

# 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](mailto:planning@blounttn.org)  
on-line - [www.blounttn.org/planning/](http://www.blounttn.org/planning/)

**TO:** Mayor Jerry Cunningham and Rob Goddard

**FROM:** John Lamb

**DATE:** July 7, 2009

**SUBJECT:** Request from Planning Commission for legal review of draft proposal on ridge-top and hillside development standards in zoning and subdivision regulations.

The Planning Commission has been working on a set of proposed development standards for ridge-top and hillside development standards for over a year. The Planning Commission requests legal review of the following proposal before proceeding to final recommendation for regulations. I have provided supplemental information following the proposed draft regulations.

### **Zoning Regulations:**

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) and within five miles of such 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.

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, and within five miles distance from such SLRS. Assessment of visibility shall assume no intervening vegetation between the SLRS and the building site. The Building Commissioner shall utilize the County GIS and USGS topographical maps to assess visibility and distance by identifying location of building site by tax map parcel, and assess visibility and distance of the site from any SLRS by GIS sightline analysis and map distance measure. 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.
- b. Scenic Landscape Resources of Significance are those arterial road routes with relatively unobstructed views of mountains, and that are within five miles of the R-2 zone. Scenic Landscape Resources of Significance (SLRS) shall be the following: Highway 411 from Sevier County Line to the Little River; Hwy 321 from intersection of Woodland Drive to Sevier County Line.
- c. For any building site determined not visible from any of the above listed SLRS or farther than five miles from the closest 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 and within five miles of the 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 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;
  - g. location of existing buildings or structures on the property;
  - h. location to scale of proposed building(s) in plan view;
  - i. proposed building exterior color schemes and building materials;
  - j. required and proposed building setbacks from property lines;
  - k. present and proposed access roads or driveways;
  - l. present and proposed utility service lines;
  - m. plan for preservation or establishment of trees to meet requirements for screening under 3.a below, and plans for any tree removal;
  - n. proposed grading plan for the site;
  - o. areas managed specifically for fire risk reduction;
  - p. plan for exterior lighting;
  - q. 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;
  - 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. 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;
  - j. 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.
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. setdowns 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.**

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 or within five miles of such SLRS, then no further requirements under this section shall be applied. If any portion of the preliminary plat is visible from any SLRS and within five miles

of such 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.
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.

**Supplemental Information:**

The attached information illustrates the depth of review and analysis that the Planning Commission undertook in developing the proposed set of regulations, and may provide useful background for legal review of the proposal. Attachments as follows:

Report of the Planning Commission sub-committee dated June 12, 2008, “Proposed Regulations for ‘Visually Subordinate’ Ridge-top and Hillside Development” (This document also documents the basis of the regulations in existing plans of the County).

Sevier County “Preferred Directions Report – Sevier County and Municipalities Hillside and Ridges Study” (This document was the template for considering SLRS and visual mitigation strategies).

Power Point “Summary of Measures for Addressing Esthetic Concerns of Ridge-top and Hillside Development” as summary from Sevier County “Preferred Directions Report.”

Memo dated March 8, 1999 subject “Esthetic considerations of land use regulations.”

Columbia River Gorge National Scenic Area “Building in the Scenic Area – Scenic Resources Implementation Handbook” (This document was used in part to define earth tone colors and to identify visual mitigation strategies).

Draft Gatlinburg ordinance on hillside development – subsequently adopted – see particularly Section 715 beginning page 7 (This document was also based on the Sevier County “Preferred Directions Report”).

U.S. Dept. of the Interior, Bureau of Land Management, “Manual H-8410-1 – Visual Resource Inventory” (This document was used to set the five mile distance criteria for SLRS).

Power Point “Views from Selected SLRS” (This study of visibility criteria was used in considering the five mile distance criteria).