

ORDINANCE NO. 2011-5

AN ORDINANCE TO AMEND SECTIONS 303, 603.01.06, AND ADD A NEW SECTION 1200.15 TO ALLOW MEMORIAL GARDENS AND COLUMBARIUMS AS AN ACCESSORY USE IN THE LOW DENSITY RESIDENTIAL DISTRICT (LDR) SUBJECT TO A SPECIAL EXCEPTIONS PERMIT FROM THE BOARD OF ZONING APPEALS.

WHEREAS, Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, empower all municipalities to enact zoning regulations and to provide for their 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 Planning Commission of the Town of Signal Mountain has recommended to the Town Council that Zoning Ordinance be amended to allow memorial gardens and columbariums to be permitted in the Low Density Residential District (LDR) as an accessory use by churches subject to a special exceptions permit from the Board of Zoning Appeals; and,

WHEREAS, the Town Council has considered the recommendation of its Planning Commission.

NOW, THEREFORE,

Section 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, That Sections 303 and 603.01.06 of the Town

Zoning Ordinance, are amended to create definitions for Memorial Gardens and Columbariums and to allow such uses in the Low Density Residential District (LDR) as an accessory use for churches as follows:

303 List of General Definitions (is amended to add the following definition)

Memorial Garden and Columbariums. 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.

and

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

SECTION 2. That a new section 1200.15 is added to the Zoning Ordinance to authorize the Board of Zoning Appeals to grant a special exception permit for Memorial Gardens and Columbariums as an accessory use for churches within the Town as follows:

1200.15 Memorial Gardens and Columbariums 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;

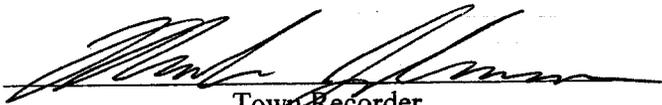
6. ~~Setback requirements for a Memorial Garden or Columbarium from adjoining residential properties shall be in the discretion of the Board of Zoning Appeals;~~
7. Approval by the Building and Fire officials of the Town concerning the locations of any structures and access to buildings.

SECTION 3. That this Ordinance shall become effective immediately from and after its passage as provided by law.

Passed First Reading 4-11, 2011.

Passed Second Reading 5-9, 2011.

  
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Mayor

  
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Town Recorder