

ORDINANCE NO. 2006-6

AN ORDINANCE TO AMEND ARTICLE VII OF THE SIGNAL MOUNTAIN ZONING ORDINANCE, RELATIVE TO NON-CONFORMING USES.

SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That Article VII of the Signal Mountain Zoning Ordinance be amended by deleting said Article in its entirety and substituting in lieu thereof the following:

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 may be 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 non-conforming 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 to 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 (12) 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 maybe, 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 maybe, 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.

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 operative two (2) weeks from and after its passage as provided by law.

Passed First Reading 5-08, 2006.

Passed Second Reading 6-12, 2006.

Stephen Buffin
MAYOR
[Signature]
ACTING RECORDER
RECORDER

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