

ORDINANCE NO. 2013-18

AN ORDINANCE TO AMEND AND CLARIFY LANGUAGE IN THE SIGNAL MOUNTAIN TOWN CODE, APPENDIX-A-1 THROUGH A-89 OF THE "SIGNAL MOUNTAIN ZONING ORDINANCE" RELATING TO ARTICLE III, DEFINITIONS AND CERTAIN TERMS USED HEREIN; ARTICLE VI, SCHEDULE OF DISTRICT REGULATIONS; AND ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS.

WHEREAS, the Planning Commission has recommended to the Town Council that certain language in the "Signal Mountain Zoning Ordinance", relating to Definitions and Certain Terms within Article III, District Regulations within Article VI, and Supplementary District Regulations within Article VIII needs to be revised and clarified; and

WHEREAS, the Town Council has determined that the revision and clarification of the Zoning Ordinance is necessary to allow consistent zoning terms in all districts and to revise language to comply with the new subdivision regulations adopted by the Planning Commission within the residential areas of the Town;

SECTION 1: NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF SIGNAL MOUNTAIN, TENNESSEE that Article III, "Definitions of Certain Terms Used Herein," be amended as follows:

1. Delete the definition within Section 303 under "List of General Definitions" for "Lot of Record" in its entirety and in its place insert the following language:

Lot of Record: A lawfully created lot or parcel established by plat or deed as duly recorded by the Hamilton County Register of Deeds.

2. Insert a new definition alphabetically entitled “Buildable Land” within Section 303 under “List of General Definitions” as follows:

Buildable Land: The portion of a parcel that is not constrained by natural features, protected the Town of Signal Mountain Subdivision Regulations, this ordinance or the state of Tennessee.

3. Insert a new definition alphabetically entitled “Conservation Land” within Section 303 under “List of General Definitions” as follows:

Conservation Land: The portion of undeveloped land within a Conservation Subdivision that has been designated, dedicated, reserved or restricted in perpetuity from further development by final plat notations and deed restrictions or conservation easement.

4. Insert new definition alphabetically entitled “Conservation Subdivision” within Section 303, under “List of General Definitions as follows:

Conservation Subdivision: A residential development where a designated percentage the buildable land area is preserved as undivided, permanent open space or farmland, thereby permanently protecting agriculturally, environmentally, culturally or historically significant areas within the tract. Compact lots, common open space, and the preservation and maintenance of natural, historical, and cultural resources generally characterize Conservation Subdivisions within the Town.

5. Insert new definition alphabetically entitled “Conventional Subdivision” within Section 303, under “List of General Definitions” as follows:

Conventional Subdivision: A lot-by-lot division of land that spreads development evenly throughout a parcel. Minimum lot size and setbacks of all lots within a Conventional Subdivision are determined by the underlying zoning.

6. Insert a new definition alphabetically entitled “Principle Structure” within Section 303, under “List of General Definitions” as follows:

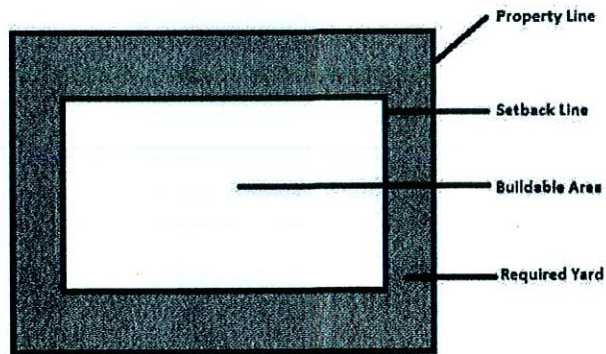
Principle Structure: The main or primary structure located on a parcel, to which all other buildings or structures are accessory. When a residential building or dwelling is present on a parcel in a residential zone, that residential building or dwelling shall be considered the principle structure.

7. Insert a new definition alphabetically entitled “Required Yards” within Section 303 under “List of Definitions” as follows:

Required Yards: The area defined by applicable setbacks.

8. Insert a new definition alphabetically entitled “Setbacks” within Section 303 under “List of Definitions: as follows:

Setbacks: The boundary lines between the required yards and the buildable portion of a lot.



SECTION II: BE IT FURTHER ORDAINED that Article VI, “Schedule of District Regulations,” be amended as follows:

1. Delete the reference entitled “Golf courses, except driving ranges, miniature courses and other similar commercial operations” within Article VI, Section 603.01.04 and in its place insert the following language:

Golf courses (driving ranges, miniature golf courses and other similar commercial operations are not permitted.)”.

2. Delete the words “Mental Retardation” in the next to the last sentence of Article VI, Section 603.01.13 and replace with the words “Substance Abuse Services.”
3. Insert the following new Section 603.01.14, entitled “Permitted Uses on Conservation Lands” as follows within Article VI, following Section 603.01.13:

Permitted Uses on Conservation Lands:

- (1) Village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreation neighborhood uses, but specifically excluding motorized off-road vehicles.
 - (2) Playing fields, playgrounds, courts, bikeways and other active non-commercial recreation areas, provided such areas do not consume more than half of the minimum required Conservation Lands or five acres, whichever is less:
 - a. No playing field, playground, court or bikeway shall be located within one hundred (100) feet of abutting residential properties.
 - b. Parking spaces for each facility are permitted and shall be gravel-surfaced, unlighted, properly drained, and shall provide safe ingress and egress.
 - (3) Designed, landscaped water supply facilities, sewage disposal systems, and storm water detention areas available for use as an integral part of the Open Space.
 - (4) Easements for drainage, access, sewer or water lines or other public purposes.
 - (5) Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas, but shall not count toward the minimum required open space within a Conservation Subdivision.
4. Add the word "Density" to "Height and Area Regulations" within Article VI, Section 603.02 so that it reads: "Height, Density and Area Regulations".
 5. Delete all language within Article VI, Sections 603.2.2, 603.02.03, 603.02.04, and 603.02.05 in their entirety and insert the following new section 603.02.02 in their place as follows:

603.02.02 The Maximum Number of Lots allowed in a development shall be derived by multiplying the Base Number of Lots determined by the calculations in Section 5.102.203 of the Subdivision Regulations by a **density** factor as specified below:

 - a. For the Maximum Number of Lots in Conservation Subdivisions, multiply the Base Number of Lots by a density factor of 1.

- b. For the Maximum Number of Lots in Conventional Subdivisions, multiply the Base Number of Lots by a density factor of .5.

For the Maximum Number of Lots in Minor Subdivisions, multiply the Base Number of Lots by a density factor of 1.

Subdivision Type	Street Frontage	Front Setback	Side Setback	Rear Setback	*Minimum Lot Size (sq. ft.)	Maximum Lot Coverage
Conservation	40'	20'	10'	25'	10,890	40%
Conventional	100'	40'	15'	25'	43,560	35%
**Minor Subdivision	100'	40'	15'	25'	43,560	35%

*Lots on septic may be subject to additional acreage requirements as established by Hamilton County Ground Water Protection.

**For minor subdivisions being developed within an existing subdivision, the developer shall use the most frequently occurring front setback on the street. The same shall apply for a single infill lot.

6. Delete Article VI, Section 603.04, entitled "Special Exceptions for Planned Unit Development," in its entirety.
7. Delete Article VI, Section 604.04, entitled "Special Exceptions for Planned Unit Development," in its entirety.
8. Delete Article VI, Section 605.05, entitled "Special Exceptions for Planned Unit Development," in its entirety.
9. Delete Article VI, Section 607.07, entitled "Special Sign Limitations," in its entirety, and replace with the following language:

Special Sign Limitations: See Title 14, Chapter 5, "Signal Mountain Sign Regulations."

10. Delete Article VI, Section 614.01 in its entirety and, insert the following language in its place:

"The regulations set forth in this article shall apply to the district designation of the Residential Estate (R-E) District. The R-E District is intended to promote the preservation and establishment of areas for low-density residential development.

The R-E District is also intended to provide opportunities for personal recreational uses and the non-commercial use of a few animals for parcels with a minimum lot size of three (3) acres, subject to special exception approval by the Board of Zoning Appeals.”

11. Delete the words “Golf courses, except driving ranges, miniature courses and other similar commercial operations” within “Permitted Uses,” in Subsection (9), Article VI, Section 614.02, and in their place, insert the words “Golf courses (driving ranges, miniature golf courses and other similar commercial operations are not permitted.)”

12. Insert within Article VI, Section 614.02, “Permitted Uses” a new Subsection (16) as follows:

(16) Garage sales, estate sales, rummage sales, and flea markets involving the sale of personal property by a resident on his/her property. The frequency of these sales at any one address shall not exceed four (4) days in any calendar year.

13. Insert within Article VI, a new Section 614.02.01 after Section 614.02 entitled “Permitted Uses on Conservation Lands”:

Permitted Uses on Conservation Lands:

(1) Village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreation neighborhood uses, but specifically excluding the use of recreational motorized off-road vehicles.

(2) Playing fields, playgrounds, courts, bikeways and other active non-commercial recreation areas, provided such areas do not consume more than half of the minimum required Conservation Lands or five acres, whichever is less.

- a. No playing field, playground, court or bikeway shall be located within one hundred (100) feet of abutting residential properties.
- b. Parking spaces for each facility are permitted and shall be gravel-surfaced, unlighted, properly drained, and shall provide safe ingress and egress.

(3) Designed, landscaped water supply facilities, sewage disposal systems, and storm water detention areas available for use as an integral part of the Open Space.

(4) Easements for drainage, access, sewer or water lines or other public purposes.

(5) Underground utility rights-of-way. Above-ground utility and street rights-of-way may traverse conservation areas, but shall not count toward the minimum required open space within a Conservation Subdivision.

12. Add the word "Density" to "Height and Area Regulations" within Article VI, Section 614.03 so that it reads: "Height, Density and Area Regulations".

13. Delete Subsections (1), (2), (3), (4) within Article VI, Section 614.03 in their entirety, and in their place, insert the following new Subsections (1), (2), (3), (4) as follows:

(1) The maximum height of any building shall not exceed thirty-five (35) feet, except that a building may exceed those height regulations provided that for every one (1) foot of additional height over thirty-five (35) feet the building shall be set back one (1) additional foot from all property lines, provided, however, that in no event shall the building height of any building exceed forty (40) feet.

(2) The Maximum Number of Lots allowed in a development shall be derived by multiplying the Base Number of Lots determined by the calculations in Section 5.102.203 of the Subdivision Regulations by a **density** factor as specified below:

a. For the Maximum Number of Lots in Conservation Subdivisions multiply the Base Number of Lots by a density factor of **1**.

b. For the Maximum Number of Lots in Conventional Subdivisions, multiply the Base Number of Lots by a density factor of **.5**.

c. For the Maximum Number of Lots in Minor Subdivisions, multiply the Base Number of Lots by a density factor of **1**.

Subdivision Type	Street Frontage	Front Setback	Side Setback	Rear Setback	*Minimum Lot Size (sq. ft.)	Maximum Lot Coverage
Conservation	***40'	***20'	10'	25'	10,890	40%
Conventional	***100'	***40'	15'	25'	43,560	35%
Minor Subdivision	*100'	***40'	15'	25'	43,560	35%

*Lots on septic may be subject to additional acreage requirements as established by Hamilton County Groundwater Protection.

**For minor subdivisions being developed within an existing subdivision, the developer shall use the most frequently occurring front setback on the street. The same shall apply to a single infill lot.

***See Section 614.07, "Criteria for livestock and other animals" to determine setbacks in the R-E District that apply when livestock is kept.

(3) The maximum number of principal buildings permitted shall be limited to one (1) principal building per lot plus one (1) guest house or employee quarters.

(4) On corner lots the front yard requirement shall apply to the side street side yard. The useable width on a "lot of record" for a conventional subdivision shall not be reduced to less than sixty (60) feet by this requirement. For conservation subdivisions, the useable width shall not be reduced to less than thirty (30) feet.

14. Delete Subsections (1) and (2) within Article VI, Section 614.05, entitled "Accessory Buildings" in their entirety, and insert the following in lieu thereof:

(1) No accessory building shall be located in the required yards (as defined by applicable setbacks) except as allowed in Article VIII, Section 813.04.

(2) Accessory buildings shall not exceed eighteen (18) feet in height as measured at the highest point above grade.

15. Delete Article VI, Section 616, entitled "Open Space Design Overlay Zone," in its entirety.

SECTION 3: BE IT FURTHER ORDAINED that Article VIII, "Supplementary Districts Regulations" be amended as follows:

1. Delete within Article VIII, Section 804, entitled "Erection of More than One Principal Structure on a Lot" in its entirety.

2. Insert the following sentence after the last sentence ending in "...intended for human occupancy "within Article VIII, Section 805, "Exceptions to Height Regulations":

Such appurtenances must comply with the provisions of all pertinent codes and ordinances, and further must be located at a distance equal to their own height plus ten (10) feet from the nearest property line."

3. Delete Article VIII, Section 817 entitled "Yard Requirements on Small Lots of

Record" in its entirety and in its place insert a new Section 817 to read as follows:

817. Setbacks for Small Lots of Record: If a lot of record is smaller than the current minimum lot size in the district, the ratio of the lot size in square feet to the minimum lot size in square feet shall be determined. The same ratio will be used to determine the setbacks for the small lot of record.

Example: If the ratio is 75% then the required setbacks shall be multiplied by 75% to determine the setbacks for the small lot.

SECTION 4: BE FURTHER ORDAINED that these amendments to Appendix-A-1 through A-89 of the "Signal Mountain Zoning Ordinance" relating to Article III, "Definitions and Certain Terms Used Herein," Article VI, "Schedule of District Regulations," and Article VIII, "Supplementary District Regulations," shall become effective immediately from and after its passage as provided by law.

SEPTEMBER 9th 2013
First Reading

SEPTEMBER 30th 2013
Second Reading



Mayor



Recorder