

# Rutherford County Regional Planning Commission

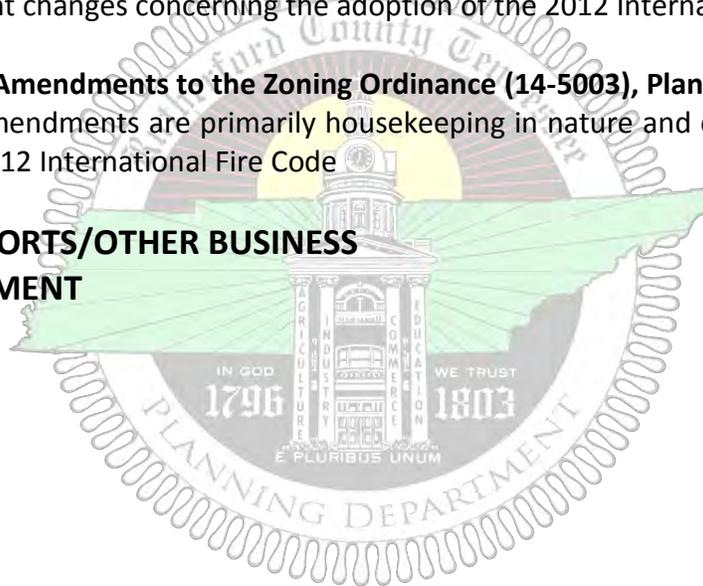
Agenda – 8-11-14 – 6:00 PM

Historic County Courthouse – 2<sup>nd</sup> Floor

- I. **CALL TO ORDER**
- II. **PRAYER/PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL/DETERMINATION OF QUORUM**
- IV. **APPROVAL OF THE JULY 28, 2014 MINUTES**
- V. **ITEMS WITHDRAWN/DEFERRED**
- VI. **REZONING REQUESTS/PUBLIC HEARINGS**
  - A. **Various Amendments to the Subdivision Regulations, Planning Staff applicant**

These amendments are primarily housekeeping in nature, with some of the more significant changes concerning the adoption of the 2012 International Fire Code
  - B. **Various Amendments to the Zoning Ordinance (14-5003), Planning Staff applicant**

These amendments are primarily housekeeping in nature and concern the adoption of the 2012 International Fire Code
- VII. **STAFF REPORTS/OTHER BUSINESS**
- VIII. **ADJOURNMENT**





**Doug Demosi, AICP**  
Planning Director

**Eric Hill, P.E.**  
County Engineer

## MEMORANDUM

**To: Planning Commissioner Members**

**From: Douglas B. Demosi, Planning Director**

**Date: July 30, 2014**

**Subject: Subdivision Regulations/Zoning Ordinance Amendments**

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Consistent with the Work Schedule endorsed by the Planning Commission at their January 27, 2014 meeting, Staff has compiled a number of amendments to the Subdivision Regulations and Zoning Ordinance for your consideration. Most of the amendments are what Staff would consider housekeeping in nature.

### **Subdivision Regulations Amendments**

Some of the more substantial changes are due to the adoption of the 2012 International Fire Code. While the Fire Code adoption resolution is being reconsidered by the Board of Commissioners to exempt single-family residential structures, there are a few items that in the Regulations that need to be amended for consistency with the Fire Code. One of those issues is the length of dead-end streets before a turnaround area is required. The current regulation calls for a 500-foot maximum length. The proposed distance will be 150 feet. Staff will also have the flexibility to consider various techniques for the turnaround on a case-by-case basis (i.e. temporary cul-de-sac, "hammerheads", etc.).

The most significant change is the proposed width of a cul-de-sac. In order to better accommodate emergency vehicles, Staff is proposing to change the paved width from the current 74 feet to 86 feet. This will also necessitate additional right-of-way, especially for ditch-section streets. Staff has included revised cross-sections for your reference.

Unlike Zoning Ordinance amendments, changes to the Subdivision Regulations do not have to be considered by the Board of Commissioners. Tennessee Code Annotated (TCA) tasks planning commissions with creating and/or amending subdivision regulations.



# Rutherford County Planning and Engineering Department

ONE PUBLIC SQUARE SOUTH, SUITE 200 MURFREESBORO, TENNESSEE 37130  
PHONE 615.898.7730 FAX 615.898.7823

**Doug Demosi, AICP**  
**Planning Director**

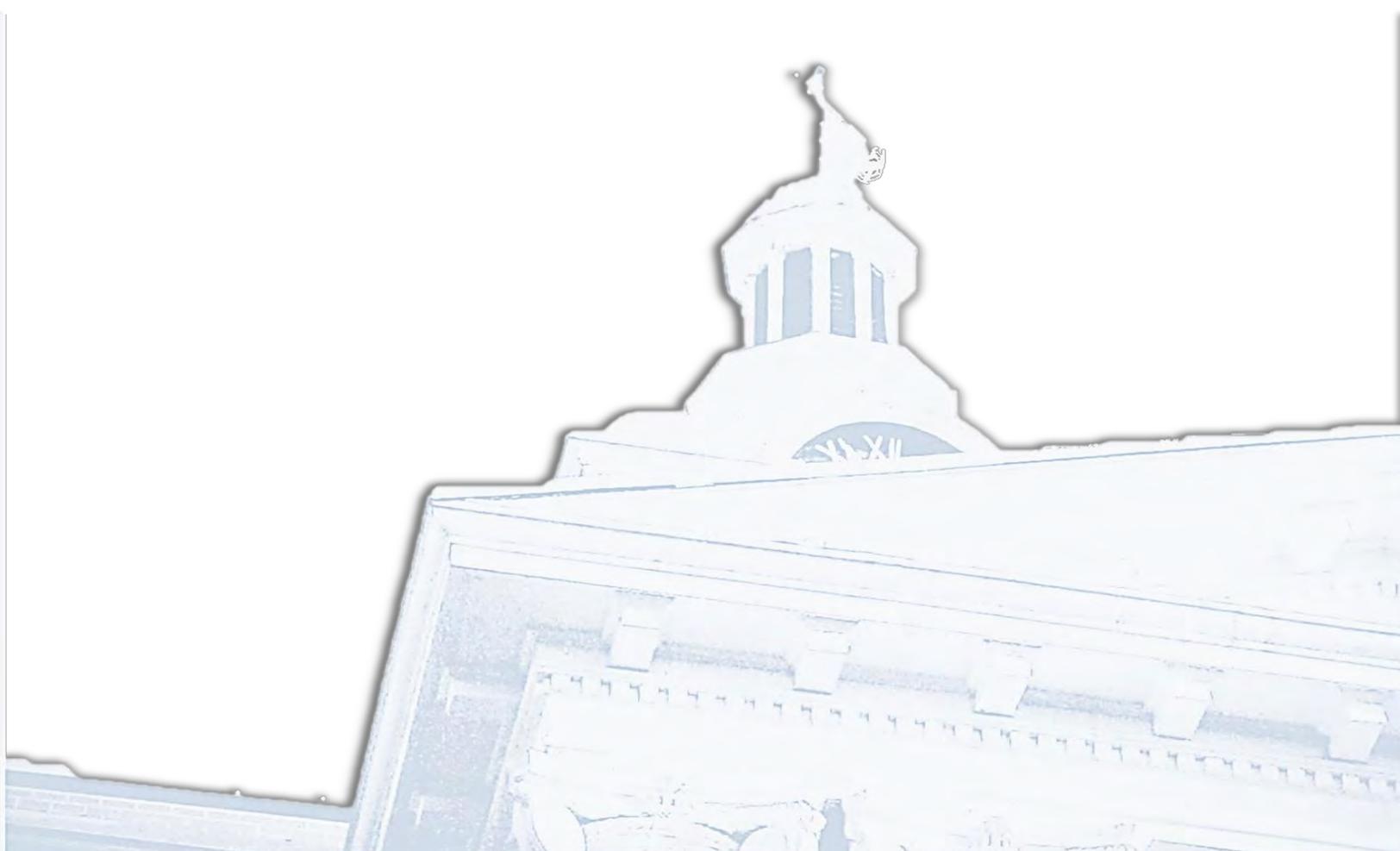
**Eric Hill, P.E.**  
**County Engineer**

## **Zoning Ordinance Amendments**

The proposed amendments to the Zoning Ordinance involve consistency with the Fire Code. The most significant change involves deleting the section on bans to outdoor burning and fireworks, as the Fire Code grants this authority to the Fire Chief.

Following the public hearing on these amendments, the Planning Commission will formulate a recommendation for the Board of Commissioners to consider. These amendments will be heard by the Board of Commissioners at their September 11, 2014 meeting.

Please let me know if you have any questions on these amendments prior to the meeting.



# Subdivision Regulations Amendments

Deletions are ~~struck through~~

Additions are in **Bold Type**

## Article II – Procedure for Subdivision Plat Approval

### G. Preliminary Plans

Amend G.1. as follows:

1. The applicant shall submit to the Planning Department, in accordance with the time schedule established by the department, three (3) copies of a preliminary plan of the proposed subdivision, drawn to a scale of not less than one (1) inch equals one hundred (100) feet, or at a scale that best represents the proposed development at the discretion of the Planning Director or the County Engineer, and any other plans or supporting documents/reports/studies that may be required by the Planning Commission, along with the payment of all required fees. At least five (5) ~~working~~ days prior to the Planning Commission meeting, the applicant shall submit ~~ten (10)~~ **as required by** ~~to~~ the Planning **and Engineering** Department. The Planning Director may at his/her discretion grant an extension to the above-described deadline for any Preliminary Plan submitted.

Amend 2.b.vii. as follows:

- vii. Proposed overall drainage and stormwater concept **plan** with any on-site or off-site stormwater elements

### H. Construction Plans

Amend 2<sup>nd</sup> paragraph as follows:

Prior to beginning construction of each section/phase, construction plans shall be submitted and approved by the County Engineer, **design engineer**, and a Pre-Construction Conference held between the development team and County Engineering Staff.

Delete 3<sup>rd</sup> paragraph in its entirety. This section will be moved to another area in the regulations.

~~Where required, The Rutherford County Stormwater BMP Operation and Maintenance Agreement must be recorded before the beginning of Construction.~~

Amend 2.f. as follows:

- f. Any other structures or construction requirements of special details **at the discretion of the County Engineer**

Amend 4. – 2<sup>nd</sup> Paragraph as follows:

Omission of any of the below requirements for detailed plans and calculations shall render the application incomplete, and it will be returned to the applicant, or his/**her design** engineer, for additional information. The following shall be included in this plan:

Amend 4.e. as follows:

Existing and proposed drainage structures, including inlets, catch basins, junction boxes, drive pipes, culverts, cross drains, headwalls, and outlet facilities, with size, type, **slope** (top and sides), invert elevations, and quantity indicated.

Amend 4.o. as follows:

Flood plain areas require the following information: existing and proposed flood plain and floodway boundaries along with flood plain elevations, and ~~lowest~~ **minimum pad and** floor elevations for buildings in the flood plain.

Amend 4.p. as follows:

Temporary erosion and sediment control measures to be implemented during construction shall be shown ~~on the plan~~ **on a separate sheet.**

Amend 4.t. as follows:

**After the pre-construction meeting and** upon review and approval of the road and drainage plans by the County Engineer, ten (10) sets will be stamped approved, signed, dated, and issued by the County Engineer.

## I. Final Plat

Amend I.2. as follows:

2. The applicant shall submit three (3) copies of the proposed final plat to the Planning Department, according to the schedule prepared by the department, as well as all applicable fees paid to the Planning Commission. At least five (5) ~~working~~ days prior to the Planning Commission meeting at which the final plat will be reviewed, the applicant shall submit ~~ten (10)~~ **as required by the Planning and Engineering Department.** The Planning Director may at his/her discretion grant an extension to the above-described deadline for any final plat submitted. The approved final plat, on reproductive mylar and black ink, shall be recorded with the County Register of Deeds office where it will become the official plat of record. The applicant shall be responsible for paying all recording fees.

Amend I.3.a. to state:

- a. The lines of all streets and roads, **existing buildings**, alley lines, lot lines, building setback lines, lots numbered in sequential order, all easements and water quality buffers, and any areas to be dedicated to public use or sites for other than residential use with note stating their purpose and any limitations

Add the following to the minimum standards of design (3.)

- u. **Statement of purpose for the plat**
- v. **Block showing time and date of recording along with plat book and page numbers**
- w. **Critical Lots, as identified through Article III D.5. of these Regulations**

Amend 4 as follows:

The following certificates shall be signed and shown on the final plat prior to the Planning Commission meeting in a reproducible fashion. ~~See Appendix A~~

- a. Certificate of Ownership and Dedication, certifying that applicant is the landowner and dedicates streets, right-of-ways, and any sites for public use (**See Appendix A**).
- b. Certificate of Accuracy, by registered professional surveyor certifying to accuracy of survey and plat and placement of monuments (**See Appendix A**).
- c. Certificate of Approval for Recording, to be signed by the ~~Chairman or Vice Chairman and Secretary of the Planning Commission~~ (**See Appendix A**).
- d. Approval of water systems, **using language provided by the water provider**, certifying plat approval for water services, provided lines, valves, fire hydrants and fittings have been/shall be installed to specifications.
- e. Approval for electric power, **using language provided by the electric provider**, certifying power poles and other improvements have been/shall be installed in an acceptable manner and according to specifications.
- f. One (1) of the following Certifications of General Approval of the Installation of a Solid Waste Disposal System ~~shall be used~~ **using language provided by the solid waste authority:**
  - i. Certification of General Approval for Installation of Subsurface Disposal System with Restrictions, certifying approved location by the Tennessee Department of Environment and Conservation, Division of Ground Water Protection.

- ii. Certification of General Approval for the Installation of a Public Sanitary Sewer System, certifying that the appropriate agency has reviewed the project and it meets required regulatory standards.
  - iii. Certification of General Approval for the Installation of the Septic Tank Effluent Pumping (STEP) System, certifying that the appropriate agency has reviewed the project and it meets required regulatory standards.
- g. **If sanitary sewer is to be used, a certificate using language provided by the sewer provider.**

### **Article III – Minimum Design Standards**

#### A. General Requirements

Remove Item D. from this list. Re-letter the remaining items in the list.

~~The rules of the Rutherford County Health Department;~~

#### C. Conformity to Street Design and Alignment

Amend C.5.B. as follows:

The Planning Commission may require the developer to provide public street access to adjoining properties where feasible. Proposed streets shall be extended by dedication to the boundary of such property. Such dead-end streets, when their length exceeds ~~five hundred (500)~~ **one hundred fifty (150)** feet, shall provide a turnaround having the right-of-way diameter of at least one hundred (100) feet and built as specified in these Subdivision Regulations.

#### D. Lots

Add D.5. – Critical Lots

**Lots designated as critical based on soil conditions, degree of slope or other lot features, and to address concerns relation to the feasibility of construction as determined by the county engineer. Generally, a lot will be designated critical when the lot is created on an up-slope greater than 15% or a down or cross slope greater than 20%. A star symbol shall be used to identify critical lots on the face of both the preliminary and final plats.**

**Prior to application for a building permit on a lot designed as “critical,” a plan shall be submitted to the engineering department staff for approval. The plan shall provide a survey of existing conditions and details of the proposed development on the lot. Critical lots will not be released for construction of a structure until a critical lot planned is approved by the Engineering Department.**

## G. Areas Subject to Periodic Flooding or Inundation

Amend G.1.b. as follows:

Minimum pad elevations shall be a minimum of one (1) foot above the established 100-year flood or a minimum of one (1) foot above the highest known water level in areas subject to periodic flooding or inundation. If a residential principal structure has a ~~basement or~~ crawl space, the entire space must meet this requirement.

Amend G.1.d as follows:

A ~~twenty five (25)~~ **ten (10)**-foot wide yard surrounding the foot print of the house at or above the 100-year flood elevation or above the highest known water level in areas subject to periodic flooding or inundation in all directions from the principal structure.

Remove G.2.b.

~~A twenty five (25) foot wide yard at or above the 100-year flood elevation in all directions from all structures that require a building permit.~~

## H. Stormwater Design

Amend H. (First Paragraph) as follows:

All stormwater infrastructure and facilities must be located in the right-of-way or a drainage easement. These facilities and infrastructure if located outside of the right-of-way must be included in the Maintenance Agreement that is recorded with the Rutherford County Register of Deeds Office before ~~Preconstruction Meeting~~ **the final plat is recorded**. All developments must submit all quantity and quality drainage calculations and the Rutherford County Stormwater Calculation Summary before any Construction Plans will be reviewed.

H.1. – Add the following point as Point C. Re-letter remaining points appropriately

Direct Discharge into Waters of the State as defined by TDEC is only allowed if approved by the County Engineer

Amend H.1.f. as follows:

Current Language:

All storm sewer outfalls shall be so designed, by reason of elevations of the invert, by the installation of pumps, or by other features, that when the receiving stream is in full flood, the

storm sewers will continue to drain the areas they are designed to serve unless the provision is made for sewer backups into planned storage locations.

Proposed Language:

All drainage systems shall be designed that when the receiving stream is at the 100-year storm event level, the storm sewer will continue to drain the areas they are designed to serve.

## **Article IV – Assurance for Completion and Warranty of Improvements**

### A. Performance and Warranty Surety

Amend A.2.b. by deleting i. Surety Bonds and renumbering the remaining categories. The County no longer accepts bonds.

Amend A.2.b.ii.(C) as follows:

All letters of credit shall include an automatic renewal clause that provides at least ~~ninety (90)~~ **sixty (60) days** advance notice to the County Engineer of any decision by the issuing financial institution not to extend the document's expiration date.

Amend A.3. as follows:

The ~~Surety Bond or~~ Letter of Credit options shall not be available to an owner or developer, without Planning Commission approval, whose past performance has resulted in breached or expired bonds (Within two (2) years of time of breach).

Amend A.4. as follows:

An ~~insurance company~~ **financial institution** whose past performance has resulted in non-payment of a ~~bond~~ **letter of credit** may be excluded from providing a ~~surety bond~~ **letter of credit** for any owner or developer for a period of five (5) years from the date of breach **as determined by the Rutherford County Regional Planning Commission.**

### B. Inspection of Improvements

Amend B.6 as follows:

Protection of Site and Adjoining Sites. During the progress of the construction, the Contractor shall remove all debris, unused materials, and trash from the site before the construction is completed. He/**She** shall restore the site to a well-graded appearance. Trash, man-made

materials, stumps, or other debris, unless approved by the County Engineer, shall not be left on site or buried on site.

#### Appendix A – Certifications

- Remove the Certificate of Approval for Sewer STEP System
- Remove Planning Commission Chairman Signature Line, including Date from Certificate of Approval for Recording

#### Appendix B – Roadway Design Specifications

##### J. Street Elements

Add J.6:

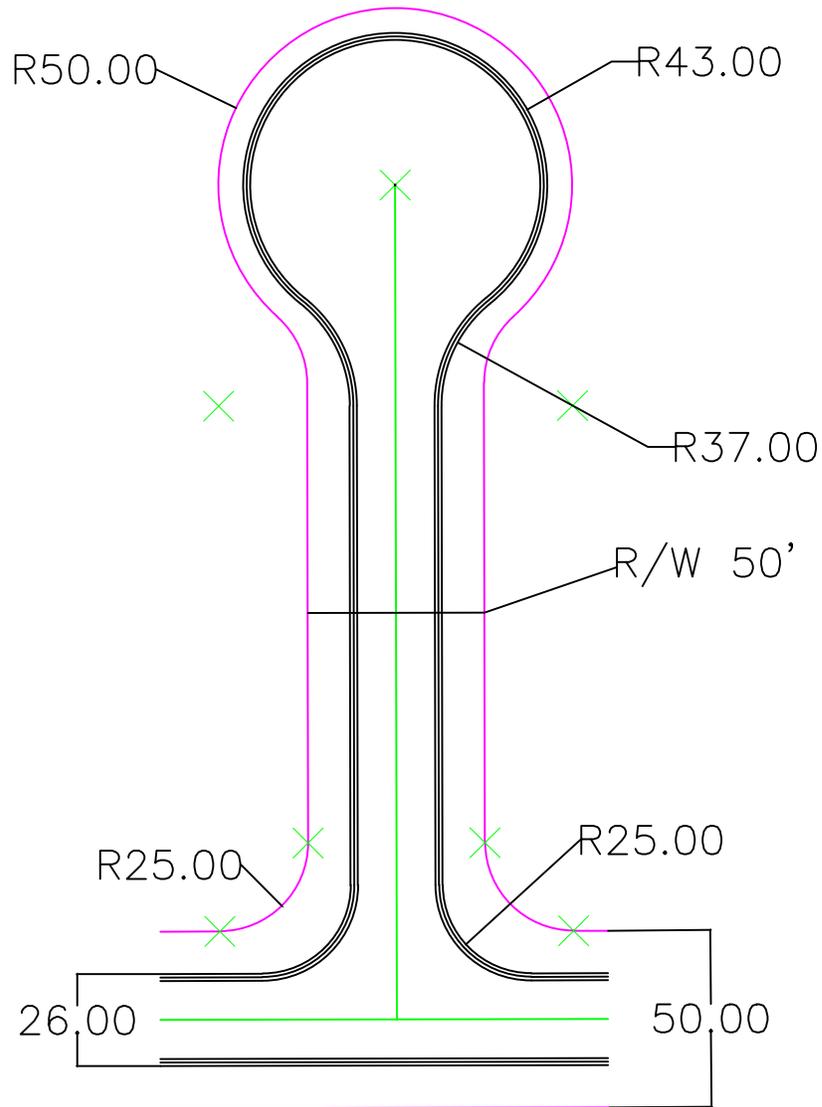
##### **6. Cul-de-Sac**

**Cul-de-sac streets shall terminate in a circular turn around having a radius of at least forty-three (43) feet.**

#### Appendix C – Definitions and Abbreviations

Add the following definition:

**Developer – The legal or beneficial owner or owners of a lot or of any land included in a proposed development including the holder of an option or contract to purchase, or other persons having enforceable proprietary interests in such land.**



DATE	July 25, 2014
SCALE:	N/A

Cul-de-Sac 43' radius  
curb cross section  
Not to Scale  
DETAIL

*Rutherford  
County  
Tennessee*



# Zoning Ordinance Amendments for Fire Codes

## **404 A. 1. – 3. Variable Lot Size**

### **Current Language:**

- A. Variable Lot Size and Adequate Infrastructure in the RL Zone
  - 1. Lot size may be reduced to 15,000 square feet provided:
    - a. Public sanitary sewer or a decentralized sewer system existing (i.e. STEP system) with sufficient capacity as determined by the sewer provider:  
and
    - b. Adequate water service is available for domestic service and fire protection as determined by the water provider.
  - 2. Lot size may be reduced to 22,000 square feet provided:
    - a. Adequate water service is available for domestic service and fire protection as determined by the water provider.
    - b. Adequate soils exist for subsurface sewage disposal as determined by the State of Tennessee Department of Environment and Conservation, Division of Groundwater Protection.
  - 3. In the event water service is either not available or does not meet minimum requirements as determined by the water provider, lot sizes may not be less than 43,560 square feet.

### **Proposed Language:**

- A. Variable Lot Size and Adequate Infrastructure in the RL Zone
  - 1. Lot size may be reduced to 15,000 square feet provided:
    - a. Public sanitary sewer or a decentralized sewer system existing (i.e. STEP system) with sufficient capacity as determined by the sewer provider:  
and
    - b. Adequate water service is available for domestic service as determined by the water provider and fire protection as determined by the fire chief.
  - 2. Lot size may be reduced to 22,000 square feet provided:

- a. Adequate water service is available for domestic service as determined by the water provider and fire protection as determined by the fire chief.
  - b. Adequate soils exist for subsurface sewage disposal as determined by the State of Tennessee Department of Environment and Conservation, Division of Groundwater Protection.
3. In the event water service is either not available or does not meet minimum requirements as determined by the water provider, lot sizes may not be less than 43,560 square feet.

## **405 B. – Fire Protection**

### **Current Language:**

#### Fire Protection

For all approved nonresidential uses within the AR, RL, and RM Districts, a fire hydrant is required to be located within 1,000 feet of a proposed development measured from the property line. In the event water lines providing service to a proposed development cannot support a fire hydrant based on a determination by the water provider, the applicant shall be required to install a sprinkler system in accordance with all applicable building codes, including NFPA 13D, also to include an audio alarm flow switch to be approved by the Rutherford County Building Codes Department. If the water lines are able to support a fire hydrant according to the water provider then one shall be installed.

The requirements of this subsection shall not apply to existing developments, but any change of use or expansion on a lot will be required to meet the requirements of this subsection.

### **Proposed Language:**

#### Fire Protection

For all approved nonresidential uses within the AR, RL, and RM Districts, fire protection shall be provided consistent with the requirements of the adopted fire code for Rutherford County.

The requirements of this subsection shall not apply to existing developments, but any change of use or expansion on a lot will be required to meet the requirements of this subsection.

## **405 C.5.e. – Mobile Home Communities**

### **Current Language:**

- e. Fire Protection: Each mobile home park shall be equipped with fire hydrants spaced so that no mobile home shall be farther than 1,000 feet from a fire hydrant. The water system shall be capable of providing a required fire flow of 500 gallons per minute for one (1) hour duration.

### **Proposed Language:**

- e. Fire Protection: Each mobile home park shall provide fire protection consistent with the requirements of the adopted fire code for Rutherford County.

## **505 C. – Fire Protection**

### **Current Language:**

- C. Fire Protection

Within the IN and OP Districts, a fire hydrant is required to be located within 1,000 feet of a proposed development measured from the property line. In the event water lines providing service to a proposed development cannot support a fire hydrant based on a determination by the water provider, the applicant shall be required to install a sprinkler system in accordance with all applicable building codes, including NFPA 13D, also to include an audio alarm flow switch to be approved by the Rutherford County Building Codes Department. If the water lines are able to support a fire hydrant according to the water provider than one shall be installed.

The requirements of this subsection shall not apply to existing developments, but any change of use or expansion on a lot will be required to meet the requirements of this subsection.

### **Proposed Language:**

- D. Fire Protection

Within the IN and OP Districts, fire protection shall be provided consistent with the requirements of the adopted fire code for Rutherford County.

The requirements of this subsection shall not apply to existing developments, but any change of use or expansion on a lot will be required to meet the requirements of this subsection.

## **605 D. – Fire Protection**

### **Current Language:**

#### D. Fire Protection

Within the CN, CS and CG Districts, a fire hydrant is required to be located within 1,000 feet of a proposed development measured from the property line. In the event water lines providing service to a proposed development cannot support a fire hydrant based on a determination by the water provider, the applicant shall be required to install a sprinkler system in accordance with all applicable building codes, including NFPA 13D, also to include an audio alarm flow switch to be approved by the Rutherford County Building Codes Department. If the water lines are able to support a fire hydrant according to the water provider than one shall be installed.

The requirements of this subsection shall not apply to existing developments, but any change of use or expansion on a lot will be required to meet the requirements of this subsection.

### **Proposed Language:**

#### D. Fire Protection

Within the CN, CS and CG Districts, fire protection shall be provided consistent with the requirements of the adopted fire code for Rutherford County.

The requirements of this subsection shall not apply to existing developments, but any change of use or expansion on a lot will be required to meet the requirements of this subsection.

## 705 C. – Fire Protection

### Current Language:

- C. Within the LI and HI Districts, a fire hydrant is required to be located within 1,000 feet of a proposed development measured from the property line. In the event water lines providing service to a proposed development cannot support a fire hydrant based on a determination by the water provider, the applicant shall be required to install a sprinkler system in accordance with all applicable building codes, including NFPA 13D, also to include an audio alarm flow switch to be approved by the Rutherford County Building Codes Department. If the water lines are able to support a fire hydrant according to the water provider than one shall be installed.

The requirements of this subsection shall not apply to existing developments, but any change of use or expansion on a lot will be required to meet the requirements of this subsection.

### Proposed Language:

- C. Within the LI and HI Districts, fire protection shall be provided consistent with the requirements of the adopted fire code for Rutherford County.

The requirements of this subsection shall not apply to existing developments, but any change of use or expansion on a lot will be required to meet the requirements of this subsection.

## 805 D. – Fire Protection

### Current Language:

- D. Fire Protection

Within the VNC, RC and EAC Districts for nonresidential uses, a fire hydrant is required to be located within 1,000 feet of a proposed development measured from the property line. In the event water lines providing service to a proposed development cannot support a fire hydrant based on a determination by the water provider, the applicant shall be required to install a sprinkler system in accordance with all applicable building codes, including NFPA 13D, also to include an audio alarm flow switch to be approved by the Rutherford County Building Codes Department. If the water lines are able to support a fire hydrant according to the water provider than one shall be installed.

The requirements of this subsection shall not apply to existing developments, but any change of use or expansion on a lot will be required to meet the requirements of this subsection.

**Proposed Language:**

D. Fire Protection

Within the VNC, RC and EAC Districts for nonresidential uses, fire protection shall be provided consistent with the requirements of the adopted fire code for Rutherford County.

The requirements of this subsection shall not apply to existing developments, but any change of use or expansion on a lot will be required to meet the requirements of this subsection.

**1101 T. – Fireworks Displays, Open Air Burning, and Illegal Burning**

**Current Language:**

T. Fireworks Displays, Open Air Burning, and Illegal Burning

The purpose of the following regulations is to establish controls on open burning to prevent undesirable levels of air contaminants in the atmosphere that may create a breathing hazard. The regulations also create the ability to ban open burning and fireworks displays when hazardous conditions exist in order to protect the property and lives of citizens.

1. Open air burning of allowable materials is allowed in the unincorporated County. The only allowable material is wood waste which is defined as any product which has not lost its basic character as wood, such as bark, sawdust, chips and chemically untreated lumber whose “disposition” by open burning is to solely get rid of or destroy.
2. The open air burning of tires and other rubber products, vinyl shingles and siding, other plastics, asphalt shingles and other asphalt roofing materials, and/or asbestos containing materials is expressly prohibited, and such materials shall not be included in any open burning conducted under the provision.
3. In extreme fire hazard conditions, the Rutherford County Fire Chief, with the advice and consent of the County Mayor, may issue a Ban on Open Burning, prohibiting all open air burning and fire in unincorporated areas of Rutherford County, including the private use and display of fireworks in unincorporated areas of the County.

**Proposed Language:**

This section will be deleted in its entirety and marked “Reserved.”

**Appendix A. Definitions – Hazardous Occupancy**

**Current Language:**

Hazardous Occupancy: The use of a building or any part thereof, that involves the manufacture, use, or storage of highly combustible, flammable, or explosive materials or materials that constitute a high fire hazard and further defined as a type “H” occupancy in Chapter 3, Section 307, ICC International Building Code, 2006 Edition, and any subsequent amendments.

**Proposed Language:**

Hazardous Occupancy: The use of a building or any part thereof, that involves the manufacture, use, or storage of highly combustible, flammable, or explosive materials or materials that constitute a high fire hazard and further defined by the adopted building and fire codes for Rutherford County.