

MEMO

TO: Members of the 2nd Ad Hoc Committee on Ridge-top and Hillside Development Standards

FROM: John Lamb

DATE: November 21, 2011

SUBJECT: Suggested amendments to the Zoning Regulations and Subdivision Regulations to accommodate the recommendations of the 2nd Ad Hoc Committee on Ridge-top and hillside development standards.

The following are staff suggestions on wording of amendments to the zoning regulations and subdivision regulations to cover items discussed at the last meeting of the Ad Hoc Committee. In summary, the Ad Hoc Committee requested regulatory wording to address the following: increase in setbacks to allow application of defensible space in accordance with Firewise principles, and providing for lesser setback on steeply sloping land fronting roads; limiting of tree cutting to that necessary for proper development of land and provision of fire protection in accordance with Firewise principles; changing minimum lot size to three acres and deleting of allowance for cluster subdivision; allowing variance of road slope to 17 % in mountain development with showing of topographical constraints; and adding provisions for buffering of entrances of subdivisions onto public roads. In reviewing the zoning regulations and subdivision regulations in preparation for this memo, staff also found a possible need to amend provisions for vacation rental cabins to be consistent with amended lot size and density. The following show amended wording in bold italics, with strikeout for portions to be deleted.

ZONING

1. Increase of 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. Note that this does not require establishment of a Firewise homesite.

Present regulations Section 9.3 R-2 Rural District 2 (italics indicate sections that have been amended previously):

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, and (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.*

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 special exception.

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 special exception.

Amendment for discussion and consideration (in bold italics):

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, ~~and~~ (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 ~~20~~ **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 ~~10~~ **30** feet, ~~provided that the side setback shall be 20 feet, or greater as may be required by the Board of Zoning Appeals, for any special exception.~~

2. Decrease minimum lot size and density to the 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.

Present regulations Section 9.3 R-2 Rural District 2:

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.

Amendment for discussion and consideration (in bold italics):

F. Minimum Lot Size and Density: unless otherwise explicitly required in subsections above, the minimum lot size per unit for development shall be *five three acres*. For other than one unit per lot, or for planned unit development, the density shall be no greater than *0.2 0.33* 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.~~

3. 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.

Present regulations:

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:

A. The minimum size of a planned unit development shall be five acres under unified ownership prior to development.

B. A site plan shall be required as provided in Section 7.2.

C. The use regulations of the zone shall apply to any planned unit development, with special exceptions for mixed uses to be integrated in the planned unit design.

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.

E. Any common elements and/or any common areas shall be maintained by a property owners association to be formed at the time of planned unit development approval, or by the owner or management authority of the planned unit development if such development does not involve separate ownership of lots or structures.

Amendment for discussion and consideration (only introductory paragraph shown as changed):

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*:

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

Present regulations:

Section 7.11 Design Standards for Vacation Rental Cabins. It is the intent of this Resolution to allow vacation rental cabins as a supporting activity to the tourist industry in the County. In this regard, the following shall apply:

A. *In the R-1 – Rural District 1 zone, the maximum density of vacation rental cabins shall be no greater than for single family density in the zone. In the R-2 – Rural District 2 zone, the maximum density of vacation rental cabins shall be no greater than 0.5 units per acre (one unit per two acres) on average over a single tract or development.*

B. *Up to 10 vacation rental cabins may be developed on a gravel surface road or drive. Any development of greater than 10 vacation rental cabins shall meet all internal improvement requirements of multifamily developments in Section 7.6.*

C. *Up to two vacation rental cabin units on a single lot or tract may be permitted directly by the Building Commissioner. Three or more vacation rental cabin units on a single tract shall require a site plan under provisions in Section 7.2, with the exception that if the site is in the R-2 – Rural District 2 zone, the topographic contour interval may be reduced to those shown on the USGS quad sheet covering the site, so long as such contours will provide adequate information in determining and assessing drainage requirements and other design components such as roads and building sites.*

D. *Notwithstanding provisions of Section 7.2, the scale of the site plan required for development of vacation rental cabins in this Section shall be no less than 1 inch = 50 feet.*

Amendment for discussion and consideration (only subsection A shown as changed):

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. ~~In the R-2 – Rural District 2 zone, the maximum density of vacation rental cabins shall be no greater than 0.5 units per acre (one unit per two acres) on average over a single tract or development.~~*

5. 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.

No present regulations.

Amendment for discussion and consideration (new subsection I in Section 9.3):

- 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.

SUBDIVISION REGULATIONS

1. Amendment to allow for lesser setbacks from roads.

Present regulations:

6.04.1 (b) The minimum depths of building setback lines for lots platted for all purposes shall be as follows:

1) Subject to the additional requirements for corner lots in Subsection 4 below, the setback distance from each adjoining street to the building setback line shall be as follows:

CLASSIFICATION OF ADJOINING STREET (MAJOR ROAD PLAN)	MINIMUM DEPTH OF BUILDING SETBACK LINE FROM PROPERTY LINE OF THAT STREET
Principal Arterial	60 feet
Major Arterial	40 feet
Other minor roads	30 feet

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.

Amendment for discussion and consideration (only last paragraph amendment shown).

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.***

2. Increase from 15% to 17% variance limit for road grade in hillside development.

Present regulations:

6.02.3 Design Standards for Streets:

e) Vertical alignment of streets. Grades on arterials, collectors, and minor industrial streets shall not exceed seven (7) percent; grades on major residential (R-2) and minor commercial streets shall not exceed ten (10) percent; grades on all other roads shall not exceed thirteen (13) percent. Minimum road grades shall not be less than 2% to promote positive drainage on all proposed road sections. All roads shall be constructed with a crown with a minimum of 2% fall from the center crown to the curb or edge of pavement. Road grades at intersections shall not exceed 4% for the first 50 feet from intersection of centerlines. 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 15% only when hillside development standards for mountain developments apply.

Amendment for discussion and consideration (only last sentence amendment shown).

Variations 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 ~~15%~~ **17 %** only when hillside development standards for mountain developments apply, **where severe topographical constraints exist as shown by engineering analysis supplied by the developer.**

Present regulations:

9.04.1 Road Design:

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 15 % over limited segments of road, of no greater than 200 linear feet, where severe topographical constraints exist.

Amendment for discussion and consideration

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 ~~15%~~ **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.**

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

Present regulations Section 6.02.5(a)(3):

Type 3 – Preserved Open Space (Cluster) Development: 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.

Amendment for discussion and consideration.

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.

4. **Addition of provisions for buffering of development entrance from public roads and limiting cutting of trees in process of land development.**

No present regulations.

Amendment for discussion and consideration – add new Section 9.04.2.

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.