

ORDINANCE NO. 204

*Referred to
Planning
Commission*

AN ORDINANCE TO RECLASSIFY CERTAIN TERRITORY, KNOWN AS PROPERTY ASSESSOR NO. 07-022J-C-022J-009.00 WITHIN THE CORPORATE BOUNDARIES, OWNED BY TOM FRANCISCO FROM R-1A (LOW DENSITY RESIDENTIAL DISTRICT) TO R-1B (LOW DENSITY RESIDENTIAL).

- WHEREAS, pursuant to Tenn. Code Ann. §13-7-203 (a) before enacting the zoning ordinance or any amendment thereof, the chief legislative body shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be published in the official municipal journal or in a newspaper of general circulation in the municipality; and,
- WHEREAS, pursuant to Tenn. Code Ann. §13-7-203 (b) no change in or departure from the text or maps as certified by the planning commission shall be made, unless such change or departure be first submitted to the planning commission and approved by it, or, if disapproved, receive the favorable vote of a majority of the entire membership of the chief legislative body; and,
- WHEREAS, pursuant to Tenn. Code Ann. §13-7-203 (c) notwithstanding the requirements of any municipality's charter to the contrary, the entire text of a comprehensive zoning ordinance need not be published in a newspaper. For those municipalities whose charters do require ordinances to be published in a newspaper, it shall be sufficient for the comprehensive zoning ordinance that its caption and a complete summary be published; and
- WHEREAS, pursuant to Tenn. Code Ann. §13-7-204 the zoning ordinance, including the maps, may from time to time be amended; but no amendment shall become effective unless it is first submitted to and approved by the planning commission or, if disapproved, receives the favorable vote of a majority of the entire membership of the chief legislative body; and,
- WHEREAS, pursuant to TITLE 14, the ZONING ORDINANCE, ARTICLE XII, Amendment, Section A. Procedure. The Board of Mayor and Aldermen may amend the regulations, boundaries, or any provision of this chapter. Any member of the city board may introduce such amendment, or any official, board, or any other person may present a petition to the Board of Mayor and Aldermen requesting an amendment or amendments to this chapter; and,
- WHEREAS, pursuant to TITLE 14, the ZONING ORDINANCE, ARTICLE XII, Amendment, Section B. Approval by Planning Commission. No such amendment shall become effective unless the same be first submitted for approval, disapproval or suggestions to the planning commission. If the planning

commission within thirty (30) days disapproves after such submission, it shall require the favorable vote of a majority of the entire membership of the city board to become effective. If the planning commission neither approves nor disapproves such proposed amendment within forty-five (45) days after such submission, the action of such amendment by said board shall be deemed favorable; and,

WHEREAS, pursuant to TITLE 14, the ZONING ORDINANCE, ARTICLE XII, Amendment, Section C. Introduction of Amendment. Upon the introduction of an amendment to this chapter or upon the receipt of a petition to amend this chapter, the Board of Mayor and Aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the board of mayor and aldermen on the requested change. Said notice shall be published in some newspaper of general circulation in the Town of Mount Carmel, Tennessee. Said hearing by the Board of Mayor and Aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice.

WHEREAS, TITLE 14, the ZONING ORDINANCE, ARTICLE IV, Section B provides for the boundaries of districts; and

WHEREAS, the matter of reclassifying certain property hereinafter described from R-1A (Low Density Residential District) to R-1B (Low Density Residential District) has been considered by the Mount Carmel Regional Planning Commission on January 12, 1999, with a recommendation to the Board of Mayor and Aldermen that the classification and reclassification be approved as requested; and

WHEREAS, a Public Hearing was held on April 22, 1999, and the Notice of Public Hearing was published on March _____, 1999, in the Kingsport Times-News; and,

WHEREAS, it appears the public welfare will not be materially, adversely, or excessively effected thereby; and,

WHEREAS, the change in zoning on the hereinafter described property would be consistent with the comprehensive zoning plan for the Town of Mount Carmel, Tennessee; and

WHEREAS, in light of all the existing circumstances, the change appears to the Board of Mayor and Aldermen to be reasonable. NOW, THEREFORE,

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN, AS

FOLLOWS:

SECTION I. That the Zoning Ordinance, Municipal Code Title 14, ARTICLE IV, "Establishment of Districts", Section B and specifically that the Zoning Map adopted and enacted

as a part of said ordinance being the same is hereby amended by the reclassification of that portion of the hereinafter described property presently lying within the existing corporate limits which property is presently zoned R-1A (Low Density Residential District) to R-1B (Low Density Residential District), said property being delineated on the attached map and more precisely described as follows:

Property Assessor Parcel No: 07- 022J - C - 022J - 009.00

SECTION II. LEGAL STATUS PROVISIONS.

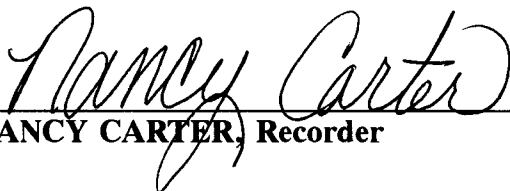
A. Conflict With Other Ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Mount Carmel, the most restrictive shall in all cases apply.

B. Validity. If any section, clause, provision or portion of this ordinance shall be held to be in doubt or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

C. Effective Date. This ordinance shall become effective upon passage and publication, the public welfare requiring it.

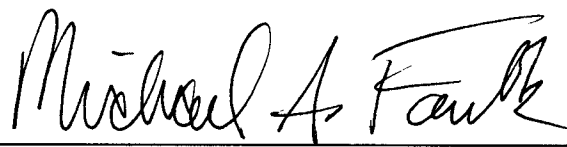
JAMES DEAN, Mayor

ATTEST:



NANCY CARTER, Recorder

APPROVED AS TO FORM:



LAW OFFICE OF MICHAEL A. FAULK

NOTICE OF PUBLIC HEARING PUBLISHED ON: _____
 NAME OF PUBLICATION: _____
 PUBLIC HEARING HELD ON: _____

FIRST READING	AYES	NAYS	OTHER
WAYNE ALLEY			
HENRY BAILEY			
EUGENE CHRISTIAN			
JAMES DEAN, MAYOR			
GARY LAWSON			
THOMAS WHEELER			
CARL WOLFE			
TOTALS			

PASSED FIRST READING: _____

SECOND READING	AYES	NAYS	OTHER
WAYNE ALLEY			
HENRY BAILEY			
EUGENE CHRISTIAN			
JAMES DEAN, MAYOR			
GARY LAWSON			
THOMAS WHEELER			
CARL WOLFE			
TOTALS			

PASSED SECOND READING: _____

PUBLICATION AFTER PASSAGE:

DATE:

NEWSPAPER:
