

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE, CHAPTER 114, ARTICLE III, DIVISION 10 REGARDING THE GATEWAY DISTRICT; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY OF KINGSPORT, as follows:

SECTION I. That the Code of Ordinances, City of Kingsport, Tennessee, is hereby amended by deleting in its entirety Chapter 114, Article III, Division 10 and substituting in its place the following:

CHAPTER 114
ZONING
ARTICLE III DISTRICTS

Division 10. Gateway District

Sec. 114-501. Intent.

(a) The city takes pride in being a community in control of its future. The city affirms that the quality of the physical environment has a direct bearing on its livability and its economic prospects. Through the Northeast Tennessee Corridor Review Commission, referred to in this division as the "gateway review commission", the city has forged a clear consensus about the desire and character of its environs. It is the intent of this division to implement the recommended policies that are relevant to the decisions, which affect the community. These include the desire to:

- (1) Provide for improved management of the natural and manmade resources required for the attraction, expansion and continued support of industrial and commercial development;
- (2) Provide for the creation and expansion of employment opportunities for city citizens through the promotion of business and industrial development;
- (3) Protect residential property from any negative impact which may result by adjoining or being in close proximity to commercial development;
- (4) Create an attractive and efficient environment through sound land use planning and design standards;
- (5) Ensure consistently high design quality and harmonious relationships

among the different development components as well as design elements of MeadowView, including architecture, signage and landscaping;

- (6) Facilitate development and minimize delay by establishing a rational basis for preparing and evaluating plans;
- (7) Serve as a model for high quality development and surrounding properties and for other mixed use developments in the area;
- (8) Create a positive image of the city for visitors utilizing the gateway;
and
- (9) Maintain and preserve natural vistas.

(b) The city believes that design review is an important process for ensuring that these policies are carried out. In all cases, the Americans for Disability Act shall be observed and will be in effect concerning proposed developments that fall within the gateway districts of the city.

Sec. 114-502 District Permitted.

Provisions to establish a special gateway district which can be applied over any zoning district located along the designated area, referred to in this division as the "Northeast Tennessee Corridor Overlay District", which is further referred to as the "Gateway District".

Sec. 114-503 Gateway Review Commission.

(a) *Appointment, membership, compensation.* The board of mayor and aldermen shall create a seven-member Northeast Tennessee Corridor Overlay District Commission, referred to in this division as the "gateway review commission". The gateway review commission shall be composed of seven members, five of whom shall be appointed by the board of mayor and aldermen, one who is in private business, one from an educational or research institution and one who is an architect. The sixth member shall be the director of planning. No person, whether or not a landowner or developer, with an interest in any property within the corridor shall be appointed to serve as a commissioner. The seventh member shall be a member of the board of mayor and aldermen. The term of office of the member appointed from the board of mayor and aldermen shall coincide with his term of office. The remaining commissioners shall serve term of five years. Commissioners appointed to the Gateway Review Commission shall be appointed for staggered terms of five years, except as otherwise provided in this section. All commissioners shall be residents of the city. Any vacancy because of nonresidency, incapacity, resignation, or death shall be filled in like manner for the unexpired term. Subsequent commissioners shall be appointed by the board of mayor and aldermen. Commissioners may serve more than one term.

(b) *Organization and meetings.* The gateway review commission shall elect from its members a chairman and any other officers desired, who shall continue to be voting members, and shall adopt its own bylaws and rules of procedure. A majority of the commissioners shall constitute a quorum for the transaction of business. Meetings shall

be held at the call of the chairman or by a majority of the members. Minutes shall be kept of all meetings, and all meetings and records shall be open to the public.

(c) *Powers and duties.* The gateway review commission shall adopt and oversee implementation for the comprehensive development of the entire corridor overlay zones for the purpose of developing a systematic land management policy and guidance for any person in the development process in regard to all matters relating to accepting, considering, approving or denying applications for certificate of appropriateness to ensure development consistent with the policies and plans of the gateway review commission and to administer in force such development, architectural standards, regulations and related rules and procedures as the commissioners may adopt.

Sec. 114-504 Established.

The state general assembly, by Private Acts of 1995, chapter 77, created the Northeast Tennessee Corridor Overlay District in the city.

Sec. 114-505 Powers and duties of the Commission.

In order to accomplish the purpose of the act, corridor overlay zones shall be established by the governing body within which the Commission shall exercise powers described herein to effect the purposes of this act. The powers described shall be exercised in cooperation with the governing body and other police powers. The governing body's zoning resolution shall be amended to establish corridor overlay zones in accordance with the provision of its zoning resolution and the general law of the state. Where design and development standards, regulations, policies, and procedures are adopted for the corridor overlay zone by the Commission pursuant to this act, said standards, regulations, policies and procedures shall apply, provided that, the permitted and prohibited property uses, zoning, land management procedures and regulations applicable within the City shall also apply. These adopted design and development standards are available through the Planning Department of the City of Kingsport, Tennessee.

All business, commercial, manufacturing and industrial development and changes to existing developments located in the Gateway district shall be reviewed by the gateway review commission, or their designee, except for residential structures or agricultural uses and structures. Such new and existing business, commercial, manufacturing and industrial developments shall receive the Gateway Review Commission's approval by issuance of a Certificate of Appropriateness before receiving an erosion control, grading, building permit or certificate of occupancy.

Section 114-506. Development Guidelines.

- (a) All businesses, commercial, manufacturing, and industrial development and changes to existing developments located in the Gateway District shall be reviewed by the Gateway Review Commission, or their designee, except for residential structures or agricultural uses and structures. Such new and existing businesses, commercial, manufacturing and industrial developments shall receive a Gateway Review Commission's approval by issuance of a Certificate of Appropriateness before receiving an erosion control, grading, building permit or Certificate of Occupancy.

(b) In no instance shall the following uses be permitted in the Gateway District: off premises signage, communication facilities, high-rise signs, and wind turbine facilities.

(c) **The following shall apply to P-1/ B-1/ B-3/ B-4P/ BC/ and TA zoning districts within the Gateway district.**

(1) **Grading Plan:** Improvements on the site should be developed to minimize changes in existing topography and the loss of existing mature vegetation. All existing trees with trunks over twelve (12) inches in diameter measured four foot above the lowest grade should be shown on the grading plans. Incentives are provided to retain healthy existing trees. Smooth topographic transition should be provided at the edges of property. Minimum changes in topography are recommended with no slopes exceeding 1.3 ratio (one foot rise three-foot run). All grading plans require approval by the engineering department. All grading plans over one-acre require approval by the Tennessee Department of Environment and Conservation before a grading permit can be issued. See the Erosion Control provisions of the City Code for additional requirements.

(2) **Site Plan:** A building setback of a minimum of 50 feet from the right-of-way shall be maintained for all buildings locating adjacent to any interstate, expressway or principal arterial street. Where the need exists for retaining an open image, protecting views, creating a high quality image, and maintaining natural edges along the roadway's borders a wider setback may be requested. Developments are encouraged to be located and configured in a visually harmonious manner with surrounding developments, existing terrain, and not to impede scenic views within the corridor. Additional district setback information is in the Kingsport zoning ordinance. For details regarding the required information for development plan submittals, see the Zoning Development Plan, Parking and Landscaping provisions of the Zoning Ordinance.

(3) **Drainage Plan:** To minimize runoff and provide adequate green space, impervious surfaces such as roofs and pavement should not cover more than 75 percent of the site area. Undeveloped right-of-way immediately adjoining the site may be used in calculation of the impervious area, provided it is not more than fifteen (15) percent of the calculation and is maintained by the occupant. Stormwater entry and exit points must be protected to avoid erosion. An open space system of ridges, steep slopes, drainage corridors, periphery yards, buffers and landscaped areas provide natural stormwater absorption and filtration zones avoiding the need for large scale piping and retention systems. When such designs are not possible, stormwater areas will be landscaped to blend with natural features of the site. Retention or detention ponds, if needed, are encouraged to be graded gradually enough not to require fencing. Appropriate storm-water and drainage calculations shall be provided by a licensed professional, as

permitted by the State of Tennessee, and approved by the City Engineer.

- (4) **Landscape Plan:** Visual buffers shall be provided along interstates, expressways or major arterial streets by using a combination of opaque fencing, natural vegetation, berming, and/or informal plantings as recommended by the Landscape Specialist. The property owner(s) shall maintain all plant material within the ROW, when used as a credit for pervious area, and on the property for the lifetime of the proposed use. For any new use, this maintenance responsibility must continue. Visual buffers used to soften the appearance of structures and parking lots from interior streets are recommended. Options for landscaping are made available for developers who create dedicated open public spaces, walkways, or other creative, resourceful, land uses in the Landscape and Buffer provisions of this ordinance. For additional requirements of landscape plans, see the landscaping section of the zoning ordinance.
- (5) **Architectural Design:** A compatible relationship for proposed developments in the gateway district is of critical public concern for any building or site improvements. The intent of the design review is not to stifle innovative architecture but to assure respect while reducing incompatible and adverse impacts on the visual experience from the roadways. The Commission may alter corporate colors or architectural designs within the district to create a compatible visual image. To accomplish this, the gateway review commission shall exercise the following guidelines for review of such proposed developments:
- a. **Materials:** Selection and use of building materials should respect the climate and heritage of the area. Exterior building materials, which are encouraged include: brick, stone and stone veneers, plate glass, pre-cast concrete panels, architectural block, glass block, and EIFS (commonly known as Dryvit). Materials considered unacceptable include: plywood or plywood-based products, pre-engineered metal, painted or natural concrete block, and composite building panels, and vinyl siding. Designers are encouraged to vary materials from building to building while limiting the number of different materials to three (3) on any individual structure.
 - b. **Colors:** In general, neutral or muted tones should be used. A maximum of three (3) predominant colors should be used. Painted or factory-finished metal should be used only in dark colors with a matte finish.
 - c. **Accessory Buildings:** Metal buildings shall be an accessory to the principal structure without public access, typically used for storage and must be concealed from view. Large areas of exposed concrete are discouraged.

d. **Architectural Elements:** All development designs are to be consistent or compatible within a development in terms of architectural design, exterior building materials, colors and/or arrangement of buildings.

1. Rooflines shall be strongly defined. Canopies and other architectural elements, such as brick or rockwork details, which define the roof, are encouraged. All mechanical/electrical equipment and rooftop or ground-mounted equipment and protrusions are to be screened from view from entrances and pedestrian pathways as viewed from on-site ground level. Roof-mounted equipment must be screened on all sides. Sloped roofs may be used in combination with flat roofs to enliven the building profile and to provide screening.
2. Large blank walls shall be avoided. Recessed or articulated wall surfaces, columns and beams are encouraged to visually segment exterior wall surfaces. Windows and other openings should reflect the character and style of the building.
3. Service areas, including storage, special equipment, maintenance and loading area, shall be completely screened so as not to be visible from the interstate, expressway or arterial highway.
4. Refuse collection areas shall be visually screened using materials and colors compatible with those of the primary structure and shall be roofed if the contents are visible from any public street, interstate, expressway or arterial street.

(6) **Signs:** Although signs occupy little space, they have a major impact on the image of the gateway district. For this reason, signage systems must be designed to create a consistent quality image throughout the district. Specific requirements can be found in the sign provisions of zoning ordinance, additional requirements are set forth in this document that also apply within the gateway district. The intent is to create a cohesive image and to consistently decrease the amount of clutter and visual disturbance within the district. Any appeals to the following standards must be presented to the Gateway Review Commission.

- a. Permanent signs will be reduced by up to fifty percent (50) of the square footage allowed in the underlying zoning district by the Gateway Review Commission, and are limited to one freestanding sign and one wall mounted sign.
- b. Monument style signs are required with the signs height and square footage being in scale with the building or site. Signs are required to be internally illuminated block letters mounted on a raceway. Backlit letters and indirectly illuminated signs are acceptable. Three colors maximum are allowed for signs with up to two font styles. Ground mounted building identification signs shall have fully enclosed solid

bases of either brick or stone, mounted at the ground plane. No supporting structural members are to be exposed. Specific underlying zoning requirements for signs can be found in the sign provisions of the zoning ordinance.

- c. The following signs are prohibited: A-frame signs; roof mounted signs or portico mounted signs; bench signs; off premise signage; captive balloon signs; inflatable signs; portable signs, and portable signs converted to permanent locations; lollipop signs; paper, cloth, plastic streamers and canvas; painted signs on primary walls; pendants; traffic sign replicas; high-rise signs; permanent come-one signs (sale today, stop, look, etc.). Strings with continuous flags shall not be permitted.
- d. Changeable copy signs are allowed for automobile service stations, theaters, and conference centers. Electronic message board signs may be considered with the review of the commission if they are allowed by the underlying zoning district, however, electronic message board signs are not allowed in B-3, General Business Districts.
- e. Landscaped areas are required around the base of signs. The minimum landscaped area shall not be less than the square footage of the sign. The landscaped area must be protected from vehicular traffic and approved by the City Landscape Specialist.
- f. Interim signs: While signs of a nonpermanent nature are generally not permitted, any sign that is not permanent in nature and fails to meet permanent sign requirements must meet the following respective specifications:

For sale and for lease signs shall be limited to two per parcel. The size shall be limited to one square foot of sign for every four feet of lot road frontage up to a maximum of 64 square feet for one surface, or 32 square feet per side with two faces maximum. Real estate signs shall have a maximum height of six feet, measured from the ground level (average grade).

Temporary signs for construction sites shall not exceed 64 square feet total and shall be removed upon completion of construction activity and before occupancy of the building.

- g. Special event signs (See Article IV, Section 114-564(2) d for size allowances) must be removed following the event and are permitted only on the premises during the event, but in no case longer than 15 days.

- (7) **Landscaping and Screening:** The landscape guidelines are designed to maintain overall visual continuity within the gateway district. The intent is to reflect the traditional character of the area

with informal groupings of plants amidst green lawns and woodlands. Landscape design should compliment this image.

- a. A performance bond is required for a period of one-year, with extensions granted when necessary, for landscaping not installed at the time of issuance of a Certificate of Occupancy. Landscaping must be maintained for the lifetime of the intended use. Landscaped areas are required around the base of signs. The minimum landscaped area shall not be less than the square footage of the sign. The landscaped area must be protected from vehicular traffic and approved by the City Landscape Specialist.
- b. Healthy existing trees should be retained whenever possible and may be counted as credit (two trees for every saved tree) for other required landscaping. Grading and construction shall avoid the disturbance of such trees. Larger trees or up to double the amount of required number of trees and vegetation may be required by the Commission if it is shown the site was clear cut within three years prior to submittal of a development plan.
- c. Landscape incentives may be utilized to encourage the preservation of existing healthy vegetation and innovative site design. Existing healthy vegetation and the area of land used to maintain the vegetation may be counted towards meeting performance criteria for buffers, streetscapes, open space, and interior parking areas.

A five to twenty percent reduction in the number of parking spaces required on the site may be allowed to the extent that the reduction in the amount of pavement will preserve existing healthy trees in an undisturbed natural condition.

A ten percent reduction in the amount of pervious area is required on the site if public art/space in a compatible manner is included in the development.

A reduction in required landscaping may be considered if the development includes innovative site/building design concepts, substantial redevelopment of a site, or if natural constraints exist.

The area used for preservation of existing healthy vegetation in the interior parking area may be used as credits for other landscaping.

Substitutions for both trees and shrubbery amounts and locations may be considered by the Commission with a recommendation from the Landscape Specialist.

- d. Fencing and screening: Long fences (50' or more) should be broken up by landscaping or undulation in the fence line. Chain-link and unfinished wood fences are not allowed.

Fencing and screening shall not be placed within 25 feet of any street corner. Fencing and screening shall not block access to above-ground, pad-mounted transformers and should provide 15 feet of clear access to the transformer doors.

Fencing and screening shall not impede or divert the flow of water in any drainage way.

The maximum height of fences should generally be 6 feet, except for tennis courts, storage screening, and similar uses which may be up to 12-feet in height. No fences over 2 feet 6 inches shall be placed in any front yard.

The Gateway District approved standard for right-of-way border fencing or frontal fencing is required along interstate, expressways or arterial highways.

- (8) **Lighting and Utilities:** Lighting should be used as a landscape element and for security purposes and should be designed to reduce impacts on adjacent sites. Consistency in style and design of fixtures shall be maintained throughout a site.

- a. Lighting levels should be as even as possible. For all private roadways, parking lots and entrances, the lighting system should provide a minimum ratio of 4:1 uniformity or better, or with the current I.E.S. (Institute of Electrical Standards) recommendations for office and mixed-use developments. General parking lot lighting shall not exceed an average of 2.5-foot candles overall. All lighted canopies shall have recessed, indirect lights within the canopy.
- b. Lights placement must avoid glare on-site or light spillage onto adjacent sites. Where necessary, cutoff boxes should be specified to reduce throw on adjacent sites.
- c. Neon lighting is not encouraged; however, soft and or muted colors may be allowed.
- d. Light poles are to be neutral, preferably dark in color and not made of wood. All parking and security lights are to be cutoff luminaries. The height of light fixtures should be in proportion to the building mass, preferably no taller than the building height. Lighting for pedestrian areas should be 12-15 feet in height. Ground-oriented pedestrian scale lighting should be considered as an alternative to pole-mounted fixtures along pedestrian walkways at three to four feet in height.

- e. Outside speakers shall not be permitted for use as paging or public address systems. Outside speakers may only be used under certain conditions, with the Commissions approval, for special/cultural or public events.
- f. All utility lines, including but not limited to electric, telephone and TV cable shall be placed underground.

(9) **Parking:** The desire of the gateway review committee is to visually shield parking areas from public streets and residential areas.

- a. All parking lots and drives shall be hard surfaced with concrete or asphalt, unless an acceptable alternative is approved by the Commission, and shall have concrete extruded curbs. Special paving or marking is required for accent areas such as: entrance drop-off zones and pedestrian walkways.
- b. Innovative design concepts to improve parking area appearance are encouraged. All parking areas shall be visually screened from roadways with plantings or earth mounding (berms) 2 ½ to three-feet high. Where planting material is used exclusively, 60% opacity must be achieved in the winter and 80% in the summer.
- c. A landscaped area with a minimum of ten feet shall be provided between parking and internal roadways and entry drives.
- d. Large parking areas shall be broken into smaller sections, using berms and landscape medians for separation. On wooded sites, preservation of groups of trees is encouraged to frame smaller parking cells and to screen the parked cars.
- e. Outdoor display areas may require up to 50% greater landscape requirements as established by these provisions.
- f. On-street parking is not permitted.
- g. Parking lots of contiguous developments should, where possible, interconnect among the differing developments to encourage continuous movement of traffic among developments to reduce traffic flow on public streets and to minimize the need for excessive curb cuts.

(d) **The following shall apply to all M-1/ M-2 and M-1R zoning districts within the Gateway District:**

- (1) **Grading Plan:** Improvements on the site should be developed to minimize changes in existing topography and the loss of existing mature vegetation. Smooth topographic transition should be provided at the edges of property. Sites should be located to minimize destruction of existing vegetation. All existing trees with trunks over twelve (12) inches in diameter measured at four foot above the lowest grade should be shown on the grading plans. Incentives are provided to retain

healthy existing trees. Minimum changes in topography are recommended healthy existing trees. Minimum changes in topography are recommended with no slopes exceeding 1:3 ratio (one foot rise three-foot run). All grading plans require approval by the engineering department. Plans for sites over one-acre require approval by the Tennessee Department of Environment and Conservation before a grading permit can be issued. See the Erosion Control provisions of the City Code for additional requirements.

- (2) **Site Plan:** The purpose of the gateway regulations in industrial areas is to minimize impacts on adjacent properties by providing adequate green space, buffering, and screening around the area proposed for development. A combination of opaque fencing, topography, berming or informal plantings, as recommended by the Landscape Specialist, is encouraged to be used. The site plans must meet all city requirements for grading, erosion control, and storm water management.
- (3) **Architectural Design and Materials:** Permanence in quality should be evident in both the building design and construction materials. Permanence implies that buildings should age without deteriorating, given a minimum level of maintenance. This can be achieved through the use of quality building materials and method of construction.
 - a. The building facade shall be finished with brick, pre-cast or cast in place concrete textured panels, glass, pre-finished architectural panels (without exposed fasteners), stone or other materials acceptable to the Committee.
 - b. No building shall be constructed of exposed concrete block unless it is split face, fluted, or such blocks are covered with stucco, Dryvit, or equivalent.
 - c. The use of metal buildings is acceptable provided the façade shall be finished with acceptable materials listed in subsection 5a.
 - d. Dumpsters shall be screened or fenced. Loading docks will be permitted on the main elevation of a building that faces the street. Landscaping and screening should be provided to soften the visual impact.
 - e. All HVAC or other equipment located on the roof of any building, or other equipment affixed to, or located on the ground, shall be landscaped or screened from public view.
- (4) **Landscape Plan:** Plans and specifications for any building or structure to be constructed on any lot shall include a detailed landscape plan indicating the location, size, type and height of each planting. The area between the lot property line and the street curb line shall be grassed except for areas covered by pavement, sidewalks, and landscaping. All landscaping required on any lot shall be completed within sixty days of

substantial completion of construction, or within schedules set forth in the approved plans.

- (5) **Parking Areas:** Off-street parking will be determined by the underlying zoning district with review by the commission as part of the overall site plan review process. Parking shall be provided on the lot to accommodate all parking needs of employees, visitors, and company vehicles. All parking areas will be paved, curbed and appropriately marked.
- (6) **Signage:** Shall be determined by the underlying zoning district subject to commission review as part of the overall site plan review process.
- (7) **Lighting and Utilities:** Plans and specifications for any building or structure to be constructed on any lot shall include a detailed lighting plan indicating the location, type and foot-candle strength of the lights. Lighting may be used as a landscape element and for security purposes. Light placement must avoid glare on-site or light spillage onto adjacent sites or roadways. Where necessary, cutoff boxes should be specified to reduce throw on adjacent sites. All utilities from the service lines to the improvements on each lot shall be underground.

(e) The following shall apply within MX, Mixed Use zoning Districts:

- (1) **Site Plan:** The Planning Commission and the Gateway Commission shall approve a master site plan for the entire district. The district allows flexibility in the development of compatible mixed uses with areas of light manufacturing, professional office, and commercial uses, and to do so by developing a self-contained campus-like atmosphere that protects adjacent uses.
- (2) **Grading Plan:** A master-grading plan shall be submitted which incorporates design features described in this ordinance. The plan shall be designed to meet the erosion control provisions of the Subdivision Regulations and the zoning ordinance and shall have the approval of the Tennessee Department of Environment and Conservation, and the city engineering department prior to being submitted to the Gateway Commission.
- (3) **Landscape Plan:** The master plan shall address the MX district as viewed from the surrounding road network and adjacent land uses. It is important that an image be presented that complements the sites natural setting. In order to achieve a natural edge, landscape treatments should be designed within the setback buffers and the periphery yard and aimed at providing an entry statement into the park. Earth contours and landscape plantings are to be organized to shield large

buildings, parking areas, and lay down yards, which may be visible from adjacent areas.

- (4) **Architectural Design:** Within the MX district, architectural design is not specified; however, the materials, colors, architectural elements, and treatment of accessory buildings shall be provided on the master plan. It is encouraged that previous sections of this ordinance be used in designing these elements.
- (5) **Signs:** The number and size of signs shall be as permitted with the underlying zoning ordinance. Signs within the district shall be monument style and landscaped.
- (6) **Landscaping and Screening:** Where land uses change within the district, a densely planted strip of 15 to 25 feet in width, depending on the use, shall be created to screen areas from each other. Interstates, expressways, or arterial highways shall be screened with landscaping or architectural elements so that service areas including special equipment, maintenance, and loading areas are obscured from view. Where landscaping is used exclusively for this purpose it must achieve 60% opacity in the winter and 80% opacity in the summer.
- (7) **Lighting and Utilities:** Lighting should be used as a landscape element and for security purposes and should be designed to reduce impacts on adjacent sites. Consistency in style and design of fixtures shall be maintained throughout the site. All utility lines shall be underground.
- (8) **Parking:** Parking areas shall be designed and landscaped as required by the MX, Parking Provisions of the zoning ordinance. The use of berms and landscaping is encouraged to shield parking areas from public streets and residential areas.

Section 114-507. Submission Requirements and Review Process.

- (1) **Review of Applications:** Certificates of Appropriateness are required for building permits and certificates of occupancy. All applications for permits for construction, alteration, repair, rehabilitation or relocation of a building, structure or other improvements to real estate situated within the gateway district shall be reviewed by the gateway review commission, and approved or disapproved, with findings of fact for the disapproval stated in writing. No building permit may be issued by the city for signage, landscaping, new or redeveloped structures, site grading, or other exterior improvements within the gateway district without issuance of a certificate of appropriateness by the gateway district commissioners, or their designee, or by the Board of Mayor and Aldermen on appeal, as provided in these guidelines.

(2) **Mixed-Use District:** For developments within mixed use zoning districts that receive comprehensive approval by the commission, the planning manager will have the authority to issue a certificate of appropriateness for individual uses within the park, on finding that the requirements of this ordinance have been met. This will be reported to the commission at its next meeting.

(3) **Plan Review Procedures and Applications:** All applications for corridor review shall be submitted and reviewed according to the following procedures:

- a. A complete application shall be submitted not less than: Thirty working days before the Gateway Review Commission meeting with complex developments, and ten working days before the Gateway Review Commission meeting at which the applicant wishes to be reviewed for minor external changes, signs, and previously reviewed projects.
- b. Gateway Review Commission approval shall be in effect for two years from the date of the certificate of appropriateness for small developments. If the project is not completed within the two-year timeframe, the certificate of appropriateness shall be voided. Large on-going industrial or mixed-use developments shall have approval for a period of five years and approval shall be reinstated under the previously approved development plans, unless significant changes have taken place.
- c. If the gateway commission denies granting a certificate of appropriateness, the gateway commission will not accept a re-application for a certificate unless significant changes have been made to the site plan.
- d. The planning director, or the gateway commissions' designee, shall have the authority to amend site plans after certificates of appropriateness have been issued, provided the amendments are minor in scope. The planning director, or the designee, shall report to the gateway commission any amendments to the plans that have received a certificate of appropriateness.
- e. Failure of the corridor overlay review commission to act on an application within the time required in this section shall constitute approval of the certificate, without undue circumstances, and that an extension be granted upon concurrence of the applicant.
- f. Applicants will be informed in writing of the outcome of their review within one-week.

(4) **Application Requirements:** Applicants shall submit the following information, as required, for review by the gateway district commissioners before the application shall be considered complete:

- a. Plans, drawings, color and materials samples, photographs and or a narrative showing new development and alterations/additions as follows:
- b. Survey (one inch equals 30 feet, minimum scale) of property lines, existing topography maps (with 5' contour intervals or less), zoning boundaries, locations of adjoining properties and its use(s), nearby locations of streets, utilities, the approximate location of trees (meeting the 12" dbh requirement) the location of bordering streets and existing

and proposed access points, proposed grading as approved by a licensed engineer, and other pertinent information or revisions, as may be required by the Commission.

- c. Site plan (one inch equals 30 feet, minimum scale) of property lines, existing topography maps (with 5' contour intervals or less), zoning boundaries, locations of adjoining properties and its use(s), nearby locations of streets, utilities, the approximate location of trees (meeting the 12" dbh requirement) the location of bordering streets and existing and proposed access points, proposed grading as approved by a licensed engineer, and other pertinent information or revisions, as may be required by the Commission.
- d. Architectural Plans depicting elevation drawings including exterior building materials and colors and depictions of the front and sides that are exposed to public roads with accurate dimensions and bearings and prepared and signed (with seal) by a registered engineer or architect as licensed by state law.
- e. Filing fee in an amount as specified by the city.
- f. For minor external changes:
 - i. Photographs and/or drawings of existing development.
 - ii. Site Plan showing location of existing development.
 - iii. Drawings, material samples and color samples of proposed changes.
- g. For Sign applications:
 - i. Accurate color rendering of the proposed signs showing dimensions, type of lettering materials and actual color samples.
 - ii. For freestanding signs, a site plan (showing the location of the signs in addition to buildings, parking, existing signs, property lines and proposed landscaping.
 - iii. For wall signs, a rendering of the building depicting the proposed location and proportions of the signs.
 - iv. Fixture type and wattage of lighting with light intensity in foot-candles.
 - v. Filing fee in an amount as specified by the city.
 - vi. In multi-tenant centers, project signs may be used that incorporate the overall scheme of the project. Each user with the project that stays within the approved criteria may seek approval from planning department staff, or the Gateway Review Commission's designee, without revisiting the Gateway Commission for additional signage.
 - vii. All freestanding signs must be monument style with permanent bases of rock or brick, except small directional signs.

(5) **Minor Amendments:** Minor changes to previously approved plans and or projects may be submitted by the applicant to the Planning Manager and will be considered using the following guidelines:

- a. Amendments may be made to any previously approved project where a Certificate of Appropriateness has been issued after review and

approval by a minimum of two members of the Gateway Commission without submittal to the full Commission. If any question arises as to compliance with the previously approved Certificate, the Planning Director shall refer the amendment to the full commission for action.

- b. This action is intended to expedite approval in those situations where amendments are of minor significance and generally relate to minor improvements or changes. Such amendments must meet the *Gateway District Development Guidelines*. Such amended plans shall have written on them the exact changes made, and a note for the Planning Director's and the Two Gateway Commissioner's signatures, signifying their approval under this section for the amendments as noted. Any plans approved by this group shall be fully described to the full commission at its next meeting and properly entered into the minutes of the meeting.

Section 114-508. Appeal of Gateway Review Commission Actions.

- (a) Any interested party who is aggrieved by any action of the commission, including the approval or denial of a certificate of appropriateness, may appeal its decision to the governing body for the City of Kingsport by filing an appeal on a designated form and paying such filing fee as may be required within thirty (30) days of the action of the commissioners. The action that is appealed may be overruled by an affirmative majority vote of governing body for the City of Kingsport. All appeals shall be heard within 60 days of filing of an application for appeal. Appeal from the action of the governing body for the City of Kingsport shall be by writ certiorari as provided in general law and shall be filed within 30 days of such action.

Section 114-509. Enforcement of Commission Decisions.

- (a) In case any building or structure is erected, constructed, reconstructed, altered, maintained, or used, or any land is used in violation of this act or of any regulation or provisions enacted or adopted by the commission under the powers granted by this act, the board of commissioners, the attorney general, the district attorney general for the judicial circuit in which such violation occurs, or is occurring, the governing body's supervisor, department of code administration and inspection, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin or abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

Section 114-510. Changes to the Gateway District Development Guidelines.

- (a) The Gateway Commission recognizes that development is a dynamic, not static enterprise. To accommodate changes and innovations in the development process, these guidelines will need to be modified from time to time.
- (b) The process to amend these guidelines shall require a public hearing to be held by the Commission. Notification outlining the change(s) shall be mailed to all affected property owners within the District at least fifteen (15) days prior to the hearing. The notifications will also include the time, date and location of the public hearing.
- (c) A Notice of Public Hearing shall also be published in the local newspaper providing the details specified in Section (b), at least fifteen (15) days prior to the Public Hearing.

Section 114-511. Legal Description of the District.

The zoning map of the city is zoned to provide a GD, gateway district, to be superimposed upon the existing area in the city, described within the following boundary:

BEGINNING at a point, said point located at the intersecting centerline of Cox Hollow Road and Snapps Ferry Road as shown on Sullivan County tax map 119 dated 2003; thence in a westerly direction following the centerline of Snapps Ferry Road for a distance of approximately 3,350 feet to a point, said point being the intersection of Rock Springs Road and Snapps Ferry Road; thence in a southerly direction crossing the right-of-way of Interstate 81 for a distance of approximately 520 feet to a point, said point located on the southerly right-of-way of Interstate 81, said point also being the northwesterly corner of parcel 75 as shown on Sullivan County tax map 119; thence following said parcel line and interstate right-of-way for a distance of approximately 500 feet to a point, said point being the southwesterly corner of parcel 75, said point also being located on the Urban Growth Boundary as approved by the State of Tennessee for the City of Kingsport; thence in an easterly direction following the southerly extent of the Urban Growth Boundary for a distance of approximately 14,780 feet to a point, said point being the southeasterly corner of parcel 40 as shown on Sullivan County tax map 120; thence in a northeasterly direction following the southerly property line of parcels 40, 41, and 44 for a distance of approximately 1150 feet to a point; thence in a northwesterly direction following the easterly property line of parcel 44 for a distance of approximately 1250 feet to a point, said point located on the centerline of Mitchell Road; thence following the centerline of Mitchell Road in a northeasterly direction for approximately 975 feet to a point, said point being an extension of parcel 24.40 shown on Sullivan County tax map 120; thence in a northwesterly direction following said property line extended for a distance of approximately 900 feet to a point, said point limits; thence in a southwesterly direction following the Kingsport City limits as shown on Sullivan County tax map 60 for a distance of approximately 1,650 feet to a point, said point located on the northerly property line of parcel 28 as shown on Sullivan County tax map 60, said point also being located 2,000 feet from the centerline of Interstate 181; thence in a southeasterly direction with and parallel to the centerline of Interstate 181 approximately 11,250 feet to a point, said point being the intersection of Reservoir Road and Jayne Road

as shown on Sullivan County tax map 75; thence continuing with and parallel to Interstate 181 for a distance of 1,950 feet to the intersecting centerlines of Diana Road and Hinkle Road; thence in a southerly direction following the centerline of Hinkle Road for a distance of approximately 850 feet to the centerline of Princeton Road as shown on Sullivan County tax map 75; thence in a southerly direction following the westerly property line of parcel 102.02 extended for a distance of approximately 1500 feet to a point, said point being the southwesterly corner of parcel 102.02 and the Kingsport City limits as shown on Sullivan County tax map 90; thence in a westerly direction following the southerly property line of parcel 99 and the Kingsport City limits for a distance of approximately 100 feet to a point, said point being the northeasterly corner of parcel 64 as shown on Sullivan County tax map 90; thence in a southerly direction following the westerly property boundary of Gaylemont Subdivision for a distance of approximately 1,800 feet to a point, said point located on the northerly right-of-way of Sullivan Gardens Parkway; thence in a southeasterly direction crossing Sullivan Gardens Parkway for a distance of approximately 200 feet to a point, said point being the northwesterly corner of parcel 61 as shown on Sullivan County tax map 90; thence following the westerly property line of parcel 61 for a distance of approximately 300 feet to a point located on Horse Creek; thence following the northerly shore of Horse Creek for a distance of approximately 800 feet to a point, said point also being the Kingsport City limit; thence in a southeasterly direction following the westerly property line of parcel 61 and Kingsport City limits for a distance of approximately 2,000 feet to a point, said point being the northwesterly corner of parcel 12 as shown on Sullivan County tax map 91; thence in a northeasterly direction following the northerly property lines of parcels 12, 11, 10 and 9 as shown on Sullivan County tax map 91 for a distance of approximately 2,500 feet to a point, said point being the northeastern corner of parcel 9 and the northwestern corner of Timberidge Subdivision; thence in a southeasterly direction following the common property line of parcel 9 and Timberidge Subdivision for a distance of approximately 1,500 feet to a point located in the centerline of McCulley Lane; thence in a northeasterly direction following the centerline of McCulley Lane to its intersection with Shadyview Road, said point also being approximately 2,000 feet from the centerline of Interstate 181; thence in a southerly direction of parallel with the centerline of Interstate 181 for a distance of approximately 8,450 feet to a point, said point located on the centerline of Rock Springs Road as shown on Sullivan County tax map 105; thence continuing with and parallel to Interstate 181 for a distance of 5,225 feet to a point located on the centerline of Cox Hollow Road; thence following the centerline of Cox Hollow Road for a distance of approximately 1,250 feet to a point as shown on Sullivan County tax map 105; thence following the centerline of Cox Hollow Road for a distance of 2,700 feet as shown on Sullivan County tax map 119 to the point of being the common corner of parcels 24.40/24.10 and 27.25 and the Kingsport City limit as shown on Sullivan County tax map 120; thence in a northeasterly direction following the Kingsport City limits for a distance of approximately 4,450 feet to a point located on the centerline of Fordtown Road as shown on Sullivan County tax map 106, dated 2003; thence following the centerline of Fordtown Road in an easterly direction and the Kingsport City limits for a distance of 125 feet to a point, said point being an extension of the southwesterly property line of parcel 26 as shown on Sullivan County tax map 106 and the Kingsport City limits; thence following the Kingsport City limits for a distance of 4,825 feet to a point, said point located on the centerline of Interstate 81; thence following the centerline of Interstate 81 in a southwesterly direction for a distance of 650 feet to a point, said point being located 2,000 feet from the intersecting centerlines of Interstate 181 and Interstate 81; thence in a northerly direction with and parallel to the centerline of Interstate 181 for a distance of approximately 17,500 feet to a point, said

point being the southeasterly corner of tax parcel 2 as shown on Sullivan County tax map 91 and the Kingsport City limits; thence in a northeasterly direction crossing the right-of-way of John B. Dennis Highway for a distance of 400 feet to a point, said point being the southeasterly corner of parcel 3.2-A-76J; thence following the northerly property lines of parcels 3.2-A-76J and parcel 3.25-A-76J for a distance of 1,500 feet to a point, said point being the northeasterly corner of parcel 17-A-76G; thence following the northerly property line of parcel 17-A-76G and the northerly boundary of Whispering Hills Addition for a distance of approximately 1,500 feet to a point located on the centerline of South Eastman Road; thence following the centerline of South Eastman Road in a northeasterly direction for a distance of approximately 2,850 feet to a point located in the center of the Sluice as shown on Sullivan County tax map 76; thence in a northwesterly direction following the center of the Sluice for a distance of approximately 2,850 feet to a point located on the centerline of Wilcox Drive; thence continuing along the center of the Sluice for a distance of approximately 1,550 feet to a point which is the confluence of the Sluice and Horse Creek as shown on Sullivan County tax map 61; thence in a southwesterly direction following the center of Horse Creek as shown on Sullivan County tax map 61 for a distance of approximately 2,550 feet to a point, said point being the northeasterly corner of tax parcel 14 as shown on Sullivan County tax map 61; thence following the northwesterly property line of said parcel for a distance approximately 1,100 feet to a point, said point being the southwesterly corner of parcel 14; thence continuing in a southwesterly direction following the northwesterly property line of parcel 14 extended for a distance of approximately 550 feet to a point; thence continuing in a southwesterly direction for a direction for a distance of approximately 300 feet to a point being the intersection of the northerly property line of parcel 6.9 and Horse Creek Lane as shown on Sullivan County tax map 76, said point also being approximately 2,000 feet from the centerline of Interstate 181; thence in a northerly direction with and parallel to the centerline of Interstate 181 for a distance of approximately 6,500 feet to a point, said point being located on the property line of tax parcels 60-4 and 5; thence in a westerly direction for a distance of approximately 2,000 feet to a point located on the centerline of Interstate 181; thence continuing a westerly direction from the centerline of Interstate 181 for a distance of approximately 650 feet to a point, said point located on the Huntington Place Subdivision boundary and the Kingsport City. BEGINNING, and being that area proposed to be designated as the Gateway Area.

All property located within the City of Kingsport Planning Region with an elevation over 1,400 feet above mean sea level shall also be subject to the provision of the Gateway Overlay District. These provisions for elevations in excess of 1,400 feet will not apply to single-family detached homes or agricultural uses.

The board of commissioners shall regulate the portion of the overlay district found within the corporate limits of the City of Kingsport. If the corporate limits of the City of Kingsport should change in the future due to annexation, the Commissioners shall, upon the effective date of the annexation, regulate the new portions pursuant to the provisions of the act.

SECTION II. It is hereby declared that the sections, clauses, sentences and parts of this ordinance are severable, are not matters of mutual essential inducement, and any of them shall be excised if the ordinance would otherwise be unconstitutional or ineffective. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION III. Any person violating any provisions of this ordinance shall be guilty of an offense and upon conviction shall pay a penalty of FIFTY DOLLARS (\$50.00) for each offense. Each occurrence shall constitute a separate offense.

SECTION IV. That this ordinance shall take effect from and after the date of its passage, as the law directs, the public welfare of the City of Kingsport, Tennessee requiring it.

DENNIS R. PHILLIPS, Mayor

ATTEST:

JAMES H. DEMMING, City Recorder

APPROVED AS TO FORM:

J. MICHAEL BILLINGSLEY, City Attorney

PASSED ON 1ST READING:
PASSED ON 2ND READING: