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Private Acts of 1983 Chapter 148

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Please feel free to contact us if you have questions or comments regarding this information or any other CTAS website material.

Sincerely,

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Private Acts of 1983 Chapter 148

COMPILER'S NOTE: This act is superseded by the Knox County Charter, Section 14-27 through 14-39, pursuant to T.C.A. § 5-1-120, subject to continuation by ordinance of the Knox County Commission. This act was reproduced rather than placed in the historical notes due to its importance and possible continuation by ordinance.

SECTION 1. Short Title - This act shall be known and may be cited as the "Tennessee Technology Corridor Development Authority Act."

SECTION 2. Legislative Findings - Public and governmental character of High Technology Development Authorities - Declaration of Public Necessity.

a. It is declared that a clear need exists in a specific area of Knox County, Tennessee, for improved management of the natural and manmade resources required for the attraction, expansion and continued support and nurture of high technology-based economic development and the subsequent creation and expansion of employment opportunities for all of Tennessee's citizens through the promotion of high technology business development. To this end, it shall be the purpose of this act to place physical development review responsibilities and other powers specified herein in a specially designated body, and that such body shall have the authority to exercise said powers to more effectively manage the natural and manmade resources to effect the location, expansion and support of high technology business development within the specific geographic area designated by this act.

b. It is further declared that the Tennessee Technology Corridor Development Authority created pursuant to this act shall be a public and governmental body acting as an agency and instrumentality of Knox County; and that the responsibilities, management authority, and other powers designated herein are declared to be for public and governmental purpose and a matter of public necessity. The property and revenues of the authority or any interest therein shall be exempt from all state, county and municipal taxation.

SECTION 3. Definitions. The following words or terms whenever used or referred to in this act shall have the following respective meanings unless different meanings clearly appear from the context:

a. "Authority" shall mean the Tennessee Technology Corridor Development Authority created pursuant to the provisions of this act.

b. "Governing Body" shall mean the chief legislative body of Knox County, or the chief legislative body of the City of Knoxville, as noted.

c. "Board" shall mean the Board of Commissioners of the Authority.

d. "Municipality" shall mean any city or county government having jurisdiction within the geographical area of the Authority as designated by this act.

e. "State" shall mean the State of Tennessee.

f. "High Technology Business" shall mean any public or private enterprise engaged in the research, development, production or support of new or emerging products or processes through the application of advanced technology in new or rapidly expanding markets, or any other business deemed by the Board to be compatible with such businesses. g. "Planning Commission" shall mean the Knoxville/Knox County Metropolitan Planning Commission or any successor planning commission. h. "Technology Corridor" shall mean that geographical corridor described at Section 5(b) of this act.

As amended by: Private Acts of 2011, Chapter 9

SECTION 4. Authority Established - Purposes.

a. There is established in Knox County, Tennessee, a high technology development authority to be known as the "Tennessee Technology Corridor Development Authority".

b. The Authority shall be established for the purposes of:

(1) Developing and adopting jointly with the Planning Commission a comprehensive development plan for the Tennessee Technology Corridor as delineated elsewhere in this act.

(2) Developing, adopting, and administering site design and development standards in cooperation with the Planning Commission for the Technology Corridor to insure a high quality living and working environment conducive to the requirements of high technology business.

(3) Effecting sound development of the designated area through the financing, construction, renovation or modification of public service facilities in cooperation with the municipalities and utility districts as deemed necessary and appropriate for the location, siting, maintenance, and support of high technology business development.

(4) Acquiring, holding, improving, managing, and disposing of lands within the designated area which are suitable for the various purposes herein set forth and for use by research and development, manufacturing, processing or fabricating plants, or other businesses, industries or institutions which, by their advanced technological nature and siting requirements seek a location within the designated area.

SECTION 5. High Technology Overlay Zone, Establishment, Definition, Delineation.

a. In order to accomplish the purpose of this act, a High Technology Overlay Zone shall be established by the governing body within which the Authority shall exercise powers described herein to effect the purposes of this act. The powers described shall be exercised in cooperation with the governing body through its zoning authority and other police powers. The governing body's zoning resolution shall be amended to establish a high technology overlay zone in accordance with the provision of its zoning resolution and the general law of the state. Where design and development standards, regulations, policies, and procedures are adopted for the High Technology Overlay Zone by the Authority pursuant to this act, said standards, regulations, policies and procedures shall apply, provided that, the permitted and prohibited property uses, zoning, land management procedures and regulations otherwise applicable within the county shall also apply.

b. The geographic area defined as the Tennessee Technology Corridor and over which the authority shall exercise its powers shall be that portion of Knox County:

Beginning at a point on Interstate 40 which is 1000 feet east of the exit to Pellissippi Parkway (State Route 162); thence N. 21 degree 30" W. 5300 feet to the intersection of Dughtown Drive and Bob Kirby Road; thence north with the centerline of Bob Kirby Road to its intersection with Fox Drive (Chesney Road); thence west with the centerline of Fox Drive (Chesney Road) its intersection with Hickey Road; thence north with the centerline of Hickey Road to its intersection with Lovell Road; thence west with the centerline of Lovell Road to its intersection with the eastern right-of-way of Plumb Ridge Road; thence north with said right-of-way to its intersection with the southeast boundary of Wood Creek Subdivision; thence east with said boundary; thence north with northeast boundary of Wood Creek Subdivision; thence west with the northwest boundary of Wood Creek Subdivision; thence west with the northwest boundary of Wood Creek Subdivision approximately 1150 feet to a back corner of Lot #13; thence N. 40 degree W. 2800 feet to the intersection of Reagan Road and Hardin Valley Drive; thence north with the centerline of Reagan Road to its intersection with Coward Mill Road; thence east with the centerline of Coward Mill Road to its intersection with the Louisville and Nashville Railroad tracks; thence north with the centerline of the Louisville and Nashville Railroad tracks; to the vicinity of Emory Road; thence with the centerline of Solway-Byington Road to a point 1000 feet east of the right-of-way of the Pellissippi Parkway (State Route 162); thence north maintaining a distance of 1000 feet from said right-of-way to the jurisdictional boundaries of Knox and Anderson County, Tennessee, at Melton Hill Reservoir (Clinch River); thence west with the Knox County boundary to a point 1000 feet west of the right-of-way of the Pellissippi Parkway (State Route 162); thence south maintaining a distance of 1000 feet from the said right-of-way until it intersects Beaver Creek; thence with the centerline of Beaver Creek, south to its intersection with Sam Lee Road; thence south with the centerline of Sam Lee Road 2200 feet; thence S. 38 degree 30" E. 3750 feet to Hardin Valley Road; thence S. 42 degree E. 3750 feet to the intersection of Chestnut Grove Road and Carmichael Road; thence south with the centerline of Carmichael Road to its intersection with Yarnell Drive; thence east with the centerline of Yarnell Drive 950 feet; thence S. 43 degree E. 5450 feet (crossing Snyder Drive) to the intersection of Lovell Road and Progressive; thence south with the centerline of Progressive to its intersection with Dutchtown Road; thence west with the centerline of Dutchtown Road to its intersection with Lovell Road and its exit from Interstate 40; thence east with centerline of Interstate 40 to the point of beginning.

Any modification of the boundaries of the corridor shall be made by amendment of the act upon concurrence of the governing body and the approval of the Authority.

As amended by: Private Acts of 1984, Chapter 229

SECTION 6. High Technology Development Authority - Sanctioning Authority - Governing Board - Members - Appointment - Terms.

a. The governing body of the Authority shall be a board of commissioners established in accordance with the terms of this act and charged with the promotion and support of high technology-based economic growth for the Tennessee Technology Corridor in the State of Tennessee.

b. The Board of Commissioners shall be composed of seven members, five of whom shall be nominated by the Governor of the State upon recommendations received from the chief executive of Knox County, and approved by a majority vote of the governing body of Knox County, and one who shall be appointed by the Governor. No person, whether or not a land owner or developer, with any property interest in any property within the Technology Corridor shall be nominated for, or appointed to serve, as a commissioner. One member shall be a member of the governing body of Knox County who shall be appointed by the governing body of Knox County, and at least one commissioner shall be from private business and one from an educational or research institution. The term of office of the member appointed by the Governor shall coincide with the term of office of the Governor, and the term of office of the member of the governing body of Knox County shall coincide with his term of office on the governing body. The remaining commissioners shall serve terms of five years which terms of office shall begin not more than one month after ratification of this act by the governing body of Knox County. Commissioners first appointed to the Board shall be appointed for terms of one, two, three, four and five years respectively, but thereafter each commissioner shall be appointed for a term of five years except as otherwise provided herein. All commissioners shall be residents of the State and all except the commissioner appointed by the Governor shall be residents of Knox County, Tennessee. Any vacancy by reason of non-residency, incapacity, resignation or death shall be filled in a like manner for the unexpired term. Commissioners shall be eligible for reappointment by the governing body of the county upon recommendation by the chief executive of Knox County and nomination by the Governor, and the commissioner appointed by the Governor, and the commissioner appointed by the governing body of Knox County, shall also be eligible for reappointment, if so appointed by the Governor or the governing body of the county respectively. A resolution of the governing body approving the nominees to the initial Board of Commissioners shall be filed along with notice of ratification with the Secretary of State for the State, after receipt of which the Authority shall be authorized to commence to conduct business.

As amended by: Private Acts of 2011, Chapter 9

c. All members of the Board of Commissioners shall serve as such without compensation, but may be allowed necessary expenses while engaged in the business of the Authority, as may be provided and approved by the Board of Commissioners, payable from the funds of the Authority.

As amended by: Private Acts of 2011, Chapter 9

d. The Board of Commissioners shall elect from its members a Chairman and Vice-Chairman, each of whom shall continue to be voting members, and shall adopt its own by-laws and rules of procedures. A majority of the commissioners shall constitute a quorum for the transaction of business. Except as herein expressly otherwise specified all powers granted to the authority shall be exercised by its Board.

e. A commissioner may be removed from office for good cause including voting in matters of personal interest in violation of Tennessee Code Annotated 12-4-101, but only after notice of the cause of such removal has been served upon the commissioner, in accordance with Article 7, Section 1 of the Tennessee Constitution, Tennessee Code Annotated 12-4-102, and the general law.

SECTION 7. General Powers. The authority shall have all powers necessary to accomplish the purpose of this chapter (excluding the power to levy and collect taxes and special assessments) including, but not limited to, the following:

a. To have perpetual succession, to sue and be sued, and to adopt a corporate seal;

b. To acquire, construct, purchase, operate, maintain, replace, repair, rebuild, extend, and improve, within the boundaries of the Tennessee Technology Corridor delineated elsewhere in this act, all facilities, equipment, and appurtenances necessary or convenient to the promotion, expansion, retention, nurture, and support of high technology-oriented economic development, and to charge for their use and for any and all services performed by the Authority, provided however, that the Authority shall have no power or control over land or facilities under control of any public utility created by general or special acts; provided, however, all construction proposed by the authority to be undertaken, in whole or in part, with state funds shall be submitted to the State Building Commission for review and no such construction shall be undertaken by the Authority without the advance approval of such commission.

c. To accept donations to the Authority of cash, lands, or other property to be used in the furtherance of the purposes of this act, and to accept grants, loans, or other financial assistance

from any federal, state, or local government or other sources, or in aid of the acquisition or improvement of any of the facilities described herein provided, however, that the acceptance of Federal or State assistance does not pre-empt grant monies otherwise available to Knox County.

d. To purchase, rent, lease or otherwise acquire and to sell, transfer, manage, or otherwise dispose of any and all kinds of property, real, personal, or mixed, tangible or intangible, and whether or not subject to mortgages, liens, charges, or other encumbrances which, in the judgment of the Authority's commissioners, is necessary or convenient to carry out the powers herein granted. The Authority herein to acquire property shall include the acquisition of lands within the Technology Corridor which are suitable for or deemed necessary by the Authority pursuant to its purposes for use by or support of high-technology businesses and industries provided, however, said acquisition shall be made upon approval of the governing body, which may impose in-lieu-of tax payment on the Authority, until ad valorem taxes shall be levied.

e. To make contracts and execute instruments containing such covenants, terms and conditions as in the judgment of the Board of Commissioners may be necessary, proper, or advisable for the purpose of carrying out its functions including, but not limited to, agreements for obtaining grants, loans, or other financial assistance from federal, state or local governments or agencies thereof or other sources for the accomplishments of the purposes of this act and the acquisition or improvement of facilities as herein provided; and to make contracts and execute such instruments including, without limitation, licenses, long or short term leases, mortgages, and Deeds of Trust, and other agreements relating to property and facilities under its jurisdiction, and the construction, operation, maintenance, repair and improvement thereof, as in the judgment of the Board of Commissioners may be necessary, proper or advisable for the furtherance of the purposes of this act.

f. To establish schedules of fees, rates, charges, and rentals for the use of the facilities under its jurisdiction, and for services which it may render;

g. To enter upon any lands, waters, and premises for the purpose of making surveys, inspections, and evaluations in connection with the acquisition, improvement, operation, or maintenance of any of the facilities herein provided, or for the effective performance of its duties performed in accordance with paragraph (j) of this part;

h. To promulgate and enforce such rules and regulations as the Board of Commissioners may deem proper for the orderly administration of the Authority and the efficient operation of its facilities;

i. To adopt and oversee implementation of a comprehensive development plan comprised of land use, public facilities, and capital improvement plans for the entire High Technology Overlay Zone in cooperation with local planning bodies for the purpose of developing a systematic land management policy and guidance for any person in the development process;

j. To serve as a review board for the purpose of accepting, considering, approving or denying applications for "certificates of appropriateness" as defined herein, prior to action on requests for rezoning or variance from the provisions of the zoning regulations in effect within the High Technology Overlay Zone, and prior to action on applications for building or grading permits within the High Technology Overlay Zone by any person authorized to issue such permits for the County of Knox or any municipality in order to insure that development within the zone is consistent with the policies and plans of the Authority; and to administer and enforce such developmental standards, regulations and related rules and procedures as the Board of Commissioners may adopt from time to time for the review and consideration of applications for such certificates, provided, however, that such standards, regulations and rules and procedures are first approved by the governing body for Knox County.

k. To employ and fix the compensation of an Executive Director and such staff as the Board of Commissioners deems necessary, who shall serve in the employment of the authority at the will and pleasure of the Board of Commissioners; and to employ, contract with and fix compensation for such architects, attorneys, accountants, planners, engineers, consultants and other professionals as may be necessary for the efficient operation of the Authority, and the operation of facilities under its control.

l. To do all acts and things necessary, or deemed necessary or convenient to carry out the powers expressly given in this act.

SECTION 8. Application for Permits for Construction in High Technology Overlay Zone - Certificates of Appropriateness.

All Applications for rezoning or variances from the provisions of adopted zoning ordinances, or for permits for construction, alteration, repair, rehabilitation, or relocation of a building, structure or other

improvements to real estate situated within the High Technology Overlay Zone, shall be reviewed by the Board of Commissioners, which shall have broad powers to request detailed plans and related data pertinent to thorough review of the proposal. No rezoning or variance to zoning provisions shall be granted, nor shall construction, alteration, repair, rehabilitation or relocation to any building, structure or other improvement to real property situated within the High Technology Overlay Zone be performed without the issuance of a certificate of appropriateness by the Board of Commissioners. No building permit issuing authority in Knox County shall issue any such permit for new structure or improvements within the High Technology Overlay Zone without issuance of a certificate of appropriateness by the Board of Commissioners or by the governing body on appeal as provided in Section 11.

SECTION 9. Issuance or Denial of Certificate of Appropriateness - Guidelines.

a. The Authority shall, as soon as it is reasonably possible, but in all cases within 60 days following the initial consideration of an application by the Authority, meeting in regular session, grant a certificate of appropriateness with or without attached conditions, or deny the certificate, and shall state the grounds for denial in writing. In its review of applications for certificates of appropriateness, the Authority shall apply its adopted review criteria and standards, rules and regulations and give prime consideration to:

1. The proposed structure's or development's consistency with the comprehensive development plan and development standards jointly adopted by the Authority, the Planning Commission, the chief legislative body for Knox County and the chief legislative body for the City of Knoxville for the High Technology Overlay Zone;
2. The relationship of the proposed development's design or the proposed structure's exterior architectural features to the surrounding area and/or the character of the entire overlay zone;
3. The general compatibility of the structure or development proposal and its projected impacts on development already in the vicinity of the proposal, as well as those projected and reflected in the adopted comprehensive plan for the zone; and
4. Any other factor, including functional and/or aesthetic, which is reasonably related to the purposes of this act.

As amended by: Private Acts of 2011, Chapter 9

b. Failure by the Authority to act on an application within the time required herein shall constitute approval of the certificate, provided, however, that an extension may be granted upon concurrence of the applicant.

SECTION 10. Agricultural Structures, Residential Structures and Incorporated Areas of Farragut and Knoxville Excluded. The structures, facilities and land uses identified herein shall not be required to apply for a certificate of appropriateness from the Tennessee Technology Corridor Development Authority;

- a. Agricultural uses and structures or appurtenances located in an agricultural zone and used solely for the production of products for sale to wholesale or retail markets and not part of or functionally related to manufacturing, commercial, or industrial enterprises within the designated High Technology Overlay Zone.
- b. Residential structures when such structures are located within subdivisions approved by local planning commissions or otherwise permitted by the general law. Medium and high density residential developments, as defined by the Knoxville-Knox County General Plan, or its successors, shall not be exempt.
- c. All uses within incorporated areas of Farragut and Knoxville defined by the jurisdictional boundaries at the time of enactment of this private act. Areas annexed by any municipality subsequent to enactment of this private act shall not be exempt.
- d. Nothing contained in this act shall be construed to require any change, or limit in any way any existing use of land permitted by any zoning in effect at the time of the enactment of this act.

As amended by: Private Acts of 2011, Chapter 9

SECTION 11. Appeal of Authority Actions.

Any interested party who is aggrieved by any action of the Board of Commissioners of the Authority including the approval or denial of a certificate of appropriateness may appeal its decision to the governing body for Knox County, or the governing body for the City of Knoxville, as appropriate, by filing an appeal on the designated form and paying such filing fee as may be required within 30 days of the action of the Board of Commissioners. The action that is appealed may be overruled by an affirmative majority vote of the appropriate governing body. All appeals shall be heard within 60 days of filing of application for appeal. Appeal from the action of the appropriate governing body shall be by Writ of

Certiorari as provided in the general law and shall be filed Within 30 days of such action.

As amended by: Private Acts of 2011, Chapter 9

SECTION 12. Enforcement of Tennessee Technology Corridor Development Authority Decisions.

In case any building or structure is erected, constructed, reconstructed, altered, maintained, or used, or any land is used in violation of this act or of any regulation or provisions enacted or adopted by the Authority under the powers granted by this act, the Board of Commissioners, the Attorney General, the District Attorney for the judicial circuit in which such violation occurs, or is occurring, the appropriate governing body's chief official for code administration and inspection, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin or abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance, or use.

As amended by: Private Acts of 2011, Chapter 9

SECTION 13. Construction of Act.

- a. The powers, authority, and rights conferred by this act shall be in addition and supplemental to any other general, special or local law conferring powers to counties, industrial development corporation or port authorities, and the limitations imposed by this act shall not affect the powers conferred to any county, industrial development corporation or port authority created by any other general, special or local law.
- b. This act is remedial in nature, and shall be liberally construed to effect its purposes of promoting high technology-based economic development within and in proximity to the Tennessee Technology Corridor as defined herein, facilitating the attraction, siting, and support of high technology industries in Knox County, and encouraging the effective utilization of the natural, educational, and technological resources therein to the ultimate growth and development of commerce and industry in said counties and throughout the State of Tennessee.
- c. Nothing in this chapter shall grant any power or control to the Authority Board over any land or facilities now under the control of any existing authority or public utility created by general or special act.
- d. Nothing in this chapter shall be construed to prevent the extension of the Technology Corridor into other counties by adoption of similar legislation for such counties, and upon adoption of such legislation this act should be amended to provide for participation by representatives of that county or those counties on the Board of Commissioners by the appointment of additional members of the Board from either that county or those counties, and by providing for the governing body of such county to serve in all respects as the governing body for the development in such county.
- e. If any of the provisions of this act or the application thereof to any person or circumstance is held invalid, the invalidity does not effect the other provisions or applications of this act which can be given effect without the invalid provision or application, and for that purpose the provisions of this act are separable.

SECTION 14. The Tennessee Technology Corridor Development Authority shall be subject to audit by the Comptroller of the Treasury in the manner established by the provisions of Tennessee Code Annotated, Section 8-4-109, for audit of state agencies.

SECTION 15. Ratification.

This act shall have no effect unless it is approved by a two-thirds vote of the governing body for Knox County. Its approval or nonapproval shall be proclaimed by the presiding officer of the governing body and certified by the presiding officer to the Secretary of State.

SECTION 16. Effective Date.

For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming law, the public welfare requiring it; for all other purposes it shall be effective upon being approved as provided in Section 15.

Passed: May 12, 1983.

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