

BYLAWS OF THE FRANKLIN BOARD OF ZONING APPEALS

1.1 Enabling Legislation

Pursuant to the Tennessee Code Annotated, section 13-7-205, the Franklin Board of Zoning Appeals of the City of Franklin, Tennessee, hereinafter referred to as the City, hereby enacts these bylaws.

2.1 The Franklin Board of Zoning Appeals

2.1.1 Board Name

The name Board shall be the Franklin Board of Zoning Appeals, hereinafter referred to as the Board.

2.1.2 Board Office

The principal office of the Board shall be at City Hall, Franklin, Tennessee 37064.

3.1 Purposes and General Powers

3.1.1 Applicable Legislation

The purposes and general powers of the Board shall encompass those purposes and power specified in:

- (1) the Tennessee Code Annotated, sections 13-7-205 through 13-7-207, and any amendments and supplements thereto, together with the applicable statutory provisions enacted by the Tennessee Legislature;
- (2) the applicable sections of the Franklin City Charter and the Franklin Municipal Code, and any amendments and supplements thereto; and
- (3) the regulations, rules, bylaws, and policies adopted and enunciated by the Board.

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4.1 Officers

4.1.1 Officers

The officers of the Board shall be a Chair and a Vice-Chair.

4.1.2 Elections

The Chair and the Vice-Chair shall be elected at the first meeting held each year from among the appointed Members and shall serve for a term of one year, with eligibility for reelection. The Chair and the Vice-Chair shall hold office until successors are elected.

4.1.3 Duties of Elected Officers

- (1) The Chair shall preside at the meetings of the Board and shall vote on the matters coming before it. The Chair shall sign minutes, reports, bylaws, and other instruments made by the Board.
- (2) The Vice-Chair shall serve, in all duties, as listed above, in the absence of the Chair.

4.1.4 Absence of Elected Officers

- (1) Should the Chair not be in attendance, the Vice-Chair shall serve as Chair of the meeting.
- (2) Should the Chair and the Vice-Chair not be in attendance, the Board shall, on the motion of any of its Members, accept nominations, and shall hold an election to appoint an Acting Chair to conduct the meeting during the absence of the Chair and the Vice-Chair.

4.1.5 Vacancy

Should the Chair resign or be unable to continue as Chair, the Vice-Chair shall serve the remainder of the Chair's term.

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5.1 Members

The Board shall consist of five (5) Members including the Chair. The Members shall be appointed by the mayor and shall be confirmed by a majority vote of the Franklin Board of Mayor and Aldermen.

5.1.1 Term

The terms of the Members shall be five (5) years, provided, however, that the terms shall be so arranged that the term of one (1) Member shall expire each year.

5.1.2 Compensation

Members shall be compensated, as deemed appropriate by the Franklin Board of Mayor and Aldermen.

5.1.3 Vacancies

Vacancies in the terms of appointed Members shall be filled by the mayor, with confirmation by a majority vote of the Franklin Board of Mayor and Aldermen.

5.1.4 Attendance, Absences, and Vacancies

Any Member of the Board who is absent from three (3) consecutive regular meetings or is absent from six (6) or more regular meetings during a twelve-month period shall be removed from the Board. Absences related to sickness, death in the family, or other like emergencies shall not affect a Member's status except in the case of a prolonged absence. Any vacancies on the Board shall be filled within sixty (60) days, through appointment by the Mayor, with a confirmation by a majority vote of the Franklin Board of Mayor and Aldermen.

5.1.5 Removal

A Member can only be removed by a two-thirds vote of the entire Board of Zoning Appeals.

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6.1 Staff

6.1.1 Employees

The Board shall use the services of the City Attorney and City Employees, as it shall deem necessary. The Board's Recording Secretary shall be a member of the Planning and Sustainability Department or other designated City Staff member.

7.1 Meetings

7.1.1 Regular Meetings

Regular meetings of the Board shall be held on the 1st Thursday of each month at 6:00 p.m. in the City Hall Board Room, or at such other place as the Board may designate. The deadline for regular meetings shall be as set forth in section 7.1.4.

7.1.2 Special Meetings

The Chair, if necessary, or upon the request of any Board Member, shall call and designate the time and place of a special meeting for the purpose of transacting business designated in the call.

7.1.3 Publication

Notice of regular meetings shall be published prior to each meeting in at least one local newspaper with an agenda of the items to be considered at the meeting. If possible, notice of special meetings shall be published prior to each meeting in at least one local newspaper, with an agenda. If notice of a special meeting is not possible in at least one local newspaper, then, prior to holding the meeting, notice shall be announced by way of radio, internet, or television announcement, and shall include a brief summary or agenda of the matters to be discussed.

7.1.4 Agenda

- (1) It shall be the duty of the Department of Planning and Sustainability to prepare an agenda listing the business and matters to be considered by the Board at each meeting.

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- (2) In order for items to be considered at a regular meeting, they shall be submitted to the Department of Planning and Sustainability as follows:
- a. An appellant wishing to present an item to the Board shall contact the Department of Planning and Sustainability to schedule a pre-application conference. The appellant will be advised of the details of the review procedures and the information to be submitted to the Department of Planning and Sustainability. It shall be the responsibility of the appellant to become familiar with the regulations, policies and procedures of the City. At the pre-application conference, the appellant shall designate one contact person to work with the Department of Planning and Sustainability for the duration of the item. The pre-application conferences may be waived at the discretion of staff, provided the appellant concurs.
 - b. Items shall be submitted to the Department of Planning and Sustainability by Monday, at twelve o'clock noon, three weeks preceding the meeting at which the items will be considered. All items shall include fully completed applications, along with any necessary exhibits, as determined at the pre-application conference, or as otherwise communicated by City Staff. Items not submitted, as specified in this subsection, shall not be placed on the agenda.
 - c. The Department of Planning and Sustainability shall make all reasonable efforts to review the items submitted by the deadline date. If the Department of Planning and Sustainability is unable to review all of the items submitted, then it will advise the appellants that additional time is needed to review those items. It will then be the decision of the appellants as to whether they wish to withdraw the items from the agenda until the Department of Planning and Sustainability has completed its review of the items. If the appellants choose to leave those items on the

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agenda, the Board shall approve, approve with conditions, disapprove, or defer the items at the meeting at which they will be considered. The Board shall state its reasons for any decision made.

- d. The Department of Planning and Sustainability shall use the week prior to the agenda items being delivered to Board Members as processing time for the items.
 - e. The Department of Planning and Sustainability shall deliver the agenda, and all exhibits pertaining to the agenda, one week prior to the meeting at which the agenda items will be considered, unless approval is granted by the Chair to deliver the agenda according to a different schedule.
 - f. Items not submitted in accordance with the requirements of this section shall not be placed on the agenda unless the appellant makes a personal request to the Board to be considered as a non-agenda item. Non-agenda items shall be considered only upon the unanimous approval of all of the Board Members, present and voting. The Department of Planning and Sustainability shall neither review non-agenda items nor make recommendations regarding them. It shall be the responsibility of the appellants to deliver the materials for non-agenda items to the Board.
- (3) Items considered at special meetings are limited to those designated by the Chair or at the request of the Board Member calling the meeting.
 - (4) The Department of Planning and Sustainability shall make copies of the agenda available to the Board Members, to the City Attorney, to the appellants, and to at least one local newspaper, prior to each regular meeting and at the earliest possible date prior to a special meeting.
 - (5) Items deferred by the Board shall be reset for a particular date as determined by the Board.

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7.1.5 Quorum

Three (3) Members of the Board shall constitute a quorum for the purpose of conducting business.

7.1.6 Voting

A majority of the Board Members present and constituting a quorum shall be necessary to decide items requiring action. At the discretion of the Chair, the voting on questions shall be by roll call, and the ayes and noes shall be entered upon the minutes of the meeting, except that, when the vote of all of the Board Members present is unanimous, recording the unanimous vote shall be sufficient. Otherwise, a voice vote shall be sufficient.

7.1.7 Order of Business

- (1) Call the meeting to order.
- (2) Approve the minutes of prior meetings.
- (3) Announcements.
- (4) Vote to place non-agenda items on the agenda.
- (5) Order of presentation of agenda items.
 - a. Staff presentation of the item, but only if the appellant is present.
 - b. **Open the Public Hearing:** Declared open by the Chair.
 - i. Comments by those wishing to speak during the Public Hearing on the item in the following order:
 1. Those speaking on behalf of the agenda item, including the appellant.
 2. Those speaking in opposition of the agenda item.

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A total of seven (7) minutes shall be given to each side for testimony, unless extended for due cause by the Chair.

- ii. Additional pertinent information from Staff, if applicable.
- iii. Rebuttal testimony in the following order:
 - 1. Those speaking on behalf of the agenda item.
 - 2. Those speaking in opposition of the agenda item.

A total of three (3) minutes shall be given to each side for rebuttal testimony, unless extended for due cause by the Chair.

- c. **Close the Public Hearing:** Motion, second, and vote by the Board Members required. This act ends all discussion except from the Members, unless the Chair recognizes individuals for further testimony.
 - d. Discussion by the Board Members.
 - e. Motion and second by the Board Members.
 - f. Discussion on the motion.
 - g. Vote of the Board Members.
- (6) Non-agenda items.
 - (7) Any other business.

7.1.8 Minutes

- (1) The Board shall speak only through its minutes, which shall be prepared by the Recording Secretary or designee, who shall, insofar as possible, prepare a verbatim record of the

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proceedings and prepare the minutes from the verbatim record of the meeting. The minutes shall contain the following information:

- a. The kind of meeting, such as regular or special.
 - b. The name of the assembly.
 - c. The meeting date and place.
 - d. The fact of the regular Chair and Vice-Chair being present, or, if both absent, the name of the Acting Chair. The attendance or absence of all other Board Members shall be noted.
 - e. Whether the minutes of the previous meeting were read and approved.
 - f. The main motions and name of the Board Member making the motion, and whether the motion was seconded.
 - g. The action taken on the motion and the reasons for that action.
 - h. The names of the persons addressing the Board, a general statement as to whether they favored or opposed the proposition addressed, and a summary of their statement.
 - i. The hours of the meeting and its adjournment.
- (2) The minutes shall be signed by the Chair.
 - (3) The verbatim record shall also remain on file for general reference. The minutes shall be delivered to the Board Members for examination before the next regular meeting.

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8.1 Reasons for the Board Decision

The Board shall state its reasons for any decision made.

9.1 Amendments


These Bylaws may be amended at a regular or special meeting, but no amendment shall be adopted unless a written notice of at least four (4) days has been previously given to the Board Members.

10.1 Parliamentary Rules

To the extent not inconsistent with these rules or the enabling statutes and ordinances, *Robert's Rules of Order* shall be the parliamentary rules of the Board.

APPROVED on the sixth day of May, 2010.

ATTEST:

BY: 
Chair

BY: 
Recording Secretary