



HAYWOOD COUNTY BOARD OF ZONING APPEALS BY-LAWS

ARTICLE I

AUTHORITY

These by-laws are adopted under the authority of Tennessee Code Annotated and amendments thereto as set forth in Section 13-7-107(a) (1) as follows: " The county legislative body may provide and specify, in its zoning or other ordinance, general rules to govern the organization, procedure and jurisdiction of the Board of Appeals, which rules shall not be inconsistent with this part, and the Board may adopt supplemental rules of procedure, not inconsistent with such sections or such general rules."

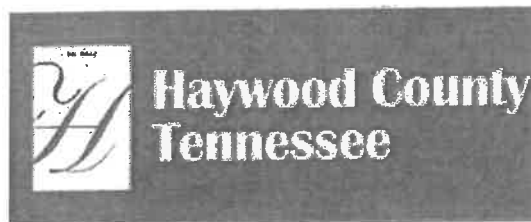
OBJECTIVES

The objectives and purposes of the Haywood County Regional Board of Zoning Appeals shall be as set forth in Sections 13-7-106 through 13-7-109 of the Tennessee Code Annotated and amendments and supplements thereto and those powers and duties delegated to the BZA by the chief legislative body in accordance with the above mentioned enabling legislation.

ARTICLE II

MEMBERSHIP

- Section 1. The Haywood County BZA shall have five (5) members.
- Section 2. All appointed members shall be recommended by the County Executive and approved by the Haywood County Commission.
- Section 3. It is recommended that one member of the BZA be an appointed member of the Haywood County Regional Planning Commission.
- Section 4. With the exception of initial appointments, the term of all appointed members shall be five (5) years. Staggered terms of one, two, three, four and five years will be established upon first convention.



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Section 5. Any member of the Board of Zoning Appeals with unexcused absences from three (3) consecutive meetings of the Board will be deemed to have resigned his or her position on the Board upon the effective date of the third meeting.

ARTICLE III

OFFICERS AND THEIR DUTIES

Section 1. The officers of the BZA shall consist of a Chair, Vice-Chair and Secretary.

Section 2. The Chair shall preside at all meetings and hearings of the BZA and have duties normally conferred by parliamentary usage on such officer. He, or she, shall be one of the appointive members of the Board and shall have the privilege of discussing all matters before the Board of Zoning Appeals and to vote thereon.

Section 3. The Vice-Chair shall be one of the appointive members of the Board and shall act for the Chair in his or her absence.

Section 4. The Secretary arrange for the taking of minutes and shall certify BZA minutes and certify all findings of fact.

Section 5. The Secretary shall preside in the Chair and Vice-Chair's absence.

ARTICLE IV

ELECTION OF OFFICERS

Section 1. Nomination of officers shall be made from the floor and officers shall be elected at an annual organizational meeting in the month of November. During this election process, a member of the staff personnel shall act as Chair.

Section 2. The nominee for each office receiving a majority vote of the membership present shall be declared elected and shall take office at the January meeting.



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Section 3. All officers shall be elected for a term of one (1) year and shall be eligible to succeed themselves. Vacancies shall be filled immediately for the unexpired term by the regular election procedure.

ARTICLE V

STAFF PERSONNEL

Section 1. The Board of Zoning Appeals may utilize the staff that is employed or appointed by Haywood County, which may include planners, engineers, building inspector and other persons as the Board deems necessary.

Section 2. The appointed professional planner shall review all matters, which are presented to the Board of Zoning Appeals and prepare written recommendations.

Section 3. The building inspector shall make his records available to the Board of Zoning Appeals on matters pertaining to the enforcement and administration of the Zoning Resolution and map.

ARTICLE V

MEETINGS

Section 1. All meetings of the Haywood County BZA shall be held on the fourth Tuesday of each month at 5:00 PM. The meetings will be conducted at the Haywood County Court House, Second Floor Courtroom or such other place and time as shall be designated in advance by the Chair.



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- Section 2. Meeting of the Board of Zoning Appeals shall give at least 14 days' notice of the time, place, and purpose of which shall be published at least once in a newspaper of general circulation in the county.
- Section 3. A majority of the membership of the BZA shall constitute a quorum. A quorum shall be present before any business is transacted. In the event of a vacancy on the Board, a majority of the members still acting shall constitute a quorum.
- Section 4. A record of the vote of each member on each major question shall be kept as a part of the minutes.
- Section 4. Special meetings may be called by the Chair, Vice-Chair or by the Secretary if the Chair and/or Vice-Chair is not acting. It shall be the duty of the Chair to call such a meeting when required to do so by a majority of the members of the BZA. The notice of such a meeting shall specify the purposes of such a meeting and no other business may be considered except by unanimous consent of the BZA. The Secretary shall notify or arrange notification of all members of the BZA and provide adequate public notice in advance of such a special meeting.
- Section 5. Except as set forth herein, Roberts Rules of Order shall prevail as to any matters of procedure.
- Section 6. All meetings at which official action is taken shall be open to the general public.
- Section 7. At all meetings, each member attending shall be entitled to cast one vote. Voting shall be by voice. In the event that any member shall have personal interests in the business before the BZA, this member shall disclose the interest and be disqualified from voting upon the business.



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Section 8. An affirmative vote of a majority of the members attending the meeting is necessary for approval of any appeal and in the event that a majority of those present at the meeting shall not vote affirmatively on an appeal, the appeal shall be deemed as not approved

ARTICLE VI

PROCEDURE

Section 1. All applicants must make a written application to have the Board of Appeals hear their case.

Section 2. All petitioners shall be responsible for paying all application fees and all costs of publishing the Public Notice in the newspaper.

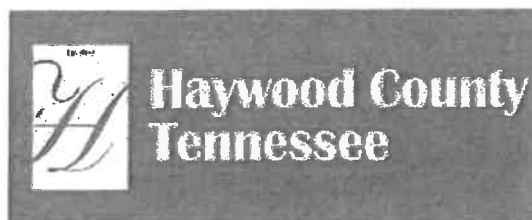
Section 3. An agenda of matters and accompanying documents to be presented at the meeting shall be prepared by the Staff Personnel and emailed to the members of the Board of Zoning Appeals prior to the scheduled meeting.

Section 4. All petitioners shall be present before the BZA.

Section 5. If the petitioner or applicant or his representative is not present, consideration shall be put off until the next regular or advertised Board of Zoning Appeals meeting. If the hearing is deferred, the applicant is obligated to pay for subsequent meeting notices unless the applicant is not responsible for the delay.

Section 6. The Board of Zoning Appeals meeting will follow the format outlined below:

- I. Establishment of a Quorum and Call to Order
- II. Approval of Minutes
- III. Old Business
- IV. New Business



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- A. Location of Property
- B. Applicant's Request
- C. Staff Recommendations
- D. Applicant's Presentation
- E. BZA Questions and Discussion
- F. Motion and Vote on Request
- V. Other Business
- VI. Adjournment

Section 7. The proponents of any matter to be presented to the Board shall be granted not more than 15 minutes to present any matter to the Board upon the first presentation and any additional comments will be limited to five (5) minutes. These time limits shall apply to each petition or application that is before the Board.

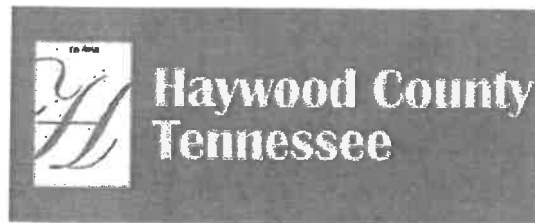
Section 8. All votes shall be voice votes and recorded by a the secretary and kept in the official minutes of the meeting.

Section 9. The minutes of the meeting shall be the official acts of the BZA and any change in any correspondence shall not be valid.

Section 10. The Secretary shall be the person responsible for the correctness of all minutes, although the actual taking of the minutes may be delegated to other persons.

Section 11. Upon the hearing of an appeal, the Board of Appeals will have forty five (45) days from the date of the hearing to render a decision.

Section 12. The Staff Personnel will notify all applicants in writing of the determination reached by the Board on each particular application within ten (10) days of the Boards decision.



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ARTICLE VII

SPECIAL PUBLIC HEARINGS

- Section 1. In addition to those required by law, the BZA may, at its discretion, hold public hearings when the BZA deems hearings will be in the public interest.
- Section 2. Notice of such hearings, outlined in Article VII Section 2, shall be published in a newspaper of general circulation within Haywood County at least 14 calendar days prior to the date of such public hearings.
- Section 3. During a public hearing, the case before the BZA shall be presented in summary by a member of the staff or by a BZA member designated by the Chair. Interested parties shall then have the privilege of the floor or by submitting their case in writing.

ARTICLE X

FILING

- Section 1. All matters to be presented to the BZA shall be filed at the County Mayor's Office with the number of copies provided as required by the appropriate regulations.

ARTICLE XI

CONFLICT OF INTEREST

- Section 1. Any member shall disqualify them self from any participation in the discussion of or voting on any matter on the meeting agenda in which he has a direct or indirect personal interest.
- Section 2. The member shall vacate his or her seat during deliberation on any matter from which he has disqualified himself.



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Section 3. A member who is disqualified shall not be counted as present for a quorum for that particular vote, thereby reducing the necessary number of affirmative votes required to approve a motion. Where a disqualification produces less than a quorum, no vote shall be taken on the matter before the BZA.

Section 4. The burden of revealing any such conflict rests with individual members of the BZA of Zoning Appeals.

ARTICLE XII

ADOPTION AND AMENDMENT

Section 1. These by-laws herein shall be in full force and effective at the first meeting and all subsequent meetings following the adoption of this document by a majority vote of the entire membership of this Board of Zoning Appeals.

Section 2. These rules may be amended by a two-third majority vote of the entire membership of the BZA at any time by placing on the agenda of any regular meeting an item for their amendment or by a Special Meeting called for that purpose as set forth herein.

Adopted this 15th day of September, 2022

Attest



Chair, Haywood County Board of Zoning Appeals



Secretary, Haywood County Board of Zoning Appeals