

**ADMINISTRATIVE RULES AND PROCEDURES OF
THE TENNESSEE TECHNOLOGY CORRIDOR
DEVELOPMENT AUTHORITY**

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**TENNESSEE TECHNOLOGY CORRIDOR
DEVELOPMENT AUTHORITY**

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INTRODUCTION

These *Administrative Rules and Procedures* of the Tennessee Technology Corridor Development Authority (TTCDA) set forth requirements of the TTCDA, its staff and applicants regarding proposals submitted to the TTCDA, and are in addition to the requirements set forth in the *Tennessee Technology Corridor Design Guidelines*, *Knoxville Zoning Ordinance* and *Knox County Zoning Ordinance*. The *Administrative Rules and Procedures* comprise the day-to-day operating manual of the TTCDA to secure consistent handling of all matters considered by the TTCDA.

ARTICLE I: PUBLIC MEETINGS

Section 1 - Open Meetings

All meetings of the Tennessee Technology Corridor Development Authority Board of Commissioners in order to make a decision or deliberate toward a decision on any matter shall be an "open meeting" in accordance with the requirements set forth in TENN CODE ANN. 8-44-101 et. seq. All proposals or applications for the approval of Certificates of Appropriateness submitted to the TTCDA Board shall be considered in a public hearing that invites and entertains public comment.

Section 2 - Schedule of Regular Meetings

Subject to change, regular meetings of the TTCDA Board shall be scheduled as follows:

- A. The monthly public meeting shall be held at 4:00 p.m. on the Monday preceding the regular monthly meeting of the Metropolitan Planning Commission, which meets on the second Thursday of each month.
- B. The monthly public meeting may be cancelled by action of the TTCDA Board or by the Chair in the absence of a quorum.
- C. When conflicts arise, such as holidays or inclement weather, the monthly public meeting will be held as designated by the Chair.
- D. Special meetings may be called by the Chair, or a majority of the TTCDA Board.

ARTICLE II: NOTICES

Section 1 - Public Notice

The TTCDA Board shall give public notice of the date, time and location of any public meeting by publication in a daily newspaper of general circulation in Knox County, Tennessee, not less than ten (10) days prior to the scheduled hearing date. Calculation of the notice period shall commence on the first date of publication, but shall not include the date of the public hearing. The notice of the monthly public meeting shall include the date, time and location of the meeting, as well as the applicant's name and a general description for each item to be considered for action. This requirement shall not apply to applications approved through the administrative review and approval process, as described in Article VII, Section 7.

Section 2 - Notice Publication Criteria

All notices published pursuant to Section 1 of this Article shall meet the following criteria:

- A. Location in newspaper – The notice shall be located in the Classified Ads section of the newspaper under the "Legal/Public Notices" classification.
- B. Caption – The caption shall be all capital letters in no less than two-line type and shall contain the words. "Public Notice" and a description of the type of matter being heard.

- C. Body Copy – The body copy shall be no less than the standard one-line type used generally throughout the “Want Ads” section.

Section 3 - Publication Costs

The cost of publishing notices provided under this Article shall be borne by the Tennessee Technology Corridor Development Authority, under the authority of the Knoxville-Knox County Metropolitan Planning Commission.

Section 4 – Public Notice Signs

For each request for a Certificate of Appropriateness for a building permit or a rezoning to be considered by the TTCDA Board where the subject property adjoins other property with either a residential or an agricultural zoning, notice shall be given by conspicuously posting a sign on the subject property, not less than ten (10) days prior to the scheduled hearing date. Calculation of the posting period shall be the same as provided for in Article II, Section 1. The sign shall state:

- A. The nature of the request;
- B. The date, time and location of the public hearing; and
- C. Telephone number and/or website address for receiving information about the request.

The posting of signs shall not be required for any other item to be considered by the TTCDA Board. The failure of the TTCDA Board to post notice signs as provided for in this section shall not preclude the Board from acting on any application or proposal properly before it. The TTCDA may require the applicant to post the sign required in the section.

Section 5 – Notification by Mail

The TTCDA shall mail written notice of any application for a Certificate of Appropriateness for a building permit or a rezoning to be considered by the TTCDA Board where the subject property adjoins other property with either a residential or an agricultural zoning. Such notice shall be mailed to all owners of property with either a residential or an agricultural zoning located within two hundred (200) feet of the subject property, the distance measured from the property line of the subject property. Such notice shall also be mailed no later than ten (10) days prior to the scheduled hearing date. Calculation of the mailing period shall be the same as provided for in Article II, Section 1. The written notice shall state the following:

- A. The nature of the request;
- B. The date, time and location of the public hearing; and
- C. Telephone number and/or website address for receiving information about the request.

Notification by mail shall not be required for any other item considered by the TTCDA Board.

Section 6 – Preliminary Agenda

No later than the day following the second TTCDA double fee deadline, which is approximately thirteen (13) days prior to the scheduled hearing date, a preliminary agenda shall be posted on the MPC/TTCDA webpage.

ARTICLE III: PROPOSALS AND APPLICATIONS TO THE DEVELOPMENT AUTHORITY

Section 1 – Applications

All proposals or applications to the TTCDA Board shall be submitted on forms provided by and available at the office of the Metropolitan Planning Commission, Development Services section. Each application shall be accompanied by the appropriate filing fee as prescribed in Article XIV hereof.

Section 2 - Closing Date for Filing Applications

The following shall apply regarding the deadlines for the submission of proposals and applications for certificates of Appropriateness that require action from the TTCDA Board:

- A. The deadlines, or Closing Dates, for the filing of applications seeking TTCDA Board action are as follows:
 - 1. The standard filing deadline for matters to be heard at a TTCDA monthly meeting shall be established by the TTCDA staff to permit adequate time for administrative review and public notice.
 - 2. Upon payment of an application fee twice the standard fee, as prescribed in Article XIV, the Closing Date shall be extended to five (5) business days following the standard filing deadline as established in item 1 above.
 - 3. In the event the effective Closing Date falls on a Saturday, Sunday or Holiday, the Closing Date shall be extended to the following business day.
 - 4. The yearly TTCDA Application Deadline Schedule and any amendments to that schedule, as prepared by staff, is subject to approval by the TTCDA Board at a regular Board meeting.
- B. All applications timely received on or before the effective Closing Date shall be placed on the agenda of the next regular monthly public meeting of the TTCDA Board. On the day following the double fee Closing Date, all members of the TTCDA Board shall be notified of the applications and other items that will appear on that agenda.

ARTICLE IV: SUBMISSION REQUIREMENTS FOR APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS

Section 1 – Building Permits

In addition to the requirements of the application form and those of the *Tennessee Technology Corridor Design Guidelines*, the *Knoxville Zoning Ordinance*, or the *Knox County Zoning Ordinance*, all applications for a Certificate of Appropriateness for a Building Permit shall be accompanied by the following:

- A. Four (4) copies of a site plan prepared by either a registered engineer or architect and showing the following:
1. A description of all operations in sufficient detail to indicate the effects of those operations in production of excessive auto and traffic congestion or problems of noise, glare, odor, sewerage, smoke, air pollution, water pollution, fire or safety hazards, or other factors detrimental to the health, safety and welfare of the area.
 2. A description of any zoning variances, or design waivers, required to be approved as part of the plot plan.
 3. A plot plan indicating the location of present and proposed buildings, driveways, parking lots, landscaping and signs, other necessary uses, and any development phasing. For projects on property in excess of five (5) acres, the landscape plan shall be sealed, signed and dated by a registered landscape architect.
 4. Preliminary architectural plans showing elevations, areas, height, materials, and other information necessary to evaluate proposed building(s).
 5. An estimate of the maximum number of employees contemplated for the proposed development and number of employees per shift.
 6. A storm water drainage plan which includes accurate existing and proposed water courses; the system of open channels, pipes, culverts, drains, inlets, catch basins, and similar facilities designed to handle storm water in times of rainstorms, the calculations used in the design of such systems and the easements required in the construction and maintenance of the drainage system. Erosion and sediment control measures as required by the City of Knoxville, or Knox County, as appropriate, will be utilized.
 7. Other engineering and architectural plans including a designation of sewers to be used and plans for abating any effects described in the plans submitted, or any other nuisances. All sewage disposal systems and land requirements for such systems shall be approved by the Knox County Health Department before a Certificate of Appropriateness can be issued.
- B. Any other information the TTCDA Board may need to adequately consider the effect that the proposed uses may have upon their environment and on the cost of providing public services to the area.

Section 2 – Rezoning

In addition to the requirements of the application form and those of either the *Knoxville Zoning Ordinance*, or the *Knox County Zoning Ordinances*, all applications for a Certificate of Appropriateness for Rezoning shall be accompanied by the following:

- A. A written or graphic description of the property requested for rezoning.
- B. If the applicant is not the property owner, authorization from the property owner that the applicant has permission to submit the application for rezoning on the owner's behalf.
- C. In addition, any application filed with the Metropolitan Planning Commission for the same property, with both applications to be considered concurrently.

Section 3 – Variances

In addition to the requirements of the application form and those of either the *Knoxville Zoning Ordinance*, or the *Knox County Zoning Ordinance*, all applications for a Certificate of Appropriateness for a Variance shall be accompanied by the following:

- A. Any information needed to show that the variance is necessary, due to unique circumstances not created by the applicant, to relieve the applicant of undue hardship created by the requirements of the Technology Overlay Zone or the base zoning district; that the variance is the minimum necessary to allow the use of the land in the same way as other land in the same zone; and that the relief sought may be granted without substantially impairing the intent of the Technology Overlay Zone, the base zone or the Technology Corridor Comprehensive Development Plan.
- B. A conceptual site plan, or elevation, showing the extent of the variance, and how the variance relates to the intended design objectives of the proposed development.
- C. These same submission requirements shall be applied to a request for a waiver of the *Design Guidelines*, in the place of a complete site plan, as described under Section 1 – Building Permit.

Section 4 – Grading Permits

In addition to the requirements of the application form and those of the *Tennessee Technology Corridor Design Guidelines*, the *Knoxville Zoning Ordinance*, or the *Knox County Zoning Ordinance*, all applications for a Certificate of Appropriateness for a Grading Permit shall be accompanied by the following:

- A. A plan showing the proposed extent of site grading, including any excavation, filling, clearing or any other disturbance of the natural terrain, with the necessary calculations to accurately show the changes in the site's topography. Such a plan shall be prepared by a registered engineer.
- B. All grading plans shall be prepared consistent with the requirements of the Knox County Department of Engineering and Public Works, or the Knoxville Department of Engineering, as appropriate.

Section 5 – Sign Permits

In addition to the requirements of the application form and those of the *Tennessee Technology Corridor Design Guidelines*, all applications for a Certificate of Appropriateness for a Sign Permit shall be accompanied by the following:

- A. Architectural elevations of each sign for which approval has been requested, drawn to scale and depicting proposed colors, materials and dimensions, including sign area and height.

- B. For monument signs, a site plan, drawn to scale and showing the proposed location of each sign and its distance from nearest right-of-way or property line.
- C. For building signs, an elevation showing the location of the proposed sign on the building.

Section 6 – Alternative Compliance

In response to those applications for the approval of Certificates of Appropriateness that propose a project design not addressed or anticipated by a strict interpretation of these guidelines, the staff of the Tennessee Technology Corridor Development Authority may request that such applications be reviewed informally by the TTCDA Board prior to their formal approval and with the applicant’s participation. Examples of such applications could be those that employ new methods of building construction, the use of non-traditional building materials and colors and cutting edge approaches to overall project design. Informal workshops of this nature would provide the opportunity to address concerns that the Board might have regarding any deviation from the Design Guidelines that these unique applications propose. While the Board should be open to the consideration of innovative design solutions, whatever their nature, their responsibility to ensure that the spirit and intent of these guidelines should be maintained and protected.

ARTICLE V: STAFF REVIEW GUIDELINES

Every proposal or application submitted to the TTCDA Board shall be reviewed and studied by the TTCDA Staff, who shall render a report and recommendation of appropriate action to the TTCDA Board. For all proposals and application that involve a specific site, the TTCDA Staff shall visit the site as part of the study and review process.

Section 1 – Rezoning

The TTCDA Staff shall review requests for Rezoning Certificates of Appropriateness, based on the following:

- A. Conformity of the proposed rezoning with the TTCDA *Comprehensive Development Plan*, and other plans affecting development within the Technology Overlay.
- B. Need and justification for the proposed rezoning.
- C. Effect of the proposed rezoning on the surrounding area.

Section 2 – Building Permits/Grading Permits

The TTCDA Staff shall review requests for Building Permit Certificates of Appropriateness, based on the following:

- A. Conformity of the proposal with the *Tennessee Technology Corridor Design Guidelines*.
- B. Conformity of the proposal with the *Knoxville-Knox County Minimum Subdivision Regulations* and either the *Knoxville Zoning Ordinance*, or the *Knox County Zoning Ordinance*, as appropriate.

- C. Effect of the proposal on the subject property, surrounding property and the community as a whole.
- D. Consistency of the proposal with the requirements of city or county departments, as appropriate.

Grading Permit requests will be reviewed based on the same criteria.

Section 3 – Variances

The TTCDA Staff will review requests for Variance Certificates of Appropriateness, based on the following:

- A. Relationship of the variance within the context of the overall development plan and the design proposed by the applicant.
- B. Consistency of the variance with the development pattern established on surrounding properties.

Section 4 – Sign Permits

The TTCDA Staff will review requests for Sign Permit Certificates of Appropriateness, based on the following:

- A. Conformity of the sign proposal with the *Design Guidelines*.
- B. Relationship of the proposed signage to signage on nearby properties, in terms of size, location, materials, and color.

ARTICLE VI: STAFF RECOMMENDATION

Upon completion of its study and review, the TTCDA Staff will prepare its report and recommendation to the TTCDA Board to either: (1) approve, as requested; (2) approve, subject to conditions; (3) approve a modified version, subject to conditions; (4) deny; (5) postpone; or (6) table.

A staff report, along with appropriate maps, plans, elevations, photographs, and written material from the applicant, as well as the minutes of the previous meeting and an agenda for the upcoming meeting, will be forwarded to the members of the TTCDA Board the week prior to the board meeting.

ARTICLE VII: MONTHLY PUBLIC MEETING

Section 1 – Order of Meeting

The monthly public meeting of the TTCDA Board shall be conducted in the order of the meeting agenda, which shall be prepared in advance and approved by the Board at the monthly public meeting.

Section 2 – Discussion and Debate

At the monthly public meeting, the TTCDA Board shall consider the views of the applicant and other interested parties, staff reports and recommendations, and the standards set forth in the *Design Guidelines*, the *Knoxville-Knox County Minimum Subdivision Regulations*, and either the *Knoxville Zoning Ordinance*, or the *Knox County Zoning Ordinance*, as is appropriate, and all applicable plans and policies.

- A. Each matter on the agenda will be considered in the following order:
 - 1. Staff recommendation (questions allowed)
 - 2. Applicant's comments (questions allowed)
 - 3. Opponent's comments (questions allowed)
 - 4. Discussion among the Board members
 - 5. Motion
 - 6. Second
 - 7. Discussion among the Board members
 - 8. Vote

- B. Public participation in the discussion and debate shall be conducted in conformity with the following:
 - 1. Applicants shall be limited to no more than five (5) minutes.
 - 2. Opposition shall be limited to no more than five (5) minutes.
 - 3. Speakers must limit their remarks to the facts of the case and should avoid repeating comments that have been previously presented to the Board.
 - 4. Any group wishing to speak should select a spokesman.

ARTICLE VIII: BOARD ACTION ON APPLICATIONS

Section 1 – Postponement of an Application

The TTCDA Board may postpone items from the public monthly meeting agenda, consistent with the following restrictions and requirements:

- A. Every motion to postpone action on an application shall include the date of the monthly public meeting at which the application will again be considered.

- B. Motions to postpone an application, however, may be limited by the requirement, as stipulated in the enabling legislation creating the TTCDA Board that each application must be acted upon within 60 days following the initial consideration of an application by the Authority meeting in regular session. The 60-day requirement, however, does not apply when the request to postpone is made by the applicant.

Section 2 – Denial of an Application

Any application that is denied may be refiled any time after the application has been denied by the TTCDA Board. Exceptions to this rule would involve those applications that also require consideration by the Metropolitan Planning Commission, Knoxville City Council, Knox County Commission, or Knox County Board of Zoning Appeals and subject to their "one-year" rule before the same application could be refiled. (See MPC *Administrative Rules & Procedures, Art. XII, Sec. 2.*)

Section 3 – Withdrawal of an Application

Any application may be withdrawn by the applicant prior to and during the TTCDA Board meetings. Any application that is withdrawn may be refiled at any time after the application has been withdrawn by the TTCDA Board. Exceptions to this rule would involve those applications that also have been withdrawn by the Metropolitan Planning Commission and subject to MPC's "one-year rule" before the same application could be refiled. (See MPC *Administrative Rules & Procedures, Art. XII, Sec. 3.*)

Section 4 – Tabling of an Application

Any application may be tabled at the request of the applicant or the TTCDA Staff and after action taken by the TTCDA Board. The application may be removed from the table at the request of the applicant and after action taken by the TTCDA Board, but may be considered no sooner than the next scheduled monthly public meeting.

Section 5 – Applications Requiring Legislative Action

The applications that are considered by the TTCDA Board---requests for the approval of Certificates of Appropriateness for rezoning, building/grading permit, sign permit, and variance---do not require further approval by the Knoxville City Council, Knox County Commission or Knox County Board of Zoning Appeals. Similar applications for rezoning, signage and variances, however, will require approval, as required by the *Knoxville Zoning Ordinance*, or *Knox County Zoning Ordinance*, by the respective legislative or decision-making body.

Section 6 – Other Matters Requiring TTCDA Action

Other matters, such as revisions to the TTCDA *Comprehensive Development Plan, Design Guidelines, By-Laws, and Administrative Rules and Procedures*, can be considered by the TTCDA Board of Commissioners without the need for further review and approval by other city or county bodies.

Section 7 – Staff Review and Approval of Minor Changes to Previously Approved Applications

The TTCDA staff may review and approve minor changes to previously approved applications for Certificates of Appropriateness for building, grading and signs permits, consistent with the following requirements:

- A. The proposed change complies with all relevant requirements of the *Design Guidelines, Knoxville Zoning Ordinance* and *Knox County Zoning Ordinance*, as appropriate. As such, waivers to the *Design Guidelines* and zoning variances would not be needed.
- B. The proposed change does not result in an increase of more than 5% of the square footage in the approved development plan, and any other changes resulting from such an increase will comply with all applicable requirements.
- C. The proposed change complies with the requirements of either the Knoxville Zoning Ordinance or the Knox County Zoning Ordinance for approval of minor changes in either the TO-1 or TO zone.

A report will be made to the TTCDA Board at its regularly scheduled monthly meeting, summarizing the minor revision approved by the staff during the previous month.

Section 8 – Staff Review and Approval of Interim Signs

The TTCDA staff may review and approve “Interim Signs” as described by and pursuant to the TTCDA Design Guidelines. Such signs shall not require the approval of any variances or waivers, and shall be allowed only for the time period specified. Any temporary sign that does not comply with the Design Guidelines shall be subject to the review and approval of the TTCDA Board, consistent with the review procedures for permanent signs, as outline in these regulations.

ARTICLE IX: APPEALS

Section 1 – Right of Appeal

Any decision of the Tennessee Technology Corridor Development Authority Board of Commissioners regarding Certificates of Appropriateness for building permits, grading permits, rezonings, variances, or sign permits may be appealed to the Knox County Commission.

Section 2 – Computation of Appeal

Applications for appeals shall be filed at the offices of the Metropolitan Planning Commission within 30 days of the action of the Board of Commissioners. The applicable appeal period shall commence on the day following the action of the Board of Commissioners. After expiration of the appeal period, any application for an appeal shall not be accepted. In the event that the final day of the appeal period falls on a Saturday, Sunday or Holiday, the appeal period shall be extended to the next following business day.

ARTICLE X: SCHEDULE OF FEES

The following page shows the schedule of fees for the Tennessee Technology Corridor Development Authority.

ARTICLE XI: AMENDMENTS

These rules may be amended at any regular meeting of the TTCDA Board by majority vote of the members of the Board, held not less than seven days after the proposed amendment is delivered to all members. Amendments shall not become effective until approved by the Board.

TTCDA FEE SCHEDULE

<u>Application type</u>	<u>Fee</u>
Building/grading plan	\$400.00
Sign plan	\$175.00
Zoning variance request	\$175.00
Rezoning request	\$175.00
Administrative review	\$150.00
Appeal of decision	\$250.00

Approved July 8, 2013

Amendments to the Administrative Rules and Procedures

April 6, 2009: Added Article IV, Section 6 – Alternative Compliance

April 6, 2009: Added Article VIII, Section 8 – Staff Review and Approval of Interim Signs

June 6, 2013: Revised Article II, Section 1 – Public Notice – and Added Article II, Sections 4, 5 and 6 – Public Notice Signs, Notification by Mail and Preliminary Agenda

July 8, 2013: Revised fee schedule

September 8, 2014: Revised Article VIII, Section 1 – Postponement of an Application

August 7, 2017: - Revised Article III, Section 2 – Closing Date for Filing Applications and added a new Article XI: Amendments