

Think Quality - Think Future

Blount County Planning Department

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TO: Blount County Planning Commission

FROM: John Lamb

DATE: June 17, 2009

SUBJECT: Called workshop on ridge-top and hillside development regulations 5:00 to 5:30 PM Thursday, June 25, 2009 in Room 430 of the Courthouse, just prior to regular meeting.

The Planning Commission will continue discussions on proposed ridge-top and hillside development regulations at a called workshop prior to the June 25 regular meeting.

This item was subject of a workshop on April 14. Staff was directed at the April 14 meeting to bring back information or suggestions on three issues: a) a simplified site plan process; b) distance variation of visibility in relation to SLRS; and c) other examples of jurisdictions that regulate hillside and ridge-top development. This item was deferred from May regular meeting, with call for special workshop. This item is open for continued discussion and possible action.

The body of this memo contains the proposed regulations and contains the cumulative modifications to the proposed regulations. The modifications are indicated in bold italics or double strikeout. The latest modifications begin on page 5 regarding site plan requirements. Staff will be prepared to make a visual presentation on variation in visibility and other SLRS criteria at the meeting. Please refer to previous memo for information on Asheville NC regulations. A handout distributed by Commissioner Clifford Walker at the last regular meeting is attached at the end of this memo.

a) Modification for simplified site plan process.

At the April 14 workshop, the Planning Commission indicated concern that the proposed site plan requirements would be cost prohibitive due to requirements that would necessitate use of specialized professional services. The following includes the site plan requirement section of the proposed regulations with possible areas of change to simplify the requirements.

Generally, the following changes are indicated: delete the requirement of a licensed architect or landscape architect for production of the site plan; substitute existing USGS quad topo information for more detailed topo information that would have required survey or specialized interpretation; delete requirement for slope analysis that would have required specialized analysis; delete requirement of proposed buildings in perspective views that would have required artist or architectural rendering; delete requirement of road and driveway cross sections and center line profiles that would have required survey or engineering information; delete requirement of survey of existing trees in the area of any major design elements; and delete requirement for a landscape plan that would have required professional services. The resultant site plan requirements could probably be met by use of a surveyor, but even that is not specifically required. Note that deleting the items above from site plan requirements will probably result in a much weaker analysis and review for design compliance, and may be harder to monitor and enforce in the field.

Zoning Regulations: This proposal will focus only on the R-2-Rural District 2 zone of the zoning regulations. To allow full review of a development that may fall within application of regulations for ridge-tops and hillsides, a site plan is necessary. Thus the first proposed amendment to the zoning regulation would be the following:

That Section 9.3.E for the R-2-Rural District 2 be amended to read as follows:

- E. Uses Requiring Site Plan Review:
 - 1. For general site plan review, all uses permitted as special exception in sub-sections B and C above, and permitted uses in

subsection A above, except one or two single family or manufactured home dwellings on a single lot, duplex dwelling on separate lot, and customary accessory structures to such excepted uses.

2. For specific ridge-top and hillside review, all uses and building sites determined visible from a Scenic Landscape Resource of Significance (SLRS) shall be subject to application of review procedure and standards in Section I below in addition to any other site plan or permit requirements.

Note that subsection E.1 above is the present requirement for site plan review, and the only net addition of uses in Section E.2 is for single family, manufactured home and duplex dwellings, with now all uses being subject to review for ridge-top and hillside development standards in a new Section I if visible from an SLRS. The new Section I would be the second proposed amendment to the zoning regulations as follows:

That a new Section 9.3.I be added for the R-2-Rural District 2 to read as follows:

- I. Visually Subordinate Ridge-Top and Hillside Development Review Procedures and Standards:
 1. a. Applicants for all buildings requiring a building permit shall first confer with the Building Commissioner to determine if the proposed building site will be visible from one or more Scenic Landscape Resource of Significance (SLRS) listed under b. below. Assessment of visibility shall assume no intervening vegetation between the SLRS and the building site. The Building Commissioner shall utilize the County GIS to assess visibility by identifying location of building site by tax map parcel, and assess visibility of the site from any SLRS by GIS sightline analysis. The applicant may further specify the actual building site by submission of latitude-longitude location certified by a surveyor, and the Building Commissioner may utilize such location information in addition to tax map parcel location. ~~The cost or fee for assessment of visibility through the County GIS shall be paid by the applicant directly to the County GIS.~~

b. Scenic Landscape Resources of Significance (SLRS) shall be the following: *Highway 411 from Loudon County Line to Sevier County Line; Highway 321 from Loudon County Line to Sevier County Line; Highway 129 from the North Carolina State Line to the Knox County Line; Highway 33 from Knox County Line to the City Limits of Maryville.* ~~Sevierville Road (Hwy 411 North) from County Boundary to intersection of Davis Ford Road; East Lamar Alexander Parkway (Hwy 321) from intersection of Sims Road to intersection of Rocky Branch Road; Foothills Intermediate School along Montgomery Lane; Old Niles Ferry Road from intersection of Fairview Boulevard to intersection of Calderwood Highway (Hwy 129).~~

c. For any building site determined not visible from any of the above listed SLRS, no further review will be required under this section. For any building site determined visible from any of the above listed SLRS, a site plan shall be submitted to the Building Commissioner for analysis and report of a Findings Statement assessing visual impact and measures needed to achieve visually subordinate development as specified below. The Findings Statement along with the site plan shall be forwarded to the Planning Commission, and the Planning Commission will be the approval authority for the site plan under this section. This site plan process may be in addition to other required site plan review and approval requirements for a permit.

d. In considering the site plan under this section, the Planning Commission shall utilize three decision principles as follows:

- i. Completeness of site plan and Findings Report information in relation to subsections 2 thru 4 below.
- ii. No project shall result in an undue adverse impact on any SLRS, with “undue” meaning unwarranted, unjustified, inappropriate, or excessive by reason of conditions inherent in mountain areas, and the available design solutions that may be applied to the site.
- iii. No project shall be approved if the site plan fails to apply available design solutions to the site to overcome adverse impacts to the maximum extent practicable, with

“practicable” meaning what is able to be practiced on the site.

2. The site plan required under this section shall be drawn ~~by a licensed architect or landscape architect~~ at a scale of no less than 1 inch equals 50 feet. The site plan shall include at least the following elements:
 - a. applicant’s name and address (including owner of land and owners representative if applicable), and signatures by owners or authorized representative certifying plan for review;
 - b. property boundary (survey boundary recommended), north arrow and map scale;
 - c. location map in relation to surrounding lands and roads;
 - d. written description of the proposed building and use;
 - e. list of SLRS visible from the site and direction of visibility shown by arrows;
 - f. topographic contours *from USGS Quad sheet scaled and located to the property boundary* ~~at no less than five foot intervals~~;
 - ~~g. location of areas with average slopes greater than 30 percent and area greater than 5000 square feet;~~
 - h. location of existing buildings or structures on the property;
 - i. location to scale of proposed building(s) in plan view;
 - j. ~~proposed building(s) in perspective views (elevation drawings), of those building surfaces potentially visible from an SLRS, and including~~ proposed building exterior color schemes and building materials;
 - k. required and proposed building setbacks from property lines;
 - l. present and proposed access roads or driveways ~~with cross sections and centerline profiles~~;
 - m. present and proposed utility service lines;
 - n. plan for preservation or establishment of trees to meet requirements for screening under 3.a below, and plans for any tree removal; ~~location of existing trees on the building site by species of diameter 6” or greater at breast height, within 200 feet of the proposed building(s) and~~

~~within 100 feet of any other planned design element of the site such as roads, drives, septic fields, retaining walls, constructed drainage ways, terracing, and landscaping;~~

- ~~p. proposed landscaping plan for the site, including specific trees under n. above to be removed for any purpose;~~
 - q. areas managed specifically for fire risk reduction;
 - r. plan for exterior lighting;
 - s. other substantial landscape features such as prominent rock outcroppings greater than 1000 square feet in area, water bodies, perennial streams, and springs.
3. Design requirements for a visually subordinate building site shall include the following in addition to other requirements:
- a. retention of vegetation to achieve at least 75 percent screening of permitted buildings potentially visible from SLRS, ~~with screening density measured by plan view and elevation view analysis of summer and winter tree canopy and height between the proposed building or other design element and any SLRS;~~
 - b. clearing of trees and vegetation for roads, drives and utility easements shall be the minimum extent necessary for construction;
 - c. trimming of trees shall be conducted in a manner that is sufficient only to allow a filtered view from the property towards any SLRS, that conforms to screening requirements in a. above, and that assures continued health of each tree left standing;
 - d. tree root areas of retained trees shall not be filled above the natural grade;
 - e. use of contour grading and retaining walls if necessary;
 - f. use of dark earth-tone colors for exterior of permitted buildings visible from SLRS, such earth-tone colors as are found predominantly on the building site, in particular tree and bush summer leaf and bark color;
 - g. use of non-reflective or low-reflective exterior building materials and finishes, particularly low-reflective roof material.

- h. avoiding building locations that are on highpoints, outcroppings or prominent knolls, and avoiding designs that push buildings up, out or away from a hillside;
 - ~~i. no building shall be greater than 35 feet in height to the eave measured from the lowest natural or manmade grade (whichever is lowest);~~
 - ~~j. if building is on ridge-top (ridgeline) maximum height of building shall be no greater than 25 feet from lowest natural grade or height of surrounding trees on ridge-top, whichever is lesser;~~
 - k. outdoor lighting shall be directed downward, sited, limited in intensity, shielded and hooded in a manner that prevents lighting from projecting onto adjacent properties and roadways, and shielding and hooding materials shall be composed of non-reflective and opaque materials;
 - l. if the building site is on a ridge-top or ridgeline, the minimum building setback from property line shall be 75 feet if on a separate lot, or minimum building separation shall be 150 feet if multiple buildings on an undivided parcel;*
 - ~~m. if the parcel containing a building site is adjacent to any National Park Service Land (e.g. Great Smoky Mountain National Park or Foothills Parkway), the minimum building setback from any such National Park Service land shall be 200 feet.~~
4. If requirement for 75 percent visual screening under 3.a above cannot be attained feasibly with existing vegetation due to slope or other physical constraint specifically documented by the applicant, then a minimum of 50 percent visual screening may be accepted with use of a combination of five or more design options that may appropriately mitigate visual impact as follows:
- a. screening by constructed fences or walls of soil, rocks or bricks of dark earth-tone colors, or screening by planted vegetation, or a combination of both, provided that the screening does not in itself pose an impact as viewed from an SLRS;

- b. relocation of a building site component to another place within the site which is less visible from an SLRS;
- c. camouflage or disguise in character with the landscape of the building site;
- d. reducing the height of a building or building component;
- e. downsizing by reducing the number, area or density of buildings and/or site components;
- f. decommissioning or removal of existing structures on the site;
- g. setbacks from ridge-tops (ridgelines) such that the structure does not exceed the ridge-top as seen from any SLRS;
- h. stepping or setting buildings in sections into the hillside by means of split development pads down the slope;
- i. terracing of retaining walls into sections down the slope and contoured with the slope;
- j. greater setbacks from property lines and/or other buildings;
- k. breaking of uniform and blank massing of surfaces, including building surfaces and other constructed elements such as retaining walls;
- l. use of low-reflectivity glass in windows;
- m. planting of new vegetation that will result in 75 percent screening within five years of planting, using a mix of vegetation matching both in species and density those indigenous to the areas;

Subdivision Regulations. Though “visually subordinate” development will be most affected by the construction of buildings, the design of lots and improvements within a subdivision will set the stage for where and how buildings can be appropriately sited, and will have an ultimate effect on how “visually subordinate” an overall development will be. Thus the following is proposed for consideration by the Planning Commission to amend the Subdivision Regulations:

That a new Section 9.09 be added to the Subdivision Regulations to read as follows:

9.09. Subdivision within the R-2-Rural District 2 zone of the Zoning Resolution of Blount County, Tennessee.

The preliminary plat for any subdivision lying partly or wholly within the R-2-Rural District 2 zone shown on the Zoning Map for Blount County shall be assessed for impact on Scenic Landscape Resources of Significance as defined in Section 9.3.I.1.b of the Zoning Regulations of Blount County. If no part of the preliminary plat is visible from any SLRS, then no further requirements under this section shall be applied. If any portion of the preliminary plat is visible from any SLRS, then the following additional design requirements shall apply:

1. Lot locations and design elements of the plat such as roads and road cuts shall be assessed for visibility from any SLRS using County GIS;
2. Lots potentially visible from an SLRS shall be designed such that a building site is encompassed of less than 30 percent slope sufficient to accommodate a structure of intended size and use, and such that a sufficient amount of existing vegetation is present to meet screening requirements under Section 9.3.I.3.a of the Zoning Regulations of Blount County. An architect or landscape architect shall prepare a report on lots potentially visible from an SLRS certifying that the proposed lots can meet requirements of Section 9.3.I.3.a of the Zoning Regulations of Blount County. ~~Costs associated with any GIS analysis of visibility from SLRS under this section and section 1 above shall be paid directly to the GIS office by the subdivider.~~
3. Clustering of lots on areas of less than 30 percent slope is encouraged.
4. Roads and road cuts shall be designed to minimize visibility from any SLRS, and existing vegetation shall be retained to the maximum extent practicable to screen roads and road cuts from SLRS views.
5. ***For lots visible from an SLRS and on a ridge-top or ridgeline, minimum lot size shall be 3 acres, the minimum lot width shall be 200 feet along the ridgeline, and setbacks from all property boundaries shall be 75 feet.***
6. ~~***For lots visible from an SLRS and adjacent to any National Park Service Land (e.g. Great Smoky Mountain National***~~

~~*Park or Foothills Parkway), the minimum building setback from any such National Park Service land shall be 200 feet.*~~

b) Visibility as criteria in use of Scenic Landscape Resources of Significance.

This issue was discussed previously in relation to a staff presentation identifying several prospective SLRS to the north of Chilhowee Mountain range. Staff will present the analysis again (short PowerPoint presentation) to highlight the variable of distance in visibility of prospective development sites. In summary, if the distance is greater than about five miles, the immediate visibility of a development site is substantially reduced if the site is not massively disturbed.

c) Other examples of jurisdictions addressing hillside and ridge-top development.

The Planning Commission was supplied previously with regulations (now adopted) from Gatlinburg. Attached to the last regular meeting memo were hillside and ridge-top regulations from Asheville, North Carolina, also found at http://www.ashevilenc.gov/ordinances/steep_slope_071007.pdf.

d) Handout from Commissioner Clifford Walker from last regular meeting.

See reproduced on next page.

Subdivision Regulations
Proposed Changes to Section 9
“Special Development Standards”

9.01 Hillside Development

- A. Guidelines as Written (See Section)
- B. Clear-cutting will not be allowed. Building site and fire safety will be excluded
- C. 50% Screening shall be maintained with existing or proposed variation for building site. Building height will be limited to 35’ from first floor level
- D. First floor level will be + or – 5’ of highest elevation of proposed buyilding site. Variances may be granted for special conditions.
- E. Distance between building shall be at least 100 feet if building site is on top of ridgeline
- F. Building setback shall be 25’ from side lot lines unless special conditions exist.
- G. No bright or reflective colors are to be used on building or roof. Solar panels will be excluded.

*note can be added to subdivision regulation or 9.3 zoning