TOWN OF SIGNAL MOUNTAIN, TENNESSEE
ZONING REGULATIONS
AND AMENDMENTS

ARTICLE I
TITLE AND ENACTMENT

100. Title:

AN ORDINANCE ESTABLISHING REVISED COMPREHENSIVE ZONING REGULATIONS FOR THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT, AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 13-7-201 THROUGH 13-7-306, TENNESSEE CODE ANNOTATED, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH.

101. Short Title:

THESE REGULATIONS SHALL BE KNOWN AND MAY BE CITED AS "THE AMENDED AND RESTATED ZONING REGULATIONS OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE."

102. Authority and Purpose:

WHEREAS, Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, empowered 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, the Town Council, pursuant to the provisions of Section 13-4-101 and Sections 13-4-101 through 13-4-203, Tennessee Code Annotated, has appointed a Planning Commission to make and adopt a zoning plan, including both the full text of zoning regulations and the maps, for the regulation by districts or zones of the location, height, bulk, number of stories, and size of buildings and other structures, the percentage of the lot which may be occupied, the size of the yards, courts, and other open spaces, the density of population and the uses of buildings, structures and land for trade, industry, residence, recreation, public activities and other purposes, and

WHEREAS, the Town Council is authorized to divide the town into districts or zones of such number, shape, and areas as it may determine, and may regulate the erection,

construction, reconstruction, alteration and uses of buildings and structures and uses of land, and

WHEREAS, the Planning Commission has made and certified its zoning plan to the Town Council, and

WHEREAS, the Town Council has given due public notice of hearings relating to these amendments to its zoning districts, regulations, and restrictions, and has held such public hearings as are required by law, and

WHEREAS, all requirements of state law, with regard to these amended and restated zoning regulations have been met;

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

ARTICLE II
ESTABLISHMENT OF DISTRICTS:
PROVISION FOR OFFICIAL ZONING MAP

201. Official Zoning Map:

201.01 The Town is hereby divided into zones, or districts, as shown on the Official Zoning Map which, together with all the explanatory matter thereon, is hereby adopted by reference and declared to be part of these regulations.

201.02 The Official Zoning Map shall be identified by the signature of the Mayor, attested by the Town Manager, and bearing the seal of the Town under the following words:

"This is to certify that this is the Official Zoning Map referred to in Article II of the Zoning Regulations of the Town of Signal Mountain, Tennessee", together with the date of the adoption of these regulations.

201.03 If, in accordance with the provisions of these regulations and Sections 13-7-203 and 13-7-204, Tennessee Code Annotated, changes are made in district boundaries or other matters portrayed on the Official Zoning Map promptly after the amendment has been approved by the Town Council, with an entry on the Official Zoning Map as follows:

"On _____, by official action of the Town Council the following change(s) were made in the Official Zoning Map: (brief description of the nature of changes) which entry shall be signed by the Mayor and attested by the Town Manager. No amendment to these regulations which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

201.04 No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in these regulations.

201.05 Any unauthorized change of whatever kind by any person or persons, shall be considered a violation of these regulations and punishable as provided under Article XXI.

201.06 Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be published, the Official Zoning Map shall be located in the Signal Mountain Town Hall vault and a duplicate in the office of the Current Planning and Operations Division of the Chattanooga Hamilton County Regional Planning Agency.

202. Replacement of Official Zoning Map:

In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Town Council may, by ordinance, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map and shall be identified by the signature of the Mayor, attested by the Town Manager and bearing the seal of the town under the following words:

"This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted October 19, 1936, as part of the Zoning Regulations of the Town of Signal Mountain, Tennessee."

Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

ARTICLE III
DEFINITIONS OF CERTAIN TERMS USED HEREIN

300 The purpose of this article is to clarify the meaning of certain words as they are used in these regulations.

301. Interpretation of Certain Terms and Words:

Except as specifically defined herein, all words used in these regulations have their customary dictionary definitions. For the purpose of these regulations, certain words or terms are to be interpreted as follows:

(a) The word person includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

(b) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

(c) The word shall is mandatory, the word may is permissive.

(d) The words used or occupied include the words intended, designed, or arranged to be used or occupied.

(e) The word lot includes the words plot or parcel.

302. Terms of Political Jurisdiction and Legal Authority:

(a) Board of Zoning Appeals: Means the Board of Zoning Appeals for the Town of Signal Mountain, Tennessee.

(b) Chief Legislative Body or Town Council: Shall be interpreted as referring to the Town Council within the political jurisdiction of the Town of Signal Mountain, Tennessee.

(c) Planning Commission: Refers to the Signal Mountain Planning Commission.

303. List of General Definitions:

For the purpose of these regulations, certain words and terms are defined 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. (As replaced by Ord. #2014-02, April 2014)

Adult-Oriented Establishment: See Section 1200.08 of this Ordinance.

Agriculture: The breeding, planting, nourishing, caring for, gathering and processing of any animal or plant organism for the purpose of nourishing people or any other plant or animal organism, or for the purpose of providing the raw material for non food products. For the purpose of these regulations, agriculture shall include the growing of flowers and other ornamental crops and the commercial breeding and caring for animals as pets.

Alley: A way which affords only secondary means of access to abutting property.

Animal Hospital (Small): An establishment for the care, treatment and boarding of animals commonly considered small at maturity, including domestic dogs and cats and other ordinary household pets; but specifically excluding goats, swine, cattle, and horses. (Amended 10 - 2004)

Apartment House: (See "Dwelling, Multiple-Family")

Assisted Living Facility: Any building, establishment, complex which accepts persons for domiciliary care and provide room, board, and non-medical living assistance to the residents. Prescribed medical treatment may be administered subject to the provisions of T.C.A. § 68-11-201. (Added 10 - 2004)

Auto Wrecking Yard: Any place where three (3) or more motor vehicles not in running condition, or the parts thereof, are stored in the open, or any building or structure used principally for the wrecking or storage of such motor vehicles. This definition is not intended to include businesses such as motor vehicle repair garages, service stations, or motor vehicle restoration and reconditioning garages which store vehicles only on a temporary basis and not for purposes of salvage or sale. Auto wrecking yards are prohibited in all districts within the Town. (Amended 10 - 2004)

Bed and Breakfast Establishment: A private, single-family home, inn or other unique residential facility offering bed and breakfast accommodations and one daily meal and having not less than four and not more than twelve guest rooms furnished for compensation, with lodgers staying not more than fourteen days, and where the innkeeper resides on the premises or property or immediately adjacent to it. Guest rooms shall be established and maintained distinct and separate from the innkeeper's quarters. (Added 8-12-96, Ord. 96-8; Amended 10 - 2004)

Buffer Strip (Planted Evergreen): A greenbelt planted not less than ten (10) feet in width. Such a greenbelt shall be composed of one (1) row of evergreen trees, spaced not more than thirty (30) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart and which grow to a height of five (5) feet or more after one (1) full growing season and which shrubs will eventually grow to not less than ten (10) feet. This strip not to be utilized for parking, either private or public, in any situation.

Buildable Area: The portion of a lot remaining after required setbacks have been provided. (As replaced by Ord. #2014-01, Feb. 2014)

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. (Added by Ord. #2013-18, Sept. 2013)

Building: Any structure used or built for the shelter or enclosure of persons, animals, or personal property. (Added 10 - 2004)

Building Height: The vertical distance between the finished grade elevation across the front of the building and (a) the highest point of the roof surface of a flat roof or (b) the highest point of the deck line of a mansard roof or (c) a point which is two-thirds (66.67%) of the height of a gable, hip or gambrel roof. If the building is set back from the street line, the height may be measured from the average elevation of the finished grade at the front of the building, provided that the distance from the street line to the front of the building is not less than the height of such finished grade above the established curb. No building height may exceed forty (40) feet above finished grade elevation across the frontage or front yard of the building in any zone as defined in the list of definitions at Section 303 within the Town. (Amended 10 - 2004, and by Ord. #2012-8, Dec. 2012)

Clinic: A facility providing medical services for out-patients only.

Club: Buildings and facilities owned or operated by an association or persons for a social or recreational purpose, but not operated primarily for profit or to render a service which is customarily carried on as business.

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. (Added by Ord. #2013-18, Sept. 2013)

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. (Added by Ord. #2013-18, Sept. 2013)

Continuing Care Retirement Communities: A continuing care retirement facility which provides independent living, assisted living, assisted living and adult day care for people with Alzheimer's disease, and skilled nursing care.

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. (Added by Ord. #2013-18, Sept. 2013)

Curb Level: The main level of the established curb in front of a building. Where no such curb has been established, the Town Engineer or the county

engineer (depending upon the jurisdiction involved) shall establish such curb level.

Day Care Center: A place operated by a person, society, agency, corporation, institution, or other group that received pay for the care of eight (8) or more children under seventeen (17) years of age for less than twenty four (24) hours per day, without transfer of custody. The term "Day Care Center" also includes child development centers, nursery schools, day nurseries, playschools, and kindergartens, as well as agencies providing before-and-after school care, regardless of name, purpose, or auspices. The term "Day Care Center" excludes schools and kindergartens operated by governmental units or religious organizations. (Amended 10 - 2004)

Day Care Home: A home operated by any person who receives pay for providing less than twenty four (24) hour supervision and care, without transfer of custody, for not more than seven (7) children under seventeen (17) years of age who are not related to the operator and whose parents or guardian are not residents of the household. (Amended 10 - 2004)

Drive-In Restaurant or Refreshment Stand: Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises.

Dwelling, Mobile Home: A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on a flatbed or other trailer and arriving at the site where it is to be occupied as a dwelling, complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile home.

Dwelling, Multiple-Family: A residential building designed for occupancy by three (3) or more families.

Dwelling, Single-Family: A detached residential dwelling unit other than a mobile home designed for and occupied by one (1) family only.

Dwelling, Two Family (duplex): A principal structure that contains two (2) dwelling units on one (1) lot designed for occupancy by not more than two (2) families. The units must share a common wall or common floor/ceiling. (As replaced by Ord. #2014-04, May 2014)

Dwelling Unit: One (1) room, or rooms, connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other room or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities.

Family: A group of one or two persons or parents with their direct descendants and adopted and foster children, together with not more than three persons not so related, living together in a room or rooms comprising a single housekeeping unit. Every additional group of five or less persons living in such housekeeping unit shall be considered a separate family. (Amended 10 - 2004)

Fitness Center: A facility where members or non-members use equipment or space for the purpose of physical exercise. (Added 2009-15)

Flag Lot: An interior lot located generally to the rear of another lot, but with a narrow portion of the lot extending to the public street. Flag lots are prohibited in all districts in the Town. (Added 10 - 2004)

Frontage: The width of the property measured along the dedicated and publicly accepted street right-of-way. However, lot frontage on cul-de-sac turn-arounds or short radius curves may be less than the lot frontage required by this Ordinance, provided that the lot has the required minimum lot frontage at (1) the rear of the required front yard or (2) the building setback line as shown on the plat. (Amended 10 - 2004)

Functional Classification of Streets and Roads: The following shall be the criteria whereby streets and roads are classified:

(a) Principal Arterials: Significant intra-area travel, such as between central business districts and outlying residential areas, between major inner city communities, or between major suburban centers should be served by this system. Principal arterials are not restricted to controlled access routes. For principal arterials, the concept of service to abutting land should be subordinate to the provision of travel service to major traffic movements. For the purposes of these regulations, the term "principal arterial" shall be taken to mean any street identified as such in the official General Plan 2001 for Chattanooga Hamilton County, Tennessee, as amended or superseded by any such successor general plan, or as designated by the Signal Mountain Planning Commission and approved by the Town Council. Taft Highway / Ridgeway Avenue is a principal arterial that is located in the Town.

(b) Major Streets: Should interconnect with and augment the urban principal arterial system and provide service to trips of moderate length at a somewhat lower level of travel mobility than principal arterials. These facilities place more emphasis on land access than the higher system. Ideally, major streets (also known as minor arterials) do not penetrate identifiable neighborhoods. For the purposes of these regulations, the terms "major street" or "minor arterial" shall be taken to mean any street identified as such in the official General Plan 2001 for Chattanooga Hamilton County, Tennessee, as amended or superseded by any such successor general plan, or as designated by the Signal Mountain Planning Commission and approved by the Town Council.

(c) Collector Streets: Provide both land access and traffic circulation within residential neighborhoods as well as commercial/industrial areas. They differ from the arterial system in that facilities on the collector system may penetrate through the area to the ultimate destination. For the purposes of these regulations, the term "major street" shall be taken to mean any street identified as such in the official General Plan 2001 for Chattanooga Hamilton County, Tennessee, as amended or superseded by any such successor general plan, or as designated by the Signal Mountain Planning Commission and approved by the Town Council.

(d) Public Streets (or Local Streets): Comprise all facilities not on one of the higher systems. They serve primarily to provide direct access to abutting land and access to the higher order systems. They offer the lowest level of mobility and through traffic movement usually is deliberately discouraged. For the purposes of these regulations, the term "public street" or "local street" shall be taken to mean any street identified as such in the official General Plan 2001 for Chattanooga Hamilton County, Tennessee, as amended or superseded by any such successor general plan, or as designated by the Signal Mountain Planning Commission and approved by the Town Council. (Added 10 - 2004)

Garage, Private: A building or space used as an accessory to or a part of a main building permitted in any residential district and providing for the storage of motor vehicles an in which no business, occupation, or service for profit is in anyway conducted.

Garage, Storage: Any building or premises, other than a private garage, used exclusively for the parking or storage of motor vehicles.

Gross Leasable Area: The total floor area designed for tenant occupancy and exclusive use including basements, mezzanines, and upper floors (if any) expressed in square feet and measured from the center line of joining partitions and from outside wall faces. It is all that area on which tenants pay rent.

Guest House: Any private, single-family home, inn or other unique residential facility in which not less than one (1) and not more than three (3) guest rooms are furnished for compensation with lodgers staying not more than fourteen days, and where the innkeeper resides on the premises or property or immediately adjacent to it. (Added 10 - 2004)

Health Spa: Shall be healthcare businesses which employ professional Tennessee licensed therapists, whose services include massage and body or facial treatments for certain services such as treatments for body packs and wraps, exfoliation, cellulite, and heat treatments, electrolysis, body toning, waxing, aromatherapy, cleansing facials, medical facials, hydrotherapy etc. in an office setting. (Added 2010-11)

Historic: A structure, site, district, monument, or object of any age but with particular merit due to architectural style, method of construction, natural rarity, or association with a notable person, age, event, or culture.

Home Occupation: Any occupation conducted in a dwelling unit, provided that:

(a) No person other than members of the family residing on the premises shall be engaged in such occupation;

(b) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five (25) percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;

(c) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation;

(d) There shall be no sales of products or commodities on the premises;

(e) Any home occupation that generates traffic volume to or parking problems at the premises than would normally be expected at a similar property where no home occupation is conducted at or

adjacent to the location of such home occupation as determined by the Building Inspector shall be allowed only by Special Permit from the Board of Zoning Appeals in accordance with provisions of Article XII of this Ordinance;

(f) No equipment or process shall be used in any home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, nor shall any equipment or process be used which creates visual or audible interference in any radio or television receiver off the premises, or cause fluctuations in the line voltage off the premises. In the case of a duplex, or apartment building, no use shall be permitted which affects another unit in the same building in the above mentioned ways;

(g) Guest houses and bed and breakfast establishments must comply with all of the home occupation requirements listed above except the requirement in clause (b) of this definition. (Added 8-12-96; Ord. 96-8. Amended 10 - 2004)

Hospital: Any institution, place, building or agency where care, accommodations, facilities and equipment are furnished, for one (1) or more non-related persons who need the care of nursing and medical or surgical services. (Added 10 - 2004)

Hotel: A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guests or tenants, in which ten (10) or more rooms are furnished for the accommodation of such guests.

Houseparent or Guardian: Persons who provide care for the residents of residential homes for the handicapped and/or aged persons, assisted living facilities, and medically assisted living facilities. (Added 10 - 2004)

Institutional Planned Unit Development: An Institutional Planned Unit Development is a completely planned institutional, district, professionally designed as a unit, and approved by the Signal Mountain Town Council, on a site of not less than five (5) acres, in an office district.

Junkyard: A junkyard is an open area where waste or scrap materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A junkyard includes an auto wrecking yard but does not include uses established entirely within enclosed buildings. Junkyards are prohibited in all districts within the Town. (Amended 10 - 2004)

Liquor: Beverages exceeding five (5) percent alcohol.

Liquor Stores: (Package Store) Retail store selling package liquor.

Loading Space, Off-Street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off street parking spaces are filled. Required off street loading space is not to be included as off street parking space in computation of required off street parking space.

Lodger: An occupant of a guest house or bed and breakfast establishment other than the owner or caretaker or his immediate family. (Amended 10 - 2004)

Lot: For purposes of these regulations, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

(a) A single lot of record;
(b A portion of a lot of record;
(c) A combination of complete lots of record, of complete lots of record and portions of lots of records;
(d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of these regulations.

Lot Frontage: The front of a lot shall be construed to be the portion adjacent to the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

Lot Lines: The lines bounding the lot. Specific lot lines shall be defined as follows:

Lot Line, Front: The front lot line of an interior lot is the line separating the lot from the street or easement of principal access. The front lot line of a corner lot shall be the lot line of the least length abutting the street or streets, except that any street: lot line may be elected to be the front lot line for the purposes of these regulations provided it is so designed on the application for a zoning permit.

Lot Line, Rear: The rear lot line is the boundary opposite and more or less parallel to the front lot line. The rear lot line of an irregular or triangular lot shall be for the purpose of these regulations a line of not less than ten (10) feet long, lying wholly within the lot, and parallel to a farthest distance from the front lot line.

Lot Line, Side: A side lot line is any lot boundary line, not a front lot line, or a rear lot line. A side lot line separating a lot from a street line is an exterior side lot line. Any other side lot line is an interior side lot line.

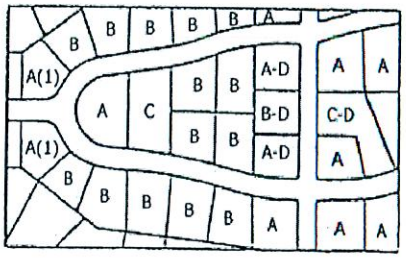
Lot Measurements:

(a) Depth of the lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

(b) Width of a lot shall be considered to be the distance between straight lines connecting the front and rear lot lines at each side of the lot, measured across the rear of the front yard required by these regulations.

Lot of Record: A lawfully created lot or parcel established by plat or deed as duly recorded by the Hamilton County Register of Deeds. (As replaced by Ord. #2013-18, Sept. 2013)

Lot Types: The diagram which follows, illustrates terminology used in these regulations with reference to corner lots, interior lots, reversed frontage lots and through lots:



In the diagram:

A = corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than 135 degrees. See lots marked A1 in the diagram.

B = interior lot, defined as a lot other than a corner lot with only one (l) frontage on a street.

C = through lot, defined as a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.

D = reversed frontage lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than 135 degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), or a through lot (C-D)

Manufactured Home (also known as a Mobile Home): A structure, transportable in one (1) or more sections, which eight (8) body feet or more in width, or forty (40) body feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein. For flood plain management purposes the terms "manufactured home" and "mobile home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For building permit purposes there shall be affixed to a factory manufactured home the appropriate State Of Tennessee certification label before same shall be considered to meet standards required for issuance of a building permit. (Amended 10 - 2004)

Manufactured Home Park or Subdivision: A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale. Manufactured Home Parks and Manufactured Home Subdivisions are prohibited in all districts within the Town. (Amended 10 - 2004)

Medically Assisted Living Facility: A group home facility not otherwise regulated or defined by this Ordinance or otherwise exempt from local regulations, where living assistance (including prescribed medical treatment) is given to the residents. (Added 10 - 2004)

Memorial Garden and Columbaria. An accessory use for a church which may dedicate a portion of church property for the sprinkling of ashes of human remains in a garden or the placement of containers of ashes of human remains as an accessory use within a garden or other structure on church property and which may provide for memorial plaques. (Added 05 - 2011)

Minimum Building Site: The minimum building site is the area bounded by the building footings and/or foundations, plus three (3) feet in all directions.

Modular Unit (Sectional or Relocatable Home): A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a single structure without carriage or hitch. The term is intended to apply to major assemblies and may not include prefabricated sub elements which are to be incorporated into a structure at the site. Such units are designed as stationary construction for placement upon permanent foundation, to be connected to utilities and may consist of one (1) or more components.

Motel: A building or group of buildings used or intended to be used for overnight occupancy by transient motorists. The primary distinction between a motel and a hotel is that the motel has parking spaces adjacent or reasonably close to each sleeping unit.

Non-conforming Use: A use that does not conform to the regulations of the use district in which it is situated.

Nursing Home: Any institution, place, building or agency where care is provided for one (1) or more non-related persons who are not acutely ill, but who do require skilled nursing care and related medical services beyond the basic provisions of food, shelter and laundry. (Added 10 - 2004)

Open Air Market: A retail market or sale operated outdoors or beneath unenclosed shelters and doing business on a continuing basis, or in excess of four (4) days in any calendar year, where inexpensive and/or second hand items and/or foodstuffs are offered for sale by one or more vendors and including all fruit or vegetable markets, flea markets, rummage sales, garage or attic sales, and similar undertakings when operated in such a manner as to fall within the limits of this definition. (Amended 4-13-92 and 10 - 2004)

Outdoor Advertising Business: Provision of outdoor displays or display space on a lease or rental basis only.

Park, Ornamental: All municipal, state, federal, and private parks designed for passive recreational uses, including, for example, but not limited to Adams Square Park, Coolidge Park, Givens Park, and Patten Park.

Parks, Recreational: All municipal, state, federal, and private parks which are primarily designed for active recreational uses.

Parking Space, Off-Street: For the purpose of these regulations, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at three-hundred (300) square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the Town.

Planned Commerce Center: A development intended to serve an entire community or region which is situated on a site not less than five (5) acres, planned and constructed as a unit and providing a variety of goods and services in stores and offices conveniently arranged with respect to one another and to off-street parking facilities provided with safe access to and from appropriate public streets.

Planned Shopping Center: A development situated on a site of not less than five (5) acres, planned and constructed as a unit and providing a variety of goods and services in stores and offices conveniently arranged with respect to one another and to off-street parking facilities provided with safe access to and from appropriate public streets.

Planned Unit Development (PUD): A completely planned residential, institutional, or multipurpose land development, professionally designed as a unit, and approved as such by the Town Council. (Amended 10 - 2004)

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. (As added by Ord. #2013-18, Sept. 2013)

Professional Office: Professional offices shall include the following uses: medical and dental offices, attorney offices, engineering, architectural and planning offices, accountant offices, and any office use which in the judgment of the Board of Zoning Appeals is similar in character, type and effect to the above uses. (Added 10 - 2004)

Public Use: All uses which are owned, leased, or otherwise maintained by a governmental entity provided that said uses are also located within the political jurisdiction of the same governmental entity.

Required Yards: The area defined by applicable setbacks. (As added by Ord. #2013-18, Sept. 2013)

Residential Home for Handicapped and/or Aged Persons: A home represented and held out to the general public as a home which accepts handicapped and/or aged persons for permanent, domiciliary care, and which provides room, board, and personal services (excluding nursing services). This facility may include up to two (2) additional persons (plus their dependents) acting as houseparents or guardians, who need not be related to each other or to any of the handicapped or aged persons residing in the facility. The term "handicapped" includes "physically handicapped" persons and "mentally handicapped" and "mentally retarded" persons who have been formally diagnosed by a licensed psychologist with competency in clinical psychology as suffering from psychiatric illness, and is receiving treatment or care for mental illness; but the term "handicapped" does not include persons who are mentally ill, and who, because of such mental illness pose a likelihood of serious harm (as defined in T.C.A. §33-604) or who have been convicted of serious criminal conduct related to such mental illness. The term "aged" usually means those persons who are sixty (60) years or older. (Added 10 - 2004)

School: An academic learning center, whether public or private, from the level of nursery through twelfth grade. (12-14-79)

Satellite Television Receiving Dish: A device commonly parabolic in shape mounted at a fixed point on the ground or roof and designed to capture television signals transmitted via satellite communications facilities and serving a function similar to a television antenna. (3-12-84)

Service Station: A building or lot where gasoline, oil, and grease are supplied and dispensed at retail to the motor vehicle trade, or where batteries, tires, and accessories are sold and installed; or where engine tuning, minor adjustments, and similar light maintenance services are provided; or where major repairs that may require removal of the engine, transmission, or differential are provided; but not including businesses offering body repairs requiring filling, grinding, or repainting. (Amended 10 - 2004)

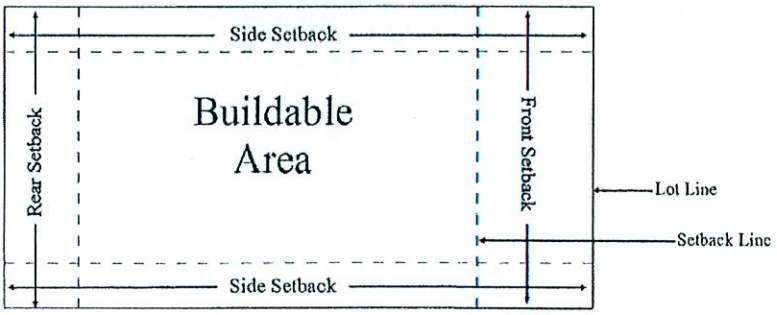
Setback: The area between the setback lines and respective lot lines that must remain unoccupied and unobstructed from the ground upward by

permanent structures. (As added by Ord. #2013-18, Sept. 2013, and replaced by Ord. #2014-01, Feb. 2014)

Setback Line, Front: A line across the full width of a lot parallel to and at the required distance from the front lot line. (As added by Ord. #2014-01, Feb. 2014)

Setback Line, Rear: A line across the full width of a lot, parallel to and at the required distance from the rear lot line. (As added by Ord. #2014-01, Feb. 2014)

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



(As added by Ord. #2014-01, Feb. 2014)

Sign: See Article XXV of this Ordinance. (Amended 10 - 2004)

Special Exception: A special exception is a use that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or general welfare. Such uses may be permitted in such zoning division or district as special exceptions, if specific provision for such special exceptions is made in these zoning regulations.

Stable, Private: A stable with capacity of not more than one (l) horse for each thirty five hundred (3500) square feet of lot area where such stable is located and where such horses are owned by the owners or occupants of the premises and are not kept for remuneration, hire, or sale.

Story: That portion of a building including between the surface of any floor and the surface of the next floor, above it, or if there is no floor above it, then the space between such floor and the ceiling next above it. In computing the

height of the building, the height of basement shall not be included if below grade.

Story, Half: A story under a gabled, hipped, or gambrel roof the wall plats of which, or at least two (2) opposite exterior walls, are not more than three (3) feet above the finished floor of such story.

Streets: Those rights-of-way dedicated to the public and accepted by the public authorities, and include highways and roads, and provide primary access to the abutting properties.

Street Line: The right-of-way line of a street.

Structure: Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, billboards, and poster panels.

Structural Alterations: Any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders.

Studio: A studio includes, in addition to other usual meanings, the processing, finishing, framing, and incidental handling of portrait, photographic and other artistic work generate by or from the premises or by persons employed in or reporting to the premises.

Townhouse: A townhouse is a single family dwelling unit attached by common walls to other similar type units, each unit having an open space for light, air, and access in front and rear. There shall be not less than two (2) nor more than ten (10) such units connected together. A townhouse must be properly connected to a public, conventional, gravity sewer system. Townhouses that are or are to be located in districts where townhouses are permitted must also meet the requirements of Section 615 (Residential Townhouse District). (Amended 10 2004)

Tract: A parcel or group of parcels of land defined and combined as a whole.

Travel Trailer: Any vehicle used, or so constructed as to permit its being used as conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, and designed for short-term occupancy for a period not to exceed thirty (30) days, for frequent and/or extensive travel, and for recreational and vacation use, including, but

not limited to, camper trucks and self-propelled campers. (Amended 10 - 2004)

Travel Trailer Camp: Any plot of land upon which two (2) or more travel trailers are located and used as temporary living or sleeping quarters. The occupants of such camps may not remain in the same trailer camp for more than ninety (90) days, consecutive or otherwise, during any three hundred sixty-five (365) day period. (Amended 10 - 2004)

Used Car Lot: Any parcel of land used in whole or in part for the display and sale of two (2) or more used automobiles. No used car lots are permitted in any district within the Town. (Amended 10 - 2004)

Utility Uses: All structures, substations, land, easements, facilities, and other property belonging to or otherwise utilized by a power generation or distribution company, a water company, telephone company, gas company, or other such entity which operates under the jurisdiction of the Tennessee Public Service Commission.

Variance: A variance is a relaxation of the terms of the zoning regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Vehicle: Any conveyance used to transport passengers or things by land, water or air. (Added 10 - 2004)

Warehouse (mini-warehouse or self-storage warehouse): A building or group of buildings in a controlled access and fenced compound that contain various sizes of individual, compartmentalized, and controlled-access stalls or lockers for the storage of customer's goods or wares. (Added 10 - 2004)

Yard: The area of a lot that surrounds a house or other principal building. (Amended 4-12- 93, and replaced by Ord. #2014-01, Feb. 2014)

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. (As replaced by Ord. #2014-01, Feb. 2014)

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. (As replaced by Ord. #2014-01, Feb. 2014)

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. (As replaced by Ord. #2014-01, Feb. 2014)

ARTICLE IV
RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

400. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply.

401. Boundaries Indicated As Following the Center Line of Streets, Highways, or Alleys shall be construed to follow such center lines;

402. Boundaries Indicated as Approximately Following Municipal or County Limits shall be construed as following such limits;

403. Boundaries Indicated as Approximately Following Railroad Lines shall be construed to be midway between the main tracks;

404. Boundaries Indicated as Approximately Following Platted Lot Lines shall be constructed as following such lines;

405. Boundaries Indicated as Following Shore Lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line;

406. Boundaries Indicated as Approximately Following the Center Lines of Streams, Rivers, Lakes, or Other Bodies of Water shall be construed to follow such center lines;

407. Boundaries Indicated as Parallel to or Extension of Features Indicated in Sections 401 through 406 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of this map.

408. Board of Zoning Appeals Shall Interpret the Zoning Maps when disputed questions of lot lines or district boundary lines or similar questions arise in the administration of the zoning regulations.

409. Where a District Boundary Divides a Lot Which Was in Single Ownership at the Time of Passage of These Regulations, the Board of Zoning Appeals may, as a special exception, permit the extension of the regulations for either portion of the lot.

ARTICLE V
APPLICATIONS OF DISTRICT REGULATIONS

501. Regulations Regarded as Minimum: The regulations set forth herein for each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly except as hereinafter provided:

502. Zoning Affects All Lands, Buildings, and Structures: No land, building, or structure shall hereinafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all the regulations herein specified for the district in which it is located.

503. 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. (As replaced by Ord. #2014-01, Feb. 2014)

504. 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. (As replaced by Ord. #2014-01, Feb. 2014)

505. 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. (As replaced by Ord. #2014-01, Feb. 2014)

ARTICLE VI
SCHEDULE OF DISTRICT REGULATIONS

600. District regulations for the Town of Signal Mountain, Tennessee, shall be as set forth in this Schedule of District Regulations, and as noted in Article VIII of these regulations, entitled, "Supplementary District Regulations."

601. District and Boundaries:

601.01 In order to regulate and limit the height and size of buildings; to regulate and limit intensity of the use of lot areas; to regulate and determine the areas of open spaces within the surrounding buildings; to classify, regulate, and restrict the location of trades and industries; and the location of the buildings designed for specified industrial, business, residential, and other uses, the Town of Signal Mountain, Tennessee, in hereby divided into districts of which there shall be eleven (11) known as:

Low Density Residential District
Moderate Density Residential District
High Density Residential District
Residential Townhouse District
Residential Estate District
Specialty Commercial District
Community Commercial District
Highway Commercial District
Office District
Planned Commerce Center District
Warehouse and Wholesale District
Planned Unit Development

601.02 The boundaries of the districts are shown upon the map accompanying these regulations and made a part thereof, and entitled "Zoning Map of Signal Mountain, Tennessee". The zoning map and all the notations, references, and other information shown thereon are a part of these regulations, and as much a part as if such information set forth on the map were all fully described and set out herein. This zoning map properly attested is on file in the office of the Town Building Inspector.

601.03 In the creation by the regulations of the respective districts, the chief legislative body of the Town has given due and careful consideration to the peculiar suitability of each and every such district for the particular regulations applied thereto, and the necessary, proper and comprehensive grouping and arrangements of the various uses and densities of population in accordance with a well considered plan for the development of the Town.

601.04 The boundaries of such districts are shown upon the map adopted by these regulations or amendment thereto are hereby adopted and approved and the regulations of these regulations governing the uses of land and buildings, the height of buildings, building site areas, the size of yards, about buildings and other matters as hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown on said map.

601.05 Where uncertainty exists as to boundaries of any district shown on said map, the following rules shall apply:

601.06 Where such district boundaries are indicated as approximately following street lines, alley lines, or lot lines, such lines shall be such boundaries;

601.07 In unsubdivided property where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map.

601.08 Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment.

602. General Regulations: Except as hereinafter provided:

602.01 No building, structure, or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located. See also Article VII.

602.03 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 m any manner contrary to the provisions of these regulations. (As replaced by Ord. #2014-01, Feb. 2014)

602.04 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. (As replaced by Ord. #2014-01, Feb. 2014)

602.05 No yard or lot existing at the time of passage of these regulations shall be reduced in size or area below the minimum requirements set forth herein. Yard or lots created after the effective date of these regulations shall meet at least the minimum requirements established by these regulations, except that lot(s) may be created that do not meet the minimum requirements established by these regulations when they are the result of the resubdivision of lot(s) of record and the newly created lot(s) are as large or larger than the previous lot(s)

602.06 Within each district, the regulations set forth in this Ordinance shall be the minimum regulations and shall apply uniformly to each class or kind of structure or land.

602.07 Every building hereafter erected shall be located on a lot fronting on a street.

602.8 Prohibited Uses and Structures: In general, any uses or structures not of a nature permitted under "Principal Uses Permitted" and "Permitted Accessory Uses and Structures" or any use or structure that is otherwise found to be not in keeping with the stated intent of these zoning regulations as to any particular Zoning District is prohibited within such Zoning District. (Added 10 - 2004)

602.9 Access to commercial, industrial or other non-residentially zoned property shall be permitted only through a non- residential zone. Access to residentially zoned or developed property may be through any other zoning district. The High Density Residential District, for purposes of access, shall be considered a non-residential district if developed with multi-family residences. (Added 10 - 2004)

603. Low Density Residential District (LDR)

603.01 Permitted Uses:

603.01.01 Single family dwellings, excluding factory manufactured homes constructed as a single self-contained unit and mounted on a single chassis. (Amended 10 - 2004)

603.01.02 Schools, day care centers or kindergartens operated by governmental units or religious organizations;
(11-11-91)

603.01.03 Parks, playgrounds, and community buildings;

603.01.04 Golf courses (driving ranges, miniature golf courses and other similar commercial operations are not permitted.); (Amended by Ord. #2013-18, Sept. 2013)

603.01.05 Fire halls and other public buildings;

603.01.06 Churches, except that a minimum buffer strip of twenty-five (25) feet is required for all side and rear yards abutting residential property. Memorial Gardens and Columbaria are permitted as an accessory use of churches in this district subject to a review by the Board of Zoning Appeals and a Special Exceptions permit from the Town Council. (Amended 05 - 2011)

603.01.07 Accessory uses and buildings customarily incidental and subordinate to the above;

603.01.08 (Deleted 10 - 2004)

603.01.09 Day care homes;

603.01.10 (Deleted 11-11-91)

603.01.11 Home Occupation (See Section 303 of this Ordinance) (Amended 10 - 2004)

603.01.12 Garage sales, estate sales, rummage sales, and flea markets involving the sale of personal property by a resident on their property. The frequency of these sales at any one address shall not exceed four (4) days in any calendar year. (4-13-92)

603.01.13 Residential Homes for Handicapped and/or Aged Persons Operated on a Commercial Basis: The Town Council may issue a Special Permit for a Residential Home for Handicapped and/or Aged Persons under the terms specified in Article XII of this Ordinance, provided that the Home shall not contain more than (8) handicapped and/or aged persons. Such a facility may include up to two (2) additional persons (plus their dependents) acting as houseparents or guardians, who need not be related to each other or to any of the handicapped or aged persons residing in the facility. Upon approval of a Special Exceptions Permit, the applicant must apply for a license for a "Residential Home for the Aged" from the Tennessee Department of Public Health; or shall apply for license for a "Boarding Home Facility", or a "Large Group Home Facility", to be submitted to the Tennessee Department of Mental Health and Substance Abuse Services, as the case may be. Prior to operating either of the above, both the Special Permit and the State License must be obtained. (Added 10 - 2004, and amended by Ord. #2013-18, Sept. 2013)

603.01.14 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 noncommercial 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. (As amended by Ord. #2013-18, Sept. 2013)

603.02 Height, Density and Area Regulations:

603.02.01 The building 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. (Amended 10 - 2004)

603.02.2 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.

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 Set back	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. (As amended by Ord. #2013-18, Sept. 2013)

603.03 Off-Street Parking Regulations:

603.03.01 Off-street parking shall be provided on the same lot as the structure or on a Low Density Residential District lot adjacent to the lot on which the structure of use is located in accordance with the following requirements: (Amended 10 - 2004)

603.03.01.01 There shall be two (2) parking spaces for each dwelling unit.

603.03.01.02 There shall be one (1) parking space for every three (3) seats in the main auditorium of churches and other public buildings.

603.03.01.03 Parking space for golf courses shall be in an amount satisfactory to the Town and approved by the Town Council.

603.03.01.04 (Deleted 10 - 2004)

603.04 (Deleted by Ord. #2013-18, Sept. 2013)
603.05 (Deleted 10 - 2004)

604 Moderate Density Residential District (MDR)

604.01 Permitted Uses:

604.01.01 Single family dwellings, excluding factory manufactured homes constructed as a single self-contained unit and mounted on a single chassis (Amended 10 - 2004)

604.01.02 Two (2) family dwellings

604.01.03 Schools, day care centers or kindergartens operated by governmental units or religious organizations. (11-11 91)

604.01.04 Parks, playgrounds, and community buildings

604.01.05 Golf courses, except driving ranges, miniature courses and other similar commercial operations

604.01.06 Fire halls and other public buildings

604.01.07 Churches, except that a buffer strip of twenty five (25) feet is required for all side and rear yards abutting residential property

604.01.08 Accessory uses and buildings customarily incidental and subordinate to the above (Amended 10 - 2004)

604.01.09 (Deleted 10 - 2004)

604.01.10 (Deleted 10 - 2004)

604.01.11 (Deleted 11-11-91)

604.01.12 Home Occupation (See Section 303 of this Ordinance) (Amended 10 - 2004)

604.01.13 Garage sales, estate sales, rummage sales, and flea markets involving the sale of personal property by a resident on their property. The frequency of these sales at any one address shall not exceed four (4) days in any calendar year. (4-13-92)

604.01.14 Residential Homes for Handicapped and/or Aged Persons Operated on a Commercial Basis: The Town Council may issue a Special Permit for a Residential Home for Handicapped and/or Aged Persons under the terms specified in Article XII of this Ordinance, provided that the Home shall not

contain more than (8) handicapped and/or aged persons. Such a facility may include up to two (2) additional persons (plus their dependents) acting as houseparents or guardians, who need not be related to each other or to any of the handicapped or aged persons residing in the facility. Upon approval of a Special Exceptions Permit, the applicant must apply for a license for a "Residential Home for the Aged" from the Tennessee Department of Public Health; or shall apply for license for a "Boarding Home Facility", or a "Large Group Home Facility", to be submitted to the Tennessee Department of Mental Health and Mental Retardation, as the case may be. Prior to operating either of the above, both the Special Permit and the State License must be obtained. (Added 10 - 2004)

604.02 Height and Area Regulations:

604.02.01 The building height of any building shall not exceed thirty-five (35) feet except that a building may exceed these requirements provided that for every 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. All residential buildings shall have a minimum of 1,250 square feet of finished livable floor space. (4-17-89) (Amended 10 - 2004)

604.2.2 The minimum lot size on a lot that will have septic tank(s) shall be determined by the number of bedrooms in the dwelling unit structure to be built on such lot in Moderate-Density Residential Districts as follows:

1, 2, or 3 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 dwelling unit structures 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. (Ord. 99-21-November 8, 1999)

604.02.03 There shall be a front setback of forty feet (40'). (As replaced by Ord. #2014-01, Feb. 2014)

604.02.04 There shall be side setbacks of fifteen feet (15'). (As replaced by Ord. #2014-01, Feb. 2014)

604.02.05 There shall be a rear setback of twenty-five feet (25'). (As replaced by Ord. #2014-01, Feb. 2014)

604.03 Off-Street Parking Regulations: Off-street parking shall be provided on the same lot as the structure or on a Moderate Density Residential District lot adjacent to the lot on which the structure of use is located in accordance with the following requirements: (Amended 10 - 2004)

604.03.01 Two (2) parking spaces for every dwelling unit

604.03.02 One (1) parking space for every three (3) seats in a main auditorium of churches, schools, and other public buildings

604.03.03 Parking space for golf courses shall be in the amount satisfactory to the Town and approved by the Town Council.

604.03.04 (Deleted 10 - 2004)

604.04 (Deleted by Ord. #2013-18, Sept. 2013)

605. High Density Residential District (HDR):

605.01 Permitted Uses:

605.01.01 Single family dwellings, excluding factory manufactured homes constructed as a single self-contained unit and mounted on a single chassis; (Amended 10 - 2004)

605.01.02 Two (2) family dwellings;

605.01.03 Schools, day care centers or kindergartens operated by governmental units or religious organizations (11-11-91);

605.01.04 Parks, playgrounds, and community buildings;

605.01.05 Golf courses, except driving ranges, miniature courses and other similar commercial operations;

605.01.06 Fire halls and other public buildings;

605.01.07 Churches, except that a buffer strip of twenty-five (25) is required for all side and rear yards abutting residential properties;

605.01.08 Apartment houses;

605.01.09 Home occupations (See Section 303); (Amended 10 - 2004)

605.01.10 Bed and breakfast establishments, except that such use shall require a special permit under the terms of Article XII of this Ordinance, and guest houses; (Amended 10 - 2004)

605.01.11 Continuing care retirement communities, except that such use shall require a special permit under the terms of Article XII of this Ordinance; (Amended 10 - 2004)

605.01.12 Accessory uses and buildings customarily incidental and subordinate to the above; (Amended 10 - 2004)

605.01.13 Day care homes;

605.01.14 (Deleted 100 - 2004)

605.01.15 (Deleted 10 - 2004)

605.01.16 (Deleted 11 - 11 - 91)

605.01.17 Cemeteries. Cemeteries shall require a special permit under the terms of Article XII of this Ordinance. Cemeteries must also comply with the following requirements:

(a) The minimum size of any tract of land intended for such use shall be twenty-five (25) acres. However, if said tract abuts or adjoins an existing cemetery it shall be one (1) acre. Memorial gardens, where human ashes are spread upon the earth, shall be excluded from any size requirement.

(b) Access and egress shall be obtained only from an arterial or collector street;

(c) There shall be a one hundred (100) foot buffer area, said buffer area should be set aside along all property lines abutting other residentially zoned land, and said buffer shall be used only for the location of trees, shrubs, fencing or other site-obscuring ornamentation, but specifically shall not be used for grave sites, interior drives, parking or service buildings; and

(d) All land intended for grave sites shall be above the elevation of the 100-Year Flood Plain.

605.01.17.1 Application Procedure for a Cemetery Special Exception:

The owner of a tract of land proposed for development as a cemetery shall apply to the Board of Zoning Appeals for a Special Exception Permit.

The applicant must submit a site plan to the Board of Zoning Appeals for the proposed development drawn at a minimum scale of one inch equals one hundred feet (1" = 100') and shall:

(a) Define the location, size, accessibility and existing zoning of the proposed site;
(b) Indicate the surrounding type of development and land use;
(c) Illustrate the proposed plan of development, including the location of all structures, parking areas and open space;
(d) Show a plan for new public streets, thoroughfares, public utility easements or other public or community uses, if such are intended as part of the development;
(e) In addition to the above, the Planning Commission or Town Council may require such other additional information as may be determined necessary to adequately review the proposed development.

605.01.17.2 The Board of Zoning Appeals shall conduct an analysis of the proposed cemetery site, which will include, but shall not be limited to, the following:

(a) A land use survey of the surrounding development;
(b) Evaluation of the probable impact of the proposed development
(c) Proposed points of access and ease if ingress and egress;
(d) The lot, yard and open space requirements.

The Board of Zoning Appeals shall hold a public meeting, and will report on its analysis of the proposed site.

605.01.17.3 The Board of Zoning Appeals shall submit its findings to the Planning Commission and Town Council for consideration and action. The recommendations of the Board of Zoning Appeals shall be accompanied by a report stating the reasons for approval or disapproval of a Special Exception Permit for a cemetery. This report is to include, but is not limited to, the following areas of concern:

(a) The probable effect on the property adjacent to the site under consideration;

(b) The consistency of the proposal with the intent and purpose of this Ordinance to promote the public health, safety, morals and general welfare;

(c) Additional requirements which are needed in order to make the development more compatible with the surrounding land use.

(d) The Town Council shall hold a public hearing on the request for the Special Exceptions Permit. The notice and publication of the public meeting shall conform to the procedures as prescribed in Article XI hereof for hearings before the Council on changes and amendments.

605.01.17.4 Special Exceptions for Existing Cemeteries:

Existing cemeteries may be expanded by a Special Exceptions Permit issued by the Town Council subject to a review and recommendation by the Planning Commission. The following criteria must be met:

(a) Ingress and egress shall be approved by the Town Engineer.

(b) All land intended for grave sites shall be above the elevation of the 100-Year Flood.

(c) For expansions of less than twenty-five (25) acres, a twenty-five (25) foot buffer shall be set aside along all property lines abutting residentially used land or residentially zoned land. Said buffer:

(1) Shall be used only for the location of trees, shrubs, fencing or other sight obscuring ornamentation;

(2) Shall not be used for grave sites, interior drives, parking, structures or buildings;

(d) For expansions of twenty-five (25) acres or more, a one hundred (100) foot buffer area shall be required, subject to the above restrictions.

605.01.17.5 Application Procedure for a Special Exceptions Permit for Expansion of an Existing Cemetery:

(a) The owner shall submit plans as required under Section 605.01.17.1.

(b) The Board of Zoning Appeals shall conduct an analysis of the request subject to the provisions of Sections 605.01.17.2 and 605.01.17.3.

(c) The Board of Zoning Appeals shall hold a public hearing to review the staff analysis and shall make a recommendation to the Town Council.

(d) The Town Council shall hold a public hearing on the request. Notice of the public hearing shall conform to the procedures prescribed in Article XI of this Ordinance.

605.1.18 Garage sales, estate sales, rummage sales, and flea markets involving the sale of personal property by a resident on their property. The frequency of these sales at any one address shall not exceed four (4) days in any calendar year. (4-13-92)

605.01.19 Residential Homes for Handicapped and/or Aged Persons Operated on a Commercial Basis: The Town Council may issue a Special Permit for a Residential Home for Handicapped and/or Aged Persons under the terms specified in Article XII of this Ordinance, provided that the Home shall not contain more than (8) handicapped and/or aged persons. Such a facility may include up to two (2) additional persons (plus their dependents) acting as houseparents or guardians, who need not be related to each other or to any of the handicapped or aged persons residing in the facility. Upon approval of a Special Exceptions Permit, the applicant must apply for a license for a "Residential Home for the Aged" from the Tennessee Department of Public Health; or shall apply for license for a "Boarding Home Facility", or a "Large Group Home Facility", to be submitted to the Tennessee Department of Mental Health and Mental Retardation, as the case may be. Prior to operating either of the above, both the Special Permit and the State License must be obtained. (Added 10 - 2004)

605.02 Height and Area Regulations:

605.02.01 The building height of any building within this zone 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 exceed forty (40) feet above the finished grade elevation across the frontage or front yard of the building as defined in the list of definitions at Section 303. (Amended 10 - 2004, and by Ord. #2012-8, Dec. 2012)

605.02.02 The minimum building site for a two (2) family dwelling shall be twenty-thousand (20,000) square feet. An additional five-thousand (5,000) square feet shall be required for each additional unit up to a total of four (4)

units. Over four (4) units shall require an additional four-thousand (4,000) square feet of ground space for each additional unit.

605.02.03 The minimum site area for a guest house or a bed and breakfast establishment shall be fifteen-thousand (15,000) square feet plus five hundred (500) square feet for each guest room in excess two (2). (Amended 10 - 2004)

605.02.04 The minimum site area for all other permitted uses shall be fifteen thousand (15,000) square feet.

605.2.5 The minimum lot size on a lot that will have septic tank(s) shall be determined by the number of bedrooms in the dwelling unit structure to be built on such lot in High-Density Residential Districts as follows:

1, 2, or 3 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 dwelling unit structures 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 as stated in Sections 605.02.02, 605.02.03, and 605.02.04 in the Signal Mountain Zoning Ordinance.

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. (Ord. No. 99-22, November 8, 1999)

605.02.06 There shall be a front setback of forty feet (40'). (As replaced by Ord. #2014-01, Feb. 2014)

605.02.07 There shall be side setbacks of fifteen feet (15'). (As replaced by Ord. #2014-01, Feb. 2014)

605.02.08 There shall be a rear setback of twenty-five feet (25'). (As replaced by Ord. #2014-01, Feb. 2014)

605.03 Off-Street Parking Regulations: Off street parking shall be provided on the same lot as the structure or on a High Density Residential District lot adjacent to the lot on which the structure of use is located in accordance with the following requirements: (Amended 10 - 2004)

605.03.01 One and one-half (1.5) parking spaces for every dwelling unit in a multi-family structure.

605.03.02 One (1) parking space for each guest room in a guest house or a bed and breakfast establishment. (Amended 10 - 2004)

605.03.03 One (1) parking space for every three (3) seats in a main auditorium for churches, schools, and other public buildings.

605.03.04 (Deleted 10 - 2004)

605.05 (Deleted by Ord. #2013-18, Sept. 2013)

606. Specialty Commercial District (SCD):

606.01 Intent: It is the intent of the Specialty Commercial District to promote, protect, and sustain the vitality of the community by allowing the development and maintenance of commercial and service enterprises which are both compatible with and complementary to residential properties within the immediate vicinity. Furthermore, it is the intent of this section that all business located within a Specialty Commercial District shall be for retail sales.

606.02 Location: Specialty Commercial Districts shall be permitted only where at least two thirds (2/3) of the street frontage of the district is situated along a major street or collector street. (Amended 10 - 2004)

606.03 Principal Uses Permitted: The following principal uses and structures may be permitted in a Specialty Commercial District.

606.03.01 Drug stores and apothecary, antiques and secondhand merchandise, bookstores, tailoring shops, camera shops, stationery stores, apparel stores, shoe stores, limited price variety stores, jewelry stores, candy nuts and confectionery shops, furniture and home furnishings, offices.

606.04 Uses Permitted as Special Exceptions by the Board of Zoning Appeals:

The following uses shall require a special permit under terms of Article XII: nurseries, florists or other related horticultural activities; open air markets. (Amended 10 - 2004)

606.05 Uses Permitted as Special Exceptions by the Town Council:
(Reserved for Future Use)

606.06 Permitted Accessory Uses and Structures: The following accessory uses and structures may be permitted in any approved Specialty Commercial District:

606.06.01 Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures, an stated and restricted above, and which do not involve operations or structures not in keeping with the intent of this section or with the character of the district, or likely (as constructed, operated, or maintained) to have an adverse effect on the character of areas surrounding the district

606.07 Prohibited Uses and Structures: The following uses and structures are found to be not in keeping with the intent of the Specialty Commercial District and are therefore specifically prohibited within any approved Specialty Commercial District.

606.07.01 (Deleted 10 - 2004)

606.07.02 The playing of music or making of announcements directly or through mechanical or electronic devices in a manner audible at any residential lot lines;

606.07.03 The sale of beer, wine, liquor, or other alcoholic beverages for consumption either on or off the premises;

606.07.04 Any business catering exclusively to an adult clientele or any use limited by law or by the proprietor so as to be available only to persons who are eighteen (18) years of age or older.

606.07.05 Theaters, dance halls, billiard rooms, or other businesses, or uses devoted primarily to entertainment;

606.07.06 Planned Commerce Center;

606.07.07 In general, any use or structure not of a nature specifically permitted under "Principal Uses Permitted" and "Permitted Accessory Uses and Structures" above.

606.08 Special Sign Limitations (Deleted 2-2-88) (See Signal Mountain Sign Ordinance)

606.08.01 (Deleted 3-14-83)

606.09 Minimum District Dimensions

Minimum size of an individual Specialty Commercial District shall be at least thirty-thousand (30,000) square feet, exclusive of public lands and/or rights of way.

606.10 Access to Site

Vehicular access shall be permitted only from major or collector streets except by special review and approval of the Board of Zoning Appeals where unusual circumstances make minor accessways from minor streets practicable without adverse effects on property along such minor streets. Pedestrian access may be permitted at any location on the site.

606.11 Minimum Yard and Landscaping Requirements; Maintenance of Visibility at Access Points; Relation of Yards to Turnout and Merging Lanes

606.11.01 A setback of forty feet (40') shall be provided along any public street or right-of-way and a twenty-five foot (25') 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 feet (5'). (As replaced by Ord. #2014-01, Feb. 2014)

606.11.02 No structure, landscaping, fences, terraces, or other natural or artificial features adjacent to any street shall be of a nature impairing visibility from or of approaching vehicular traffic where such visibility is important to safety, nor shall such features in any way create potential hazards to pedestrians. In particular, at vehicular entrances and exits, no off street parking, landscaping, or other material impediment to visibility between the height of three (3) feet and eight (8) feet shall be permitted within triangular areas defined by lines connecting points described as follows:

Beginning at a point where the midline of the entrance or exit drive intersects the public right of way, thence to a point thirty five (35) feet along the right of way in the direction of approaching traffic, thence to a point located twenty five (25) feet toward the interior of the lot (measured along the midline of the entrance of exit and thence to the point of beginning)

606.11.03 Along collector and arterial public streets, turn out lanes and merging lanes may be required by the Town Council, based on the recommendation of the Planning Commission, to be constructed on the lot, with length and width as appropriate to the flow of traffic and traffic separation devices may be required at such entrances and exits and along such merging lanes. Whether required or provided voluntarily, such turn out and merging lanes may be

included as part of the required yard adjacent to the public collector or arterial street.

606.12 Maximum Height of Structures

No structure shall exceed thirty five (35) feet in building height. (Amended 10 - 2004)

606.13 Minimum Off-street Parking and Loading Space Requirements

606.13.01 Off-street parking within any Specialty Commercial District shall be provided at a ratio of four point zero (4.0) parking spaces per thousand feet of gross leasable of usable floor area;

606.13.02 Off-street loading facilities shall be provided which do not require the use of required off street parking space during the hours when establishments in the center are open for business.

606.13.03 All off-street parking and loading space shall be subject to review and approval by the Building Inspector based upon the recommendation of the Design Review Commission and shall be so located, improved, illuminated, operated, and maintained as to provide safe and convenient circulation on the premises and to and from adjacent streets, and to minimize potential friction with adjoining residential property. (Amended 10 - 2004)

607. Community Commercial District (CCD)

607.01 Intent

It is the intent of the Community Commercial District to promote, where need exists, the clustering and development of businesses, offices, and service facilities to serve the demand for goods and services generated both by area residents and by transients traveling to or from other neighborhoods or places of employment.

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. (Amended 10 - 2004, and replaced by 2009-14)

607.03 Principal Uses Permitted

The following principal uses and structures may be permitted in any Community Commercial District:

607.03.01 Bakeries, delicatessens, meat and fish markets whose products are sold only at retail and on the premises;

607.03.02 Banks, savings and loan institutions, finance companies;

607.03.03 Barber shops, beauty shops, and health clinics;

607.03.04 Paint, glass and wallpaper, retail;

607.03.05 Electrical supplies, retail;

607.03.06 Sporting goods and bicycles, retail;

607.03.07 Studios, salons, or showrooms;

607.03.08 Shoe repair, orthopedic equipment sales and fitting;

607.03.09 Household appliances, retail;

607.03.10 Photographic services;

607.03.11 Retail laundry and dry cleaning establishments provided no flammable materials are used;

607.03.12 Nurseries, florists, and greenhouses;

607.03.13 Schools, churches, and other public and semi public buildings;

607.03.14 Furniture repair;

607.03.15 Plumbing and electrical shops, radio, and television shops, appliance repair shops, and similar workshop type uses, provided that not more than five (5) persons are employed therein;

607.03.16 Theaters;

607.03.17 Department stores;

607.03.18 Offices. (Added 10-11-99)

607.03.19 Health Spas operated by Tennessee Licensed Massage Therapists (Added 2010-11)

607.04 Uses Permitted as Special Exceptions by the Board of Zoning Appeals

The following uses and structures may be permitted as special exceptions in any Community Commercial District subject to requirements and restrictions as specified on Article XII of these regulations:

607.04.01 Funeral homes, mortuaries, and undertaking establishments (excluding crematoriums), except that such uses shall require a Special Permit under the terms of Article XII;

607.04.02 Small animal hospitals and veterinary offices;

607.04.03 Miniature golf courses and similar outdoor amusement facilities.

607.07 Special Sign Limitations: See Title 14, Chapter 5, "Signal Mountain Sign Regulations." (As replaced by Ord. #2013-18, Sept. 2013)

607.08 Minimum District Dimensions

Minimum size of an individual Community Commercial District shall be at least forty thousand (40,000) square feet, exclusive of public lands and/or rights of way.

607.09 Access to Site

Vehicular access shall be permitted only from arterial or collector streets except by special review of the Board of Zoning Appeals where unusual circumstances make minor accessways from minor streets practicable without adverse effects on property along such minor streets. Pedestrian access may be permitted at any location on the site.

607.10 Minimum Yard and Landscaping Requirements; Maintenance of Visibility at Access Points; Relations of Yards to Turnout and Merging Lanes

607.10.01 A setback of forty feet (40') shall be provided along any public street or right-of-way and a twenty-five foot (25') 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 feet (5'). (As replaced by Ord. #2014-01, Feb. 2014)

607.10.02 No structure, landscaping, fences, terraces, or other natural or artificial features adjacent to any street shall be of a nature impairing visibility from

or of approaching vehicular traffic where such visibility is important to safety, nor shall such features in anyway create potential hazards to pedestrians. In particular, at vehicular entrances and exits, no off-street parking, landscaping, or other material impediment to visibility between the heights of three (3) feet and eight (8) feet shall be permitted within triangular areas defined by lines connecting points described as follows:

607.10.02.01 Beginning at a point where the midline of the entrance or exit drive intersects the public right of-way, thence to a point thirty five (35) feet along the right-of-way in the direction of approaching traffic, thence to a point located twenty five (25) feet toward the interior of the lot (measured along the midline of the entrance or exit and thence to a point of beginning)

607.10.03 Along major public streets, turn out lanes, and merging lanes may be required to be constructed on the lot, with length and width as appropriate to the flow of traffic, and traffic separation devices may be required at such entrances and exits and along such merging lanes. Whether required by the Town Engineer or provided voluntarily, such turn out and merging lanes may be included as part of the required yard adjacent to the public collector or arterial street.

607.11 Maximum Height of Structures

No structure shall exceed thirty-five (35) feet in building height. (Amended 10 - 2004)

607.12 Minimum Off-street Parking and Loading Space Requirements

Off-street parking within any Community Commercial District shall be provided on the same lot as the structure or on a Community Commercial District lot adjacent to the lot on which the structure of use is located in accordance with the following requirements: (Amended 10 - 2004)

607.12.01 For schools and theaters there shall be one (1) space for every three (3) seats in the facilities' largest chapel or auditorium.

607.12.02 For all other structures and uses, parking shall be provided at the ratio of four point zero (4.0) spaces per thousand square feet of gross leasable or usable floor area.

607.12.03 Off-street loading facilities shall be provided which do not require the use of required off street parking spaces during hours when establishments in the district are open for business.

607.12.04 All off-street parking and loading space shall be subject to review and approval by the Building Inspector, based on the recommendations of the Signal Mountain Design Review Commission prior to issuance of building permits and shall be so located, improved, illuminated, operated, and maintained as to provide safe and convenient circulation on the premises from adjacent streets, and to minimize potential frictions with adjoining residential property.
(Amended 3-20-95)

607.13 Outdoor Storage Prohibited (Added 10 - 2004)

No outdoor storage shall be permitted.

608. Highway Commercial District (HCD):

608.01 Intent

It is the intent of the Highway Commercial District to promote the clustering and development of commercial facilities which are directly dependent upon patronage related to traffic along highways and major thoroughfares, in such a manner an to protect both the businesses and surrounding neighborhoods.

608.02 Location:

Highway Commercial District shall be located so as to utilize major street frontage, and all businesses developed within such districts shall be situated on sites so as to utilize frontage on a principal arterial for principal access. (Amended 10 - 2004)

608.03 Principal Uses Permitted

The following principal uses and structures may be permitted in any Highway Commercial District:

608.03.01 Restaurants and other establishments serving prepared food and beverages;

608.03.02 Service stations and car washes, provided that no outdoor storage of wrecked or inoperative vehicles or parts shall be permitted in this district; (Amended 10 - 2004)

608.03.03 Commercial signs, except that all signs must comply with Article XXV; (Amended 10 - 2004)

608.03.04 Grocery stores and supermarkets, including small drive-in grocery sales within enclosed structures; (Amended 4-13-98)

608.03.05 Drive-through banking facilities and drive-through automatic teller machine locations for banks, savings and loan institutions, credit unions and similar financial institutions; (Amended 10 - 2004)

608.03.06 Business supplies and business equipment sales; (Amended 4-13-98)

608.03.07 Discount department stores;

608.03.08 (Deleted 10 - 2004)

608.03.09 Gift and specialty stores; (Added 4-13-98)

608.03.10 Drugstores; (Added 4-13-98)

608.03.11 Small animal hospitals and veterinary offices, except that such uses shall require a special permit under the terms of Article XII; (Amended 4-13-98)

608.03.12 Open air markets, nurseries and garden centers, except that such uses shall require a special permit under the terms of Article XII; (Amended 4-13-98)

608.03.13 Adult-oriented establishments by special permit under the terms of Section 1200.08; subject however, to a distance restriction of more than five hundred (500) feet from the nearest boundary of any residential zone, any recreational park, place of worship, school, day care center, or other adult-oriented establishment; (Amended 4-13-98)

608.03.14 Theaters; (Added 4-13-98)

608.03.15 In general, any authorized uses and structures which are customarily incidental and subordinate to principal uses and structures, as stated and restricted above, and which do not involve operations or structures not in keeping with the intent of this district or with the character of the district, or likely (as constructed, operated or maintained) to have an adverse effect on the character of areas surrounding the district. (Added 4-13-98)

608.03.16 Offices (Added 10-11-99)

608.03.17 Facilities such as boarding, grooming, training, and similar uses for small animals (defined as household pets), except that such uses shall require a special permit under the terms of Article XII. (Added 10 - 2004)

608.03.18 Health Spas operated by Tennessee Licensed Massage Therapists. (Added 2010-11)

608.04 Uses Permitted as Special Exceptions by the Board of Zoning Appeals

(Reserved for Future Use)

608.05 Uses Permitted as Special Exceptions by the Town Council

608.05.01 Hospitals, Assisted Living Facilities. (Added 10 - 2004)

608.06 Prohibited Uses and Structures (Amended 4-13-98)
The following uses and structures are found to be not in keeping with the intent of the Highway Commercial District and are therefore specifically prohibited within any approved Highway Commercial District:

608.06.01 Outdoor playing of music or making of announcements abruptly or amplified through mechanical or electronic means in any manner audible from any adjoining residential lot line; except by Special Permit for Special Events.

608.06.02 All Planned Commerce Centers;

608.06.03 Any lumber and/or building supply establishment utilizing outdoor storage of building materials and supplies;

608.06.04 Any outdoor sales, service or display of farm equipment, marine craft and accessories sales, travel trailer sales, and/or mobile home sales; RV or ATV trailers, loading trailers, and any type of motor driven vehicle;

608.06.05 Any outdoor storage of equipment or merchandise not prohibited in this district is further limited to twenty (20%) percent of the lot square footage, excluding the area where buildings are located. Such outdoor storage shall not encroach upon the required parking area for the lot. Additional parking requirements shall also be required for any outdoor storage use. Building/structure base square footage and outdoor use = total square footage for parking requirement). Such outdoor storage areas shall be contained by a natural, sight obscuring, landscaped screen composed of at least one (1) row of evergreen trees, spaced not more than thirty (30) feet apart and which grow to a height of ten (10) feet or more after two (2) full growing seasons. A fence that is a minimum of six (6) feet high may be located behind such natural landscaped screen, i.e., such natural landscaped screen shall be on the street side and such fence shall be on the outdoor storage area side. In the case of nurseries, florist greenhouses and garden centers, all outdoor storage permitted under the space limitations of this section shall be screened on all sides, including the front, in accordance with the requirements of the two immediately preceding sentences. (Amended 10 - 2004)

608.06.06 In general, any uses or structures not of a nature permitted under "Principal Uses Permitted" or any use or structure that is otherwise found to be not in keeping with the stated intent of these zoning regulations is prohibited within the Highway Commercial District.

608.07 Special Sign Limitations (Deleted 2-2-88) (See Signal Mountain Sign Ordinance)

608.08 Minimum District Dimensions

Minimum size of an individual Highway Commercial District shall be at least forty thousand (40,000) square feet, exclusive of public lands and/or rights of way.

608.09 Access to Site

Vehicular access shall be permitted only from major or collector streets except by special permission of the Board of Zoning Appeals where unusual circumstances make minor accessways from minor streets practicable without adverse effects on property along such minor streets. Pedestrian access may be permitted at any location on the site.

608.10 Setback requirements and Landscaping Requirements; Maintenance of Visibility at Access Points; Relation of Setbacks to turnout and Merging Lanes. (As replaced by Ord. #2014-01, Feb. 2014)

608.10.01 A setback of forty feet (40) shall be provided along any public street or right-of-way and a twenty-five foot (25') 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 feet (5). (As replaced by Ord. #2014-01, Feb. 2014)

608.10.02 No structure, landscaping, fences, terraces, or other natural or artificial features adjacent to any street shall be of a nature impairing visibility from or of approaching vehicular traffic where such visibility is important to safety, nor shall such features in any way create potential hazards to pedestrians. In particular, at vehicular entrances and exits, no off street parking, landscaping or other material impediment to visibility between the height of three (3) and eight (8) feet shall be permitted within triangular areas defined by lines connecting points described as follows:

608.10.02.01 Beginning at a point where the midline of the entrance or exit drive intersects the public right of way, thence to a point thirty five (35) feet along the right of way in the direction of approaching traffic, thence to a point located twenty five (25) feet toward the interior of the lot (measured along the midline of the entrance or exit) and thence to a point of beginning.

608.10.03 Along major public streets, turn out lanes and merging lanes may be required to be constructed on the lot, with length and width as appropriate to the flow of traffic, and traffic separation devices may be required at such entrances and exits and along such merging lanes. Whether required by the Town Council or provided voluntarily, such turn out and merging lanes may be included as part of the setback adjacent to the public collector or arterial street. (As amended by Ord. #2014-01, Feb. 2014)

608.11 Maximum Height of Structures

No structure shall exceed thirty five (35) feet in height.

608.12 Minimum Off-Street Parking and Loading Space Requirements

Off street parking and loading space shall be provided on the same lot as the structure or on a Highway Commercial District lot adjacent to the lot on which the structure of use is located in accordance with the following requirements: (Amended 10 - 2004)

608.12.01 For churches there shall be one (1) space for every three (3) seats in the largest chapel or auditorium.

608.12.02 For all other permitted uses, four point zero (4.0) spaces per thousand feet of gross leasable or usable floor area.

608.12.03 Off-street loading facilities shall be provided which do not require the use of required off-street parking space during hours when establishments in the district are open for business. All off-street parking and loading spaces shall be subject to review and approval by the Building Inspector based on the recommendation of the Signal Mountain Design Review Commission and shall be located, improved, illuminated, operated, and maintained as to provide safe and convenient circulation on the premises and to and from adjacent streets, and to minimize potential friction with adjoining property. (Amended 3-20-95)

609. Office District (OD)

609.01 Permitted Uses:

609.01.01 Single family, two (2) family, and multiple family dwellings, excluding mobile homes;

609.01.02 Libraries; (11-11-91)

609.01.03 Churches, except that a buffer strip of twenty-five (25) feet is required for all side and rear yards abutting residential property;

609.01.04 Social agencies and other non commercial public and semi public uses;

609.01.05 Commercial parking lots, except that such uses shall require a special permit under the terms of Article XII;

609.01.06 Professional, medical or dental offices and clinics;

609.01.07 Laboratories and research centers not objectionable because of odor, dust, noise, or vibration;

609.01.08 Offices;

609.01.09 Public parks and playgrounds;

609.01.10 Home occupations (See Section 303); (Amended 10 - 2004)

609.01.11 Drug stores, restaurants, and snack bars in office buildings and provided that such uses are incidental and complimentary to professional office functions on the premises;

609.01.12 Fraternal, professional or hobby clubs except that such uses shall require a special permit under the terms of Article XII;

609.01.13 Hospitals and nursing homes except that such uses shall require a special permit under the terms of Article XII;

609.01.14 Funeral homes except that such uses shall require a special permit under the terms of Article XII;

609.01.15 Accessory uses and buildings;

609.01.16 Day care homes;

609.01.17 (Deleted 11-11-91)

609.01.18 Schools, daycare centers or kindergartens operated by governmental units or religious organizations (11-11- 91)

609.01.19 Schools, day care centers or kindergartens, except those operated by governmental units or by religious organizations; except that such uses shall require a special permit under the terms of Article XII of these regulations. (11-11-91)

609.01.20 Small animal hospitals except that such uses shall require a special permit under the terms of Article XII.

609.02 Height and Area Regulations

609.02.01 The building 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. (Amended 10 - 2004)

609.02.02 The minimum building site area shall be fifteen-thousand (15,000) square feet plus five thousand (5,000) square feet for each dwelling unit over one (1). Guest houses and bed and breakfast establishments, shall have a minimum of fifteen thousand (15,000) square feet plus five hundred (500) square feet for each guest room over (2). All other uses shall have a minimum of fifteen thousand (15,000) square feet. The minimum frontage shall be one hundred (100) feet. (Amended 10 - 2004)

609.02.03 There shall be a front setback of forty feet (40'). (As replaced by Ord. #2014-01, Feb. 2014)

609.02.04 There shall be side setbacks of fifteen feet (15'). (As replaced by Ord. #2014-01, Feb. 2014)

609.02.05 There shall be a rear setback of twenty-five feet (25'). (As replaced by Ord. #2014-01, Feb. 2014)

609.02.06 A buffer strip of twenty-five (25) feet is required for all side and rear yards abutting residential property.

609.03 Off Street Parking Regulations

Off street parking shall be provided on the same lot as the structure or on an Office District lot adjacent to the lot on which the structure of use is located and in accordance with the following requirements. (Amended 10 - 2004)

609.03.01 One and one half (1 1/2) parking spaces for every dwelling unit.

609.03.02 For public uses or other uses with a chapel or auditorium one (1) space for every three (3) seats in the main auditorium.

609.03.03 For hospitals and nursing homes one (1) space for every three (3) beds.

609.03.04 For all other permitted uses one (1) space for every two hundred (200) square feet of usable floor area, excluding all service areas such as halls and stairways.

609.04 Special Exceptions for an Institutional Planned Unit Development

Flexibility in the arrangement of institutional and related uses may be permitted by the Town Council as special exceptions in individual yard requirements to provide for college and university owned facilities, offices, professional and medical buildings, and other institutional structures, except that such use or uses shall require a special permit under the terms of Article VI, Section 613 of these regulations.

609.05 Special Sign Limitations (Deleted 2-2-88) (See Signal Mountain Sign Ordinance)

609.06 Outdoor Storage Prohibited (Added 10 - 2004)

No outdoor storage shall be permitted.

610. Planned Commerce Center District (PCCD)

610.01 Intent

It is the intent of thin section to promote the development of planned commerce centers which are complementary and appropriate to the surrounding neighborhood and in keeping with the general plan of the community, and subject to such other conditions and safeguards as may be established to assure, insofar as possible, that the development will protect and enhance the value of surrounding property, in addition to fulfilling a public need of the community or region.

610.02 Location

Planned Commerce Center Districts shall be permitted only if they have at least four hundred (400) feet of frontage on major streets or principal arterials. (Amended 10 - 2004)

610.02.01 Included within or adjacent to areas zoned for office or commercial use (provided that such areas shall be considered adjacent if separated only by a street or alley) or;

610.02.02 Separated from other commercial districts and from other Planned Commerce Center Districts by a distance of at least one half (1/2) mile, measured along principal routes of travel.

610.03 Principal Uses Permitted

The following principal uses and structures may be permitted in any Planned Commerce Center District:

610.03.01 Department stores, supermarkets; drug stores; bakeries; meat markets; delicatessens; liquor stores subject to licensing provisions or other governmental regulations of the town; hardware; paint and wallpaper stores, camera shops, florist shops; gift shops; hobby shops; stationery stores; apparel stores; shoe stores; variety stores; jewelry stores; stores for sale of gardening supplies and equipment; radio and television stores; music stores; pet stores; subject to all health and humane regulations of the government; small animal hospitals, without outside kennels or runs for animals and veterinarian offices subject to the requirements and restrictions as specified in Article XII of these regulations. (7-10-89)

610.03.02 Eating and drinking establishments;

610.03.03 Barber shops; beauty shops; cleaning and laundry agencies without major processing on the premises and establishments with coin operated equipment for laundry and dry cleaning; shoe repair shops; repair establishments for household articles and appliances; service stations and repair garages for the repair and testing of internal combustion engines provided that such uses shall be located in a separate structure at least one-hundred and fifty (150) feet from the principal structure or grouping of structures which comprise the principal development, and at least one hundred fifty (150) feet from any use of a non-similar nature. (Amended 10 - 2004)

610.03.04 Offices; studies; medical and dental clinics; banking facilities;

610.04 Uses Permitted as Special Exceptions by the Board of Zoning Appeals:

Open air markets except that such uses shall require a special permit under terms of Article XII (3-11-91)

Small animal hospitals, without outside kennels or runs for animals and veterinarian offices subject to the requirements and restrictions as specified in Article XI of these regulations. (7-10-89)

610.05 Uses Permitted as Special Exceptions by the Town Council:

(Reserved)

610.06 Permitted Accessory Uses and Structures

The following uses and structures may be permitted in any approved Planned Commerce Center District:

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures, as stated and restricted above, and which do not involve operations or structures not in keeping with the character of the planned shopping center, or likely (as located, constructed, operated, or maintained) to have an adverse effect on the character of the areas surrounding the shopping center. It is specifically provided that garbage and trash, unless kept in principal buildings, shall be kept in containers in accessory structures, and that neither the containers nor loose garbage or trash shall be visible from residential areas, from portions of the premises customarily open to customer, pedestrian or automotive traffic, or from public ways.

610.07 Prohibited Uses and Structures:

The following uses and structures are specifically prohibited in any approved Planned Commerce Center District

610.07.01 The production or manufacture of goods other than those intended for sale at retail on the premises;

610.07.02 The sale of food or drinks for consumption in automobiles on the premises;

610.07.03 Open air markets, except that such uses shall require a special permit under terms of Article XII; (Amended 10 - 2004)

610.07.04 Outdoor storage; (Added 10 - 2004)

610.07.05 In general, any use or structure not of a nature specifically permitted under "Principal Uses Permitted" and "Permitted Accessory Uses and Structures" above.

610.08 Special Sign Limitations: (Deleted 2-2-88) (See Signal Mountain Sign Ordinance)

610.09 Minimum District Dimensions:

Minimum width of the district shall be four hundred (400) feet, minimum area, five (5) acres. No such district shall be divided by any public street. In addition to these minimum requirements, the district shall be of such size, shape, and location as to enable development of well organized commercial facilities with proper access, ingress, egress, off street parking and loading space, and other requirements.

610.10 Greenbelt:

A Planned Commerce Center District shall be screened on all side yards and rear yard lot lines adjoining a residential zone by one of the methods given below, as selected by the owner.

610.10.01 A greenbelt planting strip, not less than twenty five (25) feet in width.

610.10.01.01 Such greenbelt shall be composed of at least one (1) row of deciduous and/or evergreen trees spaced not more than thirty (30) feet apart and which grow to a height of ten (10) feet or more after two (2) full growing seasons.

610.10.01.02 Natural vegetation can be retained if it meets the intent of this section, or supplemented to meet the intent of this section.

610.11 Minimum Off-Street Parking and Loading Space Requirements:

Off-street parking and loading space shall be provided on the same lot as the structure or on a Planned Commerce Center District lot adjacent to the lot on which the structure of use is located in accordance with the following requirements:

610.11.01 One and one-half (1 1/2) parking spaces for every dwelling unit.

610.11.02 For all other permitted uses, one (1) space for every two hundred (200) square feet of usable floor area, excluding all service areas such as halls and stairways.

610.11.03 Off-street loading facilities shall be provided which do not require the use of required off street parking space for business. All off street parking and loading spaces shall be subject to review and approval by the Building Inspector based on the recommendation of the Signal Mountain Design Review Commission and shall be so located, improved, illuminated, operated and maintained as to provide safe and convenient circulation on the premises and to and from adjacent streets, and to minimize potential friction with adjoining property. (12-14-79) (3-20-95)

610.12 Maximum Height of Structure (Added 4-13-98)

No structure shall exceed thirty-five (35) feet in building height. (Amended 10 - 2004)

610.13 Minimum Setback Requirements.

A setback of forty feet (40') shall be provided along any public street or right-of-way. A setback of twenty-five feet (25') 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 feet (5'). (Added 4-13-98, and replaced by Ord. #2014-01, Feb. 2014)

611. Warehouse and Wholesale District (WWD):

611.01 Use Regulations:

611.01.01 The following uses shall be permitted: Warehousing (including mini-warehouses and self-storage warehouses), wholesaling, retail office space, and retail sales, and repacking.

611.02 Height and Area Regulations:

611.02.01 The building 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; (Amended 10 - 2004)

611.02.02 There is no minimum building site area;

611.02.03 There shall be a front setback of forty feet (40); (As replaced by Ord. #2014-01, Feb. 2014)

611.02.04 There shall be side setbacks of fifteen feet (15') except where the permitted use joins a residential zone, then the side setback shall be twenty five feet (25'); (As replaced by Ord. #2014-01, Feb. 2014)

611.02.05 There shall be a rear setback of fifty feet (50') where the rear yard abuts a residential zone; (As replaced by Ord. #2014-01, Feb. 2014)

611.02.06 No site shall be covered with building to an extent greater than sixty-five (65) percent of the area of said site.

611.03 Off-Street Parking Regulations:

Off-street parking and loading space shall be provided on the same lot as the building or on a Warehouse and Wholesale District lot adjacent to the lot on which the building is located in accordance with the following: (Amended 10 - 2004)

611.03.01 One (1) auto parking space for each person employed on the largest shift;

611.03.02 One (1) auto parking space for each two hundred (200) square feet of office floor area;

611.03.03 There shall be three (3) square feet of parking space for every one (1) square foot of retail sales or display floor area;

611.03.04 One (1) off street loading space per ten thousand (10,000) square feet of floor space or fraction thereof used for industrial or commercial purposes, such space to be approved by the Signal Mountain Design Review Commission (3-20-95)

611.03.05 No parking or drives shall be permitted within twenty-five (25) feet of a residential zone;

611.03.06 Truck doors or loading docks fronting on a street shall be not less than seventy five (75) feet from said street;

611.04 General Provisions:

611.04.01 No materials, supplies, or equipment excepting trucks and passenger autos shall be stored in any area on the lot, except inside a closed building;

611.04.02 The total area of identifying signs shall not exceed forty (40) square feet;

611.04.03 No free-standing signs shall be permitted within twenty five (25) feet of a residential zone;

611.04.04 Directional signs shall be permitted for customer convenience, not exceeding two (2) square feet;

611.04.05 Signs illuminated by exposed tubes, bulbs, or similar exposed light sources shall be prohibited;

611.04.06 Exterior spot lighting or other illumination of structures shall be directed away from adjoining residential zones;

611.04.07 Any use described in Section 611.01.01 shall be screened with a natural, sight obscuring, landscaped screen on all sides, including the front, in accordance with the following requirements:

611.04.07.01 A greenbelt planting strip, not less than twenty-five (25) feet in width. Such greenbelt shall be composed of at least one (1) row of evergreen trees, spaced not more than thirty (30) feet apart and which grow to a height of ten (10) feet or more after two (2) full growing seasons. Natural vegetation can be retained if it meets the requirements of this section, or is supplemented to meet the requirements of this Section. (Amended 10 - 2004)

611.04.08 No outdoor storage shall be permitted. (Amended 10 - 2004)

612. (Deleted 10 - 2004)

613. Planned Unit Development (PUD)

613.01 Purpose:

The purpose of the Planned Unit Development (sometimes hereinafter referred to as PUD) is intended to provide the rules and regulations through which tracts of land may be developed through an overall unified approach rather than the traditional lot-by-lot treatment afforded to other districts in this chapter. It is intended to provide a maximum of design freedom in order to create a better living environment, by making the best use of topography and land features and by permitting the developer an opportunity to more fully utilize the physical characteristics of the site through the reduction of lot sizes, the flexibility of setback and bulk restrictions and the planned mixing of uses. Through the requirements of a development plan, it is the intent that property under this section will be developed through a unified design providing continuity between the various elements and ultimately leading to a better environment.

613.02 Objectives and Size Requirements

(A) Objectives. The Town Council may, upon proper application, adopt a resolution permitting a Planned Unit Development to facilitate the use of flexible techniques of land development and site design by providing relief from requirements designed for conventional developments. In return for greater flexibility in site design requirements, Planned Unit Developments are expected to deliver exceptional quality community designs that:

(1) Preserve environmental resources;
(2) Provide exceptional open space amenities;
(3) Incorporate creative design in the layout of buildings, open space and circulation;
(4) Assure compatibility with surrounding land uses and neighborhood character;
(5) Provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure; and
(6) Facilitate a development pattern more in harmony with the policies and objectives of Town Land Use Plan.

(B) Minimum Size Requirements. The minimum required site acreage for a Residential PUD shall be five acres, unless the Town Council finds that one or more of the following conditions exist:

(1) That an unusual physical or topographic feature of importance to the area as a whole exists on the site or in the surrounding area that will contribute to and be protected by the Planned Unit Development;
(2) That the property or the surrounding area has a historic character of importance to the community that will be protected by the Planned Unit Development;
(3) That the proposed Planned Unit Development is adjacent to a previously approved Planned Unit Development and will contribute to the amenities and values of the neighboring Planned Unit Development;
(4) That the Planned Unit Development is located in an area being redeveloped and will implement the policies of an adopted plan, including, but not limited to the Land Use Plan, a specific area plan, or redevelopment plan; or
(5) That due to additional screening, buffering, transitional uses or other design features, the proposed Planned Unit Development would provide better protection to existing or proposed uses of surrounding property that would otherwise be provided by a conventional development.

613.03 Coordination with Zoning Districts.

(A) Residential Planned Unit Developments shall be permitted in all districts.

(B) Planned Unit Developments may be constructed subject to the standards and procedures set forth below:

(1) Except as expressly modified by the Town Council by approval of an Outline Plan, a Planned Unit Development shall be governed by the regulations of the zoning district or districts in which the PUD is located;

(2) Outline Plan approval for the PUD may provide for such exceptions from the zoning district regulations governing use, area, setback, loading, width, setbacks and other bulk regulations, parking, other design features and such subdivision regulations as may be necessary or desirable to achieve the objectives of the proposed Planned Unit Development, provided such exceptions are consistent with the standards and criteria contained in this section and have been specifically requested in the application for a Planned Unit Development; provided, however, no modification of the district requirements or subdivision regulations may be allowed when such proposed modification will result in:

(a) Inadequate or unsafe access to the Planned Unit Development;

(b) Traffic volume exceeding the anticipated capacity of the proposed major street network in the vicinity;

(c) An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the Planned Unit Development;

(d) An undue detrimental effect upon surrounding properties;

(e) A development which will be incompatible with the purposes of this section and goals of the Town's Land Use Plan, design guidelines or other applicable regulations or guidelines.

(3) Such exceptions shall supersede any conflicting subdivision regulations and zoning district restrictions in which the Planned Unit Development is located; provided, however, in no case shall the uses be varied, except as herein provided. All setbacks abutting private properties along the Planned Unit Development shall not be less than those allowed in the zoning district in which the Planned Unit Development is located unless specifically provided for in the Planned Unit Development conditions. In the absence of an express condition of the Planned Unit Development, the applicable ordinances and regulations of the Town will apply.

613.04 Coordination with Subdivision Regulations.

(A) The Planned Unit Development shall comply with the provisions of the subdivision regulations with the exception of those described in (B) below.

(B) The uniqueness of each proposal for a Planned Unit Development requires that specifications for the width and surfacing of streets, public ways, public utility rights-of-way, curbs and other standards be subject to modification from the specifications established in the subdivision regulations adopted by the Planning Commission and New Street Criteria adopted by the Town Council. Modifications to such specifications may be approved only after review by the Planning Commission and approval of the Town Council.

(C) The development plans for Planned Unit Developments must be submitted in a form consistent with the requirements of the subdivision regulations.

(D) The requirements for both this section of this chapter and those of the subdivision regulations shall apply to all Planned Unit Developments and all actions of the Town Council pertaining to Planned Unit Developments shall be made by resolution following a recommendation by the Planning Commission.

613.05 General Standards and Criteria.

(A) The Town Council shall initially approve a PUD by approving an Outline Plan by resolution upon written findings and recommendations of the Planning Commission which shall be forwarded to the Town Council pursuant to the provisions contained in this section.

(B) General review criteria. The following general review criteria shall be used in evaluating requests and establishing conditions for a Planned Unit Development:

(1) Consistency with plan. The proposed Planned Unit Development must be in agreement with the adopted Land Use Plan and any adopted Area Plan for the town.

(2) Physical characteristics of the site and relation to surrounding property. The tract shall be suitable, or it shall be possible to make the tract suitable for development in the manner proposed without hazard to persons or property, on or off the tract, free from the probability of erosion, subsidence, flood hazard, destruction of wetlands or other dangers. Conditions of soil, drainage, and topography shall all be appropriate to both type and pattern of use intended.

(3) Relation to public utilities, facilities and services. A Planned Unit Development shall be so located in relation to transportation systems, sanitary sewers, emergency services, public safety, water lines, storm and surface drainage systems, and other utilities systems and installations that services can reasonably be expected to be available

at the time of development and such services are adequate to serve the proposed development.

(4) Access to major transportationfacilities. A Planned Unit Development, where appropriate because of the size or density of the proposed development, shall be so located with respect to expressways, arterial and collector streets or mass transit facilities, and shall be so designed, as to provide access to and from such districts without creating excessive traffic along local streets in residential neighborhoods outside the development.

(5) Compatibility. A Planned Unit Development shall be located and designed so as to minimize the negative effects of external impacts resulting from factors such as land use, traffic, noise, or lights. Project control shall be accomplished through buffering, architectural design, architectural compatibility, site design, height limitations, land use restrictions, and density limitations.

(a) The design of a Planned Unit Development should reflect an effort by the developer to plan land uses within the Planned Unit Development so as to blend harmoniously with adjacent land uses.

(b) Architecture and building materials shall be consistent within the design of the development and compatible with surrounding properties and/or adjacent neighborhoods.

(6) Transitions. A Planned Unit Development district shall be responsive to the character of surrounding properties and the existing neighborhood area. When located in an area where land use types and/or densities vary, the Planned Unit Development shall be designed in such a manner as to provide for gradual changes in density.

(7) Relationship to adjacent property. A Planned Unit Development shall include additional screening, buffering, transitional uses or other design features, as necessary, to adequately protect existing or proposed uses of surrounding property, and shall provide functional and logical linkages to activity centers and circulation facilities on such adjacent property.

(8) Natural and historic f eatures, conservation and preservation areas. Planned Unit Development districts shall be designed to preserve the natural features of the land and historic resources, such as existing trees, natural topography, and archaeological and historic sites, as much as possible.

(9) Density. Density shall not exceed maximums established in the underlying zoning district.

(10) Height. The building 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.

(11) Fences and screening. Fences or vegetative screening at the periphery of a Planned Unit Development shall be provided to protect occupants from undesirable views, lighting, noise or other off-site influence, or to protect occupants of surrounding areas from similar adverse influences. When an adjacent development is of either similar use or density, such screening is not required.

(12) Environmental Conservation. Planned Unit Development districts shall provide environmental enhancements, such as Leadership in Energy & Environmental Design (LEED) certification from the U.S. Green Building Council, to promote sustainable building design and construction including but not limited to, sustainable neighborhood development, sustainable site development, green roofs, water savings, energy efficiency, materials selection, and indoor environmental quality.

(C) Homeowner associations or some other responsible party shall be required to maintain all common property and open space and/or common elements, unless accepted by the Town.

613.06 Additional Provisions.

The following general provisions shall apply to any Planned Unit Developments created by resolution by the Town Council:

(A) Application for Planned Unit Development required. Each application for a Planned Unit Development shall be submitted in accordance with requirements of these regulations and the requirements set forth in the Subdivision Regulations. Variances to the requirements of both regulations may be granted upon review and recommendation of the Planning Commission and approval by the Town Council.

(B) Waiver of Board of Zoning Appeals action. No action of the Board of Zoning Appeals shall be required in the approval of a Planned Unit Development.

(C) Ownership and division of land. No tract of land may be considered for or approved as a Planned Unit Development unless such tract is under the single ownership of a landowner. For the purpose of this section, a landowner may be a person, partnership, corporation, association or any other legal entity entitled to own property. The holder of a written option to purchase, a party purchaser to a contract for the sale of real property contingent upon the success of a PUD application for the property or any governmental agency shall be considered landowners for the purpose of this section. Unless

otherwise provided as a condition of approval of the PUD, the landowner of an adopted PUD may divide and transfer parts of such development. The Outline Plan shall control the development of any part of a PUD that is subdivided, sold, or leased. No development may be undertaken in any part of the PUD that is subdivided, sold, or leased that will violate the Outline Plan for the PUD.

(D) Professional design.

(1) The Planning Commission shall not consider any development plan for any proposed Planned Unit Development, nor shall the Town Council approve any Outline Plan for a proposed Planned Unit Development unless such proposed plan includes a certification that the services of one or more design professionals were used in the preparation of the Outline Plan in addition to a licensed civil engineer.

(2) An Outline Plan shall be ce1tified that in addition to a licensed civil engineer, the services of one or more of the following professionals were used in the design and planning process:

(a) An urban planner who has the education and experience to qualify for membership in a recognized professional planning association;

(b) A practicing landscape architect licensed by the State of Tennessee;

(c) A practicing architect licensed by the State of Tennessee.

(3) A final site plan or subdivision plat shall certify that the series of one of the professionals indicated in subsections (a), (b) or (c) were used in the preparation of the final plan/plat.

(E) Phasing, inactive Planned Unit Developments and time extensions. The expeditious construction of any Planned Unit Development authorized under these provisions shall be undertaken to assist in the assurance of the completion of the development in accordance with the approved Outline Plan and subsequent approved plans.

(1) Phasing of development. The Town Council may elect to permit the development of the Planned Unit Development in phases, in which case, the following provisions shall be complied with:

(a) Any phasing of a Planned Unit Development shall be approved by Resolution of the Town Council during the Planned Unit Development review process and shall be sufficient in terms of size and scope in order for the phase to exist as a "stand alone" project, in the event the applicant does not implement subsequent phases of the Planned Unit Development as proposed and approved.

(b) Each phase shall be designed and sequenced to ensure that the impacts of the development upon the surrounding community and properties will not be detrimental or a deterrent to further development of the community and adjacent properties.

(c) The commencement of actual construction of any phase of the Planned Unit Development shall be governed by the provisions of this chapter.

(2) Inactive Planned Unit Developments.

(a) If a preliminary subdivision plat or preliminary site plan has not been acted upon by the Planning Commission within one year of the approval by resolution of the Outline Plan by the Town Council; or if a final subdivision plat or final site plan has not been acted upon by the Planning Commission with one year of the approval of the Planning Commission's approval of a preliminary subdivision plat or preliminary site plan; or if the development contract is not approved and executed within three years following final subdivision plat or final site plan approval; or at any time the Planned Unit Development or any phase of the Planned Unit Development has not been developed according to a schedule; the Planning Commission shall give notice by certified mail to the owner and applicant who requested the Planned Unit Development and shall schedule a public hearing to take any of the following actions:

1. Recommend extending, removing, or modifying the schedule for development;

2. Recommend amendments to the Outline Plan;

3. Recommend revocation of the Planned Unit Development; and/or

4. Recommend rezoning of the property to its former zoning classification.

(b) After receiving the Planning Commission's recommendation(s), the Town Council shall hold a public hearing and render a decision.

(3) Time extension for Outline Plans. The owner and applicant who requested the Planned Unit Development may request an extension of the Outline Plan in one year increments. Approval of any time extension is at the discretion of the Planning Commission; however, the total time extension shall not exceed two years without re-approval being granted by the Town Council. When considering approval of a time extension, the Planning Commission may recommend the Outline Plan be modified to comply with regulations adopted since the Planned Unit Development was approved and/or to address changes to surrounding properties since the Planned Unit Development was approved.

(F) Common open space and public facilities. The requirements of common open space and public facilities shall be in accordance with the provisions of this section.

(1) Common open space must be usable for recreational purposes or must provide visual, aesthetic environmental amenities. The uses authorized for the common open space must be appropriate to the scale and character of the Planned Unit Development considering its size, density, expected population, topography and the number and type of structures to be provided.

(2) Common open space must be suitably improved for its intended use, but open space containing natural features worthy of preservation may be left unimproved. Any buildings, structures and improvements to be located in the common open space must be appropriate to the uses which are authorized and must conserve and enhance the amenities of the common open space having regard to its topography and the intended function of the common open space.

(3) The development phasing sequence which is part of the Outline Plan must coordinate the improvements of the common open space, the construction of the buildings, structures and improvements in the common open space, the construction of public improvements and the construction of residential dwellings in a planned residential development, but in no event shall occupancy permits for any phase

be issued unless and until the open space which is part of that phase has been dedicated or conveyed and improved.

(4) No common open space of a planned residential development shall be conveyed or dedicated by the developer or any other person to any public body, homeowner's association or other responsible party unless the Planning Commission has determined that the character and quality of the tract to be conveyed make it suitable for the purpose for which it was intended. The Planning Commission may give consideration to the size and character of the dwellings to be constructed within the planned residential development, the topography and existing trees, the ground cover and other natural features, the manner in which the open space is to be improved and maintained for recreational or amenity purposes and the existence of public parks or other public recreational facilities in the vicinity.

(5) All land shown on a plan as common open space may be either:

(a) Conveyed to a public body, if the public body agrees to accept conveyance and to maintain the common open space and any buildings, structures or improvements which have been placed on it; or

(b) Conveyed to an organization for ownership and maintenance subject to the following:

1. The Planning Commission and the Town Council may require that the landowner provide for and establish an organization for the ownership and maintenance of any common open space and such organization shall not be dissolved nor shall it dispose of any common open space, by sale or otherwise, (except to an organization conceived and established to own and maintain the common open space), without first offering to dedicate the same to the Town of Signal Mountain. It shall be the prerogative of the Town Council whether or not to accept it such space.

2. In the event that the organization established to own and maintain common open space or any successor organization shall at any time after the establishment of the Planned Unit Development fail to maintain the common open space in reasonable order and condition in accordance with the adopted final subdivision plat or final site plan (if required), the Town may serve written notice upon such organization and/or the owners or residents of the Planned Unit

Development and hold a public hearing. After 30 days when the deficiencies of maintenance are not corrected, the Town shall call upon all the owners of property within the PUD to maintain the common open space, and, in default thereof, the Town may maintain same;

3. The cost of such maintenance by the Town shall be assessed severally and proportionally against the properties within the Planned Unit Development that have a right of enjoyment of the common open space and shall become a lien on the properties;

4. If the common open space is deeded to a Homeowners' and/or Property Owners' Association, the developer shall file with the Planning Commission a declaration of covenants and restrictions that will govern the association. Such declaration shall be submitted with the application for preliminary subdivision plan or preliminary site plan approval (if applicable). The Town Attorney will review the documentation as to form prior to Planning Commission approval. The provisions shall include, but not be limited to the following:

   a. The Association must be set up before the properties are sold;

   b. Membership must be mandatory for each buyer and any successive buyer;

   c. The open space restrictions must be permanent, not just for a period of years;

   d. The Association must be responsible for liability insurance, local taxes and the maintenance of recreational and other facilities;

   e. Homeowners/property owners must pay their prorated share of the cost of the assessment levied by the association to meet changed needs;

(6) The Planning Commission and the Town Council may, as a condition of approval, require that suitable areas for streets, public rights-of-way, schools, parks and other public areas be set aside, improved and/or dedicated for public use.

(G) Security requirements for improvements. Adequate security shall be furnished and filed with the Town of Signal Mountain for private and public improvements in accordance with the applicable provisions of the Subdivision Regulations and Zoning Ordinance. The security shall ensure completion of all improvements, including, but not limited to public site improvements, streets, surface and subsurface drainage, water lines, sewer lines, parking areas, landscaping, planting and screening, as recommended by the Town Engineer.

(H) Development contract. After a final subdivision plat or final site plan (if required) is approved by the Planning Commission, the developer, and owner, if different from the developer, must enter into a development contract with the Town of Signal Mountain Town Council relative to all required improvements which shall reference the timing and construction of all required improvements by the developer.

(I) Relation to utilities and public facilities. The Planned Unit Development shall be so located in relation to sanitary sewers, water lines, storm and surface drainage systems and other utilities systems and installations that neither extension nor enlargement of such systems will be required in manner, form, character, location, degree, scale or timing resulting in higher net public cost or earlier incursion of public cost than would development in a form generally permitted in the area. The Planned Unit Development shall be so located with respect to schools, parks, playgrounds and other public facilities required so as to have access in the same degree as would development in a form generally permitted in the area.

(J) Relation to major transportation facilities. The Planned Unit Development shall be so located with respect to major streets and highways or other transportation facilities as to provide direct access to such districts without creating traffic along minor streets in residential neighborhoods outside such districts.

(K) Vehicular movement and standards. The street design of any PUD shall include a clearly defined hierarchical street system. Streets, drives and parking must provide a safe and convenient access to dwelling units and project facilities and for service and emergency vehicles. Streets will not be laid out as to encourage outside traffic to traverse the development on minor streets or occupy more land than is required to provide access as needed or create unnecessary fragmentation of the development into small tracts. In general, tract sizes shall be the maximum consistent with use, shape of the site and for the convenience and safety of the occupants.

(1) Vehicular access to other streets from off-street parking and service areas shall be combined, limited, located, designed and controlled as to channel traffic to and from such areas conveniently, safely and in a manner which minimizes marginal traffic friction and promotes free traffic flow on streets without excessive interruptions.

(2) Principal vehicular access points shall be designed to permit smooth traffic flow with controlled turning movements and minimum hazards to vehicular or pedestrian traffic. Minor streets within PUDs shall not be connected to streets outside the development in such a way as to encourage their use by through traffic.

(L) Pedestrian and Bicycle movement.

(1) Access for pedestrians and bicyclists shall be arranged to provide safe, convenient routes and need not be limited to the vehicular access points. To the maximum extent feasible, plans for proposed developments shall separate movement of pedestrians from movement of vehicles and bicycles, and protect bicyclists from conflicts with vehicles.

(2) In crosswalks and other areas where complete separation of movement of pedestrians from movement of vehicles and bicycles is not possible, plans shall minimize potential hazards by using special paving, grade separations, pavement parking, signs, striping, bollards, median refuge areas, traffic calming features, landscaping, lighting, or other means to clearly delineate pedestrian areas for both day and night use.

(M) Comprehensive sign policy. The developer shall submit a proposed comprehensive signage policy as part of the Planned Unit Development outline plan. The proposed sign policy shall be consistent with the Town's adopted sign ordinance and design guidelines (Title 14, Chapters 4 & 5) and shall be reviewed and approved by the Design Review Commission. The Manual on Uniform Traffic Control Devices shall regulate traffic control signage.

(N) Site planning.

(1) Site planning within any PUD shall provide for the protection of the development from potentially adverse surrounding influences and shall also provide for the protection of surrounding areas from potentially adverse influences within the development, including, but not limited to area storm water management plans, hydrological

studies, water and wastewater facilities, streets, noise and other environmental consideration.

(2) All reports and plans shall be submitted to the Town Manager for review and approval and shall be made a part of the final site plan.

(3) Site plans shall provide for safe, efficient, convenient and harmonious grouping of structures, uses and facilities and for the appropriate relation of space, inside and outside buildings to intended uses and structural features.

613.07 Specific Standards and Criteria for Residential Planned Unit Developments.

In addition to the general standards and general provisions set forth above, Residential Planned Unit developments shall comply with the requirements and standards which follow:

(A) Permitted. Within the residential Planned Unit Development, the following uses are permitted subject to review of the Planning Commission and approval of the Town Council.

(1) Any permitted use, accessory use or conditional use allowed in any residential district.

(B) Accessibility of site. All proposed streets and driveways shall be adequate to serve the residents, occupants, visitors or other anticipated traffic of the planned residential development, but may be designed so as to discourage outside through traffic from traversing the development. The location of the entrance points of the streets and driveways upon existing public roadways shall be subject to the approval of the Planning Commission.

(C) Off-street parking. Off-street parking shall be conveniently accessible to all dwelling units and other uses. Where appropriate, common driveways, parking areas, walks and steps may be provided, maintained and lighted for night use. Screening of parking and service areas shall be required through the use of trees, shrubs, berms and/or hedges and screening walls.

(D) Privacy.

(1) The residential Planned Unit Development shall provide reasonable visual and acoustical privacy for dwelling units within and adjacent to the residential Planned Unit Development.

(2) Protection and enhancement of property values and the privacy of its occupants may be provided by the screening of objectionable views or uses and reduction of noise through the use of fences, insulation, natural foliage, berms and landscaped barriers.

(E) Setback and bulk requirements. A residential Planned Unit Development shall not deviate from the setback and bulk requirements of the base residential zoning classification except as approved by the Town Council. A written justification for any deviation from the minimum setback and bulk requirements contained in the base residential zoning classification shall be presented by the applicant to the Planning Commission and Town Council for consideration.

(F) Design. The following design standards shall be applied to all single-family dwellings or buildings containing more than one dwelling unit:

(1) Garages. Garage fronts shall be de-emphasized and not be the most prominent architectural feature of any dwelling in the development.

(2) Planned Unit Development Entrance Features shall comply with the provisions of the Town of Signal Mountain.

613.08 Procedures for Planned Unit Development Approval.

The provisions of this section govern the procedures for approval of all Planned Unit Developments provided herein.

(A) Pre-application procedures.

(1) Pre-application meeting required. At least two months prior to filing any application for a Planned Unit Development, the prospective applicant shall request a pre-application conference with the Planning Staff for staff review of the proposed residential planned unit development based on the ordinances adopted by the Town.

(2) Planning Staff to provide comments. To obtain information, each applicant shall confer with the Planning Staff, Town Manager and relevant department heads in connection with the preparation of the Planned Unit Development application. It shall be the responsibility of the Planning Staff to contact the Town Manager and arrange a joint meeting. The general outlines of the proposal evidenced schematically by sketch plans are to be considered before submission of the Planned Unit Development application. Thereafter, the Planning Staff shall furnish the applicant with written comments

regarding such conference, including appropriate recommendations to inform and assist the applicant prior to his or her preparing the components of the Planned Unit Development application.

(3) Neighborhood meeting required. A neighborhood meeting is mandatory prior to the submission of applications for Outline Plan approval of a Planned Unit Development.

(a) The purpose of the neighborhood meeting is to educate owners of nearby lands about the proposed development and application, receive comments, address concerns about the development proposal, and resolve conflicts and outstanding issues, where possible. Neighborhood meetings are encouraged as opportunities for informal communication between owners of nearby lands, applicants, and other residents who may be affected by development proposals.

(b) The neighborhood meeting shall generally comply with the following procedures:

1. Time and place. The neighborhood meeting shall be held at a place that is generally accessible to neighbors that reside in close proximity to the land subject to the application. It shall be scheduled after 5:00 p.m. on a weekday.

2. Notification. The applicant shall provide notification of the neighborhood meeting a minimum of ten business days in advance of the meeting by mail, to all owners and occupants within 500 feet of the land subject to the application, to any neighborhood organization registered with the Town and to the Town Manager. The notification shall state the time and place of the meeting.

3. Conduct of meetings. At the neighborhood meeting, the applicant shall explain the development proposal and application, answer any questions, and respond to concerns neighbors have about the application and proposed ways to resolve conflicts.

4. Written summary of neighborhood record of meeting. The applicant shall provide to the Town Manager (or his or her designee) a written summary of the

neighborhood meeting within five business days of its conclusion. The written summary shall include a list of those in attendance, a summary of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information the applicant deems appropriate. The written summary of the neighborhood meeting shall be included with the application materials, and be made available to the public for inspection.

5. Response to summary. Any person in attendance at the neighborhood meeting, within ten business days of the meeting, may submit an additional written summary stating their understanding of the issues related to the development proposal discussed, comments by those in attendance about the development proposal, and any other information they deem appropriate. This written summary may include a response to the applicant's written summary of the neighborhood record of meeting. All written summaries of the neighborhood meeting shall be included with the application materials, and shall be made available for public inspection.

(B) Outline Plan. An Outline Plan shall be submitted to the Planning Commission with the application for the Planned Unit Development within six months of the pre-application conference and neighborhood meeting. An Outline Plan shall contain all items required by this section and shall include those items that the Planning Commission shall specify in rules published from time to time, as well as the following:

(1) Written documents.

(a) A legal description of the total site proposed for development, including a statement of present and proposed ownership and present and proposed zoning.

(b) A concise statement of planning objectives to be achieved by the PUD through the particular approach proposed by the applicant. This statement shall include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.

(c) A development schedule indicating the approximate date when construction of the PUD or stages of the PUD can be

expected to begin and be completed. If the Planned Unit Development is proposed to be constructed in phases or units during a period extending beyond a single construction season, a development schedule indicating:

1. The approximate date when construction of the project can be expected to begin;

2. The order in which the phases of the project will be built; and

3. The minimum area and the approximate location of common open space and public improvements that will be required at each phase.

(d) Quantitative data for the following: total number and type of dwelling units; parcel size; proposed lot coverage of buildings and structures (except for single-family detached residential structures); approximate gross and net residential densities; total amount of open space (including a separate figure for usable open space; minimum square footage of heated floor space for residential dwelling units; economic feasibility studies or market analysis where necessary and other studies as required by the Planning Commission.

(e) A statement setting forth in detail:

1. Any exceptions which are required from the zoning and subdivision regulations otherwise applicable to the property to permit the development of the proposed Planned Unit Development; and

2. The bulk regulations under which the Planned Unit Development is proposed.

(f) A tabulation setting forth maximum total land area, expressed in acres and as a percent of the total development area; minimum public and private open space; streets; and off-street parking.

(2) Site plan and supporting maps. A site plan and any maps necessary to show the major details of the proposed PUD must contain the following minimum information:

(a) The existing site conditions, including contours at two foot intervals, water courses, flood plains, unique natural features and forest cover;

(b) Proposed lot lines and plot designs;

(c) Architectural graphics including typical floor plans and elevations (an exemption from this requirement may be considered for single-family detached residential uses);

(d) The location and floor size of all existing buildings, structures and other improvements and proposed non-single family detached residential buildings, structures and other improvements, maximum heights, floor area ratios (for nonresidential uses), types of dwelling units (for residential uses), density per type (for residential uses);

(e) The location and size in acres or square feet of all areas to be conveyed, dedicated or reserved as common open space, public parks, recreational areas, school sites and similar public and semi-public uses;

(f) The existing and proposed circulation system of arterial, collector and local streets, including off-street parking areas and major points of access to public rights-of-way (including major points of ingress and egress to the development). Notations of proposed ownership, public or private, shall be included where appropriate. (Detailed engineering drawings of cross sections and street standards shall be handled in the final site plan stage.) A detailed traffic impact analysis may be required at the discretion of the Town.

(g) Any existing and proposed pedestrian and bicycle circulation system, including its interrelationships with the vehicular circulation system indicating proposed treatments of points of conflict.

(h) The existing and proposed utility systems, including sanitary sewers, storm sewers, water lines and drainage.

(i) A general landscape plan indicating the treatment of materials used for private and common open spaces.

(j) Enough information on land areas adjacent to the proposed PUD to indicate relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities and unique natural features of landscape.

(k) The proposed treatment of the perimeter of the PUD, including materials and techniques used, such as screens, fences and walls.

(l) Any additional information as required by the Planning Commission necessary to evaluate the character and impact of the proposed PUD.

(m) The Planning Commission may, in its discretion, modify or waive any of the informational requirements contained in subsections (a) through (l) in order to reasonably adapt these requirements to a particular Planned Unit Development to facilitate an orderly application process. If any informational requirement is waived, however, provisions shall be made to supply such information in a form satisfactory to the development staff prior to final site plan approval.

(C) Outline Plan approval process and effect of approval.

(1) At least 45 days prior to the Planning Commission meeting at which it is to be considered, the owner of the property or his or her agent shall submit to the Planning Commission the Outline Plan and a completed application form and all other information required under this section. The Planning Commission shall review the application and shall recommend to the Town Council whether to: approve, disapprove or approve the Planned Unit Development, subject to conditions. The Planning Commission may also defer a decision or take the matter under advisement until the next meeting.

(2) Any owner or his or her agent may appeal to the Town Council any recommendation or condition the Planning Commission imposes in the recommendations by filing written notice of appeal at least seven days prior to review by the Town Council. However, the applicant shall submit an Outline Plan to the Town manager incorporating any and all conditions, not appealed, within 90 days after the Planning Commission's decision on the requested PUD or the application shall be deemed withdrawn.

(3) The Town Manager shall forward the recommendation of the Planning Commission and any notices of appeal to the Town Council.

(4) The Town Council shall hold a public hearing on the application for the Planned Unit Development and the Outline Plan after receipt of recommendations from the Town Manager and any notice of appeal. The Town Council shall establish a date for a public hearing and shall cause notice thereof to be published in accordance with law at least 15 days prior to the hearing and shall mail written notice to owners of property within 500 feet of the subject project. The Town Council shall render a decision on any appeal and shall approve, disapprove or approve the proposed Planned Unit Development and Outline Plan subject to conditions and, if approved, shall set forth the conditions imposed.

(5) The approved Outline Plan shall bind the applicant, owner and mortgagee, if any, and the Town of Signal Mountain with respect to the contents of such plan. A preliminary subdivision plat conforming to the Outline Plan shall be provided by the applicant in a form suitable for recording and shall be recorded at the Hamilton County Register of Deeds after receiving approval from the Town Council.

(6) The Outline Plan shall be used in lieu of a Sketch Plan to comply with the provisions of the subdivision regulations pertaining to Sketch Plans.

(7) The Planning Commission may amend or waive a development schedule upon submission of written justification by the applicant.

(8) Unless as specified otherwise in this chapter, the approved Outline Plan of the Planned Unit Development shall control the development of the PUD rather than any other provisions of this chapter. In the absence of an express condition of the Planned Unit Development, the applicable ordinances and regulations of the Town will apply.

(D) Steps of the approval process following Outline Plan approval. Development plans submitted as part of the Planned Unit Development shall be submitted in a form that will satisfy the requirements of the Subdivision Regulations for subdivision plats or zoning requirements for site plants.

(E) Application/or preliminary subdivision plat/site plan approval.

(1) After an Outline Plan has been approved, the landowner shall submit an application to the Planning Commission for approval of a

preliminary subdivision plat or preliminary site plan, provided that such plats/plans are in substantial compliance with the Outline Plan. The submission of a preliminary subdivision plat or preliminary site plan will be based on the type of development and will follow the applicable requirements and review procedure for a preliminary subdivision plat or preliminary site plan.

(2) The preliminary subdivision plat/site plan application shall include a copy of the Outline Plan showing the overall development, any applicable covenants and/or restrictions, conditions, and other required drawings and specifications as set forth by the approval of the Outline Plan.

(F) Construction drawings. The construction drawings for either the entire development or a phase of the development shall be reviewed by the Town Manager and appropriate staff in accordance with the subdivision regulations and the town's stormwater ordinance.

(G) Application/or final subdivision plat/site plan approval.

(1) After a preliminary subdivision plat/site plan has been approved, the landowner shall submit an application to the Planning Commission for approval of a final subdivision plat or final site plan, provided that such plats/plans are in substantial compliance with the preliminary plat/site plan and the Outline Plan. The submission of a final subdivision plat or final site plan will be based on the type of development and will follow the applicable requirements and review procedure for a final subdivision plat or final site plan.

(2) The final subdivision plat/site plan application conforming to all requirements in the Outline Plan and showing the overall development, any applicable covenants and/or restrictions, conditions, and any other required drawings and specifications set forth in the approved Outline Plan shall be recorded with the Hamilton County Register's office.

(H) Zoning administration and permits. The Building Official may issue building permits for the area of the Planned Unit Development covered by an approved final subdivision plat or site plan for work in conformity with an approved final site plan and with all other applicable Town ordinances and regulations, including but not limited to building, plumbing, mechanical, gas, fire, and electrical codes. However, the Building Official shall not issue an occupancy permit for any building or structure shown on the final subdivision plat or site plan of any stage of the Planned Unit Development unless the

open spaces and public facilities allocated to that stage of the development schedule have been conveyed to the designated public agency or Homeowner's Association or a responsible party. The Building Official shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final subdivision plat or site plan if the completed buildings or structures conform to the requirements of the approved final subdivision plat or site plan and all other applicable Town ordinances and regulations.

(I) Reapplication if denied. If any application for a Planned Unit Development is denied by the Town Council, a reapplication pertaining to the same property and requesting the same or substantially similar Planned Unit Development may not be filed within 18 months from the date final action was taken on the previous application, unless such reapplication is initiated by the Planning Commission or authorized by the Town Council.

(J) Procedure for amendment.

(1) A Planned Unit Development and the approved Outline Plan may be amended in accordance with the procedure which governed its approval as set forth in this section. However, no such amendment shall be required if the applicant only proposes a modification from what has been previously approved, and such modification is determined by the Planning Staff and the Town Manager as minor. As used in this context the term "minor" shall mean slight variations or alterations to the Outline Plan which cannot reasonably be expected to cause a change in the internal function of the site or its off-site impact. The Planning Staff may recommend that the Town Manager approve minor modifications when same are determined to be consistent with the Outline Plan. A request for a minor modification must be filed with the Town Manager stating the nature of the request and justification for same, as well as a proposed final site plan illustrating the proposed change, which shall be suitable for official recording in the land records of Hamilton County. If the Town Manager or Planning Staff determines the proposed modification is not minor, the applicant may seek an amendment in accordance with the procedure which governed the initial approval as set forth in this section.

(2) If an approved Planned Unit Development is ever subdivided, sold, or leased, all the owners of the subdivided, sold, or leased Planned Unit Development shall jointly apply for an amendment to the Outline Plan, which shall be governed by the procedures and requirements contained in this section for the approval of the Outline

Plan as well as current ordinances and regulations. (As replaced by Ord. #2013-5, April 2013)

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 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. (As replaced by Ord.#2006-15, Aug 2006, Ord. #2009-16, Aug. 2009, and Ord. #2013-18, Aug. 2013)

614.02 Permitted Uses
(Ord. No. 95-9 - 11/21/95; Amended 10 - 2004)

(1) Single-family detached dwellings, excluding factory manufactured homes constructed as a single self-contained unit and mounted on a single chassis;
(2) Guest houses;
(3) Private garages and parking areas;
(4) Barns, stables, outbuildings and riding rings (for private use only);
(5) Outdoor recreation facilities exclusively for the use of the residents;
(6) Satellite dish receiving antennae;
(7) Schools, day care centers or kindergartens operated by governmental units or religious organizations;
(8) Parks, playgrounds and community buildings;
(9) Golf courses (driving ranges, miniature golf courses and other similar commercial operations are not permitted);
(10) Fire stations and other public buildings;
(11) Churches;
(12) Accessory uses and buildings customarily incidental and subordinate to the above;
(13) Schools, day care centers or kindergartens, except those operated by governmental units or religious organizations, except that such uses shall require a special permit under the terms of Article XII of this Ordinance;
(14) Day care homes;
(15) Home occupation (See Section 303 of this Ordinance)
(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. (As amended by Ord. #2013-18, Sept. 2013)

614.02.01 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 noncommercial 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. (Added by Ord. #2013-18, Sept. 2013)

614.03 Height Density and Area Regulations
(Ord. No. 95-9 11/21/95; Amended 1-20-99, 10 - 2004, and Ord. #2013-18, Sept. 2013)

(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 Set back	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. (As replaced by Ord. #2013-18, Sept. 2013)

614.04 Parking Regulations
(Ord. No. 95-9 11/21/95)

Off-street parking shall be provided on the same lot as the structure or on a Residential Estate District lot adjacent to the lot on which the structure of use is located in accordance with the following requirements:

(1) Single-family dwellings: two (2) parking spaces.
(2) Municipal, state or other governmental uses: one (1) parking space for every ten (10) seats or each two hundred (200) square feet of gross floor area, whichever is greater.
(3) Public utilities: one (1) parking space for each two hundred (200) square feet of office space.
(4) Golf courses: one (1) parking space for each three (3) members.
(5) Places of worship:
  (a) One (1) parking space for each five (5) seats provided in the main auditorium for every new place of worship.
  (b) One (1) parking space for each five (5) seats provided in a new main auditorium construed by an existing place of worship.
  (c) One (1) parking space for each five (5) additional seats added to an existing place of worship.
(6) Any permitted uses not specifically listed: one (1) parking space for every two hundred (200) square feet of gross floor area.

614.05 Accessory Building
(Ord. No. 95-9 - 11/21/95)

(1) No accessory building shall be located in the required setbacks except as allowed in Article VIII, Section 813.04.
(2) Accessory buildings shall not exceed eighteen (18) feet in height as measured at their highest point above grade.
(3) All parts of all accessory buildings shall not be located closer than fifteen (15) feet to the principal building. (As amended by Ord. #2013-18, Sept. 2013, and Ord. #2014-01, Feb. 2014)

614.06 In-ground Swimming Pools
(Ord. No. 95-9 - 11/21/95)

In-ground swimming pools shall be located behind the front line of the principal building, a minimum of five (5) feet from all property lines and recorded easements.

614.07 Criteria for Livestock and Other Animals (Ord. No. 95-9 - 11/21/95)

The RE 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.

(1) All livestock and other animals shall be for private use only; there shall be no commercial operation permitted.

(a) The minimum lot size for horses shall be:
(1) For one (1) horse there shall be a three (3) acre site.
(2) For each additional horse, there shall be an additional two (2) acres required.

(2) Livestock and other farm animals, other than horses, may be permitted by special exception from the Board of Zoning Appeals, subject to the following criteria:

(a) The minimum lot size shall be three (3) acres.

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

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

(As replaced by Ord. #2014-01, Feb. 2014)

(4) When property zoned R E Residential Estate borders any other zoning district, all animals, except dogs and cats shall be fenced or otherwise restricted from being closer than sixty (60) feet to the joint property line, except along lot lines which border a public street right of way.

615 Residential Townhouse District (RTD): (Added 10 - 2004)

615.01 Statement of Intent:

It is the intent of this section to provide regulations for the development of townhouses (also called rowhouses and "attached" homes) in a manner which is attractive, efficient, and compatible with surrounding development. It is also the intent of these regulations that the underlying real estate may be divided into small lots so that each unit can, along with the underlying property, be individually sold and owned on a "fee simple" basis, although said units may also be sold as condominiums. It is further intended as a policy

that any townhouse development of more than 8 units should be located within 500' of a major arterial or collector as shown on the Future Land Use Plan Map most recently recommended by the Planning Commission and adopted by the Town Council.

All townhouses must be properly connected to a public, conventional, gravity sewer system. The maximum density for townhouses in any Residential Townhouse District shall be four (4) units per acre.

615.02 Permitted Uses:

(1) Townhouse dwellings (excluding factory manufactured homes constructed as a single self-contained unit and mounted on a single chassis), provided that such townhouse dwellings shall meet all structural standards set forth in the Building Code adopted by the Town for townhouse construction.

(2) Parks, playgrounds and community-owned not-for-profit buildings which are complementary to the immediate neighborhood.

(3) Accessory uses and buildings customarily incidental and subordinate to the above.

(4) Home occupations. (See Section 303 of this Ordinance)

615.03 Height and Area Regulations:

(1) The building 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 non-zero lot line property lines, provided, however, that in no event shall the building height of any building exceed forty (40) feet.

(2) The minimum building site area for each townhouse unit shall be one thousand two hundred fifty (1,250) square feet.

(3) The minimum building site width for each unit shall be twenty (20) feet.

(4) All buildings must be set back at least forty (40) feet from any exterior dedicated public street. Front setback from any interior street shall be twenty-five (25) feet, or ten (10) feet if rear parking and loading is provided.

(5) Townhouse buildings (a continuous row of townhouse units) shall be separated by not less than forty (40) feet except fifteen (15) feet from end-to-end.

(6) No building shall be located less than twenty-five (25) feet from any boundary of the Residential Townhouse District.

(7) Except as provided above, there are no minimum front, side, or rear yard setback requirements.

(8) Frontage on a dedicated public street of the individual units shall be required only when the underlying properties are individually sold as lots along with the units on a fee simple basis.

615.04 Off-Street Parking Regulations:

Off street parking shall be provided on the same lot as the structure or on a Residential Townhouse District lot adjacent to the lot on which the structure of use is located in accordance with the following requirements:

(1) Two (2) parking spaces for every townhouse unit; and
(2) One (1) parking space for every three (3) seats in a main auditorium for churches, schools and other public buildings.

615.05 Provision for Special Access and Utility Easements:

Due to the special nature of residential townhouses and other types of "attached" housing allowed by these regulations, the Planning Commission may require special access easements and other arrangements to provide for adequate servicing of the structures even though such easements and provisions might not normally be specified in this Ordinance or the Subdivision Regulations. In addition, deed restrictions or other provisions may be required to assure that any remodeling or reconstruction of destroyed units will be accomplished in a fashion which will be compatible with the remaining units of the existing development, or for off-street parking of vehicles, and for any other reasonable design criteria deemed appropriate by the Planning Commission or the Town Council.

616 Open Space Design Overlay Zone (Ord. #2000-2, Jan. 2000, and deleted by Ord. #2013-18, Sept. 2013)

617--621 (Repealed by Ord. #2009-16, Aug. 2009)

ARTICLE VII

NONCONFORMING USES

701. Non-Conforming Uses of Land

701.01 The lawful use of land existing at the time of the passage of this Ordinance or any amendment thereto (the Zoning Ordinance and any amendments thereto are collectively referred to in this Article VII as the "Ordinance"), although such use does not conform to the provisions of the Ordinance, shall not be affected by the Ordinance, provided, however, that, subject to the provisions of Section 704, no such non-conforming use maybe enlarged, increased or extended to occupy a greater area of land than that occupied by such use at the time of the passage of the Ordinance.

701.02 Subject to the provisions of Section 704, no such non-conforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of these regulations.

701.03 If any such non-conforming use of land ceases for any reason for a period of not less than one hundred (100) consecutive days, regardless of the intent of the owner or occupant of such premises to continue or discontinue such non-conforming use, any future use of such land shall be in conformity with the provisions of the Ordinance.

701.04 Subject to the provisions of Section 704, no additional structure not conforming to the requirements of these regulations shall be erected in connection with such nonconforming use of land.

702. Non-Conforming Structures

702.01 The lawful use of a structure existing at the time of the passage of this Ordinance shall not be affected by the Ordinance, although such use does not conform to the provisions of the Ordinance, and such use may be extended throughout any such structure, provided, however, that, subject to the provisions of Section 704, (a) no structural alterations, except those required by law or other Town ordinance, or ordered by an authorized officer to secure the safety of the structure, may be made therein and (b) no such use shall be extended to occupy any land outside such structures.

702.02 If such non-conforming structure is removed or the non-conforming use of such structure is discontinued for one hundred (100) consecutive days regardless of the intent of the owner or occupant of such structure to continue

or discontinue such use, every future use of such premises shall be in conformity with the provisions of the Ordinance.

702.03 Manufactured homes, existing on lots where manufactured homes are not a permitted use at the time of passage of the Ordinance, shall be treated as legal non-conforming uses as specified in this Article VII. Nothing in this Article VII shall prevent the replacement of a manufactured home that is a legal non-conforming use in a residential zone with another manufactured home, provided that a new building permit shall be issued for such manufactured home to the extent required by the Town, specifying that such other manufactured home meets all of the current regulations concerning plumbing, electrical and other codes applicable to such other manufactured home.

702.04 Nothing in this Ordinance shall be taken to prevent the restoration within one (1) year of a legal non-conforming structure (other than a manufactured home referenced in 702.05) that is destroyed to any extent by fire, explosion or other casualty, nor the continued occupancy of such structure. In the event that additional time is necessary to complete restoration of a structure destroyed by fire, explosion, or other casualty, an applicant may apply to the Town Council for an extension of time within which reconstruct a building or structure. The Town Council may approve a request for any necessary extension of time by resolution lawfully passed, provided, however, that no such extension or extensions of time shall exceed twelve (I2) months in the aggregate. In other words, in the event that the Town Council grants any request or requests for such an extension or extensions of time, such restoration must be completed within twenty-four (24) months after such destruction occurs.

702.05 Any lot that had a single use consisting of a legal non-conforming manufactured home in a residential zone, that is destroyed to any extent by fire, explosion or other casualty may, prior to the expiration of one hundred (100) consecutive days, have another manufactured home placed on the lot, provided that a new building permit shall be issued for such other manufactured home to the extent required by the Town, specifying that such other manufactured home meets all the current regulations concerning building, plumbing, electrical and other codes applicable to such other manufactured home.

702.06 Subject to the provisions of Section 704, if any non-conforming structure other than a manufactured home be moved any distance whatsoever for any reason, then such structure shall thereafter conform to this Ordinance and the regulations that are applicable to the district in which it is located after it has been moved.

703. Annexed Property Frontage

If any property is annexed by the Town that does not meet the frontage requirements contained in the Ordinance and the Planning Commission determines that such property is capable of being re-subdivided to meet such requirements, then the owner of such property shall apply to the Planning Commission for such re-subdivision and such property shall be re-subdivided to meet such frontage requirements within one (1) year after such property is annexed by the Town.

704. Non-conforming Industrial, Commercial or Other Business Establishments

704.01 Any non-conforming industrial, commercial or other business establishment (as used in this Section 704, a "business") in operation and permitted to operate under zoning ordinances, regulations or exceptions thereto in effect at the time of the passage of this Ordinance or immediately preceding a change in zoning, as the case may be, shall be allowed to expand operations and construct additional facilities which involve an actual continuation and expansion of the activities of such business that were permitted and being conducted immediately prior to the passage of the Ordinance or the change in zoning, as the case may be, provided that the Town Council determines that there is a reasonable amount of space for such expansion on the property owned by such business situated in the area which is affected by the passage of the Ordinance or the change in zoning, as the case may be, so as to avoid nuisances to adjoining landowners. No building permit or like permission for construction or landscaping shall be denied to such a business seeking to expand and continue the activities conducted by such business that were permitted and being conducted immediately prior to the passage of the Ordinance or the change in zoning, as the case may be, provided that the Town Council determines that there is a reasonable amount of space for such expansion on the property owned by such business situated in the area which is affected by the passage of the Ordinance or the change in zoning, as the case may be, so as to avoid nuisances to adjoining landowners.

704.02 A business that is in operation and permitted to operate as a under zoning ordinances, regulations or exceptions thereto in effect at the time of the passage of the Ordinance or immediately preceding a change in zoning, as the case may be, shall be allowed to destroy existing facilities and reconstruct new facilities necessary to the conduct of such business subsequent to the passage of the Ordinance or the change in zoning, as the case may be, provided that no destruction and rebuilding shall occur which shall act to change the use classification of the land as classified under the Ordinance and any other zoning ordinances, regulations or exceptions thereto in effect immediately prior to or subsequent to the passage of the Ordinance or such change in zoning of the land on which such business is located, as the case

may be, and provided further that the Town Council determines that the intended expansion or reconstruction constitutes the continuation or expansion of an activity of such business that existed and was being conducted at the time of the passage of the Ordinance or such change in zoning of the land on which such business is located, as the case may be, and not the undertaking of a new, different or additional commercial, industrial or other business activity. No building permit or like permission for demolition, construction or landscaping shall be denied to a business seeking to destroy and reconstruct facilities necessary to the continued conduct of the activities of that business, where such conduct was permitted immediately prior to the passage of the Ordinance or a change in zoning, provided that the Town Council determines that there is a reasonable amount of space for such expansion on the property owned by such business situated in the area which is affected by the passage of the Ordinance or the change in zoning, as the case maybe, so as to avoid nuisances to adjoining landowners.

704.03 The provisions of this Section 704 shall apply only to land owned and in use by such affected business and shall not operate to permit expansion of an existing business through the acquisition of additional land. (as replaced by Ord.#2006-6, June 2006)

ARTICLE VIII
SUPPLEMENTARY DISTRICT REGULATIONS

801. Regulations Which Apply in Groups of Districts or Generally in All Districts:

In addition to regulations indicated for individual districts in the Schedule of District Regulations, the regulations below apply in groups of districts or generally in all districts.

802. Visibility at Intersections and Curves: (Amended 10 - 2004)

802.01 On a corner lot or on a lot that is on a curve of a public street or alley, no fence, wall, hedge, or other planting or structure that will obstruct vision between a height of three (3) feet and ten (10) feet above the centerline grades of the intersecting streets shall be erected, placed, or maintained, within the triangular area formed by the right of way lines at such corner lots and a straight line joining said right of way lines at points which are:

802.01.01 Fifteen (15) feet distance, in industrial and commercial districts, and;

802.01.02 Twenty-five (25) feet distance in residential districts from the intersection of the right of way lines and measured along said right of way lines;

803. No fence or wall shall be permitted in the front setback that materially impedes vision across the setback above the height of four feet (4'). 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 feet (10'). Fences, walls and hedges may be permitted in any side or rear setback except as otherwise provided in these regulations. (Amended 10 - 2004, and replaced by Ord. #2014-01, Feb. 2014)

804. (Deleted by Ord. #2013-18, Sept. 2013)

805. Exceptions to Height Regulations:

The height limitations contained in this Ordinance do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, elevator housings, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. 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. (As amended by Ord. #2013-18, Sept. 2013)

806. Structures to Have Access:

806.01 No building permit shall be issued for a building or use on a lot which does not:

806.01.01 Abut on an already constructed, dedicated, and publicly accepted municipal or county street or road; or

806.01.02 Abut on a street in a subdivision which has received final approval but not yet recorded and for which proper bond has been posted; or

806.01.03 Abut on an easement (Applicable only in those cases existing as of the date of this amendment) of not less than twelve (12) feet wide which provide access to a publicly accepted municipal or county street or road.

807. Parking and Storage of Certain Vehicles:

Automotive vehicles of any kind or type without current license plates shall not be parked or stored in any residentially zoned property other than in completely enclosed buildings. (Amended 11-11-91)

808. Side and Rear Yard Requirements for Non Residential Uses Abutting Residential Property:

Non-residential buildings or uses shall not be located nor conducted within twenty five (25) feet of any lot line of a residential district, except that the minimum side yard requirements may be reduced to fifteen (15) feet if acceptable landscaping or screening approved by the Building Inspector is provided. Such screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good conditions and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than ten (10) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within twenty-five (25) feet of an intersection.

809. Architectural Projections:

Open structures 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. (As replaced by Ord. #2014-01, Feb. 2014)

810. Conversions:

A two family dwelling may be built on any lot which was an undivided parcel at the time of passage of these regulations, or a 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 percent (80%) of that required for duplexes by the district regulations. (As replaced by Ord. #2014-01, Feb. 2014)

811. Curb-cuts, Access, Parking and Loading Areas: (Amended 9-21-92)

The location and design of all curb cuts, points of access to and from all streets and parking and loading areas, for all uses shall be submitted to and approved by the Building Inspector before building permits can be issued.

a. If curb exists, Street Department shall direct the method of tying drive in with roadway.
b. If concrete drive is installed, there shall be either expansion joint, troweled joint or saw cut across the drive at the street right of way.
c. If no curb exists or if a culvert is required, Street Department will size the culvert which will be either concrete or asphalt coated 14 gauge steel.
d. No feather joints at point of contact with street paving is allowed.
e. No open drainage easements or spillways to be enclosed without written approval from the Town of Signal Mountain.

812. Public and Utility Uses Permitted in All Districts:

812.01 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 surrounding through the use of landscaping, screening, or other devices as the Board of Zoning Appeals may require. (As replaced by Ord. #2014-01, Feb. 2014)

812.02 In reviewing the proposed facility or utility use, the Board of Zoning Appeals shall follow the same procedure as set forth for the consideration and approval of "Special Exceptions" in Article XI, Section 1103 of these regulations.

813. Accessory Structures:

813.01 Accessory Structures shall be constructed in conjunction with, or after, the principal building is lawfully approved and use is established. (As replaced by Ord. #2014-02, April 2014)

813 .02 Location:

a. Accessory structures shall be behind the front plane of the principal building or two hundred feet (200') 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 feet (15') 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. (As replaced by Ord. #2014-02, April 2014)

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 feet (10') 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. (As replaced by Ord. #2014-02, April 2014)

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 feet (5') 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. (As replaced by Ord. #2014-02, April 2014)

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. (As replaced by Ord. #2014-02, April 2014)

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. (3-12-84, as replaced by Ord. #2014-01, Feb. 2014, and Ord. #2014-02, April 2014)

813.03.05 Satellite dishes:

(1) Ground-mounted satellite dishes shall be set back at least five feet (5') 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 feet (3') in diameter. Multiple roof-mounted dishes may not exceed a total of three feet (3') in diameter per residential structure. (3/12/84, as replaced by Ord. #2014-02, April 2014)

813.03.06 Generators:

(1) Generators shall be subject to the same setbacks as the principal structure.

(2) A site permit is required. (As added by Ord. #2014-02, April 2014)

814. Measurement of Front Yard Depth from Future Street Lines:

In any location for which an official highway plan of Hamilton County has been adopted, establishing definite future widths for highways, the front yard depth required in any district shall be measured from the proposed street or

highway lines as shown upon the official highway maps, instead of from the front lot line as described in the regulations for the several districts.

815. Repealed April 19, 1999 by Ord. No. 99-8.

816. Side Setbacks on Corner Lots:

On corner lots in the residential districts, the side setback shall be twenty feet (20'). 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 feet (15'). Fences and walls not more than six feet (6') high may be erected, but no fence, wall, or shrubbery shall be maintained within twenty five feet (25') of any street intersection so as to interfere with traffic visibility around the corner. (Amended 10 - 2004, and by Ord. #2014-01, Feb. 2014)

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. (As replaced by Ord. #2013-18, Sept. 2013)

818. Greenbelt Planting and Strip Maintenance:

In any circumstance where a greenbelt planting strip is required by this Ordinance, the property owner is responsible for maintenance and replacement of all required plant material.

819. Minimum Finished, Heated, Livable Floor Space (11-12-90)

All residential buildings shall have a minimum of Twelve Hundred Fifty (1,250) square feet of finished, heated, livable floor space.

820. Swimming Pools:

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 feet (5') 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 feet (5') in height (or as otherwise specified in any applicable building codes) and maintained in good condition

with a self-closing and self-latching gate. (As added by Ord. #2014-02, April 2014)

ARTICLE IX
ADMINISTRATION AND ENFORCEMENT: BUILDING PERMITS AND CERTIFICATES OF ZONING COMPLIANCE

901. Administration and Enforcement:

A building inspector designated by the Town Council shall administer and enforce these regulations. He may be provided with the assistance of such other persons as the Town Council may direct.

902. Violations:

If the Building Inspector shall find that any of the provisions of these regulations are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or illegal additions, alterations, or structural changes, discontinuance of any illegal work being done; or shall take any other action authorized by these regulations to ensure compliance with or to prevent violations of provisions set forth herein.

903. Building Permits Required: (Amended 1-9-95)

No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure within the jurisdiction of these regulations or cause the same to be done, without first obtaining a separate building permit for each such building or structure from the Town Manager of Signal Mountain. No building permit shall be issued by the Town Manager of Signal Mountain except in conformity with the provisions of these regulations, unless he receives a written order from the Board of Zoning Appeals in the form of an administrative review, special exception, or variance as provided by these regulations. (Ord. No. 95-1 - 1/9/95)

904. Application for Building Permit:

904.01 When required by the Building Inspector two (2) or more copies of specifications, and of drawings drawn to scale with sufficient clarity and detail to indicate the nature and character of the work, shall accompany each application. Such drawings and specifications shall contain information in the form of notes or otherwise, as to the quality of materials, where quality is essential to conformity with the Southern Standard Building Code. Such information shall be specific, and the Building Code shall not be cited as a

whole or in part, nor shall the term "legal" or its equivalent be used, as a substitute for specific information.

904.02 The Building Inspector may require details, computations, stress diagrams, and other data necessary to describe the construction and basis of calculations and shall bear the signature of the person responsible for the design.

904.03 All drawings and specifications for buildings and structures shall bear the signature of the owner or his agent.

904.04 One (1) copy of the plans shall be returned to the applicant by the Building Inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one (1) copy of the plans similarly marked shall be retained by the Building Inspector.

905. Zoning Compliance for New, Altered, or Non-Conforming Uses:

905.01 It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof, hereafter created, erected, changed converted, or wholly or partially altered or enlarged in its use or structure until an approval of zoning compliance is given by the Building Inspector, stating that the proposed use of the building or land conforms to the requirements of these regulations.

905.02 (Deleted 10 - 2004)

905.03 No permit for erection, construction, enlargement, alteration, repair, moving, improving, removing, converting, or demolishing any building or structure shall be issued unless and until the proposed work is determined to be in conformance with these regulations. Approval of zoning compliance shall be granted upon completion of the work in conformity with the provisions of these regulations.

905.04 Temporary approval of zoning compliance may be issued by the Building Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending completion, provided that such temporary approval may include such conditions and safeguards as will protect the safety of the occupants and the public.

905.05 The Building Inspector shall record his approvals of zoning compliance on the building permit form and a copy shall be furnished to any person on request.

906. Construction and Use to Be as Provided in Applications, Plans, and Permits:

Building permits issued on the basis of plans and applications approved by the Building Inspector authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of these regulations and punishable as provided by Article XXI hereof.

ARTICLE X
BOARD OF ZONING APPEALS: ESTABLISHMENT & PROCEDURE

1001. Board of Zoning Appeals: Establishment and Membership:

A Board of Zoning Appeals is hereby established which shall consist of five (5) members appointed by the Town Council. The term of office of the members of the Board shall be for three (3) years and shall be so arranged so that one (1) term shall expire for each year. Members of the Board of Zoning Appeals may be removed from office by the Town Council for cause upon written charges and after a public hearing. Vacancies shall be filled by resolution of the Town Council for the unexpired term of the member affected.

1002. Proceedings of the Board of Zoning Appeals:

1002.01 The Board shall adopt rules necessary to the conduct of its affairs in accordance with the provisions of these regulations. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman, or in his absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public.

1002.02 The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board located in the Signal Mountain Town Hall and shall be a public record.

1003. Appeals, Hearings, Notice:

1003.01 Apeals to the Board concerning interpretation or administration of these regulations may be taken by any person aggrieved by any officer, department, board, or bureau of the Town affected by any decision of the Building Inspector. Such appeals shall be taken within a reasonable time as provided by the rules of the Board by filing with the Building Inspector and with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof.

1003.02 Persons objecting to the relief sought by the applicant or interested in the review made by the Board may likewise submit their views and evidence in writing to the Board within the time provided in its rules of procedure.

1003.03 The Building Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

1003.04 The Board of Zoning Appeals shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

1004. Stay of Proceedings:

An appeal stays all proceedings in furtherance of the action appeal from, unless the Building Inspector certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that a stay would, in his opinion, cause imminent peril to life or property. In such cases proceedings shall not be stayed other than by a restraining order which may be granted by the Board or by a court of record on application, on notice to the Building Inspector and on due cause shown.

ARTICLE XI
BOARD OF ZONING APPEALS
POWERS AND DUTIES

1101. Powers and Duties:

The Board of Zoning Appeals shall have the following powers and duties:

1102. Administrative Review:

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the Building Inspector, or any other administrative official in the carrying out or enforcement of any provision of these regulations.

11.03. Special Exceptions, Conditions Governing Applications Procedures:

1103.01 To hear and decide only such requests for special exceptions or for interpretation of the map or for decisions upon other special questions as the Board of Zoning Appeals is specifically authorized to pass upon the terms of these regulations; to decide such questions as are involved in determining whether special exceptions should be granted; and to grant special exceptions with such conditions and safeguards as are appropriate under these regulations, or to deny special exceptions when not in harmony with the intent and purpose of these regulations. A special exception shall not be granted by the Board of Zoning Appeals unless and until:

1103.01.01 A written application for a special exception is submitted indicating the section of these regulations under which the special exception is sought and stating the grounds on which it is requested.

1103.01.02 Notice of public hearing shall be given at least fifteen (15) days in advance. The owner of the property for which special exception is sought or his agent shall be notified by mail. Notice of such hearings shall be posted in a conspicuous manner on the property for which special exception is sought, at the Signal Mountain Town Hall, and in one other public place at least fifteen (15) days prior to the public hearing.

1103.01.03 The public hearing shall be held. Any party may appear in person, or by agent or attorney.

1103.01.04 The Board of Zoning Appeals shall make a finding that it is empowered under the section of these regulations described in the application to grant the special exception, and that the granting of the special exception will not adversely affect the public interest.

1103.01.05 Before any special exception shall be issued, the Board shall make written findings certifying compliance with specific rules governing individual special exceptions and that satisfactory provision and arrangement has been made concerning the following, where applicable:

1103.01.05.01 Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

1103.01.05.02 Off street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district.

1103.01.05.03 Refuse and service areas, with particular reference to the items in (1) and (2) above.

1103.01.05.04 Utilities, with reference to locations, availability, and compatibility.

1103.01.05.05 Screening and buffering with reference to type, dimensions, and character.

1103.01.05.06 Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district.

1103.01.05.07 Setbacks and other open space. (As amended by Ord. #2014-01, Feb. 2014)

1103.01.05.08 General compatibility with adjacent properties and other property in the district.

1103.01.05.09 In granting any special exception, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with these regulations. Violation of these conditions and safeguards shall be deemed a violation of these regulations and punishable under Section XXI, "Penalties for Violation."

1104. Variances; Conditions Governing Applications, Procedures:

1104.01 To authorize upon an appeal in specific cases such variance from the terms of these regulations where, owing to special conditions, the strict application of the provisions of these regulations would result in undue hardship upon a property owner. Such variance shall not be authorized unless such relief may be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zoning plan and these

regulations. A variance from the terms of the regulations shall not be granted by the Board of Zoning Appeals unless and until:

1104.01.01 A written application for a variance is submitted demonstrating:

1104.01.01.01 That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same district.

1104.01.01.02 That literal interpretation of the provisions of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same district under terms of these regulations.

1104.01.01.03 That the special condition and circumstances do not result from the actions of the applicant.

1104.01.01.04 That granting the variance requested will not confer on the applicant any special privilege that is denied by these regulations to other lands, structures, or buildings in the same district.

1104.01.02 No non-conforming use of neighboring lands, structures, or buildings in the same district, and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for the issuance of a variance.

1104.01.03 Notice of public hearing shall be given as in Section 1103 above.

1104.01.04 The public hearing shall be held. Any party may appear in person, or by agent, or by attorney.

1104.01.05 he Board of Zoning Appeals shall make findings that the requirements of Section 1104 have been met by the applicant for a variance.

1104.01.06 The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

1104.01.07 The Board of Zoning Appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of these regulations, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

1104.02 In granting any variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with these regulations.

Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these regulations and punishable under Section XXI of these regulations.

1105. Board Has Powers of Building Inspector on Appeals; Reversing Decision of Building Inspector:

1105.01 In exercising the above mentioned powers, the Board of Zoning Appeals may, so long as such action is in conformity with the terms of these regulations, reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Building Inspector from whom the appeal is taken.

1105.02 The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Building Inspector or to decide in favor of the applicant on any matter upon which it is required to pass upon these regulations, or to effect any variation in the application of these regulations.

ARTICLE XII
BOARD OF ZONING APPEALS
VARIANCES AND SPECIAL PERMITS

1200. The Board of Zoning Appeals is empowered to hear and decide whether special permits shall be issued as proposed, based on a site plan map furnished by the applicant and other supporting documentation as appropriate. It is a requirement that the applicant for a special or conditional permit furnish a site plan with the application that depicts the proposed use of the property to include but not limited to site access, building configuration, building setback, proposed landscaping and drainage and a parking plan. The Board of Zoning Appeals shall determine that the proposed use will not be in conflict with the adopted plans and zoning districts of the Town. In consultation with appropriate Town departments, the Board shall review all plans for the points of ingress and egress, parking and loading facilities, provision for drainage and storm water, landscaping and screening (where any Town ordinance requires the Design Review Commission's review and approval, the Design Review Commission's review and approval shall also be required), and all applicable building codes that may impact the proposed use, the building and site. In addition, other criteria, including but not limited to noise, traffic generated by the proposed use, odors, et cetera that may be detrimental to the public health, safety or welfare of adjacent property owners and the surrounding community may be considered by the Board of Zoning Appeals when hearing and deciding whether special permits and/or conditional permits shall be issued in the following areas and with respect to the following uses in any district in which such uses are expressly permitted, as well as any other uses where any applicable district regulation specifies that a special permit shall be required under Article XII from the Board of Zoning Appeals or the Town Council, as the case may be:

1200.01 For fraternal, professional or hobby clubs in the Office District;

1200.02 From the Town Council for hospitals, nursing homes, assisted living facilities and residential homes for handicapped and/or aged persons operated on a commercial basis in any district in which they are a permitted use;

1200.03 For schools, day care centers or kindergartens other than those operated by governmental units or religious organizations in the High Density Residential District and Office District;

1200.04 For schools, day care centers or kindergartens, except those operated by governmental units or by religious organizations, in Low Density Residential District and Moderate Density Residential District provided the following conditions are met:

1200.04.01 A minimum lot area of one acre is required for any number of students or children up to and including 40. There shall be 1000 square feet of additional lot area per child or student in excess of 40.

1200.04.02 The place shall be the occupied residence of the primary care giver. (Added 10 - 2004)

1200.04.03 There shall be at least 50 square feet of outdoor play area per child of 12 years old or less. This play area must be located outside the required front yard and side yard when adjacent to an abutting street.

1200.04.04 Outdoor play areas must be enclosed by a 70% opaque, sight obscuring, wood or wood appearing fence that is at least 6' high, extends to the ground and is constructed in such a way as to prevent the youngest anticipated child from going through or under it, or a less sight obscuring fence which, with existing natural screening, obstructs the play area from view by adjacent properties on the sides and rear.

1200.04.05 There shall be at least two off street parking spaces per dwelling unit plus one additional off street parking space per 400 square feet of gross floor area or portion thereof used for school, kindergarten, or day care purposes. There shall also be at least one additional off street parking space for every two students of 16 years age or older.

1200.04.06 Parking and drives shall be designed so that there is no back out parking or drives onto any public street. No parking area may be located in a public road right of way.

1200.04.07 Loading and unloading areas must be provided on the lot. No loading or unloading areas are permitted on a public street or in a public street right of way.

1200.04.08 The applicant must meet all State requirements for facilities, safety, adult supervision, etc.

1200.04.09 The applicant must obtain all appropriate State licenses, etc.

1200.04.10 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. (As replaced by Ord. #2014-01, Feb. 2014)

1200.04.11 The applicant shall submit a scaled site plan (minimum 1=100') which must include at least the following information:

a. outer lot boundaries and dimensions and total lot area
b. a verbal and graphic scale
c. adjoining streets and alleys
d. adjoining lot numbers or owners' names of unsubdivided property
e. building locations
f. outdoor play area locations
h. nature and design of screening fences and facilities
i. ingress and egress points
j. drive and parking locations and design
k. loading and unloading areas
1. the number and age distribution of anticipated children and students
m. the total square footage of buildings and the square footage devoted to school, day care or kindergarten purposes
(Section 1200.03.01 to 1200.03.01.11 added 11-11-91)

1200.05 Repealed by Ord. No. 99-3 on January 11, 1999.

1200.06 For small animal hospitals and veterinary offices in the Office District, Highway Commercial District, Community Commercial District and Planned Commerce Center District (9-18-89)

1200.07 For open air markets in the Highway Commercial District and Planned Commerce Center District (3 11 91) provided that the following conditions are met:

1200.07.01 Parking shall be provided at a rate of two (2) spaces for every stall, booth or vendor's lot; or (alternatively) at least two thirds (2/3) of the entire site shall be set aside as the usable customer parking space.

1200.07.02 Access and egress to public streets shall be established and maintained in a manner approved by the Town Council.

1200.07.03 Public sanitary facilities shall be provided as follows:

1200.07.03.01 Whenever business is conducted on undeveloped property zoned for open air markets, sanitary facilities, including but not limited to, toilets, water and trash containers, will be made available at the start of each business day.

1200.07.03.02 Either permanent toilet fixtures or portable facilities approved for public use by the Chattanooga-Hamilton County Health Department shall be made available in the following ratio:

1200.07.03.02.01 Property less than one (1) acre: two (2) toilet units shall be provided.

1200.07.03.02.02 Property one (1) to three (3) acres: four (4) toilet units shall be provided.

1200.07.03.02.03 Property more than three (3) acres: six (6) toilet units shall be provided.

1200.07.03.03 All portable toilets will be emptied, sanitized, and serviced not less than two (2) times a week, or more frequently if needed, and the contents emptied in an approved waste water treatment facility.

1200.07.03.04 Potable drinking water, either under pressure or furnished in an approved dispenser, will be made available so there will be a drinking fixture or dispenser for each acre of used property or fraction thereof. Single service cups, in an approved dispenser, will be made available so there will be a drinking fixture or dispenser for each acre of used property or fraction thereof. Single service cups, in an approved dispenser, will be made available.

1200.07.03.05 A covered trash receptacle, capable of holding not less than ten (10) gallons, will be made available by each vendor who leases, rents or is furnished space to barter to sell merchandise. All trash and debris must be picked up and removed from the area, curb, or street by the close of the business day.

1200.07.04 A board or chain link fence at least four (4) feet high shall be erected along any property boundary adjacent to a school, church, or residential land use.

1200.07.05 Alteration or deletion of any parking space or sanitary facility or abridgment of any condition agreed to at the time of issuance of the special permit shall constitute grounds for revocation of the special permit. Upon verification by the Building Inspector that such alteration, deletion, or abridgment has occurred, the operator of the open air markets shall be summoned before the Board of Zoning Appeals to show cause why the special permit should not be permanently revoked. Failure to appear or failure to correct deficiencies found by the Board within ten (10) days following the hearing shall result in automatic revocation of the special permit, and the operator shall cease to use the property as an open-air market until such time as a new special permit is applied for and received.

1200.07.06 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. (As replaced by Ord. #2014-01, Feb. 2014)

1200.08 Adult-Oriented Establishments:

For adult-oriented establishments in the Highway Commercial District provided that the use meets the following definitions, conditions, restrictions and other provisions:

1200.08.01 Definitions:

For the purpose of these regulations, certain terms and words shall be defined as follows:

1200.08.01.01 Adult: Any person who is eighteen (18) years of age or older.

1200.08.01.02 Adult-oriented Establishments: Sexually explicit establishments which cater to an exclusively or predominantly adult clientele and including, but not limited to: adult bookstores, adult motion picture theaters, cabarets, massage parlors and other enterprises which regularly feature materials, acts or displays involving complete nudity or exposure of the "Specified Anatomical Areas" herein below defined and/or sexual excitement or enticement.

1200.08.01.03 Adult Book Store: An establishment having as a substantial or significant portion of its stock in trade, books, magazines, motion pictures, periodicals, and other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Anatomical Areas" (as defined below) or an establishment with a segment or section devoted to the sale or display of such material.

1200.08.01.04 Adult Motion Picture Theater: Any public place, whether open or enclosed, used for presenting material distinguished or characterized an emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined below) for observations by patrons therein.

1200.08.01.05 Cabaret: Any restaurant, bar, dance hall, nightclub or other such place of business or public place which features exotic dancers, go-go dancers, strippers, male or female impersonators or similar entertainers.

1200.08.01.06 Massage Parlors: Any premises, public place, place of business or membership club where there is conducted the business or activity of furnishing, providing or giving for a fee or any other form of consideration a massage, a bath, body painting or similar massage services or procedure; or "Massage Therapists licensed by the Tennessee Department of Health Board of Massage Licensing" to the exclusions listed under paragraph 1200.08.01.06 which are permitted and do not require any special exceptions permit for business operations. This definition shall not be construed to

include a hospital, nursing home, medical clinic or the office of a duly licensed physical surgeon, physical therapist, chiropractor or osteopath. Nor shall this definition be construed to include a barber or cosmetologist, so long as any massage administered therein is limited to the head and neck. (Amended 2010-11)

1200.08.01.07 Massage: Shall mean the administering by any person by any method of exerting or applying pressure, friction, moisture, heat or cold to the human body, and/or the rubbing, stroking, kneading, pounding, tapping, or otherwise manipulating a part or whole of the human body or the muscles or joints thereof, by any physical or mechanical means. Massage shall also mean the giving, receiving, or administering of a bath to any person or the application of oil, lotion, body paint, or other such embrocation to any person.

1200.08.01.08 Minor: Any person less than 18 years of age.

1200.08.01.09 Public Place: Shall mean any place to which the public or a substantial group of persons has access and congregates, regardless of whether admission is charged thereto, and includes, but is not limited to: Businesses open to the public; highways; transportation facilities; schools; places of amusement; parks; playgrounds; hotels; theaters; auditoriums; restaurants; nightclubs; cocktail lounges; and burlesque houses.

1200.08.01.10 School: An academic learning center, whether public or private, from the level of nursery through twelfth grade.

1200.08.01.11 "Specified Sexual Activities": (Amended 10 - 2004)

1200.08.01.11.01 Human genitals in a state of actual or simulated sexual stimulation or arousal;

1200.08.01.11.02 Acts of actual or simulated human masturbation, sexual intercourse or sodomy;

1200.08.01.11.03 Actual or simulated fondling or other erotic touching of human genitals, pubic region, buttock, or female breast.

1200.08.01.12 "Specified Anatomical Areas" shall mean less than completely and opaquely covered:

(a) Human genitalia, pubic region;
(b) Buttock;
(c) Female breast below a point immediately above the top of the areola; and

(d) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

1200.08.02 Location Restrictions:

Adult-oriented establishments, as defined above, are absolutely and expressly prohibited from all parts of the Town of Signal Mountain except those portions zoned Highway Commercial District. Furthermore, the location and operation of adult-oriented establishments within the above specified zones will not be permitted unless a special permit is obtained from the Board of Zoning Appeals, subject to the following additional restrictions.

1200.08.03 Special Permit Restrictions for Adult-Oriented Establishments:

In no case shall an adult-oriented establishment be permitted to locate within five hundred (500) feet of any boundary of a low density residential district, moderate density residential district, high density residential district, residential townhouse district or office district, or within five hundred (500) feet of a residential use within any zoning district, nor shall any proposed adult-oriented establishment be permitted to locate within five hundred (500) feet from the nearest property line of a site which is used for the purpose of a recreational park (ornamental parks are not to be considered in the requirement), place of worship, school, day care center, or other adult-oriented establishment. Measurement shall be made from the nearest recorded property line of the adult-oriented establishment to the nearest property line or boundary of the above mentioned uses. (Amended 10 - 2004)

1200.08.04 Evaluation:

For the purpose of enforcing the regulations of this section, it shall be the responsibility of the Planning Commission or the Building Inspector to measure, evaluate and advise the Board of Zoning Appeals regarding compliance of a proposed adult-oriented establishment with the special restrictions set forth herein. It shall be the responsibility of the applicant to supply site plans, maps, surveys or other such special information as might reasonably be required and requested by the Planning Commission or the Building Inspector for use in making a thorough evaluation of the proposal.

1200.08.05 Revocation and Hearing:

Expansion, relocation, substantial misrepresentation, violation of any of the terms of this Ordinance or change in dominant sales items or services offered to the public or failure to operate the establishment in conformity with any terms and specifications set forth in the conditions attached to the special permit shall constitute grounds for revocation of the special permit after

notice and hearing. Notice of the hearing before the Board of Zoning Appeals for revocation of the permit shall be given in writing, setting forth the grounds of the complaint and the time and place of hearing. Such notice shall be mailed by certified mail to applicant's last known address at least five (5) days prior to the date set for hearing.

1200.08.06 Adult-Oriented Establishments Unlawful Acts:

It shall be unlawful for any person to own, manage or operate an adult-oriented establishment in any zone other than Highway Commercial District or to own, manage, or operate such an establishment without obtaining a special permit as hereinabove required.

1200.08.07 Enforcement:

The provisions set forth in Article XXI of these Regulations, Section 2100.01, 2100.02, 2100.03 are hereby adopted and become a part hereof as though specifically copied herein.

1200.09 (Deleted 10 - 2004)

1200.10 For funeral homes, mortuaries, and undertaking establishments. (Added 10 - 2004)

1200.11 For continuing care retirement communities. (Added 10 - 2004)

1200.12 Facilities such as boarding, grooming, training, and similar uses for small animals (defined as household pets), subject to the provision that any outdoor use:

(a) Shall be limited to the rear yard;
(b) Shall be not less than one hundred (100) feet from any residential, commercial, or office use or district;
(c) Shall be fenced by a sight-obscuring screen (either solid or veil block, or some form of fence that is at least 50% opaque and at least six (6) feet high). No chain link, slat or wire fences can be used to meet the requirements of this Section; and
(d) Shall not involve dog(s) causing frequent or long, continued noise which disturbs the comfort or repose of any person in a residence of any kind, hotel or hospital. For the purposes of this subsection, "frequent or long, continued noise" shall include, but shall not be limited to, barking at an average rate of ten (10) or more barks per minute over a period of five (5) minutes which can be heard from a distance of one hundred (100) feet or more, but shall not include the

barking of any dog(s) responding to an emergency or to a trespasser on the property where such facility is located. . (Added 10 - 2004)

1200.13 For any home occupation that generates traffic volume to or parking problems at the premises than would normally be expected at a similar property where no home occupation is conducted at or adjacent to the location of such home occupation as determined by the Building Inspector To issue this permit, the Board of Zoning Appeals must first find that the type and amount of vehicular traffic generated by the home occupation will not be disruptive to the neighborhood or in any way create a nuisance or safety hazard to the neighborhood in which the proposed home occupation is to be located. The Board may also impose such additional conditions as deemed necessary to insure the public safety and welfare. (Added 10 - 2004)

1200.14 Residential Homes for the Handicapped and/or Aged Persons, Assisted Living Facilities and Medically Assisted Living Facilities, Nursing Homes and Hospitals Operated on a Commercial Basis.

Application to the Town Council shall be accompanied by a site plan, drawn to scale, showing the following information:

A. Size and location, and use of all buildings and structures;
B. Parking and loading facilities;
C. Points of ingress and egress;
D. Surrounding land uses; and
E. A list showing:

(1) Number of residents;
(2) Number of employees, visitors and/or volunteers who may reasonably be expected at any one time;
(3) State licensure department (if applicable);
(4) Type of license and nature of operation; and
(5) A statement of whether the facility will be operated on a commercial basis.

The Town Council shall find that such uses are appropriate to the zone in which they are proposed to be located; that the proposed use will not conflict with the developed character of the area; that the Town Engineer has approved all plans for the points of ingress and egress, parking and loading facilities; and that the proposed use will not be in conflict with the adopted plans of the community.

Prior to operating any of the above uses, both the Special Permit and the State License (where applicable) must be obtained.

1200.15 Memorial Gardens and Columbaria may be allowed as an accessory use of churches within the Low Density Residential (LDR) District provided that any application for a Special Exceptions permit shall be accompanied by a site plan, drawn to scale, showing the following information:

1. Size and location and use of all adjoining buildings and structures;
2. Parking and loading facilities;
3. Points of ingress and egress;
4. Building and fire access easements for adjoining buildings and structures;
5. A written agreement by the governing body of the church that use as a Memorial Garden and Columbarium will require compliance and removal of human remains under applicable Tennessee law before any other use can occur on any property dedicated for use as a Memorial Garden or Columbarium;
6. Setbacks for a Memorial Garden or Columbarium from adjoining residential properties;
7. Approval by the Building and Fire officials of the Town concerning the locations of any structures and access to buildings.

The Board of Zoning Appeals shall make a recommendation for approval to the Town Council concerning screening, height, and additional setbacks of any structures. (Added 05 - 2011)

1201. Board's Findings:

1201.01 The Board of Zoning Appeals shall make its findings in writing on each of the conditions stipulated in Article XI and on such additional items presented as evidence which have influenced its decision. The decision of the Board of Zoning Appeals shall become effective immediately. such decisions, affirming, revising, or modifying the order, requirement, decision or determination of the administrator of the zoning regulations and such conditional permits and other special permits or special exceptions or variances to the provisions of the zoning regulations shall be effective for a period of one (1) year from the date of the decision of the Board of Zoning Appeals, unless another time certain is given in such decision.

1201.02 If the decision of the Board of Zoning Appeals has not been fully utilized and confirmed by the construction of the improvements contemplated by the applicant within the period of one (1) year, or other time certain stipulated by the Board of Zoning Appeals, then the applicant will be required to reapply to the Board of Zoning Appeals and the application will be reheard upon the grounds stipulated by the applicant as of the time of the new application.

1201.03 The Board of Zoning Appeals shall not rehear any case upon the same grounds within a minimum period of one (1) year of its previous hearing date.

1201.04 The Board of Zoning Appeals shall adopt for its record, such policies as can be reasonably developed for its own guidance in dealing with the more common types of request for adjustment.

1202. Records:

The Board of Zoning Appeals shall keep a duplicate record of its proceedings, findings, and action in each case, giving specific reasons for its action, and for any deviation from policy it might have established in pant cases. The vote of each member on each question shall appear in the record. All records of the Board of Zoning Appeals shall be open to the public.

1203. Stay:

Upon applying for special exception, variance, interpretation, or review by the Board of Zoning Appeals, the applicant shall stay any cut or fill of property, construction, or alteration on the building for which action by the Board of Zoning Appeals is sought.

1204. Appeal from a Decision of the Board of Zoning Appeals:

The action of the Board of Zoning Appeals shall be final, provided an appeal from the action of the Board of Zoning Appeals may be taken to court of competent jurisdiction by any aggrieved, affected party.

1205. Administration:

The Town Manager or his designated assistant shall be the Secretary of the Board of Zoning Appeals. He shall conduct all official correspondence subject to the rules and direction of the Board of Zoning Appeals, and send out all notices and attend all meetings or cause the same to be done. The secretary shall attend all meetings, keep the minutes, compile the records and maintain the official files of the Board of Zoning Appeals or cause the same to be done.

ARTICLE XIII
APPEALS FROM THE BOARD OF ZONING APPEALS

1301. Method of Appeal to Court:

Any person or persons, or any board, taxpayer, department, or bureau of the government aggrieved by any decision of the Board of Zoning Appeals may present to a court of competent jurisdiction a petition, duly verified, setting forth that a decision of the Board of Zoning Appeals is illegal, in whole or part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision of the Board of Zoning Appeals. Such petition shall not be made with respect to the decision of the Building Inspector or any administrative officer, without recourse to the Board of Zoning Appeals.

1302. Procedure in Court:

1302.01 Upon the presentation of such petition, the Court may allow a writ of certiorari directed to the Board of Zoning Appeals to review such decisions of the Board of Zoning Appeals. The allowance of the writ shall not stay proceedings upon the decision of the Board of Zoning Appeals. The Board of Zoning Appeals shall be required to turn over to the Court certified copies of all papers and any other pertinent information relating to the decision.

1302.02 If upon hearing, the Court deems that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take evidence which shall constitute a portion of the proceedings upon which the determination of the Court shall be made. The court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

1302.03 Court costs shall not be charged to the Board of Zoning Appeals unless the Court deems that the Board of Zoning Appeals acted with gross negligence, bad faith, or malice in making the decision from which the appeal is brought.

ARTICLE XIV
PLATS

1400. Each application for a building permit for a new building or to enlarge an existing building shall be accompanied by a plat drawn to scale, showing the actual dimensions of the lot to be built upon, the size, shape, and location of the building to be erected or enlarged and such other information as may be necessary to provide for the enforcement of these regulations. A record of such application and plat shall be kept in the office of the Town Building Inspector.

ARTICLE XV
INTERPRETATION, PURPOSE, AND CONFLICT

1500. In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare of the community. It is not intended by these regulations to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where these regulations impose a greater restriction upon the use of the buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants, the provisions of these regulations shall control. If, because of error or omission in the zoning map, any property in the Town of Signal Mountain, Tennessee, is not shown as being in a zoning district, the classification of such property shall be Low Density Residential District unless changed by amendments to the Zoning Ordinance; provided, however, that property annexed to the Town of Signal Mountain shall be temporarily reclassified from its former zoning classification as follows:

FORMER CLASSIFICATION		TEMPORARY CLASSIFICATION
A-1 Agricultural District	to	Residential Estate District
R-1 Single Family Residential District	to	Low Density Residential District
R-T-1 Residential Townhouse District or R-T/Z Residential Townhouse/Zero Lot Line	to	Residential Townhouse District
R-2 Urban Residential District	to	Low Density Residential District
R-2A Rural Residential District	to	Residential Estate District
R-3 Apartment-Townhouse District or R-3 MD Moderate Density Apartment-Townhouse District	to	Moderate Density Residential District
R-5 Single-Wide Manufactured Home District	to	Low Density Residential District
O-1 Office District	to	Office District
C-1 Tourist Court & Motel Commercial District	to	Highway Commercial District
C-2 Local Business Commercial District	to	Community Commercial District or Specialty Commercial District
C-3 General Business Commercial District	to	Highway Commercial District
C-5 Neighborhood Commercial District	to	Community Commercial District or Specialty Commercial District
M-1 Industrial District	to	Highway Commercial District or Warehouse and Wholesale District
M-2 Wholesale and Light Industry or M-3		

Warehouse and Wholesale District or M-4
Outdoor Industrial Use District to Warehouse and Wholesale District

1500.01 The temporary classifications shall be and remain in full force and effect during the interim period between the effective date of the annexation and the adoption of an official zoning plan for the area by the Town Council, as hereinafter provided, and the Building Inspector may issue building permits during said interim based on such temporary zoning.

1500.02 It shall be the duty of the Planning Commission, within ninety (90) days of the effective date of annexation, to recommend a zoning plan for the newly annexed areas to the Town Council. Following the receipt of the recommendation of such a zoning plan from the Planning Commission, the Town Council after giving notice as required in Article XVIII regarding changes and amendments to the zoning regulations, shall thereafter adopt a zoning plan as an amendment to the official zoning map for the newly annexed area.

1500.03 These regulations shall apply only to property annexed by the Town after October of 2004, it being the intent of the Town Council that these regulations shall have only prospective application.

ARTICLE XVI
DUTIES OF BUILDING INSPECTOR, BOARD OF ZONING APPEALS AND COURTS ON MATTERS OF APPEAL

1601. Intent:

1601.01 It is the intent of these regulations that all questions of interpretations and enforcement shall be made by the Building Inspector. Recourse from that decision shall be to the Board of Zoning Appeals. Recourse from the decision of the Board of Zoning Appeals shall be to a court of competent jurisdiction. (Amended 12-16-91)

ARTICLE XVII
FEE, CHARGES, AND EXPENSES

1701. Schedule of Fees, Charges and Expenses:

The Town Council shall establish a schedule of fees, charges, and expenses and a collection procedure for building permits, certificates of zoning compliance, appeals, amendments, and other matters pertaining to these regulations. This schedule of fees shall be posted in the office of the Building Inspector and may be altered or amended only by the Town Council.

1702. No Action Until Fees Paid:

No permit, certificate, special exception, or variance shall be issued or granted unless and until such costs, charges, fees or expenses have been paid in full, nor shall any action be taken on proposed amendments or on proceedings before the Board of Zoning Appeals unless and until applicable charges and fees have been paid in full.

ARTICLE XVIII
CHANGES AND AMENDMENTS

1801. Amendments:

The standards, restriction, and boundaries set forth in these regulations (including maps) may from time to time be amended, supplemented, changed or repealed.

1802. Required Method of Procedure:

1802.01 An amendment, supplement, change, or repeal may be initiated by the Town Council, the Planning Commission, any department or agency of governments or any other individual, corporation, or agency.

1802.02 No such amendment shall become effective unless it be first submitted to and approved by the Planning Commission, or if disapproved, shall receive the favorable vote of a majority of the entire membership of the Town Council within thirty (30) days after such submission.

1802.03 No such amendment shall become effective until the Town Council has given at least fifteen (15) days prior notice of the time and place for a public hearing which shall be held in regard to the proposed changes or amendments.

This notice and the proposed amendment shall be published at least once in a newspaper of general circulation in the municipality (4-13-92). Large and conspicuous signs shall also be posted on properties for which rezoning is sought and the date, time, and place of the hearing shall appear on the signs. The petitioner shall pay the costs of advertisement of the public hearing.

1802.04 A petition for rezoning shall be set for public hearing within three (3) months of the date when the Town Council receives the Planning Commission's recommendation; otherwise said petition shall not be heard.

1802.05 Time of Second Petition: A petition once heard and denied shall not be accepted or heard again for the same area or any part or combination including the same area, and the same or similar change of zoning, use or other change, for a period of twelve (12) months following denial of this petition by the Signal Mountain Town Council. (3-9-87)

1803. Procedural Rules for Special Circumstances:

1803.01 Whenever the owners of fifty (50) percent, or more, of the area of all the property within a radius of two hundred (200) feet of any area proposed to be rezoned shall present to the Town Council a petition duly signed and acknowledged by them, requesting the passage of any such amendment of the ordinance, then the chief legislative body shall act within ninety (90) days after the filing thereof.

1803.02 When a proposed amendment affects the zoning classification of property, and in case a protest against such change is signed by the owners of twenty (20) percent or more, either of the area of the lots included in such proposed change, or of those immediately adjacent in the rear thereof extending 175 feet therefrom, or of those directly opposite thereto extending 175 feet from the street frontage of such opposite lots, then such amendments shall not become effective except by the favorable vote of a majority of the entire membership of the Town Council.

1804. Incorporation of Amendment in the Language of this Resolution:

The phrase used in this Ordinance, "at the time of passage of these regulations" shall in its application to land, and buildings and properties, and uses affected by an amendment to these regulations be read to mean "at the time of passage of this amendment.

ARTICLE XIX
PROVISIONS OF REGULATIONS DECLARED TO BE MINIMUM REQUIREMENTS

1901. Minimum Requirements

In their interpretation and application, the provisions of these regulations shall be held to the minimum requirements, adopted for the promotion of the public health, safety, morals, or general welfare. Wherever the requirements of these regulations are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, resolutions, deed restrictions, or covenants, the most restrictive or that imposing the higher standard shall govern.

ARTICLE XX
COMPLAINTS REGARDING VIOLATIONS

2001. Complaints to be Filed with Building Inspector:

Whenever a violation of these regulations occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Building Inspector. He shall record properly such complaint, immediately investigate, and take action thereon as provided by these regulations.

ARTICLE XXI
PENALTIES FOR VIOLATION

2100. Penalties:

2100.01 Violation of the provisions of these regulations or failure to comply with any of the requirements set forth herein including violations of conditions and safeguards established in connection with grants of variances or special exceptions shall constitute a misdemeanor. Any person who violates these regulations or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than fifty dollars ($50.00) and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

2100.02 The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

2100.03 Nothing herein contained shall prevent the government from taking such other lawful action as is necessary to prevent or remedy any violation of this chapter or any regulation or provision enacted or adopted by local government under the authority granted by this chapter, such local governing body, the attorney general, the district attorney for the judicial circuit in which such violation occurs or is threatened, the Building Inspector, any adjacent or neighboring property owner, or other individual agency, or corporation that would be specifically damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin or abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

ARTICLE XXII
SEVERABILITY CLAUSE

2200. Severability Clause:

Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

ARTICLE XXIII
REPEAL OF CONFLICTING ORDINANCES: EFFECTIVE DATE:

2300. Repeal of Conflicting Ordinances: Effective Date:

All local statutes or parts thereof in conflict with these amended and restated zoning regulations, or inconsistent with the provisions set forth herein, are hereby repealed to the extent necessary to give these regulations full force and effect. These amended and restated regulations shall become effective on November 8, 2004.

ARTICLE XXIV
WIRELESS TELECOMMUNICATION TOWERS AND ANTENNAS

(Added July 30, 1998, by Ordinance No. 98-21)
(Amended August 17, 1998, by Ordinance No. 98-25)
(Amended January 20, 1999, by Ordinance No. 99-4)

1. That an amendment to the Signal Mountain Zoning Ordinance shall be entitled "Article XXIV-Wireless Telecommunication Towers and Antennas".

2. Purpose. The purpose of this Ordinance is to establish general guidelines for the siting of wireless communication towers and antennas. The goals of this Ordinance are to: (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers; (5) encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal; (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques; (7) permit the providers of telecommunications services to provide such services to the community; (8) consider the effect upon the public health and safety of communication towers; and (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the Town Council shall give due consideration to the Town of Signal Mountain's land use plan, zoning map, existing land uses, and environmentally sensitive areas in approving or disapproving sites for the location of towers and antennas.

3. Definitions. As used in this Ordinance, the following terms shall have the meanings as set forth below:

   (a) Alternative Tower Structures means man-made trees, clock towers, bell steeples, light poles and similar alternative-design mountain structures that camouflage or conceal the presence of antennas or towers.

   (b) Antenna means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic wages, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

(c) Backhaul Network means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

(d) Carrier Application means the total number of antennas needed for a single carrier to place that equipment on a communication tower.

(e) FFA means the Federal Aviation Administration.

(f) FCC means the Federal Communications Commission.

(g) Height means, when referring to a tower or other structures, the distance measured from the finished grade of the parcel (regardless of whether or not such tower or other structure is sited on or within any building or other structure, such as a water tower or a church steeple) to the highest point on the tower or other structure, including the base pad and any antenna.

(h) Lattice Tower means a self-supporting support structure, erected on the ground, which consists of metal crossed strips or bars to support antennas and related equipment.

(i) Monopole means a communication facility which consists of monopolar structure, erected on the ground to support communication antennas and connecting appurtenances.

(j) Tower means any structure that is designed and constructed for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including, without limitation, self-supporting lattice towers, guyed towers, or monopole towers. The term includes, without limitation, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

4. Applicability.

(a) New Towers and Antennas. All new towers or antennas in the Town of Signal Mountain shall be subject to these regulations, except as provided in Sections 4(b) through (d), inclusive.

(b) Amateur Radio Station Operator/Receive Only Antennas. This Ordinance shall not govern any tower, or the installation of any antenna, that is under thirty-five feet in height and is owned and operated by a radio station operator or is used exclusively for receive only antennas. All other applicable regulations to towers and antennas thirty-five feet or more in height and found within this Ordinance shall continue to apply.

(c) Pre-Existing Towers or Antennas. Pre-existing towers and pre-existing antennas shall not be required to meet the requirements of this Ordinance, other than the requirements of Sections 5(f) and 5(g).

(d) AM Array. For purposes of implementing this Ordinance, an AM Array, consisting of one or more tower units and supporting ground system which functions as an AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM Array. Additional tower units may be added within the perimeter of the AM Array by right.

5. General Requirements.

(a) Principal or Accessory Use. Antennas and towers may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

(b) Lot Size. For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

(c) Inventory of Existing Sites. Each applicant for an antenna and/or tower shall provide to the Town an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are within the jurisdiction of the Town of Signal Mountain, or in a nearby jurisdiction and could be used to provide personal wireless services to the citizens of the Town of Signal Mountain, including specific information about the location, height, and design of each tower. The Town may share such information with other applicants applying for administrative approvals or special use permits under this Ordinance or other organizations seeking to locate antennas within the jurisdiction of the Town of Signal Mountain provided, however, that the Town is not, by sharing such information, in any way representing or warranting that such sites are available or suitable for tower construction.

(d) Anesthetics. Towers and antennas shall meet the following requirements:

(1) Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted light gray so as to reduce visual obtrusiveness.

(2) At a tower site, the design of the buildings and related structures shall be subject to all applicable Town of Signal Mountain Ordinances and the Design Review Commission's requirements and shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.

(3) If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antennas and related equipment as visually unobtrusive as possible.

(e) Lighting. Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen shall be subject to all applicable Town of Signal Mountain Ordinances and the Design Review Commission's requirements and must cause the least possible disturbance to the surrounding views.

(f) State or Federal Requirements. All towers must meet or exceed current standards and regulations of the FAA, the FCC, ANSI (American National Standard Institute), IEEE (Institute of Electrical and Electronic Engineers), and any other agency of the State or Federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this Ordinance shall bring such towers and antennas into compliance with such revised standards and regulations within six (6) months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling State or Federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(g) Building Codes: Safety Standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable State or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the Town of Signal Mountain concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty (30) days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said thirty (30) days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

(h) Measurement. For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the Town of Signal Mountain irrespective of municipal and county jurisdictional boundaries.

(i) Franchises. Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or

operation of a wireless communication system in the Town of Signal Mountain have been obtained and shall file a copy of all required franchises with the Town.

(j) Public Notice and Public Hearing. For purposes of this Ordinance, any special use permit request or variance request shall require public notice to all abutting property owners and all property owners of properties that are located within the greater of one thousand feet or the corresponding separation distance listed in Section 6(b)5(i), Table 1, in addition to any notice otherwise required. In addition, a public notice and public hearing process that is substantially similar to that required by the Town of Signal Mountain's Ordinance regarding a rezoning request shall also be required regarding any special use permit request or variance request under this Article XXIV.

(k) Signs. No signs shall be allowed on an antenna or tower.

(l) Buildings and Support Equipment. Buildings and support equipment associated with antennas or towers shall comply with the requirements of Section 9.

(m) Multiple Antenna/Tower Plan. The Town of Signal Mountain encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites.

6. Special Use Permits.

(a) General. The following provisions shall govern the issuance of special use permits for towers or antennas by the Town Council.

(1) A special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning district classifications. Applications for special use permits under this Article XXIV shall also be subject to all other applicable Town of Signal Mountain Ordinances concerning procedures and requirements as to special use permits.

(2) In granting a special use permit, the Town Council shall impose conditions to the extent the Town Council includes such conditions as necessary to minimize adverse effects of the proposed tower on adjoining properties.

(3) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer under the guidelines of the State of Tennessee for such certifications.

(4) An applicant for a special use permit shall submit the information described in this Section, a $1,000.00 non-refundable application fee and shall reimburse the Town of Signal Mountain with respect to the Town's consultant's fees and expenses described in Section 6(b)(2)(ix).

(5) The Town of Signal Mountain shall decide whether to approve or disapprove a special use permit application or variance request made under this Article XXIV within sixty days after the Town Council receives the last of the items that the applicant is required to submit under this Article XXIV. The Town of Signal Mountain shall provide written notice to the applicant of such decision to approve or disapprove such special use permit application or variance request.

(b) Towers and Antennas.

(1) Information required. In addition to any information required for applications for special use permits, applicants for a special use permit for a tower or antenna shall submit the following information for approval or disapproval by the Town Council:

(i) Name and address of each company or individual wishing to build or lease the proposed tower or antenna or any portion thereof, including all intended users of the tower or antenna.

(ii) A scaled site plan clearly indicating the location, type and height of the proposed tower, accessory buildings, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), zoning classification of all properties within the applicable separation distances set forth in Section 6(b)(5), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the Town Council to be necessary to assess compliance with this Ordinance.

(iii) Address and legal description of the parent tract and leased parcel (if applicable); proof of ownership of site or authorization to use it.

(iv) The separation distance between the proposed tower or antenna and the lot lines of the nearest residentially-zoned properties.

(v) The separation distance from other towers described in the inventory of existing sites submitted pursuant to Section 5(c) shall be shown by an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s), if known.

(vi) A landscape plan showing specific landscape materials.

(vii) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

(viii) A description of the facility and its purposed use.

(ix) A description of compliance with Sections 5(c), (d), (e), (f), (g), (j), (l) and (m), 6(b)(4), 6(b)(5), 6(b)(6), and all applicable Federal, State and local laws.

(x) A notarized statement by the applicant's registered engineer as to whether construction of the tower will accommodate co-location of additional antennas for future users, indicating how many additional users can be accommodated by the proposed tower.

(xi) Documentation stating the applicant's agreement to allow co-location on the proposed tower at reasonable rates.

(xii) All licenses, leases and franchises related to such proposed tower or antenna prior to execution thereof by the parties thereto.

(xiii) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower. If existing towers with capacity for collation were not chosen, submit a statement indicating why co-location was not practical, including correspondence.

(xiv) A description of the feasible location(s) of future towers or antennas within the Town of Signal Mountain based upon existing physical, engineering, technological or geographical limitations in the event the proposed tower is erected.

(xv) The applicant or the landowner shall provide proof of the establishment of a financially-secure and legally-enforceable method of removing a communications tower when it ceases to be used for a period of twelve months This Financial Assurance can be provided through a sinking fund, a lien upon land which has a greater unencumbered appraised value than the cost of removal of the communications tower, a bond, a letter of credit or any alternative financial arrangement which is approved by the Town Council as to financial adequacy and the Town Attorney as to legal enforceability. Such Financial Assurance must be maintained by the owner of the

tower or antenna or the owner of the proposed site therefore at its expense (if the proposed tower or antenna is approved and built) until the tower or antenna has been removed at such owner's expense. If such Financial Assurance has not been renewed at such owner's expense at least thirty days prior to its expiration, the Town may cash such letter of credit or proceed against any other Financial Assurance.

(xvi) The applicant shall furnish the names and addresses of all property owners within one thousand feet of the site as measured from the property lines of the site upon which the tower is to be constructed to the nearest property line of any property within said distance.

(xvii) A scaled plan and scaled elevation view and other supporting drawings, prepared, approved, signed and sealed by a licensed professional engineer registered in the State of Tennessee, along with calculations and other documentation showing the location and dimensions of the tower and/or antenna and all improvements associated therewith, including information concerning support structure specifications, antenna location, equipment facilities and landscaping. Each applicant shall also submit a scaled drawing of any existing adjacent structures, a site plan addressing drainage from the site, and if relevant, documentation and supporting drawings regarding topography and existing vegetation.

(xviii) Liability Insurance. Applicants shall provide the Town with proof of liability insurance in the amount of ten million dollars ($10,000,000.00), and if the tower is on Town property, additional insureds shall be the Town of Signal Mountain, Tennessee, the Signal Mountain Planning Commission, the Council of the Town of Signal Mountain, Tennessee, and all employees of the Town of Signal Mountain, Tennessee.

(2) Factors Considered in Granting Special Use Permits for Towers and Antennas. In addition to any standards for consideration of special use permit applications contained in this Article XXIV or any other applicable Town Ordinances, the Town Council shall consider the following factors in determining whether to issue a special use permit, although the Town Council may waive or reduce the burden on the

applicant of one or more of these criteria if the Town Council concludes that the goals of this Ordinance are better served thereby:

(i) Height of the proposed tower;

(ii) Proximity of the tower to residential structures and residential district boundaries;

(iii) Nature of uses on adjacent and nearby properties;

(iv) Surrounding topography;

(v) Surrounding tree coverage and foliage;

(vi) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(vii) Proposed ingress and egress;

(viii) Availability of suitable existing towers, other structures, or alternative technologies not requiring the use of towers or structures, as discussed in Section 8(b)(3) of this Ordinance; and,

(ix) A written report from a consultant retained by the Town of Signal Mountain which contains an evaluation of such special use permit application (or variance request, as the case may be) and the materials that the applicant submitted therewith concerning whether the proposed tower or antenna may interfere in any way with any Town existing or proposed wireless communications facilities (which interference shall be prohibited) and whether the proposed tower or antenna, the related application and such materials meet the requirements of this Article XXIV and all other applicable Town of Signal Mountain Ordinances. The applicant shall reimburse the Town of Signal Mountain with respect to such consultant's fees and expenses promptly upon receipt of each invoice therefore.

(3) Availability of Suitable Existing Towers, Other Structures, or Alternative Technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Town Council that no existing tower, structure or alternative technology that does not require the use of towers or structures located in the Town of Signal Mountain or in nearby jurisdictions can accommodate the applicant's proposed antenna. An applicant shall submit information to the Town Council related to the availability of suitable existing towers, other structures or alternative technology located in the Town of Signal Mountain and in

nearby jurisdictions. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

(i) No existing towers or structures (including, without limitation, water towers, church steeples, street lights or power poles) are located within the geographic area which meet applicant's engineering requirements.

(ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

(iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable.

(vi) The applicant demonstrates that there are other material limiting factors that render existing towers and structures unsuitable.

(vii) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

(viii) The applicant must provide documentary evidence reasonably satisfactory to the Town Council that the applicant has used his (its) best efforts to site the proposed personal wireless service facilities on existing towers, structures or alternative technology located in the Town of Signal Mountain or any nearby jurisdiction in which an existing tower, structure or alternative technology is located that could be used to provide personal wireless service to the citizens of the Town of Signal Mountain.

(ix) Documentary evidence that the proposed tower or antenna and the proposed site meet Federal

Communications Commission statutes and regulations.

(x) Documentary evidence that the proposed tower or antenna and the proposed site comply with the National Environmental Policy Act and all applicable Federal, State and local laws and regulations.

(xi) A Phase One Environmental Assessment shall be required if the proposed tower or antenna site is in any of the following areas:

(a) An officially-designated wilderness area;
(b) An officially-designated wildlife preserve;
(c) A 100-year flood plain (as determined by the Federal Emergency Management Agency's flood insurance maps);
(d) A location that may affect threatened or endangered species under the Federal Endangered Species Act;
(e) Historic districts or sites listed or eligible for listing in the National Register of Historic Places;
(f) Native American religious sites;
(g) A location that could cause significant change in surface features, e.g. filling of wetlands, deforestation or water diversion; or,
(h) A location that would involve use of high intensity white lights in any residential district.

(4) Setbacks. The following setback requirements shall apply to all towers and antennas for which a special use permit is required, provided, however, that the Town Council may reduce the standard setback requirements if the goals of this Ordinance would be better served thereby:

(i) Towers, antennas and guys must be set back a distance equal to at least one hundred percent (100%) of the height of the tower plus ten feet from any adjoining lot line and any adjoining road right-of-way.
(ii) Towers, antennas, guys and accessory buildings must satisfy the minimum zoning district setback requirements.

(5) Separation. The following separation requirements shall apply to all towers and antennas for which a special use permit is required provided, however, that the Town Council

may reduce the standard separation requirements if the goals of this Ordinance would be better served thereby.

(i) Separation from off-site uses/designated areas.

(a) Tower or antenna separation shall be measured from the base of the tower or antenna to (1) the lot line of the off-site uses and/or designated areas as specified in Table 1, except as otherwise provided in Table 1; and/or (2) the nearest portion of any building (other than such tower's or antenna's accessory equipment storage building) or other structure on the proposed tower or antenna site.

(b) Separation requirements for towers and antennas shall comply with the minimum standards established in Table 1.

Table 1:

Use	Separation Distance
All residentially-zoned properties	200 feet or 200% of the height of the tower or antenna, whichever is greater
Non-residentially-zoned properties	100 feet or 100% of the height of the proposed tower or antenna plus 10 feet, whichever is greater

(ii) Separation distances between towers.

Separation distances between towers shall be applicable for and measured between the proposed tower and pre-existing towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown on Table 2.

Table 2:

Existing Towers-Types

	Lattice	Guyed	Monopole 75 ft. in Hgt. or Greater	Monopole Less Than 75 ft. in Height
Lattice	5000	5000	1500	750
Guyed	5000	5000	1500	750
Monopole 75 ft. in Hgt. or Greater	1500	1500	1500	750
Monopole Less Than 75 ft. in Hgt.	750	750	750	750

(6) Maximum Height. Towers designed and built to accommodate (i) three personal system carrier applications ("PSC Applications") and three additional single antenna applications ("SA Applications") may not exceed 120 feet in height; (ii) four PSC Applications and four SA Applications may not exceed 130 feet in height; (III) five PSC Applications and five SA Applications may not exceed 140 feet in height; and, (iv) six PSC Applications and six SA Applications may not exceed 150 feet in height. Towers or antennas designed and built to accommodate fewer than three PSC Applications and three SA Applications shall not exceed 100 feet in height. Subject to the provisions of Section 6(b)(2), towers and antennas shall in no event exceed 150 feet in height.

(7) Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device, provided, however, that the Town Council may waive such requirements, as it deems appropriate.

(8) Landscaping. The following requirements shall govern the landscaping surrounding towers and antennas for which a special use permit is required, provided, however, that the

Town Council may waive such requirements if the goals of this Ordinance would be better served thereby.

(a) Tower or antenna sites on lots or parcels located in or abutting any residential property shall be landscaped with a 10-foot deep landscape yard with evergreen trees spaced a maximum of 10 feet on-center or two staggered rows of shrubs placed a maximum of eight feet apart. All plantings shall meet the installation and planting size requirements as specified below:

(i) Intent. All landscaping materials shall be installed in a professional manner, and according to accepted planting procedures specified in the current edition of American Studies for Nursery Standard.

(ii) Screening Trees. Screening trees are used to meet the tree planting requirements of this Ordinance and shall be installed at a minimum height of eight feet and have a minimum expected mature spread of eight feet. Recommended species are American Holly, Forster Holly, Southern Magnolia, Eastern Red Cedar, Atlas Cedar, Deodar Cedar and Virginia Pine.

(iii) Screening Scrubs. All screening shrubs shall be installed at a minimum size of three gallons and have an expected maturity height of at least eight feet and mature spread of at lease five feet. Recommended species include: Fragrant Olive, English Holly, Burford Holly, Nellie R. Stevens Holly, Wax Myrtle, Cherry Laurel, English Laurel, and Leatherleaf Viburum.

(iv) Prohibited Plants. The following plants are prohibited from being used to meet these requirements due to problems with hardiness, maintenance or nuisance: Kudzu Vine, Purple Loosetrife, Japanese Honeysuckle, Shrub Honeysuckle, Autumn Olive, Common Privet, Tree of Heaven, Lespedeza, Garlic Mustard, Paulownia, Multiflora Rose, Siberian Elm, Silver Poplar, Mimosa, Mulberry and Silver Maple.

(v) Maintenance. The property owner (or lessee if so provided in a written lease) shall be responsible for the maintenance of all provided landscaping. All landscaped areas must present a healthy, neat and orderly appearance and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the property owner (or lessee if provided in a written lease) with new plantings that meet the requirements of these regulations.

(b) A break in the landscape not to exceed sixteen feet in width, shall be allowed for access for maintenance personnel and vehicles.

(c) New or existing vegetation, earth berms, existing topographic features, walls, screening fences, buildings and other features other than prescribed above may be used to meet the requirements of these regulations if the Design Review Commission finds that they achieve reasonably equivalent screening as Subsection A herein.

(d) In commercial and industrial districts, a sight-obscuring fence at least eight feet in height and a minimum of seventy-five percent opaque may be substituted for screening trees or screening shrubs as specified in Subsection A herein by special exception from the Town Council when the applicant can demonstrate that it is impractical to provide living screening material.

(e) No screening shall be required if the base of the communication tower site is not visible from adjoining property or is not otherwise visible from a dedicated public right-of-way.

(f)) Site landscaping is not required for antennas which are being collocated on existing towers, or which are being placed on other buildings or structures where the antenna is allowed as an accessory use.

(g) No screening shall be required when this screening is explicitly prohibited by Federal Communications Commission regulations or is otherwise restricted by site limitations. The Town Council shall review and approve any deviations from the standards specified herein.

(h) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

(i) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer.

(j) All landscaping plans shall be reviewed by the Town's Design Review Commission. The DRC review should proceed promptly without waiting for Council approval or disapproval of the special use permit application.

(9) Noise. No equipment shall be operated in connection with a tower or antenna so as to produce noise in excess of 50 DBA between the hours of 10 p.m. and 7 a.m. Any noise measurements shall be made at the property line of the impacted site. When instrumentation cannot be placed at the property line, the measurement shall be made as close thereto as is reasonable. However, noise measurements shall not be made at a distance less than twenty-five feet from a noise source.

7. Co-Location Requirements. New towers of a height of more than one hundred feet must be designed and built to accommodate three or more personal communication system carrier applications and must be made available upon reasonable terms for co-location to at least three additional single antenna applications such as paging, 911, two-way and emergency management communications. Additionally, the site must be sufficiently large to accommodate at least three telecommunication equipment shelters, cabinets or additions to existing structures. New towers shall be made available upon reasonable terms for co-location.

8. Building or Other Equipment Storage.

(a) Antennas Mounted on Structures or Rooftops. The equipment cabinet or structure used in association with antennas shall comply with the following:

(1) The cabinet or structure shall not contain more than 100 square feet of gross floor area or be more than 12 feet in height. In addition, for buildings and structures which are less than sixty-five feet in height, the related unmanned equipment structure, if over 100 square feet of gross floor area or 12 feet in height, shall be located on the ground and shall not be located on the roof of the structure.

(2) If the equipment structure is located on the roof of a building, the area of the equipment structure and other equipment and structures shall not occupy more than 10 percent of the roof area.

(3) Equipment storage buildings or cabinets shall comply with all applicable building codes.

(b) Antennas Mounted on Utility Poles or Light Poles. The equipment cabinet structure used in association with antennas shall be located in accordance with the following:

(1) In residential districts, the equipment cabinet or structure may be located:

(i) In a front or side yard provided the cabinet or structure is no greater than 12 feet in height or 100 square feet of gross floor area and the cabinet/structure is located a minimum of 40 feet from all lot lines. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of at least 42-48 inches and a planted height of at least 36 inches.

(ii) In a rear yard, provided the cabinet or structure is no greater than 12 feet in height or 100 square feet in gross floor area. The cabinet/structure shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 35 inches.

(2) In commercial districts the equipment cabinet or structure shall be no greater than 20 feet in height or 200 square feet in gross floor area. The structure or cabinet shall be screened by an evergreen hedge with an ultimate height of eight feet and a planted height of at least 36 inches. In all other instances, structures or cabinets shall be screened from view of all residential properties which abut or are directly across the street from the structure or cabinet by a solid fence six feet in height or an evergreen hedge with ultimate height of 12 feet and a planted height of at least 36 inches.

(c) Antennas Located on Towers. The related unmanned equipment structure shall not contain more than 100 square feet of gross floor area or be more than 12 feet in height, and shall be located no closer than 40 feet from all lot lines.

9. Other Requirements.

(a) Design Standards: The proposed site plan and tower design plans must meet or exceed all applicable standards, including without limitation those of the Federal Communications Commission (FCC), American National Standards Institute (ANSI), and Institute of Electrical and Electronics Engineers (IEEE), standards for power density levels and structural integrity, American Concrete Institute (ACI), American Standards Testing and Materials Institute (ASTM), the National Electrical Code, and the American Steel Institute.

(b) Construction Plans: Construction plans or drawings prepared by a registered engineer certifying that the tower has sufficient structural integrity and equipment space to accommodate multiple users shall be required at the time of applying for a building permit.

(c) Landscape Plans: Landscape plans that comply with the landscaping requirements of this Ordinance shall be required at the time of applying for a building permit.

(d) Building Permit. If the Town Council approves a special use permit application or variance request under this Article XXIV, then the applicant must obtain a building permit for the proposed personal wireless facilities from the Town of Signal Mountain and comply with all applicable Federal, State and local laws, regulations and ordinances with respect to such personal wireless facilities.

(e) Council Approval Needed for Tower on Town Property. No tower or antenna shall be placed on Town property, including Town property leased to or from others, without approval of the Council of the Town of Signal Mountain, Tennessee.

(f) Liability Insurance. The owner(s) of a tower or antenna shall maintain, with financially sound and reputable insurers, insurance satisfactory to the Town Council with respect to such tower or antenna against such casualties and contingencies of such types and on such terms as is customary in the case of entities of established reputations as to similar towers or antennas in the amount of at least ten million dollars ($10,000,000.00) as to any tower and at least two million dollars ($2,000,000.00) as to any antenna located on an existing tower where the tower owner has met and continues to meet the requirements of this Subsection 9(f) to the satisfaction of the Town, provided, however, that the Town Council may, in its sole discretion, elect to permit a tower or antenna owner to self-insure with respect to such risks, so long as such tower owner either (i) has a Standard & Poor's or Moody's long-term debt rating of A or better, in which event, such owner shall provide documentation satisfactory to the Town regarding such self-insurance to the Town or (ii) is a United States government

agency, such as the Tennessee Valley Authority, in which event, such owner shall provide documentation satisfactory to the town regarding such self-insurance to the Town ("Insurance").

Applicants seeking approval to build a tower shall provide proof of Insurance to the Town. Applicants seeking approval to place an antenna on an existing tower where the tower owner has met and continues to meet the requirements of the first paragraph of this Subsection 9(f) to the satisfaction of the Town Council shall provide proof of Insurance concerning the proposed antenna to the Town.

If any such tower or antenna is or will be located on Town property, the Insurance policies described in this Subsection (f) that relate to such tower or antenna shall name the Town of Signal Mountain, Tennessee, the Planning Commission of the Town of Signal Mountain, Tennessee, the Council of the Town of Signal Mountain, Tennessee, and all employees and agents of and attorneys for the Town of Signal Mountain, Tennessee, as additional insureds.

With respect to each Insurance policy, the tower or antenna owner, as the case may be, shall be required to provide documentary evidence satisfactory to the Town at least annually that the required Insurance is being maintained as to such tower or antenna. In the event that a tower or antenna owner fails to comply with the immediately preceding sentence, the Town may, in its sole discretion, either (i) require the tower or antenna owner to remove the antenna or tower at such owner's expense or (ii) remove the tower or antenna at such owner's expense and record a lien on such tower or antenna and/or the site thereof with respect to such removal expenses in the event that such owner fails to pay such removal expenses promptly, provided, however, that this clause (ii) shall in no event create any obligation on the part of the Town to remove such tower or antenna. (Amended January 20, 1999 by Ord. 99-4)

10. Removal of Abandoned Antennas and Towers. Any antenna or tower that is not operated for a continuous period of twelve months shall be considered abandoned, and the owner of such antenna or tower or the landowner shall remove the same within ninety days of receipt of notice from the Town of Signal Mountain notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said ninety days shall be grounds to remove the tower or antenna at the owner's and/or the landowner's expense and the Town of Signal Mountain

may record a lien on such abandoned tower or antenna and/or the site thereof with respect to such removal expenses. If there are two or more users of a single tower, then the provisions of this Section 10 shall not become effective as to such tower until all users abandon the tower.

11. Nonconforming Uses.

(a) No Expansion of Nonconforming Use. Towers that are constructed and antennas that are installed, in accordance with the provisions of this Ordinance shall not be deemed to constitute the expansion of a nonconforming use or structure.

(b) Pre-existing Towers. Pre-existing towers shall be allowed to continue their usage as they presently exist. Routine maintenance (excluding replacement with a new tower of like construction and height) shall be permitted on such pre-existing towers. Work other than routine maintenance on a pre-existing tower shall comply with the requirements of this Ordinance.

(c) Rebuilding Damaged or Destroyed Nonconforming Towers or Antennas. Building permits to rebuild nonconforming towers or antennas shall comply with this Article XXIV and the then applicable Ordinances and building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in Section 10.

12. Severability. The various parts, sections and clauses of this part are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

13. Repealer. Any Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

14. This Ordinance shall be effective from and after its final passage, the public welfare requiring it.