

# **RIDGESIDE**

## **ZONING ORDINANCE**

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## RIDGESIDE ZONING ORDINANCE

### Article I – Municipal Planning Commission

Designation. The Chattanooga-Hamilton County Regional Planning Commission is hereby designated as the municipal planning commission for the City of Ridgside, Tennessee.

Article II – Title

This Ordinance shall be hereinafter known as the "Ridgeside Zoning Ordinance."

### Article III – Zones and Boundaries

In order to regulate and limit the height and size of buildings; to regulate and limit intensity of the use of lot areas; to regulate and determine the areas of open spaces surrounding buildings or structures; to classify, regulate and restrict the location of land uses, the City of Ridgeside hereby adopts the R-1, Single Family Residential Zone.

The boundary of the zone shall follow the corporate line of the City of Ridgeside and shall be shown upon the zoning Map of the City of Ridgeside attached to and made a part of this Ordinance. The information shown thereon is a part of this Ordinance as if the map were fully described therein.

#### Article IV – General Regulations

Except as Hereinafter Provided:

No building, structure or part thereof, or land shall be erected, used, occupied or structurally altered unless in conformity with this Ordinance.

No building or other structure shall hereafter be erected or altered:

- to have greater height;
- to accommodate or house a greater number of families or lodgers;
- to have narrower or smaller yards or open spaces;
- or in any manner be contrary to the provisions of this Ordinance.

No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this Ordinance, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building. No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance.

Every building hereafter erected, reconstructed, or structurally altered shall be located on a lot fronting on a street or easement.

#### Article V – Non-Conforming Uses

The lawful use of a building or structure existing at the time of passage of this ordinance shall not be affected by this ordinance. If a non-conforming use is removed or discontinued for 100 consecutive days, every future use shall be in conformity with the provisions of this ordinance.

## Article VI – Height and Area Exceptions

Qualifiers to requirements found elsewhere in this Ordinance.

1. Every part of a required yard shall be open from its lowest point to the sky unobstructed except for the ordinary projections of sills, belt courses, cornices, buttress, ornamental features and eaves; provided, however, that no projection shall project into a side yard more than twenty-four (24) inches, except eaves which shall not project more than thirty-six (36) inches.
2. A single family dwelling may be built on any lot duly recorded at the time of passage of this Ordinance, provided the yard requirements are met.
3. Plans for the location and design of all curb-cuts, points of access to and from all streets, parking and loading areas, for all uses except single family residential shall be submitted to and be reviewed by the County Engineer.
4. Plans for non-residential development requiring sewer construction must be submitted to the County Engineer for review and comment before a building permit may be issued.



#### Article VII – Enforcement, Validity and Effective Date

1. The Hamilton County Chief Building Official is hereby designated and authorized to enforce this Ordinance.
2. Should any part of this Ordinance be declared invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.
3. This Ordinance shall take effect two (2) weeks from and after its passage, the public welfare requiring its enactment.

(Adopted January 22, 1993)

## Article VIII – Appeals and Variances

Appeals and variances from the regulations established by this Ordinance may be granted by the Board of Appeals.

1. Membership: The Board of Appeals shall consist of members of the City Commission who shall be appointed by the City Commission to serve staggered terms with one (1) member's term to expire each year. The terms shall be fixed by the City Commission.
2. Chairman of Board of Appeals and Records: The Mayor shall serve as Chairman of the Board of Appeals. Records shall be maintained as a part of the regular records and minutes of the Board of Commissioners. Board of Appeals Members shall serve without compensation.
3. Powers and Duties of the Board of Appeals: The Board of Appeals shall have the power to grant variances and adjustments in the area and building site regulations of this Ordinance in cases where strict application of the regulations would result in practical difficulty or unnecessary hardship. The decisions shall be in harmony with the spirit and intent of this Ordinance and in such a manner as to grant relief without substantial injury to the public interest and rights.
4. Application to the Board of Appeals: Property owners desiring consideration of relief from this Ordinance shall submit in writing the reasons for their request.
5. Notices: A notice of the public hearing shall be sent to property owners within a minimum of 200 feet of the property seeking the appeal. Said notice shall be mailed at least seven (7) days prior to the public hearing by the Board. A notice shall be published in a daily newspaper at least seven (7) days before the meeting.
6. Hearings: All official actions of the Board of Appeals shall be subject to due notice and public hearings. Persons objecting to the relief sought by the applicant, or interested in the review made by the Board of Appeals, may set forth their views before the board at the public hearing.

The Board of Appeals shall make decisions on a case by case basis and shall determine, in each case, that they are not performing a legislative function.

7. Conditions: Before an appeal may be granted, the Board of Appeals must find that the following conditions exist:

Article VIII – Appeals and Variances (Cont'd)

- A. That by reason of exceptional narrowness, shallowness, shape, topographical conditions or other extraordinary or exceptional situation or condition of such property, the strict application of this Ordinance would result in a peculiar and practical difficulty or undue hardship upon the owner to develop the property in accordance with the provisions of this Ordinance.
- B. That the relief sought by the Board of Appeals would not establish a substantial detriment to the public good or substantially impair the intent and purpose of this Ordinance.
- C. That the peculiar hardship, practical difficulty, or undue hardship would apply to the particular land or building regardless of the owner.
- D. That the case was not created as a result of an act by the applicant.
- E. That the case asserted by the applicant relates only to the premises of the case and would not be generally applicable to other premises in the city or of the personal conditions of the applicant.

8. Board Finds:

- A. The Board shall make its findings in writing. The decision of the Board shall become effective immediately.
- B. If the decision of the Board has not been fully utilized within a period of one (1) year or other time period stipulated by the Board, the application may be reheard by the Board.

9. Appeal from the Board Decision: The action of the Board shall be final, provided, an appeal from the action of the Board may be taken to a court of competent jurisdiction by any aggrieved or affected party.

#### Article IX – Interpretation

The provisions of this Ordinance shall control if the requirements impose greater restrictions than other ordinances, rules, regulations, easements, covenants or agreements.

## Article X – Changes and Amendments

The City Commission of the City of Ridgeside, Tennessee, may amend, supplement or change this Ordinance; but no change shall become effective unless it is first submitted to and heard by the Chattanooga – Hamilton County Regional Planning Commission before the City Commission acts on the change.

1. Method of Change: A proposed change or amendment may originate with the City Commission, with the Chattanooga-Hamilton County Regional Planning Commission or upon petition. The proposal must first be submitted to the Planning Commission for a recommendation.
2. Public Notice: The City Commission shall give at least fifteen (15) days notice of a public hearing, of the time and place and nature of the change. The notice shall be published in a newspaper of general circulation in the city.

## Article XI – Definitions

For the purpose of this Ordinance, words and terms are defined. Words used in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular.

1. Accessory use or Building: A use or building subordinate to the main building on the lot and used for purposes customarily incidental to those of the main building.
2. Alley: A way which affords only a secondary means of access to abutting property.
3. Appeal: A request for a review by a higher authority of the interpretation of any provision of this Ordinance or a request for a variance.
4. Basement: A story partly underground and having at least one-half (1/2) of its height above grade. A basement shall be counted as a story if the vertical distance from the grade to the ceiling is over five (5) feet or if used for dwelling purposes.
5. Building: Any structure used or built for the shelter or enclosure of persons, animals or chattels.
6. Building Height: The vertical distance roof surface of a flat roof, the deck line of a mansard roof and to a point two-thirds (2/3) the height of the gable, hip or gambrel roof.
7. Dwelling: Any building or structure or part thereof used and occupied for human habitation or intended to be so used, including any accessory buildings or appurtenances belonging thereto or usually enjoyed therewith.
8. Dwelling, Single Family: A building occupied or intended to be occupied as an abode for one (1) family as a single unit with facilities which are used or intended to be used for habitation.
9. Family: Any number of individuals living together as a single housekeeping unit.
10. Frontage: All property abutting on an easement or a dedicated and publicly accepted right-of-way, measured along the street, easement or right-of-way line.

## Article XI – Definitions (Cont'd)

11. Garage, Private: A building or space used as an accessory to or a part of a main building permitted in the city and providing for the storage of motor vehicles and in which no business, occupation or service for profit is in any way conducted.
12. Lot: A parcel of land occupied or intended for occupancy by a building together with its accessory buildings; including the open space required. For the purpose of this Ordinance, the word "lots" shall be taken to mean any number of contiguous lots or portions thereof, not separated by streets, upon which one or more main structures for a single use are erected or are to be erected.
13. Lot, corner: A lot abutting upon two (2) or more streets at their intersection. The side yard requirements on the side street shall be the same as the front yard requirements.
14. Lot Depth: The depth of a lot is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite main rear line of the lot.
15. Lot Width: The length of the line marking the rear of the required front yard.
16. Lot, Interior: A lot other than a corner lot.
17. Lot, Through: An interior lot having frontage on two streets, other than a corner lot.
18. Non-Conforming Use: A use that does not conform with the regulations of the zone in which it is situated.
19. Parking Lot: An area used for the parking of operative vehicles, including all necessary additional space needed for vehicular ingress and egress or maneuvering.
20. Parking Space: An area of not less than eight (8) by twenty (20) feet per vehicle plus all necessary additional space needed for vehicular access.

## Article XI – Definitions (Cont'd)

21. Story: That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there is no floor above it, then the space between such floor and the ceiling. In computing the height of the buildings, the basement shall not be included if below grade.
22. Story, Half: A story under a gabled, hipped, or gambrel roof, the wall plates of which, on at least two (2) opposite exterior walls, are not more than three (3) feet above the finished floor of such story.
23. Streets: Those rights-of-way dedicated to the public and accepted by the public authorities, and includes highways and roads, and provides a primary access to the abutting properties.
24. Structure: Anything constructed or erected, the use of which requires permanent location on the land, or attachment to something having a permanent location on the land.
25. Structural Alterations: Any change, except for repair or replacement, in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders.
26. Substantial Improvement: For a building built prior to the enactment of these regulations, any repair, reconstruction, or improvement of a building or structure, the cost of which equals or exceeds fifty (50) percent of the market value of the building, either:
- before the improvement or repair is started, or
  - if the building or structure has been damaged and is being restored, before the damage occurred.
- Substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building or structure commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either:
- any project for improvement of a building or structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or
  - any alteration of a building or structure listed on the National Register of Historic Places or a State Inventory of Historic Places.



Article XI – Definitions (Cont'd)

27. Variance: A grant of relief from the requirements of these regulations which permits construction in a manner otherwise prohibited by these regulations where specific enforcement would result in unnecessary hardship.
28. Yard: An open space on a lot with a building or structure unoccupied and unobstructed from the ground upward.
29. Yard, Front: A yard across the full width of the lot, extending from the front line of the building or structure, including porches, to the front line of the lot.
30. Yard, Side: A yard extending along the side of the lot, between the front yard, and the rear yard and of a uniform width measured horizontally at right angles to the side lot line.
31. Yard, Rear: A yard extending across the full width of the lot and measured between the rear line of the lot and rear line of the main building or structure.

## Article XII – Zone Uses

R-1 Single-Family Residential shall be the designated zone for the City of Ridgeside, Tennessee.

1. Permitted Uses:

- A. Single-Family Dwelling
- B. Schools
- C. Parks, playgrounds and community buildings
- D. Public Buildings, such as fire stations
- E. Churches
- F. Kindergartens operated by governmental units or religious organizations.
- G. Home occupations when such use:
  - 1) Is conducted in a dwelling unit.
  - 2) Not more than twenty-five (25) percent of the floor area if the dwelling unit is used in the conduct of the home occupation.
  - 3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of such occupation, such as signs.
  - 4) There shall be no sale of products on the premises.
  - 5) No traffic shall be generated in greater volume than would normally be expected in the residential neighborhood.
  - 6) There shall be no noise, vibration, odors, fumes, electrical interference created by such home occupation.
- H. Accessory uses and buildings customarily incidental to the above permitted uses.

## Article XII – Zone Uses (Cont'd)

### 2. Height and Area Regulations:

- A. No building shall exceed two and one-half (2 ½) stories or thirty-five (35) feet in height, except that a building may exceed these 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.
- B. There shall be a front and rear yard of not less than twenty-five (25) feet.
- C. There shall be a side yard of not less than ten (10) feet. Corner lots shall have a twenty-five (25) foot side yard setback along the side street.
- D. The minimum building site area for single-family residential shall be 7500 sq. ft. when lot is served by public sewers or 13,000 sq. ft. when lot is on a septic tank system.
- E. Lots shall have a minimum depth of one-hundred (100) feet and a minimum frontage of seventy-five (75) feet.

### 3. Off-Street Parking Regulations

Off-street parking shall be provided on the same lot as or a lot adjacent to the building in accordance with the following requirements:

- A. There shall be two (2) spaces for every dwelling unit.
- B. There shall be one (1) space for every four (4) seats in the main auditorium of churches and other public buildings.
- C. Parking plans for all uses, other than single-family dwelling units, shall be subject to the review and approval of the County Engineer.