ORDINANCE 2016-223

AN ORDINANCE AMENDING THE ZONING ORDINANCE
OF THE CITY OF FOREST HILLS

WHEREAS, the City of Forest Hills Planning Commission and City of Forest Hills Board of Commissioners have determined, after experience with the Zoning Ordinance, that adjustments are needed to achieve the desired objectives of the City of Forest Hills; and

WHEREAS, the City of Forest Hills Planning Commission has reviewed and recommended the adoption of this Amendment to the Zoning Ordinance; and

WHEREAS, public notice has been given and a public hearing on this Amendment to the Zoning Ordinance has been held in accordance with T.C.A. §§ 13-7-203 and 204.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FOREST HILLS, TENNESSEE that the Zoning Ordinance for the City of Forest Hills, as codified in Title 14, Chapter 2 of the Municipal Code of the City of Forest Hills is hereby amended as follows:

1. Amendment to Section 2.02 Regarding Residential Zoning Districts. Section 2.02 is hereby deleted in its entirety and replaced with the following:

   “As indicated in the Comprehensive Plan, the City is a residential community. The purpose of the residential zoning districts is to permit Residential Use therein and to provide the zoning standards and regulations to protect and promote the residential character of various areas of the City and to ensure that new development is performed in a manner that protects and enhances property values. The purpose and intent of each of the residential districts is stated below.”

2. Amendment to Section 2.06(d) Regarding New Subdivisions within the HP District. Because the City of Forest Hills desires to encourage the consolidation of multiple Lots, especially in areas that possess substantial natural resources, and in order to encourage prudent land development activities that maintain the natural, topographic character of the land, the following sentences are hereby inserted at the end of the existing Section 2.06(d)(iii):

   “In the event that multiple Lots are consolidated into a single Lot, the Planning Commission will have the discretion to approve a building envelope within any area classified as a Steep Slope provided that the building envelope is located on the best available portion of the consolidated Lot. The Planning Commission shall determine the “best available portion of the consolidated Lot” by taking into consideration (1) the safety of existing and potential future Structures, (2) the impact on adjacent Lots, (3) compliance with all other portions of the Zoning Ordinance, and (4) the
approved building envelope preserves all natural resources to the greatest extent possible.”

3. **Amendment to Section 3.01 Regarding Use Regulations, Generally.** In order to avoid doubt about whether certain uses of land are prohibited in the city, Section 3.01 is deleted in its entirety and replaced with the following language:

   “3.01. **General Provisions; Prohibited Uses.** No lot or other property may be used, nor any building, Dwelling or Structure used, developed, designed or constructed, for any use other than as specifically permitted within each zoning district pursuant to Table 3.02 and 3.03(b). For the avoidance of doubt, the following uses of land or property are specifically prohibited: (a) mobile home dwelling, multifamily dwelling, bed and breakfast homestay, and short term rental property; (b) all office, commercial, or other business use except as defined under Home Occupation or as otherwise specifically permitted in a zoning district; (c) park and ride, bus station or transfer station, motor freight, commuter rail, and takeoff or landing of aerial vehicles, except for law enforcement, fire, and emergency medical services; and (d) salvage, junk, and scrap yards, including inoperable vehicles and material stock piles.”

4. **Amendment to Section 4.08 Regarding Fences, Generally.** Because the City of Forest Hills desires to discourage fences, generally, but to encourage fences that are constructed in a context sensitive manner that blends in with the natural environment, the following language is hereby inserted as new section 4.09(b)(i)(7):

   “The city encourages the use of Fences that blend in with the natural environment and are aesthetically pleasing. Examples of such preferred Fences include (a) four rail wooden fences, stained dark brown, with or without wire fencing (as may be appropriate to control livestock or animals) attached to the side of the Fence oriented toward the principal portion of the Lot, and (b) decorative metal fencing made with wrought iron or powder-coated steel or aluminum.”

5. **Amendment to Section 4.08(b)(vi) Regarding Fences, Chain Link.** Section 4.08(b)(vi) is hereby deleted in its entirety and replaced with the following:

   “(vi) **Chain link fences.**

   (1) **Prohibited.** Chain link Fences are prohibited, except as may be conditionally permitted pursuant to subsection (2) below.

   (2) **Conditional Permits.** Chain link Fences may be conditionally permitted under the following circumstances:
(a) the chain link Fence must not be visible from any street Right of Way or any Dwelling on an adjacent Lot, unless the owner of the Dwelling consents in writing to construction of the chain link Fence;

(b) the chain link Fence must be coated with a black, dark green or dark brown coating made of polymer or similar material;

(c) the chain link Fence must not exceed four feet in height;

(d) the Yard between the Fence and all adjacent Lots must be landscaped such that not less than 50% of the height of the Fence, as measured from the finished grade, is obscured by landscaping; and

(e) the Board of Zoning Appeals grants a conditional use permit for the construction of said chain link Fence.

6. **Amendment to Section 10.03 Regarding Definitions.** The following paragraph defining “Residential Use” is hereby inserted between the paragraphs defining “Public or Private School(s)” and “Right(s)-of-Way”:

   “**Residential Use:** The use of a Dwelling by a Family for private, residential purposes and purposes incidental and necessary thereto, excluding all other uses except for Home Occupation or as specifically permitted in a particular zoning district.”

7. **Miscellaneous.**

   (a) If any section, phrase, sentence or portion of this ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision; and, such holding shall not affect the validity of remaining portions thereof.

   (b) The City Manager is directed to publish the caption and a description of this ordinance after final passage in a newspaper of general circulation in the city.

   (c) The remainder of this ordinance shall take effect fifteen (15) days after publication as described herein, the welfare of the city requiring it.
Mayor

ATTEST:

City Recorder

Passage:

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