

ORDINANCE 21-011

AN ORDINANCE AMENDING ARTICLE VIII 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, the Municipal Planning Commission has requested that Article VIII of the Zoning Ordinance be amended to include 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 of the Town of Kingston Springs Zoning Ordinance shall be amended as follows:

A. Section 8.070 C. shall be amended by adding the following provisions to the end of the currently existing provisions:

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 fifteen (15) 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 fifteen (15) days prior to the date of the hearing. Said notice shall contain the address, if any, of the subject property and a statement of the action proposed.
2. A notification sign or signs shall be placed on the property at least fifteen (15) days prior to the date of the hearing. Any property line of the subject property which fronts upon any public street or road shall be clearly flagged or marked at the time the public notification sign is posted. The public notification sign(s) shall be those furnished by the Town, and the City Manager or his/her designee shall place it/them on the property. The sign(s) shall:
 - a. be no smaller than three feet by two feet (3' x 2') and shall be clearly visible and legible to passing motorists;

- b. specify the time, date and location of the scheduled public hearing;
- c. contain the telephone number of the Town of Kingston Springs City Manager or his/her designee where additional information can be obtained;
- d. be posted along each three hundred (300) feet of each Public Street or road right-of- way adjoining property;
- e. be posted within ten feet (10') of the public street on road right of-way and be positioned in a manner to best inform the motoring public without creating a safety hazard;
- f. be posted at the location where each access easement attaches to a public street or road right-of-way if the property is accessed by easement;
- g. contain the address, if any, of the subject property; and
- h. contain a statement of the action proposed.

3. 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. 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.

4. 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.

B. Section 8.090 shall be amended by replacing the current provisions with the following:

8.090. Amendment to the Ordinance. The regulations, restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the Town of Kingston Springs Board of Commissioners. Any member of the Town of Kingston Springs Board of Commissioners may introduce such legislation, or any official, board, or any other person may present a petition to the Town of Kingston Springs Board of Commissioners requesting an amendment or amendments to this

ordinance. These amendments must be in relation to the Comprehensive Plan and the general welfare of the community.

No amendment to this ordinance shall become effective unless it shall have been proposed by or shall have first been submitted to the Kingston Springs Municipal Planning Commission for review and recommendation. Such proposal shall be submitted to City Hall at least fifteen (15) days prior to the next Planning Commission meeting if it is to be entertained by the Planning Commission. The Planning Commission shall have thirty (30) days within which to submit its report. If the Planning Commission disapproves the amendment within the thirty (30) days, it shall require the favorable vote of a majority of the Town of Kingston Springs Board of Commissioners to become effective. If the Planning Commission fails to submit a report within the thirty (30) day period, it shall be deemed to have approved the proposed amendment.

No change or departure from the text or maps as certified by the Planning Commission shall be made, unless such change or departure be first submitted to the Planning Commission and approved by it, or, if disapproved, received the favorable vote of a majority of the entire membership or the Town of Kingston Springs Board of Commissioners.

A. Public Notice. Before enacting any amendment to this ordinance, the Town of Kingston Springs Board of Commissioners shall hold a public hearing thereon, of which at least fifteen (15) days' notice of the time and place of which shall be published in a newspaper of general circulation in the City of Kingston Springs. Further, for zoning amendments proposed for a specific property, a notification sign or signs shall be placed on the property at least fifteen (15) days prior to the date of the hearing. Any property line of the subject property which fronts upon any public street or road shall be clearly flagged or marked at the time the public notification sign is posted. The public notification sign(s) shall be those furnished by the Town, and the City Manager or his/her designee shall place it/them on the property. The sign(s) shall:

1. be no smaller than three feet by two feet (3' x 2') and shall be clearly visible and legible to passing motorists;
2. specify the time, date and location of the scheduled public hearing;
3. contain the telephone number of the Town of Kingston Springs City Manager or his/her designee where additional information can be obtained;
4. be posted along each three hundred (300) feet of each Public Street or road right-of-way adjoining property;

5. be posted within ten feet (10') of the public street on road right of-way and be positioned in a manner to best inform the motoring public without creating a safety hazard;
6. be posted at the location where each access easement attaches to a public street or road right-of-way if the property is accessed by easement
7. contain the address, if any, of the subject parcel; and
8. contain a statement of the action proposed.

B. Fee: The Town of Kingston Springs Board of Commissioners shall establish a schedule of fees and collection procedure for requests and petitions made under this Section, which shall include, but not be limited to, the cost of the notifications required herein. The schedule of fees due pursuant to this Section shall be as set forth in Appendix A to the Town of Kingston Springs Municipal Code, as amended by the Board of Commissioners from time to time.

C. Reconsideration. Whenever an application for an amendment to the text of this ordinance or for change in the zoning classification of any property is denied, the application for such amendment shall not be eligible for reconsideration for one year following such denial, except in the following cases:

1. Upon initiation by the Mayor and Board of Commissioners, or Planning Commission; or
2. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made; or
3. When the previous application was denied for the reason that the proposed zoning would not conform with the general plan, and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

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: August 19, 2021

Public Hearing: October 21, 2021

Passed Second Reading: October 21, 2021

Franco A. Gross

Tony Gross, Mayor

Attest:

Jamie Dupré

Jamie Dupré, Town Recorder

Approved as to Form and Legality:

Martha Brooke Perry

Martha Brooke Perry, Town Attorney