

TITLE 14

ZONING AND LAND USE CONTROL

CHAPTER

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CHAPTER 1

REGIONAL/MUNICIPAL PLANNING COMMISSION

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14-101. Purpose. For the purpose to guide and accomplish a coordinated and harmonious development of the city which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity, and for the general welfare as well as efficiency and economy in the process of development, there is hereby created and established a municipal planning commission as authorized by the charter of the city and the state law. (1971 – Code, Sec. 11-101)

14-102. Creation and membership. Pursuant to the provisions of Tennessee Code Annotated, Sec. 13-4-101 there is hereby created municipal planning commission, hereinafter referred to as the planning commission. The planning commission shall consist of five (5) members; two (2) of these shall be the mayor and another member of the board of mayor and aldermen selected by the board of mayor and aldermen; the other three (3) members shall be appointed by the mayor. All members of the planning commission shall serve as such without compensation. Except for the initial appointments, the terms of the three (3) members appointed by the mayor shall be for three (3) years each. The three (3) members first appointed shall be appointed for terms of one (1), two (2), and three (3) years respectively so that the term of one (1) member expires each year. The terms of the mayor and the member selected by the board of mayor and aldermen shall run concurrently with their terms of office. Any vacancy in an appointive membership shall be filled for the unexpired term of the mayor, who shall also have the authority to remove any appointive member at his will and pleasure. (Ord. No. 280, Sec. 2 as amended by Ord. No. 503)

14-103. Organization and fiscal policy. The planning commission shall elect its chairman and secretary. The terms of the chairman and secretary shall be one year with eligibility for reelection. The planning commission shall adopt rules for the transaction, findings and determinations. The planning commission may appoint such other employees and staff as it may deem necessary for its work and make contracts with such engineers, planners, or other consultants for such service as it may require. The expenditures of the planning commission, exclusive of gifts, shall be within the amounts appropriated for such purposes by the board of commissioners. (1971 Code, Sec. 11-103)

14-104. Powers, duties, and responsibilities. When the planning commission has been duly appointed they shall take an oath as prescribed by the charter of the city, applicable to all other officials of the city, and when they have organized, as herein provided and adopted their rules of procedure, then said planning commission shall have all powers, duties, and responsibilities as set forth in the charter of the city and the state law, heretofore enacted, providing for regional/municipal planning as may be authorized by the State of Tennessee. The planning commission has the authority to set forth special requirements, including but not limited to, such items as screening/buffering, landscaping, signage, access, circulation and other requirements of a similar nature, to bring a site into conformity with neighboring land uses.

Further, the planning commission has been designated the design review committee. As such, the planning commission has been granted the authority to set forth minimum standards guiding the exterior building appearance of all uses except for single-family detached, including any entrances to developments of the same, with an exemption for all uses within industrial or mixed industrial zones, as well as those for the principle purpose of conducting agricultural and livestock activities. (1971 Code, Sec. 11-104, as amended by Ord. #14-323, Jan. 2014 and #15-355, Sept. 2015)

14-105. Effect of master plan. From and after the time when the planning commission shall have adopted a master plan which includes at least a major street plan or shall have progressed in its master planning to the stage of the making and adoption of a major street plan, and shall have filed a certified copy of such major street plan in the office of the Register of Blount County, no plat of a subdivision of land lying within the municipality shall be filed or recorded until it shall have been submitted to and approved by the said planning commission and such approval entered in writing on the plat by the secretary of the commission.

No Blount County register shall file or record a plat of a subdivision of land within the municipality without the approval of the planning commission as required by this chapter, and any county register so doing shall be deemed guilty of a misdemeanor. (1971 Code, Sec. 11-105,)

14-106. Subdivision regulations. In exercising the powers granted to it by this chapter, the planning commission shall adopt regulations governing the subdivision of land within the municipality¹. Such regulations may provide for the harmonious development of the municipality and its environs, for the coordination of streets within subdivisions with other existing or planned streets or with the plan of the municipality or of the region in which the municipality is located, for adequate open spaces for traffic, recreation, light, and air, and for a distribution of population and traffic which will tend to create conditions favor

¹The Board of Commissioners by Ordinance No. 495 on February 27, 1964 adopted "Subdivision Standards for the Alcoa, Tennessee Planning Region." This ordinance has not been included in this compilation, but has been published separately by the City of Alcoa and is of record in the city recorder's office.

able to health, safety, convenience and prosperity.

Such regulations may include requirements of the extent to which and the manner in which streets shall be graded and improved and water, sewer and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the planning commission may provide for the tentative approval of the plat previous to such improvements and installation; but any such tentative approval shall not be entered on the plat. Such regulations may provide that, in lieu of the completion of such work previous to the final approval of a plat, the commission may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the municipality the actual construction and installation of such improvements and utilities within a period specified by the planning commission and expressed in the bonds; and the municipality is hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies. Such regulations may provide, in lieu of the completion of such work previous to the final approval of a plat, for an assessment or other method whereby the municipality is put in assured position to do said work and make said installations at the cost of the owners of the property within the subdivision.

Before adoption of its subdivision regulations or any amendment thereof, a public hearing thereon shall be held by the planning commission. (Ord. No. 280, Sec. 6)

14-107. Approval or disapproval of subdivision plats. The planning commission shall approve or disapprove a plat within thirty (30) days after the submission thereof; otherwise such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the planning commission on demand; provided, however, that the applicant for the planning commission's approval may waive this requirement and consent to the extension of such period. The ground of disapproval of any plat shall be stated upon the records of the planning commission. Any plat submitted to the planning commission shall contain the name and address of a person to whom notice of hearing shall be sent; and no plat shall be acted upon by the planning commission without affording a hearing thereon, notice of the time and place of which shall be sent by mail to said address not less than five (5) days before the date fixed therefor. (Ord. No. 280, Sec. 7)

14-108. Dedication of property. The approval of a plat shall not be deemed to constitute or effect an acceptance by the municipality, county or public of the dedication of any street or other ground shown upon the plat. (Ord. No. 280 Sec. 8)

14-109. Unlawful transactions involving subdivision plats. Whoever, being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the municipal planning commission and obtained its approval as required by this chapter and before such plat be recorded in the office of the county register, shall be deemed guilty of a misdemeanor. The municipality, through its attorney or other official designated by the Board of Commissioners may enjoin such transfer or sale or agreement by action for injunction. (Ord. No. 280, Sec. 9)

14-110. Restrictions on public improvements. From and after the time when the platting jurisdiction of the planning commission shall have attached as provided in Section 14-105, the municipality shall not nor shall any public authority accept, lay out, open, improve, grade, pave or light any street or lay or authorize water mains or sewers or connections to be laid in any street within the municipality, unless such street shall have been accepted or opened as or shall have otherwise received the legal status of a public street prior to the said attachment of the planning commission's subdivision jurisdiction, or unless such street correspond in its location and lines with a street shown on a subdivision

plat approved by said planning commission or with a street plat made by and adopted by said planning commission; provided, however, that the board of commissioners may locate and construct or may accept any other street, provided, the ordinance or other measure of such location and construction or for such acceptance be first submitted to said planning commission for its approval, and, if disapproved by the planning commission be passed by a majority of the entire membership of said board of commissioners; and a street approved by the planning commission upon such submission or constructed or accepted by said majority vote after disapproval by the planning commission shall have the status of an approved street as fully as though it had been originally shown on a subdivision plat approved by the planning commission or on a plat made and adopted by the planning commission. (Ord. No. 280, Sec. 10)

14-111. Approval or disapproval of site plans. Site plans shall be required for all new developments, and/or redevelopments of all non single-family uses to ensure compliance with all city requirements. Such plans shall be approved by the planning commission prior to any land disturbance or the issuance of a grading or building permit. Pursuant to authority granted by *Tennessee Code Annotated*, § 13-3-413, site plans for any public use including, but not limited to, schools, parks, streets, public buildings and utilities shall be prepared in accordance with the provisions of this ordinance. Site plans shall expire one (1) year after planning commission approval if a grading permit has not been issued. If a building permit is not issued within one (1) year of grading permit issuance, the grading permit shall be rescinded. If a building permit or grading permit expires or is rescinded, the site plan shall also expire. Once the site plan has been implemented, the site shall remain in compliance with the approved site plan. Any variation from the approved site plan shall require the approval of an amendment to the site plan. All site plans shall be prepared and certified by a licensed engineer, landscape architect, architect and/or surveyor, as may be appropriate, and in accordance with state law regarding the practice of these professions. (As added by Ord. #14-323, Jan. 2014)

14-112. Approval or disapproval of exterior building design plans. Before a building permit may be issued the planning commission (designated as the design review commission) shall review and either approve or disapprove exterior building elevations in compliance with minimum design standards. These standards established within the *Zoning Ordinance* apply to design of principal buildings and accessory structures constructed on all properties except for single-family detached, including any entrances to developments of the same, with an exemption for all uses within industrial or mixed industrial zones, as well as those for the principle purpose of conducting agricultural and livestock activities;

14-113. Establishment of vested property rights.
 (1) The following list details the specified types of approvals, which establishes a vested property right, as set forth in *Tennessee Code Annotated*, Sections 13-3-413 and 13-4-310:

- a. Approval of a development plan for a preliminary or final subdivision plat that satisfies overall subdivision requirements and development standards, which may include additional provisions for planned unit developments or other similar zoning districts;
- b. Approval of a development plan for a single site that satisfies overall site plan requirements and development standards, which may include additional provisions for planned unit developments or other similar zoning districts;
- c. Approval of a development plan for a special exception that may be granted by the Alcoa Board of Zoning Appeals; and,

d. Where there is no need for prior approval of a development plan, a vested right shall be established upon issuance of a building permit.

(2) During the vesting period, the locally adopted development standards which are in effect on the date of an approval shall remain the development standards applicable to that property during the vesting period as follows:

| Type of Project | Effective Vesting Date | Vesting Period | Total Vesting Period to Maintain Vesting Rights | Required Actions |
|--|--|---|---|---|
| Building permit (no development plan required) | Date of issuance of building permit | Period authorized by the building permit | Period authorized by the building permit | Complete construction within period authorized by the building permit |
| Development plan: | | | | |
| Development plan (Site preparation) | Date of issuance, upon meeting all city requirements and by stamped approval on plan | 3 years | 3 years | Obtain approval of a development plan; secure permits; and, commence site preparation |
| Development plan (Construction) | 3 years from the approval date | 2 years | 5 years | Commence construction and maintain permits |
| | 5 years from the approval date | 5 years | 10 years | Complete construction and maintain permits |
| Multi-phase (2 or more sections or phases) | Date of issuance from the initial approval date | Separate vesting period for each phase or section | 15 years | Complete construction for each section or phase and maintain permits |

Please note that plans may be subject to review and approval by the Alcoa Board of Zoning Appeals or the Alcoa Board of Commissioners. (As added by Ord. #15-351, June 2015)

14-114. Restrictions on building permits and building construction.

From and after the time when the platting jurisdiction planning commission shall have attached as provided in Section 14-105, no building permit shall be issued for or no building shall be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as or shall have otherwise received the legal status of a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by said planning commission or on a street plat made and adopted by said planning commission, or with a street located or accepted by the board of commissioners after submission to said planning commission and, in case of said planning commission's disapproval, by the favorable vote required in Section 14-110. Any building erected or to be erected in violation of this section shall be deemed an unlawful structure, and the building

inspector or attorney of the municipality or other official designated by the board of commissioners may bring action to enjoin such erection or cause it to be vacated or removed. (Ord. No. 280, Sec. 11)

14-115. Definitions. For the purpose of this chapter, certain terms and words are herein defined as follows:

(1) "Applicant" means the owner of land proposed to be developed and/or subdivided or their representative(s) who shall have express written authority to act on behalf of the owner. Consent shall be required from the legal owner of the premises.

(2) "Concept plan" means a generalized plan indicating the property boundaries for development of a subdivision or single site and identifies proposed land use, land use intensity and thoroughfare alignment, and other necessary features, to reach a general agreement with the planning commission as to the form of the plan and the objectives of subdivision and/or site plan development regulations, prior to review and approval of a development plan.

(3) "Development plan" means a plan for the development of a subdivision or single site describing with reasonable certainty the legal boundaries, existing conditions (to include significant topological features), type, proposed layout and intensity of use, as well as the detailed development design for commencing site preparation and construction built to meet all locally adopted and enforced subdivision and site plan requirements and development standards. Such plan may be in the form of, but not limited to:

- a. a subdivision plat that includes on and/or off-site civil engineering design and utility infrastructure;
- b. a site plan that includes on and/or off-site civil engineering design and utility infrastructure;
- c. a planned unit development, or other similar zoning district, that includes on and/or off-site civil engineering design and utility infrastructure; and,
- d. any other land-use approval that may require review and approval by the Alcoa Board of Zoning Appeals or Alcoa Board of Commissioners.

An approval shall be issued for such a plan, upon meeting all city requirements and by stamped approval on the plan. A plan that fails to describe with reasonable certainty the use and detailed development design of a property shall not be issued an approval.

(4) "Development standards" means all locally adopted or enforced standards, regulations or guidelines applicable to the development of property, including, but not limited to, planning (zoning and land use controls and subdivision requirements for improvements related to the layout and building configuration, vehicular and pedestrian circulation, landscaping and any other similar on/off-site improvements); detailed civil and electrical engineering design (storm water management, on/off-site layout and roadway improvements and all related public and/or private utility infrastructure); and, buildings and other similar structures, in which an applicant may require vested rights or vested property rights. Standards required by federal or state law, or building construction safety codes, are not included.

(5) "Single site" means the development of a single tract, parcel or lot, irrespective of subdivision development.

(6) "Street" or "streets" means and includes streets, avenues, boulevards, roads, lanes, alleys and other ways;

(7) "Subdivision" means the division of a tract or parcel of land into one, two or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale or building development, and includes re-subdivision and when appropriate to the context, relates to the process of subdividing or the land or area subdivided. (Ord. No. 280, Sec. 12, as amended by Ord. #15-351, June 2015)

14-116. Violations. Violations of conditions, restrictions/limitations or special exceptions, as set forth by the planning commission and upon conviction from the Alcoa Municipal Court, shall be fined fifty (\$50.00) dollars for each offense, plus court costs and expenses. Each day such violation continues shall constitute a separate offense. (As added by Ord. #14-323, Jan. 2014)