

# Think Quality - Think Future

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## Blount County Planning Department

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### MEMORANDUM

**TO:** Blount County Planning Commission

**FROM:** John Lamb

**DATE:** August 17, 2006

**SUBJECT:** Items for Long Range Planning for the August 24, 2006 regular meeting.

#### 1. Discussion of design standards for commercial uses.

This item was considered at the last regular meeting. The Planning Commission came to a consensus to continue consideration at the August meeting, with each member identifying those aspects of the following analysis and examples that would be considered appropriate for inclusion in any new regulations for design standards for commercial uses.

Setbacks. The zoning regulations already address setbacks as a design consideration, requiring greater setbacks when commercial uses abut residential land.

Lot Coverage. Lot coverage is addressed in the zoning regulations for special exception commercial uses, and is related to density considerations. Lot coverage also is a design consideration when comparing what is appropriate in urban settings as opposed to rural settings. High lot coverage in a rural setting will stand out and may not fit in with the general character of an area, whereas high lot coverage in an urban setting may fit into the more dense use of surrounding land.

Maximum Size of Structure. Maximum size of structure is addressed for special exception commercial uses, and addresses intensity of use. Size of structure may also be a design consideration when comparing what is appropriate in rural settings. A large building on a small parcel may stand out and may not fit in with the general character of a rural area.

Landscaping. Landscaping can go a long way in mitigating the visual effects of a commercial use, particularly if in context of a residential or rural area. The unbroken frontage of a commercial building or the unbroken expanse of a parking area can be mitigated visually by appropriate landscaping, and landscaping may provide buffers for internal design elements such as parking and loading areas. Strategic use of vegetative landscaping can also be incorporated into more natural drainage plans, and may provide mitigation of heat island effect of pavement.

Use Buffers. Buffering of commercial use is addressed in the zoning regulations by requiring a fence or vegetative buffer between commercial uses and residential lands. An appropriately designed buffer can allow a commercial use to be placed in such a way that its impact on surrounding properties is mitigated.

Parking Buffers and Design. Parking areas can have a large visual impact, with expanse of pavement and collection of vehicles. To mitigate visual impact, buffers between parking areas and other uses may be considered as a design element, and internal buffers or design elements to break-up the unrelieved expanse of pavement may be appropriate. See also under landscaping above. Parking access and circulation should also be a design consideration. See also under access design and vision clearance below. In addition, innovative parking design could incorporate pervious surface pavement or reinforced turf parking areas to mitigate storm water impacts. See also drainage plan below

Loading Area Buffers and Design. Loading areas for large trucks are often necessary aspects of commercial uses, but also provide another impact. To mitigate visual impact, loading areas may be buffered with appropriate fencing or landscaping. Impact may also be mitigated by placement away from the main exposure of a commercial building, such as requiring loading areas to be placed to the side or rear of a commercial building away from road frontage. Noise effects may also be a consideration in placement of loading areas near residential uses and may require greater buffering.

Dumpster Buffers and Design. Solid waste disposal in large containers such as dumpsters is often a necessary aspect of commercial use. To mitigate visual impact, dumpster areas may be buffered by fencing and/or landscaping. Placement of dumpsters may also be more appropriate to the side or rear of a commercial property, provided that consideration is given to the noise effects of loading and unloading on surrounding residential uses.

Outdoor Storage Buffers and Design. Outdoor storage of commercial merchandise often results in visual impact on an area. To the greatest extent possible, storage of merchandise should be within an enclosed structure. However, for situations where outdoor storage is necessary, impacts may be mitigated by fencing or vegetative buffer. Placement may be more appropriate away from road frontage, to the side or rear of a commercial structure.

Noise Buffer. Commercial uses often generate noise from traffic and machinery. Provision of solid buffers such as fences or earthen berms, and/or vegetative buffers in depth can help mitigate noise impact. Appropriate design placement should also be considered for potential noisy activities such as dumpster unloading, loading areas, and large heating and air conditioning units.

Access Design and Vision Clearance. Review of access design for subdivision plats is standard, particularly to insure proper vision clearance and traffic accommodation. Access design for commercial uses is not at present a part of design standards and review, other than a general requirement that any driveway be designed in such a way that vision clearance is maintained. A single commercial use may have as much if not more impact on traffic as a subdivision. Providing standards for safe and efficient access to a commercial property, and providing efficient internal circulation of traffic, should be considered in design requirements.

Signage Plan. Signs are often considered as one of the greatest visual impacts in commercial uses. Recently amended zoning regulations limit sign height, size and placement. As an overall part of a commercial development, a signage plan should be part of site plan review.

Lighting Plan. High intensity lighting is often an integral part of commercial design to address night use, visibility, and security. However, lighting can result in impacts on surrounding uses. To mitigate impact, plans for lighting

should be integrated into overall design, and standards may be set for off-site light exposure.

Erosion and Sedimentation Control Plan. An erosion and sedimentation control plan is required for any large subdivision. Large commercial uses can have as much or greater impact than a subdivision. An erosion and sedimentation control plan should be an integral part of the site plan for a commercial use prior to construction.

Drainage Plan. Commercial uses usually provide more impervious surface than a comparable area of residential use. Control of drainage is thus often more important in commercial design. A drainage plan should be required for commercial uses as part of overall site plan design. Innovative drainage design may be integrated with other design elements such as pervious parking, reinforced turf overflow parking, and landscaped areas with drainage control capability.

Septic Disposal Plan. Commercial uses vary widely in the amount of septic waste generated. If on public sewer, the issue is minimized. However, if on private septic, the issue may be critical. To better account for differences in use, a specific septic disposal plan, basically a septic permit review, should be part of site plan review, and should be reevaluated upon change of use.

Building Design and Materials. The visual impact of a commercial structure is often a concern. How a structure looks may be a valid design consideration. The Maryville design guidelines provide a model of how to mitigate the visual impact of a commercial building. See below a copy of the Maryville guidelines (may need modification for less urban setting).

Site Plan Requirements. Site plan requirements under present zoning regulations are rudimentary. To adequately incorporate the above design considerations, site plan requirements and review will need to be stepped up. In particular, the site plan should require all design elements to be displayed for review in an integrated manner. This may require use of a design professional to prepare site plan documents. The review of a commercial site plan should be comparable to the rigorous review of a subdivision plat.

The following are City of Maryville design guidelines for reference.

## **SECTION 6: COMMERCIAL DESIGN CRITERIA – CITY WIDE (Maryville)**

The following items must be reviewed for compliance by the Planning Department before a building permit is issued. These standards shall apply to the design of all principal buildings and accessory structures used for non-residential land uses.

- (a) Walls and Roof: The front and side wall planes of buildings shall be staggered by occasional changes in surface planes or changes of materials or architectural features to avoid monolithic “box” appearance. Walls and roof visible to public roads shall have changes of wall and roof planes with at least a three (3) foot projection or recess no less than every thirty (30) feet, both horizontally and vertically. In addition, any of the following elements shall be integrated in walls visible to public roads no less than thirty (30) feet, both horizontally and vertically:
- (1) porches;
  - (2) awnings;
  - (3) stairwells;
  - (4) doors;
  - (5) windows;
  - (6) chimney;
  - (7) changes in construction materials;
  - (8) horizontal and vertical sun-shading devices, such as walls, canopies, and similar devices, which extend a minimum of three (3) feet beyond the wall of adjacent walls, are acceptable.

Excessive repetition of only one or two architectural features above is prohibited.

Elements that are not acceptable as a means to comply with the requirement above include, but are not limited to: gutter downspouts; garage doors; retaining walls; changes in paint color, color bands or small (less than two (2) square feet) accent materials using flat tile; narrow trim, common hallways parallel to outside walls not including stairwells; window and door frames; shutters; structural or decorative columns; and narrow extensions (less than three feet wide) of fire walls

Exterior walls visible from public roads may not be comprised of aluminum or flat-faced concrete block. Exterior glass shall compose a minimum of five (5) percent of the façade of the building, unless the building is an open-air structure such as a produce market.

Bright wall colors are acceptable, on a limited basis, for contrast and accent.

- (b) Personal Storage Developments: Personal Storage or “mini-storage” buildings shall be sited such that the garage doors do not face roads. Developments located on existing or proposed topographic elevations significantly lower than roads or behind existing or proposed landscaping whereby buildings are not visible from roadways may be constructed parallel to the road. Such developments located on a corner must install a landscape buffer on a least one property line to screen the row of storage

buildings. The landscape buffer shall be comprised of the plant size spacing and height as the required landscape buffer set forth in Article XII, Section 10: Landscaping.

- (c) Dumpsters: Dumpsters must be screened from public roads and adjacent residential uses but flat-faced block and chain link fence with plastic slats are not allowed.
- (d) HVAC Equipment: HVAC equipment shall meet the building setback dimensions. If wall mounted HVAC units are proposed to serve the ground floor level, screening shall be incorporated into the wall to conceal the equipment. Large ground mounted HVAC condensers shall be located on the opposite side of abutting residential uses and shall be screened.
- (e) Lights: External wall or roof-mounted floodlights shall not be installed on walls that face abutting residential uses unless landscaping or other means can be installed to shield the view of such lights from residential properties. Neon and bare fluorescent light tubes in any form on the exterior of a building or other structure is prohibited. In addition, plastic with back lighting is also prohibited as an accent feature. Light poles and fixtures shall be limited to a 30-foot maximum height and light poles and all equipment on poles are to be a neutral, preferably dark, color. All other lighting provisions found in Article XII, Section 10 shall be met.

To reduce the production of urban light pollution into residential areas, the countryside and into the Great Smoky Mountains National Park, light fixtures, which permit light to project up, are prohibited. Fixtures used for architectural lighting, such as façade, feature, and landscape lighting, shall be aimed or directed to preclude light projection beyond immediate objects intended to be illuminated.

- (f) Fences: Fences that are visible from residential uses and are visible from public roads shall not be constructed of unfinished concrete block, chain link, metal wire or mesh typically associated with livestock pens and shall not have a continuous plane of more than 100 feet. Reveals or projections (at least two foot deep and two feet wide), wall offsets of at least three feet, or evergreen trees (at least eight tall at planting) shall be used at least every 100 feet on the outside of the fence. This fence standard shall not apply to property principally used for livestock areas or farms.
- (g) Landscaping: At least thirty (30%) of each lot must be landscaped with a minimum of grass and/or plants. Landscaping shall be selected and installed so that it will not block motorist visibility at time of installation and at maturity.

At least one, two-inch caliper tree shall be planted on the parcel for every two thousand square feet of ground level square footage and paved area (paved areas include private streets, parking spaces, driveways, paved storage areas. Preservation of existing trees may be applied toward this requirement. This requirement for trees is in addition to required landscape buffer and lighting requirements set forth in Article XII, Section 10: Landscaping.

- (h) Ancillary Buildings and Equipment: Trailers, elevated tanks, storage tanks, or other similar structures shall be screened from adjacent residential uses and from public roads with landscaping, walls or fences. Such ancillary buildings and equipment shall also meet building setbacks.
  - (i) Loading Docks: Loading docks shall not face public roads. If this is impossible due to a corner lot or other conditions, loading docks must be screened using landscaping or architectural features.
  - (j) Parking: To break up the mass of large parking areas, parking areas shall be organized into a series of smaller modules with landscaped islands consisting of trees and low shrubs separating them. Parking and driving area depths with a continuous paved area greater than 130 feet adjacent to public roads are prohibited. Landscaped strips at least eight (8) feet wide, to include trees and/or shrubs may be constructed along the distance where this 130 foot line is proposed if additional parking is needed. This requirement does not apply to the depth of main entrance drives.
  - (k) Materials Considered Temporary Shall Not Remain Permanently. Materials installed on commercial properties visible to public roads shall not remain permanently. Such materials include, but are not limited to, piles of dirt, construction debris, construction fencing, landscape timbers and temporary signs. In addition, materials such as netting, ribbons, ropes, cardboard boxes and storage trailers shall not be installed and left on a permanent basis, beyond sixty (60) days of occupancy.
  - (l) Exemptions: These guidelines shall not apply to: single-family and duplex residential uses, the Industrial Zones XVIII, the Central Village overlay zone, the five downtown zones VIII through XII, and shall not be applicable to barns and farms constructed for solely for the principal purpose of agriculture and livestock activities.
  - (m) Drive-Through Equipment: There shall be no outdoor drive through menu boards, outdoor speaker equipment and drive through windows that are located within one hundred sixty (160) feet from adjacent residential land uses.
2. Appeals – The Board of Zoning Appeals hereby has authority to consider and to grant, if appropriate, variances required by any aggrieved party regarding requirements of the commercial design guidelines relating to a specific property. Such variances shall be governed by the procedure set forth in the Maryville Land Development Regulations for variances generally, including, but not limited to, the criteria to be used when a variance is requested.

## **2. Discussion of possible alternatives to addressing front setback requirements in steeply sloping land.**

This item was deferred from the last regular meeting.

At the County Commission public hearing, several County Commissioners raised substantial questions on the wording of the proposed amendment previously recommended by staff and the Planning Commission concerning reduction of setbacks for lots of record in steeply sloping land (see end of this section for the previously recommended wording). Staff has discussed the matter with Roger Fields, and we are in agreement that the wording could be improved to address the issues raised. Staff requests discussion of this matter in preparation for submitting a revised wording to address front setbacks in steeply sloping land for the next regular meeting.

In brief, the issues raised by the County Commission, and alternatives for addressing the issues, are the following:

- a. In situations where the property line is the center of the road, or where the referent line for setback is a road right-of-way line with less than standard 50 feet of width, the reduction of setback to 10 feet may place a house very close to road pavement. A means of addressing this is to require measurement of front setback in such instances to be from the center line of the road, and increase the minimum setback by 25 feet (half of standard 50 foot right-of-way) to account for any deficiency in right-of-way width. Thus a 10 foot setback would in effect be a 35 foot setback from center line of the road.
- b. There was some concern with assigning “informed discretion” to the Building Commissioner when this should be a matter of factual finding. A means of addressing this is to delete the reference to “informed discretion” and require all actions to be based on factual findings.
- c. Some considered allowing lesser setbacks for lots of record to be inappropriate, the general argument being that some lots should not be developed. This argument lacks proper consideration of lots of record, which require specific consideration to allow reasonable development. Lessening setbacks could continue as presently structured through the Board of Zoning Appeals upon finding of hardship. This has been done in several instances. The proposed amendment intends to address the matter administratively, thus lessening the bureaucratic burden on the applicant. In

any event, the County must attempt to reasonably accommodate development of lots of record.

The following is staff analysis from the April meeting for reference. The wording presented is the wording considered previously by the Planning Commission and the County Commission.

As background, Roger Fields, Building Commissioner, has encountered several instances where lots created in the past on steeply sloping land did not have defined front setback. In situations where no prior front setback for a lot or tract has been defined, the minimum front setback of 30 feet is applied from zoning regulations. In contrast, for plated lots that were specifically created under hillside subdivision standards in the Subdivision Regulations, the front setback was allowed to reduce to 10 feet for steeply sloping land. The applicable provisions in the Subdivision Regulations are as follows from Appendix I Section I.4(2)(d):

Building Setback Requirements – A minimum front setback of thirty (30) feet shall apply for those lots having average slope of less than 15%. A minimum front setback of ten (10) feet shall apply for those lots having an average slope in excess of 15%.

To make zoning regulations consistent with provisions in the Subdivision Regulations, staff proposes the following amendment to the Zoning Resolution.

That the Zoning Resolution be amended to add Section 7.14 to read as follows:

**7.14. Front Setback Requirements on Steeply Sloping Land.** Notwithstanding other provisions in this Resolution, for lots without defined front setback established by registered plat or by deed or subdivision restrictions, and which have average slope greater than 15%, the front setback may be reduced to 10 feet upon finding by the Building Commissioner that the average slope of the land is greater than 15%. Information to be supplied by applicant to avail of lesser front setback under this section shall include a topographical map of the property of at least five foot contours, slope analysis showing extent of land greater than 15% slope, and proposed placement of structures. Determination of applicable setback shall be at the informed discretion of the Building Commissioner.

**3. School growth trends presentation.**

The School Board requested staff to provide analysis of growth trends in relation to school population and geographical dispersion. Staff will be prepared to make same presentation to the Planning Commission for information and as basis for continuing discussion of school issues.

**4. Staff reports:** Staff may make report at the meeting.