

HOUSE BILL 2127

By Haynes

AN ACT to amend Chapter 148 of the Private Acts of 1983; as amended by and any other acts amendatory thereto, relative to the Tennessee Technology Corridor Development Authority Act.

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

SECTION 1. Chapter 148 of the Private Acts of 1983, and any other acts amendatory thereto, is amended in Section 3 by deleting subsection (b) which reads as follows:

b. "Governing Body" shall mean the chief legislative body of Knox County.

and by substituting instead the following:

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

SECTION 2. Chapter 148 of the Private Acts of 1983, and any other acts amendatory thereto, is amended in Section 6 by deleting the first sentence in subsection (b) which reads as follows:

The Board of Commissioners shall be composed of seven members, five of whom shall be nominated by the Governor of the State upon recommendations received from the Tennessee Technology Foundation, a not-for-profit corporation chartered in cooperation with the State of Tennessee, and approved by a majority vote of the governing body of Knox County, and one who shall be appointed by the Governor.

and by substituting instead the following:

The Board of Commissioners shall be composed of seven members, five of whom shall be nominated by the Governor of the State upon recommendations received from the chief executive of Knox County, and approved by a majority

vote of the governing body of Knox County, and one who shall be appointed by the Governor.

SECTION 3. Chapter 148 of the Private Acts of 1983, and any other acts amendatory thereto, is further amended in Section 6 by deleting the ninth sentence in subsection (b) which reads as follows:

Commissioners shall be eligible for reappointment by the governing body of the county upon recommendation by the Foundation and nomination by the Governor, and the commissioner appointed by the Governor, and the commissioner appointed by the governing body of Knox County, shall also be eligible for reappointment, if so appointed by the Governor or the governing body of the county respectively.

and by substituting instead the following:

Commissioners shall be eligible for reappointment by the governing body of the county upon recommendation by the chief executive of Knox County and nomination by the Governor, and the commissioner appointed by the Governor, and the commissioner appointed by the governing body of Knox County, shall also be eligible for reappointment, if so appointed by the Governor or the governing body of the county respectively.

SECTION 4. Chapter 148 of the Private Acts of 1983, and any other acts amendatory thereto, is further amended in Section 6 by deleting subsection (c) which reads as follows:

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.

and by substituting instead the following:

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.

SECTION 5. Chapter 148 of the Private Acts of 1983, and any other acts amendatory thereto, is amended in Section 9 by deleting from subsection (a) the following:

The Authority shall, as soon as it is reasonably possible, but in all cases within 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:

and by substituting instead the following:

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

SECTION 6. Chapter 148 of the Private Acts of 1983, and any other acts amendatory thereto, is further amended in Section 9 by deleting subdivision (a)(1) which reads as follows:

1. The proposed structure's or development's consistency with the comprehensive development plan and development standards jointly adopted by the Authority, the Planning Commission, and the Knox County Commission for the High Technology Overlay Zone;

and by substituting instead the following:

1. The proposed structure's or development's consistency with the comprehensive development plan and development standards jointly adopted by the Authority, the Planning Commission, the chief legislative body for Knox County and the chief legislative body for the City of Knoxville for the High Technology Overlay Zone;

SECTION 7. Chapter 148 of the Private Acts of 1983, and any other acts amendatory thereto, is amended in Section 10 by deleting subsection (b) which reads as follows:

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

and by substituting instead the following:

b. Residential structures when such structures are located within subdivisions approved by local planning commissions or otherwise permitted by the general law. Medium and high density residential developments, as defined by the Knoxville-Knox County General Plan, or its successors, shall not be exempt.

SECTION 8. Chapter 148 of the Private Acts of 1983, and any other acts amendatory thereto, is amended by deleting the following language from Section 11:

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

and by substituting instead the following:

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

appropriate governing body shall be by Writ of Certiorari as provided in the general law and shall be filed within 30 days of such action.

SECTION 9. Chapter 148 of the Private Acts of 1983, and any other acts amendatory thereto, is amended by deleting the following language from Section 12:

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

and by substituting instead the following:

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

SECTION 10. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of Knox County. Its approval or nonapproval shall be proclaimed by the presiding officer of the legislative body and certified to the secretary of state.

SECTION 11. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 10.