

ORDINANCE NO. 0519-02

AN ORDINANCE AMENDING THE HARRIMAN ZONING ORDINANCE BY MODIFYING AND ADDING VARIOUS SECTIONS IN ORDER TO ESTABLISH AN OVERLAY DISTRICT FOR PARTS OF THE CITY AS DESIGNATED ON THE ATTACHED MAP WHICH IS TO ALSO BE ADOPTED AS AN UPDATED ZONING MAP FOR THE CITY OF HARRIMAN

WHEREAS, the Harriman Board of Mayor and Aldermen, in accordance with Section 13-7-204 of the Tennessee Code Annotated, may amend the Zoning Ordinance and the Zoning Map of Harriman, Tennessee; and

WHEREAS, the Harriman Planning Commission has forwarded its recommendation to the Board of Mayor and Aldermen regarding this proposed amendment to the Zoning Ordinance of Harriman, Tennessee; and

WHEREAS, the residents of a certain section of the City generally referred to as the West Hills area has petitioned the City to adopt this overlay for the area in which their property is located; and

WHEREAS, the restrictions included within the ordinance was developed by a committee appointed by the residents who own property within this area;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN COMPRISING THE CITY COUNCIL OF THE CITY OF HARRIMAN THAT;

Section 1. Section 11-501 – Classification of Districts. Shall be amended to include twelve district classifications with the new district identified as:

Overlay District OD-1 Walden Ridge Overlay District

Section 2. Section 11-612 – OD-1 Walden Ridge Overlay District. Shall be added to the existing zoning ordinance as follows:

Purpose

The purpose of this district is to establish a vision for the Walden Ridge Overlay District (WROD) to maintain and develop the Walden Ridge area with respect to the natural setting in which it lies in order to preserve the largely undisturbed natural setting, and to ensure compatibility of new construction with respect to the specific character of the land and existing structures. The area is largely wooded with rock outcroppings and steep slopes with numerous creeks and springs draining the area. Development occurs predominately along the foot of the Walden Ridge in an area locally referred to as Buzzard's Bluff. However, some development has occurred along the steeper slopes and nearer the crest of the ridge.

The WROD seeks to encourage maintenance, construction, and development that is in harmony with the natural setting and blends with it, rather than overpowers the natural features of the land. Because the area is naturally populated with many wildlife species desirable to the residents, these regulations are designed as a way to balance their natural habitat with the development needs of the property owners

and residents of the area. Additionally, development which respects the existing geographical conditions in a way as to limit changes to them is much more stable than that which significantly changes the natural topographical features of the area.

The WROD is intended to build upon the existing Zoning Regulations within the City of Harriman to create a secondary layer of guidelines to create a unique neighborhood near Walden Ridge that may be different than the natural attributes of other areas with the same base zoning classification. These guidelines are not intended to be a substitute for the existing guidelines, and both should be applied to development within the overlay, just as Historic Guidelines are applied within the Historic Districts of the City. However, if a conflict exists between the overlay and the base zoning regulations, the more stringent of the two will be applied to the development as long as the requirement is in compliance with state and federal regulations.

Creation and Appointment

The City Council shall create a Review Committee made up of five people to serve as the WROD Review Committee (RC). Members of the committee shall be appointed by the Mayor and approved by the City Council. If possible, the membership should include one member of the planning commission at the time of their appointment and one member with a background in engineering, architecture, geology, geography, or residential construction. Terms shall be for a period of five years, except for the initial appointees shall be staggered terms so that one term expires each year. A vacancy in membership shall be filled in the same manner as the initial appointment, except that it shall be for the remainder of the term and not for a full term of five years. Members shall annually select a Chair, Vice-Chair, and Secretary to serve the RC. All members shall serve without compensation.

Procedure

The RC may adopt by-laws which shall at least establish the manner in which a meeting shall be called, manner of voting, procedures for recordation of procedures, and may address any additional matters relating to the conduct of the RC as the RC may deem appropriate. Committee meetings shall comply with all applicable State of Tennessee Open Meeting Laws and Records of all activities shall be kept at City Hall. The RC shall meet at least once per year for organizational purposes; otherwise, meetings will be on an as-needed basis.

Powers and Duties

The WROD RC shall have the following powers and duties:

1. To review all projects within the WROD that require the issuance of a permit before such projects can be lawfully commenced with the City of Harriman, and following such review, grant, grant with conditions, or deny a Certificate of Appropriateness. The RC shall further review any projects not requiring a permit, but which the Building Official, City Manager, or their designee has been authorized to review by the WROD RC within its "Design Review Guidelines," and for which he has reason to believe requires the issuance of a Certificate of Appropriateness, and thereafter to grant, grant with conditions, or deny Certificate of Appropriateness.
2. To recommend for adoption design review guidelines for the WROD established in the City by which all projects subject to review in the overlay are to be reviewed in order that the Building Official, City Manager, and/or RC may make a determination as to the granting or denial of a Certificate of Appropriateness.
3. To recommend to the Planning Commission the establishment of the WROD; and to review the recommendations of the Planning Commission, or any other group or person, for the establishment or change in boundaries of the overlay district.

Jurisdiction

For the projects for which the Building Official is authorized to grant or grant with conditions a Certificate of Appropriateness, the Building Official shall render a decision within fourteen working days of the date on which he received sufficient data on which to make a judgment regarding the project's appropriateness. For projects which require review by the RC, or those projects which the Building Official refers to it for review, the RC shall render a decision to grant, grant with conditions, or deny a Certificate of Appropriateness within thirty days of the date of the meeting at which sufficient data is available concerning the project to make a judgment regarding its appropriateness.

Review Decisions

Any person who may be aggrieved by any final order of judgment of the RC may have such order or judgment reviewed by the courts by using the procedure of statutory certiorari, as provided in Title 27, Chapter 8 of the Tennessee Code Annotated.

Site Preparation Guidelines

1. A Certificate of Appropriateness is required before Tree Clearance may begin, except that select dead trees, non-native trees, and aggressive species may be removed in small numbers without the need for a Certificate of Appropriateness as long as they are not located on a steep slope and any necessary stormwater runoff control mechanisms are installed to prevent uncontrolled water runoff.
2. A Certificate of Appropriateness is required before site grading may begin if the site contains steep slope areas or the grading disturbs more than 4,000 square feet.
3. A limited scope Certificate of Appropriateness may be issued allowing for minimal ground disturbance when carried out by a certified professional in order to assess the ability of the property to perk for septic purposes.
4. A Certificate of Appropriateness may be suspended in the event that stormwater control mechanisms are not properly maintained and functioning and/or if the construction varies from the approved site plan. During a suspension of the Certificate of Appropriateness, no work may progress on the site. If site conditions pose a hazard to neighboring properties or City infrastructure, the City may correct the issue and charge the corrective actions to the property owner.

Site Development Guidelines

1. An overall site plan must be submitted prior to any tree clearance, grading, or construction on a site. The site plan shall adhere to the guidelines set forth in Section 11-310 of the Harriman Zoning Ordinance, omitting any sections not applicable to the proposed development.
2. The site plan shall assess stormwater runoff pre and post construction and shall propose any on-site retention needed to maintain post-construction runoff at the same rate as pre-construction runoff.
3. Site plan must address all drainage issues and describe the location of gutter outlets, French drains, berms to prevent erosion so that drainage does not flow onto neighboring properties.
4. The site is to be cleared of debris prior to construction commencing on the primary structure.
5. Construction debris or traffic shall not interfere with the natural flow of water during the course of construction unless an approved, engineered alternative has been indicated on an approved site plan.
6. The site plan shall indicate where temporary and/or permanent driveway connections will be located and describe any drainage structures needed to control water and prevent it from running directly onto the street.

7. The large scale removal of vegetation is discouraged, especially for living native and/or non-aggressive species. However, when these must be removed the RC may require a replacement plan of up to 1:1 caliper inches of landscaping.

Steep Slope Areas (Excess of 15% measured within the lot's buildable area)

1. An Engineering evaluation and construction plan will be needed on construction within steep slope areas so as to limit disturbance to the minimum necessary and to assure the stability of the structure to be constructed.
2. Disturbed areas within a steep slope shall be replaced with sod and stakes, not grass seed and straw.
3. Disturbed areas which require a second application of grass in an attempt to grow grass, may be required to be sodded and staked on the second application even if the area is not a steep slope.
4. All retaining walls within a steep slope area must be designed by an engineer to ensure stability given the harsh ground conditions whether the building code calls for engineered drawings or not.

Driveways

1. Driveways with a slope greater than 7% within 10 feet of the right-of-way require a paved apron of no less than 15 feet measured from the edge of the right-of-way. Paved surfaces are considered to be asphalt, concrete, or masonry pavers.
2. Driveways in excess of 7% within 10 feet of the right-of-way require a French drain or engineered slope to prevent water from running off of the driveway and onto the driving surface.
3. Driveways must provide for a minimum of three on-site parking spaces.
4. Semi-Tractors with or without trailers may not park on the driveway. An exception is made for tractor trailers that do not interfere with traffic and are being actively loaded or unloaded for moving purposes, whereby they may remain on site for up to 48 hours.

Primary Structures

1. Mobile homes, being a unit delivered in one piece which requires little installation and setup, mobile home parks, factory manufactured homes built prior to 1976, and recreational vehicles designed for regular transportation on interstates, highways, and streets shall not be allowed as temporary or permanent living structures.
2. Modular buildings are allowed provided they meet the criteria established in section 11-311 of the Harriman Zoning Ordinance and the requirements set forth in the WROD.
3. The front façade of a primary structure shall have a Variance (offset) in the wall plane.
4. A minimum of 20% of the Front Façade (excluding garage doors) shall be natural wood or masonry material including, but not limited to: brick, stucco, stone, rock, hardy plank resembling any of the preceding, etc.
5. The façade of the structure that is designed as the front façade shall face the street. In the event of a corner lot, the structure may face either street of the owner's choice or may face the corner of the intersection of the two streets.
6. Temporary structures, including but not limited to: storage buildings, animal kennels, temporary housing facilities, children's play equipment, carports, detached garages, parked cars, boats, trailers, etc. may not be placed on the property prior to the Certificate of Occupancy being issued for the primary structure. However, a mailbox and a temporary construction container or office may be placed on the property prior to the completion of construction.

However, temporary construction containers or offices must be removed within ten days of issuance of Certificate of Occupancy.

7. Primary structures must be located on a permanent foundation and have any and all towing equipment removed from the structure before a Certificate of Occupancy is issued.
8. Foundation and/or underpinning components visible from the exterior of the structure must be of permanent, finished masonry type, including but not limited to: brick, stucco, stone, rock, hardy plank resembling any of the preceding, etc. These materials may be a part of the actual foundational supports or may be added to the structure to meet the aesthetic requirements of these guidelines.
9. The front façade facing the street shall have a landscaping plan consisting of plants and trees native to the area or that are considered non-aggressive species. This information should be included on the site plan when initially submitted.
10. In the event that the Primary Structure is completed during a time of the year in which planting landscaping is not viable, a temporary Certificate of Occupancy may be issued until the landscaping may be completed or a permanent Certificate of Occupancy may be issued if the owner puts up a cash deposit, bond, or non-revocable letter of credit to guarantee the completion of the landscaping.
11. In the event that the Primary Structure is completed during a time of the year in which paving is not viable, a permanent Certificate of Occupancy may be issued if the owner puts up a cash deposit, bond, or non-revocable letter of credit to guarantee the completion of the paving.
12. The front façade facing the street must have a deck, porch, or landing area if the number of steps required to enter the structure through this entry require handrails per the Building Code in effect at the time of permitting.

Accessory Structures

1. No more than two small accessory structures are allowed upon each lot and the design shall match the primary structure to the extent practicable.
2. A detached garage must adhere to the same construction methods as the primary structure and may be allowed in addition to the smaller accessory structures.
3. The location and size of accessory structures must be approved by the RC and in total cannot exceed 40% of the square footage of the primary structure.
4. Any accessory structure properly permitted to be placed in the front yard, or a side yard facing a City street must be entirely constructed of the same natural wood or masonry material used on the primary structure.

Planned Unit Development

1. A Planned Unit Development (PUD) may be submitted to the RC as a full site plan containing one or more approved uses, other than single-family dwellings. In considering this plan, the RC may grant variances to the individual restrictions placed on each structure as outlined within these Guidelines, provided that the overall intent of the guidelines are enforced through the requirements placed upon the cumulative development.

Non-Conforming Uses and Structures

Lawful nonconforming uses, building, and structures existing at the time of the passage of this zoning ordinance, or any amendment thereto, shall be allowed to remain subject to the following provisions:

1. No building or land containing a nonconforming use hereafter be extended unless such extensions shall conform with the provisions of this ordinance for the district in which it is

located' provided, however, a nonconforming use may be extended throughout those parts of a building which were manifestly arranged or designed for such use prior to the time of enhancement of this ordinance or amendment.

2. When the following conditions have existed for a period of six months, it shall be evidence of an intent to abandon a nonconforming use; and no use of land or structures shall be undertaken thereafter unless it be in conformity with the provisions of the district within which such property is located.
 - a) Nonresidential Uses. No employees, customers, or clients are present on site who are there to actively conduct business, give or receive professional services, participate in activities, or use equipment that is considered to be essential to the character and operation of the nonconforming use and, no serious attempts are being made to market the property for sale for its former use.
 - b) Residential Uses. No residents, whether they be owners or tenants, are present, and no serious attempts are being made to market the property for sale for its former use.
3. Any nonconforming building which has been damaged by fire or other causes, may be reconstructed and used as before unless the Building Official determines that the building is damaged to the extent of more than fifty percent of its appraised value for tax purposes, in which case any repair or reconstruction shall be in conformity with the provisions of this ordinance.
4. Any nonconforming building which has been damaged by fire or other causes in which the Building Official determines that the building is damaged to an extent less than fifty percent of the appraised value for tax purposes, may be reconstructed but shall to the extent possible replace any damaged items that do not meet the criteria outlined within this ordinance with the proper materials and facilities during repairs and/or reconstruction.

Section 3. If any part of this ordinance is found to be invalid, the remainder of the ordinance shall remain in full force and effect.

Section 4. This ordinance shall take effect immediately after its passage, the public welfare requiring it.

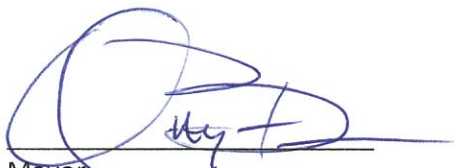
Reviewed by Planning Commission: 06/19/2019

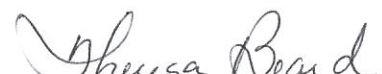
Public Notice Given: 07/01/2019

Public Hearing Date: 07/16/19

Passed First Reading: 05/21/2019

Passed Second Reading: 07/16/2019


Mayor


City Clerk

