

Think Quality - Think Future

Blount County Planning Department

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TO: Members of the Blount County Planning Commission
FROM: John Lamb
DATE: January 18, 2012
SUBJECT: Long range agenda items for the January 26, 2012 regular meeting.

1. Report from Ad Hoc Committee on ridge-top and hillside development regulations.

The Ad Hoc Committee on ridge-top and hillside development standards recommends the following amendments to the zoning regulations and the subdivision regulations (related staff memo and original Ad Hoc report attached separately for information):

(A) Increase minimum building setback in the R-2 zone to 30 feet from side and rear property boundaries with exception for front setback from roads, in order to allow establishment of proper minimum Firewise defensible space for each property.

That Zoning Regulations Section 9.3.G be amended to read as follows:

G. Setback Requirements: All uses permitted or permitted as special exception 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 30 feet from any road right-of-way or easement line, with the following exceptions: (a) the lot fronts on an arterial road as shown on the Major Road Plan of Blount County, in which case the front setback shall be 60 feet for principal arterial roads and 40 feet for major arterial roads, (b) the lot has been previously platted on a plat registered with the Blount County Register of Deeds prior to the enactment of this Resolution in which case the minimum shall be as shown on the registered plat, **and (c) 20 feet if the lot fronts on a local road with slope of property greater than 30 percent falling away from the road.**

2. Rear Setback: the minimum building setback from the rear property line shall be **30** 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 special exception.

3. Side Setback: the minimum building setback from the side property line shall be **30** feet.

(B) Decrease minimum lot size and density to three acre minimum or 0.33 units per acre in the R-2 zone consistent with the Conceptual Land Use Plan, and delete provisions for clustering in planned unit development to maintain greater spacing of housing units consistent with Firewise principles.

That Zoning Regulations Section 9.3.F be amended to read 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 **three acres**. For other than one unit per lot, or for planned unit development, the density shall be no greater than **0.33** units per gross acre.

(C) Amend provisions for Planned Unit Development to apply only to S and R-1 zones to eliminate option for cluster subdivisions of small lots in the R-2 zone.

That Zoning Regulations Section 7.3 introductory paragraph be amended to read 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 **only to the S-Suburbanizing and R-1-Rural District 1 zones:**

(D) Amend provisions for vacation rental cabins to conform to amended density in the R-2 zone.

That Zoning Regulations Section 7.11.A be amended to read as follows:

A. In the R-1 – Rural District 1 zone **and the R-2-Rural District 2 zone**, the maximum density of vacation rental cabins shall be no greater than for single family density in the zone.

(E) Add provision that cutting and trimming of trees in the R-2 zone shall be limited to that required: to allow construction and maintenance of a Firewise home or principal structure along with accessory structures; to accommodate access, utilities and septic treatment; and to accommodate cutting of dead or diseased trees to maintain property.

That a new Section 9.3.I be added to read as follows:

I. It is the intent of this sub-section to preserve vegetation consistent with protection of the land for erosion control and soil stability. Cutting and trimming of trees on individual lots in the process of constructing and maintaining principal use and accessory structures shall be limited to that necessary to accommodate proper fire protection (Firewise program principles may be used), to accommodate access to and within the property, to accommodate extension of utilities, and to accommodate required septic disposal. This sub-section does not apply to nor does it limit cutting and removal of dead or diseased trees as part of routine property maintenance.

(F) Allow lesser setbacks from roads in subdivision regulations.

That Subdivision Regulations Section 6.04.1(b)(1) last paragraph be amended to read as follows:

The Planning Commission may approve a lesser distance where a wall, high fence, or other substantial separation is included in the platted improvements to the subdivision adjoining an arterial or collector street, provided that no infringement is made upon sight lines at intersections established by Subsection 4 below. ***Lesser distance shall be accommodated consistent with lesser distances allowed under provisions of the Zoning Resolution of Blount County, Tennessee.***

(G) Increase from 15% to 17% variance limit for road grade in hillside development

That Subdivision Regulations Section 6.02.3(e) last sentence be amended to read as follows:

Variances shall only be considered to road grade for physical limitations and only for short sections, less than 200 feet (total), and only to a maximum grade of 17 % only when hillside development standards for mountain developments apply, ***where severe topographical constraints exist as shown by engineering analysis supplied by the developer.***

That Subdivision Regulations Section 9.04.1(a) be amended to read as follows:

a) Road Grades shall not exceed 13% slope, and road intersection grades shall not exceed 4% slope within 50 feet of any road intersection, provided that the Planning Commission may vary the 13% slope requirement up to **17 %** over

limited segments of road, of no greater than 200 linear feet, where severe topographical constraints exist **as shown by engineering analysis supplied by the developer.**

(H) Amendment to exclude cluster development option in the R-2 zone consistent with amendment of the zoning regulations for the same subject.

That Subdivision Regulations Section 6.02.5(a)(3) be amended to read as follows:

Type 3 – Preserved Open Space (Cluster) Development. **These provisions shall not apply within the R-2-Rural District 2 zone as defined and delineated in the Zoning Resolution of Blount County, Tennessee.** A Type 3 subdivision 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 restriction governing the open space shall be appropriate for each specific development and must be approved by the planning commission and referenced on the plat. A preliminary plat containing all information for preliminary plat submittal is required (See Section 5). A Property Owner's Association (POA) must be established to insure continuing maintenance of the road(s), drainage and other improvements. The POA documentation must accompany the final plat and be recorded in the Register of Deeds Office along with the final plat and referenced in the deeds for separate lots. The minimum road standards are the same for Type 2 (Low Density) developments. All road standards and maximum road grades and POA requirements are the same as above for Type 2 developments.

(I) Addition of provisions for buffering of development entrance from public roads and limiting cutting of trees in process of land development.

That a new Section 9.04.2 be added to the Subdivision Regulations as follows:

9.04.2 It is the intent of these Subdivision Regulations to preserve vegetation consistent with protection of the land for erosion control and soil stability in hillside development. Cutting and trimming of trees in the process of development of the land for subdivision shall be limited to that necessary to accommodate proper fire protection (Firewise program principles may be used), to accommodate access to and within the property, and to accommodate extension of utilities. To the extent practicable and consistent with proper sight distance, trees shall be preserved at entrance to a planned subdivision intersecting with a public road. This sub-section does not apply to nor does it limit cutting and removal of dead or diseased trees as part of routine property maintenance.

2. Discussion on possibilities for regulating pain clinics related to new state legislation.

The State Legislature passed legislation in the last session, regarding regulation of pain clinics in response to the problem of a rise in overuse or illegal use of prescription pain medication (see copy of legislation attached). Pain clinics have been seen by some jurisdictions as a potential problem land use, and have instituted amendments to local zoning regulations to address the problem consistent with state legislation. This item comes for discussion and guidance to staff.

3. Update on Plan East Tennessee (PlanET) process and schedule for Forum Series 1 Meeting in a Box.

The planning staffs of Alcoa, Maryville and Blount County have joined to provide an opportunity for all Planning Commission and Board of Zoning Appeals members in the county to participate in the Plan East Tennessee (PlanET) regional planning process. See information on PlanET and results of public input to date at <http://www.planeasttn.org/>.

The PlanET project is in process of generating first round input. A first series of public forums were held in each of the five counties of the region in November. The input continues with a facilitated forum process called Meeting in a Box.

A Meeting in a Box session for Planning Commissioners and BZA members is scheduled for Thursday, February 2 at the Maryville City Hall. Registration will start at 5:30 PM, and the session will last from 6:00 to 8:00 PM. Planning Commission members and BZA members who participate will gain certification for two hours to meet state training requirements. Planning Commission and BZA members are encouraged to contact the Planning Department to confirm (RSVP) expected participation.

4. Staff reports.

Staff has completed a report on 2011 training for Planning Commission members. All members met or exceeded the minimum 4 hours of training required by the State. Copy of the report was provided to the Mayor's Office and to each Planning Commission member, and certifications of training are maintained in the files of the Planning Department.

Staff reminds Planning Commissioners that it is their responsibility to gain and certify the 4 hours training required by the State for the calendar year 2012, and to provide certification from sponsors of the training. The Planning Department intends to provide at least 2 hours of training opportunity every four months – total 6 hours in the year. Planning Commissioners are also encouraged to seek other training opportunities related to their duties and responsibilities on the Planning Commission.