

ORDINANCE NO. 1054

“AN ORDINANCE TO AMEND ‘THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE,’ SO AS TO AMEND THE OFFICIAL ZONING MAP TO REZONE THE PROPERTY LOCATED AT 1307 EAST MADISON AVENUE FROM B-1 (LOCAL BUSINESS DISTRICT) TO R-2 (MEDIUM DENSITY RESIDENTIAL DISTRICT) SAID AREA BEING LOCATED WITHIN THE CORPORATE LIMITS OF ATHENS, TENNESSEE.”

BE IT ORDAINED BY THE CITY OF ATHENS, TENNESSEE, AS FOLLOWS:

**SECTION 1.** That the Official Zoning Map of Athens, Tennessee, identified and referred to in Section 3.02 of said Zoning Ordinance, be amended to show the following described property and zoning designation as described within the body of this ordinance and shown on the attached illustration titled; “Rezoning Request for 1307 East Madison Ave. Tax Map 057 Parcel 091.00 from B-1 to the R-2” said property being within the corporate limits of Athens, Tennessee:

**Area Description (B-1 to R-2)**

The parcel to be rezoned from B-1 to R-2 is shown on McMinn County Tax Map as Map 057 Parcel 091.00. The parcel is further described on the attached illustration that has been created from the Official Zoning Map of the City of Athens, Tennessee.


**SECTION 2.** Any Ordinance, Resolution, Motion or parts thereof in conflict herewith are hereby repealed and superseded. If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction, such holding will not affect any other portion of this Ordinance.


**SECTION 3. BE IT FURTHER ORDAINED,** that this Ordinance shall take effect upon final passage and as provided by law. As required by TENNESSEE CODE ANNOTATED, Section 13-7-203, a Public Hearing subject to fifteen days’ notice has been held, and this ordinance meets the requirements of TENNESSEE CODE ANNOTATED, Section 13-7-201 through 13-7-210, including the approval of all necessary agencies.


PASSED ON FIRST READING: June 21, 2016

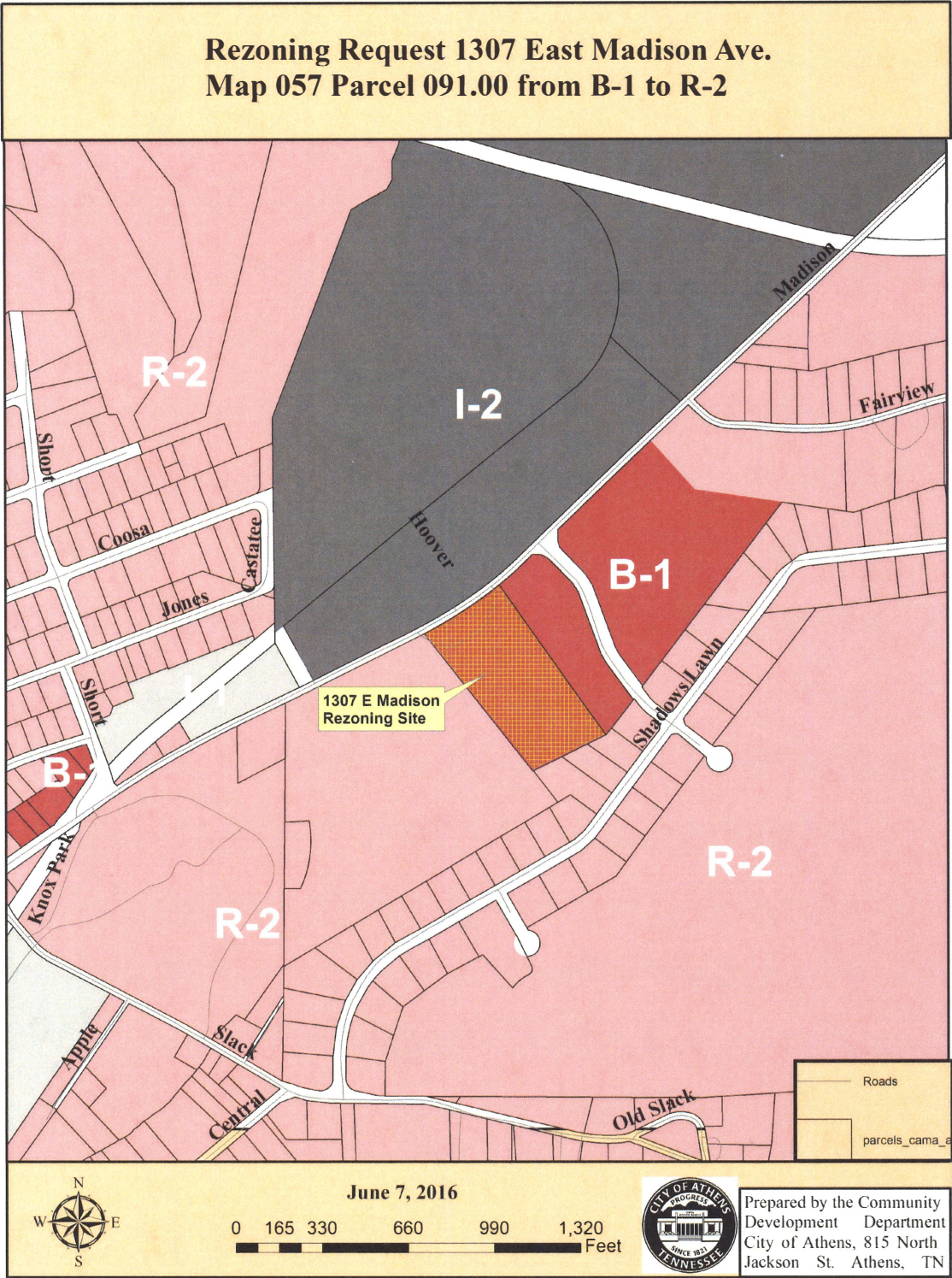
PASSED ON SECOND READING: July 19, 2016

DATE OF PUBLIC HEARING: July 19, 2016

  
MITCHELL B. MOORE, City Manager

  
ANN S. DAVIS, Mayor

APPROVED AS TO FORM:  
  
H. CHRIS TREW, City Attorney



## Portion of Draft Minutes from June 6, 2016 Planning Commission Meeting

2. **Recommendation on rezoning request by City of Athens** to change a parcel identified as Tax Map 057 Parcel 091.00 located at 1307 E Madison Avenue from B-1 Local Business District to the R-2 Medium Density Residential District containing approximately 5.0 acres.

Mr. Casteel stated the Mr. Williams (owner of 1307 E Madison Avenue) came in and said that he tried to sell the home and found it was B-1 (Local Business District). He mentioned that he thought it was rezoned by accident during the area annexation of 1999, which was Davis Place Subdivision. He purchased the house in July of the year before the annexation in 2000. He was notified that he was annexed and portion of this was already in the city. Mr. Casteel said he did not go back to see what that was zoned at that time because it really does not matter because when they did the rezoning in 2000, they overrode that zoning anyway. Mr. Casteel said they saw that it was done by accident and they refunded Mr. Williams' money and told him they would do it as a city initiated rezoning and try to correct something that should not have been done in the first place.

Chairman Hamilton asked if we had the actual drawing/Planning Commission minutes in the packet.

Mr. Casteel said he did not put that in his report.

Chairman Hamilton said he thinks the minutes should reflect the drawing number shown on a plat by Thompson Engineering Group, dated 10/27/1999, drawing # ED-2277, as reference in the November 1, 1999, Planning Commission Meeting.

MOTION:     To recommend to City Council that the rezoning request be approved as presented.

MADE:       Ralph Fenton

SECOND:     Dick Pelley

VOTE:       Unanimous 5-0

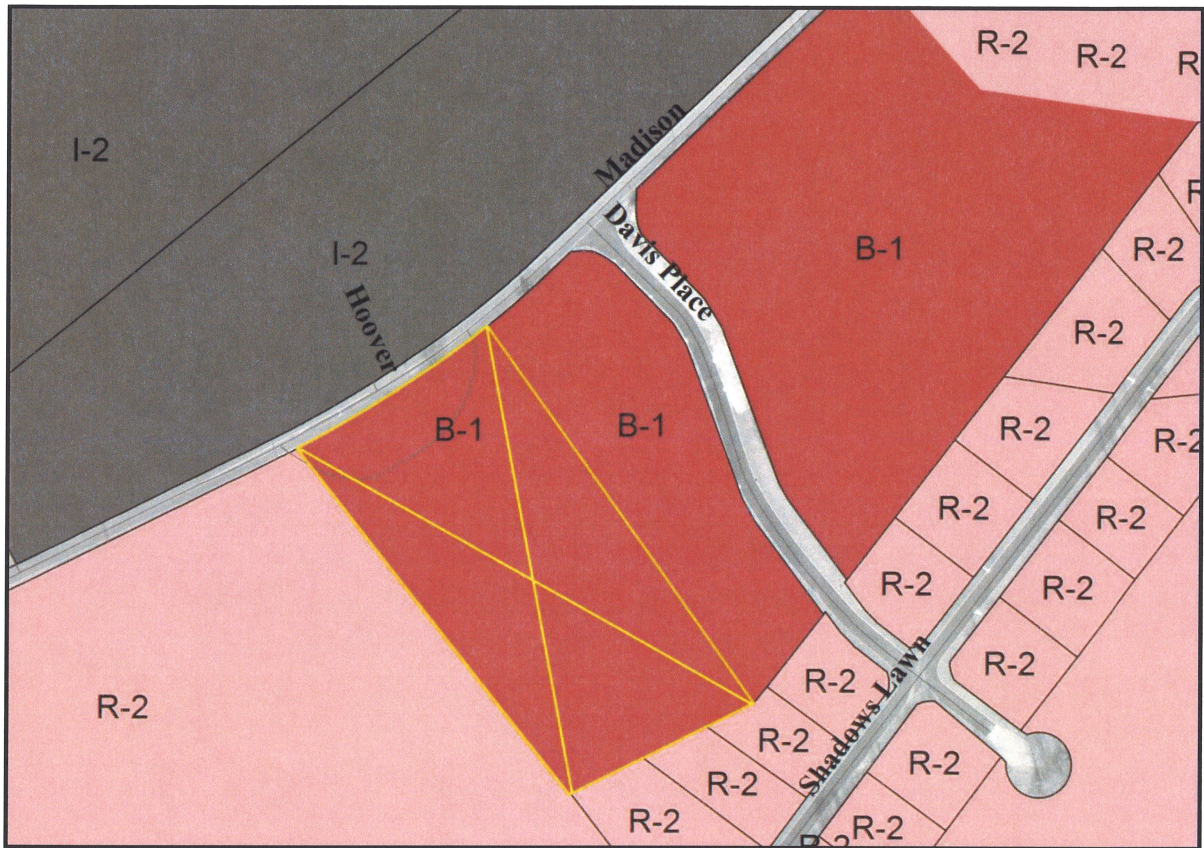
MOTION PASSED



2. **Recommendation on rezoning request by City of Athens** to change a parcel identified as Tax Map 057 Parcel 091.00 located at 1307 E Madison Avenue from B-1 Local Business District to the R-2 Medium Density Residential District containing approximately 5.0 acres.







A review of the Planning Commission minutes and background information on the property displayed above (highlighted with yellow) has shown that the property was incorrectly zoned during the annexation of the majority of the site in March of 2000. The city council minutes did not show anything information deviating from the Planning Commission recommendation. This rezoning will correct this error and zone the property residential as was intended by the Planning Commission in November 1999. **Staff recommends approval of the request to rezone from B-1 to R-2.**

815 North Jackson Street  
P.O. Box 849  
Athens, Tennessee 37371-0849  
www.cityofathensn.com

423-744-2701  
Fax 423-744-8866  
mmoore@cityofathensn.com



## CITY OF ATHENS

Mitchell B. Moore  
City Manager

TO: The Daily Post Athenian  
FROM: The City of Athens  
RE: Notice to be published on Thursday, June 30, 2016  
DATE: June 27, 2016

### LEGAL NOTICE PUBLIC HEARING

The City of Athens will hold a public hearing concerning the rezoning of property located at 1307 East Madison Avenue in the City of Athens as shown on the accompanying map. This public hearing will be held during the regular City Council Meeting on July 19, 2016 at the Athens Municipal Building, City Council Chambers, 815 North Jackson Street at 6:00 p.m. Public comments will be accepted at this public hearing. All parties wishing to speak on this issue should be present at the hearing or submit comments to the Director of Community Development, P.O. Box 849, Athens, Tennessee 37371-0849 or via email at [acasteel@cityofathensn.com](mailto:acasteel@cityofathensn.com) on or before the public hearing date. A copy of the ordinance is available for inspection at the Athens Municipal Building during normal business hours (Monday through Friday) between 8:00 a.m. and 5:00 p.m. or can be viewed online at the following website: <http://cityofathensn.com/citycouncil.html>.

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CITY OF ATHENS

Mitchell B. Moore  
City Manager

MBM/lm

Copy: Anthony Casteel, Community Development Director



## Leslie McKee

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**From:** Leslie McKee  
**Sent:** Monday, June 27, 2016 4:18 PM  
**To:** Daily Post-Athenian (legals@dailypostathenian.com); 'Jeremy Rowland'  
**Cc:** Mitch Moore; Anthony Casteel; Matthew Marshall  
**Subject:** Legal Notice of Public Hearing - Ordinance No. 1054  
**Attachments:** Ord 1054 - Rezoning property - 1307 East Madison Avenue.doc; Ord 1054 - Rezoning property - 1307 East Madison Avenue.pdf; Ord 1054 - 1307 E Madison ad map.jpg

Good Afternoon,

Attached is a legal notice to be published in the Thursday, June 30, 2016 edition of the DPA along with a copy of the Proposed Rezoning Map. The map should only be as large as needed to clearly read the street names. Please let me know the cost of the notice and reference P.O. # 66490 on invoice. Also, please contact me if you have any questions or problems with this notice.

Thank you,

Leslie McKee, Administrative Assistant  
City of Athens  
815 North Jackson Street  
P.O. Box 849  
Athens, TN 37371-0849  
(423) 744-2702

***This message may contain confidential and/or proprietary information and is intended for the person/entity to whom it was originally addressed. Any use by others is strictly prohibited.***

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CITY OF ATHENS



Mitchell B. Moore  
City Manager

