

## TITLE 2

### BOARDS AND COMMISSIONS, ETC.

#### CHAPTER

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

#### CHAPTER 1

### BOARD OF ZONING APPEALS<sup>1</sup>

#### SECTION

- 2-101. Creation.
- 2-102. Membership.
- 2-103. Organization, rules, staff and finances.
- 2-104. Powers and duties.

**2-101. Creation.** The Board of Zoning Appeals of Clifton, Tennessee, is hereby created and established as authorized by Tennessee Code Annotated, §§ 13-7-205, 13-7-206, and 13-7-207. (Ord. #158, June 1998)

**2-102. Membership.** The municipal planning commission shall serve as the members of the board of zoning appeals. It consist of five (5) members. One of the members shall be the Mayor of Clifton or his designee. One shall be a member of the board of commissioners selected by the board, and the three (3) remaining members shall be citizens appointed by the mayor. The terms of the appointive members shall be for three (3) years, and shall coincide with the terms of the planning commission appointments. Any vacancy in an appointive membership shall be filled for the unexpired term by the mayor, who shall have the authority to remove any appointive member at his pleasure. The term of the mayor and the member selected from the board of commissioners shall run concurrently with their terms of office. All members of the board shall serve without compensation. (Ord. #158, June 1998)

**2-103. Organization, rules, staff and finances.** The board of zoning appeals offices shall be the same as the planning commission appointive members. The term of the chairman shall be for one year, with eligibility for

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<sup>1</sup>Municipal code reference

Sign regulations: Title 14.

reelection. The board shall adopt rules for its transactions, findings and determination, which record shall be a public record. The board may appoint such employees and staff as it may deem necessary for its work and may contract with city planners and other consultants for such services as it may require. The expenditures of the board, exclusive of gifts, shall be within the amounts appropriated for the purpose by the board of commissioners. (Ord. #158, June 1998)

**2-104. Powers and duties.** From and after the time when the board of zoning appeals shall have organized and selected its officers, together with the adoption of its rules of procedure, then said board shall have all the powers, duties and responsibilities as set forth in Tennessee Code Annotated, title 13. (Ord. #158, June 1998)

## CHAPTER 2

### HISTORIC DISTRICT ZONING COMMISSION<sup>1</sup>

#### SECTION

- 2-201. Creation and appointment.
- 2-202. Procedure.
- 2-203. Powers and duties.
- 2-204. Additional powers and duties.
- 2-205. Liability of members.
- 2-206. Jurisdiction.
- 2-207. Conflict of interest.

**2-201. Creation and appointment.** In accordance with Tennessee Code Annotated, § 13-7-401 a historic district zoning commission is hereby established.

The Clifton City Commissioners shall create a five (5) member historic district zoning commission which shall consist of a representative of a local patriotic or historic organization; an architect, if available; a member of the planning commission, at the time of this appointment; and the remaining members shall be appointed from the community in general. Historic district zoning commission members shall be appointed by the mayor, subject to confirmation by the city commissioners. Appointments to membership on the historic district zoning commission shall be arranged so that the term of one member shall expire each year and his/her successor shall be appointed in like manner in terms of five (5) years. All members shall elect a chairman from among themselves to preside over meetings (see the official by-laws of the historic district zoning commission, 1997) and amended (December, 1997). (Ord. #143, March 1996, as amended by Ord. #154, May 1998)

**2-202. Procedure.** A schedule of meetings of the historic zoning commission shall be established by the commission, or meetings may be held at the call of the chairman or by the majority of the membership (3 out of 5). All meetings of the commission shall be open to the public. The commission shall give notice of the place, date, and time of any public hearings which they hold under the provisions of this chapter, through publication in an official newspaper or a newspaper of general circulation at last three (3) days immediately prior thereto. At least three (3) members of the commission shall constitute a quorum for the transaction of its business. The concurring vote of three (3) members of the commission shall constitute final action of the

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<sup>1</sup>Municipal code reference

Historic zoning regulations: Title 14.

commission on any matter before it. The commission shall keep minutes of its procedures showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact. The minutes shall be prepared by the secretary of the commission and filed in the Official Journal of Proceedings for the City of Clifton, and kept for public reading. (Ord. #143, March 1996, as amended by Ord. #154, May 1998, modified)

**2-203. Powers and duties.** The historic district zoning commission shall have the following powers:

(1) To request detailed construction plans and related data pertinent to thorough review of any proposal before the commission.

(2) The historic district zoning commission shall within thirty (30) days following availability of sufficient data, direct the granting of an application with or without conditions (by the issuance of the certificate of appropriateness) or direct the refusal of an application providing the grounds for refusal are stated in writing.

(3) Upon review of the application for approval of an application, the commission shall give prime consideration to:

(a) Historic and/or architectural value of present structure;

(b) The relationship of exterior architectural features of such structures to the rest of the structures of the surrounding area;

(c) The general compatibility of exterior design, arrangement, texture and materials proposed to be used;

(d) To any other factor, including aesthetics, which is deemed pertinent. (Ord. #143, March 1996, as amended by Ord. #154, May 1998)

**2-204. Additional powers and duties.** The general compatibility of exterior design, arrangement, texture, and material of the building or other structure in question and the relation of such factors to similar features of buildings in the immediate surroundings. However, the historic district zoning commission shall not consider interior arrangement or design, nor shall it make any requirements except for the purpose of preventing extensions incongruous to the historic aspects of the surroundings. (Ord. #143, March 1996)

**2-205. Liability of members.** Any commission member acting within the powers granted by this chapter is relieved from all personal liability for any damage and shall be held harmless by the city government. Any suit brought against any member of the commission shall be defended by a legal representative furnished by the city government until the termination of the procedure. (Ord. #143, March 1996, as amended by Ord. #154, May 1998)

**2-206. Jurisdiction.** The commission shall have exclusive jurisdiction relating to historic matters. Anyone who may be aggrieved by any final order or judgment may have review by the courts by the procedures of statutory

certiorari as provided for in the Tennessee Code Annotated, §§ 27-9-102 and 27-9-103. (Ord. #143, March 1996, as amended by Ord. #154, May 1998)

**2-207. Conflict of interest.** Any member of the commission who shall have a direct or indirect interest in any property which is the subject matter of, or affected by, a decision of said commission shall be disqualified from participating in the discussion, decision, or proceedings of the commission therewith. (Ord. #143, March 1996, as amended by Ord. #154, May 1998)