

Ordinance No. 22-008

AN ORDINANCE AMENDING ARTICLE VIII, SECTION 8.070 C OF THE TOWN OF KINGSTON SPRINGS ZONING ORDINANCE

WHEREAS, the Town of Kingston Springs Board of Commissioners has previously adopted its comprehensive zoning ordinance known as Ordinance No. 84-005, as amended (here in "Zoning Ordinance"); and

WHEREAS, by Ordinance 21-011, the Board of Commissioners amended the Zoning Ordinance to specify certain notice requirements for matters before the Board of Zoning Appeals; and

WHEREAS, the Municipal Planning Commission has requested that Article VIII, Section 8.070 C. of the Zoning Ordinance be amended to include new provisions governing notice to be given for certain actions contemplated in said Zoning Ordinance and has recommended same for consideration and adoption by the Town of Kingston Springs Board of Commissioners after public notice, hearing, and second and final reading.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF KINGSTON SPRINGS, TENNESSEE, THAT

Article VIII, Section 8.070 C. of the Town of Kingston Springs Zoning Ordinance shall be amended by replacing the existing language with the following:

C. Appeals to the Board: An appeal to the Kingston Springs Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved by, or by any governmental office, department, board, or bureau affected by, any decision of the Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

No action shall be taken by the Board on any case until the notices set forth herein have been provided and a public hearing has been conducted. The notices to be provided and costs thereof are as follows:

1. A notice of public hearing shall be published in a newspaper of general circulation in the Town at least seven (7) days prior to the date of the hearing, and such notice shall be posted in the online electronic format utilized by the Town to post notice of the

Board of Commissioners meetings and Public Hearings at least seven (7) days prior to the date of the hearing.

2. A notice of public hearing shall be sent by certified mail, return receipt requested, to the property owners of record whose property is adjacent to, or immediately across the street from, the property that is the subject of the public hearing. Such notice shall be mailed on or before the same date that the notice of publication is delivered to the newspaper of general circulation for publication. Compliance with this notice requirement will be deemed sufficient if the City Manager or his/her designee sends such certified mail to the owner's address of record as reflected in the records of the Cheatham County Tax Assessor.
3. Applicants shall pay the then current fees as established by the Town of Kingston Springs Board of Commissioners in the Appendix to the Town of Kingston Springs Municipal Code. Such fees include an application fee to assist in covering the cost of review and processing the case, a fee for each notification sign required hereunder, and a fee for providing notice by certified mail to the extent required by this ordinance. It is the intent of this ordinance that the applicant pay the Town for all costs associated with an application to the Board.

This Ordinance shall take effect the later of the date that is 15 days after its passage or upon publication of this Ordinance or its caption, the public welfare demanding it.

Passed First Reading: October 20, 2022

Public Hearing: November 17, 2022

Passed Second Reading: November 17, 2022

Tony A. Gross III
Tony Gross, Mayor

Attest:

Jamie Dupré
Jamie Dupré, Town Recorder

Approved as to Form and Legality:

Martha Perry
Martha Brooke Perry, Town Attorney