

ORDINANCE NO.: 2014-02

AN ORDINANCE TO AMEND ARTICLE III SECTION 303 OF THE SIGNAL MOUNTAIN ZONING ORDINANCE REGARDING THE DEFINITION OF ACCESSORY STRUCTURES AND TO AMEND ARTICLE VIII OF THE SIGNAL MOUNTAIN ZONING ORDINANCE TO REVISE REGULATIONS FOR ACCESSORY STRUCTURES AND SWIMMING POOLS WITHIN THE TOWN.

WHEREAS, Tennessee Code Annotated (TCA) §§ 13-7-201 through 13-7-210 empower all municipalities to enact zoning regulations and to provide for the administration, enforcement, and amendment thereof; and,

WHEREAS, the Town of Signal Mountain has implemented a comprehensive zoning ordinance as provided for in TCA §§ 13-7-201 through 13-7-210; and

WHEREAS, TCA §13-7-204 authorizes amendments to the zoning ordinance; and

WHEREAS, the Signal Mountain Municipal Planning Commission has reviewed and considered the town's definition and regulations for accessory structures and swimming pools in the town's zoning ordinance and has recommended that the current zoning ordinance be amended; and,

WHEREAS, the Town Council has considered and accepted the recommendation of its Planning Commission:

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF SIGNAL MOUNTAIN, TENNESSEE that the Town of Signal Mountain, Tennessee Zoning Regulations and Amendments be amended as follows:

SECTION 1: Article III, DEFINITIONS OF CERTAIN TERMS USED HEREIN, be amended as follows:

1. Delete the definition of “Accessory Use or Structure” in Section 303 “List of General Definitions,” and replace it as follows:

Accessory Structure: A detached structure, with a permanent foundation, the use of which is subordinate to that of the principal structure located on the same lot. Such structures may include but are not limited to, storage buildings, detached garages, carports, fireplaces, wood sheds, gazebos, tree houses, greenhouses, playhouses, pool bath houses, skateboard platforms, covered animal enclosures, playground equipment, barns, stables and riding rings.

SECTION 2: BE IT FURTHER ORDAINED THAT ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS, be amended as follows:

1. Delete the title of Section 813. Accessory Use Exceptions and replace it with: Accessory Structures.
2. Delete the text of Section 813 including all subsections and replace it with the following:

813.01 Accessory Structures shall be constructed in conjunction with, or after, the principal building is lawfully approved and use is established.

813.02 Location:

- a. Accessory structures shall be behind the front plane of the principal building or two-hundred (200) feet from the front property line, whichever is less.
- b. All accessory structures shall be subject to the same side and rear setback requirements as the principal building and shall be a minimum of fifteen (15) feet from any other building.
- c. Accessory structures shall not encroach on public rights-of-way or utility easements.

- d. If any accessory building becomes structurally attached to a principal building, it shall be deemed to be part of the principal building and shall conform to all the regulations, which apply to principal buildings in the respective Zoning District.
- e. No accessory building shall be used for living quarters.

813.03 Exceptions:

813.03.01 Architectural Yard Features within residential districts are not required to comply with setbacks but shall not be located within rights-of-way. Architectural yard features may include:

- 1) Landscaping features such as planters, arbors, and trellises that do not exceed ten (10) feet in height as measured at the highest point.
- 2) Water features including, but not limited to, fountains, waterfalls, and decorative man-made ponds.
- 3) Sculptures.

813.03.02 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 yards provided that :

- (1) The buildings shall be set back at least five (5') feet from the side and rear lot lines behind the front plane of the principal building.
- (2) In the case of a corner lot, the accessory building may not project into the side setback adjacent to the street.
- (3) A site permit is required.

813.03.03 News and refreshment stands, recreation and service buildings in connection with (and on the premises of) parks, playgrounds, golf courses and public utility facilities.

813.03.04 Real estate offices of a temporary character when built according to plans and in locations approved by the Board of Zoning Appeals.

813.03.05 Satellite dishes:

- (1) Ground-mounted satellite dishes shall be set back at least five (5) feet from the side and rear lot lines, and
- (2) No ground-mounted satellite dish shall be located in front of the front plane of the house or in the case of a corner lot, shall not project into the side setback adjacent to the street.
- (3) Roof-mounted dishes may not exceed three (3) feet in diameter. Multiple roof-mounted dishes may not exceed a total of three (3) feet in diameter per residential structure.

813.03.06 Generators:

- (1) Generators shall be subject to the same setbacks as the principal structure.
- (2) A site permit is required.

SECTION 3: BE IT FURTHER ORDAINED THAT ARTICLE VIII, SUPPLEMENTARY DISTRICT REGULATIONS, be amended by adding section 820. Swimming Pools to read as follows:

All swimming pools shall be located behind the front line of the principal structure. In-ground swimming pools can infringe on setbacks but shall be at least five (5) feet from the property line and all recorded easements. Above ground swimming pools must meet all setbacks. All swimming pools must be enclosed by a fence or wall at least five (5) feet in height (or as otherwise specified in any applicable building codes) and maintained in good condition with a self-closing and self-latching gate.

SECTION 3: BE IT FURTHER ORDAINED that these amendments to the regulation of accessory structures in the “Signal Mountain Town Code,

Appendix A, the Zoning Ordinance,” shall become effective immediately from and after its passage as provided by law.

Passed First Reading: 3-10-14

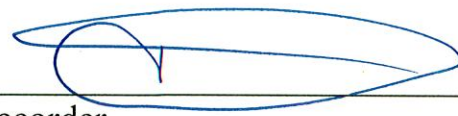
Passed Second Reading: 4-14-14

Date of Public Hearing: 4-14-14

Advertised in the Chattanooga Times Free Press: 3-13-14



Bill Lusk, Mayor



Recorder

4/14/14

Date

4-14-14

Date