

ORDINANCE NO. P-20190814(2)

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING CODE
OF THE TOWN OF CARTHAGE, TENNESSEE
TO ALLOW THE MUNICIPAL PLANNING COMMISSION
TO REVIEW SITE PLANS FOR CONFORMITY TO THE ZONING CODE**

WHEREAS, the purpose of the Town of Carthage Official Zoning Code is set forth in Section 11-202 of said Code, and

WHEREAS, the current Official Zoning Code of the Town of Carthage, in addition to any currently adopted zoning ordinances, provide directives, regulations, and specific development standards governing proposed construction and/or rehabilitation of structures and/or properties within the Town of Carthage, and

WHEREAS, conformity with the current Official Zoning Code of the Town of Carthage, in addition to any currently adopted zoning ordinances, is vital to maintain consistency, compatibility, and compliance with regulatory standards for any proposed construction and/or rehabilitation developments pursuant to provisions set forth in said ordinances and Zoning Code, and

WHEREAS, pursuant to Sections 11-705.3 and Section 11-705.4 of the Town of Carthage Official Zoning Code, a building permit for a proposed development shall not be issued if found not to be in conformity with the provisions of the current Official Zoning Code, and

WHEREAS, pursuant to Section 11-701.2C of the Town of Carthage Official Zoning Code, approval of any plan or issuance of any permits or certificates of occupancy for any excavation or construction is unlawful unless said plan is found to conform to the Town of Carthage Official Zoning Code, and

WHEREAS, pursuant to Tenn. Code Ann. §13-4-104, “Whenever the commission shall have adopted the plan of the municipality or any part thereof, then and thenceforth no street, park or other public way, ground, place or space, no public building or structure, or no public utility, whether publicly or privately owned, shall be constructed or authorized in the municipality until and unless the location and extent thereof shall have been submitted to and approved by the planning commission...,” and

WHEREAS, Tenn. Code Ann. §13-4-310 gives a Planning Commission the power to recommend amendments to the zoning ordinance for the establishment of review and approval powers for site plan review solely through the enforcement of a zoning ordinance and Official Zoning Code, and thereby may be given the prerogative to review and approve or disapprove a site plan of any proposed use on any lot prior to the issuance of a building permit, and

WHEREAS, the Town of Carthage Municipal Planning Commission, as a body or individually does not have qualifications to review and/or approve or disapprove a site plan utilizing provisions set forth in any of the following currently adopted Code: The International Building Code, The International Residential Code, The International Energy Conservation Code, The International Plumbing Code, The International Mechanical Code, The International Fuel Gas Code, The International Property Maintenance Code, The International Fire Code, or The National Electric Code, and

WHEREAS, initial or concurrent review of Site Plans by the Planning Commission for proposed construction and/or rehabilitation developments within the Town of Carthage, solely through the enforcement of zoning ordinances and the Official Zoning Code, and limited to areas for which the Municipal Planning Commission is qualified to review, will further ensure conformity and compliance with said Code, and

WHEREAS, the Carthage Municipal Planning Commission reviewed and recommended this Ordinance on August 14, 2019, to the Town of Carthage for consideration, and

WHEREAS, pursuant to the requirements of Tenn. Code Ann. §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. The Official Zoning Code shall be amended by the addition of the following definition to Section 11-204:

SITE PLAN – A plan that is:

- (1) drawn to a scale, no smaller than 1" = 50', and*
- (2) with documentation delineating the overall scheme of the development of a tract of land and/or structures, and*
- (3) contains the particular information and items as specified in Section 11-705.1A-S of the Official Zoning Code, and*
- (3) except for single and two-family dwellings, will be used by the Planning Commission, Building Inspector, and staff to review proposed developments for compliance with Zoning Ordinances and the Official Zoning Code.*

Section 2. The Official Zoning Code shall be amended by the addition of the following definition to Section 11-204:

PLOT PLAN - A plan that is:

- (1) drawn to a scale, no smaller than 1" = 50', and*
- (2) with documentation delineating the overall scheme of the development of a tract of land and/or structures, and*
- (3) contains the particular information and items as specified in Section 11-704.1A-I of the Official Zoning Code, and*

(4) shall be used by the Building Inspector, and appropriate municipal staff to review proposed developments for single and two-family dwelling for compliance with Zoning Ordinances and the Official Zoning Code.

Section 3. Section 1 and Section 2 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).

Section 4. Section 11-501.3A8 of the Official Zoning Code shall be deleted in its entirety and replaced with the following:

A floor plan and Plot Plan depicting all proposed changes to the single-family dwelling shall be submitted.

Section 5. Section 11-501.12 - PLOT PLAN OR SITE PLAN REQUIREMENTS of the Official Zoning Code shall be deleted in its entirety and replaced with the following:

All developments in the R-1 District requiring building permits shall conform to the applicable Plot Plan requirements in Section 11-704A-I of this Official Zoning Code for a single-family dwelling or Site Plan requirements in Section 11-705A-S of this Official Zoning Code for all developments except for single-family dwellings.

Section 6. Section 11-502.3A1 of the Official Zoning Code shall be deleted in its entirety and replaced with the following:

Application and Site Plan as required in Section 11-602.1 Section 11-705A-S of this Official Zoning Code shall be submitted to and approved by the Carthage City Municipal Planning Commission and Building Inspector.

Section 7. Section 11-502.12 - PLOT PLAN OR SITE PLAN REQUIREMENTS of the Official Zoning Code shall be deleted in its entirety and replaced with the following:

All developments in the R-2 District requiring building permits shall conform to the applicable Plot Plan requirements in Section 11-704A-I of this Official Zoning Code for single or two-family dwelling or Site Plan requirements in Section 11-705A-S of this Official Zoning Code for all developments except for single and two-family dwellings.

Section 8. Section 11-503.2C of the Official Zoning Code shall be deleted in its entirety and replaced with the following:

Multi-family dwellings and apartments; provided an application and Site Plan as required in Section 11-602.1 of this Official Zoning Code are submitted to and approved by the Carthage Planning Commission and Building Inspector and provided the development standards required in Section 11-602.2 of this Official Zoning Code are complied with.

Section 9. Section 11-503.12 - PLOT PLAN OR SITE PLAN REQUIREMENTS of the Official Zoning Code shall be deleted in its entirety and replaced with the following:

All developments in the R-3 District requiring building permits shall conform to the applicable Plot Plan requirements in Section 11-704A-I of this Official Zoning Code for single or two-family dwelling or Site Plan requirements in Section 11-705A-S of this Official Zoning Code for all developments except for single and two-family dwellings.

Section 10. Section 11-504.12 - SITE PLAN REVIEW REQUIREMENTS of the Official Zoning Code shall be deleted in its entirety and replaced with the following:

Uses in the C-1 District shall conform to the provisions of Section 11-705A-S of this Official Zoning Code.

Section 11. Section 11-505.13 - SITE PLAN REVIEW REQUIREMENTS of the Official Zoning Code shall be deleted in its entirety and replaced with the following:

Uses in the C-2 District shall conform to the provisions of Section 11-705A-S of this Official Zoning Code.

Section 12. Section 11-506.3B2 of the Official Zoning Code shall be deleted in its entirety and replaced with the following:

A Site Plan depicting the information required in Section 11-705A-S of this Official Zoning Code shall be submitted, and in addition, the Site Plan shall depict the number, location, and size of all flea market stands and booths.

Section 13. Section 11-506.13 - SITE PLAN REVIEW REQUIREMENTS of the Official Zoning Code shall be deleted in its entirety and replaced with the following:

Uses in the C-3 District shall conform to the provisions of Section 11-705A-S of this Official Zoning Code.

Section 14. Section 11-507.13 - SITE PLAN REVIEW REQUIREMENTS of the Official Zoning Code shall be deleted in its entirety and replaced with the following:

Uses in the I-1 District shall conform to the provisions of Section 11-705A-S of this Official Zoning Code.

Section 15. Section 11-508.13 - SITE PLAN REVIEW REQUIREMENTS of the Official Zoning Code shall be deleted in its entirety and replaced with the following:

Uses in the M-1 District shall conform to the provisions of Section 11-705A-S of this Official Zoning Code.

Section 16. Section 11-509.11 - PLOT PLAN OR SITE PLAN REQUIREMENTS of the Official Zoning Code shall be deleted in its entirety and replaced with the following:

All developments in the R-R District requiring building permits shall conform to the applicable Plot Plan requirements in Section 11-704A-I of this Official Zoning Code for a single-family and two-family dwelling or Site Plan requirements in Section 11-705A-S of this Official Zoning Code for all developments except for single-family and two-family dwellings.

Section 17. Section 11-510L, - SITE PLAN REVIEW REQUIREMENTS of the Official Zoning Code shall be deleted in its entirety and replaced with the following:

Uses in the M-2 District shall conform to the provisions of Section 11-705A-S of this Official Zoning Code.

Section 18. Section 11-602.1 - APPLICATION AND SITE PLAN REQUIRED of the Official Zoning Code shall be deleted in its entirety and replaced with the following:

To provide a maximum flexibility in design and to ensure a minimum standard of site development for multi-family housing developments of two or more residential structures on a single lot or tract of land, not subdivided an application shall be submitted to the Municipal Planning Commission consisting of a Site Plan containing the information and items set forth in Section as 11-705.1A-S of the Official Zoning Code and any other information as the Municipal Planning Commission may require.

Section 19. Section 11-704.ID of the Official Zoning Code shall be renumbered as Section 11.704.II with no change in the text of this Section.

Section 20. The Official Zoning Code shall be amended by the addition of the following to Section 11-704.1D:

List the current zoning district the development is located within along with the minimum required front, side and rear yard setback lines.

Section 21. The Official Zoning Code shall be amended by the addition of the following to Section 11-704.1E:

All identified floodable areas; if applicable.

Section 22. The Official Zoning Code shall be amended by the addition of the following to Section 11-704.1F:

Name and address of the owners or developers, along with the current tax map and parcel number.

Section 23. The Official Zoning Code shall be amended by the addition of the following to Section 11-704.1G:

Location and design of off-street parking & points of access.

Section 24. The Official Zoning Code shall be amended by the addition of the following to Section 11-704.1H:

List any variances that may have been granted by the Carthage Board of Zoning Appeals and the date of such meeting during which the variances were granted, if applicable.

Section 25. Section 11-705 – SITE PLAN REQUIRED of the Official Zoning Code shall be deleted in its entirety and replaced with the following:

The Municipal Planning Commission shall require that every application for a building permit for excavation, construction, rehabilitation of existing buildings, moving or addition, except for single and two-family dwellings, shall be accompanied by a Site Plan of the proposed development. Copies of said application and accompanying Site Plan shall be given to the Building Inspector and filed with the Municipal Planning Commission for review. The Municipal Planning Commission can and shall review Site Plans base on regulations found in the zoning ordinance and Official Zoning Code.

The Town of Carthage Municipal Planning Commission, as a body or individually does not have qualifications to review and/or approve or disapprove a Site Plan utilizing provisions set forth in any of the following currently adopted Code: The International Building Code, The International Residential Code, The International Energy Conservation Code, The International Plumbing Code, The International Mechanical Code, The International Fuel Gas Code, The International Property Maintenance Code, The International Fire Code, or The National Electric Code, and etc. These Plans are to be reviewed and approved by the proper municipal officials.

Section 26. Section 11-705.1 - REQUIRED CONTENTS OF SITE PLAN of the Official Zoning Code shall be deleted in its entirety and replaced with the following:

The Site Plan shall be prepared to scale by an engineer, architect, surveyor, or other acceptable technical personnel and shall show the following in sufficient detail to enable the Municipal Planning Commission and Building Inspector to ascertain whether the proposed development is in conformance with the Official Zoning Code:

Section 27. Section 11-705.1H of the Official Zoning Code shall be deleted in its entirety and replaced with the following:

List the current zoning district the development is located within along with the minimum required front, side and rear yard setback lines.

Section 28. Section 11-705.1N of the Official Zoning Code shall be renumbered as Section 11.705.1S with no change in the text of this Section.

Section 29. The Official Zoning Code shall be amended by the addition of the following to Section 11-705.1N:

List the name and address of the owners or developers, along with the current tax map and parcel number.

Section 30. The Official Zoning Code shall be amended by the addition of the following to Section 11-705.1O:

Show and list the adjoining property owners and show/illustrate the current zoning for these properties.

Section 31. The Official Zoning Code shall be amended by the addition of the following to Section 11-705.1P:

List any variances that may have been granted by the Carthage Board of Zoning Appeals and the date of such meeting during which the variances were granted, if applicable.

Section 32. The Official Zoning Code shall be amended by the addition of the following to Section 11-705.1Q:

List all covenants and/or grants attached to development property, if applicable.

Section 33. The Official Zoning Code shall be amended by the addition of the following to Section 11-705.1R:

Certificate of Ownership, Certificate of Site Plan Preparation, Certificate of Carthage Department Heads, and Certificate of Planning Commission” found in “Appendix A – Site Plan Certificates” to this Ordinance and the in the Official Zoning Code shall be placed on the Site Plans and signed by the proper authorities.

Section 34. Section 11-705.2 - REVIEW OF SITE PLANS of the Official Zoning Code shall be deleted in its entirety and replaced with the following:

When a Site Plan has been received and filed with the appropriate officials of the Municipal Planning Commission, said Site Plan shall be placed on the agenda of the Municipal Planning Commission for review within thirty (30) days of the filing or the next regularly scheduled Municipal Planning Commission meeting after the thirty-day period. The Municipal Planning Commission shall approve or disapprove a Site Plan within sixty (60) days after the initial consideration of the Site Plan by the Municipal Planning Commission meeting in a regularly scheduled session, unless at the end of the sixty-day period there is a holiday or an unexpected interceding event and thus affect the normal computation of the sixty-day period, in which case said Site Plan shall be approved or disapproved after the interrupted sixty-day period at the next regularly scheduled meeting of the Municipal Planning Commission.

All submitted Site Plans required by this ordinance shall be reviewed by the Municipal Planning Commission and by the appropriate Municipal Department heads (including streets, water, and wastewater, electric, fire, and police) if deemed necessary due

to the nature or extent of the proposed development. Municipal Planning Commission approval is required for all Site Plans that fall under Section 11-705.2A of this zoning ordinance. These Site Plans will be forwarded to the building inspector, and all zoning requirements shall be adhered/based on these plans.

Section 35. The Official Zoning Code shall be amended by the addition of Section 11-705.2A to include the following:

Review and approval or disapproval of Site Plans by the Municipal Planning Commission shall be limited solely through the enforcement of zoning ordinances and the Official Zoning Code, and limited to areas for which the Municipal Planning Commission is qualified to review to include, but not limited to the following:

- *The actual shape, location, and dimensions of the lot to be built upon.*
- *Shape, size, and location of all buildings or other structures to be erected, added to or moved and of any buildings or other structures already on the lot.*
- *Existing and intended use of all such buildings or other structures.*
- *Location and design of off-street parking, points of access, off-street loading areas and of pedestrian circulation.*
- *List the current zoning district the development is located within along with the minimum required front, side and rear yard setback lines.*
- *All identified floodable areas; if applicable.*
- *Location and dimensions of all signs, if applicable.*
- *Name and address of the owners or developers, along with the current tax map and parcel number.*
- *Show and list the adjoining property owners and show/illustrate the current zoning for these properties.*
- *If applicable, list any variances that may have been granted by the Carthage Board of Zoning Appeals and the date of such meeting during which the variances were granted.*
- *If applicable, all covenants and/or grants attached to development property.*
- *If applicable, Plans for the provisions of water service, fire hydrants, sewer service, and any other public utilities. The sizes of the water and sewer line shall be indicated on the plans.*
- *If applicable, location, and type of landscape screening.*
- *Any other information concerning the lot or adjoining lots as may be necessary for determining whether the provisions of the Official Zoning Code are observed.*

- *“Certificate of Ownership, Certificate of Site Plan Preparation, Certificate of Carthage Department Heads, and Certificate of Planning Commission” found in “Appendix A – Site Plan Certificates” to this Ordinance and the in the Official Zoning Code shall be placed on the Site Plans and signed by the proper authorities.*

Section 36. The Official Zoning Code shall be amended by the addition of Section 11-705.2B to include the following:

The Municipal Planning Commission shall not review and/or approve or disapprove a Site Plan utilizing provisions set forth in any of the following currently adopted Code: The International Building Code, The International Residential Code, The International Energy Conservation Code, The International Plumbing Code, The International Mechanical Code, The International Fuel Gas Code, The International Property Maintenance Code, The International Fire Code, or The National Electric Code.

Section 37. The Official Zoning Code shall be amended by the addition of Section 11-705.2C to include the following:

The Carthage Municipal Planning Commission shall report its finding of Site Plan approval or disapproval to the Building Inspector, and if such finding is disapproval, shall provide the cause for disapproval documented in writing within the particular minutes of the Municipal Planning Commission meeting that is relative to the proposed development.

Section 38. The Official Zoning Code shall be amended by the addition of Section 11-705.2D to include the following:

Approval of the Site Plan by the Carthage Municipal Commission alone shall not constitute sufficient approval for the issuance of a Building Permit and/or Certificate of Occupancy. Building Permits and Certificates of Occupancy shall only be issued by the Building Inspector and only after his/her independent review of all required plan reviews and his/her consideration of the findings from the Municipal Planning Commission’s review of the aforementioned Site Plan.

Section 39. For any use of the term “Site Plan” under the current or any future amended Section 11-603 of the Official Zoning Code or under 11-603.3A2(c) of Ordinance #427, a “Site Plan” shall containing the information and items set forth in Section as 11-705.1A–S of the Official Zoning Code in addition to any other information as the

Municipal Planning Commission or Building Inspector may require, and any information the current Section 11-603 or amending ordinances my require.

Section 40. 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 41. This Ordinance shall be effective from and after its passage and final reading, as provided by law, the public welfare requiring it.

Section 42. Where other statutes, ordinances, or regulations impose greater restrictions than those specified herein, compliance with such other statutes, ordinances, or regulations is mandatory.

Section 43. Effective Date. This ordinance shall take effect and be in full force upon its final passage as required by law.

Passed 1st Reading 9/5/19

Passed 2nd Reading 10/3/19

PUBLICATION OF NOTICE: 9/19/19

PUBLIC HEARING HELD: 10/3/19
(At least 15 days after public notice)

Mayor

Date

Recorder

Date

Appendix A
Site Plan Certificates
(for Ordinance P-20190801)

CERTIFICATE OF OWNERSHIP

I (we) hereby certify that I am (we are) the owner(s) of the property where this development is taking place and that all required permits will be obtained. I (we) further acknowledge that any change to these plan(s) will constitute the resubmission to the Planning Commission for review and approval.

Owner's Signature

Date

CERTIFICATE OF SITE PLAN PREPARATION

I hereby certify that this Site Plan was prepared by me and that it contains all relevant information and requirements found in the Carthage Municipal Zoning Ordinance.

Signature

Date

(If Necessary) CERTIFICATE OF CARTHAGE DEPARTMENT HEADS

I (we) hereby certify that the developers/owners have been in contact with the proper authorities and that any additional plans that are not required by the Carthage Municipal Zoning Ordinance will be reviewed during the building/construction process.

Signature

Date

Signature

Date

Signature

Date

CERTIFICATE OF PLANNING COMMISSION

I hereby certify that the Site Plan presented to the Carthage Municipal Planning Commission has been reviewed and approved by said commission and is in conformance with the requirements found within the Carthage Municipal Zoning Ordinance.

Carthage Municipal Planning Commission

Date
