ORDINANCE NO.: 2012-8

AN ORDINANCE TO AMEND ARTICLE III, SECTION 303 OF THE SIGNAL MOUNTAIN ZONING ORDINANCE (SM TOWN CODE APP-A-1) REGARDING THE DEFINITION OF BUILDING HEIGHT AND TO AMEND ARTICLE VI, SECTION 605.02.01 OF THE SIGNAL MOUNTAIN ZONING ORDINANCE TO LIMIT MAXIMUM BUILDING HEIGHT IN THE HIGH DENSITY RESIDENTIAL ZONE TO FORTY (40) FEET ABOVE FINISHED GRADE ELEVATION WITHIN THE TOWN.

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 has studied the issue of building height of structures within the twelve (12) zoning districts within the Town and deems it necessary for the purpose of promoting the public health, safety, convenience, order, prosperity and general welfare of its inhabitants to enact an amendment to the current zoning ordinance for development within the Town; and,

WHEREAS, the Town Planning Commission has reviewed and considered the issue of building height within the Town and has recommended that the current zoning ordinance be amended to allow one consistent height of forty (40) feet above finished grade as the maximum acceptable building height for all structures in all zoning districts within the Town from and after the passage of this ordinance; and,

WHEREAS, the Town Council has considered and accepted the recommendation of its Planning Commission on this matter prior to consideration of this Ordinance:

SECTION 1. NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, that Article III, Section 303, entitled "List of General Definitions" be amended to delete the current definition of "Building Height" in its entirety and to add a revised definition for "Building Height" as follows:

> 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.

SECTION 2. BE IT FURTHER ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, that Article VI, Section 605.02.01 entitled "Height and Area Regulations," for the High Density Residential District (HDR) shall be amended to delete such section in its entirety and to substitute the following provisions in lieu thereof:

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**.

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

Passed First Reading NOVEMBER 12, 2012.

Passed Second Reading DECEMBER 10, 2012.

MAYOR

RECORDER

PAN/pgn