

## **SECTION 2. COMMISSIONS, BOARDS & OFFICIALS**

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### **2.1 PURPOSE**

The purpose of this Section is to outline the specific powers of the different commissions, boards and officials as they relate to this Ordinance.

### **2.2 BOARD OF MAYOR AND ALDERMEN**

The Board of Mayor and Aldermen shall have the following specific powers, pursuant to this Zoning Ordinance:

- A. To make final decisions on all requests for amendment to the Official Zoning Map (Section 4.8).
- B. To make final decisions on all requests for amendment to the text of the Zoning Ordinance (Section 4.8).
- C. To make final decisions on all requests for approval of a Development Plan as specified in Section 8 (Planned Development Districts).

### **2.3 BOARD OF ZONING APPEALS (MUNICIPAL AND REGIONAL)**

#### **A. Creation of Boards**

- 1. The Board of Zoning Appeals, Municipal and Regional, as created by Ordinance 1985-8 and as currently existing, shall remain in effect and authority.
- 2. The Municipal Board's authority is for territory within the city limits of the City of Hendersonville. The Regional Board's authority is within the Hendersonville Planning Region as established in accordance with State Law, and as may be changed in accordance with state laws. Authority over any area annexed into the City is transferred to the Municipal Board.
- 3. Each Board shall consist of five (5) members. The Municipal Board members shall reside within the City. The Regional Board members shall reside within the Hendersonville Planning Region. The terms of the board members shall be for three (3) years, or until replaced. The terms in effect prior to the adoption of this ordinance shall continue. Terms shall be staggered in the current manner. Replacements shall be for the remaining term of the person replaced.

4. Appointments shall be by the Board of Mayor and Aldermen in accordance with Ordinance 1982-38, as may be amended from time to time.
5. Members shall serve with such compensation as may be fixed by the Board of Mayor and Aldermen.
6. Training and continuing education of Board members shall be in accordance with state law, in particular TN Code 13-7-205 (c) as may be amended.

**B. Powers of the Board**

1. To hear and make final decisions on appeals of any zoning interpretation or determination made by the Planning Department (Section 4.3).
2. To make final decisions on applications for Zoning Variances (Section 4.4).
3. To make final decisions on applications for Conditional Use (Section 4.5).

**2.4 PLANNING COMMISSION**

Planning Commission refers to the Hendersonville Regional Planning Commission as previously created by the Hendersonville Municipal Code Title 14, Chapter 1, which shall have the following powers, pursuant to this Ordinance:

- A. To review and make final decisions on site plan and design review (Section 4.7).
- B. To make recommendations to the Board of Mayor and Aldermen on amendments to the Official Zoning Map (Section 4.8)
- C. To make recommendations to the Board of Mayor and Aldermen on amendments to the text of the Zoning Ordinance (Section 4.8).
- D. To make recommendations to the Board of Mayor and Aldermen on Planned Developments (Sections 4.6 and 8).
- E. To adopt, in accordance with State law, a comprehensive plan; including a Land Use and Transportation Plan and other elements of said plan and amendments thereto.
- F. To adopt and amend Subdivision Regulations in accordance with State law.

**2.5 OPERATING RULES**

- A. The Board of Zoning Appeals and the Planning Commission shall elect from its members its own chairman, vice-chairman, and secretary who shall serve for one (1) year and may upon election serve succeeding terms.
- B. Any member of the Board or Zoning Appeals or Planning Commission who shall have a direct or an indirect interest in any property which is the subject matter of or affected by, a decision of the Board or Commission shall be disqualified from participating in the discussion, decision, and proceedings. The burden for revealing

any such conflict rests with individual members of the Board and Commission. Failure to reveal any such conflict shall constitute grounds for immediate removal from the Board or Commission for cause.

- C. Regular meetings shall be held at specified times and at such other times as the Board and Commission may determine. The chairman of the Board of Zoning Appeals, or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.
- D. The Board of Zoning Appeals and Planning Commission shall adopt rules and/or by-laws for the conduct of its meetings. Such rules shall at the minimum require that:
  - 1. The presence of a majority of the Board or Commission shall constitute a quorum. The concurring vote of a majority of members present shall constitute approval of a motion.
  - 2. No action shall be taken until after a public hearing and notice thereof, if required by this ordinance. Said notice of public hearing shall be in accordance with Section 3.3.
  - 3. The Board and Planning Commission may call upon any other office or agency of the city government for information in the performance of its duties and it shall be the duty of such other agencies to render such information to the Board or Planning Commission as may be reasonably required.
  - 4. The Regional Planning Commission shall be permitted to submit an advisory opinion on any matter before the Board of Zoning Appeals, and such opinion shall be made part of record of such public hearing.
  - 5. Any Board or Planning Commission member, Zoning Administrator, or other employee charged with the enforcement of this ordinance, acting for the City of Hendersonville in the discharge of his duties, shall not thereby render himself liable personally, and he is hereby relieved from all personal liability and shall be held harmless by the City of any damage that may occur to person or property as the result of any act required or permitted in the proper discharge of their duties. Any suit brought against any Board or Commission member, Zoning Administrator, or employee charged with the enforcement of any provision of this ordinance shall be defended by legal representation furnished by the City until the final termination of such proceedings.
  - 6. The Board, its members and employees, in the performance of its work, may enter upon any land within its jurisdiction and make examinations and surveys and place or remove public notices as required by this ordinance.

## 2.6 PLANNING DEPARTMENT

The Planning Department refers to the City of Hendersonville Planning Department as directed by the Planning Director or his /her designees which may include Planners and other staff. The Planning Department shall have the following powers, pursuant to this Zoning Ordinance:

- A. To review and make decisions on zoning interpretations (Section 4.2).
- B. To review and make final decisions on administrative site plan review (Section 4.7D1).
- C. To receive and process all applications for use and occupancy permits (Section 4.10).
- D. To review and make decisions on applications for sign permits (Section 4.11).
- E. To receive and forward applications for zoning appeals, zoning variances, site plans, design reviews, conditional uses, planned developments, zoning amendments, and other administrative reviews required by this Ordinance to the Board of Zoning Appeals, Planning Commission or Board of Mayor and Aldermen, as indicated.
- F. To conduct inspections of structures or the use of land to determine whether there is compliance with this Ordinance, and, in case of any violation, order corrective action.
- G. To maintain permanent and current records as required by this Ordinance including, but not limited to, all relevant information and official action on inspections and violations, zoning appeals, zoning variances, site plans, design reviews, conditional uses, planned developments, zoning amendments, use and occupancy permits and other administrative reviews.
- H. To maintain and make available the City's Official Zoning Ordinance Text and Map, and all permanent and current records required by this Ordinance.
- I. To maintain for public distribution an adequate supply of the compiled text of the Zoning Ordinance Text, including the Official Zoning Map, and appropriate forms and instructional material for all required hearings and review procedures provided for herein.