



Date: June 29, 2026  
To: Planning Commission  
From: Michelle Portier, AICP | Planning Services Manager  
File #: 3-A-26-OA; Agenda Item #55  
Subject: Knox County Zoning Ordinance Amendment, Public Notice Requirements and Vested Rights

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### **RECOMMENDATION**

Planning recommends approval of the proposed amendments to the Knox County Zoning Code, Article 6 pertaining to public notice requirements and vested rights.

### **BACKGROUND**

A change to state law increased the newspaper publication public notice requirement for zoning ordinance amendments from 15 days to 21 days (prior to the scheduled hearing date). This law includes text and map amendments. The proposed amendments align the Knox County Zoning Ordinance with state law.

### **PROPOSED AMENDMENT SUMMARY**

- **Article 6.30, Amendments**
  - 6.30.03.A: Pertaining to Planning Commission meetings, revised the language to correctly reflect the 21-day public notice requirement for zoning map and text amendments, per state law.
  
- **Article 6.40, County Commission Review**
  - 6.40: Pertaining to County Commission hearings of zoning map and text amendments, revised the language to correctly reflect the 21-day public notice requirement for zoning map and text amendments, per state law.
  - 6.40.03.A: Pertaining to County Commission hearings of petitions from aggrieved parties appealing zoning map and text amendments, revised the language to correctly reflect the 21-day public notice requirement for zoning map and text amendments, per state law.
  
- **Article 6.90, Vested Rights**
  - Corrected the TCA reference to 13-3-413 (pertaining to the power of regional planning commissions pertaining to vested rights).

**Attachment:** Exhibit A. Proposed Amendments to the Knox County Zoning Ordinance

## **ARTICLE 6. ADMINISTRATION, ENFORCEMENT AND INTERPRETATION**

### **6.10. Permits.**

6.10.01. Except as hereinbefore provided, a written building permit shall be obtained from the department of code administration and enforcement before starting or proceeding with the erection, structural alteration, or moving of any building or structure, or changing the use of any building or land, except that no permit shall be required for maintenance or installation of interior finishes in houses, attached houses or duplexes, agricultural uses and accessory farm buildings, or for home gardening or similar uses in any zone.

6.10.02. Each permit issued for a main building shall cover all accessory buildings constructed at the same time; otherwise, each accessory or other building or structure, including billboards and signs, shall require a separate permit.

6.10.03. A fee shall be set by the board of commissioners and shall be charged for issuance of each permit, which fee shall be collected by the department of code administration and enforcement. Fees shall be doubled if construction of a building is started prior to obtainment of the necessary building permit. A record shall be kept of all fees collected and these fees shall be placed in the county treasury.

6.10.04. Whenever the use of a building or land is changed to a use of the same or more restricted classification a "use and occupancy" permit shall be obtained from the department of code administration and inspection.

6.10.05. Whenever application for a building permit is made, the provisions of the Knox County Access Control and Driveway Design Policy shall be followed.

6.10.06. A permit shall become invalid three (3) years from date of issuance if the work authorized by the permit has not been started.

6.10.07. It shall be the duty of the director of the department of code administration and enforcement, among other things, to administer the provisions of this resolution pertaining to the issuance or withholding of permits for the erection, alteration, and use of buildings, signboards, structures, and land as described in the foregoing sections. The director of the department of code administration and enforcement shall issue or withhold any permit, in any form as directed by the board of zoning appeals; failure to do so shall be a misdemeanor with penalties as provided by this resolution. The department of code administration and enforcement shall not be liable for legal action for the issuance of any such permit by direction of the board.

The senior director of engineering, or a designee, shall make final decisions on the status of vested rights per article 6.90.

(Ord. No. O-96-9-101, § 1, 10-28-96; Ord. No. O-96-6-103, 7-22-96; Ord. No. O-04-1-102, § 1(Exh. A), 2-23-04; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-25-12-101, § 1(Exh. A), 2-17-26)

Editor's note(s)—The Knox County Access Control and Driveway Design Policy referenced in subsection 6.10.05 is not included in this Code, but is attached to Ordinance Number O-96-9-101 as Exhibit A and is incorporated herein by reference.

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## 6.11. Grading permit.

6.11.01. *Purpose.* Within the county, soil erosion and stormwater from construction sites contribute to the impairment of the floodplain, increased road maintenance costs, clogging of storm sewers, degradation of land surfaces and streams, flooding and dusty conditions. A grading permit procedure is hereby established to reduce both erosion and sediment problems resulting from the development process and the increase of urban runoff from developed land.

6.11.02. *Application.* An application for a grading permit shall be submitted to the supervisor of county codes administration and enforcement prior to the beginning of any grading, clearing, excavating, filling or other disturbance of natural terrain. The application shall contain the applicant's name and address and other relevant information requested on the application forms. It shall also contain proposed grading plans including the information and calculations required as published standard policy of the county. The application shall be signed by the owner of the property or their representative. Except for construction of houses and attached houses, bond will be required based on a review of the proposed improvement.

6.11.03. *Bonds.* No clearing, grading, excavating, filling or other disturbance of natural terrain shall be permitted until a bond, letter of credit, or cash deposit is posted adequate to complete the drainage facilities and erosion control measures for stabilizing the site. The division of engineering and hydrology shall set the amount and time of the bond, based on the estimated construction costs of drainage facilities. Construction of houses and attached houses within an approved subdivision and in conformance with an approved grading plan, or other construction activities determined by the county engineer to have no significant potential of erosion or drainage problems, shall not require the posting of bond.

### 6.11.04. *Restoration of graded areas.*

- A. On any land which has been graded pursuant to a grading permit granted under this section, where vegetation and soil have been disturbed or removed and not replaced by any permanent structure, a permanent ground-cover sufficient to restrain erosion shall be planted or otherwise provided within one hundred twenty (120) working days on that portion of the tract upon which further active construction is not being undertaken, including the watershed and drainage basin of a functioning sediment control basin. During winter and summer seasons, temporary cover shall be provided within one hundred twenty (120) working days and properly maintained until the beginning of the next spring or fall seeding season, when permanent cover shall be planted. Such restoration shall be done in accordance with the Knox County Policy for Control of Erosion and Stormwater and the guidelines outlined in the Knox County Erosion and Sediment Control Handbook. (1981).
- B. The division of engineering and hydrology shall not release the bond required by subsection 6.11.03, "Bonds," of this section until it certifies that the requirements of this subsection have been met.

### 6.11.05. *Appeals.*

- A. Any person aggrieved by requirements of the grading permit may appeal from any order, requirement, decision or determination to the board of zoning appeals.
- B. The board is authorized, by the provisions of section 6.60, "Board of zoning appeals," of this resolution, to grant a variance and exception to the requirements of a grading permit where documentation is presented which indicates no significant potential of erosion or drainage problems. The documentation presented shall be made part of the board record.

6.11.06. *Enforcement.* Compliance with the requirements set forth in this resolution, and the accompanying Policy for Control of Erosion and Stormwater and its subsequent revisions, shall be enforced under the provisions of section 6.20, "Enforcement," of this resolution.

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(Ord. No. O-95-3-101, § 1, 4-24-95; Ord. No. O-04-1-102, § 1(Exh. A), 2-23-04; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

## **6.12. Temporary use permit.**

6.12.01. *Purpose.* A temporary use permit allows for the short-term use of a lot, including the placement of temporary structures. The temporary use permit regulates temporary uses that occur entirely on and within a lot. Temporary uses located within the public rights-of-way are regulated separately by the County Code.

6.12.02. *Initiation.* A property owner in the county, or person expressly authorized in writing by the property owner, may initiate a temporary use permit application.

6.12.03. *Authorization.* The director of the department of code administration and enforcement will review and make final decisions on temporary use permit applications.

6.12.04. *Procedure.*

- A. All applications for temporary use permit must be filed with the director of the department of code administration and enforcement.
- B. The director of the department of code administration and enforcement must render a decision on the temporary use permit within thirty (30) days of the date of receipt of a complete application. The director of the department of code administration and enforcement must review and evaluate the application, pursuant to the standards of this section, and approve, approve with conditions, or deny the application.

6.12.05. *Standards.* All temporary uses must comply with the requirements of this Code, including the temporary use standards of Article 3.100, and the following standards:

- A. Unless otherwise allowed by this Code, the temporary use or structure complies with the dimensional requirements of the district in which it is located.
- B. The temporary use does not adversely impact the public health, safety, and welfare.
- C. The temporary use is operated in accordance with any restrictions and conditions as the sheriff's department, fire bureau, or director of code administration and enforcement, may require.
- D. The temporary use does not conflict with another previously authorized temporary use.
- E. The temporary use may decrease parking by up to fifty (50) percent so long as traffic patterns and circulation are approved beforehand by the department of engineering.
- F. Occupied structures shall comply with applicable building and fire codes.

6.12.06. *Expiration.* The temporary use permit is valid for the time period granted as part of the approval or as set forth in the temporary use standards in section 3.100. Unless stated otherwise in section 3.100, the validity of a temporary use permit may be extended for one (1) time period upon approval of a written request.

6.12.07. *Appeals.* Anyone aggrieved by a final determination of the director of the department of code administration and enforcement may file an appeal in accordance with section 6.60.

(Ord. No. O-22-12-101, § 1, 1-23-23; Ord. No. O-25-12-101, § 1(Exh. A), 2-17-26)

## **6.20. Enforcement.**

6.20.01. It shall be the duty of the sheriff of the county, and of all officers of said county otherwise charged with the enforcement of the law, to enforce this resolution and all the provisions of the same.

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6.20.02.

- A. The provisions of this resolution shall be administered and enforced by the director of the department of code administration and enforcement. Any person, firm, association, or corporation who violates, disobeys, omits, neglects, or refuses to comply with or resists the enforcement of any of the provisions of this resolution shall be subject to a civil penalty of not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00), to be assessed by the department of code administration and enforcement. Each and every day of violation shall constitute a separate offense. Any person, firm, association or corporation aggrieved by a determination of violation or the assessment of a civil penalty may appeal such determination or assessment to the board of zoning appeals as provided in subsection 6.60.05, "Cases before the board."
- B. Compliance with this resolution may also be enforced by injunction at the suit of the county or the owner or owners of real estate within the zone affected by the regulations of this resolution.

6.20.03. Any building or structure erected, altered, or used, and any use of property, contrary to the provisions of this resolution shall be and the same are hereby declared unlawful and a public nuisance; and the district attorney of the county shall, upon order of the board of zoning appeals, immediately commence action for the abatement, removal, and enjoinder thereof in the manner provided by law, and shall apply to such courts as have jurisdiction to grant such relief as will remove such building, structure, or use, and restrain and enjoin any such building or structure, or using any property contrary to the provisions of this resolution.

(Ord. No. O-99-10-101, § 2, 11-15-99; Ord. No. O-99-12-101, § 1, 1-24-00; Ord. No. O-04-1-102, § 1(Exh. A), 2-23-04; Ord. No. O-09-3-105, § 1, 4-27-09; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12)

### 6.30. Amendments.

The regulations, restrictions, boundaries and options set forth in this resolution may, upon proper application by the property owner or their designated representative, by an appropriate governmental agency, or the county board of commissioners, be amended, supplemented, revised or repealed from time to time as conditions warrant, as hereinafter set forth.

6.30.01. *Standards for amendments.* The following conditions shall be met for all text and map amendments:

- A. The proposed amendment shall be necessary because of substantially changed or changing conditions in the area and zones affected, or in the county generally.
- B. The proposed amendment shall be consistent with the intent and purposes of this resolution.
- C. The proposed amendment shall not adversely affect any other part of the county nor shall any direct or indirect adverse effects result from such an amendment.
- D. The proposed amendment shall be consistent with and not in conflict with the Knox County Comprehensive Land Use and Transportation Plan including any of its elements, including the Major Road Plan for Knoxville and Knox County, Tennessee.

6.30.02. *Application.* Amendments shall be initiated by filing an application with the planning commission on forms available in the planning commission office.

6.30.03. *Public hearing.* Upon receipt of such application, the planning commission shall schedule a public hearing. The planning commission shall consider and make recommendations on all such proposed amendments, taking into account the testimony at the hearing, a site inspection of the property in question, recommendations from the health department, the planning commission staff or other official bodies, and the standards provided for amendments.

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- A. Prior to holding such public hearing, the planning commission shall have first given not less than ~~twelve (12)~~twenty-one (21) days notice of such hearing by one (1) publication in a daily paper of general circulation.
  - B. Planning staff shall notify all property owners whose property would be rezoned and who were not a party to the petition for rezoning. Such notification shall be by certified mail to the last known address of the property owner not less than twelve (12) days prior to the public hearing. Notification by mail shall not be required in cases of general amendments to the zoning map or amendments to the text of the zoning resolution.

6.30.04. *Errors or oversights.* Errors or oversights as may be found in the resolution as originally adopted shall be corrected under the normal amendment procedure.

(Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-22-2-101, § 1, 3-28-22; Ord. No. O-25-12-101, § 1(Exh. A), 2-17-26)

## 6.40. County commission review.

The planning commission shall make a report to the county commission upon all such applications approved by it, but before the enactment of any amendment to the zoning resolution the county commission shall hold a public hearing thereon, at least ~~fifteen (15)~~twenty-one (21) days notice of the time and place of which shall be published once in a daily newspaper of general circulation in the county.

6.40.01. Any person, firm or corporation aggrieved by any decision of the planning commission relative to rezonings, plan amendments, or amendments to this code may petition the County Commission to consider the same. Such petition shall be in writing and shall state with particularity:

- A. The planning commission file number and the name of the owner of the subject property, if applicable.
- B. A description of the matter being appealed, including the county property map number and parcel or lot number, if applicable.
- C. A statement of the petitioner's interest in the matter, including a description of affected property owned by petitioner where petitioner is not the owner of the subject property, if applicable.
- D. A statement of zone or amendment desired or opposed, including a summary of the zoning of all property located within three hundred (300) feet of the subject property, if applicable.

6.40.02. The petition shall be filed with the planning commission not more than thirty (30) days from the date of the planning commission decision to be considered and shall be scheduled for public hearing before county commission at the earliest date possible consistent with these regulations. All such petitions shall be submitted on forms available in the planning commission office.

6.40.03. County commission shall consider such petition in public hearing and may either affirm or overrule the action of the planning commission. Prior to holding such public hearing:

- A. At least ~~fifteen (15)~~twenty-one (21) days notice of time and place of said hearing shall first have been published once in a daily newspaper or general circulation in the county. Such notice shall meet the following requirements:
  - 1. It shall be placed in the "Want Ads" section of the newspaper before the "Legal Notices" classification.
  - 2. The caption shall be all capital letters no smaller than two-line type and shall contain the words "PUBLIC NOTICE-APPEAL OF (action to be appealed)."

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3. The body copy shall be no smaller than the standard one-line type used generally throughout the "Want Ads" section.

(Ord. No. O-03-10-101, § 1(Exh. A), 11-17-03; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-22-2-101, §§ 1, 2, 3-28-22; Ord. No. O-22-6-104, §§ 1, 2, 8-22-22; Ord. No. O-25-12-101, § 1(Exh. A), 2-17-26)

Editor's note(s)—Ord. No. O-03-10-101, § 1, (Exh. A), adopted November 17, 2003, amended § 6.40 in its entirety to read as herein set out. Formerly, § 6.40 pertained to board of commissioners review and derived from Ord. No. O-97-7-102, § 1, adopted August 25, 1997.

## **6.50. Procedure for authorizing uses permitted on review.**

In addition to uses permitted by right in various zones, specified uses may be established and maintained only with the approval of the planning commission. This review and approval process is intended: (1) to provide for uses which are beneficial to the community but that may involve a potential hazard to the development of an area unless appropriate provisions are made for their impacts, and (2) to integrate properly the uses permitted on review with other uses located in the district.

These development plans and uses permitted on review shall be reviewed by the planning commission and approved, approved with conditions or denied under the following procedure:

6.50.01. *Application.* An application shall be filed with the planning commission for review. Said application shall show the location and intended uses of the site, and shall be accompanied by five (5) copies of a plot plan of proposed development which has been approved by the county health department, together with any other material pertinent to the request which the planning commission may require.

6.50.02. *Public hearing.* Upon application, the planning commission shall give a 12-day notification of a public hearing. Such notice of time and place of such hearing shall be published in a daily paper of general circulation.

6.50.03. *Restrictions.* In the exercise of its approval, the planning commission may impose such conditions regarding the location, character, or other features of the proposed use of land or buildings as it may deem advisable in the furtherance of the general purpose of these regulations.

6.50.04. *Validity of plans.* All approved plans, conditions, restrictions, and rules made a part of the approval of the planning commission shall constitute certification on the part of the applicant that the proposed uses shall conform to such regulations at all times.

6.50.05. *Effective date of approval—Issuance of permit.*

- A. Planning commission approval shall become effective thirty (30) days from the date of the public hearing at which approval is granted.
- B. No building permit shall be issued prior to the effective date of approval.
- C. The building permit shall be issued subject to all conditions and requirements stipulated by the planning commission, including Article 6.90.

6.50.06. *Approval or denial.* The planning commission may approve a development plan or use permitted on review where it can be shown that the proposed plan or use is in harmony with the general purpose and intent of the zoning ordinance and with the general plan and sector plan and is reasonably necessary for the convenience and welfare of the community.

The planning commission may deny a development plan or use permitted on review where the above cannot be shown or where it can be shown that approval would have an adverse impact on the character of the neighborhood in which the site is located.

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Whereas a use may be appropriate in one location and inappropriate in another location in the same zoning district, the planning commission shall be guided by the policies of the general plan, the sector plans and the general and specific standards contained in article 4, "Supplementary regulations," of this ordinance in the exercise of its administrative judgment about the location and appropriateness of uses permitted on review.

The rationale for planning commission approval, conditions or denial shall be included in the minutes of the planning commission meeting where decisions are made.

6.50.07. *Revisions to approved plans.* Revisions to development plans or uses permitted on review that have been approved by the planning commission shall be submitted in a complete application to the department of codes enforcement and administration. If the plans are in substantial compliance with approved plans and meet all of the conditions required of that approval, the plans can be approved, and the vested rights shall attach as of the date of submission of revised plan. If the plans are not in substantial compliance, a new use on review application will be required.

6.50.08. *Board of zoning appeals review of action of commission.* Any person, firm or corporation aggrieved by any decision of the planning commission relative to uses permitted on review as referenced in Article 4, 4.10, Section 2 "Development Standards for Uses Permitted on Review" may petition the board of zoning appeals to consider the same.

- A. The petition shall be filed with the office of code administration not more than thirty (30) days from the date of the planning commission decision, and shall be scheduled for public hearing before the board of zoning appeals at the earliest date possible consistent with these regulations.
- B. The board of zoning appeals shall consider de novo in public hearing and may affirm, modify, impose restrictions as provided by article 6, "Administration, enforcement and interpretation," subsection 6.50.03, "Restrictions," or overrule the action of the planning commission.
- C. No building permit shall be issued until thirty-one (31) days after action by the planning commission. If the action of the planning commission is appealed to the board of zoning appeals no building permit shall be issued until the board has acted on appeal.

6.50.09 *Appeal of development plans.* In any Zone in which a "development plan" or "plan for development" must be approved by the planning commission prior to the construction or alteration of any building or development, any person, firm or corporation aggrieved by the decision of the planning commission regarding such development shall follow the following procedure for appeals:

- A. The aggrieved person or entity may file an appeal either to the Board of Zoning Appeals or to a court of competent jurisdiction within thirty (30) days of the decision being appealed.
- B. The Applicant for the development plan being challenged may opt out of the BZA appeal by sending, by certified mail, a notice of demand to have the matter heard by a court of competent jurisdiction to the Knox County Law Director's Office, with a copy of said notice sent by certified mail to the address of the aggrieved appellant(s), within fifteen (15) days of the filing of the BZA appeal.
- C. In the event that such notice is filed with the Law Director's Office, the appellant shall file the appeal with a court of competent jurisdiction within thirty (30) days of the notice having been mailed.

(Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-22-2-101, § 1, 3-28-22; Ord. No. O-22-6-104, §§ 3, 4, 8-22-22; Ord. No. O-25-12-101, § 1(Exh. A), 2-17-26)

## **6.60. Board of zoning appeals.**

6.60.01. *Establishment; membership; terms of office.* The establishment of a board of zoning appeals to be known as the Knox County Board of Zoning Appeals and hereafter referred to by the word, "board," is hereby

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authorized. Such board shall consist of nine (9) members appointed by the county commission. The members of the board of zoning appeals shall occupy seats hereinafter denominated as one (1) through nine (9), with each member residing in one (1) of the nine (9) county commission districts that they represent, such that no district will have more than one (1) board member. The term of office shall be for two (2) years. The terms of those members representing the first, third, fifth, seventh and ninth districts shall expire on September 30, 2010, and shall be refilled by act of the county commission during its regular September meeting. Thereafter, the terms of the members representing the second, fourth, sixth and eighth districts shall expire on the following September 30 and shall be refilled by the county commission during the regular September meeting. All new terms of office shall begin on October 1. Members of the board serving as of the effective date of this ordinance shall continue to serve until their terms are affected by these requirements. Members of the board of zoning appeals shall hold no other appointed or elected public office in the county. The county commission may remove any member for cause upon written charges and after a public hearing.

6.60.02. *Meetings; minutes; records.* The board shall meet at the call of the chairman, and at such other times as the board may determine, at a fixed time and place. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. It shall have power to call on any other county department for assistance as may be reasonably required. In the case of all appeals, the board shall call upon the planning commission for all information pertinent to the decision appealed from.

6.60.03. *Powers of the board of zoning appeals.*

- A. The board shall have the power to hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official.
- B. Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, the board shall have the power, in passing upon appeals, to authorize such variance from the terms of this ordinance as will not be contrary to the public interest in conforming with the standards set forth in subsection 6.60.04, "Variances," of this article.
- C. To hear and decide in accordance with the provisions of article 4, "Supplementary regulations," section 2, "Development standards for uses permitted on review," and article 6, "Administration, enforcement and interpretation," section 6.50, "Procedure for authorizing uses permitted on review," of this ordinance, appeals from the planning commission of decisions regarding use-on-reviews.
- D. To hear and decide, in accordance with the provisions of article 3, "General provisions," subsection 3.11.04 of this ordinance, requests for interpretation of the zoning map.
- E. To call on any department for assistance in its duties; and it shall be the duty of such department to render all such assistance as may reasonably be required.
- F. To compel attendance of witnesses at hearings and to administer oaths.
- G. To hold at least one (1) scheduled meeting per month and give notice of such meeting as required by law.

6.60.04. *Variances.* The purpose of the variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of their land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using their property as the zoning ordinance intended.

- A. *Standards for variances.* In granting a variance, the board shall ascertain that the following criteria are met:

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1. Variances shall be granted only where special circumstances or conditions such as exceptional narrowness, topography, or siting fully described in the findings of the board, do not apply generally in the district.
  2. Variances shall not be granted to allow a use otherwise excluded from the particular zone in which requested.
  3. For reasons fully set forth in the findings of the board, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of their land. Mere loss in value shall not justify a variance; there must be a deprivation of beneficial use of land.
  4. Any variance granted under the provisions of this section shall be the minimum adjustment necessary for the reasonable use of the land.
  5. The granting of any variance is in harmony with the general purposes and intent of this ordinance and will not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
- B. *Requirements for granting a variance.* Before the board shall have the authority to grant a variance, the person claiming the variance has the burden of showing:
1. That the granting of the variance will not be contrary to the public interest.
  2. That the literal enforcement of the ordinance will result in unnecessary hardship.
  3. That by granting the variance contrary to the provisions of the ordinance the spirit of the ordinance will be observed.
  4. That by granting the variance, substantial justice will be done.

6.60.05. *Cases before the board.*

- A. Every appeal or application shall be made to the board on a form which may be secured at the office of code administration. The procedure for appeals shall be as follows:
1. A written appeal shall be filed with the board through the office of code administration by the party aggrieved by any order or decision of the building inspector or planning commission. Said appeal shall be accompanied by accurate plans and specifications of the proposed work showing also the plot of land to be built upon, together with the placement of proposed building(s) and all other existing or proposed structures.
  2. Every appeal shall be taken within thirty (30) days from the date of the action causing such appeal.
  3. A fee, to be established by the board, due and payable at the time of appeal, shall be paid to the office of code administration, as agent for the board, to cover the cost of notices and other expenses incidental to the hearing.
  4. At the public hearing of the case before the board, the appellant shall appear in their own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in opposition shall follow.
- B. Upon receipt in proper form of any such appeal or application, the board shall post such appeal or application, together with maps and the accompanying data in its office for public inspection, for a period of not less than one (1) week, and shall hold a public hearing thereon. The board may also adopt regulations requiring notice by personal service or registered mail by the building inspector to property owners within any reasonable radius of the proposed development that the board may determine.

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6.60.06. *Court review of the board.*

- A. Any person, firm or corporation aggrieved by any decision of the board may present to a court of competent jurisdiction a petition fully verified, setting forth that such decision is illegal, in whole or in part, and specifying the grounds of illegality.
- B. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the board. Such petition shall not be filed with respect to the decision of the office of code administration or any administrative officer without recourse to the board of zoning appeals.

(Ord. No. O-10-5-102, § 1, 6-28-10; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-22-2-101, § 1, 3-28-22)

## **6.70. Administrative site plan review.**

6.70.01. *Intent.* The purpose of the administrative site plan review is to ensure that the requirements and intent of this zoning ordinance and other applicable county ordinances are met prior to the issuance of building permits.

6.70.02. *Applicability.* This review will apply for uses listed under "Uses Permitted" in the EC, Employment Center, CN, Neighborhood Commercial and CR, Rural Commercial zoning districts. Uses requiring use-on-review approval will be considered by the planning commission prior to administrative site plan review. No review shall be required for houses, attached houses or duplexes, or buildings or structures accessory to houses, attached houses or duplexes.

6.70.03. *Submittal.* Three (3) copies of a one (1) inch equals forty (40) feet or less scaled site plan shall be submitted to the county department of code administration, or its successor, for review. It must include the following information:

- A. Proposed use;
- B. Location information including parcel ID, address, owner, locator map, zoning, north arrow and total site acreage;
- C. Survey of property, clearly showing property boundaries in relation to other features;
- D. Building location and square footage of floor area;
- E. Proposed signage size, height and location;
- F. Proposed landscaping and screening areas including location, species type, mature heights, and existing vegetation to be preserved if required;
- G. Parking spaces and dimensions.

6.70.04. *Plan review.*

- A. The department of code administration will review the plan within ten (10) business days of its receipt, excluding holidays, and issue an approval, provisional approval or denial of the plan.
- B. Approval shall be granted to a plan which meets the requirements of the county zoning ordinance, Knoxville-Knox County Minimum Subdivision Regulations, county flood hazard ordinance, county stormwater ordinance and the requirements of any use-on-review or subdivision concept plan of the planning commission.
- C. A plan may be granted provisional approval. Provisional approvals may stipulate that certain site development requirements, such as landscaping, may be met by posting a bond or other security acceptable to the county. The provisional approval shall include a schedule for completion of such improvements.

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- D. If the plan is denied, a form will be attached listing the deficiencies and citing the specific requirement that has not been met. The applicant must then address the deficiencies and resubmit three (3) copies of the plan along with the deficiency form.

6.70.05. *Plan certification.* Upon approval, the plans will be certified. The department of code administration will retain one (1) copy of the plan, one (1) copy will be sent to the planning commission, and one (1) copy will be returned to the applicant.

(Ord. No. O-03-2-104, § 1(Exh. A), 3-24-03; Ord. No. O-06-7-101, § 1(Exh. A), 8-28-06; Ord. No. O-12-9-102, § 1(Exh. A), 10-22-12; Ord. No. O-22-2-101, § 1, 3-28-22)

## **6.80. Planned development approval.**

6.80.01. *Authority Delegated to County Commission.* The County Commission of Knox County is hereby delegated the authority to grant exceptions to the use and dimensional standards of the zoning district in which a proposed plan development is to be located, in accordance with the procedures set forth below.

6.80.02. *Purpose* The planned development approval process provides an optional process for approval of projects that may not fit within the bounds of the standard zoning districts established by this Code. Planned developments (PD) are intended to encourage and allow more creative and flexible development of land than is possible under district zoning regulations and should be applied to further those applications that provide compensating amenities to Knox County. In return, the planned development provisions require a high standard for the protection and preservation of environmentally sensitive lands, well planned living, working, and shopping environments, and an assurance of adequate and timely provision of essential utilities and streets. Plans submitted for approval as provided for by this process must demonstrate a creative approach to the design of the project and the development of the property. The design team shall be capable of presenting a creative project that will deliver significant community benefits. The underlying zoning district dimensional, design, and use regulations apply to a PD unless specifically modified through the approval process. Through the flexibility of the planned development technique, a PD is intended to:

- A. Encourage flexibility in the development of land and in the design of structures.
- B. Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other sections of this Code.
- C. Allow for the design of developments that are architecturally and environmentally innovative, and that achieve better utilization of land than is possible through strict application of standard zoning controls.
- D. Combine and coordinate architectural styles, building forms, and structural/visual relationships within an environment that allows mixing of different uses in an innovative and functionally efficient manner.
- E. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, structures, circulation patterns, and utilities.
- F. Encourage land development that, to the greatest extent possible, preserves natural vegetation, respects natural topographic and geologic conditions, and refrains from adversely affecting flooding, soil, drainage, and other natural ecologic conditions.
- G. Facilitate the implementation of the adopted Knoxville-Knox County General Plan and its component parts, including adopted sector plans, corridor plans, and related documents.
- H. Encourage land use that benefits the surrounding community and is compatible with existing and planned uses of the surrounding area.

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6.80.03. *Initiation.* The entire property proposed for the planned development must be in single ownership or under unified control. All owners of the property must be included as joint applicants on all applications and all approvals shall bind all owners.

The planning commission or the Knox County Commission may also initiate a planned development proposal.

6.80.04. *Authorization.*

- A. A planned development is authorized in all zoning districts and parcels located in the planning area of Knox County except the Rural Area of the Growth Policy Plan.
- B. A planned development shall be a minimum of ten (10) acres. The calculation of acreage shall exclude area(s) covered with permanent bodies of water (lakes, rivers, streams), excluding farm ponds.
- C. A planned development approval must be granted in accordance with the procedures and standards of this section. Unless waivers of underlying regulations are specifically approved as part of the planned development approval, the requirements of the underlying district apply.
- D. Planned development approval is separate from subdivision approval. PD approval may be granted first, whereby subdivision approval would be granted subsequently in compliance with the approved lot layout design.

6.80.05. *Exceptions From District Regulations.*

- A. A planned development is subject to the underlying district dimensional, design, and use regulations unless an exception is specifically granted. The Knoxville-Knox County Planning Commission may recommend and the Knox County Commission may grant exceptions to the zoning district dimensional, design, and use regulations where a planned development is located.
- B. Exceptions from district regulations may be granted for planned developments if the exceptions provide all of the following benefits:
  - 1. Enhance the overall merit of the planned development;
  - 2. Promote the objectives of both Knox County and the development;
  - 3. Enhance the quality of the design of the structures and the site plan;
  - 4. Will not cause excessive adverse impact on neighboring properties;
  - 5. Further the goals of the adopted Knoxville-Knox County General Plan and its component parts, including adopted sector plans, corridor plans, and related documents; and
  - 6. Provide a public benefit to Knox County, as described below.
- C. The underlying zoning district dimensional, design, and use regulations apply, unless an exception is granted as part of the planned development approval. To be granted such exceptions, the applicant must demonstrate superior design and enhanced amenities. In no case may an exception to district regulations be granted unless the applicant demonstrates a substantial benefit to the Knox County community. Planned developments shall demonstrate significant benefits to the community, as identified and validated during the review of the project. Design characteristics and amenities to be considered in this determination include, but are not limited to, the following:
  - 1. Community gathering spaces and amenities including plazas, public art, formal gardens, places to congregate, and pedestrian facilities.
  - 2. Improvement of existing on-site and off-site infrastructure.
  - 3. Use of sustainable design and architecture, such as green roofs, white roofs and other energy efficient design concepts, new building technologies, and approval of buildings and

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developments that meet established standards such as Leadership in Energy and Environmental Design (LEED), Energy Star, Earthcraft, etc.

4. Preservation of existing environmental features, including protections for steep slopes (fifteen percent (15%) or more slope).
  5. Preservation of historic features and adaptive reuse of existing buildings.
  6. New open space and recreational amenities such as useable recreational open space, including parks and playgrounds, natural water features and conservation areas, walking trails, dog parks, and similar recreational features, which may be open to the public.
  7. Affordable housing set-asides provided that the affordable housing meets the standards for affordability such that the cost of the housing does not exceed thirty percent (30%) of the Knox County median income.
  8. Senior housing set-asides.
  9. Land set-aside for public facilities such as schools, libraries, emergency services, etc.
- D. Exceptions to the underlying dimensional and design standards of this ordinance must equal or exceed the standard objectives of this ordinance, and not impair the reasonable long-term use of other properties in fulfillment of the land use goals and policies of the Knox County General Plan. Alternate dimensional and design standards may be approved for a planned development in lieu of the following standards as set forth in this ordinance:
1. Setback and building height standards.
  2. Street setback standards.
  3. Lot size standards.
  4. Landscape buffer standards.

Approval of alternate dimensional and design standards for portions of a planned development located along the perimeter (periphery) of a planned development shall assure compatibility with the abutting land use and provide for a reasonable transition between intensity of development and types of land use.

- E. Exceptions to underlying zoning use regulations may be approved provided the approval of the preliminary plan is based upon a finding that the proposed land uses are arranged and designed in a manner that does not unreasonably impair the long term use, as established by the Knox County General Plan, of properties adjoining the planned development. In making a request for an exception to the underlying zoning use regulations, the applicant(s) for a planned development approval shall identify the exceptions requested and provide a justification for each exception. In approving an exception to the underlying zoning use regulations, the county commission shall identify the justification for such approval. The approval by the county commission of an exception to the underlying zoning use regulations may constitute an amendment to the Sector Plan for the area in which the planned development is proposed.

6.80.06. *Procedure.* The following procedures, requirements, restrictions, and conditions are required. The approval of a planned development includes a pre-application consultation, mandatory concept plan review, preliminary plan approval, and final plan approval.

A. *Pre-application consultation.*

1. Prior to formal submittal of an application, a pre-application meeting with the Knoxville-Knox County Planning and Knox County Engineering and Public Works staff is required.

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2. At a pre-application meeting, the applicant shall provide information as to the location of the proposed planned development, the proposed uses, proposed improvements, including the public benefits and amenities, anticipated exceptions to this Code, and any other information necessary to explain the planned development.
  3. The purpose of such pre-application meeting is to make advice and assistance available to the applicant before preparation of the concept plan, so that the applicant may determine whether the proposed planned development is in compliance with the provisions of this Code and other applicable regulations, and whether the proposed planned development aligns with the adopted land use policies of Knox County.
  4. The pre-application meeting does not require formal application, fee, or filing of a planned development application. Any opinions or advice provided by the planning staff are in no way binding with respect to any official action that may be taken on the subsequent formal application. No decision will be made on the application.
- B. *Concept plan.* Before submitting a formal application for a planned development, the applicant shall present a concept plan before the planning commission for the purpose of obtaining information and guidance prior to formal application.
1. The concept plan will be presented at a regular meeting of the planning commission. At minimum, the concept plan must consist of the following:
    - a. A plan (or plans) in general form containing the proposed land uses, the natural features of the development site, the character and approximate location of all roadways and access drives proposed, the location of all adjacent public streets, public utilities, and schematic drawings showing the size, character, and disposition of buildings on the site, landscape and buffer area, and approaches to be employed for stormwater management.
    - b. A written statement containing a general explanation of the planned development, including a statement of the present ownership of all the land within said development and the expected schedule of construction.
  2. The planning commission will review the concept plan, and provide such information and guidance it deems appropriate. Any opinions or advice provided by the planning commission is in no way binding with respect to any official action the planning commission or county commission may take on the subsequent formal application. No decision will be made on the application.
  3. Mailed and posted notice is required for the meeting at which the concept plan is to be presented.
- C. *Preliminary plan.*
1. *Action by planning staff.* An application for a preliminary plan for a planned development must be filed with the planning staff. Once it is determined that the application is complete, the planning staff will schedule the application for consideration by the planning commission.
  2. *Action by planning commission.*
    - a. Upon receipt of a complete application, the planning commission will consider the preliminary plan at its regular monthly meeting and shall hold a public hearing to receive comment on the plan.
    - b. The planning commission will review the application based upon the evidence presented at the public hearing, pursuant to the approval standards of this section. The planning commission must recommend either approval, approval with conditions and/or modifications, or denial of the preliminary plan.

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- c. Following the close of the public hearing, the planning commission will forward its recommendation to the county commission.
  3. *Action by Knox County Commission.*
    - a. The county commission will hold a public hearing on the preliminary plan upon receipt of the planning commission recommendation, and must approve, approve with conditions and/or modifications, or deny the preliminary plan.
    - b. The county commission must finally act upon the application within 120 days of the final decision of the planning commission public hearing. Failure to act within 120 days means the application is denied.
    - c. If exceptions to the dimensional, design, or use standards of the underlying zone are granted by the county commission, the justification for the exceptions shall be stated.
  4. *Conditions.* The planning commission may recommend, and the county commission may impose conditions and restrictions upon the establishment, location, construction, maintenance, and operation of the planned development as may be deemed necessary for the protection of the public health, safety, and welfare. Such conditions and restrictions must be reflected in the final plan.
  5. *Approval standards.* The recommendation of the planning commission and decision of the county commission must make a finding that the following standards for a planned development have been met.
    - a. The proposed planned development meets the purpose of a planned development.
    - b. The proposed planned development will not be injurious to the use and enjoyment of other property in the vicinity.
    - c. The proposed planned development will not impede the normal and orderly development and improvement of surrounding property.
    - d. There is provision for adequate utilities and infrastructure, drainage, off-street parking and loading, pedestrian access, and all other necessary facilities. In this case, adequate shall mean capable of meeting the identified needs of the proposed development.
    - e. There is provision for adequate vehicular ingress and egress designed to minimize traffic congestion upon public streets. The planning commission and/or county commission may require a traffic study to provide evidence that the circulation system is adequate. There is provision of utilities and drainage of adequate capacity to serve the proposed development based upon the preliminary plan. The plan shall provide a preliminary identification of any proposed improvements to existing streets, off-site utility systems or the drainage network considered necessary to support the proposed scope of development, with intended assignments of responsibility for providing those improvements.
    - f. The location and arrangement of structures, parking areas, walks, landscape, lighting, and other site design elements, and the uses are compatible with the surrounding neighborhood and adjacent land uses.
    - g. One or more of the following design professionals shall certify direct involvement in the preparation of the preliminary plan: Architect, civil engineer, landscape architect, urban planner.
    - h. Full identification, description and supporting rationale for any proposed exception from the underlying zoning district design, dimensional, and/or use standards.

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- i. The proposed planned development is designed in a manner that affords an opportunity for eventual implementation of the Knoxville-Knox County Park, Recreation and Greenways Plan. The preliminary plan shall take all reasonable measures to protect the visual and operational integrity of an existing or proposed greenway corridor by means of sensitive orientation and placement of improvements to the land, and the protection of mature vegetation and natural land forms.
  - j. All reasonable measures shall be taken to incorporate known features of historical and/or archaeological significance into the design and development of a planned development in a manner that contributes to the protection and preservation of those features. Historical shall mean the property is located within a locally designated historic district, is identified as an individually designated local historic property, is listed on the National Register of Historic Properties, or is listed on the Knox County Survey of Historic Properties.
6. *Expiration.*
- a. The preliminary plan approval expires if a complete application for approval of a final plan has not been filed within three years after the date the Knox County Commission grants preliminary plan approval. As part of the county commission approval of the preliminary plan, the county commission may extend this period of time by granting an extension of up to an additional two years. The county commission also may extend this period of validity through approval of a phasing plan where the validity period is longer than three years for the planned development.
  - b. An extension of this three-year period may also be granted by the Knox County Commission if the applicant requests an extension in writing prior to the expiration date of the approval.
- D. *Final plan.* Following the approval of the preliminary plan, an application for a final plan for a planned development must be filed with the planning staff.
- 1. *Action by planning staff.* The planning staff and Knox County Engineering and Public Works staff will review the final plan upon receipt of the complete final plan application and take the following action:
    - a. If the final plan is in substantial compliance with the approved preliminary plan, the planning staff will approve the final plan. The planning staff shall certify that the final plan is in substantial conformance with the previously filed preliminary plan.
    - b. If the final plan is not in substantial conformance with the approved preliminary plan, the planning staff must inform the applicant as to specific areas found not to be in compliance, and the applicant must resubmit the final plan to the planning staff with changes to those areas found not to be in substantial compliance and the validity of the preliminary plan remains in effect. If the revised final plan remains noncompliant with the preliminary plan, the applicant may request that the planning staff render a decision to be forwarded to the planning commission. In such case, the planning staff will recommend to the planning commission that the final plan be denied. If denied by the planning commission, the applicant may reapply by submitting a new preliminary plan.
  - 2. *Effect of approval.* After final plan approval, the final plan will constitute the development regulations applicable to the subject property. The planned development must be developed in accordance with the final plan, rather than the zoning district regulations otherwise applicable to the property. Violation of any condition is a violation of this Code and constitutes grounds for revocation of all approvals granted for the planned development.
  - 3. *Expiration.*

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- a. The final plan approval expires if a building permit has not been issued within three years after the date of final plan approval. As part of the planning staff approval of the final plan, the planning commission may approve a phasing plan where the validity period is longer than three years for the planned development. The phasing plan must be presented as part of the preliminary plan submittal and approved as part of the preliminary plan approval.
  - b. An extension of this three-year validity period may be granted by the planning commission prior to the expiration date of the approval if the applicant requests an extension in writing prior to the expiration date of the approval. The validity period for the final plan cannot be extended for a period greater than three years. Consideration of a request for extension of the validity period will be at a public hearing.

6.80.07. *Modifications to Approved Final Plans.* No adjustments may be made to the approved final plan, except upon application to the planning commission in accordance with the following.

A. *Minor modifications.* The Planning and Knox County Engineering & Public Works staff may approve the following minor modifications to an approved final plan when it is determined by the Planning and Knox County Engineering & Public Works staff that such changes are in general conformance with the approved final plan. Any changes considered a major modification, as defined in this section, cannot be approved as a minor modification. The Planning and Knox County Engineering & Public Works staff may choose to classify a modification that meets the criteria of this section as a major modification to be approved by the planning commission. When calculating percentages, all fractions are rounded up to the nearest whole number.

1. An increase or decrease in building height of up to 10%.
2. An increase or decrease in building coverage up to 10%.
3. A change in the internal location of walkways, vehicle circulation ways, and parking areas provided the locations of access point connections to public roads and rights-of-way are not changed.
4. An increase or decrease in the number of parking spaces of up to ten (10) percent of the parking spaces.
5. A change to the landscape plan that results in a reduction of plant material but does not violate the landscape requirements of this Code and any conditions of the final plan approval.
6. Altering any final grade by no more than 20% of the originally planned grade.

B. *Major modifications.*

1. The planning commission may approve any other changes to an approved final plan that do not qualify as a minor modification. In addition, any of the following are considered major modifications:
  - a. Any request for an extension of time of the approved final plan.
  - b. Changes to any conditions imposed as part of the approved final plan.
  - c. Reductions or alterations in the approved public benefit and amenities to be provided.
  - d. Any development action that does not comply with zoning district regulations.
2. All major modifications to the final plan must be approved by the planning commission. Public notice of the planning commission meeting at which a request for a major modification is to be considered is required. The planning commission may only approve changes to the final plan if they find such changes are in general conformance with the approved final plan, necessary for the continued successful functioning of the planned development, respond to changes in

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conditions that have occurred since the final plan was approved, and/or respond to changes in adopted county land use policies.

3. Upon review of the proposed major modifications, the planning commission may determine that the proposed modifications constitute a new planned development and the final plan must be resubmitted as a preliminary plan and follow the procedures of approval in this section.

6.80.08. *Appeal.*

- A. *Preliminary plan.* Anyone aggrieved by a final order or judgement of the Knox County Commission on a preliminary plan may have such order or judgement reviewed by the courts as provided by law.
- B. *Final plan.* Planning staff decisions on final plans may be appealed to the planning commission.

(Ord. No. O-19-12-102, § 1(Exh. A), 1-27-20)

## 6.90. Vesting.

6.90.01. *Vested Rights of Developments.* In accordance with and subject to T.C.A. § ~~13-4-310~~13-3-413, the following provides for the vesting of developments through zoning applications.

- A. Subject to item C, a vested property right is established upon the earlier of an applicant's submission of, or the county's approval of, a preliminary development plan, a final development plan where no preliminary development plan is required by ordinance or regulation, or a building permit allowing construction of a building where there was no need for prior approval of a preliminary development plan for the property on which that building will be constructed. During the vesting period in item C, the county's development standards in effect on the date of said approval remain the development standards applicable to that property or building during the vesting period in item C. An applicant's submission must comply with Article 6.90.B.9 to trigger vested rights.

1. For the purposes of Article 6.90:

- a. "Submission" means the date on which an applicant submits to the department of codes administration and enforcement or Knoxville-Knox County Planning, as appropriate, a complete application for approval of a building permit, development plan or other application requiring approval.
- b. "Substantial compliance" means that the application is complete and:
  - i. Does not require a variance;
  - ii. Complies with any identified Principal use, as applicable, in Article 5.
  - iii. Proposes nothing which the Zoning Code prohibits;
  - iv. Does not propose a planned development under Article 6.80;
  - v. Does not propose an expansion of a nonconforming use under Article 3.60 or a nonconforming lot under Article 3.12; and
  - vi. If the project requires a use on review, and the project receives a Planning staff recommendation that the Planning Commission grant use on review approval, in such case, the vested rights shall attach as of the date of submission, and;
  - vii. If the project is zoned PR, PC, SC, BP, EC, or TC, it requires a development plan subject to Planning Commission approval. If the project receives a Planning staff recommendation that the Planning Commission grant approval, in such

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case, the vested rights shall attach as of the date of submission to Knoxville-Knox County Planning; and

- viii. If the project is located in the H district, and the project receives a planning staff recommendation that the reviewing board issues the certificate of appropriateness or other approval, in such case, the vested rights shall attach as of the date of submission to Knoxville-Knox County Planning.

B. A vested property right is established with respect to any property upon the appropriate department's:

- 1. Approval of a preliminary or final development plan for any of the following zoning districts: PR, PC, SC, BP, EC, or TC.
- 2. Approval regarding a use on review.
- 3. Approval of a certificate of appropriateness, when required.
- 4. Issuance of a site development permit.
- 5. Issuance of a written finding from the director of codes administration and enforcement that allowing a property right to remain vested is in the best interests of the community.
- 6. Any other approval or issuance specified in T.C.A. § ~~13-4-310~~13-3-413.
- 7. Receipt of a complete application, which is submitted in order to obtain approval of any of the items in this subsection 6.90.B and which substantially complies with the requirements of the zoning code.

C. The applicable vesting periods are as follows:

- 1. For building permits allowing construction of a building where there was no need for prior approval of a preliminary development plan for the property on which that building will be constructed, the vesting period begins on the day the building permit is issued. The vesting period lasts through the expiration of the building permit and any renewals, unless the applicant has not pursued with reasonable diligence site development or construction.
- 2. For a preliminary development plan that does not progress in stages or phases, the initial vesting period is three (3) years subject to the following:
  - a. The applicant must secure and maintain all necessary permits during all vesting period(s) and any extension(s) in order to remain vested. During the initial vesting period, the applicant must obtain the county's approval of the final development plan and commence site preparation. If the applicant complies, then the vesting period will be extended an additional two (2) years.
  - b. During the two (2) year extension, the applicant must commence construction and, if commenced, the development standards in effect during the vesting period remain in effect until the county certifies final completion of the development or project.
  - c. In no event will the total vesting period exceed ten (10) years from the date of the submission of the preliminary development plan, unless the county grants an extension pursuant to an ordinance or resolution and the applicant secures and maintains any necessary permits during the ten (10) year period.
- 3. For a preliminary development plan that progresses in two or more sections or phases, a separate vesting period as described in item C.2 applies to each section or phase subject to the following:

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- a. The applicant must secure and maintain all necessary permits during all vesting period(s) and any extension(s) in order to remain vested. The development standards in effect on the date of the submission of the preliminary development plan describing the first section or phase apply to all subsequent sections or phases.
  - b. If the applicant begins construction, the development standards in effect during the vesting period remain in effect until the County certifies final completion of the development or project.
  - c. In no event will the total vesting period for all sections or phases exceed fifteen (15) years from the date of the submission of the preliminary development plan for the first section or phase, unless the County grants an extension pursuant to an ordinance or resolution and the applicant secures and maintains any necessary permits during the fifteen (15) year period.
4. Notwithstanding this subsection C, a vesting period applicable either to an approved development plan or to an approved building permit shall not expire any earlier than three (3) years following the later date on which the appeal period for challenging such issuance has expired or the date on which all appeals of such issuance have been exhausted.
- D. In accordance with T.C.A. § ~~13-4-31013-3-413~~(f), the County may terminate the applicant's vested rights under the following circumstances.
1. If the county finds in writing that the applicant violated terms and conditions specified in the approved development plan or building permit, the applicant will receive notice and has ninety (90) days from the date of notification to cure all violations.
  2. If the county finds in writing that the applicant violated terms and conditions specified in a county ordinance or resolution, the applicant will receive notice and has ninety (90) days from the date of notification to cure all violations.
  3. If the county finds in writing that the applicant: 1) intentionally supplied inaccurate information or knowingly made misrepresentations material to the issuance of a building permit or the approval of a development plan; or 2) knowingly did not construct the development in accordance with the issued building permit, approved development plan, or approved amendment for the building permit or development plan. In such cases, the applicant has no right to cure the violations.
  4. If the county is required to enforce a state or federal law, regulation, rule, policy, corrective action, or other governance that precludes the development as contemplated in the approved development plan or building permit, the vested rights terminate unless within ninety (90) days the applicant modifies the development plan or building permit in a way that brings the applicant into compliance with the new governance.
- E. A vested right does not preclude the county's enforcement of any development standard in accordance with any circumstances described in T.C.A. § ~~13-4-31013-3-413~~(g).
- F. In accordance with T.C.A. § ~~13-4-31013-3-413~~(h), any amendment to an approved development plan must first be approved by the county in order for the property rights to remain vested. The county may deny an amendment in accordance with T.C.A. § ~~13-4-31013-3-413~~(h) and, if such amendment is denied, the applicant may either proceed with no changes to the prior approved plan with the associated vested property right or, alternatively, may allow the vested property right to terminate and submit a new application in compliance with the development standards in effect at that time.
- G. Unless specifically addressed herein, all other provisions of T.C.A. § ~~13-4-31013-3-413~~ are adopted and incorporated by reference.

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- H. Article 6.90 is controlling notwithstanding any other section of this Zoning Code.
  - I. The director of codes administration and enforcement shall make determinations under this Article, and anyone aggrieved by such determination may appeal in accordance with article 6.60.

(Ord. No. O-25-12-101, § 1(Exh. A), 2-17-26)