

ORDINANCE NO 2013-02

**AN ORDINANCE TO AMEND ARTICLE VI, SECTION 613.03.01 OF THE SIGNAL MOUNTAIN ZONING ORDINANCE (SM TOWN CODE APP-A-1) TO LIMIT MAXIMUM BUILDING HEIGHT FOR ANY PLANNED UNIT DEVELOPMENT WITHIN SECTION 613 TO FORTY (40) FEET ABOVE FINISHED GRADE ELEVATION WITHIN THE TOWN.**

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WHEREAS, Sections 13-7-201 through 13-7-210, Tennessee Code Annotated, empower all municipalities to enact height and area regulations for all buildings constructed within the Town 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:

**NOW THEREFORE**

**SECTION 1. BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE** that Article VI, Section 613.03.01 under Section 613.03 "Height and Area Restrictions" for the Planned Unit Development (PUD) Zoning District shall be amended to delete such section in its entirety and to substitute the following provision in lieu thereof:

**613.03.01** "The building height of any building within this zone shall not exceed thirty-five feet, except that a building may exceed those height regulations provided that for every (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 in Article III, Section 303, "List of General Definitions."**

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

Passed First Reading DECEMBER 10<sup>th</sup>, 2012

Passed Second Reading JANUARY 14<sup>th</sup>, 2013

  
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Mayor

  
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Recorder