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M E M O R A N D U M

TO: GAYE HASTY
MIKE AKARD
NICK BRIGHT

FROM: CRAIG L. GARRETT

DATE: AUGUST 1, 2022

RE: PROPOSED RESOLUTIONS AMENDING ZONING ORDINANCE

I have received from Gaye – two resolutions seeking to amend the Blount County Zoning Ordinance. The two draft resolutions that I received were identical, with the only difference being that one applied to lots on sewer and the other applied to lots on septic. Both resolutions, however, purported to reduce the lot sizes to $\frac{3}{4}$ of an acre. I was asked to insert the specific language that would need to go into the resolution to make the specific changes to the Zoning Ordinance.

The title to both resolutions was as follows: “A RESOLUTION TO AMEND THE ZONING REGULATIONS FOR R1 AND R2 ZONING DISTRICTS OF BLOUNT COUNTY, TENNESSEE”.

In reviewing the matter, discussing it with Gaye and reviewing some emails, it appears that the actual intent of the resolution sponsors is not to make zoning amendments for R1 and R2, but to make these amendments for the Suburbanizing and R1 districts. It is my understanding that the R2 zoning district already has a minimum lot requirement of 5 acres. Based on your request, I have reviewed the matter and the applicable law. I have also discussed the matter with Thomas Lloyd. Based on the above, I think it is possible to make minimum lot sizes $\frac{3}{4}$ of an acre in R1 and $\frac{3}{4}$ of an acre in Suburbanizing if it is on septic. The largest lot size that we can require in Suburbanizing on public sewer is $\frac{2}{3}$ of an acre. This is because our Zoning Ordinance has to be consistent with our long-term land plan which was adopted pursuant to statute. State law and specifically, T.C.A. § 13-3-304(b) requires our Zoning Ordinance and our Subdivision Regulations to be consistent with the long-term plan. Under our long-term plan and the density requirements set forth therein, the smallest minimum lot size that we can impose in the Suburbanizing District for land on sewer is $\frac{2}{3}$ of an acre, rather than $\frac{3}{4}$ of an acre.

Based on the above, I have prepared a resolution that would implement these changes and require a minimum lot size of $\frac{2}{3}$ of an acre in the Suburbanizing district which is on sewer. The amendments will require $\frac{3}{4}$ of an acre lot size in suburbanizing that is on septic and will require a $\frac{3}{4}$ acre minimum lot size in all of R1.

I am aware that some proposed resolution to reduce lot size to $\frac{3}{4}$ of an acre was sent to the Blount County Regional Planning Commission for review and was returned with no recommendation. What I am not sure about is if the resolution that was sent to the Planning Commission addressed changes to the Zoning Ordinance in R1 and R2 as the resolution sent to me by Gaye stated or if it actually was sent to the Planning Commission seeking modification in the Suburbanizing and R1 districts.

To make sure that we comply with statute, I recommend sending this resolution back to the Planning Commission for their review as required by statute. This will not cause any unnecessary delay because this resolution also has to be sent to Alcoa's Planning Commission because Alcoa's Planning Commission is also a Regional Planning Commission pursuant to state law and any proposed amendments to the Zoning Ordinance has to be sent to all Regional Planning Commissions. To my knowledge, these proposed resolutions have not been sent to the Alcoa Planning Commission. Since this resolution is going to have to be sent to the Alcoa Planning Commission anyway, I recommend sending it back to the Blount County Planning Commission as well so there will be no confusion as to what the Blount County Planning Commission actually reviewed.

I have forwarded this resolution to Thomas Lloyd to make sure he agrees with my language, but I have not yet heard back from him.