

TITLE 2**BOARDS AND COMMISSIONS, ETC.****CHAPTER**

1. BOARD OF ZONING APPEALS.
2. HISTORIC ZONING COMMISSION.

CHAPTER 1**BOARD OF ZONING APPEALS.****SECTION**

2-101. Board zoning appeals.

2-101. Board of zoning appeals. 1. Creation of board. The administrative board of five (5) members known as the board of zoning appeals established upon the enactment of Ordinance No. 39 on August 16, 1950, shall be governed by the following provisions and have full power and authority to hear appeals and to apply and construe the provisions of title 14-201 et seq. in all matters properly brought before it.

2. Appointment of board. The members of the board of zoning appeals shall be appointed by the mayor, with the concurrence of the board of commissioners, who shall make the appointments in writing and shall file such written appointments with the city recorder. Of the five (5) members initially appointed, one (1) shall serve for a term of one (1) year, two (2) for a term of two (2) years, and two (2) for a term of three (3) years. At the expiration of the terms of initial appointment, all reappointments or new appointments shall be for a term of three (3) years. The mayor shall be responsible for accepting the resignation of any member of the board of zoning appeals and appointing a replacement, with the concurrence of the board of commissioners. Any person appointed to fill a vacancy on the board of zoning appeals shall serve for the remainder of the un-expired term. Any member of the board of zoning appeals may be removed by the mayor before the expiration of their term with the consensus of the board of commissioners.

3. Appointment of the chairman and vice chairman. The mayor, with the concurrence of the board of commissioners, shall appoint one (1) of the members of the board of zoning appeals to serve as the chairman during their term. The chairman of the board of zoning appeals may select one of the members to serve as the vice chairman who shall preside over the meetings of the board of zoning appeals during the absence of the chairman.

4. Appointment of alternate members. The mayor, with the concurrence of the board of commissioners, and acting in accordance with the authority of Tennessee Code Annotated, § 8-48-111 shall appoint not less than

three (3), nor more than seven (7) alternate or emergency interim successor members, to serve in the place and stead of any regular member of the board of zoning appeals who may be unavailable and unable to act owing to absence from the city, illness, interest in a pending case before the board of zoning appeals or other cause. In any such situation, the chairman of the board of zoning appeals, or, in his or her absence the vice chairman, shall continue to preside over the meeting or meetings of the board of zoning appeals, notwithstanding the fact that the chairman, or the vice-chairman, as the case may be, may have found it necessary to recuse himself or herself from consideration of and voting upon any matters which may come before the board of zoning appeals while an alternate may be serving on the board of zoning appeals in his or her place and stead. The alternate shall exercise the powers and discharge the duties of the office to which he or she may be asked to serve until such time as the absent member of the board of zoning appeals again becomes available to exercise the powers and discharge the duties.

5. Powers of the board. The board of zoning appeals shall have such duties, powers, and authority as are set forth in title 14-201 et seq. (as added by Ord. #2007-1, Feb. 2007)

CHAPTER 2

HISTORIC ZONING COMMISSION

SECTION

2-201. Historic zoning commission.

2-202. Powers and duties of HZC.

2-201. Historic zoning commission. The Historic Zoning Commission ("HZC") is hereby created, which shall consist of seven (7) members, which shall consist of a representative of a local patriotic or historical organization; an architect, if available; a person who is a member of the local planning commission at the time of such person's appointment; and the remainder from the community in general. The HZC shall be appointed by the mayor subject to confirmation by the board of commissioners ("board"). The terms of members of the HZC shall be five (5) years, except that the members appointed initially shall be appointed for staggered terms so that the terms of at least one (1) member but not more than two (2) members shall expire each year. All members shall serve without compensation. The HZC may adopt rules and regulations consistent with this part, as well as by-laws governing its own procedure, election of officers, agendas, and the like.(as added by Ord. #2019-7 Aug. 2019 *Ch8_01-19-22*, and replaced by Ord. #2021-2, June 2021 *Ch8_01-19-22*)

2-202. Powers and duties of HZC. The HZC shall have the following powers:

(1) Submit written recommendations to the board regarding the creation of any historic zoning district.

(2) Prior to the establishment of any historic district, and after reasonable public notice and opportunity for public comment, by public hearing or otherwise, adopt for each proposed district or zone a set of review guidelines, which it will apply in ruling upon the granting or denial of a certificate of appropriateness, such review guidelines to be consistent with state statute and with regulations and standards adopted by the secretary of the interior pursuant to the National Historic Preservation Act of 1966, compiled in 16 U.S.C. § 470 et seq., applicable to the construction, alteration, rehabilitation, relocation or demolition of any building, structure or other improvement situated within a historic district which has been certified by the secretary of the interior as a registered historic district.

(3) Review and make decisions on applications for certificate of appropriateness related to any building or other permit in an historic district.

(4) Such other powers and duties as it is granted by state statute or the zoning ordinance. (as added by Ord. #2019-7 Aug. 2019 *Ch8_01-19-22*)