



CITY OF JOHNSON CITY
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CITY OF JOHNSON CITY

TO: *Teresa*, Johnson City Press (423) 929-9097
Telephone: (423) 929-3111 Ext. 389

FROM: Samantha Berkley, (434-6032)
City of Johnson City - Fax (423) 434-6087

DATE: September 13, 2021

SUBJECT: Legal Notice

**PLEASE ADVERTISE
AS SOON AS POSSIBLE**

ORDINANCE NO. 4787-21

AN ORDINANCE TO AMEND ARTICLE VI – USE REQUIREMENTS BY DISTRICT IN THE CITY OF JOHNSON CITY ZONING ORDINANCE AS IT RELATES TO THE USES IN THE MEDICAL SERVICES DISTRICT.

WHEREAS, Sections 13-7-201 to 13-7-211 of the Tennessee Code Annotated provide the City of Johnson City, TN with the powers and authority to enact local municipal zoning codes;

WHEREAS, said Sections provide a process for amendment of local municipal zoning codes;

WHEREAS, the Johnson City Regional Planning Commission on July 13, 2021 considered and recommended amendments to the Zoning Code of the City of Johnson City hereto;

WHEREAS, The Board of Commissioners of the City of Johnson City, TN has determined that it is in the public interest to amend the local municipal zoning codes;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JOHNSON CITY AS FOLLOWS:

SECTION 1. That Article VI – Use Requirements by District in the City of Johnson City Zoning Ordinance as it relates to the uses in the MS-1 (Medical Services) District, Exhibit A, is amended as underlined and/or stricken.

SECTION 2. BE IT FURTHER ORDAINED, That all ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. BE IT FURTHER ORDAINED, That this ordinance shall take effect upon final passage and publication of this ordinance in a newspaper of general circulation, the public welfare requiring it.

PASSED IN OPEN, PUBLIC MEETING
ON THE FIRST READING 29 July 2021

PASSED IN OPEN, PUBLIC MEETING
ON THE SECOND READING 19 Aug
2021

PASSED IN OPEN, PUBLIC MEETING
ON THE THIRD READING 02 Sept 2021

APPROVED AND SIGNED IN OPEN
MEETING ON THE 2nd DAY OF September
_____, 2021 FOLLOWING PASSAGE ON
THIRD READING.

/s/ Joe Wise

MAYOR

ATTEST:

/s/ Janet Jennings

City Recorder

APPROVED AS TO FORM:

/s/ Sunny Sandos

City Attorney

“Exhibit A”
Text Amendment to Article 6.13 of the Zoning Ordinance

BLUE and BOLD	To be added
Blue and Strikethrough	To be removed
Red and Strikethrough	Being taken out as part of ORD # 4780-21

6.13 - MS-1 MEDICAL SERVICES DISTRICT

6.13.1 INTENT:

This district is intended to provide space for the harmonious development of medical facilities, services, and related support uses. The Medical Services District is intended to be protected from encroachment by land uses adverse to the location, operation, and expansion of medical use development.

6.13.2 PERMITTED USES:

Within the MS-1 Medical Services District the following uses are permitted:

- 6.13.2.1 Apothecaries, Drug stores, and pharmacies;
- 6.13.2.2 Artificial limb and brace, therapeutic establishments, including the manufacturing, wholesale, and retail sales of products;
- 6.13.2.3 Banks;
- 6.13.2.4 Barber and beauty shops;
- 6.13.2.5 Bookstores including card and gift shops;
- 6.13.2.6 Churches, including parish houses;
- 6.13.2.7 Clinics;
- 6.13.2.8 Day-care centers and adult day-care centers;
- 6.13.2.9 Florist shops;
- 6.13.2.10 General office uses and office buildings, including professional and governmental;
- 6.13.2.11 Group homes, subject to the requirements of Subsection 6.8.2.3;
- 6.13.2.12 Hospitals for the treatment of human ailments, including psychiatric hospitals;
- 6.13.2.13 Laboratories—medical, dental, optical, pharmaceutical and related;
- 6.13.2.14 Medical, surgical, and dental supply businesses, both wholesale and retail;
- 6.13.2.15 Municipal, county, state or federal buildings or land uses;
- 6.13.2.16 Motels and hotels;
- 6.13.2.17 Nursing homes, rest homes, and convalescent homes;
- 6.13.2.18 Parking garages;
- 6.13.2.19 Public utility stations;
- 6.13.2.20 Residential homes for the aged, subject to the requirements of Subsection 6.6.1.5;
- 6.13.2.21 Restaurants, including drive-in services;
- 6.13.2.22 Retail sales and service establishments pertaining to any medically oriented product or service;

- 6.13.2.23 Schools;
- 6.13.2.24 ~~Single~~-Multi-family residences;
- 6.13.2.25 Alternative tower structures; and
- 6.13.2.26 Heliports subject to compliance with the most recent edition of Federal Aviation Administration Circular 150/5390-2A.
- 6.13.2.27 Beer serving/sales establishments.

6.13.3 USES PERMITTED BY APPROVAL AS SPECIAL EXCEPTION:

The following uses are permitted when approved by the Board of Zoning Appeals as Special Exceptions as provided by Section 15.4:

- 6.13.3.1 Mortuary establishments, provided such establishments will not cause undue traffic congestion or create a traffic hazard;
- 6.13.3.2 ~~Gasoline service stations, provided:~~
 - A. ~~Service stations' principal and accessory buildings shall not be constructed closer than 40 feet to any side or rear lot line nor closer than 45 feet to any street right-of-way;~~
 - B. ~~Gasoline pump islands shall not be located closer than 30 feet to any street right-of-way line nor closer than 40 feet to any side or rear lot line which abuts an RO-1 or more restrictive zone but which does not abut a street right-of-way; and~~
 - C. ~~Canopies shall not be constructed closer than 30 feet from any street right-of-way. (Since the Code states that variances may only be given when special conditions prevent the beneficial use of land, if a gasoline station may be constructed on a lot, the land has resulted in beneficial use; and, therefore, no waiver may be given permitting the canopy to extend closer than 30 feet to the street right-of-way.)~~
- 6.13.3.3 Tower Structures.
- 6.13.3.4 ~~Non-Residential Substance Abuse Treatment Facility (scheduled drugs dispensed on-site):~~
 - A. ~~The facility shall be fully licensed/certified by the appropriate regulating state or federal agency, if required;~~
 - B. ~~If a certificate of need (CON) is required, a copy of the CON application shall be submitted to the Board of Zoning Appeals prior to being heard by the Board. The CON shall be obtained as a condition of final approval; no building permits shall be issued or occupancy be allowed prior to the petitioner receiving the CON and licenses; and presenting them to the Development Services Department;~~
 - C. ~~The facility shall be located on properties which abuts, adjoins, or physically borders a collector street, arterial street, or any section of State of Franklin Road;~~
 - D. ~~The petitioner shall provide the Board of Zoning Appeals with information regarding the number of staff to be employed; and~~
 - E. ~~The facility shall provide one off-street space per 100 square feet of gross floor area plus one space per employee as specified in Article XI, Section 11.3.~~
- 6.13.3.5 ~~Substance abuse treatment facility provided:~~
 - A. ~~The facility shall be fully licensed/certified by the appropriate regulating state agency, if required;~~
 - B. ~~A certificate of need, if required, shall be obtained from the appropriate state agency prior to review by the Board of Zoning Appeals;~~

- ~~C.—The facility shall not be located adjacent to or within 200 feet of a residential district including R-1, R-2, R-2A, R-2B, R-2C, R-3, R-4, R-5, R-6, RP-2, RP-3, RP-4, RP-5, RM-3, RM-4, RM-6, RO-1, and RO-2 districts;~~
- ~~D.—The facility shall not operate before 7:00 a.m. or after 8:00 p.m.;~~
- ~~E.—The facility shall be located on a collector street, arterial street, or State of Franklin Road;~~
- ~~F.—The petitioner shall provide the Board of Zoning Appeals with information regarding the number of staff to be employed; and~~
- ~~G.—The facility, if located within a single tenant structure, shall meet the off-street parking requirements as specified in Article XI, Section 11.3.~~

6.13.4 SIDEWALK REQUIREMENT:

Sidewalks shall be required for all developments along their public street frontages, in accordance with Article IX, Sidewalk Regulations, and The Standards of Design for Streets and Drainage.

6.13.5 AREA REGULATIONS:

All buildings and uses, unless otherwise specified in this Code, shall comply with the following setback, coverage, and area requirements:

6.13.5.1 Minimum Lot Size: Not restricted.

6.13.5.2 Yard Area:

- A. Front Yard: Minimum front yard setback shall be 45 feet on an arterial street, 35 feet on a collector street, and 25 feet on all other streets.
- B. Side Yards: The minimum total depth of the two side yards shall be 12 feet for the first story; eight additional feet for each of the next two stories, and four additional feet for each of the next five stories, and zero additional feet for each additional story. At least one-third of the total depth shall be provided on the smaller side, provided that neither side yard shall be less than six feet in depth.
- C. Rear Yard: The minimum depth of the rear yard shall be 30 feet.

D. Maximum density is 14 units per acre.

6.13.6 MAXIMUM LOT COVERAGE:

The principal building shall cover not more than 50 percent of the total lot area.

6.13.7 HEIGHT REGULATIONS:

Unlimited.

6.13.8 CONCEPT PLAN REQUIRED:

Each application for a rezoning request shall be accompanied by five sets of a concept plan as described in Article XIV, Subsection 14.3.1. The review and approval process for such concept plan shall be as described in Subsection 14.3.2.

(Ord. No. [4738-20](#), § 1(Exh. A), 7-2-2020)

Multi-family in MS-1 District Exhibit A

BLUE and BOLD	To be added
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