

**RESOLUTION TO CORRECT ERRORS IN PREVIOUS ADOPTION  
OF CHANGES TO THE OFFICIAL SUBDIVISION REGULATIONS  
FOR THE CARTHAGE MUNICIPAL PLANNING COMMISSION:**

**WHEREAS,** TENN. CODE ANN. §13-4-303(a) Subdivision Regulations – Adoption, states: “In exercising the powers granted to it by this part, the planning commission shall adopt regulations governing the subdivision of land within the municipality,” and

**WHEREAS,** Pursuant to TENN. CODE ANN. §13-4-303(a), the Planning Commission alone adopts and/or makes changes to the Subdivision Regulations without the legislative process from the City Council, and

**WHEREAS,** Ordinances # 357, that would make changes to the Official Subdivision Regulations of the Town of Carthage, Tennessee was recommended to the Board of Mayor and Aldermen of Carthage, Tennessee for approval and adoption, and

**WHEREAS,** There are no clear indications the directed changes to the Carthage City Subdivision Regulations as set forth in said Ordinance were approved by a MAJORITY vote of the Carthage Municipal Planning Commission prior to the drafting of said Ordinance and the subsequent Commission’s recommendation to the Carthage City Board of Mayor and Aldermen, and

**WHEREAS,** There is no indication there was a Public Hearing held by the Carthage City Planning Commission concerning the changes to the Carthage City Subdivision Regulations as set forth in said Ordinance, as is required by TENN. CODE ANN. §13-4-303(c): “*Before adoption of its subdivision regulations or any amendment thereof, a public hearing thereon shall be held by the commission,*” and

**WHEREAS,** Said Ordinance will be void and unenforceable pursuant to TENN. CODE ANN. §13-4-303(a) Subdivision Regulations – Adoption, and

**WHEREAS,** Carthage City Subdivision Regulation changes as set forth in Ordinance # 357 will be void and unenforceable pursuant to TENN. CODE ANN. §13-4-303(a) Subdivision Regulations – Adoption, and

**WHEREAS,** pursuant to the requirements of TENN. CODE ANN. §13-4-303(c), the Planning Commission of the Town of Carthage, Tennessee conducted a public hearing prior to the adoption of changes in the Carthage City Subdivision Regulations to allow for community input into the change amendment(s) herein described, and

**WHEREAS,** the Carthage Municipal Planning Commission reviewed, passed and recommended this Resolution on (*inserting date recommended*);

**NOW THEREFORE BE IT RESOLVED** by the Carthage Municipal Planning Commission to accept and adopt the changes to the Official Carthage City Subdivision Regulations as set forth in Ordinances # 357 to including any current Planning Commission's modifications and additions as described herein. This Resolution shall take effect immediately upon passage.

**Part 1: The Subsections 1 of Section E within Article II shall be revised to read:**

Article II Procedures for Plat Approval  
Section E. Procedures for Preliminary Plat Review

The following procedure shall apply for the review of all Preliminary Plats. Subsection 1. At least FIFTEEN (15) WORKING DAYS prior to the Planning Commission meeting at which it is to be considered, the subdivider shall submit to the Town of Carthage EIGHT (8) COPIES of any required preliminary plat of a proposed subdivision. If necessary, the developer should provide copies of the Tennessee Department of Environment and Conservation. The Town of Carthage will give copies to all applicable utilities and departments (water, sewer, fire, telephone, street, electric, or gas, as necessary).

**Part 2: The Subsections 1 of Section G within Article II shall be revised to read:**

Article II. Procedures for Plat Approval  
Section G. Procedures for Final Plat Review

The following procedure shall apply for the review of all Final Plats: Subsection 1. Final plats should be submitted at least FIFTEEN (15) WORKING DAYS prior to the Planning Commission meeting. If the developer has obtained the signatures of utility and street officials because improvements have been completed or were not required, he should provide those utilities with a copy of the plat, and submit FOUR (4) COPIES to the Town of Carthage. The submission of the final plat to the Town of Carthage shall not constitute submission of the final plat for consideration by the Planning Commission.

**Part 3: Subsections 4 through 6 of Section G within Article II:**

shall be renumbered as 5 through 7, thereby allowing Part 4 of this Resolution to be Subsection 4.

**Part 4: Subsection 4 to be added to Section G within Article II to read:**

No plat shall be acted upon by the commission without affording a hearing thereon. During the period when the hearing is being scheduled, interested parties must be notified by mail not less than five (5) days before the date for such hearing, pursuant to TENN. CODE ANN. §13-4-304(c) which states: *“Any plat submitted to the commission shall contain the name and address of a person to whom notice of hearing shall be sent; and no plat shall be acted upon by the commission without affording a hearing thereon, notice of the time and place of which shall be sent by mail to such address not less than five (5) days before the date fixed for such hearing.”*

Passed 1<sup>st</sup> Planning Commission Reading 6/12/2019

PUBLICATION OF NOTICE: 7/25/2019

PUBLIC HEARING HELD: 8/14/2019  
(At least 15 days after public notice)

Passed 2<sup>nd</sup> Planning Commission Reading after Public Hearing 8/14/2019

\_\_\_\_\_  
Chairman of Planning Commission

\_\_\_\_\_  
Date

\_\_\_\_\_  
Secretary of Planning Commission

\_\_\_\_\_  
Date

\_\_\_\_\_  
Recorder

\_\_\_\_\_  
Date