



ORDINANCE NO. 2019-481

AN ORDINANCE TO FURTHER AMEND THE ZONING CODE, TEXT, AND MAP TO REZONE PROPERTY ADJACENT TO HAMMOND AVENUE AND SOUTH OF BROOKFIELD PLACE SUBDIVISION FROM R-M, MULTI-FAMILY RESIDENTIAL DISTRICT TO B-3, GENERAL BUSINESS DISTRICT IN THE 7th CIVIL DISTRICT OF HAWKINS COUNTY; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE. BE IT ORDAINED BY THE TOWN OF MOUNT CARMEL, AS FOLLOWS:

SECTION I. That the zoning code, text, and map, be and the same is hereby further amended to rezoning property adjacent to Hammond Avenue and south of Brookfield Place Subdivision from R-M, Multi-Family Residential District to B-3, General Business District in the 7th Civil District of Hawkins County; said area to be rezoned being further and more particularly described as follows:

BEGIN Lots 1 and 7, Crew Sensabaugh Property, as shown on map of record in the Register's Office for Hawkins County, Tennessee, in Map Cabinet 3, Envelope 844-B, to which reference is hereby made.

Being the same property conveyed to Emory Mayes and James D. Baldwin by Executor's Deed dated May 14, 2003, of record in the aforesaid Register's Office in Book 645, Page 299. Tax Map 21, Parcel 179.05

SECTION II. Any person violating any provisions of this ordinance shall be guilty of an offense and upon conviction shall pay a penalty of FIFTY DOLLARS (\$50.00) for each offense. Each occurrence shall constitute a separate offense.

SECTION III. That this ordinance shall take effect from and after the date of its passage and publication, as the law directs, the public welfare of the City of Mount Carmel, Tennessee, requiring it.

This change was recommended against by the Mount Carmel Planning Commission at the February 5th, 2019 Meeting.

Chris Jones, Mayor

ATTEST:

Mike Housewright, City Recorder

APPROVED AS TO FORM:

John Pevy, City Attorney

MOTION: ALDERMAN MCCLAIN (TO REJECT)			
SECOND: ALDERMAN STILLWELL			
FIRST READING	AYES	NAYS	OTHER
ALDERMAN PAT STILLWELL	X		
ALDERMAN WANDA DAVIDSON	X		
ALDERMAN CARL WOLFE	X		
ALDERMAN JIM GILLAM	X		
ALDERMAN STEVE MCCLAIN	X		
VICE-MAYOR JENNIFER WILLIAMS	X		
MAYOR CHRIS JONES	X		
TOTALS	7		

PASSED FIRST READING: Failed 1st Reading

MOTION:			
SECOND:			
SECOND READING	AYES	NAYS	OTHER
ALDERMAN PAT STILLWELL			
ALDERMAN WANDA DAVIDSON			
ALDERMAN CARL WOLFE			
ALDERMAN JIM GILLAM			
ALDERMAN STEVE MCCLAIN			
VICE-MAYOR JENNIFER WILLIAMS			
MAYOR CHRIS JONES			
TOTALS			

PASSED SECOND READING: _____

NEWSPAPER: Kingsport Times-News Published: _____

Memo

To: BMA

From: Building Inspector/Zoning Administrator

SUBJECT: Rezoning Request Property Off Hammond Ave

February 13, 2019

1. Attached is Ordinance 2019-481 which rezones property owned by James Baldwin off Hammond Avenue from Multi Family Residential (RM) to General Business (B-3) (application attached). The Planning Commission considered the request at the February 5, 2019 meeting and recommends the request be denied.
2. Mr. Baldwin says he has been trying to sell the property for over a year and cannot find a buyer. The lower portion of the property paralleling the creek is in the flood plain (flood map published in July 2016 after he purchased the property) and the upper portion is too steep to permit residential building. He wants to be able to use the property and wants to construct rental storage units thereon.
3. The RM zoning does not permit storage buildings as a use. The B-3 zoning does permit storage buildings. Residential is not a permitted use in the B-3 district. Other uses in the B-3 district include:
 - Retail business
 - Professional offices
 - Wholesale businesses
 - Warehouses
 - Storage buildings and yards and similar uses
4. Nearby property owners have been notified of the request by mail on December 12, 2018, signs posted on the property, and a public notice in the Kingsport Times News as required. Several citizens are on record opposing the request while none spoke in favor of it.

Vince Pishner