

Blount County

Planning and Development Services

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MEMORANDUM

TO: Blount County Planning Commission

FROM: Thomas A. Lloyd, AICP 

DATE: December 5, 2022

SUBJECT: Review and Discussion of County Commission Resolution 22-11-016 amending lot sizes in the S and R1 Districts

Discussion:

- Resolution 22-11-016 (*Table C below*) proposes amending minimum lot sizes in the S and R1 Districts of the Zoning Regulations. While largely similar to Resolution 22-10-013 (*Table B below*; considered by the Planning Commission on August 25, 2022 and forwarded to County Commission with a recommendation to disapprove), this Resolution differs in that the proposed minimum lot size in the Suburbanizing District is now 0.5 acres for lots served by public sewer rather than 0.67 acres as in the previous version. As with the previous resolution, this one does not eliminate provisions for cluster subdivisions or planned unit developments.

A. Current lot sizes/densities per Zoning Regulations:

District	Min. Lot Size (Sewer)	Min Lot Size (Septic)	Max Density/Acre (PUD/multifamily)
S (§9.1)	7,000 SF* (0.16 acres)	30,000 SF (0.69 acres)	6.2 (except 13 for HD multi per 9.2I)
R-1 (§9.2)	23,000 SF (0.53 acres)	30,000 SF (0.69 acres)	1.2
R-2	5 Acres	5 acres	0.2

**note that the current applied minimum lot size is 7,500 SF as established in the Subdivision Regulations, although Zoning has 7,000 SF*

B. Proposed lot sizes/densities in Resolution 22-10-013 (failed @ CC on 10/20/2022):

District	Min. Lot Size (Sewer)	Min Lot Size (Septic)	Max Density/Acre (PUD/multifamily)
S (§9.1)	29,185 SF (0.67 acres)	32,670 SF (0.75 acres)	6.2 (except 13 for HD multi per 9.2I)
R-1 (§9.2)	32,670 SF (0.75 acres)	32,670 SF (0.75 acres)	1.2
R-2	5 Acres	5 acres	0.2

C. Proposed lot sizes/densities in this Resolution 22-11-016:

District	Min. Lot Size (Sewer)	Min Lot Size (Septic)	Max Density/Acre (PUD/multifamily)
S (§9.1)	21,780 SF (0.5 acres)	32,670 SF (0.75 acres)	6.2 (except 13 for HD multi per 9.2I)
R-1 (§9.2)	32,670 SF (0.75 acres)	32,670 SF (0.75 acres)	1.2
R-2	5 Acres	5 acres	0.2

Difference between 22-10-013 and 22-11-016 in **red above*

- The Land Use Plan refers to residential uses served by sewer in the Suburbanizing District as “high density”, specifically calling for densities of 1.5 units per acre or greater. As such, the smallest minimum lot size in Suburbanizing served by sewer that would still be consistent with the Land Use Plan would be 2/3 acre (29,185 SF). The Land Use Plan does not specify a differential between sewer and septic densities in the R-1 District. Currently, the minimum lot size for R-1 lots served by sewer is 23,000 SF (roughly ½ acre).
- Maximum densities per acre for the districts are unchanged in the proposed Resolution. These densities would apply only to uses “other than one unit per lot or planned unit development”. In other words, townhomes, apartments, etc., but not single family. Anything greater than two units per lot is considered multifamily and would require approval of a special exception by the BZA.
- Subdivisions considered after the effective date of any changes to minimum lot size would be subject to the new standard. If there is a conflict between zoning and the subdivision regulations, then the more restrictive of the two would apply. Even so, it would be best practice to amend the Subdivision Regulations accordingly should the County Commission adopt these changes to the Zoning Regulations.

Where there is a discrepancy between minimum standards or dimensions noted herein and those contained in Zoning Resolution of Blount County, Tennessee or the Floodplain Zoning Resolution of Blount County, Tennessee, the more stringent standard shall apply (Subdivision Regulations, 6.06).

In the event that a division of land is involved in the development of such land, then the Subdivision Regulations of the regional planning commission having jurisdiction shall also be applicable to the development of that land, provided that such subdivision of land shall also conform with applicable regulations and provisions in this Resolution. In the event that other regulations of Blount County or the State of Tennessee apply to the development or use of land, the development or use of such land shall also be subject to those regulations, and nothing in this Resolution shall be construed to limit the application and enforcement of higher or more stringent standards contained in other such regulations (Zoning Regulations, 7.1).

- As proposed, cluster subdivisions could still be considered by the Planning Commission. Cluster subdivisions are not Planned Unit Developments, and would not be eligible for the same maximum densities as mentioned above. Instead, utilizing the maximum 50% lot size reduction currently available in the cluster subdivision regulations, the smallest possible lot size that could be approved by the Planning Commission in the Suburbanizing District would be 0.25 acres (10,890 SF) in a cluster subdivision served by sewer. In the R-1 District, it would be 0.375 acres (16,335 SF) in a cluster subdivision with sewer. Under the current regulations, they can be

approved as small as 3,750 SF (7,500/2) in the S district and 11,500 SF (23,000/2) in the R-1 District.

- Increases to the minimum lot sizes within the Zoning and/or the Subdivision Regulations will create nonconforming or “grandfathered” lots. This will likely result in an increased number of variance requests to the planning commission in the future when/if such lots are replatted since substandard lots cannot be approved by staff.

RESOLUTION NO. 22-11-016

Sponsored by Commissioners Mike Akard, Nick Bright, Misty Davis and Jessica Hannah

**A RESOLUTION TO AMEND THE ZONING REGULATIONS FOR
SUBURBANIZING AND R1 ZONING DISTRICTS OF BLOUNT COUNTY,
TENNESSEE**

BE IT RESOLVED, by the Board of Commissioners of Blount County, Tennessee, assembled in regular session this 17th day of November 2022:

WHEREAS, the Legislature of the State of Tennessee has enabled Blount County to adopt and amend zoning regulations per Tennessee Code Annotated Section 13-7-101, *et seq.*; and

WHEREAS, the Board of Commissioners of Blount County, Tennessee, adopted zoning regulations in Resolution No. 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, occasional amendments to the Zoning Regulations are necessary to resolve conflicts within and between previously adopted regulations; and

WHEREAS, amendments to the Zoning Regulations provide technical corrections as necessary; and

WHEREAS, such amendments serve to provide additional clarity for staff and the development community; and

WHEREAS, such amendments are necessary to reduce or eliminate the need for further legal interpretation relative to these topics; and

WHEREAS, according to TCA 13-7-105 (a) “The county legislative body may, from time to time, amend the number, shape, boundary, area or any regulation of or within any district or districts or any other provision of any zoning ordinance; but any such amendment shall not be made or become effective unless the same be first submitted for approval, disapproval or suggestions to the regional planning commission of the region in which the territory covered by the ordinance is located, and, if such regional planning commission disapproves within thirty (30) days after such submission, such amendment shall require the favorable vote of a majority of the entire membership of the county legislative body.”; and

WHEREAS, according to TCA 13-7-105 (b) “Prior to adopting an amendment as authorized under subsection (a), the county legislative body shall hold a public hearing on the amendment, with at least fifteen (15) days' notice of the time and place to be given by at least one (1) publication in a newspaper of general circulation in the county. A complete summary of the amendment shall be published at least once in the official newspaper of the county or in a newspaper of general circulation in the county. The summary shall include a statement that a complete copy of the amendment is available and where the copy may be obtained. If the zoning ordinance rezones property, a description of the property that is rezoned shall be included in the summary.”; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Blount County, Tennessee, that Blount County's Zoning Ordinance shall be amended as follows:

1) Section 9.1.F shall be removed in its entirety, and its place the following shall be inserted:

F. Minimum Lot Size and Density: unless otherwise explicitly required in subsections above, the minimum lot size per unit for development shall be 32,670 square feet (.75 acres) if septic tank and field line is utilized or 21,780 square feet (.50 acres) if public utility sewer is utilized. For other than one unit per lot, or for planned unit development, the density shall be no greater than 1.2 units per gross acre if septic tank and field line is utilized or 6.2 units per gross acre if public sewer utility is utilized, provided that for high density multi-family planned development the maximum density shall be 13 units per acre. (See also subsection I below.)

2) Section 9.2.F shall be removed in its entirety, and its place the following shall be inserted:

F. Minimum Lot Size and Density: Whether on individual septic system or on public utility sewer, unless otherwise explicitly required in subsections above, the minimum lot size per unit for development shall be 32,670 square feet (.75 acres). For other than one unit per lot, or for planned unit development, the density shall be no greater than 1.2 residential units per gross acre.

BE IT FURTHER RESOLVED that based upon these amendments to the Zoning Regulations, the Regional Planning Commission will be responsible for modifying Subdivision Regulations to make the same compatible with the above amendments with the Zoning Regulations.

BE IT FURTHER RESOLVED THAT THIS RESOLUTION SHALL BE IN FORCE AND BECOME EFFECTIVE UPON ITS ADOPTION, THE PUBLIC WELFARE REQUIRING IT.

Duly authorized and approved this 17th day of November 2022.

CERTIFICATION OF ACTION

ATTEST

Commission Chairman

County Clerk

Approved: _____

Vetoed: _____

County Mayor

Date