

**RESOLUTION No. 23-08-018**

**Sponsored by Commissioners David Wells and Nick Bright**

**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 17<sup>th</sup> day of August 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 March 16, 2023, and voted to recommend that the County Commission approve 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**