

Ordinance #276

An Ordinance to change the zoning book of Ashland City, Tennessee.

BE IT ORDAINED by the Mayor and City Council of the Town of Ashland City, Tennessee that Article II Section 2.020 of the Zoning Book be amended as it pertains to the definition of Family and by amending Article VII, Section 7.090 by adding three paragraphs pertaining to notification of zoning amendments.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and City Council of the Town of Ashland City, Tennessee that said zoning book be changed as follows:

2.20 Definitions:

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood or marriage, no such family (excepting as set forth below) shall contain over five (5) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a family or families, and that four or less boarders, including roomers, may be accommodated. The term "family" as used in this ordinance, shall be construed to include the following as taken from Tennessee Code 13-24-102 for the purpose of any zoning law in Tennessee, the classification "single family residence" includes any home in which eight (8) or fewer unrelated mentally retarded, mentally handicapped or physically handicapped persons reside, and may include three (3) additional persons acting as houseparents or guardians, who need not be related to each other or to any of the mentally retarded, mentally handicapped or physically handicapped persons residing in the home. All required minimum building codes, as well as health and safety standards must be adhered to when considering the housing of disabled, handicapped and mentally retarded persons (see ruling with regard to Clinton, Tennessee federal case).

Also,

Amending Article VII, Section 7.090 to read in its entirety as follows with the new additions shown in bold print:

- 7.90. Amendments 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restrictions, and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed by the Mayor and City Council of the Town of Ashland City. Any member of the Mayor and City Council may introduce such legislation, or any official, board, or any other person may present a petition to the Mayor and City Council 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.

An application by an individual for an amendment shall be accompanied by a fee of one hundred (\$100.00) dollars payable to the Town of Ashland City, and shall also be accompanied by maps, drawings, and data necessary to demonstrate that the proposed amendment is in general conformance with the general plan of the area and that public

necessity, convenience, and general welfare, require the adoption of the proposed amendment. An accurate legal description, and scale drawing of the land illustrating topographic contours at five (5) foot intervals and existing buildings shall be submitted with said application no later than the end of the working day twenty (20) days prior to the regularly scheduled meeting date of the planning commission.

The planning commission shall review and make recommendations to the Mayor and City Council on all proposed amendments to the ordinance.

The planning commission in its review and recommendation and the Mayor and the City Council in its deliberation shall make specific findings with regard to the following grounds for an amendment and shall note that the same in the official record as follows:

- A. The amendment is in agreement with the general plan for the area;
- B. It has been determined that the legal purposes for which zoning exists are not contravened;
- C. It has been determined that there will not be adverse effect upon adjoining property owners unless such adverse effect can be justified by the overwhelming public good or welfare;
- D. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public.

No amendment to the ordinance shall become effective unless it shall have been proposed by or shall have first been submitted to the Ashland City Municipal Planning Commission for review and recommendation. The Planning Commission shall have thirty (30) days following the planning commission meeting wherein such amendment is entertained 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 Mayor and City Council 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.

A public hearing shall be held on all proposed amendments to this Title prior to second reading by the Board of Mayor and City Council. Notice of such hearing shall be given by the City Manager or City Recorder in a newspaper of general circulation within the city at least fifteen (15) days but no more than 30 days prior to the public hearing. This notice shall specify the location, current and proposed zoning classification, and it may contain a graphic illustration area.

In addition at least fourteen (14) days prior to the date of the scheduled hearing, the building inspector shall place a free standing notification sign, visible and readable to persons of ordinary vision from the abutting street, on property that is the

subject of the re-zoning hearing by the board. Such sign shall state the date, time and place of the hearing by the board and shall briefly state the existing zoning classification of the property and the requested re-zoning classification. The sign shall remain in place until the hearing. Such sign shall at all times remain the property of the city.

Upon enactment of an amendment to the zoning map which is part of the Title, the building inspector shall cause such amendment to be placed upon the zoning map noting thereon the ordinance number and effective date of such amendatory ordinance.

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:

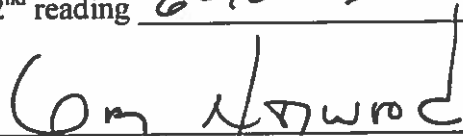
- A. Upon initiation by the Mayor and City Council or Planning Commission;
- B. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made;
- C. When the previous application was denied for 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 twenty (20) days after its second passage the public welfare requiring it.

1st reading 5-13-03

public hearing 6-10-03

2nd reading 6-10-03



Gary Norwood, Mayor



Phyllis Schaeffer, City Recorder