

ORDINANCE 08-34

**AN ORDINANCE TO AMEND THE SPRING HILL ZONING ORDINANCE,
SECTION XIV**

WHEREAS, the Board of Mayor and Aldermen for the City of Spring Hill may, pursuant to its Charter and general law of the State of Tennessee, enact and amend zoning ordinance regulations with a comprehensive plan for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the community;

WHEREAS, the Spring Hill Planning Commission has favorably recommended to the Board of Mayor and Aldermen that the Zoning Ordinance of the City of Spring Hill be amended as hereafter described;

BE IT THEREFORE ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF SPRING HILL, TENNESSEE:

That Article XIV, AMENDMENT, be deleted in its entirety and replaced verbatim with the attached revision.

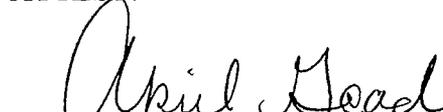
BE IT FURTHER ENACTED, that this Ordinance shall take effect from and after its adoption, the public welfare requiring it.

Passed and adopted by the Board of Mayor and Aldermen of the City of Spring Hill, Tennessee on this 18th day of August, 2008.



Danny M. Leverette, Mayor

ATTEST:



April Goad, City Recorder

LEGAL FORM APPROVED:



Timothy P. Underwood, City Attorney

Passed on First Reading: July 21, 2008

Passed on Second Reading: August 18, 2008

ARTICLE XIV

AMENDMENT

Section 1. Application Procedure.

The regulations, restrictions and boundaries as provided in this ordinance may be amended, supplemented, changed and/or appealed, when appropriate.

1.1 Review and Recommendation by the Planning Commission.

The Planning Commission shall review and make recommendations to the Board of Mayor and Aldermen on all proposed amendments to this Zoning Ordinance. Prior to this review and recommendation the Codes and Inspection Department for the City of Spring Hill shall provide, to each applicant for a re-zone, Planned Unit Development (PUD) or Traditional Neighborhood Development (TND) a sample letter, attached as Appendix _____ hereto, for mailing to property owners within five hundred (500) feet from any boundary line of the property presented for re-zone or for a reclassification in use. The letter will be provided upon filing of the application.

The letter shall include upcoming schedules of the Planning Commission and Board of Mayor and Aldermen meetings wherein the request will be considered, along with the location, date and times of such meetings, a specific identification of the property to be considered, the current zoning classification, the proposed zoning classification, a description of the proposed use, and a proposed sketch plat if the change in use would become a PUD or TND.

1.1(1) Determination of Property Owners Due Written Notice.

The determination of which property owners are due written notice will be based upon the latest certified tax year information available through the Maury County or Williamson County Property Assessor's Office.

1.1 (2) Time of Notice.

The letters mailed by the applicant shall be mailed at least fifteen (15) days prior to the Work Session of the Planning Commission wherein the issue is considered for the first time. If, for any reason, an item scheduled for initial presentation before the Planning Commission is withdrawn without having been presented, then the applicant must re-notify surrounding property owners of the future meeting for which the item will be reconsidered.

1.1 (3) Verification of Notice.

The property owner notification shall be accomplished by certified mail, return receipt requested. A sworn statement or affidavit from the applicant showing the names and addresses of each surrounding property owner who has been notified shall be delivered to the Codes and Inspection Department for the City of Spring Hill no later than five (5) days prior to the Work Session of the Planning Commission at which the item will first be discussed.

The applicant shall hold the return receipt requests for a minimum of one (1) year and shall make such documentation available at the request of the Codes and Inspection Department.

Minor defects in the verification and/or notice shall not invalidate the amendment if there has been a bona fide attempt to comply with these rules and regulations.

1.1 (4) Application Inconsistent with Future Land Use Plan.

If the proposed re-zone or land use change is in conflict with the existing Future Land Use Plan adopted previously by the Planning Commission, the Planning Commission shall first consider an amendment to the Future Land Use Plan, prior to the re-zone or reclassification of land use requested. The amendment to the Future Land Use Plan shall not necessitate additional fees or submission of additional documentation by the applicant, unless requested by the Planning Commission.

1.1 (5) Notice by Signage.

In addition to the property owner notice required to be mailed by the applicant, the City of Spring Hill through its Codes and Inspection Department will post, at least fifteen (15) days prior to the Work Session of the Planning Commission at which the item will be first discussed, a sign with sufficient wording to convey information that a zoning action or land use reclassification has been proposed for the subject property. The sign shall include the date, time, and place of meeting for the Planning Commission and Board of Mayor and Aldermen at which the requested action is to be considered. The sign shall also include a telephone number for the Codes and Inspection Department for additional inquiries.

The signs shall be provided by the City, subject to a payment included in the application fee, to defray the administrative and printing costs.

The sign shall remain in place and in a readable condition until either the request has received final action by the Board of Mayor and Aldermen or the applicant withdraws the request.

The number and size of the signs shall be determined by the Codes and Inspection Department.

Minor defects in regard to the preservation of the signs shall not invalidate the amendment if

there has been a bona fide attempt to comply with these rules and regulations.

1.2 Approval by the Board of Mayor and Aldermen.

No amendment to the Zoning Ordinance or the Zoning Map shall become effective unless the amendment is first submitted to the Planning Commission for its recommendation regarding approval or disapproval. If the Planning Commission recommends the disapproval of the amendment, the amendment must then receive a favorable vote of the entire membership of the Board of Mayor and Aldermen to become effective.

A Public Hearing shall be held on all proposed amendments to the Zoning Ordinance or Zoning Map prior to the second reading by the Mayor and Aldermen.

If for any reason an item scheduled for a Public Hearing and second reading is withdrawn without having been presented then the applicant must re-advertise as herein described.

1.2 (1) Newspaper Publication.

In addition to the required Public Notice for Public Hearings submitted by the City Recorder, the applicant for a re-zone or change in land use shall advertise a subsequent notice in a newspaper of general circulation within the City of Spring Hill, at least fifteen (15) days but not more than thirty (30) days prior to the Public Hearing.

A sample of such notice is attached hereto as Appendix _____ and shall be provided to the applicant when the application is filed. This notice shall specify the current and proposed zoning classification, along with a graphic illustration of the area.

Section 2. Application Submission.

No application for a reclassification of land use or re-zoning of any property shall be considered by the Planning Commission or Board of Mayor and Aldermen if the application is signed by anyone other than a member of the Planning Commission, member of the Board of Mayor and Aldermen or a person or entity having an ownership interest in the property. The applicant shall provide to the Codes and Inspection Department a copy of the notice for distribution to the members of the Board of Mayor and Aldermen.

2.1 Ownership Interest.

The term “ownership interest” shall mean the record owner of the property or properties as reflected in the records of the Assessor of Property in Maury County and Williamson County.

The term “ownership interest” as used herein shall not include an entity holding a contract or option on the property or properties involved in the application.

2.2 Fees Waived.

Any application filed by a member of the Planning Commission or Board of Mayor and Aldermen will not be charged a fee for the filing of the application for re-zone or reclassification of land use.

Section 3. Effective Date.

Any amendment to the Zoning Ordinance or Zoning Map shall become effective upon approval, after the second reading, by the Board of Mayor and Aldermen. Such amendment shall apply from and after the date of the approved second reading to any property for which construction drawings have not yet been duly approved by appropriate officials for the City of Spring Hill.

Date

RE: *Proposed Rezone on Land Use Modification*

Dear _____,

I am writing to you as required by Article XIV of the Spring Hill Zoning Ordinance. The Property at _____, Tax Map _____, Parcel _____, for _____ County, Spring Hill, Tennessee has an application pending to request a change in the land use. This property is within three hundred (300) feet of real property owned by you and therefore this proposed change directly affects your interests as a property owner.

The application for land use change is pending before the Spring Hill Planning Commission which will hold a work session on the _____ day of _____, 20____, and will hold a subsequent meeting on the _____ day of _____, 20____ at 5:30 p.m. to vote on a recommendation to be forwarded to the Board of Mayor and Aldermen.

After the Spring Hill Planning Commission has given due consideration of the application for land use change, that recommendation will be forwarded to the Board of Mayor and Aldermen for final consideration. The Board of Mayor and Aldermen will hold its first work session on the _____ day of _____, 2008 with the first reading of his ordinance scheduled for the _____ day of _____, 2008 at 7:00 p.m.. If passed, the Board of Mayor and Aldermen will have a second work session scheduled for the following month, the _____ day of _____, 20____ at 7:00 p.m. as well as a Public Hearing and Second and Final reading of the ordinance taking place at 6:55 p.m.

All of these meetings will take place at City Hall in Spring Hill, Tennessee. The current zoning of the property is _____ and the proposed zoning change will be to _____. The proposed use of the property will be _____.
(Insert that proposed sketch plat is included if proposed use is a PUD or TND.)

You are invited to attend each of the above described meetings and are encouraged to voice your support for or against the proposed land use change. If for some reason the dates of the meetings are changed you will be notified by a separate letter the dates and times.

If you have any additional questions you should contact the Spring Hill Codes Department, the Spring Hill City Administrator, the Mayor and any of the elected Aldermen.

Sincerely yours,

Name and Position