

Think Quality - Think Future

Blount County Planning Department

Blount County Courthouse - 327 Court Street
Maryville, TN 37804-5906
Tel (865) 273-5750 - FAX (865) 273-5759
e-mail - planning@blounttn.org
on-line - www.blounttn.org/planning/

TO: Blount County Planning Commission

FROM: John Lamb

DATE: August 20, 2008

SUBJECT: Long range agenda items for the August 28, 2008 regular meeting.

1. Review and discussion on amendments to TCA planning statutes in Public Chapter 1150 approved by the State Legislature and effective June 13, 2008.

The State Legislature approved eight amendments to the TCA regional planning and zoning statutes. See attached copy of Public Chapter 1150 signed into law on Jun 13, 2008. The following is a summary of the amendments applicable to regional planning commissions such as Blount County, including context of existing wording (amendments in bold italics). In brief, the amendments cover two subjects – adequate infrastructure and the approval process for a regional plan.

Consideration of adequate infrastructure is now explicitly allowed in the regional plan, subdivision regulations and zoning by addition of wording generally as follows:

... areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur.

The process of regional plan adoption and amendment is amended to require a 30 day notice for a required public hearing prior to adoption or amendment, as follows:

Prior to adoption of the plan or any part, amendment or addition thereto, the commission shall hold a public hearing thereon, the time and place of which shall be published in a newspaper of general circulation in the county at least thirty (30) days prior to the meeting in which the adoption is to be first considered.

The process of certification of the regional plan to the County Commission and municipal legislative bodies is amended to allow the Planning Commission to send also a resolution requesting that the legislative body adopt the regional plan. If the legislative body wishes to adopt the regional plan, it must first hold public hearing with required 30 days notice, and if the regional plan is adopted “***...then any land use decisions thereafter made by the legislative body or planning commission must be consistent with the general regional plan.***” This would in effect make the regional plan legally binding.

If the legislative body adopts the regional plan, the plan amendment process is also amended as follows for planning commission initiated amendments:

...if the planning commission initiates and votes to adopt an amendment to the general plan, the legislative body must pass the amendment by a majority vote in order for the amendment to be operative.

If the legislative body adopts the regional plan, the legislative body may also initiate amendments to the plan with the following requirements:

The general regional plan may be amended upon the initiative of the legislative body. Such initiative must be transmitted, in writing, to the planning commission for its review, consideration and vote. The planning commission must take action on the amendment within sixty-one (61)

days of the submittal of the amendment to the planning commission by the legislative body.

And in addition, the following is required for amendment:

...if the planning commission votes to approve or not approve the amendment or transmits it back to the legislative body with no recommendation, the legislative body must then approve such amendment by a majority vote, in order for the amendment to be operative.

The regional plan may also be adopted as part of the 1101 Growth Plan under processes established in other parts of the TCA. If not adopted as part of the Growth Plan, the regional plan must in any event be consistent with the Growth Plan.

The following presents the amendments in context relevant to Blount County by TCA section. Note that where Census figures define exceptions to the general rule, Blount County does not fall within the exceptions, having a population in 2000 of 105,823.

1. TCA 13-3-301(b) concerning the regional plan is amended to read as follows (bold italics):

(b) The regional plan, with the accompanying maps, plats, charts, and descriptive matter, shall show the regional planning commission's recommendations for the development of the territory covered by the plan, and may include, among other things, the general location, character and extent of public ways, ground and other public property; the general location and extent of public utilities and terminals, whether publicly or privately owned, for power, light, heat, sanitation, transportation, communication, water and other purposes; the removal, relocation, extension, widening, narrowing, vacating, abandonment or change of use of existing public ways, grounds, open spaces, buildings, properties, utilities or terminals; the general character, location and extent of community centers, town sites or housing developments; the location and extent of forests, agricultural areas and open development areas for purposes of conservation, food and water supply, sanitary and drainage facilities or the protection of urban development, ***and the identification of***

areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur; a land classification and utilization program; and a zoning plan for the regulation of the height, area, bulk, location and uses of buildings, the distribution of population, and the uses of land for trade, industry, habitation, recreation, agriculture, forestry, soil and water conservation and other purposes.

2. TCA 13-3-302 concerning general purpose of the plan is amended to read as follows (bold italics):

The regional plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, efficient and economic development of the region which will, in accordance with present and future needs and resources, best promote the health, safety, morals, order, convenience, prosperity and welfare of the inhabitants, as well as efficiency and economy in the process of development, including, among other things, such distribution of population and of the uses of the land for urbanization, trade, industry, habitation, recreation, agriculture, forestry and other uses as will tend to create conditions favorable to transportation, health, safety, civic activities and educational and cultural opportunities, reduce the wastes of financial and human resources which result from either excessive congestion or excessive scattering of population, and tend toward an efficient and economic utilization, conservation and production of the supply of food, water, minerals, drainage, sanitary and other facilities and resources, **and identify areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities where the planning commission has determined such services are necessary in order for development to occur.**

3. TCA 13-3-303 concerning procedure of commission in adopting the plan is amended to read as follows (bold italics):

A regional planning commission may adopt the regional plan as a whole by a single resolution, or, as the work of making the plan progresses, may from time to time adopt a part or parts thereof. The commission may from time to time amend, extend or add to the plan

or carry any part of the plan into greater detail. ***Prior to adoption of the plan or any part, amendment or addition thereto, the commission shall hold a public hearing thereon, the time and place of which shall be published in a newspaper of general circulation in the county at least thirty (30) days prior to the meeting in which the adoption is to be first considered.*** The adoption of the plan or any part, amendment or addition shall be by resolution carried by the affirmative votes of not less than a majority of the membership of the commission. The resolution shall refer to the maps and descriptive matter intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the map or maps and descriptive matter by the identifying signature of the secretary of the commission.

4. TCA 13-3-304 concerning certification of the plan is amended to read as follows (bold italics):

The regional planning commission shall certify a copy of its regional plan or any adopted part or amendment thereof or addition thereto to the department of economic and community development, to the legislative body of the county or of each county lying wholly or partly within the region, and to the planning commission of each municipality having a planning commission and located within the region. Any municipal planning commission which receives any such certification may adopt, as a part or amendment of or addition to the plan of the municipality, so much of the regional plan or part or amendment thereof, or addition thereto as falls within the territory of the municipality, and when so adopted, it shall have the same force and effect as though made and prepared, as well as adopted, by such municipal planning commission. ***Once the planning commission of the region or the municipality has adopted and certified the general regional plan, the planning commission's transmittal of the certification to the legislative body may simultaneously include a resolution by the planning commission requesting the legislative body's consideration and adoption of the general regional plan. The county legislative body by resolution or the municipal legislative body by ordinance may adopt the general regional plan or in the case of the municipality their element of the plan as certified by the planning commission. Prior to the adoption of the general regional plan or***

amendment thereof by a legislative body, the legislative body shall hold a public hearing thereon, the time and place of which shall be published in a newspaper of general circulation in the county at least thirty (30) days prior to the meeting in which the adoption or amendment is to be first considered. If the legislative body adopts the general regional plan in the form of an ordinance by the municipality or a resolution by the county, then any land use decisions thereafter made by the legislative body or planning commission must be consistent with the general regional plan.

(1)

(A) Except as provided in subdivision (B), if the planning commission initiates and votes to adopt an amendment to the general plan, the legislative body must pass the amendment by a majority vote in order for the amendment to be operative.

(B) Provided, however, in any county having a population of:

not less than	nor more than
12,800	12,900
7,975	8,025
17,400	17,450
20,300	20,400
17,700	17,775
7,200	7,300
88,800	88,900.

, all according to the 2000 federal census or any subsequent federal census, if the planning commission initiates and votes to adopt an amendment to the general plan, the amendment shall be operative without further action of the legislative body. The planning commission shall transmit its action to the legislative body.

(2) The general regional plan may be amended upon the initiative of the legislative body. Such initiative must be

transmitted, in writing, to the planning commission for its review, consideration and vote. The planning commission must take action on the amendment within sixty-one (61) days of the submittal of the amendment to the planning commission by the legislative body.

(A) Except as provided in subdivision (B), if the planning commission votes to approve or not approve the amendment or transmits it back to the legislative body with no recommendation, the legislative body must then approve such amendment by a majority vote, in order for the amendment to be operative.

(B) Provided, however, in any county having a population of:

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12,800	12,900
7,975	8,025
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7,200	7,300
88,800	88,900.

, all according to the 2000 federal census or any subsequent federal census, if the planning commission votes to approve the amendment, the amendment shall be operative without further action of the legislative body. If such planning commission votes to not approve the amendment or to make no recommendation on the amendment, the amendment shall not be operative. The planning commission shall transmit its action back to the legislative body and provide a written explanation for its reasons in not approving the amendment or for not making a recommendation on the initiative transmitted to the commission by the legislative body.

The general regional plan may be adopted as an element of the jurisdictions' growth plan through the process established in

Title 6, Chapter 58, but if the regional general plan is not adopted as part of the growth plan, it nevertheless cannot be inconsistent with the growth plan or the intent of Title 6, Chapter 58.

5. TCA 13-3-403(a) concerning subdivision regulations is amended to read as follows (bold italics):

(a) In exercising the powers granted to it by § 13-3-402, the regional planning commission shall adopt regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the harmonious development of the region and its environs; for the coordination of roads within the subdivided land with other existing or planned roads or with the state or regional plan or with the plans of municipalities in or near the region; for adequate open spaces for traffic, light, air and recreation; for the conservation of or production of adequate transportation, water, drainage and sanitary facilities; for the avoidance of population congestion; and for the avoidance of such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation or other public services or would necessitate an excessive expenditure of public funds for the supply of such services, ***or would be located in areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur.***

6. TCA 13-7-101(a)(1) concerning grant of zoning power is amended to read as follows (bold italics):

(a) (1) The county legislative body of any county is empowered, in accordance with the conditions and the procedure specified in this part, to regulate, in the portions of such county which lie outside of municipal corporations, the location, height and size of buildings and other structures, the percentage of lot which may be occupied, the sizes of yards, courts, and other open spaces, the density and distribution of population, the uses of buildings and structures for trade, industry, residence, recreation or other purposes, and the uses of land for trade, industry, residence, recreation, agriculture, forestry,

soil conservation, water supply conservation or other purposes, ***and identify areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur.***

Special districts or zones may be established in those areas deemed subject to seasonal or periodic flooding, and such regulations may be applied therein as will minimize danger to life and property, and as will secure to the citizens of Tennessee the eligibility for flood insurance under Public Law 1016, 84th Congress, or subsequent related laws or regulations promulgated under such provisions. Protection and encouragement of access to sunlight for solar energy systems may be considered in promulgating zoning regulations pursuant to this section.

7. TCA 13-7-102 concerning zoning plans is amended to read as follows (bold italics):

From and after the time when the regional planning commission of any planning region defined and created by the state planning office makes and certifies to the legislative body of any county located in whole or part in such region a zoning plan, including both the text of a zoning ordinance and the zoning maps, representing the recommendations of such planning commission for the regulation by districts or zones of the location, height and size of buildings and other structures, the percentage of lots that may be occupied, the sizes of yards, courts and other open spaces, the density and distribution of population, the location and uses of buildings and structures for trade, industry, residence, recreation or other purposes and the use of land for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation or other purposes, ***and identify areas where there are inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined such services necessary in order for development to occur,*** then the county legislative body may, by ordinance, exercise the powers granted in § 13-7-101 and, for the purpose of such exercise, may divide the territory of the county which lies within the region but outside of municipal corporations into districts of such number, shape or area as it may determine and within such districts may regulate the

erection, construction, reconstruction, alteration and uses of buildings and structures and the uses of land. All such regulations shall be uniform for each class or kind of buildings throughout any such district, but the regulations in one (1) district may differ from those in other districts. The regional planning commission may make and certify a single plan for all the territory of the county which lies within the region but outside of municipal corporations, or may make and certify separate and successive plans for parts of such territory which it deems to be suitable for urban or nonurban development or which for other reasons it deems to be an appropriate territorial unit for a zone plan; and correspondingly, any ordinance enacted by the county legislative body may cover and include the whole territory of the county which lies within the region but outside of municipal corporations covered and included in any such single plan or in any such separate and successive plans. No ordinance covering more or less than the entire area covered by any such certified plan shall be enacted or put into effect until or unless it is first submitted to the regional planning commission and is approved by the commission or, if disapproved, shall receive the favorable vote of not less than two thirds (2/3) of the entire membership of the county legislative body.

8. TCA 13-7-103 concerning purposes of zoning regulations is amended to read as follows (bold italics):

Such regulations shall be designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the state and of its counties, including, among other things, lessening congestion on the roads or reducing the wastes of excessive amount of roads; securing safety from fire and other dangers; promoting adequate light and air, including protecting and encouraging access to sunlight for solar energy systems; preventing, on the one hand, excessive concentrations of population and, on the other hand, excessive and wasteful scattering of population or settlement; promoting such distribution of population and such classification of land uses and distribution of land development and utilization as will tend to facilitate and conserve adequate provisions for transportation, water flowage, water supply, drainage, sanitation, educational opportunity, recreation, soil fertility, food supply and the protection of both urban and nonurban development, ***and identify areas where there are***

inadequate or nonexistent publicly or privately owned and maintained services and facilities when the planning commission has determined such services are necessary in order for development to occur.

2. Discussion of acceleration, deceleration and turn lanes for subdivisions.

This item was briefly discussed at the July regular meeting, with request that it be on the August agenda for discussion. The issues of acceleration and deceleration lanes were discussed previously at the February 2007 regular meeting. The following is excerpt of staff write-up for that meeting for deceleration and acceleration lanes, with addition of left turn lanes for this memo. Generally, none of the turn lane options is indicated for most of the subdivision plat situations considered by the Planning Commission.

Deceleration lane. A deceleration lane allows a vehicle making a turn into a subdivision to 1) conduct deceleration in preparation for turn out of the main flow of traffic, 2) lessen the probability of rear end collision attendant to deceleration in the flow of traffic, and 3) conduct a low speed turn without unduly interrupting the flow of traffic.

There is very little indication for deceleration lanes for low volume local roads. Deceleration lanes usually are indicated only for high volume and high speed major roads.

Past practice has relied on planning and highway staff observations in the field upon review of plats.

In general, if the road serving a subdivision is of moderate to high volume, is of relatively high actual speed, will be serviced off an intersection with known congestion problems, and/or has approach sight distance issues, staff will raise the need to consider a deceleration lane for turning movement into the subdivision.

Staff suggests that past practice be modified by requiring a traffic study/intersection design by a licensed engineer only for situations indicated above, unless the subdivider is agreeable up front and the

Highway Department is in full agreement with the need for a deceleration lane.

If a deceleration lane is not warranted, then provision of a wider turning radius (past practice 50 feet) may adequately address turning movement concerns.

Acceleration lane. An acceleration lane allows a vehicle to come up to speed in order to merge into flow of traffic. Acceleration lanes are indicated only for high volume and high speed roads, and will generally not be indicated for plat situations under review of the Planning Commission.

As alternative to acceleration lanes, and to facilitate turning movements and easier acceleration onto county roads, staff has in the past suggested a wider turning radius (past practice 50 feet), especially on county roads narrower than required subdivision roads or of obvious narrow width (such as 18 feet or less).

In addition, the issue of mid-road left turn lanes may also be of interest.

Left Turn Lane. A left turn lane is a widening of the road to allow an addition of a third lane approaching an intersection. The third lane allows vehicles wishing to make a left turn onto the intersecting road to pull out of traffic and wait or slow for safe turning situations. A mid-road turn lane is indicated only in high traffic situations, or to allow for safety in restricted vision situations approaching intersections. It is generally not indicated for local roads or for small amounts of traffic turning into subdivisions.

Staff suggests that the Planning Commission notice the many existing intersections in the County and especially in the Cities where no provision for deceleration, acceleration and turn lands have been made. For the most part, even on moderate to high traffic collector roads, such lanes are not necessary, and traffic turns can be accommodated safely without them. This may result in temporary back-up of a few vehicles while waiting for a lead vehicle to turn, but this is usually not an undue burden on the flow of traffic.

3. Discussion regarding access off of major highways.

At the July County Commission meeting, Commissioner Mike Walker requested that the Planning Commission consider potential access problems created by developments along major highways. This request was made in the context of considering rezonings along our major highways such as 411 and 321. This item is open for general discussion.

4. Discussion of cluster development and open space requirements.

This item was briefly discussed at the July regular meeting, with request that it be placed on the August agenda for discussion. The following is excerpt from staff memo for the July meeting relevant to this discussion.

ATTACHMENT excerpt from Long Range Memo of for May 25, 2006 regular meeting

Consideration of amendment to PUD requirements applicable to cluster PUD developments in the R-2 zone.

Staff has noted practical difficulties in applying density and lot size requirements in the R-2 zone for cluster or Planned Unit Development (PUD) designs. In addition, the introduction of alternative public sewer into the design mix warrants a rethinking of lot size minimums in cluster or PUD designs. The following is presented as analysis and proposal:

- provisions in our Subdivision Regulations that allow density bonus for cluster subdivision,
- related provisions in our zoning regulations in the R-2 zone,
- difficulties in application of the regulations,
- intervening considerations of higher order design elements,
- alternatives to address the situation, and
- proposal for change to the zoning regulations for discussion.

Provisions in Subdivision Regulations and Plans.

It will be instructive to review provisions relating to density and lot size in our Subdivision Regulations and county plans, particularly relating to density bonus for clustering of lots with set aside of land for open space. The Subdivision Regulations were used as a template to formulate applicable zoning regulations. The 1101 growth plan and the Conceptual Land Use Plan also incorporated consideration of density criteria.

Section 6.3(3)(e) of the Subdivision Regulations has two provisions that were commonly applied prior to zoning to subdivision of land in the more mountainous areas of the county. For the most part, such subdivisions were developed on gravel roads. Type II (“Low Density” Development) required tracts of no less than five acres if on private gravel roads. Type III (“Cluster” Development) provided an alternative to Type II development as follows:

Type III (“Cluster” Development) – A Type III development allows for the clustering of building sites and the permanent preservation of significant open space. The preservation of open space is a public benefit, even when the land remains in private ownership. Agricultural preservation, numerous environmental factors, scenic quality, and the preservation of the character of an area are among the items advanced by the conservation of open space. Furthermore, clustered development fosters cost-effective construction and efficient provision of public services.

Type III subdivisions may be developed at an overall density of three acres per dwelling unit, with the stipulation that at least one-half of the gross land area be preserved as open space. The restrictions governing the open space shall be appropriate for each specific development and must be approved by the Planning Commission and referred to on the plat. The minimum road standards are the same as those set forth for Type II (“Low Density”) Developments.

Note that Type III development gave a density bonus (from one dwelling unit per five acres to one dwelling unit per three acres) in return for setting aside at least one-half of land area for open space.

Note also that there was no set minimum lot size indicated, but such lot size was determined by other sections of the Subdivision Regulations (generally now 30,000 square feet if on septic with public utility water, or 35,000 square feet if without utility water).

The above provisions of the Subdivision Regulations were used as a template in formulating zoning regulations for the R-2 zone. In particular, the five acre minimum lot size for Type II developments was chosen as the base minimum lot size for the R-2 zone, with provision that density could be up to one dwelling unit per three acres for Planned Unit Developments with set aside of land for open space consistent with provisions for Type III development.

One dwelling unit per three acre density was also carried over into concurrent discussions on the 1101 growth plan (January 11, 1999 memo to coordinating committee) and incorporated into the Conceptual Land Use Plan (adopted March 23, 2000). The Land Use Plan identified a rural 2 land used category applicable to mountainous areas as follows:

The rural 2 land use category identifies areas in the county where land development is highly constrained by natural factors and infrastructure, and where low density development is expected. The majority of development in the area is expected to be residential at densities less than .33 units per acre, or one unit per three acres on average.

Again, plan provisions were based on provisions in the Subdivision Regulations for Type II and Type III developments. Adoption of the Conceptual Land Use Plan was part of the process of formulating the zoning regulations and provides a plan basis for regulations.

Present Zoning Regulations.

The R-2 zone is specifically applicable to rural areas with expected low density development. As a practical matter, the R-2 zone is predominantly oriented to the mountainous or steeply sloping lands of the county. Low density is defined in the Conceptual Land Use Plan as one dwelling unit per three acres or less, and in application is defined in the R-2 regulations as follows:

F. Minimum Lot Size and Density: unless otherwise explicitly required in subsections above, the minimum lot size per unit for development shall be five acres. For other than one unit per lot, or for planned unit development, the density shall be no greater than 0.2 units per gross acre, provided that density may be up to 0.33 units per gross acre in planned unit developments with a commensurate amount of common openspace permanently set aside and maintained. (Underline added for emphasis)

Note that the base lot size in the zone is five acres, but with design flexibility for planned unit development to a density of .33 units per acre which translates to a density of one unit per three acres. Note also that density and lot size are related, but are not the same. Lot size can define maximum density by setting a minimum lot area, but density is more generally the relationship between dwelling units (not necessarily lots) and land area.

In applying the density requirement to PUD designs, Section 7.3 of the zoning regulations provides guidance on density and minimum lot size as follows:

Section 7.3. Planned Unit Development. The purposes of these provisions for planned unit development are to allow flexibility in design of a large development, and to allow mixed use where such mixed use may be reasonably designed and integrated into a large development. The following shall apply:
...

D. The density, lot size and setback requirements of the district shall apply to any planned unit development, provided that such requirements may be varied under the following conditions and limitations: the overall required density of development by use is maintained; no lot is less than one-half the minimum applicable lot size by use within the district; setbacks on the perimeter of the planned unit development are maintained at district minimum or greater with no variation; and no principal structure is located nearer than ten feet to any

other principal structure if such structures are detached.
(underlined for emphasis)

The provision to cluster at a higher density is conditioned on review as a Planned Unit Development (PUD) with set aside of “commensurate” open space. This is consistent with provisions in the Subdivision Regulations for Type III cluster developments with required set aside of one-half of the land for open space and an average density of one unit per three acres. The R-2 zone implies a nominal lot size in cluster development of three acres (.33 units per acre). The PUD provisions allow one half of minimum lot size for clustering, thus application of 1.5 acres minimum area per lot. The application of 1.5 acre minimum lot size to cluster development has most notably been documented in consideration of the Homestead development as a Planned Unit Development in the R-2 zone (staff memo of February 25, 2003).

“Commensurate” open space is not clearly defined in the zoning regulations. However, Subdivision Regulations for Type III development provides a standard of one half of gross development area. With 1.5 acres per lot, this would translate to 1.5 acres of open space per lot on average, thus leading back to the three acre standard and density of .33 units per acre.

Difficulty in Application.

The main difficulty in application of present zoning provisions for PUD in the R-2 zone is the setting of a minimum lot size at one half the applicable minimum in the zone.

If the stated minimum lot size of five acres is used, the minimum lot size in a PUD design would be 2.5 acres. To allow for overall density of one lot per three acres, only 0.5 acres would be left over for open space. Given that road right-of-ways are not counted in lot area and can account for up to 15 percent of overall land area, the requirement for “commensurate” open space is trivialized. This would not approach the concept of clustering in the precedent Type III subdivisions with one-half of land set aside for open space.

In precedent application to the Homestead development, a nominal lot size of three acres, based on one lot per three acres density, was used as a base, along with Type III provisions for open space set aside as a guide for considering “commensurate” open space. Using this approach, the minimum lot size would be 1.5 acres, with the remainder of the land, 1.5 acres per lot, being considered as “commensurate” open space. Note that the remainder of the land would also include road right-of-way and any other functional set aside not included in the area platted as lots. This method of calculating minimum lot size results in substantial set aside of open space, which was the basis of the provision for density bonus from minimum five acre lots to one unit per three acre density in the Subdivision Regulations.

To recap, the difficulty in application of present zoning regulations in the R-2 zone is the lack of explicitly defined minimum lot size in a PUD design, lack of explicit parameters for “commensurate” open space, and the mathematical difficulties of meeting overall cluster density requirements without assuming at least a minimum lot size of 1.5 acres. Though providing some flexibility in design of cluster development with open space, the present zoning regulations do not match the flexibility in design allowed in the Subdivision Regulations for Type III developments.

Intervening Considerations.

For the most part, Type II and Type III subdivisions were platted in the past on gravel roads, with individual lot by lot septic systems, often with lack of public utility water. Such conditions warranted larger lot sizes. More recent development proposals, most notably Kinzel Springs development, have introduced paved streets, public utility water, and most importantly public utility sewer. Such new conditions may warrant consideration of smaller minimum lot sizes.

The provision of higher level of services addresses some of the concerns about development constraints in the mountains. Particularly, paved roads are generally more stable on slopes, public water addresses concerns about the need for greater lot size for provision of well water, and public sewer addresses concerns about the need for greater lot size to accommodate on-site septic disposal.

The provision of paved road, and public utility water and sewer warrant a reconsideration of regulations to allow appropriate flexibility in design of a PUD development in the R-2 zone.

Alternatives for Change.

There are two main alternatives for considering change in our regulations. First would be to create greater design flexibility with provision of higher level of services (roads, water and sewer) by letting lot size vary unrestricted within a PUD, with overall density requirements remaining constant. Second would be to create greater design flexibility by setting a more reasonable minimum lot size with provision of higher level of services. For both alternatives, setting some determinable amount of required “commensurate” open space is needed while maintaining overall density in the zone.

Alternative 1. Under the first alternative, minimum lot size would be practically set by minimum lot size requirements in the Subdivision Regulations, basically 35,000 square feet if on individual septic and well water (about 0.8 acre or greater to meet minimum septic approval standards), 30,000 square feet if on individual septic with public utility water (about .69 acre or greater to meet minimum septic approval standards), or 7,500 square feet if on public water and public utility sewer (about .17 acre). The benefit of this alternative is that it would allow greater flexibility in design. Consideration may be needed for preserving overall character of the low density zone if the smallest lot size of 7,500 square feet is considered, with a larger minimum lot size indicated to keep in character with other rural area development.

Alternative 2. Under the second alternative, some definable minimum lot size would be set. Given that setting a nominal minimum of 1.5 acre has proven difficult in application, a lesser minimum is indicated. For discussion, staff suggests the minimum in the next greater density R-1 zone which is most commonly 30,000 square feet (0.69 acre), with provision that lot size may be greater as required to meet minimum standards for septic approval. The benefit of this alternative is that a minimum lot size has a floor that is more characteristic of development in rural areas elsewhere in the county.

Open Space. To address required open space, staff suggests that open space be defined exclusive of road right-of-way, and set at a more reasonable minimum of 35 percent of total cluster developed area. This gives a generous accounting of 15 percent of total area in roads, and still meets the intent of providing substantial “commensurate” open space.

Density. Density would remain the same for cluster developments, at .33 units per acre or one unit per three acres.

Proposed Amendment.

For discussion purposes, staff proposes the following amendment based on Alternative 2 above.

That Section 7.3 D be amended to read as follows:

D. Density, lot size and setback requirements.

(1) For other than R-2 zone provisions for development at .33 dwelling units per acre, the density, lot size and setback requirements of the district shall apply to any planned unit development, provided that such requirements may be varied under the following conditions and limitations: the overall required density of development by use is maintained; no subdivided lot is less than one-half the minimum applicable lot size by use within the district; setbacks on the perimeter of the planned unit development are maintained at district minimum or greater with no variation; and no principal structure is located nearer than ten feet to any other principal structure if such structures are detached on an undivided parcel.

(2) For R-2 zone developments allowed at .33 dwelling units per acre and not served by public utility water and/or public utility sewer, or served by private gravel roads, overall density of development shall be no greater than one dwelling unit per three acres, the minimum subdivided lot size shall be 1.5 acres, a minimum of 35 percent of gross land area for open space shall be provided exclusive of road right-of-way, setbacks on the perimeter of the planned unit development shall be maintained at district minimum or greater with no variation, and no principal structure shall be located nearer than

ten feet to any other principal structure if such structures are detached on an undivided parcel.

(3) For R-2 zone developments allowed at .33 dwelling units per acre and served by public utility water and public utility sewer and roads paved to design standards of the Subdivision Regulations, overall density of development shall be no greater than one dwelling unit per three acres, the minimum subdivided lot size shall be 30,000 square feet (0.69 acre), a minimum of 35 percent of open space shall be provided exclusive of road right-of-way, setbacks on the perimeter of the planned unit development shall be maintained at district minimum or greater with no variation, and no principal structure shall be located nearer than ten feet to any other principal structure if such structures are detached on an undivided parcel.

[NOTE that subsection 2 above in effect would require application of Type III development standards for cluster development on private gravel roads as provided in the Subdivision Regulations.]

5. Discussion on Green Infrastructure Planning.

Green infrastructure is an interconnected network of natural areas and other open spaces that can:

- Preserve the character of the County;
- Conserve natural ecosystem values and function;
- Sustain clean air and water; and
- Provide a wide array of benefits to people and wildlife.

A Green Infrastructure Plan can identify priority areas, focus resources such as a Purchase of Development Rights program, and leverage potentially large future resources.

Planning for Green Infrastructure has been identified as a need in both the Hunter Interests Growth Strategy and in the revised Policies Plan. Recent discussion about Purchase of Development Rights is also related to Green Infrastructure, and could benefit from a formal planning process to identify priority areas for attention.

The Planning Department has been involved in developing a joint effort with the cities to get a Green Infrastructure planning process started in the County. The Planning Department is gearing up for the planning process to be part of a larger Comprehensive Plan. Expected completion for a Green Infrastructure plan is August 2009. The planning process will include an estimated minimum of seven citizen input workshops which will need advertising to secure adequate participation from the public, and will need expertise in facilitation. The Mayor's Office has committed a modest estimated \$3,000 to support the planning process.

Blount County in the past has been assisted in planning for the County by two partners – the Tennessee Valley Authority and the Southeast Watershed Forum. The County again has the opportunity to access the resources of these partners to assist in a local Green Infrastructure Planning Process. TVA has already committed staff time to preliminary planning for the process, and is willing to commit staff time and education components to future activities. The Southeast Watershed Forum is willing to provide a County build-out model and facilitation services on a 50-50 cost share basis for the project.

TVA and the Southeast Watershed Forum have been working with the County over many years on the Tennessee Growth Readiness project. The County contributed \$33,000 to access resources of about \$120,000 in assistance for the Blount County Water Quality Planning Process in 2002 and 2003. Blount County was a pilot community, along with Alcoa and Maryville, and used education components and a GIS data base developed in the project to support the Water Quality Plan. The Water Quality Plan played a major role in leveraging the 2006 award of an \$835,000 Targeted Watershed Grant for the Little River. From small inputs can come large rewards.

TVA in cooperation with the Southeast Watershed Forum has expanded the Tennessee Growth Readiness project to focus on Green Infrastructure Planning. Director of Planning John Lamb has been involved as a resource person in developing the new focus by providing advice and beta testing the model process. We again have an opportunity to access resources that may leverage greater

resources in the future. Good plans are a strong support for seeking grants and other assistance.

6. Staff reports and looking ahead.

The Ad Hoc Committee on Junk and Junk Cars met after the July regular meeting. The Committee agreed to request the Attorney for the County Mayor to assess how the County Powers Act could be applied to issues of junk and junk cars. Staff will develop that request next month. Staff will also contact the Director of Keep Blount Beautiful to discuss a possible junk car disposal incentive program. Next meeting is not set (TBD at future date after gathering information above).

Reminder of Planning Commissioner's Breakfast at 7:30 AM
September 8 – subject Green Infrastructure Planning.

Reminder of Public Hearing on the Revised Policies Plan at next regular meeting September 25.

Reminder of Planning Commission workshop on ridge-top and hillside development standards September 30 at 6:00 PM in Room 430.

Discussion of common driveway issues was set for the regular October meeting.

Citizen input workshops in support of Green Infrastructure Planning are tentatively scheduled to start October and continue into early November.

Discussion of issues of campgrounds was set for the regular November meeting, which will need to be scheduled to avoid conflicts with Thanksgiving holidays.

Election of officers should be held at the November regular meeting.

The December regular meeting will need to be scheduled to avoid conflicts with the Christmas holidays.

Staff may present other miscellaneous reports at the meeting.