



## **AGENDA**

### **BOARD OF MAYOR AND ALDERMEN**

#### **CALLED BUSINESS MEETING**

**Monday, April 6, 2015**

**Council Room – 2<sup>nd</sup> Floor, City Hall**

**4:30 p.m.**

#### **Board of Mayor and Aldermen**

Mayor Dennis R. Phillips, Presiding  
Vice Mayor Mike McIntire  
Alderman John Clark  
Alderman Colette George

Alderman Andy S. Hall  
Alderman Tom C. Parham  
Alderman Tom Segelhorst

#### **City Administration**

Jeff Fleming, City Manager  
Chris McCartt, Assistant City Manager for Administration  
Ryan McReynolds, Assistant City Manager for Operations  
J. Michael Billingsley, City Attorney  
James Demming, City Recorder/Chief Financial Officer  
David Quillin, Police Chief  
Craig Dye, Fire Chief  
Morris Baker, Community Services Director  
Lynn Tully, Development Services Director  
Tim Whaley, Community & Government Relations Director  
George DeCroes, Human Resources Director

#### **I. CALL TO ORDER**

#### **II.A. PLEDGE OF ALLEGIANCE TO THE FLAG**

#### **II.B. INVOCATION**

#### **III. ROLL CALL**

#### **IV. BUSINESS MATTERS REQUIRING FIRST READING**

1. Amend the Zoning Ordinance to Permit Food Processing and Packaging Facilities by Right in the MX Zone, and to Delete Special Exceptions Language in the MX Zone (AF: 74-2015) (Justin Steinmann)
  - Ordinance

**V. COMMUNICATIONS**

- A. City Manager
- B. Mayor and Board Members
- C. Visitors

**Citizens may speak on issue-oriented items. When you come to the podium, please state your name and address and sign the register that is provided. You are encouraged to keep your comments non-personal in nature, and they should be limited to five minutes.**

**IX. ADJOURN**



**AGENDA ACTION FORM**

**Amend the Zoning Ordinance to Permit Food Processing and Packaging Facilities by Right in the MX Zone, and to Delete Special Exceptions Language in the MX Zone**

To: Board of Mayor and Aldermen  
From: Jeff Fleming, City Manager *JF*

Action Form No.: AF-74-2015  
Work Session: April 6, 2015  
First Reading: April 6, 2015  
Final Adoption: April 7, 2015  
Staff Work By: Justin Steinmann  
Presentation By: Justin Steinmann

**Recommendation:**

- Hold a public hearing on April 7, 2015 at second reading.
- Approve ordinance amending Chapter 114, Article III, Division 8 – Mixed-Use District (MX) of Kingsport’s Zoning Code to permit food processing and packaging facilities by right in the MX zone, and to delete special exceptions language in the MX zone.

**Executive Summary:**

As part of a review of the MX zoning district, staff found special exceptions language that does not seem to achieve its intended purpose. The criteria set forth in Section 114-355 for special exceptions use standards for evaluation of the proposed special exception that do not seem consistent with the uses that they apply to. Given that the previous section for accessory uses explicitly permits on-site cafeterias for employees, and public utilities could be interpreted to be uses always necessary for the service and convenience of district employees or patrons, staff recommendation is to delete the special exceptions language of Section 114-355 and to permit food product processing and packaging by right in the MX district. Public and private utilities are already listed as permitted by right in the district.

During their March 2015 regular meeting, the Kingsport Regional Planning Commission voted unanimously to send a favorable recommendation to approve this zoning text amendment to the Board of Mayor and Aldermen. The Notice of Public Hearing was published on March 23, 2015.

**Attachments:**

1. Notice of Public Hearing
2. Zoning Text Amendment in Ordinance Format
3. Staff Report

	Y	N	O
Clark	—	—	—
George	—	—	—
Hall	—	—	—
McIntire	—	—	—
Parham	—	—	—
Segelhorst	—	—	—
Phillips	—	—	—

## **NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN to all citizens of the City of Kingsport, Tennessee, to all persons interested, and the public at large that the City of Kingsport Board of Mayor and Aldermen will conduct a Public Hearing during its regular business meeting on Tuesday, April 7, 2015 to consider amending the Code of Ordinances to permit food processing and packaging facilities by right in the MX zone, and to delete special exceptions language in the MX zone. The regular business meeting will begin at 7:00 p.m. in the large courtroom located on the second floor of City Hall, at 225 W. Center Street, Kingsport, Tennessee.

All interested persons are invited to attend this meeting and public hearing. A detailed description of the zoning text amendment is on file in the offices of the City Manager, City Library, and Planning Manager for inspection. Additional information concerning this proposal may be obtained by contacting the Kingsport Planning Division of the Development Services Department, telephone 423-229-9485.

CITY OF KINGSPORT  
Angie Marshall, Deputy City Clerk  
P1T: 3/23/15

# PRE-FILED CITY RECORDER

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND SECTION 114-353 PERTAINING TO USES IN THE MX, MIXED-USE DISTRICT AND REPEALING SECTION 114-355 PERTAINING TO SPECIAL EXCEPTIONS IN THE MX, MIXED-USE DISTRICT OF THE CODE OF ORDINANCES, CITY OF KINGSPORT, TENNESSEE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

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

SECTION I. That Section 114-353 of the Code of Ordinances, City of Kingsport, Tennessee, is hereby amended to read as follows:

Sec. 114-353. Permitted uses.

Uses permitted in the MX, Mixed-Use District are as follows:

- (1) Offices for brokers, businesses, computers, data processing, credit agencies, finance, government, law, medical, photography, real estate and travel agencies.
- (2) Single-family, two-family and multifamily residential.
- (3) Retail or service uses such as hotels, motels, limousine service, motor vehicle rental, restaurants, service stations, vehicle storage and day care facilities.
- (4) Public uses such as armories, auditoriums, meeting halls, coliseums, recreational facilities, stadiums, governmental uses, public parks and public or private utilities.
- (5) Manufacturing, assembling, processing, packaging or similar treatment of such products as: appliances, automobiles (including rebuilding and reconditioning), bolt or screw thread rolling or cutting, bottle making, box and crate assembly, bronze casting, canvas, carpets, rugs, celluloid and pyroxyline, ceramics, china or figurines, cosmetics, die casting and making, drafting instruments, electrical parts, electronic instruments, fiberglass, food products, forge, foundry, furniture, heating equipment, laboratories (experimental), medical and dental instruments, musical instruments, parcel delivery stations, pharmaceuticals, phonograph records, pottery, radios, record players, rubber and metal stamps, scientific instruments and equipment, shoes, television receivers, textiles, toiletries, tools, toys, watches, clocks and woven wire.
- (6) Warehousing, ministorage and trucking terminals.
- (7) On-premises and off-premises alcoholic beverage sales.
- (8) Communication facilities.

SECTION II. That Section 114-355 of the Code of Ordinances, City of Kingsport, Tennessee is repealed.

SECTION III. 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.

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DENNIS R. PHILLIPS  
Mayor

ATTEST:

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JAMES H. DEMMING  
City Recorder

APPROVED AS TO FORM:

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J. MICHAEL BILLINGSLEY  
City Attorney

PASSED ON 1ST READING \_\_\_\_\_  
PASSED ON 2ND READING \_\_\_\_\_



Introduction:

As part of a review of the MX zoning district, staff found special exceptions language that does not seem to achieve its intended purpose. The criteria set forth in Section 114-355 for special exceptions use standards for evaluation of the proposed special exception that do not seem consistent with the uses that they apply to. Given that the previous section for accessory uses explicitly permits on-site cafeterias for employees, and public utilities could be interpreted to be uses always necessary for the service and convenience of district employees or patrons, staff recommendation is to delete the special exceptions language of Section 114-355 and to permit food product processing and packaging by right in the MX district. Public and private utilities are already listed as permitted by right in the district.

Presentation:

The wording proposed for modifications to the MX zone is below.

Key points:

1. Food product processing or packaging will be permitted. Public and private utilities are already listed as permitted by right in the district.
2. Special exception language pertaining to food product packaging and public utilities will be deleted.

Staff recommends APPROVAL.

Changes to Article III, Section 114-353:

Uses permitted in the MX, Mixed-Use District are as follows:

- (1) Offices for brokers, businesses, computers, data processing, credit agencies, finance, government, law, medical, photography, real estate and travel agencies.
- (2) Single-family, two-family and multifamily residential.
- (3) Retail or service uses such as hotels, motels, limousine service, motor vehicle rental, restaurants, service stations, vehicle storage and day care facilities.
- (4) Public uses such as armories, auditoriums, meeting halls, coliseums, recreational facilities, stadiums, governmental uses, public parks and public or private utilities ~~to serve the area~~.
- (5) Manufacturing, assembling, processing, packaging or similar treatment of such products as: appliances, automobiles (including rebuilding and reconditioning), bolt or screw thread rolling or cutting, bottle making, box and crate assembly, bronze casting, canvas, carpets, rugs, celluloid and pyroxyline, ceramics, china or figurines, cosmetics, die casting and making, drafting instruments, electrical parts, electronic instruments, fiberglass, food products, forge, foundry, furniture, heating equipment, laboratories (experimental), medical and dental instruments, musical instruments, parcel delivery stations, pharmaceuticals, phonograph records, pottery, radios, record players, rubber and metal stamps, scientific instruments and equipment, shoes, television receivers, textiles, toiletries, tools, toys, watches, clocks and woven wire.

- (6) Warehousing, ministorage and trucking terminals.
- (7) On-premises and off-premises alcoholic beverage sales.
- (8) Communication facilities.

Changes to Article IV, Sec 114-355:

**Sec. 114-355. - Special exceptions Reserved.**

~~When determined to be a use necessary for the service or convenience of the MX district employees or patrons, public utilities and food product packaging may be permitted by the board of zoning appeals, to be subject to any conditions set forth by this board.~~