

ORDINANCE NO. 2009-16

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

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

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

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

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

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

1. The Town of Signal Mountain agrees to change its density requirement as soon as possible for all proposed residential development to be built and connected to the sewer system within the Town of Signal Mountain. The WWTA shall charge a tap on fee of \$1,100.
2. The Town of Signal Mountain agrees to reimburse the WWTA for the unfunded portion of the Signal Mountain Sewer Extension if new development in the adjacent property does not reach 751 new customers over the next 10 years at the rate of \$ 500.00 per house. The WWTA shall charge a tap on fee of \$1,100; and

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

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

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

WHEREAS, the Growth Study also states the following:

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

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

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

1. Section 614 reduced the minimum lot size for Residential Estate zoning from ½ acre to 1/3 acre for lots on sewer.
2. Section 617 establishes a Shackelford Ridge Overlay Zone in the area adjacent to Shackelford Ridge Road that states “...it is intended that the boundaries of this Overlay Zone may be increased over time with the expansion of sewer areas within the Town and through future annexation of areas within the Urban Growth Boundaries of the Town”.
3. Section 618 establishes a Low-Density Residential development design option with a minimum lot size of 1/3 acre. Requires re-zoning.
4. Section 619 establishes a Low-Density Open Space design option that allows a lower density than the same option allows in the rest of the Town. Requires re-zoning.
5. Section 620 establishes a Planned Unit Development design option that reduces the minimum acreage requirement.
6. Section 621 establishes an Alternative Low Density Residential design option with allows a gross density of 2.25 houses per acre. Requires re-zoning; and,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

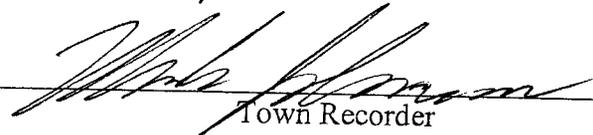
The R-E District is also intended to provide opportunities for personal recreational uses and the non-commercial use of a few animals for parcels with a minimum lot size of three (3) acres, subject to approval by the Board of Zoning Appeals.

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

Passed First Reading 7/13, 2009.

Passed Second Reading 8/3, 2009.

  
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Mayor

  
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Town Recorder