

ORDINANCE NO. P-20190710-2

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING CODE
TO REGULATE THE PLACEMENT OF ACCESSORY USE/STRUCTURES
WITHIN THE C-1 (CENTRAL COMMERCIAL DISTRICT) ZONE
OF THE TOWN OF CARTHAGE, TENNESSEE:**

WHEREAS, the Official Zoning Code currently in use was adopted by Ordinance No. 261 on July 11, 1995, and amended by Ordinance No. 274 on December 5, 1996, and

WHEREAS, said Official Zoning Code has not been amended by any Ordinances since December 5, 1996, and

WHEREAS, the Town of Carthage citizens have voiced concerns regarding the placement of Accessory Use/Structures within the C-1 (Central Commercial District) Zone, and

WHEREAS, an update to the current ordinance would limit accessory uses/structures within the rear yard of lots and parcels within the C-1 (Central Commercial District) Zone, and

WHEREAS, in order to preserve the Town of Carthage’s scenic beauty and maintain property values, while preserving the functionality of the Accessory Use/Structure within the C-1 Zone, and

WHEREAS, the grant of power and the process for adoption of a municipal zoning ordinance is found in Tennessee Code Annotated 13-7-201 through 13-7-203, and

WHEREAS, the Carthage Municipal Planning Commission reviewed and recommended this Ordinance on July 10, 2019 to the Town of Carthage for consideration, and

WHEREAS, pursuant to the requirements of TCA, Section 13-7-203, the Town of Carthage conducted a public hearing prior to the final reading and adoption of this ordinance to allow for community input into the ordinance amendment(s) herein described;

BE IT ENACTED by the Board of Mayor and Alderman for the Town of Carthage, Tennessee as follows:

Section 1. Section 11-204.2 - ACCESSORY USE OR STRUCTURE under DEFINITIONS of the Official Zoning Code shall be deleted and replaced with: “A structure or use that: (1) is subordinate in area, extent, and purpose to the principal use; (2) contributes to the comfort, convenience, or necessity of the principal use; and (3) is located on the same lot and in the same zoning district.”

Section 2. Section 1 of this Ordinance shall conform to the “elimination of the numbering of definitions under Section 11-204, replaced by the listing of all definitions solely in alphabetical order” provision set forth in Ordinance P-190612(3), provided the passage and adoption of Ordinance P-190612(3).

Section 2. Section 11-504.2H under C-1 of the Official Zoning Code shall be deleted and replaced with: “Accessory structures and uses incidental and subordinate to the principal structure. These structures and uses shall be located in the back/rear yards behind the Principal Building.”

Section 3. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word in this Ordinance is declared invalid, such invalidity shall not affect the validity or enforceability of the remaining portions of this Ordinance.

Section 4. This Ordinance shall be effective from and after its passage and final reading, as provided by law, the public welfare requiring it.

Section 5. Effective Date. This ordinance shall take effect and be in full force upon its final passage as required by law.

Passed 1st Reading 8/1/19

Passed 2nd Reading 9/5/19

PUBLICATION OF NOTICE: 8/22/19

PUBLIC HEARING HELD: 9/5/19
(At least 15 days after public notice)

Mayor

Date

Recorder

Date