BILL LUSK
Mayor

PHILLIP A. NOBLETT
Town Attorney

HONNA K. ROGERS
Town Manager

SUSAN ROBERTSON
Vice Mayor

PAUL M. HENDRICKS
Councilmember

HERSHEL DICK
Councilmember

ANNETTE ALLEN
Councilmember

Town of Signal Mountain

1111 RIDGEWAY AVENUE
SIGNAL MOUNTAIN, TENNESSEE 37377
423-886-2177

REGULAR MONTHLY MEETING OF SIGNAL MOUNTAIN TOWN COUNCIL, MONDAY, July 13, 2009 TOWN HALL, 6:30 P.M.

AGENDA

1. Pledge
2. Prayer
3. Roll Call
4. Approval of minutes:
   a. Regular Meeting June 8, 2009
   b. Agenda Meeting June 29, 2009

5. Citizens Opportunity to Address Council (Three minute time limit)

6. Ordinances
   a. Public Hearing - Amending permitted uses and definitions in Community Commercial District (Three minute time limit)
   b. Amending street frontage access language in Community Commercial District (2nd Reading)
   c. Adding a definition for health club in Community Commercial District (2nd Reading)
   d. Rezoning 315 Ault Road from LDR to Community Commercial District and Warehouse Wholesale District (2nd Reading)

7. Resolutions
   a. Prohibiting handguns in local parks
   b. Authorizing the Town Manager to sign the Water Purchase Contract

8. Ordinances
   a. Public Hearing - Repeal of the Shackleford Ridge Overlay Zone (Five minute time limit)
   b. Repeal of Shackleford Ridge Overlay Zone (1st Reading)

9. Discussions
   a. Other items of business

10. Other Business

11. Adjourn

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE SIGNAL MOUNTAIN ZONING ORDINANCE TO INCLUDE REVISIONS TO ARTICLE VI, SECTIONS 607.02 AND 607.03 OF THE ZONING ORDINANCE TO PROVIDE FOR A CHANGE IN THE LOCATION REQUIREMENTS FOR COMMUNITY COMMERCIAL DISTRICT AND TO ADD FITNESS CENTER AS A PERMITTED USE IN THE COMMUNITY COMMERCIAL DISTRICT.

WHEREAS, pursuant to Article XVIII of the Signal Mountain Zoning Ordinance, standards, restrictions, and boundaries set forth in these regulations may from time to time be amended, supplemented, changed or repealed; and

WHEREAS, the Signal Mountain Planning Commission has held a public hearing on June 4, 2009, to consider recommendations and changes to the Signal Mountain Zoning Ordinance which will allow new development to occur on the property formerly occupied by the Signal Mountain Middle School on Ault Road; and

WHEREAS, the Planning Commission has determined that the changes to the Community Commercial District are in the best interests of the Town and consistent with the Land Use Plan adopted by the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE

SECTION 1. That Article VI, Section 607.02 of the Signal Mountain Zoning Ordinance is deleted in its entirety and the following language is substituted in lieu thereof:

607.02 Location.

The Town's major streets allow activities to take place through the safe and efficient movement of people and goods with minimal delay or interference from conflicting vehicle movements. Community Commercial Districts shall be located to utilize Major Street frontage or be in close proximity to access these corridors. If frontage is not possible along a major street, property shall be located along a Collector Road within 500' of a Major Street right-of-way and should be identified as appropriate for that development form in the Town's adopted Land Use Plan.

SECTION 2. That Section 607.03 of the Signal Mountain Zoning Ordinance is amended to include a new principle Use permitted in the Community Commercial District as a "Fitness Center" which shall be a new Section 607.03.19.

SECTION 3. That this Ordinance shall become effective after the Town Council conducts a public hearing on this zoning amendment with at least fifteen (15) days notice of the time and place of such hearing, as required by T.C.A. § 13-7-203. After such public hearing has been conducted, this Ordinance shall become effective immediately from and after its passage as provided by law.

Passed First Reading _____, 2009.

Passed Second Reading _____, 2009.

_____
MAYOR

_____
RECORDER

PAN/kac

ORDINANCE NO. _____

AN ORDINANCE REZONING THE PROPERTY LOCATED AT 315 AULT ROAD, MAP 108B-A-031, WHICH WAS FORMERLY OCCUPIED BY SIGNAL MOUNTAIN MIDDLE SCHOOL FROM LOW DENSITY RESIDENTIAL DISTRICT TO COMMUNITY COMMERCIAL DISTRICT (CCD) AND WAREHOUSING AND WHOLESALING DISTRICT (WWD), SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, the Town of Signal Mountain Planning Commission held a public hearing on June 4, 2009, on the application of Tom Poteet, Jr. to rezone the property located at 315 Ault Road at Map 108B-A-031 from Low Density Residential District to Community Commercial District and Warehousing and Wholesaling District; and

WHEREAS, a staff recommendation was provided recommending this rezoning request, subject to certain conditions, and found this rezoning request to be consistent with the Land Use Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, THAT:

SECTION 1. The property located at 315 Ault Road at Map 108B-A-031, which was formerly occupied by Signal Mountain Middle School is hereby rezoned from Low Density Residential District to Community Commercial District (CCD) and Warehousing and Wholesaling District (WWD), subject to the following conditions:

1. A 50' natural landscape buffer shall remain along the perimeter of the property (not including along Ault Road). If the buffer is disturbed either through natural means (such as storms or infestation) or through human activity (such as utility repair), the buffer shall be replanted with appropriate trees and shrubbery to meet the intent of this condition. If substantial removal of greenery within the 50' buffer is removed by utility providers who have utilities within that easement, the property owner shall supplement screening (to the interior of the site) outside the 50' buffer either through plantings or a sight-obscuring fence as determined by the Town Manager.

2. Dumpster will be maintained at its existing location to the rear of the former school structure. Dumpster shall not be serviced between 8:00 p.m. and 8:00 a.m.
3. No outdoor amplification of noise between 8:00 p.m. and 8:00 a.m. without a special permit issued by the Town Manager.
4. Any new lights installed outside shall be downward directional lights that will not shine toward adjacent property owners.
5. All special events, including those proposed as sports camps, receptions, and birthday parties, proposed to include greater than 100 participants shall receive approval of the Town Manager and a parking plan shall be approved by the Town Manager for such special events.
6. No banks, savings and loan institutions, finance companies shall be allowed in the CCD or WWD.
7. If a restaurant/delicatessen becomes a tenant, any outdoor seating will not seat new customers outside after 10:00 p.m.
8. No new buildings shall be constructed or additions made that add over 10% to the existing square footage of any building. This does not include the proposed outdoor pool and outdoor batting cages.
9. Hours of operation for the indoor facilities of the athletic club may be 24 hours a day with onsite security cameras. Only members and staff will be allowed from 8:00 p.m. to 8:00 a.m.
10. No retail space shall exceed 5,000 square feet of gross leasable area. This condition is intended to allow use of the space shown as suites on the site plan by smaller-scale, lower-intensity offices and light retail. This condition is limiting the amount of area that one user can occupy so that the entirety of the main school building is not occupied by a large-scale retail use.
11. No outdoor storage.
12. No drive-through facilities.
13. If constructed, outdoor swimming pool shall be located no closer than 110' (110' reflects closes setbacks from rear property line of existing buildings) from an property line.
14. If constructed, outdoor pool hours shall be within the timeframe of 5:00 a.m. to 10:00 p.m. Use of the outdoor swimming pool shall be limited from the hours of 5:00 a.m. to 8:00 a.m. to exercising such as lap swimming.
15. Outdoor pool shall be available for full-time athletic club members and their guests only. The pool shall not be held out to the public as available for lease/rent/availability as a special event space.
16. Outdoor batting cages shall be no closer than 200' from any site property line.
17. No more than five (5) outdoor batting cages shall be built and may only be used between 10:00 a.m. to 6:00 p.m. and shall have a noise absorbing barrier to soften the noise from this use.
18. Permitted uses limited to indoor self-storage facilities, retail office space, and retail sales only.
19. In order to allow indoor self-storage facilities onsite while ensuring the retail component is compatible, retail sales shall be limited to those listed as permitted uses in the CCD (607.03-607.03.18), excluding 607.03.02 Banks, savings and loan institutions, finance companies and excluding 607.03.17 Department stores.

20. The following conditions apply to the self-storage facility:
    a. No perishable products may be stored in a mini-warehouse.
    b. No flammable or explosive materials may be stored.
    c. No operation of businesses may be conducted within the subleased space.
    d. No access between 8:00 p.m. and 8:00 a.m.
    e. The self-storage use shall be limited to Suites 150, 200, 250, 300, 350, 400, and 450, as shown on the site plan.
    f. No access to individual compartments/subleased space shall be provided from the exterior.

SECTION 2. That this Ordinance shall become effective after the Town Council conducts a public hearing on this Zoning Amendment with at least fifteen (15) days notice of the time and place of such hearing, as required by T.C.A. § 13-7-203. After such public hearing has been conducted, this Ordinance shall become effective immediately from and after its Final passage as provided by law.

Passed First Reading _____, 2009.

Passed Second Reading_____, 2009.

_____
MAYOR

_____
TOWN RECORDER

H

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE SIGNAL MOUNTAIN ZONING ORDINANCE, ARTICLE III, SECTION 303, TO ADD A NEW DEFINITION FOR FITNESS CENTER.

WHEREAS, pursuant to Article XVIII of the Signal Mountain Zoning Ordinance, standards, restrictions, and boundaries set forth in these regulations may from time to time be amended, supplemented, changed or repealed; and

WHEREAS, the Signal Mountain Planning Commission has held a public hearing on June 4, 2009, to consider recommendations and changes to the Signal Mountain Zoning Ordinance which will allow new land use to occur on the property formerly occupied by the Signal Mountain Middle School on Ault Road; and

WHEREAS, the Planning Commission has determined that the changes to the Community Commercial District are in the best interests of the Town and consistent with the Land Use Plan adopted by the Town;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE

SECTION 1. That Article III, Section 303 is amended to add a new definition for Fitness Center which shall be defined as follows:

> Fitness Center – a facility where members or non-members use equipment or space for the purpose of physical exercise.

SECTION 2. That this Ordinance shall become effective after the Town Council conducts a public hearing on this zoning amendment with at least fifteen (15) days notice of the time and place of such hearing, as required by T.C.A. § 13-7-203. After such public hearing has been conducted, this Ordinance shall become effective immediately from and after its passage as provided by law.

Passed First Reading _____, 2009.

Passed Second Reading _____, 2009.

_____
MAYOR

_____
RECORDER

PAN/kac

RESOLUTION NO. _____

A RESOLUTION PURSUANT TO T.C.A.§ 39-17-1311(d) TO PROHIBIT HANDGUNS IN TOWN PUBLIC MUNICIPAL PARKS, NATURAL AREAS, HISTORIC PARKS, NATURE TRAILS, CAMPGROUNDS, FORESTS, GREENWAYS, WATERWAYS, BALL FIELDS OR OTHER SIMILAR PUBLIC PLACES.

WHEREAS, prior to June 12, 2009, T.C.A. § 39-17-1311, essentially made carrying weapons in any municipally owned parks, playgrounds, civic centers, or other building facilities a Class A misdemeanor; and

WHEREAS, Public Chapter No. 428 (House Bill 716 and Senate Bill 976) of the 106th General Assembly, as approved by the governor on June 12, 2009, removed the above mentioned prohibitions in public parks for any persons authorized to carry handguns by a Tennessee handgun carry permit issued pursuant to T.C.A. § 39-17-1351; and

WHEREAS, Public Chapter No. 428 of the 106th General Assembly, as approved by the governor on June 12, 2009 now permits municipal and county governments to prohibit, by resolution adopted by majority vote of its legislative bodies, the possession of handguns within or on a public park that is owned or operated by a county, a municipality, or their instrumentalities; and

WHEREAS, the Town Council of the Town of Signal Mountain, Tennessee is also required to adopt a resolution by majority vote for any jointly owned or operated parks which are jointly owned by Hamilton County, Tennessee and it appearing that Hamilton County, Tennessee has already adopted a resolution which may affect possession of handguns within its parks in this County; and

WHEREAS, the Town Council has considered information that it has received from citizens, employees of its police and parks departments, and other witnesses regarding the perceived risks to persons visiting municipal parks if firearms are discharged in close proximity to other visitors to municipal parks and based upon consideration of this information the Town Council desires to prohibit any possession of handguns in municipal public parks, playgrounds, ball fields, civic centers and other public recreational buildings and grounds as authorized by T.C.A. § 39-17-1311(d) and to instruct the Town Manager to display signage in prominent locations in all municipal parks, playgrounds, ball fields, civic centers and other public recreational buildings and grounds as authorized by T.C.A. § 39-17-1311(c)(1) on or before September 1, 2009 to be adequate notice that handguns are not permitted in such areas;

NOW, THEREFORE,

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, that any person authorized[1] to carry a handgun under T.C.A. § 39-17-1351, is prohibited from possessing any handgun while within any municipal public park, natural area, historic park, nature trail, campground, forest, greenway, waterway, ball fields, or other similar public place that is owned or operated by the Town of Signal Mountain or any of its instrumentalities. This prohibition of handguns within any municipal park applies to the entire park and to any jointly owned parks owned by the Town of Signal Mountain and Hamilton County, Tennessee, as authorized by T.C.A. § 39-17-1311(d), notwithstanding the provisions of T.C.A. § 39-17-1311(b)(1)(I).[2] However, this resolution does not prohibit lawful possession of any handgun in accordance with T.C.A. § 39-17-1311(b)(1)(A)-(H).[3]

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[1] Any person who is not authorized to carry a handgun under state law and who possesses a handgun in a park or other public area with the intent to go armed would be in possible violation of T.C.A. § 39-17-1307, which is a Class E felony.

[2] The state statute requires the prohibition of handguns to apply to the entire park. The statute does not mention the other recreational areas in this proviso.

BE IT FURTHER RESOLVED, that the Town Manager is further authorized to promptly develop and display signage in prominent locations in all municipal parks, playgrounds, ball fields, civic centers and other public recreational buildings and grounds as authorized by T.C.A. § 39-17-1311(c)(1) in order to provide adequate notice that handguns are not permitted in such areas within the Town of Signal Mountain, Tennessee. Signage shall be prepared in the form required by T.C.A. § 39-17-1311(c)(1) and placed in prominent locations about the public recreational properties of the Town, at least six inches (6") high and fourteen inches (14") wide on or before September 1, 2009, stating as follows:

> MISDEMEANOR. STATE LAW PRESCRIBES A MAXIMUM PENALTY OF ELEVEN (11) MONTHS AND TWENTY-NINE (29) DAYS AND A FINE NOT TO EXCEED TWO THOUSAND FIVE HUNDRED DOLLARS AND 00/100 ($2,500.00) FOR CARRYING WEAPONS ON OR IN PUBLIC RECREATIONAL PROPERTY.

BE IT FURTHER RESOLVED, That if any part of this Resolution is determined to be invalid, all valid parts that are severable from the invalid part shall remain in effect. If any part of this Resolution is invalid in one or more of its applications, the part remains in effect in all other valid applications that are severable from the invalid applications.

MAYOR	RECORDER
DATE	DATE

[3] The state statute allows for the lawful possession of handguns in numerous circumstances, including but not limited to military personnel, civil officers, reserve officer training corps pupils and law enforcement officers in discharge of their official duties; private police employed by the municipality; persons who are either hunting on municipal land designated as open to hunting, traversing municipal property to gain access to hunting lands, conducting or attending a gun show, picking up or delivering passengers who do not use the weapon in any way, or a person permitted to sport or target shoot; or a security guard who meets the requirements of T.C.A. Title 62, Chapter 35.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE TOWN MANAGER TO EXTEND THE WATER PURCHASE AGREEMENT WITH TENNESSEE-AMERICAN WATER COMPANY FOR A TERM OF THREE (3) YEARS BEGINNING JULY 1, 2009 THROUGH JUNE 30, 2012, WHICH INCLUDES A WATER PURCHASE RATE INCREASE FROM $1.061 PER 1,000 GALLONS TO $1.1969 PER 1,000 GALLONS AS SHOWN ON THE ATTACHED AGREEMENT.

BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, that the Town Manager be and is hereby authorized to extend the Water Purchase Agreement with Tennessee-American Water Company for a term of three (3) years beginning July 1, 2009 through June 30, 2012, which includes a water purchase rate increase from $1.061 per 1,000 gallons to $1.1969 per 1,000 gallons as shown on the attached Agreement.

MAYOR	RECORDER
DATE	DATE

TENNESSEE
AMERICAN WATER

Tennessee American Water
1101 Broad Street
Chattanooga, TN 37402
amwater.com

John S. Watson
President
P 423-755-7607
F 423-755-7634

June 11, 2009

Ms. Honna Rogers
Town of Signal Mountain
1100 Ridgeway Avenue
Signal Mountain, TN 37377

Dear Ms. Rogers:

Enclosed for your review is a proposed agreement in which we are requesting a fourth extension to the water purchase agreement dated July 1, 1997 between the Town of Signal Mountain and Tennessee-American Water. The extension agreement will be effective July 1, 2009 and will extend for an additional three years the same terms and conditions as the original contract. The proposed rate will increase to exactly $0.8977 per CCF, which is approximately $1.1969 per 1000 gallons.

If the agreement meets with your approval, please sign on behalf of the Town of Signal Mountain and return to my attention so that I may submit it for approval by the Tennessee Regulatory Authority. We appreciate the opportunity to continue to work with you in providing water service to the residents of Signal Mountain.

Sincerely,

John S. Watson
President

JSW/s
Enclosure

EXTENSION OF WATER PURCHASE AGREEMENT

THIS EXTENSION OF WATER PURCHASE AGREEMENT, made effective as of July 1, 2009, by and between Tennessee American Water ("Tennessee American"), located at 1101 Broad Street, Chattanooga, Tennessee, and Town of Signal Mountain ("Signal Mountain"), whose address is 1111 Ridgeway Avenue, Signal Mountain, Tennessee,

WHEREAS, the parties hereto have agreed to extend the term of their Water Purchase Agreement dated July 1, 1997 ("Original Agreement") as amended and extended by agreement dated as being effective July 1, 2000 ("First Extension Agreement"), agreement dated as being effective July 1, 2003 ("Second Extension Agreement"), and agreement dated as being effective July 1, 2006 ("Third Extension Agreement"), copies of which are attached hereto and incorporated herein by reference, for an additional term of three years as provided herein,

NOW THEREFORE, in consideration of the mutual covenants and promises herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. Except as specifically provided herein, all of the terms, conditions, privileges and obligations in the Original Agreement, as amended and extended by the First, Second and Third Extension Agreements are hereby extended for a term of three (3) years (or thirty-six (36) monthly billing periods), beginning July 1, 2009 and ending July 1, 2012.

2. The rate charged by Tennessee American Water will be $0.8977 per hundred cubic feet effective July 1, 2009 as was determined by order of the Tennessee Regulatory Authority (TRA) in TRA Docket 2008-00039 dated January 13, 2009 and the parties further agree the water rate may be subject to further adjustment during the term of this extension based upon a rate adjustment granted by the TRA to Tennessee American Water and will be calculated based upon the overall average percentage increase to all Tennessee American Water customers applied to the rate stated above, or as otherwise directed by the TRA as the final authority having jurisdiction. Ultimately, the TRA will have final authority regarding the rates charged under this agreement.

3. This Extension of Water Purchase Agreement is subject to the approval by the Board of Tennessee American Water and the Tennessee Regulatory Authority ("TRA"). Signal Mountain agrees to take such action reasonably necessary to support Tennessee American's application for approval from the TRA.

IN WITNESS WHEREOF, the parties have set forth their hands.

TOWN OF SIGNAL MOUNTAIN	TENNESSEE AMERICAN WATER
By _____	By _____
Title: _____	Title: _____
Date: _____	Date: _____

ORDINANCE NO. _____

AN ORDINANCE REPEALING SECTION 617 CREATING THE SHACKLEFORD RIDGE OVERLAY ZONE AS PART OF THE TOWN ZONING ORDINANCE, REPEALING SECTIONS 618, 619, 620 AND 621 OF THE TOWN ZONING ORDINANCE, AND REVISING SECTION 614.01, TO BE REPLACED WITH LANGUAGE OF THAT SECTION OF THE TOWN ZONING ORDINANCE WHICH EXISTED PRIOR TO AUGUST 14, 2006.

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

WHEREAS, the Town of Signal Mountain deems it necessary, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare of the inhabitants of the municipality to enact such regulations; and,

WHEREAS, in 2005 the Hamilton County Water and Waste Water Treatment Authority (WWTA) told the presiding Signal Mountain Town Council that it would be laying a 4" sewer line to the new Signal Mountain high school which would be funded by the Hamilton County School board, but that it would be advantageous to install a larger 6"-8" line to serve potential residential development that was likely to occur in the area; and,

WHEREAS, the WWTA stated that in order to justify their investment in a larger line, 751 new homes would have to tie on to the line within ten years of its construction; and,

WHEREAS, the WWTA made the following two proposals to the Signal Mountain Town Council regarding new development in the Shackleford Ridge area:

1. The Town of Signal Mountain agrees to change its density requirement as soon as possible for all proposed residential development to be built and connected to the sewer system within the Town of Signal Mountain. The WWTA shall charge a tap on fee of $1,100.

2. The Town of Signal Mountain agrees to reimburse the WWTA for the unfunded portion of the Signal Mountain Sewer Extension if new development in the adjacent property does not reach 751 new customers over the next 10 years at the rate of $ 500.00 per house. The WWTA shall charge a tap on fee of $1,100; and

WHEREAS, the Town Council asked the Regional Planning Agency (RPA) to prepare a Growth Study exploring land development options on sewer in the Shackleford Ridge area compatible with the stated goals and mission of the Town of Signal Mountain; and,

WHEREAS, the RPA Growth Study produced in October 2005 stated that the Town's Land Use plan did not support development at a higher density in the Shackleford Ridge area, and that increasing density may not be supported by the Town's stated goals and policies; and,

WHEREAS, the Growth Study stated that "...the density needed to meet the WWTA's proposal and to meet the goals of the Town can be achieved through alternatives to the conventional suburban development patterns most common in the Town of Signal Mountain..." including open space development; and,

WHEREAS, the Growth Study also states the following:

> "Most of the Town's subdivisions have developed in a conventional suburban subdivision manner. These developments tend to have limited access, half acre lots or larger, and little or no community open space for the recreation and enjoyment of residents. This pattern inefficiently consumes land, costs more to

service due to extensive road and lengthy sewer and other utility development. These costs are passed on to the homebuyer;" and

WHEREAS, the presiding Council in 2006 passed on two readings a set of zoning ordinances:

1. Section 614 reduced the minimum lot size for Residential Estate zoning from ½ acre to 1/3 acre for lots on sewer.
2. Section 617 establishes a Shackleford Ridge Overlay Zone in the area adjacent to Shackeford Ridge Road that states "...it is intended that the boundaries of this Overlay Zone may be increased over time with the expansion of sewered areas within the Town and through future annexation of areas within the Urban Growth Boundaries of the Town".
3. Section 618 establishes a Low-Density Residential development design option with a minimum lot size of 1/3 acre. Requires re-zoning.
4. Section 619 establishes a Low-Density Open Space design option that allows a greater density than the same option allows in the rest of the Town. Requires re-zoning.
5. Section 620 establishes a Planned Unit Development design option that reduces the minimum acreage requirement.
6. Section 621 establishes an Alternative Low Density Residential design option with allows a gross density of 3 houses per acre. Requires re-zoning; and,

WHEREAS, in 2007, under a new Council, the Town of Signal Mountain, in an effort to inform itself of modern planning concepts that offer a truly viable conservation development model for the Shackleford Ridge area, asked the Regional Planning Agency to apply for a grant from the Lyndhurst Foundation to bring conservation planner Randall Arendt to town to present his ideas on conservation development in Chattanooga and Signal Mountain; and,

WHEREAS, Mr. Arendt gave several public presentations and met with the Signal Mountain Planning Commission and with major landowners to explain how important natural and cultural features could be preserved, how erosion could be reduced by controlling storm water volume, how development infrastructure costs could be

reduced, and how greater design flexibility could be achieved through a conservation subdivision model; and,

WHEREAS, subsequently, the Town of Signal Mountain with assistance from the Regional Planning Agency conducted public input sessions to inform a revision and update of the Town's Land Use Plan; and,

WHEREAS, citizens expressed concern about the town's capacity for growth, the adequacy of its infrastructure, and expressed the desire for planned, low-density development with respect for the natural beauty of the Town; and,

WHEREAS, the resulting Land Use Plan reviewed by the public and passed by the Planning Commission states that for areas of developing low density residential:

> "To help preserve the scenic beauty and sensitive features of this area, Open Space subdivisions are the preferred method for development in these areas. Residential development should be limited to single-family detached housing unless the development is included in a PUD or an Open Space Subdivision. In this case, attached houses may (be) acceptable as long as the development consists primarily of single-family detached housing with an overall, low gross density;" and,

WHEREAS, the natural topography of the land in the SROZ is an area of steep slopes, forested with a deep tree canopy and home to diverse botanical species and wildlife that are valuable to the natural environment and the rural character of the Town; and,

WHEREAS, the American Planning Association advises that communities control the density in steeply sloped areas in order to limit soil loss, erosion, excessive storm water runoff, the degradation of surface water and to maintain the natural topography and drainage patterns of land; and,

WHEREAS, one of the basic planning principles of the Environmental Protection Agency's Smart Growth Program is that density should be encouraged near city centers and their amenities and directed away from outlying rural areas and environmentally sensitive areas; and,

WHEREAS, the Signal Mountain Planning Commission has been revising its subdivision regulations to align them with the goals of the Land Use Plan adopted in January of 2007 by incorporating smart growth principles and low impact development concepts to maintain an overall low gross density through a combination of smaller lot sizes and open space preservation; and,

WHEREAS, the Planning Commission of the Town of Signal Mountain has recommended to the Town Council that the Shackleford Ridge Overlay Zone be repealed and that the original Residential Estate Zoning with a .5 acre minimum lot size be reinstated; and,

WHEREAS, reverting to a minimum lot size of .5 acre is an initial and necessary step toward creating zoning that supports conservation development by establishing the base zoning for a yield plan which determines the number of homes that can be built under conservation development; and,

WHEREAS, the Shackleford Ridge Overlay Zone ordinances encourage conventional land development practices at a higher density than is allowed in the rest of the town and some of the alternative design options allow even greater density without adequate open space preservation;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN TENNESSEE:

Section 1. That Sections 617, 618, 619, 620 and 621 of the Town Zoning Ordinance, as amended by Ordinance Number 2006-14, 2006-16, 2006-17, 2006-18 and 2006-19 be repealed, and that section 614.01, as amended by Ordinance Number 2006-15, be replaced by the pre-August 14, 2006 version which allowed a minimum lot size of .5 acre and shall read as follows:

614 Residential Estate District (R-E) (Ord. No. 95-9, 11/21/95)

614.01 The regulations set forth in this article shall apply to the district designation of the R-E Residential Estate District. The R-E District is intended to promote the preservation and establishment of areas for Low-Density Residential Development with a minimum lot size of .5 a lot that will have a septic tank for sewage disposal shall be determined by the number of bedrooms in the house to be built, on such lot as follows:

1, 2 or3 BDR	21,780 square feet
4 BDR	25,000 square feet
5 BDR	32,670 square feet
6 BDR	37,670 square feet
Over 6 BDR	5,000 square feet per additional bedroom

The larger minimum lot sizes for lots where houses will be built that will have more bedrooms than 3 that are specified above apply only to lots on septic tanks, not lots on public sewers. For lots on public sewers, the minimum lot size shall be 21,780 square feet.

The minimum frontage of each lot shall be one hundred (100) feet, except a minimum of seventy-five (75) feet on a cul-de-sac. The minimum lot depth shall be one hundred (100) feet.

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 approval by the Board of Zoning Appeals.

SECTION 2. That this Ordinance shall become effective immediately from and after its passage as provided by law.

Passed First Reading _____, 2009.

Passed Second Reading_____, 2009.

_____
Mayor

_____
Town Recorder