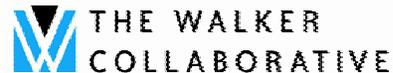


Kingsport

X. Code Analysis & Recommendations

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OVERVIEW

There are numerous land use and development codes that, combined, determine the character and quality of Kingsport's built and natural environment. Some of these codes are consistent with the community's collective vision for the future, but many are not, as was proven by the Visual Image Survey (VIS) that was administered to 1,100 Kingsport residents.

It is noteworthy that the City's zoning ordinance is a relatively comprehensive document that covers a variety of issues, including landscaping and parking regulations. For each issue category addressed in this report, there are recommendations for the existing codes, as well as recommendations for any new codes, to the extent relevant. In the case of recommended new regulations for which their location within the codes is not obvious, they are located at the end of this report.

ZONING ORDINANCE

Kingsport's zoning ordinance, Chapter 114 of the City's codes, was adopted in 1981 and updated in 1994. It is organized into six articles as follows:

- Article I – In General
- Article II – Administration and Enforcement
- Article III – Districts
- Article IV – Signs
- Article V – Parking and Loading
- Article VI – Landscaping and Land Use Buffers

Former Article VII – Soil Erosion Control, was replaced in December 2004 with a new ordinance inserted into Chapter 42 – Environment. It has been reviewed as part of this report, and no recommendations are offered. Also, a tree ordinance was

adopted in January 2004 as part of Article VIII, Chapter 94, and it is critiqued below. Below is a summary of each article and recommendations as relevant:

Article I – In General

This article addresses a variety of administrative issues, including definitions, the purpose and authority of the ordinance, interpretation, relationship to the zoning map, amendments and non-conforming uses. Noteworthy characteristics of this article, most of which are problematic in varying manners, include the following:

Section 114-1. Definitions

The definition for "Townhouses" is unusual in that it can include a detached single-family dwelling. This definition makes no distinction from the definition of a "single-family dwelling."

Recommendation: Rewrite the definition to clarify that a townhouse is an attached form of residential unit.

Also, see Section 114-37 (Building Permit) below regarding the need to define the term "excavation."

Section 114-4. Interpretation

This section clarifies that the "provisions of this chapter shall be held to be minimum requirements," implying, but not explicitly stating, that stronger requirements might be applied when warranted.

Section 114-7. Amendments

This section requires approval by the Board of Mayor and Aldermen (BMA) only if a zoning ordinance amendment is first disapproved by the Planning Commission, in which case a majority of the BMA membership must pass it. This approach

is unusual because amending an ordinance is a legislative process not typically left solely up to a review body such as a planning commission.

Recommendation: Revise the process to require a formal recommendation from the Planning Commission for all proposed zoning ordinance amendments, but leaving the approval of such amendments entirely up to the BMA as the City's sole legislative body.

With respect to public hearings on zoning ordinance amendments, the section states that the Planning Commission "may send a notice" of the meeting, rather than such notification being mandatory. Also, it only suggests notifying "owners fronting or abutting the property in question." Given that the impacts of a zoning amendment for a particular property can often be felt far beyond those properties directly adjacent to the property in question, most communities notify owners within a certain minimum distance, such as 300 feet. Temporary signs regarding the meeting can also be placed on the subject property so that anyone passing by can see that a zoning change has been requested.

Recommendation: Planning Commission hearings on zoning ordinance amendments should require that notification of the meeting be provided in the community's major newspaper, and that all property owners within 300 feet of a subject property be notified by mail. While the City should provide the addresses of owners that are to be notified, the responsibility for the notification should be left up to the applicant and confirmed by the City. Notification should occur at least 14 days prior to the hearing, but no more than 21 days in advance of the hearing.

Section 114-8. Nonconforming Uses

When a nonconforming use is destroyed or deteriorated to an extent that its "grandfathered" status expires and the use is no

longer permitted to continue, this section gives the owner up to one full year to reconstruct the use in accordance with the building codes in existence at the time that it legally existed as a conforming use. Typically, municipalities allow the owner to rebuild if the structure is destroyed by fire, but if the use is just discontinued for a designated amount of time the owner is not allowed to reoccupy a non-conforming use.

Recommendation: If a nonconforming use is unintentionally destroyed, such as by a fire, it should be permitted to be reconstructed for up to one year from the time of its destruction. The City should consider requiring that such new construction meet current standards, including those for signage, rather than those in place when the use was legally a conforming use. In the case of physical deterioration caused by neglect, it is recommended that any nonconforming use that is abandoned for over one year shall lose its "grandfathered" status to continue as an existing nonconforming use.

Article II – Administration and Enforcement

This article addresses issues such as building permits, certificates of occupancy, penalties for violations, zoning appeals, and the zoning development plan.

Section 114-37. Building Permit

This section states that no excavation, construction or demolition may occur without a building permit. The definitions section has no definition for "excavation."

Recommendation: The term "excavation" needs to be defined in the definitions section (Section 114-1), and it needs to be referenced or repeated in this section

Section 114-688 of the ordinance requires a grading permit for any grading, but that very relevant fact is not expressed in this

section. Similarly, Section 94-408 protects trees within any city right-of-way, but those provisions are not referenced in Section 114-37.

Recommendation: A reference should be made here to Section 114-688 to emphasize the grading permit requirement and Section 94-408 to underscore tree protection in ROWs in case those sections might otherwise be overlooked.

This section requires the applicant to submit what amounts to only a site plan in order to get a building permit. Although it does state that the applicant “shall supply such other information as may be required by the building official,” it would be worth stating that in many cases architectural drawings will be required.

Recommendation: This section should be revised to clarify that full architectural drawings might also be required, since they will be in most cases.

Section 114-39. Penalties and Remedies

This section’s minimum penalty of \$1 per offense in violation of the zoning ordinance is extremely low and has the potential to be abused if not increased. The current maximum penalty allowed by state laws per offense is \$500.

Recommendation: A higher minimum penalty per offense should be adopted, such as \$100.

Section 114-67. Meetings; Rules of Procedure

This section fails to address the required number of BZA members to constitute a quorum, and it also does not state how many votes are required in order to pass a motion.

Recommendation: Since there are five BZA members, it is recommended that three members be required to constitute a

quorum. It is also recommended that three affirmative votes (a majority of the board’s full membership) be required to pass a motion.

Section 114-69. Appeals to Board

This section requires that the board “fix a reasonable time for the hearing of the appeal... and shall decide the appeal within a reasonable time.” In order to protect the applicant’s rights, most communities specify such time limits, and some grant the applicant an automatic approval if a decision is not made in time.

Recommendation: The BZA should be required to set a hearing for an appeal within sixty (60) days of the request, and that the BZA make a decision within forty-five (45) days of hearing the appeal. Furthermore, if either time limit is not met by the BZA, the appeal shall be automatically granted. However, provisions should be included to allow the applicant to extend these deadlines if it desires.

Section 114-71. Applicability and Transferability of Dimensional Variance

This section states that all “dimensional variances” apply only to the specific property and cannot be transferred by the property owner to another property. It is unusual that this provision seems to apply only to dimensional variances, and might not apply to conditional uses and special exceptions as well.

Recommendation: This language should be amended to clearly state that all types of variances are site-specific and cannot be transferred to another property.

Section 114-101. Intent

This section introduces Division 3 of this article, entitled “Zoning Development Plan.” This term and title is likely confusing to the average person not used to Kingsport’s ordinances.

Recommendation: Since the division addresses the requirements for submitting a plan and gaining approval for any land development, a more descriptive title that should be considered is “Development Site Plan.”

Section 114-103. Required

This section lists specific land use districts in which approval of a zoning development plan is required, in addition to the catch-all of “other districts.” Rather than linking site plan approval to specific districts, most zoning ordinances link it to specific types of development and/or land uses, such as multi-family development, multiple buildings, commercial uses and institutional uses.

This section also states that the Planning Commission has the discretion to require the submission and approval of a zoning development plan for any proposed zoning map amendments. Some consideration should be given to requiring the applicant to actually implement the approved plan by tying it to the permitting process.

Recommendation: A development site plan should be required for all new development except for individual single-family houses or attached houses of up to four units per building. Therefore, a site plan would be required for all development involving multi-family development, townhouses, multiple buildings, commercial uses and institutional uses.

Section 114-104. Contents of Preliminary Plan

This section lists the various types of information required on the plan. As written, it overlooks the provision of information

such as existing natural features (other than topography), a north arrow, the date of the plan, and any subsequent revisions. Many ordinances simply reference a separate document available through the City for a detailed list of required site plan information. Such lists can be periodically revised without requiring a formal zoning ordinance amendment. Sometimes the specific information required is tailored to the needs of each individual development in order to avoid requiring the provision of unnecessary information. Such a check-list could be an attachment to the zoning ordinance as a supplement.

Recommendation: Expand the list of required plan information, consider referencing the list as a supplement to the ordinance instead of being part of the ordinance, and design the list as a check-list that can be tailored to the specific necessary plan information of each individual project.

Section 114-105. Contents of Final Development Plan

As written, it appears that the only discernable difference between the preliminary plan and final plan is that a specific scale is required for the final plan, amendments to the plan must be shown, and the seal and signature of an engineer, architect or land surveyor must be included on the final plan.

Recommendation: Because all of these requirements are important to the effective review of even a preliminary plan, they should be required during the preliminary plan stage of all applications. Also, this two-step process of a preliminary and final plan is illogical unless there is some difference in the level of information required. It is recommended that this system be restructured so that the final plan requires more detailed information than the preliminary plan.

State law mentions licensed architects, engineers, and landscape architects among those who can prepare plans. It does not specifically mention land surveyors, who are not typically

trained in planning. Furthermore, most architects and engineers lack expertise in landscape architecture, most landscape architects lack expertise in architecture and engineering, and most engineers lack expertise in architecture and landscape architecture.

Recommendation: If a “land surveyor” signs for a plan, require the accompanying signature of a professional that correlates with each discipline required for the plan’s preparation. In the case of a typical site plan that includes architecture, engineering and landscape architecture, each component of the plan should be signed for by the applicable professional.

Section 114-106. Procedures

As written in this section of the zoning ordinance, the final development plan can be submitted for approval after the actual development has been started and even completed. In such a case, the purpose of requiring a plan is completely undermined. For example, an area that might be designated for paving in the preliminary plan might ultimately be proposed for natural vegetation in the final plan, but its disturbance might have already occurred. Rather than taking such an approach, an option followed by many communities is a five-step process as follows: 1) Pre-application meeting with staff to review a rough concept plan; 2) Submission and approval of a preliminary site plan; 3) Submission and approval of a revised final site plan; 4) Issuance of grading and building permits so that work may begin; and 5) Issuance of a certificate of occupancy once the development is completed in accordance with the final site plan.

Recommendation: This section should be revised to not permit any disturbance of a site until the final site plan is approved. Furthermore, the five-step approach outlined above should be strongly considered by the City.

Section 114-108. Zoning Development Plan Requirements for Off-Premises Signs

This section includes a list of requirements for submitting plans for off-premise signs. It is unclear why this section is contained within this article for two reasons. First, Section 114-103 lists the specific circumstances in which a zoning development plan is required, and off-premise signs are not among them. Secondly, Article IV of the zoning ordinance is dedicated exclusively to the subject of signs, so that would seem to be a more appropriate location to address off-premise signs.

Recommendation: Relocate this section to Article IV of the zoning ordinance, which exclusively addresses signs.

Article III – Districts

This article addresses permitted land uses, dimensional requirements and similar issues within each of the defined zoning districts.

Section 114-137. Uniform Regulation

Only uses that are specifically permitted or “substantially similar” to those specifically permitted are allowed in their respective zones. Similarly, those uses specifically prohibited or “substantially similar” to those specifically prohibited are not allowed. This approach seems to leave a “gray area.” For example, if a particular use is not specifically permitted (or substantially similar to such a permitted use) and it is not specifically prohibited (or substantially similar to such a prohibited use), what is its status? This same concept is contained in Section 114-189 (Restrictions by Type of Zoning District).

Recommendation: Revised this section to either permit all uses unless specifically prohibited, or permit only those uses that are

specifically permitted. The “substantially similar” provisions can still be applied here.

Section 114-139. Accessory Building Location and Height

This section permits adjacent property owners to construct a single “double garage” that straddles the property line, but in such case it requires that exactly one half of the garage be on each lot. This provision fails to address instances in which more than two garage bays might be sought. Rather than being so specific regarding a “double garage,” this provision should focus on insuring that no individual parking bays would be split by a lot line. For example, a three-car garage in which two car bays are on one lot and one car bay is on the other should be workable.

Recommendation: Rather than addressing only double garages, broaden the language to insure that no lot line splits any single garage bay regardless of the number of bays.

Section 114-142. Height Limits and Exceptions

Among the various building types and building components exempted from height requirements are cupolas and domes not for human occupancy, as well as flag poles. Neither of the two building components is defined. Although it is highly unlikely, it is possible that someone could abuse this provision with the result being a height that is incompatible with the surrounding area, particularly in a residential zone. It is assumed that historic districts would not allow this exemption.

Recommendation: To insure that vertical architectural elements such as cupolas and domes are not misrepresented to result in additional floors, a maximum floor area should be established for such elements (i.e., 400 sq. ft.). Also, a maximum height should be applied to these elements, such as 20 ft. above the overall building’s maximum permitted height.

Section 114-143. Lot Area and Lot Width Minimum

This section states that no principal building may occupy a lot that does not meet the minimum area or width requirements for its respective zone. It also states that the “total gross floor area in all buildings on the lot shall be considered in determining the adequacy of lot area.” On the one hand, a specific minimum lot area is provided for each district, while the same section also indicates that the adequacy of a lot size is determined by the building’s size. This contradiction should be rectified.

Recommendation: Eliminate the suggestion that lots sizes are determined by the building’s square footage.

Section 114-144. Yards

This section requires that when two adjacent lots are in different zones, the lot width and depth of the less restrictive zone shall be the same as the lot width and depth of the more restrictive zone. Similarly, under the subheading “Nonresidential Zone Adjoining Residential,” the required front yard of any non-residentially-zoned property on the same block front with a residentially-zoned property must have the same minimum front yard as required for the residential zone. In a scenario in which residential and commercial lots adjoin, this provision would require the commercial property to have the same lot width and depth of the residential zone.

Recommendation: Rather than creating a situation that might be unworkable for the potential commercial property, it is recommended that these requirements be dropped and that buffering requirements be used instead. Such buffering might be achieved through fencing, walls, landscaping or a combination thereof.

For corner lots in a residential zone, “the required least width of a side yard along the side street shall be at least 50 percent greater than the side yard required for that zone.” Most

communities consider corner lots to have two frontages and to abide by both front setback requirements.

Recommendation: Revise this section to consider all corner lots to have “double frontage” and require that they follow front yard requirements for all yards fronting onto a street.

Another requirement of this section is that the side yard of any multifamily dwelling must have the same depth as the required front yard depth if any principal entrances front onto the side yard (either for individual units or the overall structure). This requirement poses two problems. First, although a minimum side yard depth is needed, this particular requirement may be excessive within the more urban zones. Secondly, it allows for buildings that are designed with primary entrances that do not face a street, which is counter to the commonly accepted principles of New Urbanism in which design focuses more on streets and pedestrianism than on parking lots.

Recommendation: Revise this section to require that buildings be designed with all primary entrances fronting onto a street. This requirement should be applied to most types of buildings, not just multifamily buildings. An exception should be considered for buildings that are part of a unified academic, religious, medical or corporate campus.

Section 114-145. Walls and Fences

This section permits walls and fences up to six (6) feet in height to occur within front yards in “any residence, business or professional district.” Such a provision could result in an extremely unattractive area and decreased property values.

Recommendation: Permit wooden and metal fences (not including chain link) up to a maximum of four (4) feet in height. Chain link could be allowed for side and rear yards so long as it does not encroach into the front yard.

This section also permits barbed wire to be used in all but residential districts, and it has no fence height limits within industrial districts. Both requirements can negatively impact the aesthetics and property values of such areas.

Recommendation: Prohibit barbed wire in all but industrial districts, and limit fence heights to six feet within the front yards of industrial districts.

Section 114-146. Projections

This section prohibits porches, stairways, terraces or “other similar features” to project within ten (10) feet of any front lot line. This provision would prohibit a traditional townhouse front stoop from occurring. The codes for many communities permit townhouse front stoops to encroach not only within the front yard, but into the public right-of-way so long as a minimum sidewalk width is still retained.

Recommendation: Allow townhouse stoops to have a 0 ft. setback from the front lot line, but not allowing them to project into the public right-of-way. This requirement will allow for the front of the building to have modest setback of a few feet for landscaping.

Section 114-150. Communications Facilities

This section is quite comprehensive and detailed. It appears to address all reasonably conceivable issues potentially prompted by the latest communications technology. However, given that the minimum height of maturity for peripheral landscaping is six (6) feet in height when hedges are used, yet the minimum height required for peripheral fencing or walls is eight (8) feet in height, an increase in the minimum landscaping height is in order.

Recommendation: Rather than allowing the option of hedges that are only required to reach a maturity height of six (6) feet, general language should be provided that simply requires that the maturity height of the landscape screening shall be sufficient to match the height of the proposed fencing.

Sections 114-182 through 114-186. (Intent of statement for each district)

This section lists five (5) general categories of land uses, but there is no zoning district tailored to the unique characteristics and needs of Downtown Kingsport.

These sections provide the intent of each zoning district. From an organizational perspective, it would be much easier to follow this ordinance if the intent for each district were provided in the section that addresses the permitted use and dimensional standards for the applicable district.

Recommendation: Relocate the intent statement for each district to the section to which it applies.

Section 114-184. Intent of Residential Areas

For each residential district listed in this section, the key dimensional standards are summarized rather than the actual intent being explained, as is done for the sections on business and manufacturing zones.

Recommendation: Revise this section to address the intent of each district, including the types of housing intended (large single-family homes, small single-family homes, townhouses, apartments, etc.)

Section 114-187. Mixed Use District

This section describes the intent of the mixed use district as being geared toward a light industrial and office environment within a “self-contained” campus setting, and there is no

mention of residential uses being permitted. However, Section 114-427 lists residential uses as among those permitted. This section needs to be revised to more accurately reflect the true intent. Also, the idea of a “self-contained” mixed use area that is not physically integrated into a community with strong connections to adjacent areas is counter to current accepted planning philosophies.

Recommendation: Add residential uses to those described as permitted in the mixed use district, and drop the language suggesting a self-contained campus environment.

Section 114-190. A-1 Agricultural District

This section permits places of worship, schools and colleges as special exception uses within the A-1 zone. While it is recognized that these types of facilities can be difficult to site within areas already urbanized, they also constitute mixed use developments that can generate substantial volumes of traffic and other impacts during their peak usage hours. Consequently, they are inconsistent with the expectation level of most people choosing to live in rural areas. However, this approach to zoning for such facilities is very common, as alternatives are often unavailable.

Recommendation: Rather than permitting such high-impacting uses within the A-1 district, create a new district specifically for such uses, and write their criteria for designation in a manner that would allow some needed flexibility for where they locate while balancing the needs and expectations of rural residents.

A-1 zoning permits single-family detached dwellings as a permitted principal use, and the minimum permitted lot size is 20,000 square feet. Given that this zoning permits neighborhoods with a density greater than two units per acre and there are no lot coverage limits, it is completely unrelated to the use and character of how “agricultural” land is typically

viewed. Such zoning can also threaten the long-term viability of farming in certain areas because growing a residential constituency might protest the impacts of farming (odor, etc.) and seek regulatory measures that might limit farming operations. It would be more logical to create another zoning classification for single-family homes with this permitted density.

Recommendation: Create a new residential zoning district that requires minimum lot sizes of 20,000 sq. ft., and consider creating additional residential zones with even larger minimum lot sizes (one or two acres). Within the A-1 zone, require a minimum residential lot size of five or ten acres so that areas intended for agricultural uses do not instead become residential estate areas. An exception should be provided so that a farm family can subdivide a few small lots intended for family members and/or farm workers.

Section 114-192. R-1B Residential District

This district for minimum 7,500 sq. ft. lots requires that no more than 30 percent lot coverage occur. This requirement would allow no more than 2,250 sq. ft. of coverage. Assuming a two-car garage requires approximately 600 sq. ft., that would leave only 1,650 sq. ft. of coverage, translating into a two-story house no greater than 3,300 sq. ft. While this requirement may not seem very prohibitive, it would preclude a one-story house with 2,000 sq. ft. of floor area, as well as other design options.

Recommendation: Increase the 30 percent maximum lot coverage to 40 percent or exclude garages from the calculations.

Section 114-193. R-1C Residential District

This district permits lots to be as small as 5,000 square feet with minimum lot widths of 50 feet, but requires minimum front and rear setbacks of 25 feet. In the case of a lot just meeting these standards, the maximum depth of the house would be 50 feet,

which is quite limiting to its design. In fact, these setback requirements might preclude the development of a Traditional Neighborhood Development (TND), a “New Urbanist” approach to designing communities using pre-WWII planning principals and having many merits. Such developments, which are quickly gaining popularity with local governments and real estate markets, typically feature deep narrow lots with houses having a long axis perpendicular to the street. This issue of large front and rear yard requirements relative to their minimum lot sizes is also a concern for the other R-1 districts (R-1A and R-1B), although not to as great an extent as the R-1C district.

Recommendation: Within newly developed R-1C districts, reduce the required front setback from 25 feet to 10 feet and the required rear setback from 25 feet to 20 feet. Such revised standards should not be applied to existing R-1C districts in which they would be incompatible. An alternative to revising the R-1C district is to create a new residential district, perhaps as part of a new Traditional Neighborhood Ordinance.

This district for minimum 5,000 sq. ft. lots requires that no more than 40 percent lot coverage occur. This requirement would allow no more than 2,000 sq. ft. of coverage. Assuming a two-car garage requires approximately 600 sq. ft., that would leave only 1,400 sq. ft. of coverage, translating into a two-story house no greater than 2,800 sq. ft. This requirement would preclude a one-story house with 2,000 sq. ft. of floor area, as well as other design options.

Recommendation: Increase the 40 percent maximum lot coverage to 50 percent or exclude garages from the calculations.

Sections 114.195 through 114.197 (Low to High Density Apartments)

Zones R-3, R-4 and R-5 are referred to as “apartment” districts. The term “apartment” is not defined in the ordinance, but it

typically refers to multi-family buildings in which the individual residential units are rented to their occupants by the owner of the building. Condominium buildings, on the other hand, can be physically identical to apartment buildings, but the units are individually owned. They can be either owner-occupied or rented out by the owner. Cooperatives (“co-ops”) are similar to condominiums, but owners own shares of the entire development, rather than individual units. Given that apartments, condominiums and cooperatives should be treated the same for the purposes of zoning, the term “multi-family,” which is included in the ordinance’s definitions section, might be more appropriate than the term “apartment.”

Recommendation: Revise the name of these three zoning categories from “Apartment” to “Multi-Family”.

There are no requirements in any of these multi-family districts for common areas, including parks, plazas and recreational space and facilities. Although such common spaces are often provided by municipalities for areas that are predominantly single-family, the development of higher-density multi-family housing creates a need for common areas beyond the normal amounts generated by lower-density housing.

Recommendation: Consider requiring open spaces and recreational facilities as a standard requirement for all multi-family developments exceeding a certain threshold of residential units, such as 50 or more. A standard used by many communities is the National Recreation and Parks Association (NRPA) standards, which base the required quantities of various open space types and recreational facilities upon the number of residents served.

Section 114-196. R-4 Medium Density Apartment District

In addition to permitting medium density apartments, this district permits all uses allowed in the R-1, R-2 and R-3 districts

(single-family, two-family and low density apartments, respectively). Referred to as “Euclidean” zoning in which each district moving up the ladder of density/intensity permits all of the less dense/intense uses below it to occur, this approach has both drawbacks and benefits. Until recently, this approach was viewed as an out-dated zoning technique that leaves little room for land use predictability within many zones. However, with the recent movement toward New Urbanism and the mixing of residential types within the same neighborhood, this approach can be viewed as a progressive one. Also, Euclidean zoning is much more problematic at the higher end of the density/intensity scale, when residential uses are permitted within industrial zones, which Kingsport’s zoning does not allow.

This district has no maximum building height limits other than a maximum 2:1 height-to-yard ratio for rear and side yards. Although real estate economics might keep this lack of a height limit from ever becoming an issue, it might not.

Recommendation: Establish a different maximum building height for this zone, such as 50 feet or four (4) stories.

As used in Kingsport’s ordinance, “lot coverage” refers to the area covered by buildings, and does not include paved and similar impervious areas. The R-4 zone allows no more than 30 percent lot coverage with buildings. Considering this zone is intended for apartments, such requirement discourages land-efficient design.

Recommendation: Increase the permitted lot coverage to 40 or 50 percent.

Section 114-197. R-5 High Density Apartment District

As with the R-4 district, this district has no maximum building height limits other than a maximum 3:1 height-to-yard ratio for rear and side yards.

Recommendation: Establish a different maximum building height for this zone, such as 75 feet or six (6) stories.

The maximum lot coverage for the R-5 district is 35%, which is fairly low for a “high density” multi-family housing. This standard deserves reconsideration to encourage more land-efficient design.

Recommendation: Increase the permitted lot coverage to at least 50 percent.

Potential New Residential Districts

As currently written, the Kingsport zoning ordinance has some gaps in permitted housing options that are presently enjoying considerable market demand in other communities.

Recommendation: Create a new townhouse district, as well as a Traditional Neighborhood District permitting a mixture of various housing types that are physically integrated within the same development.

Section 114-200. P-1 Professional Offices District

The minimum front yard requirement for this zone is the “same as the most restrictive adjacent zoning district.” It is understood that one of the stated intents of the P-1 district is to serve “as a buffer between residential and retail business uses.” However, given that the P-1 district is still its own distinct zoning classification rather than some infill development option in which an individual building needs to blend in with its surrounding context, a standard front yard dimension would be appropriate.

Recommendation: It is difficult to suggest an appropriate front setback requirement until more can be determined regarding this district’s intended function and character. If a relatively urban environment with rear parking lots is desired, than a shallow setback ranging from 0 feet to 15 feet might be appropriate (the B-2 district permits a 0 foot setback). If a less urban environment is desired, a front setback of 20 feet to 30 feet might be more appropriate (the B-1 district requires a minimum 30 foot setback).

As in the case of the medium and high-density apartment zoning cited previously, the maximum lot coverage of 35 percent for the P-1 district has a suburban bias that precludes more urban and land-efficient development patterns.

Recommendation: Increase the permitted lot coverage to at least 40 percent, and perhaps as high as 50 percent.

This district has no maximum building height limits other than a maximum 3:1 height-to-yard ratio for rear and side yards.

Recommendation: Establish a specific maximum building height for this zone. Given that this zone is intended to be transitional between commercial and residential zones, the maximum height should be no taller than 50 feet or four (4) stories. However, a lower height, such as 35 feet or 2.5 stories, might be more appropriate.

Section 114-202. B-1 Neighborhood Business District

Among the various permitted uses in this district are all uses permitted in the R-3 zone, which includes single-family detached houses, two-family houses and low-density apartments. It is unusual that a commercial zone allowing residential uses would permit lower density residences, which tend to be generally incompatible with businesses, rather than moderate and high density multi-family housing.

In general, the permitted uses and dimensional standards for this district result in a relatively intense commercial area given that is the least intense commercial classification available. For example, permitted uses include grocery stores, gas stations, restaurants, laundries, dry cleaning and liquor stores, while special exception uses include offices and self-service carwashes. This zone also has no minimum lot area, lot frontage, side yard, open space, or lot coverage requirements. The ordinances of most communities would refer to such a zone as a “general commercial” zone, as “neighborhood commercial” zones are usually much more limited in their range of permitted uses and physical scale.

Also, given the lack of most dimensional standards, as noted above, it is unusual that the maximum permitted building height is only 25 feet, compared to the R-1 residential district, which allows buildings up to 35 feet in height.

Recommendation: In order to provide small-scale mixed-use development to serve a neighborhood market, this district needs a complete overhaul, as a true “neighborhood business district” in the true sense is currently missing from among Kingsport’s options. It is recommended that the revamped district include the following characteristics: a variety of attached housing options; small-scale and low-impacting commercial uses typical for residential areas; requirements for rear parking rather than front parking lots; and design standards compatible with residential areas. Also, the maximum permitted building height of only 25 feet should be reconsidered for an increase given that Kingsport’s residential districts permit buildings up to 35 feet in height. Likewise, the required 30 foot front setback is atypical for most small-scale neighborhood commercial development in which parking is provided in the rear and the building can be placed much closer to the street.

Section 114-203. B-2 Central Business District

This district is applied to Downtown Kingsport, and permits a broad range of uses. Among the permitted uses are gasoline stations, which should be reconsidered given their physical incompatibility with a historic downtown. As an alternative, some communities have adopted design standards that require gasoline stations to be more sensitively designed, such as controlling the design and height of their canopies, minimizing signage, lighting maximums, limiting curb cuts, and requiring that gas pumps not front onto the site’s primary street.

Recommendation: Either eliminate gasoline stations from the permitted uses in this district, or adopt special design standards that insure their compatibility with Downtown Kingsport.

Section 114-204. B-3 General Business District

This district allows every conceivable commercial use and is intended for a regional market. In an era when “strip commercial” has negative connotations and many communities are going to great efforts to transform such areas into something better, the “intent” section for the B-3 district (Section 114-185) characterizes this area as being intended for “strip commercial” development.”

Recommendation: Addressing this district to determine the extent of needed revisions will require a distinct and focused planning effort with substantial public input. The Visual Image Study results suggest a major overhaul for this district that might consider a more urban and attractive development character than is currently required. At a minimum, revisions should include increased landscaping, decreased signage sizes and quantities, less parking in the front, and better cross-access between adjoining developments. Most of these issues are addressed elsewhere in this report under their relevant headings (landscaping, signage, etc.)

Section 114-252. Design Standards (Planned Business District)

This section contains design standards for the Planned Business District (B-4P). As in the case of some of the other business and multi-family districts, this district has no maximum building height limits other than a maximum 2:1 height-to-yard ratio for front, rear and side yards when the building exceeds 60 feet in height. Although real estate economics might keep this lack of a height limit from ever becoming an issue, a cap is recommended.

Recommendation: It is recommended that the 60 foot height be the sole standard for this district, as this will allow a five story building, which should be sufficient for this type of zone in a community such as Kingsport.

Although many communities still lack “shared parking” standards for commercial and mixed use areas, this section is progressive in that shared parking standards are included. However, the effectiveness of the method used to determine the percentage of reduction allowed is questionable. For example, a development with two different uses receives a 5% reduction, a development with three different uses receives a 10% reduction, and a development with four or more distinct uses receives a 15% reduction.

Recommendation: An approach based more upon the specifics of the land uses, the building areas and the projected peak parking demands should be adopted. There should also be requirements for showing “phantom parking” on the site plan in case additional parking is needed in the future when land use changes occur.

The Planned Business District requires a 30 foot minimum front setback.

Recommendation: As is the case with the Professional Offices district (P-1), it is difficult to suggest an appropriate front setback requirement until more can be determined regarding this district’s intended function and character. If a relatively urban environment is desired, than a shallow setback ranging from 0 feet to 15 feet might be appropriate. On the other hand, if a less urban environment is desired, a front setback of 20 feet to 30 feet might be appropriate. The location of parking will also be a key factor.

The B-4P district is unusual compared to the City’s other districts in that detailed design standards, including landscaping requirements, are located within this section and not simply referenced for another part of the zoning code. This fact is based upon it being one of the City’s few “planned development” districts. In general, the landscaping standards for parking areas in B-4P district are very strong, with one exception: there are no requirements for peripheral shrubs, fencing and/or walls to help visually screen parking lots, as are included in many zoning ordinances.

Recommendation: Require peripheral screening where parking lots front onto streets. Such screening should consist of fencing, walls and/or hedges in combination to create a year-round opaque screen that will reach a height of at least 2 feet within one-year of installation, although it should not exceed a height of approximately 3 feet. Shade trees should also be integrated into the peripheral screening.

This section requires a 30 foot wide landscaped “peripheral yard” for the full perimeter of the development site. Such a buffer is consistent with the concept of “planned development” zones, which have been a popular zoning tool for over twenty years. However, it is inconsistent with the more recent “New Urbanism” planning philosophy that encourages physical connectivity rather than a series of disjointed independent

developments. Because the peripheral yard requirement is consistent with the idea of a planned development district, no recommendation is provided, but the overall concept of such suburban commercial areas should be revisited in future planning efforts.

Historic District Regulations

Adopted / Updated: 1981 / 1994

The “Historic District” provisions of the zoning ordinance constitute Division 4 of Article III, and they include Sections 114-281 through 114-286. Given that some property owners are concerned about the restrictions that come with historic zoning and how it will impact their property rights, many communities utilize “Conservation Districts” as an alternative to historic districts. Conservation districts typically address only issues such as demolition, building additions, new “infill” development, and building relocation. Because they do not usually regulate alterations to buildings, they often receive more political support than historic zoning. Kingsport’s zoning ordinance does not offer conservation zoning as an alternative. Also, there are several provisions missing from this ordinance that are found in most other preservation ordinances, such as an “economic hardship” provision and a “demolition by neglect” provision.

It is noteworthy that Kingsport is a Certified Local Government (CLG) community, which reflects a local historic preservation program that meets minimum federal requirements. CLG designation makes the City eligible for certain grants through the Tennessee Historical Commission that other communities are not eligible for. While the recommendations below are intended primarily to simply improve the local preservation

program, some are also intended to help the continuation of Kingsport’s CLG status. Also, within the Visual Image Survey’s “Civic & Heritage Buildings” category, the highest rated images were those of Kingsport historic sites that were well-preserved.

Section 114-282. Districts Permitted

This section explains that the H-2 historic district is an overlay district that does not affect the land use provisions of the underlying base zoning, as is the case with all overlay zoning. However, it also states that “dimensional and other requirements of such other district [underlying base zoning] shall apply.” That statement completely undermines the very intent of overlay historic zoning, which is to tailor the dimensional requirements to the unique characteristics of the historic district. This language would seem to legally undermine any design guidelines that might be utilized for design review as a supplement to this ordinance.

Recommendation: Eliminate the reference to “dimensional requirements” when noting that the other requirements of the underlying base zoning shall still apply.

Section 114-283. Historic Zoning Commission

This section describes the types of people qualified to be appointed to the Commission, including a member of a patriotic or historical organization, an architect and a planning commission member. Most preservation ordinances have a much lengthier list of candidate types. While a community the size of Kingsport may have trouble identifying some specialized professionals, it is worth making an attempt by listing them in the ordinance.

Recommendation: Revise this section to strive for a greater variety and diversity of commission candidate types to the extent they are available, including landscape architects,

engineers, lawyers, historians, archeologists, planners and similar professionals.

This section indicates that there are seven (7) commission members, it takes four (4) to constitute a quorum, and it takes a majority of the quorum to pass a motion. While this approach has the advantage of allowing business to occur with a relatively small number of members present, it also creates a situation in which only a minority of the commission can pass a motion.

Recommendation: Consider revising this section to require a majority of the full membership to pass a motion. Before following through on this recommendation, past voting patterns of the commission should be reviewed to see if this standard would have been a substantial impediment to the commission conducting its business. If so, this recommendation should be disregarded.

The list of “Powers and duties” of the Historic Zoning Commission (HZC) is quite limited in comparison to most other preservation ordinances. For example, the power to make legally binding design review decisions is not stated.

Recommendation: Although there is “catch-all” language that states that the commission “shall have any other powers and duties as provided in this chapter,” it is recommended that design review authority be added to the list.

Section 114-284. Procedures for Establishing

This section explains the process for establishing a historic district. It makes no reference to conducting a historic sites survey and the grading of properties as “contributing,” “non-contributing” or “intrusions,” as would typically be required in order to make a sound decision on designation. It also fails to include criteria for designation, which are commonly modeled

after the criteria used for designation to the National Register of Historic Places.

Recommendation: Add a provision requiring a historic sites survey with the grading of property significance as a requirement for district designation, and include specific designation criteria. The Tennessee Historical Commission and the National Trust for Historic Preservation have excellent model ordinances for crafting the specific language.

Section 114-285. Building Permits

This section lists the various types of activities that trigger the need for a Certificate of Appropriateness (COA). Unlike some preservation ordinances, this one covers a comprehensive range of activities, including the alteration of key landscape elements, such as walls, trees and roadbeds.

Also, this section lists the types of information required for every Certificate of Appropriateness (COA) application, including a site plan. In actual practice, a site plan is not necessary for reviewing every type of application.

Recommendation: It is recommended that the list of required information simply be referenced in the ordinance so that the supplemental application requirements can be tailored to each application. This approach will allow the applicant to avoid unnecessary costs by only having to provide the information actually needed, and the list of requirements can be more easily revised by the Historic Zoning Commission as needed over time.

Unlike most preservation ordinances, this section does not reference the Secretary of the Interior’s standards and guidelines for rehabilitation, nor does it reference a supplemental set of design guidelines to be consulted during design review. Adding such references and adopting design guidelines would greatly strengthen the ordinance and design

review process. Also, many such ordinances clarify that review is not required for ordinary maintenance or work not visible from a street.

Recommendation: Revise this section to reference district-specific design guidelines (see recommendation below) based upon the Secretary of the Interior’s standards, and note that Commission review is not required for ordinary maintenance or work not visible from a street.

Section 114-286. Appeals

It was noted previously that the power to make legally binding design review decisions was not explicitly given to the HZC. However, based upon the process for appealing HZC decisions, it is implicit that they do indeed have such authority. Also, the fact that appeals are made to the appropriate court rather than to the Mayor and Board of Aldermen is a progressive approach, as it should lessen the degree of politics than might otherwise occur.

Potential New Provisions

There are provisions missing from this ordinance that are found in most other preservation ordinances, particularly an “economic hardship” provision and a “demolition by neglect” provision. The economic hardship provision lays out a process to determine if a decision of the commission constitutes a legitimate economic hardship on the applicant. It is most typically applied when an application for demolition is submitted. The demolition by neglect provision prohibits a property owner from allowing a building or other historic resource to deteriorate to an extent that it is essentially demolished.

Recommendation: Add “economic hardship” and “demolition by neglect” provisions to this ordinance using model preservation ordinances available through the Tennessee

Historical Commission and/or the National Trust for Historic Preservation.

Expansion of Existing Historic Districts

There are presently nine locally-designated historic districts in Kingsport, but they are all very small in geographic area, and there are many other unprotected areas clearly worthy of designation. In particular, the historic downtown needs protections, especially given that the B-2 zoning (which applies to most of downtown) has no dimensional requirements (building heights or setbacks).

Recommendation: Expand historic zoning where appropriate, with particular consideration given to Downtown Kingsport.

Potential Conservation Zoning

Given that some property owners are concerned about the restrictions that come with historic zoning and how it will impact their property rights, many communities utilize “conservation districts” as an alternative to historic districts for older neighborhoods. Conservation districts typically address only issues such as demolition, building additions, new “infill” development, and building relocation. Because they do not usually regulate alterations to buildings, they often receive more political support than historic zoning. Kingsport’s zoning ordinance does not offer conservation zoning as an alternative.

Recommendation: It is recommended that conservation zoning be adopted as a supplement to historic zoning and administered by the HZC. There are many good models to use for conservation zoning, including Nashville’s version.

Planned Development District

Section 114-355. Preliminary Development Plan (Planned Development District)

This section is part of Division 6 – Planned Development District, and it lists the various types of information required on the plan. Although there are some existing condition requirements, none address natural environmental features, which should be a primary consideration. In fact, one of the key purposes of such planned development zones is to allow flexibility in site design in order to better preserve environmental resources. As stated in the intent section for this district (Section 114-351), this district encourages “imaginative solutions to environmental design problems.”

Recommendation: Add environmental data to the required information on the preliminary development plan. Such data should address topography, streams, floodplains, wetlands and mature vegetation, at a minimum.

Section 114-356. Final Development Plan (Planned Development District)

This section requires that the final plan be provided “using black ink on Mylar-type material...,” but it does not require plans to be drawn “to scale” or stipulate a specific scale or paper size.

Recommendation: To be in step with current technology, an electronic copy of the plan should be required rather than a Mylar drawing. Likewise, a specific scale and paper size should be stipulated in order to facilitate the plan’s review by the City.

Section 114-357. Development Standards (Planned Development District)

The Planned Development District requires one acre of commercial use for every 200 residential units, yet it also requires that all access to commercial facilities shall be from

internal streets. In reality, many commercial developments must rely, at least in part, on through traffic rather than the “built-in” market of their particular development. Therefore, these standards might make it difficult for the commercial development to survive without the visibility and access afforded by streets that are not internal to the development. Also, one acre of commercial development for every 200 residential units is excessive given the results of recent economic studies for Kingsport. In combination, these two requirements will substantially threaten the viability of any commercial development.

Recommendation: At a minimum, drop either the requirement that all access to commercial development be from internal streets, or the minimum requirement of one acre of commercial development per 200 residential units. In order to better respond to market conditions, dropping both requirements should be considered.

Section 114-396. Minimum Design Standards (Mobile Home Park Districts)

This section requires peripheral screening between mobile home parks and “any adjacent residential areas.” It is unclear whether such screening is required if the adjacent residential area is also a mobile home park.

Recommendation: Clarify this ambiguity by not requiring peripheral screening if the adjacent residential area is a mobile home park.

Mixed Use District – General

One of the most problematic growth trends in Kingsport over the past half century has been the strict separation of land uses and low-density sprawling development that utilizes land inefficiently. A more recent trend has been the failure of

several older retail centers. Relatively dense mixed use centers can achieve many planning objectives, including the preservation of open space and reduced automobile trips. Although the Visual Image Survey was not designed to test out preferences for mixed-use areas, there was a strong preference for areas that are vibrant and well-maintained. Mixed-use areas typically enjoy these qualities because of the dynamics created by mutually supporting land uses. Although Kingsport's zoning ordinance currently includes a Mixed Use District, it can be improved upon and used more extensively.

Recommendation: Create more mixed-use zones to channel future growth in Kingsport, especially for vacant or underperforming retail centers. Land uses should include housing, retail, office and institutional uses. Housing targeted to seniors is especially appropriate for such areas so that goods and services will be conveniently located within walking distance on sidewalks. The creation of new mixed-use zones would be best accomplished through a city-wide comprehensive planning process. However, a special project limited in scope to the creation and application of new mixed-use zoning is another option for implementing this type of new zoning. It is important that Mixed Use Districts not simply allow multiple uses within the same area. Instead, this zoning should insure that different land uses are physically integrated as truly "mixed-use" areas.

Section 114-426. Intent (Mixed Use District)

This section is part of Division 8 – Mixed Use District (MX). It fails to include residential uses among the intended mix (even though they are permitted), and it describes the district as an opportunity for "a self-contained, campus-like atmosphere." As noted previously in the intent section of the code (Section 114-187. Mixed Use District), the idea of a "self-contained" mixed use area that is not physically integrated into a community with

strong connections to adjacent areas is counter to current accepted planning philosophies.

Recommendation: Add residential uses to those intended for the mixed use district, and drop the language suggesting a self-contained campus environment.

Section 114-427. Permitted Uses (Mixed Use District)

The list of permitted uses is extremely broad and it includes uses such as manufacturing, warehousing, mini-storage and truck terminals. Such uses in close proximity to most of the other permitted uses, such as residences, hotels, day care, retail and offices, would seem to be incompatible.

Recommendation: Eliminate all of the industrial-type uses from those permitted within this zone. Consideration might be given to creating another mixed use zone that is more focused on industrial and office uses.

Section 114-432. Design Standards (Mixed Use District)

The design standards for the Mixed Use District are very low-density and suburban, including one-acre minimum lot sizes, minimum 30 foot front yards and 15 foot side yards, maximum ground coverage requirements of 50% per lot, and a required 30 foot wide landscaped "periphery yard." These standards preclude the potential for a more dense, vibrant and land-efficient urban mixed-use area. Unless more compact and dense forms of mixed use areas are offered, the potential benefits of mixed uses, such as encouraging pedestrian activity, will be undermined because the low-density patterns will encourage driving between sites.

Recommendation: This district's design standards should be rethought to allow for substantially more urban options. In fact, Downtown Kingsport's design characteristics might be used as

a model, including lot sizes, front and side setbacks, and ground coverage.

This district’s maximum permitted building height is a “height to side yard ratio of 2:1” once a height of 30 feet is exceeded.

Recommendation: Establish a maximum height regardless of the yard dimensions, such as 50 feet (four stories).

The appropriateness of this district’s current section on signs depends greatly on the scale, form and character desired for a mixed use district. Based upon the low-density suburban model that is currently promoted through the design standards, the existing sign standards might be acceptable. These standards allow one 32 square foot sign per business tenant, and 300 square foot signs that can be up to 50 feet tall for “mixed use parks.” However, if a more dense and urban option is offered, as recommended above, these sign standards encourage signs that are too large and too tall. Smaller-scaled and denser areas, such as those found in Downtown Kingsport, can utilize much smaller and lower signs because they are viewed by pedestrians and relatively slow-moving vehicular traffic. Roads with faster traffic and deeper front setbacks naturally call for larger signs.

Recommendation: If the MX district’s design standards remain as written, the only recommended changes would be to reduce the sign sizes and heights currently permitted for mixed use parks. However, if the design standards change to accommodate more dense and urban development patterns, all of the sign standards’ permitted sizes and heights should be reduced.

The section on access within the MX district prohibits on-street parking on all streets. This standard is counter to currently accepted planning philosophies that encourage on-street parking for numerous reasons, including the provision of convenient

parking for businesses and residents, traffic-calming benefits, and the provision of a buffer between pedestrians and moving vehicles.

Recommendation: Drop the provision prohibiting on-street parking from this district.

Section 114-461 through 114.468. (Business Conference Center District)

These sections constitute Division 9 – Business Conference Center District. This district is very similar to the Mixed Use District, although the range of permitted uses is much narrower. This district is intended to support a conference center and to encourage complimentary uses, such as public gathering venues, museums, offices, hotels, full-service restaurants and financial institutions. Although the MeadowView Conference Center is a wonderful facility for Kingsport and the surrounding region, the benefits of any additional such facilities in Kingsport is questionable. Places that are so one-dimensional in their function encourage more driving in order for their users to access other goods and services not available at the conference center. In fact, the economic benefits to the broader community can be enhanced when conference centers are located where their market draw can be leveraged to benefit existing businesses or potential new spin-off development. Kingsport’s existing Mixed Use District would accommodate such a scenario.

Recommendation: Given that the MeadowView Conference Center was developed with this zoning, and its alteration or elimination would result in the center becoming a “grandfathered” non-conforming use, it is not recommended that it be revised or eliminated from the City’s zoning ordinance. However, it’s further application to other areas is not recommended for the reasons cited above.

Gateway District Regulations

These regulations, which were adopted in 1999 and recently revised, are found in Division 10 of Article III of the City's zoning ordinance. This overlay district extends both within Sullivan County and the City of Kingsport, and it is regulated by the Gateway Review Commission, a joint City-County review body. It applies to all uses except residential and agricultural uses. The intent is to elevate development standards above the level found elsewhere in the region in order to serve as an attractive, functional and environmentally sensitive area. It also has its own review and approval process for development applications. The commission's approval is achieved through the issuance of a Certificate of Appropriateness, much as is done within Kingsport's historic districts. Development standards emphasize low development densities, compatibility with the natural environment, and compatibility with the MeadowView development. Uses and densities are dictated by the underlying base zoning. Generally, the development standards are sufficiently non-prescriptive and flexible in order to give the commission plenty of discretion in its decision-making. In fact, the commission's design review authority goes so far as to allow them to alter corporate color schemes and architectural identities.

In general, this ordinance is extremely thorough and thoughtful. On one hand, the Gateway District's low-density development pattern intended to subtly blend into the natural environment is the very antithesis of "New Urbanism," in which growth is directed in a compact, mixed use, physically-integrated and pedestrian-friendly urban form. In fact, employing the Gateway District's standards city-wide would result in a very sprawling pattern that would have many negative long-term consequences on the community. However, for those areas that are not targeted for growth patterns that are more urban, such as the designated Gateway District, these standards can serve as an

important model that might be expanded to other areas on the city's periphery in the future.

Location of Gateway Standards within the Ordinance

This zoning section includes procedural provisions related to how the zoning is administered, as well substantive provisions that address specific design issues. The design issues are accompanied with words such as "should," "encouraged" and "discouraged," rather than stronger language such as "shall" and "prohibited." Furthermore, the design standards are referred to as "guidelines" rather than "standards," suggesting that there is some degree of discretion that the commission can use in its decision making. However, given that the design guidelines are located within the body of an ordinance, it is not clear whether an application that is inconsistent with those guidelines would need to get a variance.

Recommendation: It is recommended that this zoning section be revised to eliminate all of the actual design standards, leaving only the procedural issues to be addressed. The design standards should still be referenced in this zoning section, but contained in a supplemental document that can be used in a manner that will give the commission the flexibility it needs to interpret and apply the guidelines. Periodic revisions to the guidelines would also be less cumbersome. This approach, which is consistent with how historic districts and other design review overlays typically function, will clarify the fact that these guidelines are indeed guidelines, rather than being clear-cut standards requiring a variance if deviated from.

Section 114-505. Development Guidelines

These standards relate to all types of development except residential and agricultural. Although those limitations may have been necessary politically in order to get the zoning approved in 1999, it must be recognized that residential development not in synch with the vision created for the

Gateway region by this zoning could substantially undermine the gains achieved over time.

Recommendation: Revisit the idea of including new multi-family residential development as part of the Gateway zoning guidelines. This revision would require the zoning and supplemental guidelines document to be revised accordingly.

Under the heading “Architectural Elements,” it is required that service areas “be completely screened so not to be visible from an interstate, expressway or arterial highway.” The standards for refuse collection areas have the same general requirement, but also include any public street.

Recommendation: Revise this sentence to require that service areas not be visible from any public street.

Under the heading “Signs,” it is stated that monument signs are required and that their height and square footage be “in scale with the building or site.” This is an extremely vague standard. Also, freestanding pole signs are not among the sign types listed as being prohibited.

Recommendation: It is recommended that a maximum height for monument signs be established for any condition, such as 5 feet. The size might be tied to a percentage of the associated building’s façade area, with some maximum cap. The language should also clarify that monument signs are the only permitted freestanding signs, and that pole-mounted signs are prohibited.

Under the heading “Landscaping and Screening,” fences may not be over 2.5 feet in height in any front yard. Also, fence materials are not addressed.

Recommendation: Permit fences in front yards to be as high as 3.5 feet, which is a traditional height for many historic fence types. Also, materials should be addressed. Recommended

permitted materials include wood and black metal, and vinyl that accurately resembles painted wood might be considered if evidence exists that it will age well over time.

Light fixtures are to be scaled to match the scale of the associated development, but can be no taller than 25 feet in height. Based upon a questionable relationship between lighting and building heights, as well as the goals of this district to have a minimal visual impact on the natural environment, a lower maximum height for lights should be considered. Pedestrian areas are required to have lighting ranging between 12 and 15 feet in height.

Recommendation: The 12 to 15 feet standard for pedestrian areas should be considered for all areas within the Gateway District, including parking lots. Another option is to prohibit lighting in non-pedestrian areas from being any taller than 16 or 18 feet. Also, although there is a general statement that “the intensity and location of the lighting should be the minimum necessary for safety,” consideration should be given to language specifically minimizing the lighting levels within service station canopies, which are typically excessive.

The parking section requires that large parking areas be broken up into smaller sections “using berms and landscape medians for separation.”

Recommendation: Define what a “large” parking area is by the number of parking spaces, such as 30 or 40. Also, it is recommended that berms “and/or” landscape medians be allowed, rather than requiring both.

The signage requirements for the M-1, M-2, M-1R and Mixed Use zones are consistent with the underlying zoning requirements. In contrast, the other zones within the Gateway District required more stringent standards than their underlying

zoning. Allowing the types and sizes of signs permitted within the M-1, M-2, M-1R and Mixed Use zones could substantially detract from the district's overall appearance.

Recommendation: Adopt standards for the M-1, M-2, M-1R and Mixed Use zones that are more compatible with the balance of the district.

The underlying Mixed Use Zone within the Gateway District has no requirements for architectural design, and states clearly that "architectural design is not specified." Given the level of attention paid to architectural standards in all of the other underlying zones within the Gateway District, including the manufacturing zones, this is unusual.

Recommendation: Reference for the Mixed Use Zone the architectural standards already provided for the balance of the Gateway District at the beginning of this section.

Section 114-507. Appeal of Gateway Review Commission Actions

This section establishes a process for appealing the guidelines for this district. Although this section also has a process for appealing decisions by the Gateway Commission, which is a reasonable approach, processes for appealing the actual content of legislation are not typical.

Recommendation: It is recommended that the section outlining an appeal process for the guidelines be eliminated. Revisions to the guidelines should occur in the same manner as any other City legislation.

Appeals to Gateway Commission decisions are made to the Mayor and Board of Aldermen. Appeals made to governing bodies can often become political, and for that reason many communities choose to resolve such appeals through a court of local jurisdiction. That is how appeals to Kingsport's Historic Zoning Commission are handled.

Recommendation: Use the Historic District zoning as a model for handling appeals to decisions of the Gateway Commission.

Section 114-508. General Design Guidelines Applicable to All Developments

The section entitled "Development Density" also addresses buffers and building heights. For easier use of this ordinance, those provisions for buffers and building heights should have their own headings.

Given the ordinance's emphasis on development that utilizes natural materials, it is surprising that wood is not a permitted material for fences that front onto streets.

It is assumed that signage regulations were a point of contention in getting the Gateway District approved, as the ability to install freestanding pole signs as high as 30 feet seems out of character with the balance of the district's more stringent standards.

Section 114-509. Submission Requirements and Review Process

This section gives the applicant the option of submitting an application for a Certificate of Appropriateness to either the City or County planning departments, as the commission is jointly staffed by both. However, it does not offer any direction on how to make that choice.

This section also lists the various scenarios that might trigger the commission's review and approval within the Gateway District. It starts by indicating that "One or more of the following situations are applicable to all commercial and industrial sites within the gateway districts." Since this district is an overlay zone and land uses are dictated by the underlying base zoning, it would be more adaptable for the designation of new areas in the future, including residential areas, if "commercial and industrial sites" were not implied to be the

only permitted land use categories.

The list of required information for every application is relatively lengthy and includes items such as a full site plan, a detailed lighting plan, a landscaping plan and a drainage plan. These provisions do allow for less information to be provided for “minor external changes.” Regardless, as in the case of submitting a “zoning development plan” (site plan) before the planning commission, it would be less burdensome, expensive and time-consuming for the applicant if reference to a supplemental list of potentially required plan information were provided here. This approach would allow the planning staff to tailor the required information to the level actually needed for each individual application.

Article IV – Signs

Within the “Signs / Lines / Towers” category of the Visual Image Survey (VIS), the two lowest rated images were of billboards, and large on-site signs also rated much lower than smaller signs. These results were further supported by focus group comments.

This article of the zoning ordinance is quite detailed and covers a broad range of sign types and issues related to their location, size, quantity, materials and illumination. With the exception of residential zones, the permitted sizes and heights are excessive compared to the direction most communities have headed in recent years. Recommendations below should be considered in light of the “Purpose and Intent” section of the ordinance’s sign provisions (Section 114-561) stating that the sign standards are intended “to protect property values and the visual character of the city” and to insure that signs are “not excessive.”

Section 114-562. Administration

This section requires that each sign shall include in the lower right hand corner information regarding the permit number, the date installed, the name of the person responsible for the sign, and other relevant information. This printed information would clearly detract from the appearance of any reasonably sized and well-designed sign.

Recommendation: Amend this provision to allow the required information to be located elsewhere on the sign so that its’ aesthetic quality is not compromised.

Section 114-568. Off-Premises Signs

This section limits off-premise signs to the B-3, M-1, M-1R and M-2 zones, and they must be within 760 feet of an interstate highway, but not within 2,640 feet of an interstate interchange. They must also maintain specific distances from residential areas, National Register of Historic Places properties, the Kingsport Greenbelt, and other off-premise signs. Although amendments to ordinances that diminish the proliferation of billboards are typically a difficult task politically, eliminating them from just the B-3 (highway business) zone would substantially enhance the visual quality of Kingsport.

Recommendation: Consider the elimination of off-premise signs from the B-3 zone. While existing billboards would be “grandfathered in” for continuation, the City should research state laws to see if they could be amortized out of existence over time, as has been done in many other communities across the country. This regulation would pick a specific date, perhaps five or ten years from now, at which time certain types of signs would have to be removed. State laws will need to be researched thoroughly, as they will dictate the minimum amount of time to amortize signs. In fact, it is questionable whether State laws will currently permit amortization at all, so new legislation may be required. The vast majority of land use and development regulations do not require property owners or businesses to take actions, but instead they only regulate actions

that such parties elect on their own to take (i.e., development is not required, only regulated when it occurs). However, this less common concept of requiring that actions be taken has withstood legal challenges in some states if, in the case of signage, the regulation is linked to a public good and it provides a reasonable length of time for the economic life of the sign to be enjoyed. However, the political influence and legal capabilities of the outdoor advertising industry cannot be underestimated. A minimalist approach would be to target only billboards along specific high-priority corridors. A more aggressive approach would be to target all billboards, and perhaps even the largest of on-site signs.

The maximum permitted height for billboards, 15 feet above the average road level of the area, is unusually low for this type of sign. This standard is positive for community aesthetics when viewed from a considerable distance, as off-premise signs will not be very visible. This limitation might also discourage the proliferation of new billboards. However, this low height might actually accentuate their visibility when viewed from nearby.

Recommendation: Leave the current height standards as written, but consider it an issue for future research, especially if other revisions to the off-premise sign standards are considered.

Section 114-569. On-Premises Signs

This section prohibits the illumination of residential subdivision identification signs. While internal lighting might not be considered desirable from an aesthetics perspective, shielded down-lighting would help drivers at night who are unfamiliar with a particular area.

Recommendation: Revise this standard to permit shielded external lighting for residential subdivision identification signs.

Depending upon the specific business zone, freestanding signs can be as large as 200 square feet in area and 35 feet in height. In fact, the B-3 and B-4P zones require a minimum freestanding sign height of 12 feet in order to not interfere with the ground-level visibility of drivers, and wall-mounted signs can be up to 300 square feet in area. In Tourist Accommodation (T-A) zones, “commercial center signs” can be up to 700 square feet per side, and a “single-tenant business within a commercial center” can be up to 400 square feet per side and 100 feet in height. Rather than allowing such enormous sizes and heights, smaller signs proceeding interstate exits and listing multiple businesses per sign are used in many communities as an alternative. The visual appearance of Kingsport’s commercial corridors could be greatly enhanced with standards limiting signs to smaller ground-mounted signs instead of tall freestanding signs, as well as smaller wall-mounted signs. Many communities across Tennessee and the nation are adopting such sign standards as just one strategy to combat the negative characteristics of strip commercial development.

Recommendation: Adopt a completely new sign ordinance for all on-premise signs in Kingsport. New standards should result in fewer, lower and smaller signs. There are numerous excellent models for such standards, including *A Unified Development Ordinance* (Brough, Planners Press, 1985), *Sign Regulation for Small and Midsize Communities* (Kelly & Raso, APA Planning Advisory Services, 1989), and *Saving Face* (Fleming, APA Planning Advisory Services, 2002).

Targeting Corridors for Signage Improvements

As a starting point for exploring how to reduce the number and size of off-premise and on-premise signs, it is recommended that efforts to eliminate specific types of signs and locations be pursued initially. Targeted sign types might include: 1) billboards (off-premise signs) of all types, and 2) on-premise

signs over 300 sq. ft. in area. Should the City elect to start off by focusing on specific areas and corridors, it is recommended that downtown, Wilcox Drive, Fort Henry Drive, and John B. Dennis Highway be targeted first. Downtown should be a high priority area as an important destination with tremendous potential for revitalization if, among other improvements, aesthetic enhancements can occur. The proposed corridors should be prioritized because they receive high levels of traffic. However, compared to areas such as Stone Drive, they tend to have fewer billboards and large signs, making enhancements more feasible.

Article V – Parking and Loading

This section of the ordinance is lengthy and detailed, and many aspects of it are consistent with current thinking on the subject of parking and loading. For example, there are provisions for “cooperative parking” (also known as “shared parking”) between multiple uses, and on-site parking requirements can be waived within the central business district.

Section 114-601. Intent and Applicability

This section states that “the community’s streets are intended primarily for the movement of vehicular traffic and not for vehicular storage.” This statement runs counter to contemporary planning philosophies in which on-street parking is highly encouraged in urban, mixed use and higher-density residential area. On-street parking can be positive for a variety of reasons, including the provision of convenient parking close to buildings, traffic calming, and to provide a buffer between pedestrians and moving vehicles.

Recommendation: This particular sentence should be dropped from the intent section.

Section 114-602. General Standards for Parking

This section permits parking “in any required yard but not nearer to any front lot line than eight feet.” This provision does not exclude the front yards of residential lots. Many communities choose to prohibit front yard parking, whether such spaces are improved with paving or not, in order to enhance neighborhood aesthetics and property values. This section also fails to recognize that front parking might be prohibited in certain urban zones, such as Downtown Kingsport.

Recommendation: Revise this language to still prohibit parking within eight (8) feet of any front lot line, but not to permit parking in any front yards. It should specifically prohibit parking in the front yards of single-family lots, with the exception of driveway parking.

This section states that “All off-street parking spaces shall be provided with safe and convenient access to a street.” While, technically, this sentence could lend itself to various scenarios, it might be misinterpreted to mean that all parking lots must have “direct” access to a street.

Recommendation: Revise this language to clarify that indirect access to a street is acceptable, such as via an alley. It might even go a step further by encouraging less direct forms of parking lot access, such as alleys and secondary streets for parcels fronting onto a primary street.

This section states that the number of required parking spaces for each use shall be determined “on an employee/person basis... based on the maximum number of employees/persons on duty or residing or both on the premises at any one time.” In reality, the ordinance’s requirements for some uses are based upon the number of people, but the requirements for other uses are based upon the building area in square footage. Given the difficulty in projecting the number of employees or occupants of a building, as well as the inevitable fluctuation in numbers,

basing most requirements on building area is a more accurate approach. One of several exceptions is residential buildings, which should base parking requirements upon residence types and/or the number of bedrooms.

Recommendation: Revise this sentence to clarify the variety of methods actually used by the ordinance to determine the number of required parking spaces, including building floor areas based on land uses, as well as the residential unit types.

Under the heading “Uncertainty,” this section requires that the maximum number of spaces for the general use type be provided when there is uncertainty regarding future parking needs. Recognizing the many negative aspects of too much parking, many communities have chosen to follow conservative parking demand estimates, even in cases in which the developer would prefer to have more parking for marketing purposes. These communities cap the amount of parking allowed, but require that the site plan illustrate a “phantom parking” area that might be developed if and when needed in the future.

Recommendation: Revise this section to require the least amount of parking in cases of uncertainty, but require that plans include “phantom parking” to illustrate how unanticipated parking demands can be handled if the initial parking area is insufficient.

Section 114-603. Minimum Required Parking Spaces

The required parking for multi-family dwellings is 1.5 spaces per unit. Given that parking demands are directly influenced by the size of the residential unit, linking the required number of spaces to the number of bedrooms for various unit types is a more accurate approach.

Recommendation: Revise the multi-family standards to correlate the number of parking spaces required to the number of bedrooms per unit. Multi-family standards should also

include additional spaces for visitors, which is typically a percentage of the total required spaces (10 to 20%).

In general, minimum parking requirements for several types of commercial, industrial and institutional uses are on the high side relative to recently-produced models. There are numerous sources of the most current data regarding appropriate parking standards.

Recommendation: Either revise the existing parking standards or completely replace them using the most current models available. Excellent models for parking standards include *Parking Standards* (Davidson & Dolnick, APA Planning Advisory Services, 2002), *Parking Generation* (Institute of Transportation Engineers, 1987), and *Parking Handbook for Small Communities* (Edwards, National Main Street Center, 1994).

Section 114-604. General Standards for Off-Street Loading

This section requires that all loading areas have “street access.” As noted above with respect to off-street parking, this requirement might be misinterpreted to require “direct” access to streets.

Recommendation: Clarify that indirect access to streets, such as alleys, is permitted and, in fact, encouraged.

Other than prohibiting loading areas in front yards, this section has no location or screening requirements designed to minimize the negative visual impact of loading areas. Many ordinances require that loading areas not be visible from public rights-of-way or nearby residential properties through a combination of location and screening.

Recommendation: Amend this section to require that no loading zone be visible from either a street or a residential

property on a year-round basis. It can suggest various approaches to achieving this standard, such as rear locations, opaque fencing and/or evergreen landscaping, but it can leave the specific approach to the developer so long as the details are included in the plans.

Article VI – Landscaping and Land Use Buffers

Adopted: 1981 / 1994

Many of the City’s various zoning ordinances include landscaping and buffering requirements integrated throughout, including the standards for different zoning districts, as well as parking and loading standards. Recommendations have been provided for such landscaping standards in their relevant ordinance sections. However, the one section of the City’s ordinances dedicated specifically to landscaping and buffers is Article VI – Landscaping and Land Use Buffers.

Section 114-647. Intent

In listing the types of development that these provisions will apply to, including commercial and multi-family development, institutional uses are not among them, but should be. The institutional use category was likely overlooked because the landscaping and buffering ordinance is tied to specific business and multi-family zoning districts, but there are no zones specifically for institutional uses.

Recommendation: Add institutional uses, such as schools, houses of worship and governmental buildings, to the intent section.

Section 114-648. Landscape Requirements

This section makes reference to the “city landscape specialist.” Many communities the size of Kingsport do not have such a

designated expert on landscaping, which makes the review of site plans and subdivision plans only marginally effective. The role of the city landscape specialist will be important in Kingsport’s future efforts to aesthetically enhance the community. Also, the City has wisely chosen to not list all acceptable plant materials within the body of the ordinance, but to instead reference a list that is maintained by the city landscape specialist and is supplemental to this ordinance. This approach makes occasional necessary updates much easier.

This section states that a “complete landscape plan will be submitted to the city manager within ten working days after the issuance of a building permit” within the specific zoning districts required. Since landscaping is an important and integral component of any development site, the landscaping plan should be required and reviewed prior to the issuance of a building permit. Within the context of a zoning development plan that is reviewed by the Planning Commission (see Section 114-101), landscaping information is already a standard requirement.

Recommendation: Require that a complete landscaping plan be included with other plan information required as part of any development application prior to plan approval and the issuance of a building permit.

This section includes a detailed list of the types of information required as part of a landscaping plan. Existing site vegetation is not among the required information, with the exception of what is planned for retention. Also, a licensed landscape architect’s seal and signature is not required for the landscaping plan.

Recommendation: As in the case of the City’s other types of plan submission requirements, it is recommended that a supplemental list of required information be used rather than making it part of the ordinance. This approach will make

periodic revisions to the list much easier. To insure that important existing plant materials that could be saved are not lost, all significant existing vegetation should be identified as part of the landscaping plan requirements. A model to use might be Section 114-505 of the Gateway District standards, which requires that all trees with trunks that are 12 inches in diameter must be shown on grading plans.

This section requires a 10 foot wide planting strip between every parking area and a public street, and one deciduous tree is required at least every 50 feet of frontage. For a suburban environment, this is a good standard, although many communities require spacing between trees to be less, such as a maximum spacing of 25 or 30 feet. Spacing can depend on the uses along the street. For instance retail businesses often object to close spacing because the trees can block visibility of the storefront. An Urban Forester or Landscape Architect can suggest species of trees that will grow in a more columnar shape and avoid this potential conflict. Within an urban context in which land must be used more efficiently, the City's required planting strip can be difficult to meet, and it could discourage the redevelopment of urban sites needing redevelopment. While shade trees should still be required in urban contexts, alternatives should be available for the 10 foot planting strip. There is language within this provision that suggests that alternatives might be available for urban sites, but this should be clarified.

Recommendation: Allow planting strips that are less than 10 feet wide in urban areas, which might be defined as those portions of Kingsport developed prior to 1945. Planting strips of 5 to 8 feet should suffice in urban areas, as well as peripheral screening with opaque walls that would require even less width. The maximum spacing between shade trees should be revised to 30 or 40 feet.

The parking lot standards require "deciduous" trees, but do not specify "shade trees." There are many deciduous species, such as ornamentals, that do not have the type of canopy offered by a shade tree.

Recommendation: Revise this language to specifically require "shade trees" rather than the broader category of "deciduous trees" currently required.

The current standards do not result in visually screening out the negative appearance of expansive paving and automobiles. Many communities require a year-round opaque screening a minimum of 2 or 3 feet in height where parking areas front onto streets. Screening can be achieved through a variety of elements, including shrubs, fences and/or walls.

Recommendation: Require peripheral screening where parking lots front onto streets. Such screening should consist of fencing, walls and/or hedges in combination to create a year-round opaque screen that will reach a height of at least 2 feet within one-year of installation. However, for safety reasons, a maximum height of 3 feet should be considered for peripheral screening.

The landscaping ordinance's parking area "Interior" requirements include "building perimeter plantings for any building side fronting an access street," and such areas must be a minimum 2.5 foot width. While this is a good requirement for suburban sites, it would be inappropriate for more urban developments in which buildings and their adjacent streetscapes should not be separated from one another by landscaping. In particular, such landscaping would interfere with window shopping along retail building frontages.

Recommendation: Amend this section to not require "building perimeter plantings" within certain areas, such as downtown (B-

2 district) and other urban mixed-use districts. Potted plants and similar landscaping can still be encouraged where appropriate in Downtown Kingsport.

However, buffering appears to be required for any use bordering a residential or agricultural zone or public park or greenway, which would be inappropriate for areas in which there is an attempt to physically integrate multiple uses. Any developments following New Urbanism principals would need to get a waiver from these standards.

Section 114-649. Landscaping Materials

This section's description of suitable fencing requires fences to be "opaque and constructed of natural materials such as stone, wood or brick." While these standards work well for fencing designed to buffer incompatible adjacent uses, such as "big box" retail from adjacent housing, they would preclude other good options for screening around parking areas adjacent to streets. For example, a low board fence or picket fence, which is not opaque, can be attractive and effective when integrated with landscaping. Likewise, an ornamental metal fence can be used in the same manner, but it is neither opaque nor a natural material. However, buffering appears to be required for any use bordering a residential or agricultural zone or public park or greenway, which would be inappropriate for areas in which there is an attempt to physically integrate multiple uses. Any developments following New Urbanism principals would need to get a waiver from these standards.

Recommendation: Revise the fencing standards so that they do not have to be opaque if they are integrated with other opaque screening materials, such as evergreen landscaping.

This section does not address screening and buffering heights, which should depend upon the purpose of the screening or buffering. For example, views into parking areas as seen from streets should be minimized, but not completely eliminated for security purposes. On the other hand, buffering should go beyond the level of simply obscuring certain views (screening) by actually mitigating negative impacts.

Recommendation: Require a parking area screening height of two (2) feet within one (1) year, but not to exceed a height of three (3) feet. Taller heights should be required for buffering rear parking areas and incompatible land uses.

Section 114-650. Installation and Maintenance

It is unclear how the maintenance of healthy plant material is enforced. It is assumed that a property owner that fails to comply with the landscaping requirements would be fined and/or have their Certificate of Occupancy (CO) revoked. However, many communities require that a performance bond be posted by the developer prior to installation to insure that any dead plant materials are replaced. In fact, a performance bond is already required by the City within the Gateway District for any landscaping installed after the issuance of a CO per Section 114-505.

Recommendation: It is recommended that, at a minimum, procedures be adopted to allow the City to fine and/or revoke the CO of any property owner that does not maintain their landscaping in accordance with their approvals.

Article VIII – Tree Ordinance

The many benefits of tree preservation are well-known and well-documented. Some of the benefits include:

- Enhancement of air quality
- Provision of wildlife habitat
- Aesthetic qualities
- Temperature cooling benefits
- Soil stabilization
- Enhancement of property values

Despite the compelling benefits of trees, clear-cutting of trees still occurs on many development sites because of the cost-savings in not having to take the time and care to work around trees that might have otherwise been saved. Within all relevant categories of the Visual Image Survey (VIS), images that included trees consistently rated higher than those images that did not. Being “Green” was cited as the second most desirable positive community characteristic.

Kingsport’s existing tree ordinance was adopted in January 2004 with the intent of preserving more existing trees and encouraging the planting of new trees. While it establishes a tree advisory board, empowers a landscape specialist, and protects trees on City property and within public rights-of-way, it provides no protection to trees on private property.

One approach to consider would be some minimal tree preservation requirements for private property that are mandatory, coupled with incentives. For example, some communities require that for every existing tree of a minimum caliper size that is removed, an equal or greater volume of new trees be provided to the site as replacements.

Recommendation: Revise the City’s existing tree ordinance to extend some level of tree protection and incentives to privately-owned land.

SUBDIVISION REGULATIONS

Written in 1994 and revised in 1996, this document is officially entitled “Minimum Regulations for Subdivision Development within the Kingsport, Tennessee Planning Region,” and it is organized into the following seven articles:

- Article I – Purpose, Authority and Jurisdiction
- Article II – Definitions
- Article III – Procedure for Approval
- Article IV – General Requirements and Minimum Standards of Design
- Article V – Required Improvements
- Article VI – General Provisions
- Article VII – Difficult Terrain Regulations

As is advocated in this report’s accompanying “Planning Recommendations” report (page 12), it is recommended that the City’s existing Subdivision Regulations be either revised or completely rewritten following the preparation of a new Land Use Plan for Kingsport.

Below are more specific recommendations as relevant:

Article I – Purpose, Authority and Jurisdiction

In addition to listing the purposes of the subdivision, all of which are generally tied to the public good, this article references specific sections of the Tennessee Code Annotated, Title XIII as the basis of authority. It also clarifies that the Planning Commission must approve any proposed subdivisions within the City of Kingsport and the Kingsport Planning Region before they can be recorded by the County Register. Based upon the boundaries of the planning region, these subdivision regulations impact portions of both Sullivan and Hawkins Counties. Only one recommendation is offered below for this article.

1-3: Jurisdiction

This section makes no reference to a map of the city boundaries and planning region, which would be helpful for the reader.

Recommendation: Reference and provide a map illustrating the described city boundaries and planning region.

1-4: Administration

This section gives administrative authority to the City of Kingsport's Director of Planning.

Article II – Definitions

In addition to including approximately 50 definitions, this section clarifies points such as the fact that the terms “shall” and “will” are mandatory, while “may” is permissive. Below are comments and recommendations on specific definitions:

Building Setback

As defined, no “part of the structure of any building shall project” beyond the building setback. This definition could pose a difficulty for townhouses. Because of the historical relationship between townhouses and their adjacent street, most regulations permit stoops to penetrate within the building setback, and often even into the public right-of-way so long as sufficient sidewalk width is preserved. Likewise, regulations in many communities allow front porches to encroach into the building setback area, or at least a maximum depth (i.e., 10 feet).

Health Department

The definition for this term is the “Tennessee Department of Environment and Conservation and Public Works Department for the City of Kingsport.” Given the importance of distinguishing between the responsibilities of various governmental entities in matters related to subdivisions and land

development, two different terms would be useful here without combining them. Also, many readers would assume that this term refers to the County Health Department, which it does not.

Recommendation: Drop this definition and specify which entity is being referred to within the context of the applicable provisions.

Permanent Easement

This term is defined as an “easement providing legal access...” Given the broad range of easement types (conservation easements, façade easements, etc.) a more descriptive term would be “Access Easement.”

Lot Reverse Frontage

This term is defined as a lot in which has “its vehicular access point limited to the back of the lot rather than having access on its front.” That definition would describe any lot having no front driveway and instead having rear access off of an alley. That definition is quite different from the way this term is most commonly applied.

Recommendation: Revise this definition to refer to any condition in which the rear of a house fronts onto a street, as the term is most commonly applied.

Traffic Projections

Rather than being a definition, this term is accompanied with standards that shall be used for making traffic projects. For example, a single-family house is projected to generate ten (10) average daily trips.

Recommendation: Remove this term and standards from the definitions section and place it in Article IV of these regulations, which addresses streets.

Article III – Procedure for Approval

In general, the subdivision approval process has three steps: concept plan submission, preliminary plat submission and final plat submission. The concept plan step is optional, but is an important option to make available. Minor subdivisions, defined as consisting of 10 or fewer lots and no construction of new streets or utilities, can skip the first two steps and go directly to the final plat submission stage. Also, two-lot subdivisions can be approved by City staff. Below are specific comments and recommendations for this article:

3-2: Concept Plan Content

A more detailed list of existing site information would be useful. For example, while this section calls for showing “features relevant to existing conditions,” specifying elements such as existing and proposed mature vegetation, floodplains and wetlands might save the applicant from needing to revise and resubmit a concept plan.

Recommendation: As recommended previously for various application types under the zoning ordinance, a separate list of potentially required information that can be tailored to each application and periodically revised by the Planning Commission as needed should be adopted as a supplement to this section rather than listing the required information in the body of the subdivision regulations.

3-3: Preliminary Plat Submission

This provision requires 10 copies of “Mylar-type ‘as-built’ plans,” which is inconsistent with modern technology.

Recommendation: It is recommended that prints on conventional paper, along with a CD with an electronic copy of the plans, be required instead of Mylar plans.

3-4: Preliminary Plat and Construction Plans Content

See recommendations above for Section 3-2 regarding existing and proposed significant vegetation, floodplains and wetlands. Also, although lot lines for adjacent properties are requested, proposed lot lines for the subject property are not listed among the needed plan information for the preliminary plat.

Recommendation: Clarify that lot lines are required for the subject property.

Among the types of information required is “electrical service designating whether an overhead or an underground system will be utilized.”

Recommendation: Revise this provision to require that all electrical service will be underground.

3-5: Final Plat Submission

See recommendations above for Section 3-3 regarding “Mylar-type” plans.

3-6: Final Plat Content

See recommendations above for Sections 3-2 and 3-4 regarding existing and proposed significant vegetation, floodplains and wetlands. Also, part 6.2 (“Certifications”) fails to include “Certification of the Approval for 911-Addressing Assignment” among the list of required certifications, even though a copy of the certificate is included on the following page.

Recommendation: Add the “Certification of the Approval for 911-Addressing Assignment” among the list of required certifications.

3-7: Minor Subdivision Procedure

See recommendations above for Sections 3-3 and 3-5 regarding “Mylar-type” plans.

3-10: Notifications

The notification process for public meetings of the Planning Commission at which preliminary and final plats will be considered for approval is currently limited to only notifying the applicant at least five days prior to the meeting. Given the substantial impacts that a large subdivision can have on surrounding properties, as well as the nation-wide emphasis on public input processes for planning over the past few decades, the current notification requirements are insufficient.

Recommendation: Include notification in a local newspaper, posting a notification sign on the property, and written notification to all property owners within a few hundred feet of the subject site. A common requirement in many communities is 300 feet. More than five days notice would also encourage more public participation, such as ten (10) to fourteen (14) days notice.

3-11: Approval or Disapproval

This section provides the Planning Commission with only two options when considering subdivision plats: approval or disapproval. Because many subdivision plats would be acceptable if one or more revisions were made, and because most applicants would be willing to go along with such revisions in order to receive approval, the third alternative of “approved with conditions” should be included. Typically, this type of approval carefully lists in the motion for approval the specific revisions required, and it is left to City staff to insure that the plans are revised accordingly before a permit is issued to begin work.

Recommendation: Add “approved with conditions” to the potential options for Planning Commission decisions on applications.

Article IV – General Requirements and Minimum Standards of Design

Adopted / Updated: 1994 / 1996

This section reviews the street and road regulations as contained in Section 4-1 of Article IV of the subdivision regulations entitled “Streets and Roads.” Other policies related to roadways were addressed previously along with the City’s other various plans. The two key documents related to roadways included the “Kingsport Major Street and Road Plan” (Kingsport Regional Planning Commission - 2001) and the “Redevelopment Corridors Transportation Study” (Kingsport Metropolitan Planning Organization - 2002). It is noteworthy that many of the regulations found in Section 4-1 of the subdivision regulations refer back to the Kingsport Major Street and Road Plan.

Specifically, this article addresses three issues: 1) streets and roads, 2) blocks and 3) lots.

4-1: STREETS AND ROADS

1.2: Relation to Adjoining Road Systems

This provision wisely encourages that adjacent subdivisions make an effort to connect their respective street systems. This can be an important planning issue, and many communities do not encourage this approach enough, which results in inefficient traffic flows and traffic congestion on arterials.

1.3: Widths of Rights-of-Way and Pavements...

The proposed rights-of-way and minimum paving widths for the various types of streets appear to be reasonable. However, the planning profession has experienced a recent and growing recognition of the negative aspects of streets that are too wide,

including encouraging speeding, higher construction and maintenance costs, and excessive storm water run-off.

Recommendation: This section should be revised to either list specific maximum street widths or note that maximum widths can be required by the Planning Commission. The City should also consider hiring a traffic engineering consultant to see if any of the minimum street widths can be reduced slightly to encourage traffic calming. Another alternative is to expand the list of permitted street types to accommodate narrower street options. For example, a “rural lane” category might be introduced for appropriate locations.

This section also discourages the use of alleys. In fact, it states that “Alleys shall not be provided in residential areas except where the developer produces evidence satisfactory to the Planning Commission of the need for alleys.” One of the key hallmarks of New Urbanism is the use of alleys when appropriate. Even new developments that do not follow all of the New Urbanist principles for Traditional Neighborhood Developments (TND) often borrow the alley concept as a way to greatly enhance the appearance of streetscapes, as they can allow driveways, garages, automobiles, trash cans, power poles and overhead wiring to be removed from the street. Furthermore, within the “Pedestrian Realm” and “Roadway” categories of the Visual Image Survey (VIS), images that included features that can be avoided through the use of alleys, such as utility poles, overhead wiring, parking lots and driveways, tended to rate lower than images without such features.

Recommendation: Revise the language discouraging alleys in residential areas to instead state that they are encouraged in such areas.

Detailed standards are included for “Dead End Streets” (cul de sacs), but unlike alleys, they are not discouraged.

Recommendation: In order to promote an integrated street network that allows for efficient, safe and walkable streets, cul de sac streets should be discouraged and perhaps prohibited altogether unless unusual conditions necessitate them, such as environmental constraints.

1.7: Other Street and Road Specifications

The provisions for street lights do not actually contain the standards, but instead reference the City’s adopted standards, which are not part of the body of the subdivision regulations. In general, street lights should be thought of in more than simply utilitarian terms. The ambiance and character of a street is markedly different when tall cobra-head lights are compared with much lower human-scaled lights.

Recommendation: While they are not as cost-effective, serious consideration should be given to using more human-scaled lights in Kingsport’s residential, commercial, civic and mixed use areas. Heights ranging between 12 feet and 18 feet should be considered, depending upon the street type and adjacent land uses. Also shielding of lights to project lighting downward and to avoid glare should be emphasized, as is already done in the Gateway District provisions.

4-2: BLOCKS

2.1: Length

Although the standards include a minimum block length of 300 feet, there is no maximum block length. Most communities regulate maximum block lengths rather than minimum block lengths because the negative consequences of long blocks are greater than those of short blocks. In fact, it is quite unusual for a block length to ever be proposed less than 300 feet. On the other hand, blocks exceeding approximately 600 feet in length, a common maximum standard, are not pedestrian-friendly and

make traffic circulation less efficient.

Recommendation: Include a maximum block length of 600 feet for most areas, with an 800 foot maximum for lower density areas.

4-3: LOTS

3.3: Conformance to Zoning

This section prohibits any lots with a street frontage less than 50 feet. Since that requirement precludes townhouses, which are an important housing option, this standard needs revising. Likewise, human-scaled mixed use areas, such as historic Downtown Kingsport and potential new town center type developments, require the ability to have narrower lots. In fact, some of the highest rated images within the “Downtown / Commercial / Retail” category of the Visual Image Survey (VIS) feature buildings less than 50 feet in width. The development of such buildings will be discouraged by the existing minimum lot width requirement.

Recommendation: Either eliminate any minimum lot width standard from this provision, or change the minimum standard to 16 feet.

3.5: Commercial or Industrial Properties

This section also states that, in the case of commercial and industrial properties, “Platting of individual lots should be avoided in favor of an overall design of the land.” This requirement has a very suburban bias and is geared toward large shopping malls and strip centers. Clearly, Downtown Kingsport could not be replicated today without the ability to create individual lots, and many future urban mixed-use developments might also be discouraged.

Recommendation: Eliminate this section.

3.7: Double Frontage and Reverse Frontage Lots

This section explicitly permits double frontage lots and reverse frontage lots. Not only are these types of lots an inefficient use of land, but they also result in a building’s rear fronting onto a street. While evergreen landscaping and/or fencing can be used to screen reverse frontage lots from streets, unless an entire block face is treated in the same manner, the reverse frontage lot will be incompatible with neighboring lots.

Recommendation: Either prohibit reverse frontage altogether or require substantial year-round screening, to include landscaping, on the street frontage faced by the building’s rear.

3.8: Lot Shape

This section states that “Excessive depth in relation to width or very irregular shaped lots may not be permitted.” As written, this provision is difficult to implement because of its vagueness. Most codes that address this issue establish a specific width-to-depth ratio.

Recommendation: A maximum width-to-depth ratio, such as 1:4, should be specified for all lots.

Article V – Required Improvements

This article of the subdivision regulations includes standards for the design and construction of streets and utilities. Below are recommendations on these standards:

5-1: STREET AND ROAD CONSTRUCTION

1.7 Curbs

This section’s curb standards state that “Concrete curbs shall be installed on both sides of all new streets.” While curbs are certainly needed in urban conditions, including most parts of Kingsport, they are inappropriate for more rural and low-

density settings where a pavement edge and drainage swales are viable.

Recommendation: Revise this provision to not require curbs in more rural low-density areas.

1.8: Sidewalks

Adopted / Updated:

Kingsport’s sidewalk regulations and policies come from two different sources. The current official policies are part of Article V (“Required Improvements”) from the City’s subdivision regulations, which were first adopted in 1994 and revised in 1996. A report was written by the City’s planning division in 2002 to suggest alternatives, and it is entitled “Subdivision Regulation Options for Sidewalks in Business-Commercial-Industrial Parks”--- a summary of this report is contained in the Public Policy Analysis: City Plans and Studies chapter.

Sidewalks measuring 5 feet in width are required on all streets, with a few exceptions. Since urban and mixed-use areas typically need wider sidewalks, sidewalk provisions should take that into consideration. It is noteworthy that, within the “Pedestrian Realm” category of the Visual Image Survey (VIS), most images lacking sidewalks (or having poorly maintained sidewalks) received negative ratings. Likewise, prior visioning studies by Kingsport Tomorrow have resulted in sidewalks being a high priority for the community.

Recommendation: Revise this section to require 5 foot sidewalks for most residential streets, but to require wider sidewalks for higher density and/or mixed-use and commercial zones.

Also, sidewalks are not required for minor subdivisions (ten lots or less), and residential streets with 40 foot rights-of-way are only required to have sidewalks on one side of the street.

Recommendation: Eliminate exceptions from requiring sidewalks on both sides of the street for minor subdivisions and streets with 40 foot ROWs.

5-5: OTHER UTILITIES

1994 / 1996 & 2002

This section begins by stating that “Underground utilities are encouraged.” The City’s Visual Image Survey (VIS) documented a very strong public sentiment against the appearance of utility poles and overhead wiring. In particular, the results of the “Roadways” and “Signs / Lines / Towers” categories of the VIS clearly demonstrate a preference for streets without utility poles and overhead lines. The recent trend has been for developers to opt for underground utilities as well. Many utility companies now recommend going underground in all new development for those reasons.

Using the experience of Chattanooga as an example, the initial costs for installing utility lines underground in that community have been approximately 30% more than overhead installation involving utility poles. However, those initial cost savings for overhead lines have been typically offset over time by maintenance costs for tree trimming, repairs prompted by storms, replacement of poles, and a general lack of dependability compared to underground installation.

There are three options for regulating this issue. One approach followed by many communities is to simply prohibit overhead wiring for all new development. At present, this requirement is only in place in Kingsport for the Gateway District. Based upon the experience of most communities in the Southeast, this cost in a new subdivision typically adds a couple of thousands dollars per lot to the project costs. Another option is to allow

overhead wiring to occur only in alleys, which would thereby require alleys that might not otherwise be provided. In that scenario, developers would still have the option of putting utilities underground if alleys are unwanted. A third option is to require them to be located along rear lot lines and feature an access easement for maintenance where alleys do not exist. Any of these approaches would greatly enhance the visual appearance of Kingsport's streets.

Recommendation: Revise this sentence to state that underground utilities are required. The ultimate solution to address utility poles and overhead lines will be for a summit to occur between key representatives of the City and the utility companies to explore options for enhancing Kingsport's appearance.

5.1: Street Lights

This section requires that all subdivisions be provided with street lights, and the developer is required to indicate whether the electrical service will be overhead or underground prior to submission of the preliminary subdivision plat.

Recommendation: For the reasons cited above, revise this section to require underground utilities.

5-8: PUBLIC OPEN SPACES

This section requires that, when a public facility or open space is shown on the General Community Plan as being part of a proposed subdivision site, the Planning Commission can require that up to 10% of the subdivision site be reserved for up to five years should the City or County wish to purchase it.

Recommendation: Given that the proposed facility or open space may substantially exceed 10% of the proposed

subdivision site, the maximum percentage standard should be dropped.

New Open Space and Recreation Requirements

The provision of parks and green space, particularly in neighborhoods, was considered very important to respondents of the Visual Image Survey (VIS) as a positive quality of life issue. Most communities have requirements that improved open space be provided for all new residential and mixed-use development. Requirements are typically tied to an adopted recreation and open space master plan for the community, and specific requirements are determined by the size and future population of the development. National Recreation and Park Association (NRPA) standards are of the used that link the amounts of open space and types of recreational facilities to population numbers.

Recommendation: Adopt new open space and recreation requirements tied to a community-wide plan and NRPA standards. Require that usable and improved open space be provided for all new and redeveloped residential and mixed-use development.

Article VI – General Provisions

This article of the subdivision regulations addresses various administrative and legal issues. Examples of key provisions include the statement that these regulations apply anywhere within the City and the Kingsport Planning Region, and the fact that the Planning Commission can require standards above the minimum standards of the subdivision regulations when necessary for the public good. Below are recommendations for these standards:

6-7: FEES

The current fees for subdivisions include a \$50 review fee and an additional \$5 per lot, as well as a \$25 final plat review fee. These fees are extremely low and do not come even close to the City's true costs for reviewing and processing plan applications. Many communities in Tennessee and across the country utilize "impact fees" to help absorb the public costs of new development. Impact fees, which go towards the costs of building and/or maintaining roads, utilities, schools and various services, can range anywhere from \$500 per lot to a couple of thousand dollars. Some communities also charge higher fees to development that is further removed from the community's core and existing infrastructure in order to discourage sprawl and to better reflect the true costs of different types of development. In fact, that was the original concept behind impact fees: to charge for the actual "impact" of a particular type of development. There are two key factors that will play into the City's approach to development-related fees. First, is the City's philosophy on who should shoulder what percentage of the costs of reviewing development plans and building/maintaining associated infrastructure: the community in general (tax payers) versus developers. Secondly, there is the issue of how development costs compare to the other "tri-city" communities. For example, if Kingsport's fees were to become significantly higher than those in Johnson City and Bristol, less development might occur in Kingsport, which might impact the local economy.

Recommendation: The overall issue of development fees in Kingsport should be reconsidered by the City. In order to avoid Kingsport from having a competitive disadvantage, it is recommended that the City work with the other major city and county governments in the region in considering this issue.

Article VII – Difficult Terrain Regulations

These regulations are intended to be used in conjunction with the City's general subdivision regulations, rather than to be used in place of them. They recognize that much of the lands in Kingsport have steep topography, and the purpose is to protect public safety and the natural environment, among other goals. Among the various qualifying requirements for these regulations per Section 7.2 are slopes averaging at least 15% and sanitary sewer service. Most of the administrative requirements and procedures under this article are the same as with conventional subdivisions, although the physical standards are different, such as the prohibition of on-street parking.

7.4: Development Standards

There are inconsistencies between the text of the street regulations and the Table 1 chart of street regulations. For example, the text states that, for residential streets, the minimum right-of-way is 40 feet, the minimum pavement width is 24 feet, and no on-street parking is permitted. The table indicates that, for residential streets, the minimum right-of-way is 36 feet, the minimum pavement width is 20 feet, and on-street parking is permitted on streets designed for 11 or more residential units. It is assumed that this table is specifically for the Difficult Terrain Regulations, although it is not clear. If it is instead intended for the subdivision regulations as a whole, it is also inconsistent with the dimensions provided in the text of the overall street standards. Therefore, either way it is incorrect.

Recommendation: Revise the streets table and/or text to be consistent, and strengthen the Planned Development District standards to address environmentally sensitive areas.

OTHER NEW DEVELOPMENT CODES

In most cases, the recommendations in this report have

consisted of revisions to existing regulations. In a few cases, new additional regulations have been recommended within their applicable sections of the zoning ordinance or the subdivision regulations. In other cases, it is not obvious where new regulations would be located within the City's standards, so they have been provided below:

Hilltop Development

The difference between the aesthetic quality of landscapes with hilltop development and those without can be dramatic. In addition to the visual impacts, there are negative environmental consequences with hilltop development, including erosion, sedimentation and flooding. Furthermore, within the "Vistas" category of the Visual Image Survey (VIS), the images that featured hilltops with little to no hilltop development rated dramatically higher than those with substantial hilltop development.

Although the City's code has special steep slope regulations, that issue is related to, but different, from hilltop development. That is because many hilltops are relatively flat, despite the steep slopes that they may crown. While a complete prohibition of development on hilltops is likely not politically viable in Kingsport, a limitation on the amount of development is reasonable and realistic.

Recommendation: It is recommended that a specific elevation level be selected as the threshold for less intensive and less dense development in Kingsport. One elevation level that might be considered is 1,400 feet above sea level, as that is the point at which it is difficult to get water beyond. This issue is best addressed as part of a broader land use plan and/or comprehensive plan update, as was previously recommended in this plan for addressing similar issues.

Design Standards

Design standards would relate to nearly every aspect of the Visual Image Survey. The VIS addressed all key facets of planning and urban design, and the results served as a referendum for better design in Kingsport to enhance its overall function and appearance. Although Kingsport's codes already include some design standards, they are relatively limited and confined to zones such as the Gateway District. Design standards should address development issues such as building scale, massing, facade design and materials, as well as landscaping, signage and similar issues. Many communities use design standards as a way to control the dominance of "front loaded" garages on single-family homes from turning residential streets into "garagescapes." There are two general options for getting such standards into the City codes. One approach is to integrate the standards throughout the zoning and development codes as either an update of the existing codes or a complete code rewrite. The other option is to target specific areas for a higher level of development quality through the adoption of special districts with tailored design standards. The emphasis of design over land uses in zoning codes is sometimes referred to as "form zoning." This approach has been used for the Gateway District, but offers no benefits to the balance of the community.

Recommendation: Enhance the appearance of Kingsport through the introduction of more design standards into the development codes. A good model to follow might be the Gateway District. Regardless, the entity that conducts design review and makes decisions on individual development applications should serve that function city-wide rather than having a separate review body for each district. If the district approach is taken rather than adopting them city-wide, the design review districts can function as overlay districts impacting only design issues, as opposed to the base zoning that

controls land uses and densities. Design standards are particularly important for targeted redevelopment areas where the results will be more pronounced.

New Lighting Standards

Outdoor lighting within developed areas is important for many reasons, including driving safety, pedestrian safety, and its impact on the character of an area. Although images in the Visual Image Survey (VIS) with cobra head street lights typically accompanied utility poles and overhead lines, such images consistently ranked low, particularly within the “Roadways” and “Signs / Lines / Towers” issue categories of the VIS. Although lighting is addressed within the City’s Gateway District zoning, the zoning ordinance and subdivision regulations are otherwise silent on the subject.

Recommendation: It is recommended that outdoor lighting be addressed by Kingsport’s zoning ordinance, and that the standards be grouped into two categories: street lighting and site lighting. Site lighting would include parking and pedestrian areas. The following variables of outdoor lighting should be addressed:

- Location
- Height
- Fixture type
- Lamp type and wattage
- Shielding
- Pole type

In the case of street lighting, it is recommended that a more attractive fixture and pole type be considered. While the height may need to remain relatively tall for arterial and major collector streets in order to provide sufficient light for evening driving, lower lights should be considered for other streets,

particularly in more urbanized and pedestrian-oriented areas. Street lights with a height ranging between 10 feet and 16 feet can greatly enhance the night-time appearance of an area. The same principle applies to parking lots. It is acknowledged that lower light heights will require a greater number of lights in order to achieve a sufficient level of lighting, but the results for an area’s character can be dramatic. Additionally, shielding to direct light downward is recommended for all outdoor lighting to prevent glare to neighboring properties and to preserve views of the night sky. Light levels and shielding should especially be tightly regulated for service stations and similar uses known for unusually high lighting levels.

Transfer of Development Rights

Within the “Vistas” category of the Visual Image Survey (VIS), the images that featured undeveloped open space rated significantly higher than those with sprawling development. Focus group sessions also revealed strong public support for open space preservation measures.

The concept behind density transfers is to permit the same amount of development to occur that would normally be permitted by zoning, but physically allocating it in a manner that trades off higher densities where development occurs for undeveloped open spaces elsewhere. There are two different alternatives that can be used for density transfers. The simplest approach is to transfer densities within the same site. The regulations typically include a minimum percentage of the site that must be kept open through a permanent conservation easement, and such figures commonly range between 50% and 80%. For example, rather than developing a 100-acre site with 100 one-acre lots, a density transfer option could permit 25 quarter-acre lots on the same site, keeping 75 acres preserved as open space. Because density transfer regulations are typically not mandated, there are often density bonuses provided as an

incentive. The more complex system for density transfers, but one achieving more significant community-wide benefits, is one that permits the transfer of density from one site to another. Areas targeted for open space are designated as “sending zones,” while area targeted for more density area designated as “receiving zones.” Land owners in sending zones can then sell density credits to owners in receiving zones.

Recommendation: Adopt zoning provisions, referred to as Transfer of Development Rights (TDR), that allow for the transfer of densities from one location to another in order to preserve open space and important natural resources. Regulations to transfer density within individual sites should clearly be adopted, while a community-wide TDR program will require further research and consideration.

Accessory Residential Units

Accessory residential units are fiscally beneficial because they accommodate more residents while utilizing existing infrastructure. They also benefit downtowns economically by increasing the market size provided by adjacent neighborhoods. However, clear standards are required to make accessory units work. For example, there should be no more than one accessory unit per single-family lot, and sizes should be limited to approximately 600 sq. ft. in area to insure that they are occupied by no more than one or two people. Some communities require that accessory units only be allowed for owner-occupied properties, and some even require a family relationship between the occupants. However, such requirements are extremely difficult to enforce once approvals are granted. The Visual Image Survey (VIS) was not designed to test out preferences for accessory residential units. However, an interest in accessory residential units was expressed in public meetings related to this planning project.

Recommendation: Explore the potential for permitting accessory residential units in Kingsport’s older neighborhoods surrounding the downtown. Many good model accessory unit ordinances exist. This new regulation would be consistent with the goal of maximizing existing development infrastructure and making Kingsport’s older urban areas more economically healthy.

Bed-and-Breakfast Regulations

Bed-and-Breakfast regulations would allow B&Bs to exist in appropriate areas, but in a manner that does not negatively impact neighborhoods, especially with respect to on-street parking in locations where it is already limited and in demand. Typical standards regulate the following aspects of B&Bs: the number of B&Bs within any given area (i.e., no more than one per block or block face); the number of rooms; the length and frequency of stays per visitor; amount/size of signage; and the adequacy of parking. The B&B industry has specific guidelines that can be referenced in preparing these regulations, and there are many good model ordinances that can be obtained from tourism-oriented communities. The Visual Image Survey (VIS) was not designed to test out preferences for B&Bs. However, an interest in B&Bs was expressed in public meetings related to this planning project.

Recommendation: Explore the potential for allowing B&Bs in Kingsport’s older neighborhoods surrounding the downtown. There are many good model ordinances available, particularly in historic tourism-oriented communities, such as Savannah (GA), Charleston (SC), St. Augustine (FL) and Natchez, (MS). This new regulation would be consistent with the goal of maximizing existing development infrastructure and making Kingsport’s older urban areas more economically healthy.

Riverfront Development Standards

One of the highest rated images in the Visual Image Survey (VIS) was of the Greenbelt along the river across from the Netherland Inn. An interest in leveraging and protecting it was expressed in public meetings related to this planning project.

As the City proceeds with enhancements and development through King's Port on the Holston, riverfront standards should emphasize two key objectives: protecting its environmental quality and character, while providing visual and physical access to the river. Common requirements for protecting rivers include: 1) minimum buffering requirements, as measured from the river's edge, in which no disturbance may occur; and 2) vegetation intended to help filter out pollutants in stormwater run-off before reaching the river.

At a minimum, standards for maintaining visual access to a river include requirements that viewsheds from the nearest public right-of-way be maintained for at least an occasional glimpse of the river. More aggressive standards mandate that improved public access be provided along the water's edge, even though it may traverse private property. In order to encourage uses that will take advantage of the river, land uses such as dining should be permitted. On the other hand, riverfront zoning does not necessarily need to address land uses, as it can sometimes be more advantageous to apply it as overlay zoning that only regulates design and environmental issues.

Recommendation: Adopt riverfront development standards to encourage more leveraging of the river's benefits, while protecting its character and environmental qualities. Consider a special overlay zoning district for the "King's Port on the Holston" corridor.