

ORDINANCE NO.:2014-01

AN ORDINANCE TO AMEND AND CLARIFY DEFINITIONS FOR "BUILDABLE AREA", "SETBACK (S)" AND "YARD (S)" IN ARTICLES III, V, VI, VIII, XI AND XII OF THE SIGNAL MOUNTAIN TOWN CODE, APPENDIX A, IN SECTIONS 303, 503-505, 602, 604-611, 614, 803, 809-813, 816, 1103 AND 1200 OF THE TOWN ZONING ORDINANCE TO PROVIDE CONSISTENT ZONING TERMS IN ALL ZONING DISTRICTS OF THE TOWN.

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WHEREAS, the Town Planning Commission has recommended to the Town Council the need to update and clarify the definitions and use of the words "buildable area ", "setback (s)" and "yard (s)" in Sections 303, 503-505, 602, 604-611, 614, 803, 809-813, 816, 1103, and 1200 of the "Signal Mountain Zoning Ordinance" to provide consistent zoning terms in all zoning districts of the Town;

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:

SECTION 1: Section 303, "List of General Definitions:"

1. Delete the definition of "Buildable Area" in Section 303 "List of General Definitions," and replace it as follows:

Buildable Area: The portion of a lot remaining after required setbacks have been provided.

2. Delete the definition for "Setbacks" in Section 303, "List of General Definitions" amended 10-14-13 (pg. 3, #8) and replace as follows:

Setback: The area between the setback lines and respective lot lines that must remain unoccupied and unobstructed from the ground upward by permanent structures.

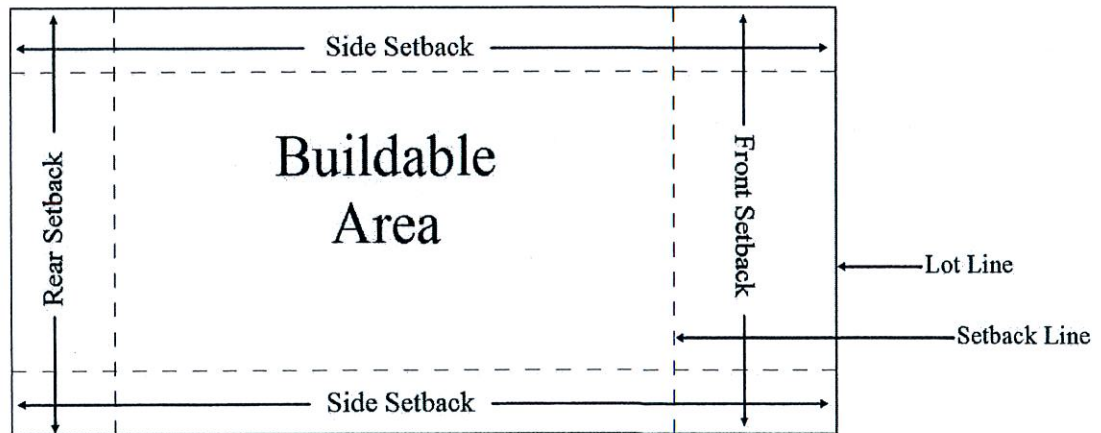
3. Delete the Diagram following the definition of “Setbacks” in Section 303, “List of General Definitions” as amended 10-14-13 (pg. 3).
3. Add the following new definitions alphabetically to Section 303, “List of General Definitions” as follows:

Setback Line, Front: A line across the full width of a lot parallel to and at the required distance from the front lot line.

Setback Line, Rear: A line across the full width of a lot, parallel to and at the required distance from the rear lot line.

Setback Line, Side: A line through the full depth of a lot, parallel to and at the required distance from each side lot line.

4. Add the following diagram after the new definitions for “Setbacks” in Section 303 above:





5. Delete the definitions for “Yard”, “Yard, Front”, “Yard Rear”, and “Yard, Side” from Section 303 “List of General Definitions,” and replace them as follows:

Yard: The area of a lot that surrounds a house or other principal building.

Yard, Front: A yard across the full width of the lot extending from the front of the house or other principal building including porches, to the front line of the lot.

Yard, Rear: A yard extending across the full width of the lot and measured between the rear line of the lot and the house or other principal building.

Yard, Side: A yard between the house or other principal building and the side line of the lot extending from the front plane of the house or other principal building to the rear plane of the house or principal building.

**SECTION 2: BE IT FURTHER ORDAINED THAT ARTICLE V,**

**APPLICATIONS OF DISTRICT REGULATIONS, be amended as**

follows:

1. Delete the language in Section 503 and Subsections (a), (b), (c), and (d) and replace as follows:

Zoning Affects Height and Bulk of Buildings and/or Structures  
Population Density, Lot Coverage, Setbacks and Open Spaces: No building or other structure shall hereafter be erected or altered to exceed the height or bulk; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; or to have narrower or smaller setbacks or open space than herein required or in any other manner contrary to the provisions of these regulations.

2. Delete the language in Section 504 in its entirety and replace as follows:

Setback or Open Space, Off-Street Parking or Loading Space Requirements for One Building not to be Included as Such Requirements for Any Other Building: No part of a setback or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with these regulations, shall be included as part of setbacks, open space or off-street parking or loading space similarly required for any other building.

3. Delete the language in Section 505 in its entirety and replace as follows:

Reduction of Setbacks or Lot Area Prohibited: No setbacks or lot existing at the time of passage of these regulations shall be reduced in dimension or area below the minimum requirements established herein. Setbacks created after the effective date of these regulations shall meet at least the minimum requirements established herein.

SECTION 3: BE IT FURTHER ORDAINED that **Article VI,**

**Schedule of District Regulations,** be amended as follows:

1. Delete the language in Subsection 602.03 under Section 602, "General Regulations; Except as hereinafter provided", in its entirety and replace as follows:

No building or other structure shall be erected or altered to have greater height; to accommodate or house a greater number of families or lodgers; to encroach into any required setback or other open space; to provide less off-street parking and loading space than herein required or permitted or in any manner contrary to the provisions of these regulations.

2. Delete the language in Subsection 602.04 in its entirety and replace as follows:

No part of a setback, or other open space, or off-street parking or loading space required about or in connection with any



building for the purpose of complying with these regulations, shall be included as part of a setback, open space or off street parking or loading space similarly required for any other building.

3. Delete the language in Subsection 604.02.03 under Section 604, "Moderate Density Residential (MDR)" in its entirety and replace as follows:

There shall be a front setback of forty (40) feet.

4. Delete the language in Subsection 604.02.04 in its entirety and replace as follows:

There shall be side setbacks of fifteen (15) feet.

5. Delete the language in Subsection 604.02.05 in its entirety and replace as follows:

There shall be a rear setback of twenty-five (25) feet.

6. Delete the language in Subsection 605.02.06 under Section 605, "High Density Residential District (HDR)" in its entirety and replace as follows:

There shall be a front setback of forty (40) feet.

7. Delete the language in Subsection 605.02.07 in its entirety and replace as follows:

There shall be side setbacks of fifteen (15) feet.

8. Delete the language in Subsection 605.02.08 in its entirety and replace as follows:

There shall be a rear setback of 25 (twenty-five) feet.

9. Delete the language in Subsection 606.11.01 under Section 606 "Special Commercial District (SCD)" in its entirety and replace as follows:

A setback of forty (40) feet shall be provided along any public street or right-of-way and a twenty-five (25) foot buffer strip is required along any property line abutting developed residential property or an established residential district. Other than as provided above, no other front, rear, or side setbacks are required but where buildings are separated, the distance between them shall be at least five (5) feet.

10. Delete the language in Subsection 607.10.01 under Section 607 “Community Commercial District (CCD)” in its entirety and replace as follows:

A setback of forty (40) feet shall be provided along any public street or right-of-way and a twenty-five (25) foot buffer strip is required along any property line abutting developed residential property or an established residential district. Other than as provided above, no other front, rear, or side setbacks are required, but where buildings are separated, the distance between them shall be at least five (5) feet.

11. Delete the language in Subsection 608.10 under Section 608 “Highway Commercial District (HCD)” in its entirety and replace as follows:

Setback requirements and Landscaping Requirements; Maintenance of Visibility at Access Points; Relation of Setbacks to turnout and Merging Lanes.

12. Delete the language Subsection 608.10.01 in its entirety and replace as follows:

A setback of forty (40) feet shall be provided along any public street or right-of-way and a twenty-five (25) foot buffer strip is required along any property line abutting developed residential property or an established residential district. Other than as provided above, no other front, rear, or side setbacks are required, but where buildings are separated, the distance between them shall be at least five (5) feet.



13.Delete the words “required yard” in the last sentence of Subsection 608.10.03 and replace with the word setback.

14.Delete the language in Subsection 609.02.03 under Section 609 “Office District” in its entirety and replace as follows:

There shall be a front setback of forty (40) feet.

15.Delete the language in Subsection 609.02.04 in its entirety and replace as follows:

There shall be side setbacks of fifteen (15) feet.

16.Delete the language in Subsection 609.02.05 in its entirety and replace as follows:

There shall be a rear setback of twenty-five (25) feet.

17.Delete the language in 610.13 under Section 610 “Planned Commerce Center District (PCCD)” in its entirety and replace as follows:

610.13 “Minimum Setback Requirements”

A setback of forty (40) feet shall be provided along any public street or right-of-way. A setback of twenty-five (25) feet shall be provided along any property line adjoining a residential zone. Other than as provided above no other front, rear, or side setbacks are required, but where buildings are separated, the distance between them shall be at least five (5) feet.

18.Delete the language in Subsection 611.02.03 under Section 611 “Warehouse and Wholesale District (WWD)” in its entirety and replace as follows:

There shall be a front setback of forty (40) feet.

19.Delete the language under Subsection 611.02.04 in its entirety and replace as follows:

There shall be side setbacks of fifteen (15) feet except where the permitted use joins a residential zone, then the side setback shall be twenty-five (25) feet.

20. Delete the language under Subsection 611.02.05 in its entirety and replace as follows:

There shall be a rear setback of fifty (50) feet where the rear yard abuts a residential zone.

21. In Subsection 614.05 under Section 614 "Residential Estate District (R-E)" as amended (10-14-13), delete the language "(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" in its entirety and replace as follows:

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

22. Delete the language in Subsection 614.07(3), and (a), (b), (c), and (d) in its entirety and replace as follows:

(3) The minimum frontage for the uses permitted in this section shall be:

- (a) Street frontage: one hundred fifty (150) feet.
- (b) Front setback: sixty (60) feet.
- (c) Side setback: twenty-five (25) feet.
- (d) Rear setback: fifty (50) feet.

#### SECTION 4: BE IT FURTHER ORDAINED THAT **Article VIII,**

**Supplementary District Regulations,** be amended as follows:

1. Delete the language in Section 803, "Fences, Walls and Hedges," in its entirety and replace as follows:

No fence or wall shall be permitted in the front setback that materially impedes vision across the setback above the height of four (4) feet. No hedge or other vegetation shall be permitted in



the front setback that materially impedes vision across the setback between the height of four (4) and ten (10) feet. Fences, walls and hedges may be permitted in any side or rear setback except as otherwise provided in these regulations.

2. Delete the language in Section 809 "Architectural Projections", in its entirety and replace as follows:

Open structure such as porches, canopies, balconies, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into front, side or rear setbacks.

3. Delete the language in Section 810 "Conversions," in its entirety and replace as follows:

A two family dwelling may be built on any lot which was an undivided parcel at the time of passage of the regulations, or single family dwelling or other structure may be converted to a two family dwelling (subject to all applicable building codes, etc.) in any zoning district where duplexes are permitted, provided that the setback requirements are met and that the lot area equals or exceeds eighty (80) percent of that required for duplexes by the district regulations.

4. Delete the language in Subsection 812.01 under Section 812 "Public and Utility Uses Permitted in all Districts" and replace as follows:

Subject to review and approval of the Board of Zoning Appeals, public facilities and utility uses shall be permitted in all districts as necessary to maintain or improve the comfort, safety, and convenience of the general public provided that whenever possible front, rear, and side setback requirements and other restrictions specified for the district involved shall be met and further provided that all reasonable efforts must be made by the developer to make the public or utility use compatible with its surroundings through the use of landscaping, screening, or other devices as the Board of Zoning Appeals may require.

5. Delete the language in Subsection 813.04 (a) and (b) under Section 813 "Accessory Use Exceptions" and replace as follows:

Small storage buildings, not larger than twelve feet by twelve feet (12' x 12') and with a maximum height to the low point of the eaves of six feet (6') may be located in the side and rear setbacks provided that:

- (a) The building shall be located behind the front plane of the house.
- (b) The building shall be setback at least five feet (5') from the side and rear lot lines.
- (c) In the case of a corner lot, the accessory building may not project into the side yard adjacent to the street.

6. Replace the word "Yards" in the title of Section 816 "Side Yards on Corners lots:" and replace with the word "Setbacks" to read:

816. Side Setbacks on Corner Lots:

7. Delete the language in Section 816 "Side Setbacks on Corner Lots" in its entirety and replace as follows:

On corner lots in residential districts, the side setback shall be twenty (20) feet. On corner lots in the Specialty Commercial District, the Highway Commercial District, the Planned Commerce Center District, and the Office District, the minimum width of such side setbacks shall be fifteen (15) feet. Fences and walls not more than six (6) feet high may be erected, but no fence wall or shrubbery shall be maintained within twenty five (25) feet of any street intersection so as to interfere with traffic visibility around the corner.

**SECTION 5: BE IT FURTHER ORDAINED THAT ARTICLE**

**XI, BOARD OF ZONING APPEALS POWERS AND DUTIES, be**

amended as follows:



1. Delete the language in Subsection 1103.01.05.07 under Section 1101 Powers and Duties in its entirety and replace as follows:

Setbacks and other open space.

SECTION 6: BE IT FURTHER ORDAINED THAT ARTICLE  
**XII, BOARD OF ZONING APPEALS VARIANCES AND SPECIAL  
PERMITS**, be amended as follows:

1. Delete the language in Subsection 1200.04.10 under Section 1200 “Variances and Special Permits” in its entirety and replace as follows:

In each case, the Board of Zoning Appeals shall find that the use, where proposed, will be in harmony with the general intent and purpose of the zoning regulations and shall require such setbacks, screening, landscaping, appearance, ingress and egress controls, sign controls, as reasonable controls so as to make the conditional property use compatible with surrounding property uses, and in conformance with the general intent and purposes of the Zoning Regulations.

2. Delete the language in Subsection 1200.07.06 in its entirety and replace as follows:

In each case, it shall find that the use where proposed will be in harmony with the general intent and purpose of the Zoning Regulations and shall require such setbacks, screening, landscaping, ingress and egress controls, sign controls, as reasonable controls so as to make the conditional property use compatible with surrounding property uses, and in conformance with the general intent and purpose of the Zoning Regulations.

SECTION 6: BE IT FURTHER ORDAINED that these amendments to clarify the definitions of “buildable area”, “setback(s) and “yard(s)” in above referenced sections of the “Signal Mountain Town Code, Appendix A, the Zoning Ordinance,” to provide consistent zoning terms in all districts shall become effective immediately from and after its passage as provided by law.

Passed First Reading JANUARY 13, 2014

Passed Second Reading FEBRUARY 10, 2014

  
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Bill Lusk, Mayor

  
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Recorder