

pending — ;

RESOLUTION NO. 337

DRAFT

**A STOPGAP OR INTERIM RESOLUTION
ESTABLISHING A 180-DAY MORATORIUM ON THE
PROCESSING OF LAND USE PERMIT APPLICATIONS
FOR ANY DEVELOPMENT INVOLVING THE
SUBDIVISION OF LAND OR THE CONSTRUCTION OF
ANY NEW BUILDING WITHIN THE SERVICE AREA
OF SEWER LINE "A" ADJOINING BOTH SIDES OF
CARTERS VALLEY ROAD BETWEEN WOLFE LANE
AND INDEPENDENCE AVENUE.**

WHEREAS, in exercising the powers granted to it by *Tenn. Code Ann. §13-3-402*, the Mount Carmel Regional Planning Commission is required by state law to adopt regulations governing the conservation of or production of adequate sanitary facilities; and for the avoidance of such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of drainage or other public services or would necessitate an excessive expenditure of public funds for the supply of such services; and,

WHEREAS, the Subdivision Regulations, as amended on September 13, 2005, at Article IV, Section A, subsection 9 relating to Sanitary Sewers require that sanitary sewers must be provided at the developers expense when a subdivision is to be located within the service area of a sewerage system; and,

WHEREAS, the service area of Line "A" as shown on Sheet 5 dated May 1, 1992, of the CONSTRUCTION PLANS FOR TOWN OF MOUNT CARMEL SEWER LINE EXTENSIONS, is presently in the incipient stage of development as reported to the Mayor by the Manager of Public Utilities and the Building Inspector on January 19, 2006; and,

WHEREAS, the service area of Line "A" is hereby found by the Board of Mayor and Aldermen to include that territory adjoining both sides of Carters Valley Road between Wolfe Lane and Independence Avenue; and,

WHEREAS, the southerly side of Carters Valley Road lies within the corporate limits and the northerly side of Carters Valley Road lies within the URBAN GROWTH BOUNDARY adopted by Resolution No. 233; and,

WHEREAS, Section 18-801 of the Code of Ordinances at subsection 3 provides that public sanitary sewer service may only be extended outside of the existing corporate limits pursuant to a formal Resolution of the Board of Mayor and Aldermen expressly authorizing such extension and the reason therefore; and,

WHEREAS, pursuant to *Tenn. Code Ann. §§6-58-101 et seq.* any method of annexation stated in Chapter 51 may be used to annex territories within the approved URBAN GROWTH BOUNDARY. Now therefore,

BE IT RESOLVED as follows:

- SECTION 1. That from and after the effective date of this Resolution, for a period of one hundred eighty (180) days, or until the adoption of a utilities service plan by the Board of Mayor and Aldermen, which ever first occurs, the Mount Carmel Planning Commission shall not accept new nor process existing applications for land use permits that propose the subdivision of land or the construction of new buildings (other than accessory buildings) with respect to property adjoining both sides of Carters Valley Road between Wolfe ~~Land~~ and Independence Avenue. Nor shall the Board of Mayor and Aldermen or Board of Zoning Appeals act upon applications for conditional or special use permits involving the subdivision of land or the construction of new buildings (other than accessory buildings) affecting the designated properties during the specified period. However, this moratorium shall not apply to additions to or modifications of existing buildings.
- SECTION 2. That within the said Moratorium period, the Building Inspector shall not issue Building Permits in the designated area which will require wastewater disposal.
- SECTION 3. That within the said Moratorium period, the Public Utilities Board shall request public comment and consider improvements to the service area of Line "A" as shown on Sheet 5 dated May 1, 1992, of the CONSTRUCTION PLANS FOR TOWN OF MOUNT CARMEL SEWER LINE EXTENSIONS; and report its recommendation to the Board of Mayor and Aldermen.
- SECTION 4. That within the said Moratorium period, the Regional Planning Commission consider and report on the Annexation of the designated territory within the URBAN GROWTH BOUNDARY.
- SECTION 5. That the Recorder notify all record owners of property in the designated area by mailing a copy of this Resolution to the record address of each.

ADOPTED this 24th day of January, 2006.

Gary W. Lawson, Mayor

ATTEST:

Nancy Carter, Recorder

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