

RESOLUTION # PSR-20200212

A RESOLUTION TO CORRECT ERRORS IN THE OFFICIAL SUBDIVISION REGULATIONS RELATING TO THE GRANTING OF VARIANCES BY THE CARTHAGE MUNICIPAL PLANNING COMMISSION, TO COMPLY WITH FEDERAL EMERGENCY MANAGEMENT AGENCY FLOODPLAIN REGULATIONS, AND TO MAINTAIN CONSISTENCY WITH REGULATIONS AND STANDARDS SET FORTH IN THE OFFICIAL ZONING CODE

WHEREAS, the Town of Carthage, Tennessee currently accepts and uses the Official Subdivision Regulations, as amended, adopted by the Municipal Planning Commission on June 23, 1997, and

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 Municipal Planning Commission is thereby given the power to adopt and/or makes changes to the Subdivision Regulations without the legislative process, and

WHEREAS, pursuant to Tenn. Code Ann. § 13-7-205(a)(1), “the chief legislative body may designate the planning commission of the municipality as the board of zoning appeals,” and

WHEREAS, the Town of Carthage has not designated the Municipal Planning Commission as the Board of Zoning Appeals as exhibited by neither the Town of Carthage Official Municipal Code, as amended, nor the Town of Carthage Official Zoning Code, as amended, designates the Municipal Planning Commission as the Board of Zoning Appeals, and

WHEREAS, determinations made by Board of Zoning Appeals are administrative determinations, judicial or quasi-judicial in nature, and have a limited latitude and narrow discretion in its decisions, and

WHEREAS, pursuant to Tenn. Code Ann. § 13-7-207(3), the Municipal Board of Zoning Appeals is given the power to grant variances to the strict application of any zoning ordinance, code, or regulation of property within the Town of Carthage, and

WHEREAS, certain Sections of the currently adopted Official Subdivision Regulations, as amended, inaccurately indicate the Municipal Planning Commission may grant variances to the strict application of any zoning ordinance, code or regulation of property within the Town of Carthage, and

WHEREAS, certain Sections of the currently adopted Official Subdivision Regulations, as amended, do not conform to the National Flood Insurance Program (NFIP) and do

not meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3, which has been established as part of the Town of Carthage Municipal Zoning Code, as amended, under Title 11, Chapter 8, Floodplain Zoning Regulations, and

WHEREAS, certain Sections of the currently adopted Official Subdivision Regulations, as amended, are in conflict with standards for construction of homes, industrial or commercial buildings, structures, driveways, or other man-made development, as set forth in the currently adopted Official Zoning Code, as amended, and

WHEREAS, the Official Subdivision Regulations should provide a process for approval of Final Plats by the Planning Commission for instances where topography makes it impractical, or is unfavorable to the construction of homes, industrial or commercial buildings, structures, driveways, or other man-made development, and in such instances, it can be demonstrated/proven by approved officials through approved construction or engineering standards such topography issues can be overcome, and

WHEREAS, eliminating the numbering of definitions under Section “D. Definitions” within “ARTICLE I - GENERAL PROVISIONS” of the Official Subdivision Regulations, replaced by the listing of all definitions solely in alphabetical order, will eliminate any need for renumbering of any previously listed definitions secondary to any addition to, deletion of, or changes in the list of said definitions, and will allow for ease of location of definitions based on alphabetic placement, 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 February 12, 2020;

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

Part 1: The term “E. VARIANCES.....5” under “TABLE OF CONTENTS” on page ii of the Official Subdivision Regulations shall be removed, and the remaining page numbers corrected to reflect the removal.

Part 2: All definitions currently listed under Section “D. Definitions” within “ARTICLE I - GENERAL PROVISIONS” of the Official Subdivision Regulations, shall be listed solely in alphabetical order and the subsection numbering of said definitions shall be eliminated.

Part 3: Any future required additions, deletions or changes in the listed definitions under said Section “D. Definitions” within “ARTICLE I - GENERAL PROVISIONS” of the Official Subdivision Regulation shall cause the listed definitions to be rearranged such that the resulting list of definitions shall remain listed in alphabetical order.

Part 4: The following shall be added, in alphabetical order, to Section “D. Definitions” within “ARTICLE I - GENERAL PROVISIONS” of the Official Subdivision Regulations, and the remaining listed definitions shall be rearranged such that the resulting list of definitions shall remain listed in alphabetical order:

Development: (as defined by FEMA) any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

Part 5: Section “E. Variances” within “ARTICLE I - GENERAL PROVISIONS” of the Official Subdivision Regulations shall be removed in its entirety, and the remaining Sections/Items shall be re-lettered/renumbered to reflect the removal.

Part 6: Item “#2.” of Section “F. Relationship to Zoning Code and other Regulations“ within “ARTICLE I - GENERAL PROVISIONS” of the Official Subdivision Regulations shall be removed in its entirety, and the remaining Sections/Items shall be re-lettered/renumbered to reflect the removal.

Part 7: The following shall be added to Section “K. Grounds for Denying Plat Approval” within “ARTICLE II - PROCEDURE FOR PLAT APPROVAL” of the Official Subdivision Regulations:

4. In instances where topography make it impractical, or is unfavorable to the construction of homes, industrial or commercial buildings, structures, driveways, or other man-made development, the planning commission may deny approval to any plat unless it can be demonstrated/proven by approved officials through approved construction or engineering standards such topography issues can be overcome.

The remaining Sections/Items shall be re-lettered/renumbered to reflect the removal.

Part 8: Section “B. Special Requirements for Floodable Areas” within “ARTICLE III - DESIGN AND SPECIFICATIONS” of the Official Subdivision Regulations shall be removed in its entirety, and shall be replaced by the following:

B. Special Requirements for Land Located Within the Special Flood Hazard Areas (“SFHA”) or Other Floodable Areas

1. Any development (as defined by FEMA) of any land located within the SFHA or other floodable areas shall adhere to the Town of

Carthage Floodplain Zoning Regulations and all future amendments or revision.

The remaining Sections/Items shall be re-lettered/renumbered to reflect the removal.

Part 9: Section “J.Lots” within “ARTICLE III - DESIGN AND SPECIFICATIONS” of the Official Subdivision Regulations shall be removed in its entirety, and the remaining Sections/Items shall be re-lettered/renumbered to reflect the removal.

PUBLICATION OF NOTICE: 01/30/2020

PUBLIC HEARING HELD: 02/12/2020

Pursuant to TCA § 13-4-303(c)

Passed Planning Commission Reading after Public Hearing 02/12/2020

Chairman of Planning Commission

Date

Secretary of Planning Commission

Date

Recorder

Date