

HOUSE BILL 1075

By Maggart

AN ACT to amend Tennessee Code Annotated, Title 5, Chapter 1, Part 1, relative to county power to create design review commissions and implement design guidelines.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 5, Chapter 1, Part 1, is amended by adding the following as a new and appropriately designated section:

(a) The county legislative body of any county may create a design review commission, referred to in this section as "DRC", having the authority to develop general guidelines for the exterior appearance of nonresidential property, multiple family residential property, and any entrance to a nonresidential development within the county. The county legislative body may designate the planning commission as the design review commission. When the county creates a separate design review commission, the county mayor or county executive or metropolitan mayor shall appoint the members of the DRC from residents of the county and shall strive to ensure that the membership is representative of the county as a whole, including, if possible, members with either architectural or engineering knowledge, or any other person having experience in nonresidential building.

(b) If a municipality within a county has a planning region outside of its current corporate limits, and the municipality has a DRC that has adopted guidelines, then the county's DRC shall adopt the same guidelines as the municipality for that area within the municipality's planning region.

(c) The county DRC guidelines shall not apply within the corporate limits of any municipality unless the municipality adopts the county's DRC guidelines.

(d) This section shall not apply to any agricultural buildings in the unincorporated area of the county.

(e) The county DRC guidelines shall be subject to approval by the county legislative body. Once approved, county building permits issued pursuant to § 13- 7-110 or similar law, shall be withheld for noncompliance with DRC guidelines.

(f) Any property owner affected by the guidelines or the withholding of a building permit due to noncompliance with adopted DRC guidelines, may appeal a decision of the DRC or the county building commissioner or similar official to the county board of zoning appeals created pursuant to § 13-7-106, or similar law, for a final decision.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.