

ORDINANCE NO. 2006-18

AN ORDINANCE TO AMEND THE SIGNAL MOUNTAIN ZONING ORDINANCE TO ADD A NEW SECTION 620 TO PROVIDE FOR THE SHACKLEFORD RIDGE RESIDENTIAL PLANNED UNIT DEVELOPMENT OPTION.

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restrictions, and boundaries set forth in these regulations may from time to time be amended, supplemented, changed or repealed; and

WHEREAS, the Signal Mountain Planning Commission has participated in work sessions over the past seven (7) months in reviewing current language and to provide recommendations and changes to the Signal Mountain Zoning Ordinance due to the proposed sewer line development in connection with the Signal Mountain High School which is scheduled to begin during the summer of 2006 and which will result in sewer line connections which may be available for future development adjacent to Shackleford Ridge Road over the next three (3) years; and

WHEREAS, the Planning Commission has determined that an overlay zone containing specific parcels of land adjacent to Shackleford Ridge Road is the only projected area for sewer line extension in the foreseeable future and that zoning restrictions should be revised within the overlay zone boundary but not throughout the Town due to available infrastructure improvements which will become available over the next five (5) years within the Town; and

WHEREAS, the Planning Commission has determined that certain lot size reduction and design options for development as set forth in these amendments are in the interest of the Town of Signal Mountain due to the availability of foreseeable sewer connections; and that certain additional zoning regulations should be included which are set forth in a new section 620 and that certain revisions should be made to the Zoning Ordinance to provide for reduced square footage of lots and specific density for residential development desired by the Town within the Shackleford Ridge Overlay Zone; and

WHEREAS, the Signal Mountain Planning Commission has recommended the adoption of the creation of a new section 620 to the Signal Mountain Zoning Ordinance in the interests of public health, safety, and general welfare pursuant to T.C.A. §§ 13-4-104 and 13-7-204;

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

SECTION 1. That a new Section 620 entitled “Shackleford Ridge Residential Planned Unit Development Option (SR-RPUD)” is added to the Zoning Ordinance as follows:

620. Shackleford Ridge Residential Planned Unit Development Option(SR-RPUD)

620.01 Purpose:

620.01.01 The purpose of this Planned Unit Development option (sometimes hereinafter referred to as SR-RPUD) is to provide opportunities to create more desirable environments through the application of flexible and diversified land development standards under a comprehensive plan and program professionally prepared for development within a defined boundary which is expected to be fully sewered. This Planned Unit Development option is intended to be used to encourage the application of new techniques and technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economies in land development, maintenance, street systems, and utility networks while providing building groupings for privacy, usable and attractive open spaces, safe circulation, and the general well being of the inhabitants. This design option shall only be allowed on lots connected to public sewers within the boundaries of the Shackleford Ridge Overlay Zone at the

time any building permit is requested from the Town of Signal Mountain.

620.01.02 There shall be three (3) classifications of a Planned Unit Development. A SR-RPUD may be located in a low density, moderate-density, or high density residential district. The permitted uses within Planned Unit Developments in each of the districts are as follows:

620.02 Permitted Uses in Shackleford Ridge Design Option SR-RPUD's:

620.02.01 Single family dwellings;

620.02.02 Two-family dwellings which are permitted under §§ 604 and 605 of this zoning ordinance.;

620.02.03 Townhouses; which are constructed pursuant to the requirements under § 615 of this zoning ordinance;

620.02.04 Schools;

620.02.05 Parks, playgrounds, and community buildings;

620.02.06 Golf courses, except driving ranges, miniature courses, "Par" 3 courses, and other similar commercial operations;

620.02.07 Fire halls and other public buildings;

620.02.08 Churches;

620.02.9 Accessory uses and buildings customarily incidental and subordinate to the above.

620.03 Height and Area Regulations:

620.03.01 The building height of any building shall not exceed thirty-five (35) feet, except that a building may exceed these 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 and/or building lot lines, provided further, that in no event shall the building height of any building exceed forty (40) feet;

620.03.02 The minimum development site for SR-RPUD, for any permitted Low-Density Residential District use within the Shackleford Ridge Overlay Zone, shall be at least five (5) acres. The minimum development site for a SR-RPUD for any Moderate or High Density Residential District use permitted under § 620.02 of this zoning ordinance within the Shackleford Ridge Overlay Zone shall be five (5) acres. Any development site for SR-RPUD shall have at least fifty (50) feet of road frontage from a street.

620.03.03 No free-standing building shall be closer than fifteen (15) feet to any other free standing building and no closer than twenty five (25) feet to the exterior property line, and no closer than thirty (30) feet to an exterior street.

620.04 Off-Street Parking Regulations:

620.04.01 Off-street parking shall be provided on a site within the Planned Unit Development adjacent to the building in accordance with the following requirements:

620.04.01.01 There shall be at least two (2) parking spaces per dwelling units for townhouses, duplexes, and single-family dwellings;

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

620.04.01.03 There shall be at least one and one-half (1 1/2) parking spaces per dwelling unit for apartment houses;

620.04.01.04 Parking spaces for parks, playgrounds, and community buildings in the development may be required according to the design of the Planned Unit Development.

620.05 General Provisions:

620.05.01 A SR-RPUD within this Overlay Zone will be shown on the zoning map when the final PUD Plan has been approved by the Town Planning Commission. A SR-RPUD within this Overlay Zone shall be located within an area zoned Low, Moderate, or High Density Residential depending upon the use designated prior to development which shall be delineated on the zoning map.

620.05.02 In addition, a SR-RPUD to be located in a High Density Residential District within this Overlay Zone shall be:

620.05.02.01 Located along, or within five hundred (500) feet of a major street of at least collector status, provided access to said street is approved by the Town Council; and

- 620.05.02.02 Located and situated to be in accord with the Town's Land Use and Transportation Plan.
- 620.05.03 No outdoor storage shall be permitted.
- 620.06 Site Improvements:
- 620.06.01 All dedicated public streets shall be constructed in accordance with plans and specifications furnished by the Town Manager on rights of way having a minimum width of fifty (50) feet.
- 620.06.02 To utilize this SR-RPUD design option within this Overlay Zone, the developer shall construct sidewalks, or an equivalent paved internal pedestrian circulation system unless such construction is not feasible due to slope, topography, or narrowness of the right-of-way in the development. The minimum width of such sidewalks shall be three (3) feet, if on both sides, and five (5) feet, if on one side, or include an equivalent paved internal pedestrian system.
- 620.06.03 Curbs and drainage systems shall be constructed in accordance with standard plans and specifications furnished by the Town Manager.
- 620.06.04 Storm drainage structures shall be constructed in accordance with standard plans and specifications furnished by the Town Manager.
- 620.06.05 Fire hydrants shall be installed in a location approved by the Town Manager.
- 620.06.06 To utilize this SR-RPUD design option a sanitary sewer system approved by the WWTA must be connected to any structure.
- 620.07 Computation of Density:
- 620.07.01 Within the Shackleford Ridge Overlay Zone on lots connected to sewers, the maximum number of dwelling units in this SR-RPUD design option for any use permitted within the Shackleford Ridge Low Density Residential District shall be computed by multiplying the gross acreage to be developed by four (4), excluding any area to be developed as a church or school.
- 620.07.02 Within the Shackleford Ridge Overlay Zone on lots connected to sewers, the maximum number of dwelling units in this SR-RPUD design option for any use within the Moderate Density Residential District permitted at § 604 of this zoning ordinance shall be computed by multiplying the gross acreage to be developed by five and one-half (5.5), excluding any area to be developed as a church or school.
- 620.07.03 Within this Shackleford Ridge Overlay Zone on lots connected to sewers, the

maximum number of dwelling units in this SR-RPUD design option for any use permitted within the High Density Residential District at § 605 of this zoning ordinance shall be computed by multiplying the gross acreage to be developed by seven (7), excluding any area to be developed as a church or school.

620.07.04 Where district boundaries for two (2) or more residential districts divide one (1) tract of land proposed for this SR-RPUD design option, the maximum number of dwelling units shall be computed by multiplying the gross acreage within each district by the densities given above, and adding the numbers for the whole tract. The allowed maximum number of dwelling units may be located anywhere within the tract, in accordance with these regulations.

620.08 Open Space Requirements:

620.08.01 On site usable recreation and open space shall be provided within this SR-RPUD Design Option. Such area shall be set aside for open space or recreation purposes only. It is intended to serve the residents of this SR-RPUD design option, and should therefore be easily accessible to them. If this SR-RPUD design option is to be of individually owned units, then this space shall be maintained in common ownership, established in the appropriate legal manner.

620.08.02 Said open space shall be maintained in one of the following methods:

620.08.02.01 By the developer or management authority of the SR-RPUD;

620.08.02.02 By a Homeowners' Association established by deed restrictions;

620.08.02.03 In the event that the Town Planning Commission approves the dedication of such open space to the Town and the Town Council accepts such public open space, the Town may thereafter maintain such public open space.

620.09 Staging:

620.09.01 The applicant may elect to develop the site in successive stages in a manner indicated in the Planned Unit Development Plan; however, each such stage shall be substantially complete within itself.

620.09.02 The Planning Commission may recommend that the Town Council require that development be done in stages if public facilities are not adequate to service the entire development initially.

620.10 Changes and Modifications:

620.10.01 Major Changes:

Major changes in the Shackleford Ridge Residential Planned Unit Development Plan after it has been adopted shall be considered the same as a new petition and shall be made in accordance with the procedures specified in this Section.

620.10.02 Minor Changes:

620.10.02.01 Minor changes in the Shackleford Ridge Residential Planned Unit Development Plan may be approved by the Town Manager and RPA staff provided that such changes;

620.10.02.01.01 Do not increase the densities;

620.10.02.01.02 Do not change the outside (exterior) boundaries;

620.10.02.01.03 Do not change any use;

620.10.02.01.04 Do not materially change the location or amount of land devoted to specific land uses;

620.10.02.01.05 Do not significantly change the exterior appearance from those shown on any plans which may be submitted or presented by the developer;

620.10.02.01.06 All changes to the SR-RPUD plan, minor or major, shall be recorded.

620.11 Application Procedure for Shackleford Ridge Residential Planned Unit Development:

- (1) To obtain a Special Exceptions Permit to develop a Shackleford Ridge Residential Planned Unit Development under this design option, the developer shall first submit a Shackleford Ridge Residential Preliminary Planned Unit Development Plan to the Chattanooga-Hamilton County Regional Planning Agency staff and to the Town Manager for review and recommendation to the Town Planning Commission. The Preliminary SR-RPUD Plan shall be 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) set forth the type of development proposed, the density of the proposed development, and the location of all structures (except free-standing single family structures), parking areas, and open space;

- (d) show a plan for streets, thoroughfares, public utilities, school, and other public or community uses.
  - (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.
- (2) The Town Planning Commission shall hold a public hearing on the proposed Preliminary SR-RPUD Plan. Notice and publication of such public hearing shall conform to the procedures prescribed in Article XVIII of this zoning ordinance.
  - (3) Upon the recommendation for approval, approval with conditions, or disapproval by the Town Planning Commission, the Preliminary SR-RPUD Plan shall be submitted to the Town Council for consideration, public hearing, and action.
  - (4) The recommendation of the Town Planning Commission shall be accompanied by a report stating the reasons for the approval or disapproval of the Preliminary SR-RPUD Plan, with specific reference to, but not limited to, the following conditions:
    - (a) The property adjacent to the area included in the plan will not be adversely affected;
    - (b) The plan is consistent with the intent and purpose of this ordinance to promote public health, safety, and general welfare.
    - (c) That the building shall be used only for single-family dwellings, two-family dwellings, or multi-family dwellings, and the usual accessory uses such as private or storage garages, storage space, and for community activities, including school and/or churches.
    - (d) There is a need for such development in the proposed location.
    - (e) There is a reasonable assurance that development will proceed according to the spirit and letter of the approved plans.
  - (5) No Preliminary SR-RPUD under this design option shall be approved by the Town Council unless it is first submitted to the Town Planning Commission.
  - (6) The resolution by the Town Planning Commission approving a Preliminary and Final SR-RPUD Plan under this design option shall have attached thereto, as an exhibit, the official SR-RPUD Plan.
  - (7) Upon approval, or approval with conditions, of the Preliminary SR-RPUD Plan by the Town Planning Commission, the developer may complete a Final SR-RPUD Plan for review by the Chattanooga-Hamilton County Regional Planning Agency staff (RPA) and the Town Manager.
  - (8) At the discretion of the developer, the SR-RPUD Plan under this design option may be submitted as a Preliminary and Final together.
  - (9) The Final SR-RPUD Plan, if submitted separately and after approval of a Preliminary SR-RPUD Plan, shall substantially conform to the Preliminary SR-RPUD Plan.
  - (10) When a Final SR-RPUD Plan under this design option is approved or approved with conditions, by the RPA staff and the Town Manager, they shall submit their recommendation to the Town Planning Commission recommending that the Final SR-RPUD be approved or approved with conditions. The Final SR-RPUD drawing, together with a list of any conditions not shown on the drawing, shall be

attached to the RPA staff recommendation. The Town Planning Commission then shall submit a resolution to the Town Council of its recommendations on any final SR-RPUD plan prior to any action by the Town Council.

- (11) After notice and publication as provided in Article XVIII, the Town Council shall hold a public hearing to review the Final SR-RPUD Plan and to take legislative action.
- (12) Final legislative action on a change of zoning in conjunction with a SR-RPUD Plan under this design option shall be contingent upon the issuance of the Special Exceptions Permit for the Final SR-RPUD Plan reviewed by the Board of Zoning Appeals under Article XII of this zoning ordinance and approved by the Town Council.
- (13) The Town Council, by resolution, may approve or approve with conditions, the Final SR-RPUD Plan and issue a Special Exceptions Permit. A copy of the Final SR-RPUD drawing together with any conditions not shown on the drawing shall be attached to the Resolution as exhibits.
- (14) Approval of the Preliminary SR-RPUD Plan shall expire twenty-four (24) months after its approval by the Town Council if the Final SR-RPUD Plan under this design option has not been submitted to the RPA Staff and the Town Manager.
- (15) Submittal of a Final SR-RPUD Plan shall constitute an automatic permanent extension of the Preliminary SR-RPUD Plan; or if the Preliminary SR-RPUD Plan expires prior to submittal of a Final SR-RPUD Plan, the Town Council may grant an extension for an additional period not to exceed one (1) year upon condition that no major changes have been made to the Plan under this design option as originally approved, and provided that no other reason or circumstance, as determined by the Town Manager and the Planning Commission staff, warrants resubmittal to the Town Planning Commission.
- (16) Any Special Exceptions Permit under this design option issued on the basis of a Final SR-RPUD Plan or Preliminary and Final SR-RPUD Plan together shall expire twenty-four (24) months from and after its approval if said Plan has not been recorded in the Office of the County Register. If the Special Exceptions Permit expires prior to recording of the Final SR-RPUD Plan or Preliminary and Final SR-RPUD Plan, the Town Council may grant an extension for an additional period not to exceed one (1) year.
- (17) A Special Exceptions Permit may be revoked by the Town Council upon written report by the Town Manager that the SR-RPUD under this design option is not being constructed in conformance with the Plan as recorded.
- (18) If the Special Exceptions Permit shall expire or is revoked by resolution of the Town Council, no other building permit shall be issued for any construction whatsoever upon the land area covered by the SR-RPUD Plan until a decision is made by the Town Council as to whether such land area, or any part thereof, shall be rezoned; and if the decision is that it should be rezoned, then no building permit shall be issued until such rezoning is finally effectuated by ordinance.
- (19) If the Special Exceptions Permit is revoked, the Town Manager shall have the responsibility for notifying the staff of the Chattanooga-Hamilton County Regional Planning Agency. The Town Building Official, after having given said

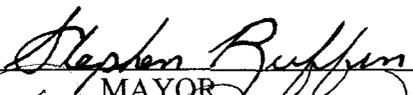
notice, may thereafter upon proper application issue building permits for construction upon said land area consistent with the then prevailing or existing zoning on such land.

- (20) No building permit shall be granted under this design option until after issuance of the Special Exceptions Permit and the recording of the Final SR-RPUD Plan in the Office of the County Register. There shall be no start of construction prior to recording of the Final SR-RPUD Plan. The Town Manager shall revoke any building permit issued in reliance upon said Plan, as finally approved, at such time as it reasonably appears that such Plan is not being complied with; and notice thereof shall be given to the RPA staff. During such time as a Final SR-RPUD Plan is in effect, no building permit for any other construction purpose not in accordance with such plan shall be issued.

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

Passed First Reading 7/10, 2006.

Passed Second Reading 8-14, 2006.

  
MAYOR  
  
RECORDER

PAN/kac