

ORDINANCE 2007-1

AN ORDINANCE AMENDING TITLES 14 and 2
OF THE BELLE MEADE CODE

WHEREAS, Section 14-206 of the Belle Meade Code currently provides for the establishment of the Board of Zoning Appeals and the method for the appointment and removal of the members and alternative members of the Board of Zoning Appeals;

WHEREAS, the provisions of Section 14-206 of the Belle Meade Code providing for the establishment of the Board of Zoning Appeals and the method for the appointment and removal of its members and alternative members will be deleted by the adoption of Ordinance 2006-6 concurrent with the adoption of this Ordinance 2007-1; and,

WHEREAS, Title 14-101 of the Belle Meade Code similarly provides for the appointment and removal of members of the Municipal Planning Commission,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BELLE MEADE, as follows:

Title 14-101(1) of the Belle Meade Code is amended by deleting the sentence,

“Any vacancy in membership shall be filled for the unexpired term by the mayor, who shall also have authority to remove any appointed member at his/her pleasure, or accept the resignation of any such appointed member”

and substituting in its place:

Any vacancy in membership shall be filled for the unexpired term by the mayor, who shall also have authority to accept the resignation of any such appointed member. Any member of the municipal planning commission may be removed before the expiration of their term by the Mayor with the consensus of the Board of Commissioners.

Title 2 of the Belle Meade Code is amended by adding the following:

2-201 Board of Zoning Appeals. (a) Creation of board. The administrative board of 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.

(b) 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 members initially appointed, one shall serve for a term of one year, two for a term of two years, and two for a term of three years. At the expiration of the terms of initial appointment, all reappointments or new appointments shall be for a term of three 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.

(c) Appointment of the Chairman and Vice Chairman. The Mayor, with the concurrence of the Board of Commissioners, shall appoint one 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.

(d) Appointment of Alternate Members. The Mayor, with the concurrence of the Board of Commissioners, and acting in accordance with the authority of T.C.A. § 8-48-111 shall appoint not less than three, nor more than seven 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.


(e) 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.*

This Ordinance shall become effective April 1, 2007.

Passed on first reading:
January 25, 2007


George W. Crook, Mayor

Passed on Second Reading:
February 21, 2007


Dorothy L. Wheeler, City Recorder