



HISTORIC
FRANKLIN
TENNESSEE

ITEM #16
WRK S 02/09/10

MEMORANDUM

February 2, 2010

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator *Ei*
Vernon Gerth, Assistant City Administrator for Community and Economic Development
Catherine Powers, Planning and Sustainability Director

SUBJECT: Ordinance 2010-03, Zoning Text Amendment to revise Provisions Relating to the Board of Zoning Appeals in the *City of Franklin Zoning Ordinance*

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information regarding amendments to provisions relating to the powers, duties, and membership of the Franklin Board of Zoning Appeals in the *Franklin Zoning Ordinance*.

Background

This *Zoning Ordinance* text amendment is requested by the Department of Planning and Sustainability in order to revise the requirements in the *Zoning Ordinance* related to the powers, duties, and membership of the Franklin Board of Zoning Appeals. The *Tennessee Code Annotated* sets forth specific requirements as to the establishment, number of members, powers and duties of the board. This text amendment is designed to more closely include the requirements of from the *Tennessee Code Annotated* into the *Zoning Ordinance*.

This text amendment was recommended unanimously by the Planning Commission at the January 28, 2010 Franklin Municipal Planning Commission meeting.

Financial Impact

Not applicable to this item.

Options

Not applicable to this item.

Recommendation

Approval of the text amendment is recommended.

ORDINANCE 2010-03

TO BE ENTITLED: "AN ORDINANCE TO AMEND THE CITY OF FRANKLIN ZONING ORDINANCE TO REVISE PROVISIONS RELATING TO THE POWERS, DUTIES, AND MEMBERSHIP OF THE FRANKLIN BOARD OF ZONING APPEALS."

Whereas the *Tennessee Code Annotated* has specific requirements as to the establishment, membership, powers, and duties of a Board of Zoning Appeals;

And whereas the specific provisions relating to the requirements of the *Tennessee Code Annotated* are not clearly defined in the *Zoning Ordinance*;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN OF FRANKLIN, TENNESSEE, AS FOLLOWS:

SECTION I. That within the City of Franklin Zoning Ordinance, each and every instance of "BOZA" be amended and replaced with "BZA" throughout the ordinance, and shall refer to the Franklin Board of Zoning Appeals.

SECTION II. That Chapter 2, Section 2.2.4(1) of the City of Franklin Zoning Ordinance is hereby amended to delete the following text noted with a ~~strikethrough~~; to add the following text noted in **bold**; and is approved to read as follows:

2.2.4 Board of Zoning Appeals (BOZA)

(1) **Membership, Powers, and Duties**

Pursuant to the provisions of the Tennessee Code Annotated, Sections 13-7-205 through 13-7-207, there is hereby created the Franklin Board of Zoning Appeals, hereinafter referred to as the BZA. The board shall consist of five (5) members and shall be appointed by the Mayor and confirmed by a majority vote of the Board of Mayor and Aldermen. The terms of membership shall be five (5) years. Terms shall be arranged so that the term of one (1) member shall expire each year. Vacancies shall be filled for an unexpired term in the same manner as the original appointment.

The BOZA shall have the following powers and duties under this ordinance:

...

SECTION III. BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect from and after its passage on third and final reading, the health, safety, and welfare of the citizens requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
ERIC S. STUCKEY
City Administrator/Recorder

By: _____
JOHN C. SCHROER
Mayor

PLANNING COMMISSION RECOMMENDED APPROVAL:

1/28/10

PASSED FIRST READING:

PASSED SECOND READING:

PUBLIC HEARING HELD:

PASSED THIRD READING:
