

SUB-CHAPTER 2.11
PLANNED COMMERCIAL UNIT DEVELOPMENT
DISTRICT "E-1" REGULATIONS

SECTION

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14-2.1101. Scope. The regulations established in this sub-chapter are intended to provide optional methods of land development within the City of Alcoa, Tennessee (hereinafter referred to as City), for land areas totaling five (5) acres and greater, which encourage and permit more imaginative solutions to site, environmental and community design problems. Commercial areas thus established are characterized by unified building and site development in harmony with surrounding or adjoining residential areas. Provision is made of usable open space and supportive facilities, which are integrated within the overall development through landscape and architectural treatment. (as added by Ord. No. 773, Sec. 3, as rewritten by Ord. #18-444, June 2018)

14-2.1102. Uses permitted and on review.

- (1) Generally recognized retail sales.
- (2) Financial and real estate services.
- (3) Professional, personal and business services and offices.
- (4) Health offices and facilities.
- (5) Hotels and motels.
- (6) Restaurants, drinking and entertainment establishments, including adjacent outdoor accessory seating areas.
- (7) Places of amusement and assembly.
- (8) Churches and other places of worship.
- (9) Public government offices and facilities.
- (10) Public or private parks and facilities.
- (11) Off-Street parking and loading, as regulated by the *Zoning Ordinance*, Title 14, Zoning and Land Use Control regulations, of the Alcoa Municipal Code.
- (12) Signs, as regulated by the *Sign Ordinance*, Title 14, Zoning and Land Use Control regulations, of the Alcoa Municipal Code. Signs shall relate to the entirety of the planned development. All signs and sign structures shall be designed as an integral part of the planned development conceptualized and be harmonious with other design features of the development.
- (13) Other similar commercial, or supporting quasi-commercial uses, which in the opinion of the Alcoa Municipal/Regional Planning Commission (hereinafter referred to as Planning Commission), and on review, will be harmonious to the district when designed as an integral part of the overall planned development such as:
 - a. Residential located on the second story and above of a building, or as a sole use. Each unit planned shall include a minimum amount of dedicated land area totaling 2,000 square feet for a maximum density of 21.78 dwelling units per acre, unless in the opinion of the Planning Commission an increase on review will not adversely impact adjacent properties and development harmony will be maintained (i.e., designed as an integral part of the overall planned development conceptualized). Units shall be limited to attached, multi-family duplexes, townhomes, condo-

miniums and apartments. The minimum lot (or façade) width shall be twenty (20) feet along street frontages. Units not planned to be located on the second story and above (i.e., a sole residential use building) shall be a minimum of two (2) stories in height. A landscaping/buffering plan, including a pedestrian circulation plan for connectivity between buildings and public sidewalks, shall also be incorporated into the development plan to screen adjacent uses and enhance open space areas; and,

b. Nursing homes and assisted-care living facilities, where said has a primary point of vehicular ingress and egress from a road right-of-way classified as a major collector or higher on the City's adopted thoroughfare plan. The total lot size shall not be less than five (5) acres, and the amount of land area dedicated to each unit shall follow the district's provisions established for calculating residential density. A landscaping/buffering plan, including a pedestrian circulation plan for connectivity between buildings and public sidewalks, shall also be incorporated into the development plan to screen adjacent uses and enhance open space areas.

c. Schools, daycares, dance and art schools, other similar educational and training related businesses. (as added by Ord. No. 773, Sec. 3, as rewritten by Ord. #18-444, June 2018)

14-2.1103. Height of building. Buildings shall not exceed eight (8) stories in height, unless in the opinion of the Planning Commission an increase on review will not adversely impact adjacent properties and development harmony will be maintained (i.e., designed as an integral part of the overall planned development conceptualized). (as added by Ord. No. 773, Sec. 3, as rewritten by Ord. #18-444, June 2018)

14-2.1104. Area regulations and other building requirements.

(1) Peripheral setback requirements: All buildings and structures shall be set back from abutting property lines separating the district and adjoining property a minimum of thirty-five (35) feet. When an abutting property adjoins a separate Planned Commercial Unit Development District, or similar type of planned/mixed use zoning, the minimum peripheral setback may be considered for a reduction by the Planning Commission.

(2) Internal lot area, frontage, setback, and other site design requirements: The district shall have a minimum of five (5) acres in total land area. Internal lot area, setback, frontage and other site design requirements within the district shall be as established by the approved detailed development plan(s). However, as may be approved, the minimum lot (or façade) width shall be twenty (20) feet along street frontages for attached residential uses.

(3) Maximum lot coverage and minimum common open space requirements: The district shall have a maximum lot coverage/total impervious surface area of not more than 70 percent, with a minimum of five percent (5%) of the total acreage of the planned development to be dedicated to common open space uses and include the following:

a. Facilities for stormwater in conformance with minimum standards under Stormwater Management, Title 16, Streets, Sidewalks, Drainage and Erosion Control regulations of the Alcoa Municipal Code, as may be amended from time to time; and,

b. Pedestrian circulation, both internal and along public rights-of-way, incorporated within the planned development by way of sidewalks, plazas, parks and other similar open space features. Pedestrian circulation shall be a minimum of five (5) feet in width, to the City's specifications, and be accessible for ADA compliance in conformance with minimum standards under General Provisions of the Zoning Ordinance, Title 14, Zoning and Land Use Control regulations of the Alcoa Municipal Code, as may be amended from time to time.

(4) Protection of adjoining areas: Ornamental or vegetative screening shall be provided where necessary to protect adjoining areas or uses from noise and light and shall be shown on the detailed development plan(s) approved by the Planning Commission. Such

screening shall be by use of a wall, fence or evergreen plant material of a sufficient height determined to be adequate. The maximum height of plant material at maturity shall be considered, with a combination of a wall (or fence) and plant material to be incorporated when necessary to achieve adequate screening.

(5) Exterior building and lighting design, including underground utilities: In conformance with minimum standards under General Provisions of the *Zoning Ordinance*, Title 14, Zoning and Land Use Control of the Alcoa Municipal Code, as may be amended from time to time, the exterior design of buildings, overall lighting and underground utilities shall incorporate the following:

a. All buildings, including any entrances to developments of the same, located within the district shall be designed utilizing a unified or complementary overall design concept so as to be architecturally compatible with one another. Examples of architectural features, which may be important for insuring compatibility, include building bulk, height, roof slopes, orientation, overhangs, exterior materials and facades, where said buildings are visible from a public roadway;

b. Lighting shall also be designed utilizing a unified or complementary overall design concept so as to be architecturally compatible with one another. To reduce the production of light pollution that may encroach onto adjacent properties, pole lighting and other related fixtures shall be designed to project light downward. Accent lighting fixtures that may be used on a building, sign structure or within the landscape shall be aimed or directed to preclude light projection beyond immediate objects intended to be illuminated; and,

c. All utilities including, but not limited to, electrical power, telephone, television and internet cable, fiber optics and other such facilities shall be installed underground, unless, in the opinion of the Planning Commission, special conditions require otherwise. (as added by Ord. No. 773, Sec. 3, as rewritten by Ord. #18-444, June 2018)

14-2.1105. Approval of district, concept and detailed development plans.

(1) The application for a zoning change to establish the district shall include an overall general concept plan of development for the entire land area of the planned development at a minimum scale of 1 inch = 20 feet, and not greater than 1 inch = 50 feet. The concept plan shall identify the general location of proposed uses of the land area involved, the points of ingress and egress, the generalized pattern of buildings and structures and such other information as is essential to an understanding of the overall planned development conceptualized and its relationship to surrounding areas and land uses.

(2) The application to establish the district shall be considered first by the Planning Commission, in conjunction with their consideration of the overall general concept plan of development, with a recommendation by resolution (including a concept plan exhibit) to be provided to the Alcoa Board of Commissioners (hereinafter referred to as Board) for their consideration also. The Board's consideration of the district shall include two (2) separate ordinance readings of required action and a public hearing.

(3) When and after the district is established, the applicant shall submit to the Planning Commission for review and approval, a detailed development plan(s) of the development(s) planned based on the overall general concept plan of development as expanded to include the following:

a. A current survey map(s) of the land area(s) to be developed, indicating existing conditions, and drawn by an engineer or surveyor licensed to practice in the State of Tennessee at a scale not greater than 1 inch = 100 feet. Said survey shall show 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;

b. A detailed development plan(s) identifying the proposed development(s) improvements of the land area or site, which shall be in comparison to the existing surveyed conditions, and the following:

1. The contours of the site at an interval not greater than two (2) feet;
2. The location and dimensions of buildings or structures;
3. The location of internal vehicular drives or streets for ingress and egress, including sidewalks for pedestrian circulation;
4. The location of parking areas, identifying the number of parking spaces, drive aisles, termination islands and other perimeter landscape buffers;
5. The location of all points of vehicular and pedestrian infrastructure for ingress and egress (i.e., pavement widths and markings, curbs and gutters, sidewalks and etc.), at or along proposed and/or existing public rights-of-way, including identification of similarly approved access easements for the same, as well as improvements that may be necessary to existing;
6. The location and sizes of utility infrastructure (both existing and proposed), including stormwater management facilities;
7. The location of trees and other landscaping, including a tree survey (when necessary) identifying the caliper inches of existing trees to remain or be removed. Said shall be in conformance with minimum standards under Landscaping of the *Zoning Ordinance*, Title 14, Zoning and Land Use Control regulations of the Alcoa Municipal Code, as may be amended from time to time;
8. The location of any outdoor recreation, which may include a combination of passive and active common open space uses and other design features;

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

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

e. A proposed schedule of development or phasing plan, as may be necessary, indicating the approximate date when construction of the planned development 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;

f. A market analysis, as may be necessary, 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;

g. A public infrastructure and environmental analysis, as may be necessary, of the likely impact of the development on 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; and,

h. Copies of deed restrictions, restrictive covenants, charter and by-laws of proposed merchants or tenants associations or similar legal instruments that concern or will govern the sale or management of the proposed development, including the maintenance of common open space and stormwater management facilities, as well as a management plan for oversight as may be necessary.

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

consideration of an approval of the detailed development plan(s), with all applicable federal, state and local regulations to be followed.

(4) Upon receiving a favorable approval of the Planning Commission, which may include satisfying conditions and other development requirements, the following shall be applied:

a. The approved development plan(s) of the proposed development(s) shall be filed with the Planning Commission. After grading and building permits have been issued, and prior to the issuance of a Certificate of Occupancy, a final subdivision plat shall be recorded reflecting the as-built site conditions of the approved development plan(s) in the Office of the Blount County Register of Deeds, State of Tennessee. Deed restrictions, restrictive covenants, charter and by-laws shall also be recorded, governing the sale and management of the development, including the maintenance of common open space areas and improvements thereon (i.e., landscaping areas, lawn areas and buildings or other structures), including also storm-water management facilities, as well as vehicular and pedestrian shared access easements, and any shared signage areas considered to be maintained on common open space, or within separate easement areas, which shall occur as part the final subdivision plat approval; and,

b. No grading or building permits for site preparation or building construction shall be issued for development in the district until and unless a detailed development plan(s) approved by the Planning Commission has or have been filed with the Planning Commission satisfying any conditions and other development requirements met, or to be met at a later date. If development is to be completed in phases, the said permits shall be issued for subsequent phases only on completion of previous phases, unless otherwise approved by the Planning Commission.

(5) When and after the district is established, the applicant shall adhere to all conditions and other development requirements that may have been made a part of the approved detailed development plan(s), unless otherwise approved for an amendment(s) by the Planning Commission, which may also involve an amendment to the overall concept plan of development. (as added by Ord. No. 773, Sec. 3, as rewritten by Ord. #18-444, June 2018)

14-2.1106. Approval of uses on review.

(1) In reviewing other similar commercial, or supporting quasi-commercial uses, including reviews for added building height and increased residential density determinations, which may be considered under certain provisions of the district, the Planning Commission, in the exercise of its powers, shall be guided by adopted plans and policies, including but not limited to, the Alcoa Land Use Plan and other land use or long range plans, Alcoa Zoning Ordinance, Alcoa Municipal Code, and the following general standards:

a. The use or determination is consistent with adopted plans and policies, set forth above;

b. The use or determination is in harmony with the general purpose and intent of the zoning regulations;

c. The use or determination is compatible and otherwise in harmony with the character of the district, and shown to be designed as an integral part of the overall planned development (i.e., complementing the size and location of buildings in the vicinity);

d. The use or determination will not negatively impact adjacent property by noise, lights, fumes, odors, vibration, traffic or congestion;

e. The use or determination will not be of a nature or so located as to draw substantial additional traffic through residential streets;

f. The use or determination will meet all city requirements with regard to approval of the hydrology, engineering, building codes, landscaping/buffering, signage, etc.; and,

g. The use or determination will meet all requirements set out in the district.

(2) The Planning Commission may approve other similar commercial, or supporting quasi-commercial uses, including increased building heights and residential densities, when applicable, where it can be shown that the use or determination has been guided by the general standards referenced above and is reasonably necessary for the convenience and welfare of the community. The Planning Commission may deny uses not considered in the totality of the circumstances to be consistent with the general standards above, including increased building heights and residential densities, when or where applicable, or where it can be shown that approval would have an adverse impact on the character of the district. Whereas a use may be appropriate in one location and inappropriate in another location in the district, the Planning Commission shall be guided by the adopted plans and policies referenced above. The Planning Commission shall state conditions of approval or denial, including substantive, factual statements of necessity and appropriateness or of adverse impact, with such information being included in the minutes of the Planning Commission.

(3) In the exercise of its approval, the Planning Commission may impose such conditions regarding the location, character, or other features of the use of buildings, including the same for increased building heights and residential densities, as it may deem advisable in the furtherance of the general purposes of this ordinance. (as added by Ord. No. 773, Sec. 3, as rewritten by Ord. #18-444, June 2018)

14-2.1107. Maintenance of common open space.

(1) Maintenance of common open space, to include stormwater management facilities NOT calculated to satisfy minimum open space requirements, is defined as an area within a development designed and intended for the use of all owners or tenants of the development or for the use of the public in general.

(2) All land area shown on the detailed development plan(s) as common open space shall be conveyed under one (1) of the options below, as part of a final plat recording:

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 detailed development plan(s) that the land proposed to be set aside for common open space be dedicated or made available for public use; or,

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 detailed development plan(s) (to include the final plat), 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 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 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 Planning Commission.

(3) No common open space may be put to any use not specified on the final plat recorded, unless the detailed development plan(s) has or have been amended to permit that use. Such may also require a final plat amendment.

(4) The organization owning the common space shall make reasonable assessments to meet its necessary expenditures for maintaining the common open space in reasonable order and condition in accordance with the detailed development plan(s) (to include the final plat). The assessments shall be made ratably against the properties within the planned 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 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; and,
- b. Keep records of all such payments deposited therein and all disbursements therefrom.

(6) Any assessment levied upon any property within the planned 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 Office of the Blount County Register of Deeds, in the State of 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 development fails to maintain the common open space in a reasonable order and condition in accordance with the detailed development plan(s) (to include the final plat), the City may serve written notice upon such organization or upon the owners of the planned 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 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 one (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 and to the owners of the planned development to be held by the City. At this

hearing such organization or the residents of the planned development shall show the 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 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 Office of the Blount County Register of Deeds, in the State of Tennessee, upon the properties affected by such lien within the planned development. Such notice shall state:

- a. A description of the property against which lien is impressed; and,
- 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 two (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.

(18) The provisions governing common open space under this section shall be in conformance with current state statutes. (as added by Ord. No. 773, Sec. 3, as rewritten by Ord. #18-444, June 2018)