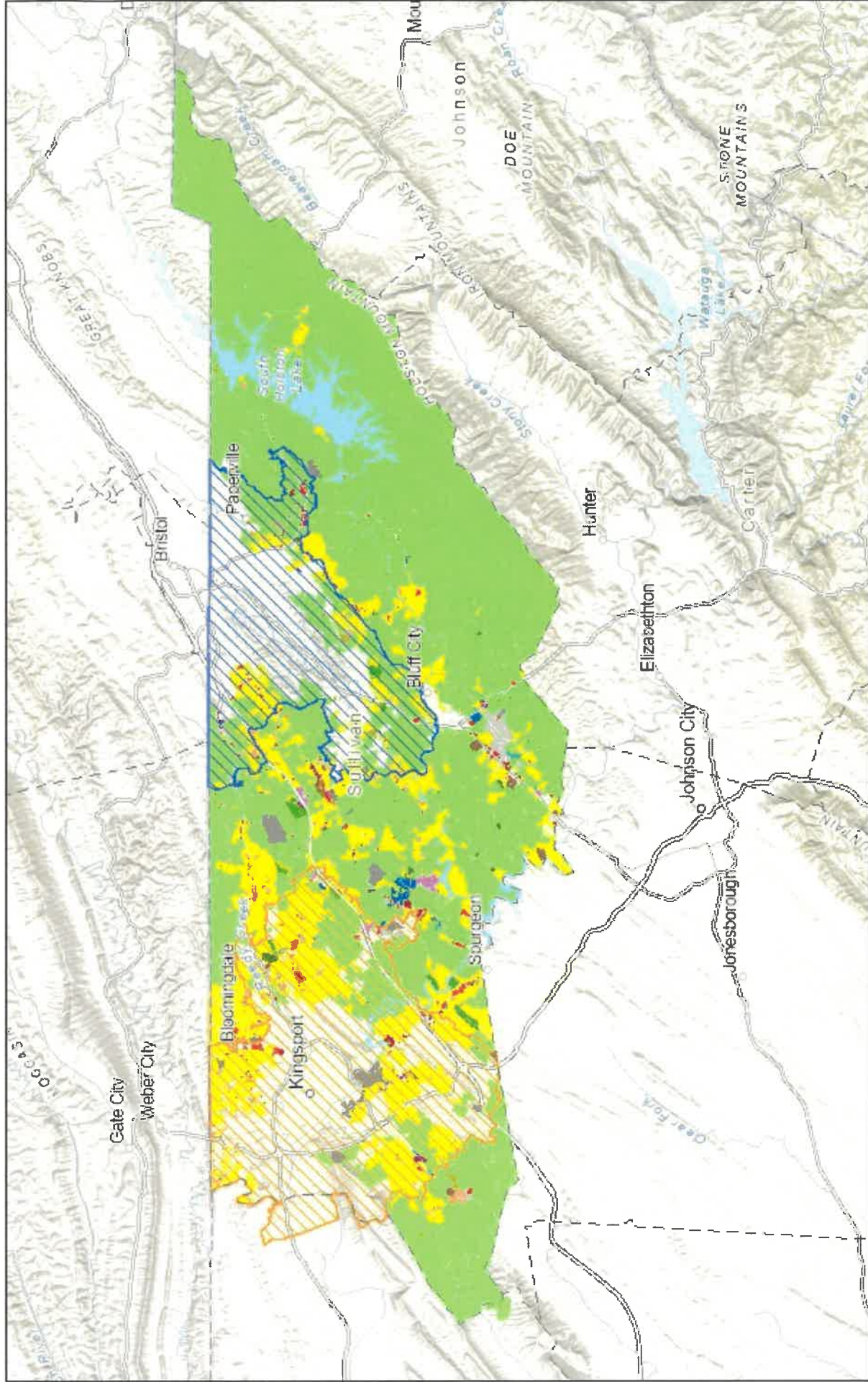
Review and Recommendation Timeline:

<u>Public Review</u>	<u>Date</u>	<u>Recommendation</u>	<u>Vote Tally</u>
Initial Discussion by SCRPC	<u>12/19/2023</u>	<u>study/review</u>	<input checked="" type="checkbox"/>
2nd Review by SCRPC	<u>1/30/2024</u>	<u>APPROVED</u>	<u>8 yes / 1 absent</u>
Bristol Staff	<u>1/31/2024</u>	<u>review</u>	<input checked="" type="checkbox"/>
Bristol Regional PC	<u>2/19/2024</u>	<u>unfavourable</u>	<u>8 no / 1 yes</u>
Kingsport Staff	<u>1/31/2024</u>	<u>review</u>	<input checked="" type="checkbox"/>
Kingsport Regional PC	<u>2/15/2024</u>	<u>favourable</u>	<u>7 yes / 0 no</u>
Public Notice	<u>2/2/2024</u>		
County Commission Public Hearing	<u>3/14/2024</u>	APPROVED	15 YES, 7 NO, 2 ABSENT
<i>If CC Denies/Remands back for further Study - repeat full public review process</i>			

Yard Regulations

1. Minimum Width or Depth - Yards having the minimum width or depth set forth for the various districts in TABLE 3-103B, shall be provided on all lots
2. Permitted Structures in Yards and Customary Residential Accessory Structures - In all agricultural and residential districts, the following shall not be considered obstructions when located within any yard except that these items shall comply with Subpart 3, of this section, (Obstructions Prohibited at Street Intersections).
 - a. In Any Yard:
 - ◆ Arbors and trellises not attached to the principal structure or accessory structure.
 - ◆ Driveways subject to other specific provisions of this resolution related directly thereto.
 - ◆ Flagpoles having only one structural ground member.
 - ◆ Fountains.
 - ◆ Mailboxes.
 - ◆ Open terraces, including natural plant landscaping, not including decks (decks are subject to principal structure setbacks).
 - ◆ Pet enclosures less than one hundred (100) square feet.
 - ◆ Sculpture or other similar objects of art, which do not advertise any business or service.
 - ◆ Street furniture such as, but not limited to, benches, drinking fountains, trash receptacles, ashtrays, or light standards.
 - ◆ Vehicular parking areas, unless, otherwise, specifically prohibited by applicable sections of this resolution.
 - ◆ Vents necessary for use of fallout shelters constructed below grade of such yards but excluding all other parts of such shelters.
 - ◆ Privacy walls, or fences not exceeding eight (8) feet in height measured from finish grade level and not roofed or structurally part of a building. (*amended 09.15.2022*)
 - b. In Any Rear Yard: - There shall be a minimum setback requirement of (8) eight feet for all detached accessory structures including those that do not require a building permit such as:
 - ◆ Clothes Poles or clotheslines.
 - ◆ Private playground sets, swings/Recreational equipment.
 - ◆ Small sheds or dog kennels
 - c. Customary Residential Accessory Structures provided such structures comply with the following criteria:
 - i. Structures placed in the rear yard behind the principal structure shall be setback a minimum of (8) eight feet from the sides and rear property line to avoid any utility and drainage easements (refer to survey or plat).
 - ii. Structures placed in the side yard, (to the side of the residence) shall meet the minimum principal building setback requirements for that particular zone in order to avoid any utility and drainage easements and to allow proper separation between neighboring structures.
 - iii. If in the opinion of the Building Commissioner the structure cannot be located in the rear or side yards due to topographical constraints pursuant to Article XII, the Building Commissioner may allow such structure to be placed in the front yard with minimum building setbacks applicable for that particular zone, as required for the principal structure.
 - iv. The total maximum area coverage of all residential accessory structures cannot exceed five (5%) percent of the total parcel (lot/tract) acreage. ~~or exceed the maximum total building footprint area of structure(s) by zoning district.~~ (See Table 3-103C herein); whichever is less.
 - v. Prior to issuance of a permit, the property owner shall sign a statement affirming that the use of such structure is and will remain in compliance with the applicable zone.
 - vi. All structures less than 120 square feet and not having a fixed base to the ground shall require no permit but shall adhere to the minimum setbacks and location as required above (*amended on 12/19/2011 to comply with the 2006 IRC*).
 - vii. All structures, regardless of size or permit requirement, shall conform to the above setback and use restrictions.
 - viii. For Planned Developments such as: patio homes, condominium, townhouse, mobile home park, apartment complexes, campgrounds and cabin developments, see Supplemental Regulations by district.

Zoning Map for Sullivan County, Tennessee



1/29/2024

F7. Zoning Text Amendment – Table 3-103C – Delete table and amend text

3-103.6

- c. Customary Residential Accessory Structures provided such structures comply with the following criteria:
 - i. Structures placed in the rear yard behind the principal structure shall be setback a minimum of (8) eight feet from the sides and rear property line to avoid any utility and drainage easements (refer to survey or plat).
 - ii. Structures placed in the side yard, (to the side of the residence) shall meet the minimum principal building setback requirements for that particular zone in order to avoid any utility and drainage easements and to allow proper separation between neighboring structures.
 - iii. If in the opinion of the Building Commissioner the structure cannot be located in the rear or side yards due to topographical constraints pursuant to Article XII, the Building Commissioner may allow such structure to be placed in the front yard with minimum building setbacks applicable for that particular zone, as required for the principal structure.
 - iv. The total maximum area coverage of all residential accessory structures cannot exceed five (5%) percent of the total parcel (lot/tract) acreage. ~~or exceed the maximum total building footprint area of structure(s) by zoning district. (See Table 3-103C herein); whichever is less.~~
 - v. Prior to issuance of a permit, the property owner shall sign a statement affirming that the use of such structure is and will remain in compliance with the applicable zone.
 - vi. All structures less than 120 square feet and not having a fixed base to the ground shall require no permit but shall adhere to the minimum setbacks and location as required above (amended on 12/19/2011 to comply with the 2006 IRC).
 - vii. All structures, regardless of size or permit requirement, shall conform to the above setback and use restrictions.
 - viii. For Planned Developments such as: patio homes, condominium, townhouse, mobile home park, apartment complexes, campgrounds and cabin developments, see Supplemental Regulations by district.

Meeting Notes at Planning Commission:

- *Staff shared the background report and discussed the need to change this zoning regulation by changing it to 5% of lot/tract size to ensure buildings are proportional to the land rather than restricted by zoning district. Discussion followed regarding the changes and how the county's needs have changed. Staff opined that since the pandemic more folks own RVs and boats than ever before, thus the influx of site plans for RV Storage Lots and larger garages. Dr. Rouse stated that the Zoning Code is a living document and must keep up with the changes of our community. Discussion continued regarding the changes as presented and the public comment from Commissioner Vanover in the beginning of the meeting.*
- *Mary Rouse motioned to send a favorable recommendation onto the County Commission.*
- *Steven Hobbs seconded the motion and the vote in favor of the motion to support the text amendment, passed unanimously.*

Ambre Torbett

From: McMurray, Jessica <JessicaMcMurray@KingsportTN.gov>
Sent: Friday, February 16, 2024 10:48 AM
To: Ambre Torbett
Cc: Luke Meade; Weems, Ken
Subject: **EXTERNAL**RE: EXTERNAL: Amendment to the Sullivan County Zoning Resolution on Residential Accessory Structures - 3-103 - 5% of acreage

Ambre,

The Kingsport Planning Commission voted 7-0 to send a positive recommendation to the Sullivan County Commission in support of the Amendment to the Sullivan County Zoning Resolution on Residential Accessory Structures - 3-103 - 5% of acreage.

Thanks,
Jessica McMurray
Development Coordinator
City of Kingsport
P: 423-224-2482
C: 423-430-0126
jessicamcmurray@kingsporttn.gov



415 Broad Street
Kingsport, TN 37660
www.kingsporttn.gov

From: Ambre Torbett [mailto:planning@sullivancountyttn.gov]
Sent: Wednesday, January 31, 2024 11:12 AM
To: Cherith Young; Heather Moore (hmoore@bristoltn.org); Weems, Ken; McMurray, Jessica
Cc: Luke Meade
Subject: EXTERNAL: Amendment to the Sullivan County Zoning Resolution on Residential Accessory Structures - 3-103 - 5% of acreage

CAUTION: This email originated from outside of the city. DO NOT click links or open attachments unless you recognize and/or trust the sender. Contact the IT Dept with any questions or concerns.

Good morning fellow planners,
The Sullivan County Board of County Commissioners has requested staff to study the zoning regulations regarding the total square footage allowance for residential accessory structures. Several commissioners wanted to see more flexibility and square footage for larger tracts.

The Sullivan County Regional Planning Commission met last night (rescheduled meeting due to snow day on January 16th) and unanimously approved this minor text amendment to the Zoning Resolution regarding residential accessory structure regulations. This will thus delete the table entirely and use a 5% coverage of detached residential accessory structures (total of all structures if more than one) per the total land area.

For example: a 20,000 square foot lot (minimum lot on septic per TDEC) which is the minimum in R-1 and higher would allow a total square footage of 1,000

For a typical one acre lot (43,560 sq. ft) that would equate to 2178 square feet.

For a 5-acre tract this would allow up to a total of 10,000 square feet. Keep in mind, such a large tract might include a guest house, garage, carport, pool house, storage building.

However, most of our undeveloped parcels are much larger tracts. This amendment will not override the supplemental regulations for planned developments such as condos, townhouses, apartments, mobile home parks and campground/cabin developments. This regulation serves only single family residential.

Table 3-103C was added in 2020 and updated in 2022. Prior to Table 3-103C, the standard was a maximum of 2,000 square feet total for all parcels regardless of zoning district. The "one size fits all" had not met the needs of our rural residents. The Table was included to break it down by zoning district. The flaw in the table is that most of the county is zoned A-1 with varying lot sizes. This resulted in many requests for rezonings.

The county is experiencing "growing pains" with folks wanting larger tracts and to have more options to build garages and such. In the 1980s when zoning was adopted, the need for storing boats and RVs was not common. Post COVID, more folks have boats and RVs now and traditional two-bay garages are not enough. The county has approved many RV storage facilities in the last 5 years, more than ever before, to address these issues.

Please add this amendment to your upcoming Planning Commission meetings for PC review and hopefully recommendation.

Thank you so very much,

Ambre M. Torbett, AICP

*Director of Planning & Community Development
Stormwater Administrator*

Sullivan County, Tennessee

Planning & Codes Department

3425 Hwy 126 | Historic Snow House

Blountville, TN 37617

Desk: 423.279.2603 | Main: 423.323.6440

Ambre Torbett

From: Heather Moore <hmoore@bristoltn.org>
Sent: Wednesday, February 21, 2024 1:39 PM
To: Ambre Torbett
Cc: Cherith Young
Subject: **EXTERNAL**Bristol Planning Commission recommendation to Sullivan County Commission - SCZR residential accessory structure text amendment
Attachments: Staff recommendation packet 2.19.24 Bristol PC.pdf

Good afternoon, Ambre. Bristol Municipal Regional Planning Commission reviewed the proposed Sullivan County residential accessory structure text amendment during their February 19, 2024 meeting. After discussion, they voted (8-1) to send an unfavorable recommendation to the Sullivan County Commission.

The staff recommendation is attached. Please let me know if you have any questions.

Thank you.

Regards,

Heather Moore, AICP
Land Use Planner, City of Bristol, Tennessee
104 8th Street, Bristol, TN 37620
hmoore@bristoltn.org <<mailto:hmoore@bristoltn.org>>
Office: 423-989-5549
Fax: 423-989-5717

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To: Bristol Tennessee Municipal-Regional Planning Commission

From: Heather Moore

Date: February 18, 2024

Subject: Residential Accessory Structure text amendment to Sullivan County Zoning Resolution

BACKGROUND

On January 30, 2024, the Sullivan County Regional Planning Commission voted to forward a positive recommendation to the Sullivan County Commission for the attached text amendment to *Section 3-103.6 Yard Regulations* of the Sullivan County Zoning Resolution. This will amend standards for residential accessory structures.

The Bristol Municipal-Regional Planning Commission must make a recommendation on the proposed text amendment because it will affect property located within the city's Urban Growth Boundary. The recommendation will be forwarded to the Sullivan County Commission for final action on March 14, 2024. Draft minutes from the January 2024 Sullivan County Planning Commission meeting are included.

Ambre Torbett explained the impetus for the amendment is the regularity at which county residents desire larger tracts of land with more space to build garages and accessory structures. In the 1980s, when county zoning was adopted, the need for storing boats and RVs was not as common. Post-COVID, more people have boats and RVs now and traditional two-bay garages don't always provide the desired storage space. The county has approved many RV storage facilities in the last 5 years, more than ever before, to address these issues. Bristol staff has noted at least two occasions in the past five years in which we have processed an application within the Urban Growth Boundary for a rezoning request to an A-5 district specifically to accommodate more or larger accessory structures.

The Bristol Planning Commission has previously reviewed and recommended revisions related to this topic, in 2020 and 2022. The most significant action occurred in 2020 and was in conjunction with the creation of the A-5 (Large Tract Rural Residential and General Agricultural District) zone. The 2020 amendment established *Table 3-103C Regulations for Detached Residential Accessory Structures by District*. Before the creation of *Table 3-103C*, the standard was a maximum of 2,000 square feet total for all parcels regardless of zoning district. *Table 3-103C* was introduced in the Zoning Resolution to provide metrics per zoning district. The 2,000 square-foot cap for all residential districts was reduced to 1,000 square feet in residential zones, and a range from 2,400-3,000 square feet was introduced in the agricultural zones.

The 2022 amendment changed amended terms in the Zoning Resolution to replace "total square footage" with "area coverage" and "building footprint" in the measurement of detached residential accessory structures (and updated corresponding *Table 3-103C*). As explained at the time, this was to clarify that footprint area was applicable in the measurement of detached structures rather than total square footage. Total square footage could penalize property owners with detached structures with multiple floors or finished attics if the "total area" was used as the applicable metric.

PROPOSAL

The current proposal was requested by the Sullivan County Commission to provide more flexibility and square footage for residential accessory structures on larger tracts. The resulting edits provide for the deletion of Table 3-103C and introduce a 5% coverage allowance for detached residential accessory structures (total of all structures if more than one) per the total land area to apply across all residential and agricultural zones. The amendment will not override the supplemental regulations for planned developments such as condos, townhouses, apartments, mobile home parks and campground/cabin developments. This regulation serves only single-family residential.

Sullivan County staff provided examples in the attached email that for a 5-acre tract this would allow up to a total of 10,000 square feet. Such a large tract might include a guest house, garage, carport, pool house, and storage building, and the 10,000 square feet would be divided among these detached structures as desired by the property owner. A typical one-acre lot (43,560 square feet) would allow 2,178 square feet in allowance for detached structures. A 20,000-square-foot lot (the minimum lot size in the R-1 zone and minimum lot allowed on a septic system per TDEC) would allow the total square footage for detached accessory structures of 1,000 square feet.

The City of Bristol Zoning Ordinance's residential accessory structure standards do not provide a maximum size in terms of square feet, but they must be subordinate in size and use to the primary residential structure. Size maximum is measured in percentage terms; the accessory structure may cover up to 25% of the affected required side yard and rear yard area, provided that the district "maximum lot coverage", which is assigned per zoning district, is not exceeded.

Staff sees no conflict with the Zoning Resolution update and supports these revisions as they provide more opportunity and flexibility based on parcel size. Ms. Torbett plans to attend the Planning Commission meeting on February 19th to answer questions related to the proposed ordinance.

STAFF RECOMMENDATION

Staff recommends that the Bristol Tennessee Municipal-Regional Planning Commission forward a favorable recommendation to the Sullivan County Commission for the approval of this text amendment.

REVIEW/APPROVAL PROCESS – NEXT STEPS

Staff will communicate the Bristol-Municipal Regional Planning Commission's recommendation to the Sullivan County Commission. The Sullivan County Commission is scheduled to hear this request on March 14, 2024, at 6 p.m.



Heather Moore, AICP
Land Use Planner

Sullivan County Zoning Resolution Residential Accessory Structure Code

Original Text: 1988

Article: 202 – Definition

Accessory Use or Accessory Structure. A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.

Article 603: Customary accessory buildings or structures, provided they are located in the rear yard and not closer than five feet to any lot line.

Amended Code: 2004 (original code was updated using State Model Ordinance)

◆ Customary Residential Accessory Structures provided such structures comply with the following criteria:

- i. Structures placed in the rear yard behind the principal structure shall be setback a minimum of (8) eight feet from the sides and rear property line to avoid any utility and drainage easements (refer to survey or plat).
- ii. Structures placed in the side yard shall meet the minimum principal building setback requirements for that particular zone.
- iii. If in the opinion of the Building Commissioner the structure cannot be located in the rear or side yards due to topographical constraints pursuant to Article XII, the Building Commissioner may allow such structure to be placed in the front yard with minimum building setbacks applicable for that particular zone, as required for the principal structure.
- iv. All customary residential accessory structures located in the front, side or rear yard shall not be larger in area (total square footage) than the outside perimeter (footprint) of the principal structure.
- v. The total area of all accessory structures shall not exceed (10%) ten percent of the total area of the property.
- vi. Prior to issuance of a permit, the property owner shall sign a statement affirming that the use of such structure is and will remain in compliance with the applicable zone.
- vii. All structures less than 200 square feet and not having a fixed base to the ground require no permit.
- viii. All structures, regardless of size or permit requirement, shall conform to the above setback and use restrictions.

Accessory Use or Accessory Structure – Any use or structure in any zoning district, which meets the criteria set below:

- A. Accessory Use – A use that is necessary, customary, incidental and subordinate to the main use of the property and located on the same lot as the main use.
- B. Accessory Structure – A structure that is customarily designed and used as an accessory use; **excluding** singlewide mobile homes, tractor trailers, car trailers, buses, recreational vehicles, any other type of vehicle and the like.

Amended Code: October 17, 2005

- i. The total maximum size of all accessory structures cannot exceed ten (10%) percent of the total parcel area or exceed 2000 square feet in total area; whichever is less (amended on August 15, 2005).

Amended Code: December 19, 2011

All structures less than 120 square feet and not having a fixed base to the ground require no permit, shall adhere to the minimum setbacks and location as required above (amended on 12/19/2011 to comply with the 2006 IRC).

Amended Code: 2020

- c. Customary Residential Accessory Structures provided such structures comply with the following criteria:
- i. Structures placed in the rear yard behind the principal structure shall be setback a minimum of (8) eight feet from the sides and rear property line to avoid any utility and drainage easements (refer to survey or plat).
 - ii. Structures placed in the side yard shall meet the minimum principal building setback requirements for that particular zone.
 - iii. If in the opinion of the Building Commissioner the structure cannot be located in the rear or side yards due to topographical constraints pursuant to Article XII, the Building Commissioner may allow such structure to be placed in the front yard with minimum building setbacks applicable for that particular zone, as required for the principal structure.
 - iv. The total maximum square footage of all accessory structures cannot exceed ten (10%) percent of the total parcel area or exceed the maximum total square footage of structure by zoning district. (See Table 3-103C herein); whichever is less.
 - v. Prior to issuance of a permit, the property owner shall sign a statement affirming that the use of such structure is and will remain in compliance with the applicable zone.
 - iv. All structures less than 120 square feet and not having a fixed base to the ground require no permit, shall adhere to the minimum setbacks and location as required above (amended on 12/19/2011 to comply with the 2006 IRC).
 - vii. All structures, regardless of size or permit requirement, shall conform to the above setback and use restrictions.

TABLE 3-103C

REGULATIONS FOR DETACHED RESIDENTIAL ACCESSORY STRUCTURES BY DISTRICT

<u>District Area</u>	<u>Zoning District Name</u>	<u>Maximum Total Square Footage for Detached Accessory Buildings</u>	<u>%</u>
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)

Amended Code: October 20, 2022 (When Appendix D was amended to include A-RV and RRC districts)

- c. Customary Residential Accessory Structures provided such structures comply with the following criteria:
- i. Structures placed in the rear yard behind the principal structure shall be setback a minimum of (8) eight feet from the sides and rear property line to avoid any utility and drainage easements (refer to survey or plat).
 - ii. Structures placed in the side yard shall meet the minimum principal building setback requirements for that particular zone.
 - iii. If in the opinion of the Building Commissioner the structure cannot be located in the rear or side yards due to topographical constraints pursuant to Article XII, the Building Commissioner may allow such structure to be placed in the front yard with minimum building setbacks applicable for that particular zone, as required for the principal structure.
 - iv. The total maximum area coverage of all accessory structures cannot exceed ten (10%) percent of the total parcel area or exceed the maximum total building footprint area of structure(s) by zoning district. (See Table 3-103C herein); whichever is less. (amended 05/19/2022)
 - v. Prior to issuance of a permit, the property owner shall sign a statement affirming that the use of such structure is and will remain in compliance with the applicable zone.
 - iv. All structures less than 120 square feet and not having a fixed base to the ground shall require no permit but shall adhere to the minimum setbacks and location as required above (amended on 12/19/2011 to comply with the 2006 IRC).
 - vii. All structures, regardless of size or permit requirement, shall conform to the above setback and use restrictions.

TABLE 3-103C

REGULATIONS FOR DETACHED RESIDENTIAL ACCESSORY STRUCTURES BY DISTRICT

District	Zoning District Name	Maximum Total Building Footprint Area	Maximum Area Coverage
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 and A-RV RR-C	Rural Single Family / Outdoor recreational / Camping/Cabin Developments	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 lot *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/Overlay District	800 for single-family detached or 1000 max for HOA – one only	10%

(Table 3-103C was added on 02/20/2020 & amended 10/20/2022)

Proposed amendment: 2024 (Delete Table 3-103C and amend 10% to 5% lot coverage)

- c. Customary Residential Accessory Structures provided such structures comply with the following criteria:
- i. Structures placed in the rear yard behind the principal structure shall be setback a minimum of (8) eight feet from the sides and rear property line to avoid any utility and drainage easements (refer to survey or plat).
 - ii. Structures placed in the side yard, (to the side of the residence) shall meet the minimum principal building setback requirements for that particular zone in order to avoid any utility and drainage easements and to allow proper separation between neighboring structures.
 - iii. If in the opinion of the Building Commissioner the structure cannot be located in the rear or side yards due to topographical constraints pursuant to Article XII, the Building Commissioner may allow such structure to be placed in the front yard with minimum building setbacks applicable for that particular zone, as required for the principal structure.
 - iv. The total maximum area coverage of all residential accessory structures cannot exceed five (5%) percent of the total parcel (lot/tract) acreage. ~~or exceed the maximum total building footprint area of structure(s) by zoning district. (See Table 3-103C herein); whichever is less.~~
 - v. Prior to issuance of a permit, the property owner shall sign a statement affirming that the use of such structure is and will remain in compliance with the applicable zone.
 - vi. All structures less than 120 square feet and not having a fixed base to the ground shall require no permit but shall adhere to the minimum setbacks and location as required above (amended on 12/19/2011 to comply with the 2006 IRC).
 - vii. All structures, regardless of size or permit requirement, shall conform to the above setback and use restrictions.
 - viii. For Planned Developments such as: patio homes, condominium, townhouse, mobile home park, apartment complexes, campgrounds, and cabin developments, see Supplemental Regulations by district.