

Blount County

Planning and Development Services

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MEMORANDUM

TO: Blount County Board of Commissioners

FROM: Thomas A. Lloyd, AICP 
Director
Blount County Planning & Development Services

DATE: May 25, 2023

SUBJECT: Call for a public hearing on a draft resolution from Blount County Regional Planning Commission to add a new section to the zoning regulations, further defining and regulating cluster development.

Attachments

- (1) Draft Resolution
- (2) Report of action from 4/27/23
- (3) Resolution from Alcoa Regional Planning Commission (adopted 5/18/23)

Discussion: The County Commission recently adopted Resolution 23-05-014 which amended the Zoning Regulations by removing the definition of cluster development in Article 13 for a period of six (6) months, pending the development of new parameters and definitions for cluster development, and approval of the same by both of the Regional Planning Commissions. That Resolution also stipulates that the new cluster development regulations shall be brought back to the County Commission for public hearing and further action.

The Blount County Regional Planning Commission agrees that more specificity is needed within the Zoning Ordinance to define when and how cluster development will be applied, while acknowledging that such types of development are a possible means to achieve some balance between growth and preservation of open space in rural and suburban settings by clustering homes on a smaller proportion of land than a traditional subdivision while protecting the balance as common open space. Through several sessions, the Planning Commission drafted the proposed changes as contained in the attached resolution.

At their 4/27/2023 meeting, the Blount County Planning Commission considered this draft Resolution and voted 8-1 to forward the County Commission with a recommendation for approval.

At their 5/18/2023 meeting, the Alcoa Regional Planning Commission similarly considered and recommended for approval.

Amendments to the Zoning Regulations: Amendments to the Zoning Regulations require approval from the Legislative Body (County Commission), but also require a recommendation from the “Regional Planning Commission of the region in which the territory covered by the ordinance is located”. Since the Alcoa Regional Planning Commission’s region extends beyond the city’s corporate limits into area over which the County’s zoning is applicable, then review and recommendation will be required from both the Blount County and the Alcoa Regional Planning Commissions prior to consideration by the County Commission. As noted above, both Regional Planning Commissions have considered the proposed and have provided favorable recommendations. The County Commission must now call for and hold a public hearing with due notice prior to taking action on this amendment.

RESOLUTION No. 2023-xxx

Sponsored by Commissioners _____ and _____

A RESOLUTION TO AMEND THE ZONING RESOLUTION OF BLOUNT COUNTY, TENNESSEE BY MODIFYING ARTICLE 7 TO ADD A NEW SECTION WHICH FURTHER DEFINES AND REGULATES CLUSTER DEVELOPMENT.

BE IT RESOLVED, by the Board of Commissioners of Blount County Tennessee, in session assembled this _____ day of _____, 2023:

WHEREAS, the Legislature of the State of Tennessee has enabled Blount County to adopt and amend zoning regulations in Tennessee Code Annotated Section 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, the Blount County Regional Planning Commission has determined that a more specific definition and more specific parameters are needed within the Zoning Ordinance to define when and how cluster development will be applied; and

WHEREAS, the Blount County Regional Planning Commission has now, through work in several regular and called sessions, developed and refined the same; and

WHEREAS, the Blount County Regional Planning Commission met in regular session on April 27, 2023, and voted to recommend that the County Commission approve the following amendment to the zoning regulations; and

WHEREAS, the Alcoa Regional Planning Commission also met in regular session on _____, and voted to recommend that the County Commission _____ the following amendment to the zoning regulations; and

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

(Note: Additions are *italicized and underlined*. Deletions are ~~struck through~~.)

That Article 7 be amended by adding Section 7.20 as follows:

7.20 Cluster Development. *The purpose of these provisions for cluster development, also called open space development or conservation development, is to achieve balance between growth and preservation of open space in rural and suburban settings by clustering homes on a smaller*

proportion of land than a traditional subdivision. The additional land, which would normally be allocated to individual lots across the entire subdivision, becomes protected as common space.

Depending on the site, the common space may protect wetlands, floodways, steep-grade slopes, farmland, wildlife habitat, woodlands, archaeological, historic or cultural resources, or groundwater resources. Beyond achieving site-specific goals of open space preservation, cluster development attempts to connect open space areas from one development to the next, creating an interconnected network of farmland and conservation land. Where conventional development patterns may fragment open space into disconnected parcels, limiting the amount of suitable wildlife habitat and doing little to create a visual sense of contiguous open space, cluster development places dwellings in areas hidden from existing roads, in order to preserve view corridors and the countryside aesthetic.

Cluster Development is allowed in any district where a standard subdivision would be allowed, subject to review and approval by the Planning Commission. In this regard, the following shall apply:

A. The minimum size of a cluster development shall be ten (10) acres under unified ownership prior to development.

B. The density, lot size, and setback requirements of the district shall apply to any cluster development, provided that such requirements may be varied under the following conditions and limitations:

- (1) The overall density and/or lot yield of the development does not exceed that otherwise allowed within the district (Calculation. The maximum number of lots is determined by dividing the area of the tract of land, less any land encumbered by development hindrances, by the minimum lot size specified in the underlying zoning); and
- (2) No subdivided lot is less than one-half the minimum applicable lot size by use within the district; and
- (3) Building setbacks and dimensions shall be proportionally reduced from underlying zoning district standards in accordance with individual lot area. However, no dimension or setback of the subdivided lot may be less than one-half of the minimum dimension or setback otherwise prescribed for the lot; and
- (4) The building envelope with setbacks for each house is to be identified on the final plat of each phase prepared for development; and
- (5) Setbacks on the perimeter of the cluster development are maintained at the greater of district minimum or twenty (20) feet with no variation.

C. Open Space Requirements. For purposes of this section, open space shall:

- (1) Comprise a minimum of forty (40) percent of the gross project area; and

- (2) Be designated so that a minimum of twenty-five (25) percent of the proposed open space is contiguous and, where possible, adjoins open space or other protected areas outside the project area; and
- (3) Be designated so that, where possible, a majority of the lots directly abut open space to provide residents with direct views and access; and
- (4) Be accessible by safe and convenient pedestrian access from all adjoining lots (except in the case of farmland or other resources areas vulnerable to trampling damage or human disturbance); and
- (5) Be calculated as follows:
 - a. **Primary open space.** Primary open space is land set aside that is free of development hindrances and is otherwise suitable for inclusion in calculations toward lot area of a standard subdivision. For purposes of this section, the dedication of primary open space is credited at a 1:1 ratio toward calculation of the minimum open space requirement. For example, one (1) acre of otherwise developable land would count as one (1) acre toward the minimum forty (40) percent of the gross project acreage.
 - b. **Secondary open space.** Secondary open space is defined as any area otherwise hindered for development, including but not limited to, drainage easements and/or stormwater detention or retention areas, areas within a sink hole, floodplains, access easements, setbacks required from wells, setbacks required from water bodies, areas greater than thirty (30) percent slope, areas geologically constrained by rock outcrop, or any area deemed as a development hindrance in assessing lot area required for septic capability by the Director of the Blount County Environmental Department based upon field inspection. The dedication of secondary open space is credited at a 0.5:1 ratio toward calculation of the minimum requirement. For example, a one (1) acre stormwater pond would count as 0.5 acres toward the minimum forty (40) percent of the gross project acreage; and
- (6) Maintained in perpetuity by a property owners' association and be held in undivided shared ownership by the owners of each lot within the development in accordance with the provisions for such in the Blount County Subdivision Regulations.

D. Buffering requirements. Landscaped buffers shall be provided in accordance with this section to help shield adjacent properties from potential adverse external effects of the cluster development and, in turn, to help shield the cluster development from possible negative impacts of adjacent land uses. The preservation of existing vegetation shall be the highest priority before taking new plantings into consideration.

- (1) Cluster developments shall have constructed and maintained a buffer along the entire perimeter of the development to include evergreen species with an ultimate height of at least twelve (12) feet, a planted height of at least four (4) feet, and a depth of at least eight (8) feet. The buffer shall be, at a minimum,

forty (40) feet wide along rights of way (i.e. frontages) and twenty-five (25) feet wide along the side(s) and rear.

- (2) The buffer may also include elements such as walls, opaque fencing, landscaped earthen berms, other existing or planted vegetation, or any appropriate combination of these elements which will create the desired spatial separation between land uses.
- (3) Plantings shall be sufficiently close together to form an opaque screen within three (3) years after planting.
- (4) Streets, driveways, and utilities may cross the buffer, but should do so as nearly as practicable to perpendicular.
- (5) Buffers along existing or proposed county roads may be modified and/or restricted at the discretion of the Highway Superintendent to assure that there is no interference with any required site distances, no encroachment into any public rights of way, and/or to minimize the potential for ongoing public and/or utility maintenance difficulties.
- (6) This required buffer shall be calculated as primary open space pursuant to Section C.(5)a above and, as such, should be accessible by safe and convenient pedestrian access. To that end, buffers may include passive recreational amenities such as walking trails.
- (7) The owner of the property shall be responsible for protecting and maintaining new and existing buffer plantings in a healthy growing condition, for replacing them when necessary, and for keeping the area free of refuse and debris. The proposed methods for protection shall be reviewed and approved as part of the preconstruction process and shall be maintained until all site work is complete.
- (8) All buffers required as part of this section shall be owned and maintained consistent with Section C.(6) above.

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 Mayor

Date



Blount County Government Meeting Minutes - Draft Planning Commission

359 Court Street
Maryville, TN 37804-5906

Blount County Courthouse, Room 430
Thursday, April 27, 2023 5:30 PM

Live stream via <https://zoom.us/join>

Zoom Meeting Id:
879 3687 7995

*The following are not approved minutes, but only a report of action

[...]

XI. Unfinished Business:

Continued discussion of possible changes to cluster development standards.

A motion was made by Commissioner Bright, seconded by Commissioner Walker, to forward to the County Commission and the City of Alcoa changes to the cluster development standards with recommendation for approval. An electronic vote was taken. The Chairman declared the motion to have passed by the following vote:

Yes: 8 - Bledsoe, Bright, Giles, Hodge, Stucky, Tipton, Walker, Wells

No: 1 - McClellan

Abstain: 0

A RESOLUTION RECOMMENDING, TO THE BLOUNT COUNTY COMMISSION, APPROVAL OF AN AMENDMENT TO THE BLOUNT COUNTY ZONING RESOLUTION (ARTICLE 7, SECTION 7.20, CLUSTER DEVELOPMENT)

WHEREAS, the Alcoa Municipal/Regional Planning Commission did meet in regular session on May 18, 2023, in accordance with the provisions of TCA Section 13-7-104, certifying that the regional planning commission, the Alcoa Municipal/Regional Planning Commission, did first approve, disapprove, or suggest to the county legislative body any change or departure from its zoning regulations, text or maps;

WHEREAS, such regulations are to be designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the state and of its counties; and,

WHEREAS, such regulations (and any amendments thereto) are not to be designed and enacted to encumber the City of Alcoa's growth within its Planning Region and Urban Growth Boundary, as part of the carrying out of the City's Future Land Use Plan/Map and Subdivision Regulations.

NOW, THEREFORE, BE IT RESOLVED by the Alcoa Municipal/Regional Planning Commission that the planning commission recommends:

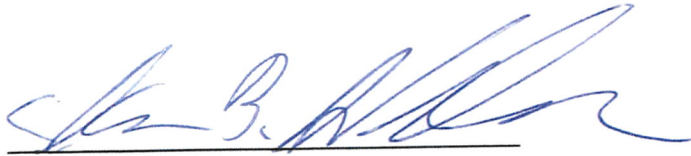
SECTION 1. That the Blount County Zoning Regulations be amended pursuant to the language contained in Exhibit A, being an amendment to Article 7, Section 7.20, Cluster Development, defining and regulating cluster development, with exception as per SECTION 2 below;

SECTION 2. That the Alcoa Municipal/Regional Planning Commission does not support Cluster Developments in areas where sanitary sewer is not available;

SECTION 3. That the Alcoa Municipal/Regional Planning Commission, as also previously recommended by PC Resolutions 2022-21, 2023-06, 2023-13, 2023-23, adopted May 19, 2022, September 15, 2023, January 19, 2023 and March 16, 2023, continues to recommend that the Blount County Planning Commission study best practices for successfully developing cluster subdivisions and planned unit developments for consideration of any recommended amendments to existing provisions, in addition also to the further study of appropriate lot sizes and densities for both Suburbanizing and Rural 1 Districts, and once completed put forth recommendations to the Blount County Commission for the adoption of an amended version, where applicable, as such developments, in the case of cluster subdivisions and planned unit developments (if correctly executed) do take a comprehensive approach to land development and provide an opportunity for greater diversity of housing types and price ranges, open space preservation, and recreational amenities, with increased lot sizes and reduced densities felt to have the potential of being a negative contributor to sprawl, and;

SECTION 4. That the Secretary of the Alcoa Municipal/Regional Planning Commission certifies a copy of this resolution to the Blount County Commission.

ADOPTED this 18th day of May, 2023.



Chairman, Alcoa Municipal/Regional
Planning Commission

ATTEST:



Secretary, Alcoa Municipal/Regional
Planning Commission