

# 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)

Initiated by: *Building Official*

Planning Director  *+ Mayor*

Sullivan County Regional Planning Commission

Landowner/Developer

### Review and Recommendation Timeline:

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

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

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

F2. Zoning Text Amendment:

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

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

Excerpts from Zoning Resolution:

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

Meeting Notes at Planning Commission:

G. OLD BUSINESS:

G1. Public Hearing for Subdivision Regulations Amendments – Final Reading

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

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

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

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

**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</b> – Amended 09 17 07						
A. Adult Entertainment Establishments	X	X	X	X	X	X
B. Animal Care and Veterinary Services	PC	PC	SUP	SUP	SUP	SUP
C. Automotive Parking – open lots only in B-2 and B-1, no public garages or parking structures	PC	PC	P	P	P*	P*
D. Automotive and Marine Craft Sales and Accessory Services	PC	PC	P	P	X	X
E. Automotive Body and Repair Shops	X	PC	X	P	X	X
F. Auto Towing and temporary storage	X	X	X	SUP	X	X
G. Banking, Financial, Insurance and Real Estate Services	PC	PC	P	P	P	P
H. Convenience Retail Sales and Services	PC	PC	SUP	SUP	SUP	SUP
I. Entertainment and Amusement Services - Limited	PC	PC	SUP	SUP	SUP	X
J. General Business and Communications	PC	PC	P	P	P	X
K. General Retail Trade	PC	PC	P	P	P	X
L. Group Assembly and Commercial Outdoor Recreation	PC	PC	SUP	SUP	SUP	X
M. Outdoor Material and Equipment Sales and Repair	PC	PC	P	P	X	X
N. Professional Services – Medical	PC	PC	P	P	P	P
O. Professional Services – Non-medical/Professional Offices	PC	PC	P	P	P	P
P. Restaurant, Full Service	PC	PC	P	P	P	X
Q. Restaurant, Fast Food	PC	PC	P	P	X	X
R. Scrap Operations/junk yards	X	X	X	X	X	X
S. Self-Storage/Mini-Warehouse Facilities	PC	PC	P	P	X	X
T. Transient Habitation	PC	PC	PC	X	X	X
U. Warehousing, Goods, Transport, and Storage	X	PC	X	X	X	X
V. Wholesale Sales	PC	PC	P	P	X	X
W. Indoor Sport Shooting Range Facilities <i>amended on 3/15/10</i>	PC	PC	PC	PC	X	X
<b>IV. MANUFACTURING ACTIVITIES</b> ( <i>deleted 02/16/2023</i> )						
<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 ( <i>approved administratively</i> )	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.

B 100,2

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:

minor edit

- a. The property shall be a minimum of five (5) acres in order to accommodate parking, diffuse noise and lighting;
- b. The party shall conform to those operational performance standards as described in Article VIII;
- c. The accommodation of special events/parties open to the public as a service for a fee shall be seasonal in nature;
- d. The owner of the property shall present to the BZA written consent from the adjacent property owners;
- e. A declaration of intent shall be presented to the BZA illustrating the nature of the accessory use;
- f. The site shall have direct access to a public street and accessible road frontage to the public street;
- g. Occupancy shall not exceed designated approved parking areas; and
- h. All other home occupational standards shall apply.

6. Special Public Event on Private Property Use or Use-On-Review ( PC approval) – any public event, whether the event is seasonal, one-time, or reoccurring the following Supplemental Regulations shall be satisfied to ensure public health and safety measures are in place to accommodate the participants, spectators, or attendees:

add

- a. The property shall be zoned General Commercial (B-3, B-4, PBD-3 or PBD-SC or Light Manufacturing (M-1); and
- b. The property shall be a minimum of two (2) acres in order to accommodate the necessary parking, diffuse noise and lighting to adjacent properties; and
- c. All regular Bulk Regulations and Operational Standards shall be applied per the zoning district; and
- d. A declaration of intent, summary of the event and/or other marketing materials shall be provided to the county to understand the requested use; and
- e. The property shall have direct access to a publicly maintained road with accessible road frontage already permitted and shall not use a private easement agreement for the general public; and
- f. The occupancy of the event and any other existing concurrent land uses on such property, shall not exceed the parking accommodations for such occupancy load, whether the event is held indoors or outdoors; and
- g. The County may require additional buffering, screening or setbacks of the event area depending on the adjacent incompatible land uses, such as residential or agricultural uses or zones.

7. Residential Accessory Structure as Principal Structure – Under unique circumstances, a residential accessory structure may be permitted on a parcel wherein a principal structure is not established, subject to BZA approval when the following conditions are present:

**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)