

**DESIGN REVIEW COMMISSION**  
**ADMINISTRATIVE RULES AND PROCEDURES**

**ARTICLE I - ORGANIZATION**

***SECTION 1 - MEMBERSHIP***

A. Composition

The design review commission shall be composed of seven (7) rotating members who shall be appointed by the mayor and shall be composed of residents of the Town of Louisville.

B. Term of Office

Each Rotating Member (after the initial members) of the Commission shall be appointed for terms of three (3) years commencing on the date of appointment by the Mayor. The Rotating Members shall be appointed for staggered terms of 1 year for two (2) members, 2 years for two (2) members, and 3 years for three (3) members.

C. Vacancy

In the event a vacancy occurs in any membership position, a successor shall be appointed by the Mayor to serve the balance of the term being vacated.

***SECTION 2 – OFFICERS***

A. Election

The officers of the Commission shall consist of a Chair and a Secretary. Officers shall be elected by a majority of a quorum of the Commission for terms of one year at the first regular meeting of the Commission in each calendar year. Officers shall be eligible for re-election. Notwithstanding the term of office, Officers shall serve until the election of their successors. If a vacancy occurs in an office of the Chair or Secretary, the Commission shall, as soon as practicable, elect a successor to serve their balance of the existing term.

B. Removal

The Chair may be removed by a majority vote of the entire Commission (not less than-four (4) votes) when in the Commission's judgment the best interest of the Commission and/or the Community will be served.

C. Chair

The Chair shall preside at all meetings of the Commission, act as spokesperson for the Commission and shall perform such duties as the Commission shall from time to time prescribe.

The Chair may participate in all discussions, and shall be entitled to vote as any other Member of the Commission.

D. Disability or Absence of Chairman

In the absence or disability of the Chairman, the Member shall elect a Chair *Pro-Tem*, who shall be empowered with the authority of the Chair only during the pending meeting, with all authority to cease upon adjournment of the meeting.

E. Secretary

The Secretary shall provide and publish notice of meetings and hearings, prepare the agenda, keep records and minutes of meetings and hearings, maintain Commission records as public records, attend to Commission correspondence, and perform other duties normally carried out by a secretary.

**ARTICLE II – MEETINGS**

***SECTION 1 - REGULAR MEETINGS***

In December of each year, a schedule of regular Commission meetings for the following calendar year shall be adopted by the Commission, and published in a newspaper of general circulation in Blount County, Tennessee.

***SECTION 2 - SPECIAL MEETINGS***

Special meetings of the Commission may be called by the Chair or any two (2) members of the Commission, by written notice stating the date, time, location and purpose of the meeting, provided by the Secretary to each member, not less than five (5) working days prior to the meeting date. Any member of the Commission may waive notice of the Special meeting, either before or after the meeting, with such waiver hereby deemed the equivalent of notice. Attendance at a Special meeting shall constitute waiver of notice, unless the attendance is for the express purpose of objecting to the transaction of business or grounds that the meeting is not lawfully convened.

***SECTION 3 – AGENDA***

A written agenda shall be furnished by the Secretary to each member of the Commission and shall be posted at least two (2) days prior to each regular meeting, and at least 24 hours prior to any special meeting.

***SECTION 4 – PROXY***

Members shall not be permitted to vote by proxy.

***SECTION 5 – QUORUM***

A majority of the members of the Commission shall constitute a quorum.

***SECTION 6 - OPEN MEETINGS***

All meetings of the Commission convened to make a decision or deliberate toward a decision on any matter shall be an “open meeting” in accord with the requirements set forth in TENN CODE ANN §8-44-101, et seq. The Secretary, with the assistance of the City Recorder, shall prepare and provide all appropriate notices and publications.

***SECTION 7 – VOTING***

All matters to be voted on by the Commission shall be put in the form of a motion duly seconded. Each member present shall vote and shall not be permitted to abstain or pass on the vote unless such member claims a conflict of interest. Any such member abstaining from the vote shall state for the record the basis and nature of the conflict of interest in conformity with the City’s adopted policies on conflict of interest. In the event of any question about the result of a voice vote, or upon the request of any member, a roll call vote shall be taken and recorded. A majority of the votes cast by members present and voting shall be sufficient for the adoption of any motion, except as otherwise provided, herein. Any motion considered by the Commission which fails adoption may be reconsidered at any time prior to adjournment.

***SECTION 8 - RULES OF ORDER***

Roberts Rules of Order may be used as a reference for the conduct of meetings except as otherwise provided by these Rules and Procedures.

***SECTION 10 – MINUTES***

A record, or minutes, of the proceedings of all meetings shall be kept by the Secretary. The minutes shall reflect:

- A. Every motion upon which a vote is taken by the Commission.
- B. The names of the members of the Commission making and seconding any such motion.
- C. The number of “Yes” votes and “No” votes on each motion.
- D. A record of any roll call vote taken.
- E. The name of any member of the Commission that abstains from the discussion and vote on any matter.

**ARTICLE III - DESIGN GUIDELINES FOR CERTIFICATE OF APPROPRIATENESS**

In deliberating on an application for certificate of appropriateness the Commission (and the Planning Commission, if appropriate) shall use guidelines adopted by the Commission and approved by the Planning Commission and the Board of Mayor and Alderman.

**ARTICLE IV - APPLICATION PROCEDURE**

***SECTION 1 - FORM OF APPLICATION AND PROCEDURE FOR CERTIFICATE OF APPROPRIATENESS***

Applications for certificate of appropriateness shall be filed on forms approved by the Commission and provided to applicants by the Secretary. The required information and procedure for the application is outlined in Section 11A-1103 of the Louisville Zoning Ordinance. The Commission may require additional information deemed necessary or appropriate. The failure to submit information as outlined in the application or as requested by the Commission may be grounds for denial. All applications shall be signed by the property owner, or include a written statement, signed by the property owner, designating the applicant as an agent.

## ***SECTION 2 - TIME FOR APPLICATION***

Complete applications must be filed with the Secretary at least 19 days prior to the next regularly scheduled meeting of the Commission in order to be included in that meeting's agenda. Applications deemed incomplete by the Secretary shall not be included on an agenda until all required items are satisfactorily submitted.

## ***SECTION 3 – REHEARING***

Any application for certificate of appropriateness which is denied by the Commission may be resubmitted for rehearing at any subsequent meeting of the Commission if, in the opinion of the Secretary, the resubmittal is accompanied by new relevant information, or modifications which address the reasons for the prior denial.

## ***SECTION 4 – FEES***

The Louisville Planning Commission may, from time to time, establish a fee schedule for the filing of the applications, which fees shall be collected by the Secretary.

## **ARTICLE V - HEARING PROCEDURES**

### ***SECTION 1 – APPEARANCES***

The applicant or any person interested in an application may appear and be heard at a Commission meeting in person, by agent, or by attorney. The extent of participation by any party at a meeting shall be at the control of the Chair.

### ***SECTION 2 – DOCUMENTATION***

Relevant documents, photographs, maps, plans, drawings, and like items will be received in the record without authentication in the form of legible copies. Relevant comments which are not cumulative or hearsay will be received. Documents and comments may be placed in the record with an objection noted by a member of the Commission.

### ***SECTION 4 - CONDUCT OF HEARING***

The normal order of hearing, subject to modification by the Chair, shall be:

- Statement of the matter to be heard (chairperson or secretary),
- Presentation by applicant,
- Presentation by opposition,

- Rebuttal by applicant,
- Public comment when appropriate,
- Discussions and deliberation among Commission members.
- Vote

Members of the Commission may question participants at any point in the hearing.

### ***SECTION 5 – DISPOSITION***

As to each application for Certificate of Appropriateness, the Commission shall either: (a) approve as requested; (b) approve subject to conditions; (c) approve a modification of the application; (d) deny; or (e) postpone, based only upon the unavailability of sufficient data upon which to make a decision. Any denial shall set forth the reasons therefore, in conformity with the Louisville Zoning Ordinance.

## **ARTICLE VI - RECORDS**

### ***SECTION 1 – MINUTES***

The Secretary shall record all meetings and hearings of the Commission on tape, which shall be preserved until the final action is taken on all matters presented. The secretary shall prepare minutes of each meeting for approval by the Commission at the next regular meeting. Minutes shall be maintained as public records.

### ***SECTION 2 - ORDERS AND DOCUMENTS***

The Secretary shall assist in the preparation and service of all orders of the Commission in appropriate form. Copies of all notices, correspondence, documents, orders and forms shall be maintained as public records.

## **ARTICLE IX - APPEALS**

As to application for Certificates of Appropriateness, the applicant submitting an application, or any person who was a party for or against the application at the Design Review Commission meeting, may appeal approval, conditions of approval, or disapproval of such application to the Louisville Planning Commission.

A. Appeal Period: such appeal shall be filed not more than (seven) 7 days from the date of the Design Review Commission action being appealed.

B. Public Hearing on Appeal: the Louisville Planning Commission shall hold a public hearing at the earliest practical date after the Review Commission action and the required public notice.

C. Appeal Procedure: all appeals shall be filed with the Planning Commission which will be responsible for placing such appeal on the agenda of a regularly scheduled meeting at the earliest date possible consistent with these regulations.

D. Filing Appeal: the appeal shall state the specific conditions, requirements, or grounds for disapproval, being appealed.

## **ARTICLE X – AMENDMENT**

These rules have been made a part of the zoning ordinance and may be amended under the law as it pertains to amendment of a zoning ordinance.