

Memo

To: Blount County Planning Commission
From: Building Commissioner
CC: Other planning commission members and staff.
Date: 8/19/2010
Re: Discussion on possible revision of section 9.10-F.

Background:

Commissioner Helton has requested that the 10,000 square feet total building area for any one lot or parcel in the RAC zone be placed on the agenda for discussion and possible action. This limit is found highlighted in section 9.10-F below. This limitation is for all single lots or parcels regardless of their size. If there is discussion to change this requirement we should take into consideration the history of the requirement.

The RAC zone was established by adding section 9.10 at the September 20, 2001 Commission meeting and established a maximum footprint for structures not to exceed 40% of the total lot area. Section 9.10 was revised at the April 21, 2005 Commission meeting and those changes established a maximum building footprint of 10,000 square feet for any one lot or parcel. Below you will find the corresponding sections of 9.10-F with the footprint requirements highlighted. I have included the proposed resolutions that were adopted in your packets.

9.10-F. Minimum Lot Size and Density: For residential structures as required in Section 9.2.F. For all other uses: minimum lot size shall be one (1) acre, and maximum lot coverage of all buildings shall be no more than forty (40) percent provided that both primary and duplicate area for septic field purposes are maintained unhindered by any structure, parking, drainage or other design element of the site which may impact septic functioning.

9.10-F. Minimum Lot Size and Density: For residential structures as required in Section 9.2.F. For all other uses: minimum lot size shall be one (1) acre, and maximum lot coverage of all buildings shall be no more than forty (40) percent provided that both primary and duplicate area for septic field purposes are maintained unhindered by any structure, parking, drainage or other design element of the site which may impact septic functioning. Notwithstanding the above, the total area of all buildings shall not exceed 10,000 square feet for any one lot or parcel.

September 20, 2001

RESOLUTION No. _____

Sponsored by Commissioners _____ and _____.

A RESOLUTION TO AMEND ARTICLES 8 AND 9 OF THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE CREATING A NEW RURAL ARTERIAL COMMERCIAL DISTRICT.

BE IT RESOLVED, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 9-20, 2001:

WHEREAS, the Legislature of the State of Tennessee has enabled Blount County to adopt and amend zoning regulations in Tennessee Code Annotated Sections 13-7-101, *et seq.*, and

WHEREAS, the Board of Commissioners of Blount County, Tennessee adopted zoning regulations in Resolution 00-06-010 **A RESOLUTION ADOPTING ZONING IN BLOUNT COUNTY PURSUANT TO SECTIONS 13-7-101, *et seq.*, OF THE TENNESSEE CODE ANNOTATED**, and

WHEREAS, it is desired to amend such Resolution to create a new Rural Arterial Commercial district.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF BLOUNT COUNTY, TENNESSEE, to adopt the following:

That the Zoning Resolution of Blount County, Tennessee, Article 8, Establishment of Districts, be amended by addition of the phrase "RAC Rural Arterial Commercial District for low to medium density commercial development" within the list of district classifications; and

That the Zoning Resolution of Blount County, Tennessee be amended by addition of a new section within Article 9 as follows:

Section 9.10 RAC – Rural Arterial Commercial District. It is the purpose and intent of this district to regulate commercial and other development of low to medium density adjacent to arterial roads in the county, consistent with the overall purposes of this Resolution contained in Article 3, consistent with provisions in Public Chapter 1101 of 1998 (Tennessee Code Annotated Section 6-58-101, *et seq.*), and consistent with plans adopted by Blount County.

A. Permitted Uses: General retail sales and rental of goods, merchandise, and equipment; Restaurants, taverns, drinking establishments, and nightclubs; Medical and general offices, e.g., dentists, physicians, attorneys, real estate, insurance, etc.; Automotive and marine craft sales and services; Hotels, motels, rooming and boarding houses, bed and breakfast, campgrounds; Social and fraternal clubs and lodges, union halls, and similar uses; Golf driving ranges, miniature golf courses, and similar uses; Service stations, motor vehicle repair and body shops; Convenience stores with vehicle fuel sales; Mobile home sales; Kennels and veterinarian services; Miscellaneous public and semi-public facilities including post offices; Dry cleaners and laundromats; Commercial greenhouses; Manufacturing, processing, creating, repairing, and assembly of goods, where all activities are conducted within a fully enclosed building; Hospitals, clinics, and other medical facilities; Churches, temples and similar places of worship with accessory structures, uses and cemeteries; Bowling alleys, skating rinks, indoor tennis and racquet ball courts, billiard halls, indoor athletic facilities; Public and private recreational activities conducted primarily outside enclosed buildings; Commercial cemeteries not associated with any on-site place of worship; any use permitted or listed as permissible as a special exception in Sections 9.2.A and 9.2.B.

B Uses Permitted as Special Exceptions: none.

- C. Uses Permitted as Special Exceptions with Specific Limitations: none.
- D. Uses Prohibited: In the RAC – Rural Arterial Commercial District, all uses are prohibited except those uses permitted specifically above.
- E. Uses Requiring Site Plan Review: All uses in Section A above and customary accessory structures, except one or two single family or manufactured home dwelling on a single lot, duplex dwelling on separate lot, and customary accessory structures to such excepted uses.
- F. Minimum Lot Size and Density: For residential structures as required in Section 9.2.F. For all other uses: minimum lot size shall be one (1) acre, and maximum lot coverage of all buildings shall be no more than forty (40) percent provided that both primary and duplicate area for septic field purposes are maintained unhindered by any structure, parking, drainage or other design element of the site which may impact septic functioning.
- G. Setback Requirements: All uses shall comply with the following setback requirements, except as otherwise provided for in Articles 3 and 5 for lots of record and nonconforming situations.
 - 1. Front Setback: the minimum depth of the front building setback shall be 60 feet from any road right-of-way or easement line.
 - 2. Rear Setback: the minimum building setback from the rear property line shall be 20 feet for the principal structure, and five feet for any accessory structure, provided that the rear setback shall be 40 feet, or greater as may be required by the Board of Zoning Appeals, for any non residential use or special exception with a rear property line abutting a residential use lot, or abutting a lot in the S, R-1 or R-2 zone.
 - 3. Side Setback: the minimum building setback from the side property line shall be five feet, provided that the side setback shall be 20 feet, or greater as may be required by the Board of Zoning Appeals, for any non residential use or special exception with a rear property line abutting a residential use lot, or abutting a lot in the S, R-1 or R-2 zone.
- H. Maximum Height of Structures: Unless otherwise explicitly allowed in other articles of this Resolution, all structures shall be no greater than 35 feet higher than the highest natural grade immediately adjacent to the structure.

BE IT FURTHER RESOLVED THAT THIS RESOLUTION SHALL BE IN FORCE AND BECOME EFFECTIVE UPON ITS ADOPTION, THE PUBLIC WELFARE REQUIRING IT.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____

County Executive

Date

April 21, 2005

RESOLUTION No. _____

Sponsored by Commissioners _____ and _____.

A RESOLUTION TO AMEND SECTION 9.2.C CONCERNING SPECIAL EXCEPTIONS WITH SPECIFIC LIMITATIONS IN THE R-1 ZONE, AND SECTION 9.10 CONCERNING RAC-RURAL ARTERIAL COMMERCIAL ZONE, OF THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE.

BE IT RESOLVED, by the Board of Commissioners of Blount County, Tennessee, in session assembled this 4-21, 2005:

WHEREAS, the Legislature of the State of Tennessee has enabled Blount County to adopt and amend zoning regulations in Tennessee Code Annotated Sections 13-7-101, *et seq.*, and

WHEREAS, the Board of Commissioners of Blount County, Tennessee adopted zoning regulations in Resolution 00-06-010 **A RESOLUTION ADOPTING ZONING IN BLOUNT COUNTY PURSUANT TO SECTIONS 13-7-101, *et seq.*, OF THE TENNESSEE CODE ANNOTATED**, and

WHEREAS, it is desired to amend such Resolution to delete provision for special exception with limitation in the R-1 Rural District 1 zone, and to amend provisions for the RAC-Rural Arterial Commercial zone;

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF BLOUNT COUNTY, TENNESSEE, to adopt the following:

That Section 9.2.C be deleted in its entirety, and the following placed therein:

- C. Uses Permitted as Special Exceptions with Specific Limitations: None.

And that Section 9.10 be deleted in its entirety and the following placed therein:

Section 9.10 RAC – Rural Arterial Commercial District. It is the purpose and intent of this district to regulate commercial and other development of low to medium density adjacent to major four or more lane arterial roads in the county, consistent with the overall purposes of this Resolution contained in Article 3, consistent with provisions in Public Chapter 1101 of 1998 (Tennessee Code Annotated Section 6-58-101, *et seq.*), and consistent with plans adopted by Blount County. It is further the policy of the County Commission that the RAC district and this section should have applicability only to land adjacent to Highway 411 South outside the Maryville urban growth boundary, and to Highway 321 – East Lamar Alexander Parkway outside the Maryville urban growth to intersection with Foothills Parkway, and that amendments to the Zoning Map should extend no more than 500 feet away from the right-of-way lines of the above delineated highways. This section does not amend the Zoning Map, nor zone

nor rezone any land to RAC, but only identifies limits to location for any land that may in the future be zoned RAC.

A. Permitted Uses: General retail sales and rental of goods and merchandise; Restaurants; bed and breakfast, campgrounds; Golf driving ranges, miniature golf courses, and similar uses; Kennels and veterinarian services; Miscellaneous public and semi-public facilities including post offices; Commercial greenhouses; Churches, temples and similar places of worship with accessory structures, uses and cemeteries; Golf courses; Commercial cemeteries not associated with any on-site place of worship; any use permitted or listed as permissible as a special exception in Sections 9.2.A and 9.2.B.

B. Uses permitted as special exception: None.

C. Uses permitted as special exception with specific limitations: None.

D. Uses Prohibited: In the RAC – Rural Arterial Commercial District: all uses are prohibited except those uses permitted or permitted as special exception specifically above.

E. Uses Requiring Site Plan Review: All uses and customary accessory structures, except one or two single family or manufactured home dwelling on a single lot, duplex dwelling on separate lot, and customary accessory structures to such excepted uses.

F. Minimum Lot Size and Density: For residential structures as required in Section 9.2.F. For all other uses: minimum lot size shall be one (1) acre, and maximum lot coverage of all buildings shall be no more than forty (40) percent provided that both primary and duplicate area for septic field purposes are maintained unhindered by any structure, parking, drainage or other design element of the site which may impact septic functioning. Notwithstanding the above, the total area of all buildings shall not exceed 10,000 square feet for any one lot or parcel.

G. Setback Requirements: All uses shall comply with the following setback requirements, except as otherwise provided for in Articles 3 and 5 for lots of record and nonconforming situations.

1. Front Setback: the minimum depth of the front building setback shall be 60 feet from any road right-of-way or easement line.

2. Rear Setback: the minimum building setback from the rear property line shall be 20 feet for the principal structure, and five feet for any accessory structure, provided that the rear setback shall be 40 feet for any non residential use with a rear property line abutting a residential use lot, or abutting a lot in the S, R-1 or R-2 zone.

3. Side Setback: the minimum building setback from the side property line shall be five feet, provided that the side setback shall be 20 feet for any non

residential use with a rear property line abutting a residential use lot, or abutting a lot in the S, R-1 or R-2 zone.

H. Maximum Height of Structures: Unless otherwise explicitly allowed in other articles of this Resolution, all structures shall be no greater than 35 feet higher than the highest natural grade immediately adjacent to the structure.

I. Additional Site Plan Requirements: In addition to site plan requirements in Section 7.2, site plans for any commercial use permit under this Section shall be drawn by a qualified professional, and shall include front elevation of any proposed structure.

J. Additional design requirements: All site plans shall be accompanied by a stormwater drainage plan prepared by a qualified engineer, and shall address the need for detention, if necessary, and pollution control. All uses permitted under this Section shall provide a vegetative landscape buffer, to be determined by the Planning Commission during site plan review, between the use/buildings on the commercial site, and any parcel or lot zoned other than RAC or C. Such buffering shall apply to rear lot lines of the commercial site, and also to side lot lines behind the minimum front building setback lines, except where there is an immediately adjacent residential use that would require screening within the minimum front building setback line. All uses permitted under this Section shall have a front building elevation, along all fronting roads, constructed of at least 50 percent nonmetal building materials. All external lighting shall be directed away from or screened from land zoned other than RAC or C, and away from any public right-of-way. Where noise is determined to be a probable off-site impact of a proposed use, a noise mitigation barrier of solid structure or earth berm, in addition to vegetative buffer, shall be designed as part of the site plan and constructed.

K. Review on change of use.

1. For any change of use to special exception use under provisions for change of use requiring Board of Zoning Appeals approval, the Board of Zoning Appeals shall have permit and review authority under provisions of these regulations.

2. For other change of use, excluding change to uses allowed in Section 9.2.A, a permit application for zoning compliance shall be submitted, to be reviewed by the Building Commissioner for conformity to requirements for the zone and any previously approved site plan. The Building Commissioner shall require information on the application sufficient for determination of zoning compliance, and certification of zoning compliance in writing shall be considered as approval of the permit for change of use.

3. Notwithstanding subsection 2 above, upon determination by the Building Commissioner that a use will be of greater impact or will require new or changed site design elements upon change of use, the Building Commissioner shall require a new permit application and site plan to be reviewed by the Planning Commission as a new permit for that change of use.

4. All changes of use under this subsection shall require new permit application and charged fees as such.

BE IT FURTHER RESOLVED THAT THIS RESOLUTION SHALL BE IN FORCE AND BECOME EFFECTIVE UPON ITS ADOPTION, THE PUBLIC WELFARE REQUIRING IT.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____

County Executive

Date