



County Technical Assistance Service
INSTITUTE *for* PUBLIC SERVICE

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Private Acts of 1986 Chapter 180

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We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

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 1986 Chapter 180

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

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

a. It is declared that a clear need exists in a specific area of Blount County, Tennessee, for improved management of the natural and manmade resources required for the attraction, expansion, and continued support and nurturing of industrial technology-based economic development and the subsequent creation and expansion of employment opportunities for all of Tennessee's citizens through the promotion of industrial 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 specialty 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 industrial technology business development within the specific geographic area designated by this Act.

b. It is further declared that the Blount County Technology Corridor Development Authority created pursuant to this Act shall be a public and governmental body acting as an agency and instrumentality of Blount County, the City of Maryville and the City of Alcoa; 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 Blount County Technology Corridor Development Authority created, pursuant to the provisions of this Act.
- b. "Governing Bodies" shall mean the chief legislative bodies of Blount County, the City of Maryville and the City of Alcoa.
- c. "Board" shall mean the Board of Commissioners of the Authority.
- d. "Municipality" shall mean any city or government having jurisdiction within the geographical area of the Authority as designated by this Act.
- e. "State" shall mean the State of Tennessee.
- f. "Industrial Technology Business" shall mean any public or private enterprise engaged in the research, development, production, distribution or support of new or emerging products, 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 business.
- g. "Planning Commissions" shall mean the Blount County Planning Commission, the Alcoa Regional Planning Commission, the Maryville Regional Planning Commission, the City of Alcoa Planning Commission, the City of Maryville Planning Commission, or any successor planning commission.
- h. "Technology Corridor" shall mean that geographical corridor described at Section 5(b) of this Act.
- i. "Comprehensive Development Plan" shall mean adopted comprehensive plans for those lands and public improvements located within the Technology Corridor.
- j. "Technology Parks" shall be those lands designated as suitable for technology development and as shown on the adopted Comprehensive Development Plan.
- k. "Tennessee Technology Foundation" a not-for-profit corporation chartered in cooperation with the State of Tennessee.
- l. "Tennessee Technology Corridor Development Authority" as defined in Chapter 128 of the Private Acts of 1983.

SECTION 4. Authority Established - Purposes.

- a. There is established in Blount County, Tennessee, the Blount County Technology Corridor Development Authority.
- b. The Authority shall be established for the purposes of:
 - (1) Developing and adopting jointly with the Planning Commissions, a comprehensive plan

for the Blount County Technology Corridor as delineated elsewhere in this Act .

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

(3) Affecting sound development of the Technology Parks 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 industrial technology business development.

(4) Acquiring, holding, improving, managing, and disposing of lands within the Technology Parks which are suitable for the various purposes herein set forth.

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

a. In order to accomplish the purpose of this Act, a Technology Overlay Zone shall be established by the governing bodies within which the Authority shall exercise powers described herein to effect the purpose of this Act. The powers described shall be exercised in cooperation with the governing bodies through their zoning authority and other police powers. The governing bodies zoning resolution shall be enacted to establish a 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 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 municipalities shall also apply.

b. The geographic area defined as the Blount County Technology Corridor and over which the Authority shall exercise its powers shall be that portion of Blount County established and provided by resolution of the Blount County municipalities. Any modification of the boundaries of the Technology Corridor shall be made upon concurrence of the governing bodies and the approval of the Authority.

SECTION 6. 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 industrial technology based on economic growth for the Blount County Technology Corridor in the State of Tennessee.

b. The Board of Commissioners shall be composed of nine (9) members, eight (8) of which shall be appointed by and a member or designee of the organization they represent. One (1) member shall be appointed by the Alcoa Regional Planning Commission, one (1) member shall be appointed by the Maryville Regional Planning Commission, one (1) member shall be appointed by the Blount County Planning Commission, one (1) member shall be appointed by the Tennessee Technology Foundation, three (3) members shall be appointed by the Blount County Industrial Development Board, one (1) member shall be appointed by the Metropolitan Knoxville Airport Authority, and one (1) member shall be at-large and shall be appointed by the other eight members. Members appointed by the Alcoa Regional Planning Commission, the Blount County Planning Commission and the Maryville Regional Planning Commission shall be appointed for three (3) years terms, the member from the Tennessee Technology Foundation shall be appointed for a two (2) year term, the members from the Blount County Industrial Development Board shall be appointed for a two year term and all other members shall be appointed for a one (1) year term. Each member may be re-appointed by their respective organizations. All members of the Board of Commissioners shall have been a Blount County resident for at least one (1) year. Any vacancy by reason of incapacity, resignation or death shall be filled in a like manner for the unexpired term. The names of the members appointed by their organizations are to be filed for the State with the Secretary or State by that organization, after which the Authority shall be authorized to commence business.

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 or the Tennessee Technology Foundation.

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 when otherwise expressly 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, Section 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 I of the Tennessee Constitution, Tennessee Code Annotated, Section 12-4-102, and the general law.

SECTION 7. General Powers. The Authority shall exercise all powers necessary to accomplish the purpose of this act (excluding the power to levy and collect taxes and special assessments) including, 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 Blount County Technology Corridor delineated pursuant to the provisions of this act, all facilities, equipment, and appurtenances necessary or convenient to the promotion, expansion, retention, nature, and support of industrial 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;
- c. To accept donations to the Authority of cash, lands, and other property to be used in the furtherance of the purposes of this act, and to accept grants, loans and other financial assistance from any federal, state or local government or any 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 preempt grant monies otherwise available to Blount County or its municipalities;
- d. To purchase, rent, lease or otherwise acquire; 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 judgement 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 industrial technology businesses, 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 judgement 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 accomplishment of the purpose of this act and acquisition or improvement of facilities as herein provided; and to make contracts and execute such instruments including, without limitation, licenses, long or short terms 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 judgement 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 requisition, 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 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, Technology Overlay Zone and prior to action on applications for buildings or zoning compliance permits, should such permits be required by the municipalities, within the Technology Overlay Zone by any person authorized to issue such permits for the municipalities 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 (including those of Land Use in designated Technology Parks), 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 procedure, are first approved by the governing bodies for the municipalities;

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 coordinate with the Tennessee Technology Foundation, the Tennessee Technology Corridor Development Authority and to perform all acts necessary to encourage, develop and execute an overall plan for Blount, Knox and Anderson counties.

m. 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 Technology Overlay Zone - Certificates of Appropriateness. Except as specifically exempted by Section 10 contained within, 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 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 improvements to real property situated within the Technology Overlay Zone be performed without the issuance of a Certificate of Appropriateness by the Board of Commissioners. No building permit issuing authority in municipalities shall issue any such permit for new structures or improvements within the Technology Overlay Zone without issuance of a Certificate of Appropriateness by the Board of Commissioners or by the governing body upon 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 sixty (60) days following the filing of an application with the required data, 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 Commissions, and the municipalities legislative bodies for the 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 Technology 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 development plan for the zone; and

(4) Any other factor, including functional and/or aesthetic, which is reasonably related to the purposes of this act.

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

SECTION 10. Agricultural Structures, Residential Structures, and Existing Commercial, Office and Industrial Structures and Proposed Office, Industrial and Commercial Use Not Within Designated "Technology Parks" and Not Within 1000 Feet of Center Line of Designated Roadways Excluded.

The structures, facilities and land uses identified herein shall not be required to apply for a Certificate of Appropriateness from the Blount County Technology Corridor Development Authority.

a. Agricultural uses and structures or appurtenances 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 Technology Overlay Zone.

b. All residential structures, when such structures are located within subdivisions approved by planning commissions or otherwise permitted by the general law.

c. The expansion, alteration, or renovation of all commercial, office and industrial structures legally allowed at the time of the adoption of the Technology Overlay Zone, unless such existing office, commercial and industrial structures are expanded in excess of ten thousand (10,000) square feet or fifty (50) percent of the square footage of the building, whichever is less, after the adoption of the Technology Overlay Zone and/or are located within one thousand (1000) feet of the center line of the designated roadways identified on the adopted Comprehensive Development Plan.

As amended by: Private Acts of 1988, Chapter 221

Private Acts of 1989, Chapter 67

Proposed office, commercial and industrial uses unless they are located in designated "Technology Parks" and/or are within one thousand (1000) feet of the center line of the designated roadways identified on the adopted Comprehensive Development Plan.

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.

SECTION 11. Appeal of Authority Actions. Any interested party who is aggrieved by action of the Board of Commissioners of the Authority related to the approval or denial of a Certificate of Appropriateness for building permits, and rezonings and variances to the provisions of the adopted zoning ordinance may appeal its decision to the governing body of the municipality in which the property is located by filing an appeal on the designated form and paying such filing fees as may be required within thirty (30) days of the action or the Board of Commissioners. The action that is appealed may be overruled by an affirmative majority vote of that governing body. All appeals shall be heard within sixty (60) days of filing of application for appeal. Appeal from the action of the governing body shall be the writ of certiorari as provided in the general law and shall be filed within thirty (30) days of such action.

As amended by:

Private Acts of 1988, Chapter 221

SECTION 12. Enforcement of Blount County 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 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 violations occurs, or is occurring, the governing body's supervisor or his designee, 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, abate or remove such unlawful erection, construction, reconstructions alteration, maintenance, or use.

SECTION 13. Construction of Act.

a. The powers, authority, and rights conferred by this act shall be additional and supplemental to any other general, special or local law conferring powers to cities, counties, industrial development corporations or port authorities, and the imitations 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 purpose of promoting industrial technology based economic development within and in proximity to the Blount County Technology Corridor as defined herein, facilitating the attraction, siting, and support of industrial technology industries in Blount 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 act 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 act shall be considered to prevent the extension of the Blount County Technology Corridor into other municipalities within Blount County by the adoption of Technology Overlay Zone

by that municipality and upon such adoption to provide for participation by one representative to be appointed by the planning commission of that municipality to the Board of Commissioners.

e. If any of the provisions of this act or the application thereof to any person or circumstances 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.

(a) The Blount County Technology Corridor Development Authority and its Board of Directors shall automatically terminate, shall cease all activities, and shall cease to exist on July 1, 1993, unless prior to such date, legislation which repeals the provisions of this section, Is enacted by the general assembly and approved by a two-thirds ($\frac{2}{3}$) vote of the governing bodies of each of the following; Blount County, the City of Maryville, and the City of Alcoa.

As amended by: Private Acts of 1989, Chapter 70
Private Acts of 1990, Chapter 184
Private Acts of 1991, Chapter 91

(b) Automatic termination of the Blount County Technology Corridor Development Authority and its Board under the provisions of subsection (a) of this section shall not cause the dismissal of any claim or right of any person against authority or the board or any claim or right of the authority or the board which is the subject of litigation. Upon automatic termination, existing claims and rights or the authority and the board shall be jointly assumed by Blount County, the City of Maryville, and the City of Alcoa. If the authority or the board ties any outstanding indebtedness on the date of such termination, the obligations and rights of the authority and the board shall jointly accrue to Blount County, the City of Maryville, and the City of Alcoa.

SECTION 15. Ratification. This Act shall have no effect unless it is approved by a two-thirds ($\frac{2}{3}$) vote of the governing bodies of the municipalities. This approval or non-approval shall be proclaimed by the presiding officer of the municipalities' legislative bodies and certified by him 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 14.

PASSED: April 3, 1986.

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