

152.070 ESTABLISHMENT OF BOARD OF ADJUSTMENT AND QUALIFICATIONS OF MEMBERS.

A Board of Adjustment is hereby established. Said Board shall consist of ~~seven~~ **eight** members; five members of the Board shall be residents of the Town of Franklin and shall be appointed by the Town Council and ~~two~~ **three** members shall reside in the town's area of extraterritorial jurisdiction and shall be appointed by the Board of Commissioners of Macon County.

(A) *Terms.* Terms shall be three years; however, the ~~Board of Aldermen~~ **Town Council** and the Macon County Board of Commissioners may appoint members for a lesser term in order to achieve a balanced system of overlapping terms. Any vacancy in the membership shall be filled for the unexpired term in the same manner as the initial appointment. ~~Members shall serve without pay but may be reimbursed for any expenses incurred while representing the Board.~~

(B) *ETJ members.* The ~~two~~ **three** members appointed to the Board of Adjustment by the Board of County Commissioners as representatives of the Franklin Area of Extraterritorial Jurisdiction shall have equal rights, privileges and duties with other members of the Board in all matters pertaining to the regulation of this chapter in the town and its extraterritorial jurisdiction.

(C) *Alternates.* The Town Council or the County Board of Commissioners, as appropriate, may appoint alternate members to serve on the Board in the absence of any regular members. Alternate members shall be appointed for the same term and in the same manner as regular members. Each alternate member, while attending any regular or special meeting of the Board and serving in the absence of any regular member, shall have and may exercise all the powers and duties of a regular member.

(D) *Rules of Procedure.* The Board of Adjustment shall propose for approval by the Town Council rules of procedure (which may be styled "bylaws") governing its proceedings. Such rules shall be consistent with applicable law, including but not limited to this Code and Chapter 160D of the North Carolina General Statutes. A copy of the adopted rules of procedure shall be maintained by the Town Clerk and posted to the Town website.

AMENDMENTS

§ 152.160 INITIATION OF AMENDMENTS.

This Unified Development chapter, including the zoning map, may be amended only by the Town Council. Changes or amendments may be initiated by the Town Council, the Planning Board, the Board of Adjustment, town staff, or by one or more private citizens.

(Ord. passed 10-1-07; Am. Ord. passed - -)

§ 152.161 APPLICATION.

An application for any amendment shall contain a description and/or statement of the present and proposed zoning regulation or district boundary to be applied, the names and addresses of the owner or owners of the lot in question, the use of each adjacent property and such other information as may be requested by the Land Use Administrator. If an application is denied, no application for any change in the zoning regulations applicable to the same property or any part thereof shall be filed until the expiration of one year from the date of final determination by the Town Council. Provided, however, the one-year waiting period shall not be applicable to the rezoning of all or any part of property previously considered by the Town Council where the new application requests assignment of a different zoning district classification.

(Ord. passed 10-1-07; Am. Ord. passed 2-3-14; Am. Ord. passed - -)

§ 152.162 FEE.

A fee shall be paid to the Town of Franklin for each application for an amendment ~~to cover~~ and the cost of advertising and other administrative expenses. The fee shall be determined by a resolution of the Town Council and may be amended at any time in like manner.

(Ord. passed 10-1-07; Am. Ord. passed - -)

§ 152.163 PROCESSING OF APPLICATION.

An application for amendment shall be processed in accordance with the provisions of this section.

(A) *Action by the Planning Board.* The Planning Board shall consider and make recommendations to the Town Council concerning each proposed

(1) The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

(2) There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.

(3) There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change.

(4) There is convincing demonstration that the character of any neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

(5) The proposed change is in accord with the ~~principles of growth, comprehensive plan~~ sound planning principles, and any applicable small area plan.

(B) *Notice of Planning Board review, public hearing before the Town Council.* No amendment shall be adopted by the Town Council until after ~~Planning Board advertises for comments and the Town Council provides~~ a public notice and hearing (provided, the Town Council may proceed to hold a public hearing on a proposed amendment if no written report from the Planning Board is received within 30 days of referral of the matter to the Planning Board.) Notice that the Planning Board is taking comment and will review proposed amendments shall be advertised and mailed in the same manner as required for the Town Council hearing on the proposal. Notice of the date, time and place of the public hearing before the Town Council shall be published in a