

**SUB-CHAPTER 2.4**  
**PLANNED RESIDENTIAL UNIT DEVELOPMENT "C-1" REGULATIONS**

**SECTION**

- 14-2.401. Scope.
- 14-2.402. Uses permitted.
- 14-2.403. Building height, density and area requirements.
- 14-2.404. Other requirements.
- 14-2.405. Common open space.
- 14-2.406. Procedure after approval.

**14-2.401. Scope.** The regulations established in this section are intended to provide optional methods of land development which encourage and permit more imaginative solutions to site, environmental and community design problems. Residential areas thus established are characterized by unified building and site development. Provision is made for usable open space, landscaped and developed recreational facilities which are integrated with the overall development through landscape and architectural treatment. Limited, unadvertised commercial facilities may be permitted when they are clearly supportive and incidental to the residential development. The regulations contained in this chapter are designed for the development of an area of land as a single entity for a number of dwelling units or a number of uses but according to a plan which does not necessarily correspond in lot size, bulk or type of dwelling, density, lot coverage or required open space to the regulations otherwise required by Title 14 of this Code. (as added by Ord. No. 773, Sec. 2)

**14-2.402. Uses permitted.** Within a Planned Development C-1 Residential district as shown on the Zone Map of the City of Alcoa, the following uses are permitted:

- (1) Single family attached and detached dwellings.
- (2) Two family dwellings.
- (3) Multiple family dwellings.
- (4) Churches.
- (5) Public or private non-profit elementary and secondary schools.
- (6) Colleges and dormitories or other group housing associated therewith.
- (7) Public libraries, museums.
- (8) Public or private non-profit swimming pools, community buildings, recreational facilities and areas.
- (9) Limited and supportive commercial facilities such as beauty shop, barber shop, pharmacy, coffee shop, launderette, dry cleaning pick-up and similar facilities and services established solely for the convenience of the occupants of the Planned Development, with signage as regulated by Chapter 4 of Title 14, of the Alcoa Municipal Code.

**14-2.403. Building Height, Density and Area Requirements.** Building height, dwelling unit density, unit and other area requirements shall be shown in the following land use intensity (LUI) tables, definitions and formulas:

(1) Tables

TABLE #1

**LAND USE INTENSITY RANGES FOR VARIOUS BUILDING TYPES**

<b>BUILDING TYPE</b>	<b>RANGE OF LAND USE INTENSITY</b>
<u>Detached Single Family Types</u>	
1 - Story	From LUI 3.0 to LUI 3.9
2 - Story	From LUI 3.0 to LUI 4.7
3 - Story	From LUI 3.0 to LUI 5.4
<u>Apartments/Townhouses/Condominiums</u>	
Low:	
1 - Story	From LUI 3.7 to LUI 5.2
2 - Story	From LUI 4.4 to LUI 5.5
3 - Story	From LUI 4.9 to LUI 6.0
4 - Story	From LUI 5.2 to LUI 6.5
High:	
4 - Story	From LUI 5.9 to LUI 6.9
5 - Story	From LUI 6.1 to LUI 7.0
6 - Story	From LUI 6.2 to LUI 7.1
8 - Story	From LUI 6.4 to LUI 7.3
10 - Story	From LUI 6.5 to LUI 7.4
12 - Story	From LUI 6.6 to LUI 7.6
18 - Story	From LUI 6.7 to LUI 7.8
24 - Story (+)	From LUI 6.9 to LUI 8.0

TABLE #2

**DETACHED DWELLING LAND USE INTENSITY NUMBERS**

<b>Net Living Unit Size</b>	<b>Number of Living Units Per Gross Acre</b>										
	<b>0-4</b>	<b>5</b>	<b>6</b>	<b>8</b>	<b>10</b>	<b>12</b>	<b>14</b>	<b>16</b>	<b>18</b>	<b>20</b>	<b>25</b>
600 sq. ft.	--	--	--	3.2	3.5	3.8	4.0	4.2	4.4	4.5	4.8
700 sq. ft.	--	--	3.0	3.4	3.7	4.0	4.2	4.4	4.6	4.7	5.1
800 sq. ft.	--	3.0	3.2	3.6	3.9	4.2	4.4	4.6	4.8	4.5	5.3
900 sq. ft.	--	3.1	3.4	3.8	4.1	4.4	4.6	4.8	4.9	5.1	5.4
1000 sq. ft.	3.0	3.2	3.5	3.9	4.2	4.5	4.7	4.9	5.1	5.3	--
1100 sq. ft.	3.1	3.4	3.6	4.1	4.4	4.7	4.9	5.1	5.2	5.4	--
1200 sq. ft.	3.2	3.5	3.8	4.2	4.5	4.8	5.0	5.2	5.4	--	--
1300 sq. ft.	3.3	3.6	3.9	4.3	4.6	4.9	5.1	5.3	--	--	--
1400 sq. ft.	3.4	3.7	4.0	4.4	4.7	5.0	5.2	5.4	--	--	--
1500 sq. ft.	3.5	3.8	4.1	4.5	4.8	5.1	5.3	--	--	--	--
1600 sq. ft.	3.6	3.9	4.2	4.6	4.9	5.2	5.4	--	--	--	--
1700 sq. ft.	3.7	4.0	4.3	4.7	5.0	5.3	--	--	--	--	--
1800 sq. ft.	3.8	4.1	4.4	4.8	5.1	5.4	--	--	--	--	--
1900 sq. ft.	3.9	4.2	4.4	4.9	5.2	5.4	--	--	--	--	--
2000 sq. ft. +	3.9	4.2	4.5	4.9	5.3	--	--	--	--	--	--

Example: To find the LUI number for a development contemplating living units of approximately 1200 sq. ft. and a desired density of 6 living units per gross acre, follow the horizontal line from 1200 to its intersection with the vertical line below 6, to determine a LUI of 3.8. For combinations of living unit size and number per acre not shown on tables for Detached Dwellings, or Apartments/Townhouses/Condominiums Land Use Intensity Numbers, LUI numbers can be calculated as described under Land Use Intensity Number. Allowance for common space can be calculated as described under Adjusted Floor Area for Low Apartments/Townhouses/Condominiums or Adjusted Floor Area for High Apartments/Townhouses/Condominiums. If exact figures for percentage of common space are available they can be substituted for the 11% or 20% averages shown here.

**Adjusted Floor Area for Low Rise Apartments/Townhouses/Condominiums**

The floor area (FA) for individual low apartment units should be increased by 11% before computing the floor area ratio (FAR), to allow approximately 10% of the total floor area for common use halls, stairways, etc.

TABLE #3

**APARTMENTS/TOWNHOUSES/CONDOMINIUMS (LOW)**  
**LAND USE INTENSITY NUMBERS**

<b>Net Living Unit Size*</b>	<b>Number of Living Units Per Gross Acre</b>										
	<b>10</b>	<b>12</b>	<b>14</b>	<b>16</b>	<b>20</b>	<b>25</b>	<b>30</b>	<b>40</b>	<b>50</b>	<b>60</b>	<b>80</b>
400 sq. ft.	--	--	3.6	3.8	4.1	4.4	4.7	5.1	5.4	5.7	6.1
500 sq. ft.	--	3.7	3.9	4.1	4.4	4.7	5.0	5.4	5.7	6.0	6.4
600 sq. ft.	3.7	3.9	4.2	4.3	4.7	5.0	5.2	5.7	6.0	6.2	--
700 sq. ft.	3.9	4.2	4.4	4.6	4.8	5.2	5.5	5.9	6.2	6.5	--
800 sq. ft.	4.1	4.3	4.6	4.8	5.1	5.4	5.7	6.1	6.4	--	--
900 sq. ft.	4.2	4.5	4.7	4.9	5.1	5.6	5.8	6.2	--	--	--
1000 sq. ft.	4.4	4.7	4.9	5.1	5.4	5.7	6.0	6.4	--	--	--
1100 sq. ft.	4.5	4.8	5.0	5.2	5.4	5.9	6.1	6.5	--	--	--
1200 sq. ft.	4.7	4.9	5.0	5.3	5.7	6.0	6.1	--	--	--	--
1300 sq. ft.	4.8	5.0	5.3	5.5	5.8	6.1	6.4	--	--	--	--
1400 sq. ft.	4.9	5.0	5.4	5.6	5.9	6.2	6.5	--	--	--	--
1500 sq. ft.	5.0	5.1	5.5	5.7	6.0	6.3	--	--	--	--	--
1600 sq. ft.	5.1	5.3	5.7	5.8	6.1	6.3	--	--	--	--	--
1700 sq. ft.	5.2	5.4	5.6	5.8	6.2	6.5	--	--	--	--	--
1800 sq. ft.	5.2	5.5	5.6	5.9	6.1	--	--	--	--	--	--

\*Total floor areas shown have been increased by 11% as directed above to include common space in deriving correct LUI numbers.

**Adjusted Floor Area for High-Rise Apartments/Townhouses/Condominiums**

The floor area (FA) for individual high apartment units should be increased by 20% before computing the FAR, to allow approximately 17% of the total floor area for lobbies, elevator shafts, stairways, halls, etc.

TABLE #4

**APARTMENTS/TOWNHOUSES/CONDOMINIUMS (HIGH)**

**LAND USE INTENSITY NUMBERS**

<b>Net Living Unit Size*</b>	<b>Number of Living Units Per Gross Acre</b>											
	<b>30</b>	<b>40</b>	<b>50</b>	<b>60</b>	<b>80</b>	<b>100</b>	<b>120</b>	<b>140</b>	<b>160</b>	<b>180</b>	<b>200</b>	<b>240</b>
400 sq. ft.	--	--	--	--	6.2	6.5	6.8	7.0	7.2	7.4	7.5	7.8
500 sq. ft.	--	--	--	6.1	6.5	6.8	7.1	7.3	7.5	7.7	7.8	--
600 sq. ft.	--	--	6.1	6.3	6.8	7.1	7.4	7.6	7.8	7.9	--	--
700 sq. ft.	--	6.0	6.3	6.6	7.0	7.3	7.5	7.8	8.0	--	--	--
800 sq. ft.	--	6.2	6.5	6.8	7.2	7.5	7.8	8.0	--	--	--	--
900 sq. ft.	5.9	6.4	6.7	6.9	7.4	7.7	7.9	--	--	--	--	--
1000 sq. ft.	6.1	6.5	6.8	7.1	7.5	7.8	--	--	--	--	--	--
1100 sq. ft.	6.2	6.6	7.0	7.2	7.7	8.0	--	--	--	--	--	--
1200 sq. ft.	6.4	6.8	7.1	7.4	7.8	--	--	--	--	--	--	--
1300 sq. ft.	6.5	6.9	7.2	7.4	7.9	--	--	--	--	--	--	--
1400 sq. ft.	6.6	7.0	7.3	7.6	8.0	--	--	--	--	--	--	--
1500 sq. ft.	6.7	7.1	7.4	7.7	--	--	--	--	--	--	--	--
1600 sq. ft.	6.8	7.2	7.5	7.8	--	--	--	--	--	--	--	--
1700 sq. ft.	6.9	7.3	7.6	7.9	--	--	--	--	--	--	--	--
1800 sq. ft.	6.9	7.4	7.7	7.9	--	--	--	--	--	--	--	--

\*Total floor areas shown have been increased by 20% as directed above to include common space in deriving correct LUI numbers.

## LAND USE INTENSITY RATIOS

LAND USE INTENSITY (LUI)	FLOOR AREA RATION (FAR)	OPEN SPACE RATIO (OSR)	LIVABILITY SPACE RATIO (LSR)	RECREATION SPACE RATION (RSR)	OCCUPANT CAR RATION (OCR)	TOTAL CAR RATIO (TCR)
3.0	.100	.80	.65	.025	2.0	2.2
3.1	.107	.80	.62	.026	1.9	2.1
3.2	.115	.79	.60	.026	1.9	2.1
3.3	.123	.79	.58	.028	1.8	2.0
3.4	.132	.78	.55	.029	1.7	1.9
3.5	.141	.78	.54	.030	1.7	1.9
3.6	.152	.78	.53	.030	1.6	1.8
3.7	.162	.77	.53	.032	1.6	1.8
3.8	.174	.77	.52	.033	1.5	1.7
3.9	.187	.77	.52	.036	1.5	1.7
4.0	.200	.76	.52	.036	1.4	1.6
4.1	.214	.76	.51	.039	1.4	1.6
4.2	.230	.75	.51	.039	1.4	1.5
4.3	.246	.75	.49	.039	1.3	1.5
4.4	.264	.74	.48	.042	1.3	1.5
4.5	.283	.74	.48	.042	1.2	1.4
4.6	.303	.73	.46	.046	1.2	1.4
4.7	.325	.73	.46	.046	1.2	1.3
4.8	.348	.73	.45	.049	1.1	1.3
4.9	.373	.72	.45	.052	1.1	1.3
5.0	.400	.72	.44	.052	1.1	1.2
5.1	.429	.72	.43	.055	1.0	1.2
5.2	.459	.72	.42	.056	1.0	1.2
5.3	.492	.71	.41	.059	.99	1.1
5.4	.528	.71	.41	.062	.96	1.1
5.5	.566	.71	.40	.062	.93	1.1
5.6	.606	.70	.40	.065	.90	1.0
5.7	.650	.70	.40	.065	.87	1.0
5.8	.696	.69	.40	.070	.84	.99
5.9	.746	.69	.40	.075	.82	.96
6.0	.800	.68	.40	.080	.79	.93
6.1	.857	.68	.40	.080	.77	.90
6.2	.919	.68	.40	.083	.74	.87
6.3	.985	.68	.40	.085	.72	.85
6.4	1.06	.68	.40	.085	.70	.83
6.5	1.13	.67	.41	.090	.68	.81

LAND USE INTENSITY (LUI)	FLOOR AREA RATIO (FAR)	OPEN SPACE RATIO (OSR)	LIVABILITY SPACE RATIO (LSR)	RECREATION SPACE RATION (RSR)	OCCUPANT CAR RATION (OCR)	TOTAL CAR RATIO (TCR)
6.6	1.21	.67	.41	.097	.66	.79
6.7	1.30	.67	.42	.104	.64	.77
6.8	1.39	.68	.42	.104	.62	.75
6.9	1.49	.68	.43	.104	.60	.73
7.0	1.60	.68	.43	.112	.58	.71

LAND USE INTENSITY (LUI)	FLOOR AREA RATIO (FAR)	OPEN SPACE RATIO (OSR)	LIVABILITY SPACE RATIO (LSR)	RECREATION SPACE RATIO (RSR)	OCCUPANT CAR RATIO (OCR)	TOTAL CAR RATIO (TCR)
7.1	1.72	.68	.45	.115	.57	.69
7.2	1.84	.69	.46	.115	.56	.67
7.3	1.97	.70	.47	.118	.54	.65
7.4	2.11	.71	.49	.127	.52	.63
7.5	2.26	.72	.50	.136	.50	.61
7.6	2.42	.75	.51	.145	.49	.60
7.7	2.60	.76	.52	.145	.47	.58
7.8	2.79	.81	.56	.145	.46	.56
7.9	2.99	.83	.57	.150	.45	.55
8.0	3.20	.86	.61	.160	.44	.54

(2) Definitions and Formulas

a. Building Area (BA). Building area is the total land covered by residential buildings, measured horizontally from the faces of the exterior walls (or the exterior lines of omitted walls) at main grade level. Entrance platforms, steps and terraces are not countable as building area.

b. Floor Area (FA) and Floor Area Ratio (FAR). Floor area is the total floor area for residential use on all floors of a building or buildings, measured from the outside faces of the exterior walls, including halls, lobbies, stairways, elevator shafts, enclosed porches, balconies and below grade floor areas used for habitation and residential access.

c. Not Countable. (a) Open terrace, patio, atrium or balcony; (b) carport, garage, breezeway or tool shed; (c) special purpose areas for the common use of all the occupants, such as a recreation room or social hall; (d) staff space for therapy or examination in care housing; (e) basement spaces not used for living accommodations, or (f) any commercial or other non-residential space.

The floor area ratio (FAR) times the land area (LA) equals the maximum amount of floor area (FA) acceptable for the development of a property.  $FAR \times LA = FA$ , or  $FA \div LA = FAR$ .

d. Open Space (OS) and Open Space Ratio (OSR). Open space is the sum of the uncovered open space and one half (1/2) of the covered open space.

Uncovered Open Space – The horizontal area of the site not covered by building area (BA), plus open exterior balconies and roof area improved as recreation space (RS).

Covered Open Space (COS) – The usable open space that is closed to the sky, having two clear unobstructed open or partially opened sides (minimum 50 percent open). The square foot amount countable as covered open space may not exceed the square foot amount of the open sides. Examples: covered balconies, covered portions of improved roof area or spaces under buildings supported by posts, columns or cantilevers.

The open space ratio (OSR) times the land area (LA) equals the minimum amount of open space acceptable for the development of a property.  $OSR \times LA = OS$ , or  $OS \div LA = OSR$ .

e. Livability Space (LS) and Livability Space Ratio (LSR). Livability space is nonvehicular open space, including lawns, planting space, walks, and paved terraces and sitting areas and the unpaved portions of street rights-of-way. No paved areas for car traffic or parking can be included as livability space.

The livability space ratio (LSR) times the land area (LA) equals the minimum amount of livability space acceptable for the development of a property.  $LSR \times LA = LS$ , or  $LS \div LA = LSR$ .

f. Recreation Space (RS) and Recreation Space Ratio (RSR). Recreation space is public or private exterior area improved for recreation of all residents. Countable recreation space should be a minimum of 20 ft. from any residential wall containing a window on the ground floor.

The recreation space ratio (RSR) times the land area (LA) equals the minimum amount of recreation space acceptable for the development of a property.  $RSR \times LA = RS$ , or  $RS \div LA = RSR$ .

g. Occupant Car Space (OCS) and Occupant Car Ratio (OCR). Occupant car space is garage, carport or other parking space available to the residents without time limits.

The occupant car ratio (OCR) times the number of living units (LU) equals the minimum number of car parking spaces (CPS) for residents in the development of a property.  $OCR \times LU = CPS$ , or  $CPS \div LU = OCR$ .

h. Total Car Space (TCS) and Total Car Ratio (TCR). Total car space is occupant car space plus other parking space that is available for unlimited or seldom limited time periods (primarily for guests).

The total car ratio (TCR) times the number of living units (LU) equals the minimum number of car parking spaces acceptable for a development including space for guest cars.  $TCR \times LU = TCS$ , or  $TCS \div LU = TCR$ .

i. Reduced Site Area for Steep Slopes. For non-elevator building on sites with 10 percent or more of their original area containing existing slopes of 20 percent or more, the land area for LUI assignment considerations shall be reduced 1 percent for each total percentage point of average slope within the steep-sloped portion of the site area.

Total site area	45,000 sq. ft.
Area of average 30% slope	26,250 sq. ft.
30% x 26,250 sq. ft.	7,875 sq. ft.

Less than 20% slop **(PICTURE)**

Average 30% slope

Total site area for LUI assignment  
 $45,000 \text{ sq. ft.} - 7,875 \text{ sq. ft.} = 37,125 \text{ sq. ft.}$

**EXAMPLE, STEEP SITE LAND AREA REDUCTION FOR LUI ASSIGNMENT**

j. Maximum Number of Living Units for a Project. To find the maximum number of living units for a project in compliance with the LUI standards, multiply the acceptable number of living units per acre used in identifying the LUI number by the size of the project or land area.

Example:  $6 \text{ LU per acre} \times 60 \text{ acres} = 360 \text{ project LU.}$

k. Minimum Land Area for a Project. To find the minimum amount of land or gross site area for a project in compliance with the LUI standards, divide the total number of living units needed for a project by the acceptable number of living units per acre.

Example: A 160 unit townhouse development is needed for low rent housing, to average 1200 square feet per living unit at a density of 8 living units per acre. The land use intensity (LUI) number for this living unit density and size is 4.2 (See the table for Detached Family Dwelling Land Use Intensity Numbers).

$160 \div 8 = 20$  acres needed, in a location where LUI 4.2 would be appropriate.

l. Land Area Range Determination Where Density Is Not Known. To find the most favorable range of land area which will comply with LUI guidelines when only the number of units, the floor area and the building type are known find the LUI range for the building type on the table for Land Use Intensity Ranges for Various Building Types. Find the related floor area ratios on tables for Detached Single Family Dwellings or Apartment/Townhouses/Condominiums Land Use Intensity criteria. To find the most favorable land area range, divide the total proposed residential floor area by the floor area ratio for the highest and lowest LUI number shown for the proposed building type on the table for Land Use Intensity Ranges for Various Building Types.

Example: Proposed 100 each 1200 square feet 2 story townhouse. Problem, how much land area is needed to comply with LUI standards.

The table for Land Use Intensity Ranges for Various Building Types shows for 2 story townhouses a LUI range of 3.0 to 5.4; the table for Detached Dwelling Land Use Intensity criteria shows LUI 3.7 = FAR .162 and LUI 4.8 = .348.

Total proposed floor area = 100 LU x 1200 sq. ft. = 120,000 sq. ft.

Minimum site size =  $\frac{12,000 \text{ sq. ft.}}{.348} = 344,828 \text{ sq. ft.}$   
or 7.9 acres

Maximum site size =  $\frac{12,000 \text{ sq. ft.}}{.162} = 740,740 \text{ sq. ft.}$   
or 17.0 acres

Site area range needed to comply with LUI standards = 7.9 to 17 acres.  
(as added by Ord. No. 773, Sec. 2)

#### **14-2.404. Other Requirements.**

(1) Peripheral Setback Requirements. All buildings and structures and parking areas shall be set back from abutting property lines separating the C-1 and adjoining property a minimum of thirty-five (35) feet.

(2) Internal Lot Area, Setback, Frontage Requirements. Internal lot area, setback and frontage requirements within the C-1 shall be established by the approved detailed development plan.

(3) Administrative Procedures. The Planning Commission may recommend the establishment of a C-1 District or an application may be made to the Planning Commission for rezoning to a C-1 District in accordance with the amendment procedures set forth in Section 14-2.2301 of this Ordinance and the following:

a. The application for a zoning change to a C-1 District shall include a concept plan of development of the entire tract at a scale not greater than 1 inch = 50 feet showing the general location or proposed uses of land, proposed points of access and egress, the generalized pattern of internal circulation and parking, the proposed location of buildings and structures and such other information as is essential to an understanding of the proposed development and its relationship to surrounding areas and uses.

b. When and after the proposed C-1 District is established, the owner or proponent of the proposed development shall submit to the Planning Commission for review and approval a detailed development plan of the proposed development based on the concept plan as expanded to include the following:

1. A legal description and map of the site prepared by an engineer or surveyor licensed to practice in the State of Tennessee and drawn at a scale not greater than 1 inch = 100 feet showing the area and boundaries of the site including the location and dimension of adjoining streets and roads, site easements, names of owners of adjoining land, existing buildings or structures, streams and other significant physical features.

2. A site plan for the proposed development of the site showing the proposed location and dimensions of buildings or structures, internal drives or streets, parking areas, proposed access and egress to the proposed development, contours of the site at an interval not greater than two (2) feet, existing and proposed drainage systems, the location and size of existing and proposed utilities, proposed landscaping, outdoor recreation and other design features.

3. Proposed floor plans of all typical units and elevations of proposed buildings or structures at a scale of not less than 1/8 inch = 1 foot.

4. Such other architectural, engineering, soils, geological or other data as may be necessary to explain the site and its proposed development.

5. A proposed schedule of development indicating the approximate date when construction of the project can be expected to begin, the major stages in which it is proposed to be developed, the approximate dates when each stage of development is proposed to begin and end.

6. A market analysis or other similar information including the assumptions on which the proposed development is based, its need or demand related to the proposed schedule of development.

7. An analysis – as appropriate – of the likely impact of the development on school enrollment, public recreational facilities, adjacent or nearby public streets or roads, utilities, other public facilities or services or its likely impact on adjacent or nearby critical environmental or development areas.

8. Copies of deed restrictions, restrictive covenants, charter and by-laws of proposed homeowners associations or other similar legal instruments that concern or will govern the sale or management of the proposed development including a management plan.

9. Additional information. The Planning Commission may request such additional information as it deems necessary to review and evaluate the proposed development.

c. The administrative review process shall include but shall not be limited to the following:

1. When and after the proposed C-1 District is established the owner or proponent of the proposed development shall strictly adhere to all conditions, schedules, and development requirements recommended by the Planning commission and approved by the Board of Commissioners.

2. When and after the C-1 District is established, the owner of the proposed development must submit any modifications to the approved plan that specifically affects established densities for the project; an increase or reduction involving capital investment for the provisions of utilities; changes in marketing strategy and restrictive covenants; modifications affecting publicly dedicated permanent rights of way or easements; and alterations to the approved overall master development plan; to the Alcoa Board of Commissioners for review and approval before any changes may be implemented.

3. The owner or proponent of the proposed development must also submit concurrently to the Alcoa Regional Planning Commission duplicate materials as provided for in 14-2.6A04 3.c. (2) above. However, the final approval of any changes specifically mentioned above shall be the responsibility of the Alcoa Board of Commissioners with that Board reserving the right to request a recommendation from the Planning Commission. (as added by Ord. 773, Sec. 2)

**14-2.405. Common Open Space.**

(1) Common open space is defined as an area within a development designed and intended for the use or enjoyment of all residents of the development or for the use and enjoyment of the public in general.

(2) All land shown on the final plan as common open space must be conveyed under one of the following options:

a. It may be conveyed to the City if the City agrees to accept the conveyance, to maintain the common open space and any buildings, structures or improvements which have been placed on it, but there shall be no requirement that as a condition of the approval of the planned unit development that the land proposed to be set aside for common open space be dedicated or made available for public use.

b. It may be conveyed to trustees or a non-profit corporation provided in an indenture establishing an association or a non-profit corporation or similar organization for the maintenance of the common open space. The common open space must be conveyed to the trustees or non-profit corporation subject to the covenants to be approved by the Planning Commission which restrict the common open space to the uses specified on the final plan, and which provide for the maintenance of the common open space in the manner which assures its continuing use for its intended purpose. The covenants and restrictions must contain provisions that the owners of the lots in the planned development unit shall become members of the association or non-profit corporation and that any attempt to separate the membership in the association or non-profit corporation with the owner of lots in said planned unit development shall be null and void. Such organization shall not be dissolved nor shall dispose of any common open space by sale or otherwise without the approval of the City.

(3) No common open space may be put to any use not specified in the final plan unless the final development plan has been amended to permit that use.

(4) The organization owning the common space is hereby authorized to make reasonable assessments to meet its necessary expenditures for maintaining the common open space in reasonable order and condition in accordance with the plan. The assessments shall be made ratably against the properties within the planned unit development that have a right of enjoyment of the common open space.

(5) An organization established for the ownership and maintenance of common open space which receives payments from owners of property within the planned unit development for such maintenance shall:

a. Immediately deposit such payments in a separate trust account maintained by it with some bank or recognized depository in this state.

b. Keep records of all such payments deposited therein and all disbursements therefrom.

(6) Any assessment levied upon any property within the planned unit development shall be a debt of the owner thereof at the time the assessment is made. The amount of the assessment plus interest, costs including attorney fees and penalties shall be a lien upon the property assessed when the organization causes to be recorded with the Register's Office for Blount County, Tennessee, a notice of assessment which shall state:

- a. The amount of the assessment and interest, costs and penalties;
- b. A description of the property against which the same has been assessed; and
- c. The name of the record owner of the property.

Such notice shall be signed by an authorized representative of the organization or as otherwise agreed. Upon payment or other satisfaction of the assessment and charges, the organization shall cause to be recorded a further notice stating the satisfaction and the release of the lien.

(7) If the organization established to own and maintain common open space, or any successor organization, at any time after the establishment of a planned unit development fails to maintain the common open space in a reasonable order and condition in accordance with the plan, the City may serve written notice upon such organization or upon the owners of the planned unit development, setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. Such notice shall include a demand that such deficiencies of maintenance be cured within 30 days of the receipt of such notice and shall state the date and place of a hearing thereon, which shall be within 14 days of the receipt of such notice.

(8) At such hearing the City may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modification thereof, are not cured within the 30 day period, or any extension thereof, the City, in order to preserve the taxable values of the properties within the planned unit development and to prevent the common open space from becoming a public nuisance, may enter upon such common open space and maintain it for a period of 1 year.

(9) Such entry and maintenance shall not vest in the public any right to use the common open space except when such right is voluntarily dedicated to the public by the owners and accepted by the City.

(10) Before the expiration of the period of maintenance set forth above, the City shall, upon its own initiative or upon the request of the organization previously responsible for the maintenance of the common open space, call a public hearing upon notice to such organization or to the owners of the planned unit development to be held by the City. At this hearing such organization or the residents of the planned unit development shall show cause why such maintenance by the City shall not, at the election of the City, continue for succeeding year.

(11) If the City determines that such organization is ready and able to maintain the common open space in a reasonable condition, the City shall cease its maintenance at the end of such year.

(12) If the City determines such organization is not ready and able to maintain the common open space in a reasonable condition, the City may, in its discretion, continue the maintenance of the common open space during the next succeeding year, subject to a similar hearing and determination in each year thereafter.

(13) The decision of the City in any such case referred to in this section constitutes a final administrative decision subject to review in accordance with the provisions of law.

(14) The total cost of such maintenance undertaken by the City shall be assessed ratably based upon the assessed values for ad valorem tax purposes against the properties within the planned unit development that have a right of enjoyment of the common open space and shall become a lien on such properties.

(15) The City, at the time of entering upon such common open space for the purpose of maintenance, shall file a notice of such lien in the Register's Office for Blount County, Tennessee, upon the properties affected by such lien within the planned unit development. Such notice shall state:

- a. A description of the property against which lien is impressed.
- b. The names of the record owners of the property.

(16) Liens of the organization and the City shall be subordinate to all taxes and special assessments but shall be prior to any other liens and encumbrances recorded subsequent to the recordation of the notice of assessment. Unless sooner satisfied and released or its enforcement initiated as herein provided for, the liens shall expire and be of no further force or effect 2 years from the date of recordation of the notice of assessment.

(17) Such liens may be enforced by the organization, its agent or attorney, or by the City after failure of the owner to pay such assessment in accordance with its terms by attachment levied upon the lot or parcel of ground upon which the lien exists in any court with equity jurisdiction in Blount County, Tennessee. Any land so attached may be sold in said attachment proceedings in bar of the equity of redemption and all other rights, legal or equitable, belonging to the owners of such land. The organization, if it is a corporation, cooperative association, partnership or natural person, and the City may bid in the property at foreclosure sale and hold, lease, mortgage and convey it. (as added by Ord. No. 773, Sec. 2)

**14-2.406. Procedure After Approval.** Upon receiving the approval of the Planning Commission the owner or proponent of the proposed planned development shall record the approved plan in the office of the Registrar of Blount County. No building permit for building construction or site preparation shall be issued for development in C-1 District until and unless a development Plan approved by the Planning Commission has been recorded in the office of the Registrar of Blount County. No building permit for building construction or site preparation shall be issued for development in C-1 District until and unless a development plan approved by the Planning Commission has been recorded in the office of the Registrar of Blount County. If the development is to be completed in phases, permits shall be issued for subsequent phases only on completion of previous phases as certified by the Alcoa Regional Planning Commission who will authorize the City Building Official to review the construction permits. (as added by Ord. No. 773, Sec. 2)