

CHAPTER ONE

INTRODUCTION

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1.010 AUTHORITY FROM STATE ENABLING LEGISLATION

Power is hereby granted to the chief legislative body of a municipality under 13-7-201 through 13-7-401 *Tennessee Code Annotated*, to provide for the establishment of districts within the corporate limits of Monteagle, Tennessee; to regulate within such districts the location, height, and size of buildings and other structures; the percentage of lot which may be occupied; the sizes of yards, courts, and other open spaces; the density and distribution of population; and the uses of buildings and structures for trade, industry, residence, recreation, agriculture, forestry, soil conservation, water supply conservation or other purposes.

1.020 TITLE

This ordinance shall be known as *The Zoning Ordinance of Monteagle, Tennessee*, dated 1986. The zoning map shall be referred to as the Zoning Map of Monteagle, Tennessee, and all explanatory matter thereon are hereby adopted and made a part of this ordinance, subject to amendment as provided for in Section 6.090 of this ordinance.

1.030 PURPOSE

The zoning regulations and districts contained in this ordinance have been carefully prepared and defined in accordance with a comprehensive plan for the following purposes:

- to protect the public health by providing through setback requirements and other means of adequate light and air between buildings and through density standards the avoidance of extreme concentrations of population.
- to provide safety by lessening: 1) congestion in the streets through adequate access control provisions, 2) fire hazards through adequate setbacks, and 3) flood hazards through land use controls for identified flood areas.
- to foster convenience by establishing a reasonable relationship of one land use to another and by considering the locational requirements of each land use for highway access and proximity to related uses.
- to promote general livability by calling for the provision of utilities and other public facilities.
- to enhance prosperity and general welfare by preserving the character of existing development through the denial of proposed detrimental uses and through the required use of buffer strips where needed.

These regulations and district boundaries have been made with consideration to the character of each district and its peculiar uses; and with a view of conserving the value of buildings and property and encouraging the most appropriate use of land within the Town of Monteagle.

1.040 ENACTMENT

For the purposes just stated, the Monteagle Mayor and Board of Aldermen does ordain and enact into law the following articles and sections. (*Ord. 96-02*)

CHAPTER TWO

DEFINITIONS

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2.010 SCOPE

To carry out the provisions and intentions of this ordinance, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural; and words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

2.020 DEFINITIONS

The following words, terms and phrases are hereby defined as follows and shall be interpreted as such throughout this ordinance. Terms not herein defined shall have the meaning customarily assigned to them.

Access. The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

Accessory Building. A subordinate building, the use of which is incidental to that of a main building and located on the same lot therewith.

Accessory Use. A use customarily incidental, appropriate, and subordinate to the principal use of land or buildings and located upon the same lot therewith.

Advertising. See Signs (Ord. 96-02)

Adult. Any person who is eighteen (18) years of age or older.

Adult-Oriented Establishments. Sexually explicit establishments which cater to an exclusively or predominantly adult clientele, including but not limited to: adult bookstores, adult motion picture theaters, cabaret, massage parlors and other enterprises which regularly feature materials, acts of displays involving complete nudity or exposure of specified anatomical areas – specifically:

Less than completely and opaquely covered:

1. Human genitals, pubic region;
2. Buttocks;
3. Female breast below a point immediately above the top of the areola; and

4. Human male genitals in a discernibly turgid state; and/or sexual excitement or enticement.

Agriculture. The tilling of soil, the raising of crops, horticulture, and gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including agricultural industry or business, such as fruit or vegetable-packing plants, animal hospitals, or similar uses.

Animal Husbandry. The science of breeding, feeding and tending domestic animals especially farm animals.

Automobile Wrecking. The dismantling, storage, sale, or dumping of used motor vehicles, trailers or parts thereof. (Also see wrecked auto yard.)

Average Ground Elevation. The elevation of the mean finished grade at the front of a structure.

Basement. A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average ground elevation or when subdivided and used for commercial activities.

Bed and Breakfast. A residence in which temporary lodging or sleeping space is rented on a nightly basis, and the resident owner/proprietor provides a breakfast for only the guest(s).

Boarding or Rooming House. Any dwelling not divided into separate apartments, but in which three or more persons either individually or as families are housed for rent with or without meals.

Body-Piercing Studio. See Tattoo Parlor. **(added 10/31/06)**

Buffer Strip. A greenbelt planted strip thirty (30) feet in width. Such a greenbelt shall be composed of one row of evergreen trees, spaced not more than forty (40) feet apart and not less than two (2) rows of shrubs or hedges, spaced not more than five (5) feet apart within the row and which grow to a height of five (5) feet or more after one full growing season and which shrubs will eventually grow to not less than ten (10) feet. *(Ord. 96-02)*

Building. Any structure having a roof supported by columns or by walls, including mobile homes, and similar structures whether stationary or movable.

Building Area. The total area taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces and steps.

Building Inspector. The Monteagle Building Inspector or his authorized representative appointed by the Mayor or Board of Aldermen.

Building, Main or Principal. A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building of the lot on which it is situated.

Building Setback Line. A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

Cabaret. Any restaurant, bar, dance hall, night club, or other place whether open to the public or "by membership only" which features exotic dancers, go-go dancers, strippers, male or female impersonators or similar entertainers, or employs any person to display "specified anatomical areas" as defined in "adult oriented establishments" above.

Campground. (Travel Trailer Park) A parcel of land used or intended to be used or rented for occupancy by campers or for occupancy by travel trailers, tents, RV's, and including park model RV's.

Club/Lodge/Fraternal Organization. A nonprofit association organized and existing under laws of the State of Tennessee, which has been in existence and operating as a nonprofit association for at least two (2) years prior to the application for a zoning or building permit, with regularly paying dues members, organized and operated for recreational, charitable, fraternal or other nonprofit purposes, no part of the net earnings of which inures to the benefit of any owner, shareholder or member.

Commercial Feed Lot. Any parcel of land on which 100 or more cattle, fowl, or hogs are being kept and fed for the purpose of slaughter and sale on the commercial food market.

Country Club. A chartered, non-profit membership club with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities: golf, horse riding, clubhouse, pool, dining facilities, and cocktail lounge.

Day Care Home. A home operated by any person who receives for remuneration, not more than five (5) children under seventeen (17) years of age who are not related to said person and whose parents or guardians are not residents of the same home. Said children are received for less than 24 hour-a-day supervision and care, without transfer of custody. (*Ord. 96-02*)

Day Nursery. Any place, home, or institution which receives six or more young children, conducted for cultivating the normal aptitude for exercise, play observation, initiation and construction.

District. Any section or sections of Monteagle or its region for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are uniform.

Dwelling. A building or portion thereof, exclusive of mobile homes as herein defined, used for residential purposes.

Dwelling, Multi-Family. A building designed for occupancy by two or more families living independently of each other.

Dwelling, Single-Family. A building designed to be occupied exclusively by one family.

Dwelling Unit. One or more rooms, a single kitchen, and a bath designed as a unit for occupancy by only one family for cooking, living and sleeping purposes.

Family. One or more persons occupying one dwelling unit, provided that, unless all members are related by blood, marriage or adoption, no such family shall contain over five persons, except that homes for handicapped persons as provided in Tennessee Code Annotated Section 13-24-102, may be up to eight (8) persons and two (2) guardians.

Flag Lot. A lot which lies behind the land or lots which front a street. The flag lot takes its access from the street via a narrow strip which is part of the flag lot and is not shared with any other lot or parcel. The name flag lot derives from the appearance of the lot on a plat, i.e. a flag (building site) with a flag pole (access strip).

Flea Market. Any premises where the principal use is the occasional or periodic sale of new and used household goods, personal effects, tools, art and craft work, small household appliances, and similar merchandise, objects, or equipment in small quantities, broken lots or parcels, but not in bulk, for use or consumption by the immediate purchaser. Sales of prepared foods for immediate consumption and home baked items may also be allowed. (*Ord. 96-02*)

Floor Area. The sum of the gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

Gasoline Service Station. Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil (but not butane or propane fuels), and automobile accessories, and incidental services including facilities for lubricating, car washing and cleaning or otherwise servicing automobiles, but not including painting or major repair.

Grade, Finished. The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

Health Department. The Grundy or Marion County Office of the Tennessee Department of Environment and Conservation as appropriate. (*Ord. 96-02*)

Height of Building. The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building.

Home Occupation. *See Chapter 4, Section 4.060.*

Hospital. *See Medical Facilities.*

Junk Yard or Salvage Yard. A lot, land, or structure, or part thereof, used primarily for the collection, storage and sale of wastepaper, rags, scrap metal, or discarded material; or for the collection, dismantling, storing and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof. (In the latter case, may include a "Wrecked Auto Yard.")

Loading Space. A space within the main building or on the same lot therewith, providing for the parking, loading or unloading of a vehicle.

Lot. A piece, parcel or plot of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings including the open spaces required under this ordinance.

Lot Area. The total horizontal surface area of land included within the lot lines.

Lot, Corner. A lot of which at least two adjoining sides abut on a street, provided that the interior angles at the intersection of two such sides is less than 135 degrees.

Lot Coverage. The lot area covered by all buildings located therein including the area covered by all overhanging roofs. The maximum coverage area is 55 percent of the lot.

Lot Depth. The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

Lot Frontage. That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

Lot, Interior. A lot other than a corner lot.

Lot Lines. The boundaries dividing a given lot from the street, an alley, adjacent lots, or public water bodies.

Lot of Record. A lot which is part of a subdivision recorded in the office of the County Register of Deeds, or a lot described by metes and bounds, the description of which has been recorded in the office of the County Register of Deeds prior to the date of passage of the *Monteagle Subdivision Regulations*.

Lot Width. The width of a lot at the building setback line measured at right angles to its depth.

Massage Parlors. Any premises, public place, place of business or membership club where there is conducted the business or activity of furnishing, providing or giving for a fee or any other form of consideration a massage, a bath, body painting or similar massage services or procedure. this definition shall not be construed to include a hospital, nursing home, medical clinic or the office of a duly licensed physician, surgeon, physical therapist, chiropractor or osteopath. Nor shall this definition be construed to include a barber shop or beauty salon operated by a duly licensed barber or cosmetologist, so long as any massage administered therein is limited to the head and neck.

Medical Facilities.

Convalescent, Rest or Nursing Home. A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

Dental Clinic or Medical Clinic. A facility for the examination and treatment of ill and afflicted human out-patients provided, however, that patients are not kept overnight except under emergency conditions.

Dental Office or Doctor's Office. Same as dental or medical clinics.

Hospital. An institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient facilities, and staff offices which are an integral part of the facility.

Public Health Center. A facility primarily utilized by a health unit for the provision of public health services.

Mini Mall. A commercial development meeting the definition of a shopping center or PUD, located in one structure on a two (2) acre or smaller lot. (*Ord. 96-02*)

Mini-warehouse/Mini-storage. (Added 12/18/01) A building or group of buildings in a controlled-access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares. No sales, service, or repair activities other than the rental of dead storage units are permitted on the premises.

Minimum Floor Elevation. The lowest elevation permissible for the construction, erection or other placement of any floor including a basement floor.

Mobile Home. A housing unit manufactured off-site, 14' wide or less, which does not have continuous enclosed and permanent foundation, or otherwise meet the definition of a modular building unit.

Mobile Home (house trailer). Any factory manufactured structure or detached single family dwelling unit which is not self-propelled, but as a single unit, transportable on a single chassis, whether on a permanent foundation or not, and connected to utilities; and with any or all of the following characteristics: (*Ord. 96-02*)

1. Designed for long-term occupancy and containing sleeping accommodations, flush toilet, a tub or shower bath, a kitchen facility, plumbing and electrical connections provided for attachment to an outside system.
2. Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailer, or on detachable wheels as one unit.
3. Arriving at a site where it is to be occupied as a complete dwelling, including major appliances and ready for occupancy except for location on foundation supports, connection of utilities and the like.

Mobile Home Park. Any area, tract site or plot of land whereupon two or more mobile homes as herein defined are placed, located or maintained, or intended to be placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

Mobile Home Subdivision. A subdivision with individual lot ownership planned for mobile homes and which meet all requirements of the *Monteagle Subdivision Regulations*.

Modular Building Unit. (As defined in the 1985 Tennessee Residential Modular Building Act.) A structural unit, or preassembled component unit including the necessary electrical, plumbing, heating, ventilating and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, as a finished building and not designed for ready removal to another site. This term applies only to units intended for or used for residential occupancy. "Residential occupancy" shall have the same meaning as that term is defined in the standard building code, as it is or is hereafter amended. (The unit shall resemble a conventionally constructed residence in appearance, size and width.)

Non-Conforming Use. A building, structure or use of land existing at the time of enactment of this ordinance which does not conform to the regulations of the district in which it is situated.

Noxious Matter. Matter (in gaseous, liquid, solid, particulate or any other form) which is capable of causing injury to living organisms, or chemical reactions or detrimental effects on the social, economic or psychological well-being of individuals.

Offices and Clinics of Doctors of Medicine (S.I.C. 8011) (Added 11-08-01).

Establishments of licensed practitioners having the degree of M.D. and engaged in the practice of general or specialized medicine and surgery. Establishments operating as clinics of physicians are included in this industry. Osteopathic physicians are classified in Industry 8031.

Ambulatory surgical centers; anesthesiologists, offices of; clinics of physicians (M.D.); dermatologists, offices of; freestanding emergency medical (M.D.) centers; gynecologists, offices of; neurologists, offices of; obstetricians, offices of; oculists, offices of; ophthalmologists, offices of; orthopedic physicians, offices of; pathologists (M.D.), offices of; pediatricians, offices of; physicians (M.D.), including specialists: offices and clinics of; plastic surgeons, offices of; primary care medical (M.D.) clinics; psychiatrists, offices of; psychoanalysts, offices of; radiologists, offices of; surgeons (M.D.), offices of; urologists, offices of.

Off-Street Parking Space. A yard, space or area off the road right-of-way, which space shall be accessible to a road and shall be arranged and maintained for the purpose of providing standing space for vehicles while at rest or while being utilized to load or unload merchandise or other materials incidental to the occupancy.

Open Space. An area on the same lot with a main building which is open, unoccupied and unobstructed by structures from the ground to the sky except as otherwise provided in this ordinance. Open space lines shall coincide with or be parallel to the building setback lines on the same lot. Driveways and sidewalks can be included in the open space.

Parking Lot. An off-street facility including parking spaces along with adequate provisions for drives and aisles for maneuvering and getting access, and for entrance and exit, designed so as to be usable.

Parking Space. An off-street space available for parking one motor vehicle and having an area of not less than 162 square feet exclusive of passageways and driveways giving access thereto, and having direct access to a street or alley.

Park Model RV: A standard term in the RV industry for an RV used for recreational, seasonal, or permanent occupancy built on a single chassis, mounted on wheels for transport to a permanent or semi-permanent location, of no more than 450 square feet, with a standard toilet rather than an RV toilet, without RV holding tanks, and designed to be permanently connected to utilities.

- These units must be licensed by the state as an RV.
- These units can be placed permanently in an approved travel trailer park, but the resident(s) must use the unit seasonally or on a temporary basis.
- These units should not be used as a permanent or primary residence.
- These units must be connected to sewer.

Patio Home. A patio home for the purposes of the Monteagle Zoning Ordinance shall be defined as a single-family residential dwelling of one or more floors, which does not have any common walls shared with an adjacent unit or units, but which is located to one side of a less than standard width lot. That is, these homes have a "zero foot" setback on one side to maximize

the amount of usable outdoor lot area on the other side for a patio, landscaped garden, or other outdoor living area.

Physical Fitness Facilities (S.I.C. 7991) (Added 11-08-01).

Establishments primarily engaged in operating reducing and other health clubs, spas, and similar facilities featuring exercise and other active physical fitness conditioning, whether or not on a membership basis. Also included in this industry are establishments providing aerobic dance and exercise classes. Sports and recreation clubs are classified in Industry 7997 if operated on a membership basis, and in Industries 7992 or 7999 if open to the general public. Health resorts and spas providing lodging are classified in Major Group 70. Establishments that promote physical fitness through diet control are classified in Industry 7299.

Aerobic dance and exercise classes; clubs, health; exercise salons; fitness salons; gymnasiums; physical fitness centers; reducing facilities, physical fitness, without lodging; slenderizing salons; spas, health fitness: except resort lodges.

Planned Unit Development (PUD). A development such as an apartment complex, shopping center, or medical center which is planned as a unit and which may require certain dimensional features that vary from those normally allowed.

Planning Commission. The Monteagle Regional Planning Commission.

Plat. A map, plan, layout or other drawing indicating the location and boundaries of individual properties or lots.

Principal Use. The specific primary purpose for which land or a building is used.

Public Uses. Public parks, schools and administrative, cultural, and service buildings not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

Recreational Vehicle (RV). A travel trailer, motor home, pick-up coach, camping trailer or other similar vehicular accommodation which is occupied on a temporary, transient basis for travel, recreation, or vacation purposes. These units should be licensed as RV's.

Right-of-Way. The strip of public land provided for a public road. The right-of-way is generally wider than the actual road surface.

Roadway. The actual road surface including necessary road shoulders and drainage facilities including ditches and curbing and guttering, which is utilized to transport motor vehicles.

Sanitary Sewer System. A municipal or community sewage collection, treatment, and disposal system of a type approved by the health department.

Sanitary Landfill. An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the operation and maintenance of sanitary landfill sites by the State of Tennessee.

Satellite Dish Antenna. An earth station antenna, parabolic or spherical design, for the reception or transmission for the satellite or terrestrial communication service.

Setback. The required distance between the front, side or rear lot lines, and the nearest portion of the principal structure.

Shopping Center or Complex. A group of businesses, shops, stores, and/or professional services which were planned, developed and managed as a unit sharing elements such as parking, access drives, and often common walls often developed as a planned unit development (PUD).

Sign, Billboard, Other Advertising Device. Includes any writing, printing, numbering, painting, display, emblem, drawing, picture, or other device designed, used, or intended for announcing, advertising, or drawing attention to, whether placed on or attached to the ground, rocks, trees, tree stumps or other natural structures or on buildings, structures, milestones, signboards, billboards, wallboards, roofboards, frames, supports, fences or other man-made objects. Any of the above constitutes a sign within a building only when illuminated and placed in a window.

Billboard. An off-site sign with a sign area of over one hundred fifty (150) square feet.

Business Sign. An on-site sign used to announce the name of a business or profession at that location and may include services offered, the hours of operation, the partners involved or other such information.

Flashing Sign. A directly or indirectly-illuminated sign on which artificial light is not maintained stationary and constant in intensity and color at all times in use.

Ground Sign. Any sign not attached to any part of any building and which is supported by uprights or braces, placed upon the ground.

Off-Site Sign. A sign which promotes a cause or a candidate or which directs attention to an attraction, business, commodity, or service to be, or being, conducted, sold, rented, leased or otherwise offered for use or disposition elsewhere than on the premise.

On-Site Sign. Any sign other than an off-site sign.

Portable Sign. A sign that is not mounted to any permanent structure, but is instead usually attached to a movable trailer or stand.

Projecting Sign. Any sign extending over the public sidewalk or beyond the street right-of-way boundary.

Roof Sign. Any sign erected, constructed, or maintained upon the roof of any building.

Sign Area. The area of the sign, excluding the structural elements lying outside the limits of such sign and not forming an integral part of the display.

Temporary Sign. Any sign which is by reason of construction or purpose intended to be displayed for a short period of time. Unless specifically stated elsewhere in this ordinance, a period of six (6) months is the maximum time limit for the display of a temporary sign.

Wall Sign. Any sign on any surface or plane that may be affixed parallel to, or printed, on the wall of a building.

Special Events. Circuses, fairs, carnival, festivals, or other types of special events that run for one (1) day or more but not longer than two (2) weeks, are intended to or likely to attract substantial crowds and are unlike the customary or usual activities generally associated with the property where the special event(s) is to be located. (*Ord. 96-02*)

Special Exception. Any use which is specifically permitted if the owner can demonstrate to the satisfaction of the board that he will meet certain enumerated safeguards or qualifying conditions for the special exception.

Storm Sewer. A municipal or community collection and disposal system for the handling and control of rainwater drainage.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof which is used for human occupancy or in which the floor area with eight (8) feet or more of head clearance equals fifty (50) percent or more of floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story next below shall be a "half-story." A basement shall be considered as a story if more than half of its height is above the average ground level from which the "height of building" is measured or if it is used for commercial purposes.

Street. Any public or private thoroughfare which is intended for the use of vehicles, and usually also provides access to adjacent property. Types of streets are defined as follows.

Major Thoroughfare. A major street serving as part of the principal network for cross-city and through traffic movement. A major thoroughfare has higher traffic volumes, usually has a wide right-of-way and should be designated as a major thoroughfare in the 1981 Montegale Transportation Plan.

Collector Street. A street that serves a collection and distribution function carrying traffic from the local streets to the major thoroughfares or to other local streets.

Local Street. The network of streets which primarily provide access to abutting property, i.e. neighborhood streets, generally two-lane with low traffic volumes and low traffic speeds.

Cul-de-sac. A dead-end street, usually a local street.

Alley. A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having or requiring a fixed location on the ground. Structures include but are not limited to buildings, wells, fences, and signs, however pavement and sidewalks shall not be considered structures.

Swimming Pools, Outdoor. An outdoor swimming pool shall be any pool or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half (1 1/2) feet.

Tattoo Parlor/Body-Piercing Studio. (added 10/31/06) An establishment licensed by the Tennessee Department of Health whose principal business activity, either in terms of operation or as held out to the public, is the practice of one or more of the following: (1) any method of placing designs, letters, figures, symbols, cosmetics or any other marks under the skin of a person with ink or color by the aid of needles or instruments; (2) the piercing of any body part for compensation by someone, other than a physician licensed under TCA title 63, who utilizes a needle or other instrument for the purpose of inserting an object into the body for nonmedical purposes; body piercing includes ear piercing except when the ear piercing procedure is performed on the ear with an ear piercing gun. For further clarification see TCA § 62-38-201 (Tattoo) and TCA § 62-38-301 (Body Piercing).

Temporary Emergency, Construction, or Repair of Residence. A residence (which may be a mobile home) that is: (*Ord. 96-02*)

1. Located on the same lot as a residence made uninhabitable by fire, flood, or other natural disaster and occupied by the persons displaced by said disaster; or
2. Located on the same lot as a residence that is under construction or undergoing substantial repairs or reconstruction and occupied by the persons intending to live in such permanent residence when work is completed; or
3. Located on a non-resident construction site and occupied by persons having construction or security responsibilities over said construction site.

Temporary Use. Any use which is not designed nor intended to be permanent in nature, and unless otherwise specified in this ordinance, said use shall not exceed ninety (90) days.

Townhouse, Residential. A single-family residential dwelling of one, or more floors on a lot by itself and having or appearing to have a common wall with an adjacent similar unit or units.

Toxic Materials. Materials (gaseous, liquid, solid, particulate or any other form) which are capable of causing injury to living organisms by chemical reaction even when present in very small amounts.

Travel Trailer Park. See Campground.

Usable Floor Space. Floor space used for retail sale or display; including permanent outdoor sales, but excluding outdoor motor vehicle sales areas and outdoor plant sales areas at nurseries.

Use. The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

Use Permitted on Review. See *Special Exceptions*.

Wrecked Auto Yard. Any lot or place which is exposed to the weather and upon which more than five (5) motor vehicles of any kind, incapable of being operated, and which it would not be economically feasible to make operative, are placed, located, or found.

Yard, Front. The required open space, unoccupied by buildings, between the road or street right-of-way line and the principal building.

Yard, Rear. The required space, unoccupied except by a building or accessory use as herein provided, extending from the rear of the principal building to the rear lot line the full width of the lot.

Yard, Side. The space, unoccupied except as herein provided, measured between the side lot and the nearest point of the principal building and between the front yard and the rear yard.

Variance. See Section 6.080.

CHAPTER THREE
ZONING DISTRICTS

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3.010 CLASSIFICATION OF DISTRICTS

For the purpose of this ordinance, the following zoning districts are hereby established in the Town of Monteagle, Tennessee:

<u>ZONING DISTRICT NAME</u>	<u>DISTRICT ABBREVIATION</u>
Low Density Residential District	R-1
Medium Density Residential District	R-2
High Density Residential District	R-3
Central Business District	C-1
Highway Business District	C-2
Interchange Commercial District	C-3
Light Industrial District	I-1
Institutional Development District	ID

3.020 ZONING DISTRICT MAP

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map entitled Zoning Map of Monteagle, Tennessee. The zoning map or its amendments shall be dated with the effective date of the ordinance that adopts the zoning map or zoning map amendment. Certified copies of the adopted zoning map or zoning map amendment shall be maintained at City Hall in Monteagle, Tennessee, and shall be available for inspection by the public at all reasonable times as long as this ordinance remains in effect.

3.030 ZONING DISTRICT BOUNDARIES

Unless otherwise indicated on the zoning map or zoning map amendment, the district boundaries are lot lines, centerlines of streets or alleys, or the corporate limits of the Town of Monteagle, as they exist at the time of the enactment of this zoning ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Monteagle Board of Zoning Appeals.

Where a district boundary line divides a lot existing at the time this ordinance takes effect, and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as to not more than twenty (20) feet within the more restricted district.

3.040 SPECIFIC DISTRICT REGULATIONS

The following regulations shall apply in the nine (9) zoning districts established in Section 3.010 of this ordinance.

A. R-1 Low Density Residential District (Ord. 96-02)

1. District Description

This residential district is intended to be used for single-family residential areas with fairly low population densities. Additional permitted uses include uses and facilities normally required to provide the basic elements of a balanced and attractive residential area. These districts are intended to be defined and protected from the encroachment of uses not performing a function necessary to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged to provide adequate light, air, and open space for dwellings and related facilities and through consideration of the proper functional relationship of each element.

2. Uses Permitted

In the R-1 Low Density Residential District, the following uses and their accessory uses are permitted:

- a. Single-family dwellings (not including mobile homes);
- b. Residential townhouses and patio home as regulated in Section 4.160;
- c. Non-commercial nurseries, gardens, and greenhouses providing that no greenhouse heating plant shall be operated within 25 feet of any side or rear lot line;
- d. Churches or similar places of worship, but not including temporary missions or revival tents, provided that: the building is located not less than 35 feet from any property lines.
- e. Utility facilities necessary for the provision of public services.
- f. Customary accessory buildings, including private garages and non-commercial workshops, provided they are located in the rear yard and not closer than 5 feet to any lot line, or 10 feet from any existing building on an adjacent lot.

3. Uses on Review

In the R-1 Low Density Residential District, the following uses and their accessory uses may be permitted subject to review by the Montecagle Regional Planning Commission in accordance with the provisions of Section 6.060;

- a. Golf courses, parks, country clubs, and public swimming pools;

- b. Customary incidental home occupations as regulated in Section 4.060;
- c. Lodge halls, civic organizations, and private clubs, except clubs in which the chief activity is customarily carried on as a business;
- d. Cemeteries, subject to the provisions of Section 4.140.
- e. Church schools (Nursery - Grade 12), provided that the school is located in or adjacent to an existing church building of worship with which the school will be a part, and the building is located not less than 45 feet from any property line, except the lines bordering on streets.
- f. Public schools, colleges, and other public educational institutions provided that the building is located not less than 45 feet from any property line, except the lines bordering on streets.
- g. Cluster Development, subject to the provisions of Section 4.090.
(added 1/30/07)

4. Dimensional Regulations

All uses permitted in the R-1 Low Density Residential District shall comply with the following requirements, except as provided in Chapter 5, "Exceptions and Modifications."

a. Front Yard:

The minimum depth of the front yard shall be 30 feet.

b. Rear Yard:

The minimum depth of the rear yard shall be 20 feet for the principal structure.

c. Side Yard:

The side yards shall be a minimum of 15 feet for one- and two-story structures, plus 5 additional feet of side yard for each additional story over two.

If the side yard abuts a local street, alley, or cul-de-sac the side yard setback shall be 25 feet.

If the side yard abuts a major thoroughfare or collector road the side yard setback shall be 35 feet.

d. Land Area:

No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than 20,000 square feet in area except where sanitary sewer service is available, in which case the minimum lot area shall be 10,000 square feet. However, where there is an existing lot of record of less than 20,000 square feet at the time of adoption of this ordinance, this lot may be utilized for the construction of one single-family dwelling providing the lot in question has a public water supply and sanitary sewer service and that said lot of record is not less than 7,500 square feet in area.

e. **Maximum Lot Coverage:**

On any lot or parcel of land the area occupied by all buildings, including accessory buildings, shall not exceed 35 percent of the total area of such lot or parcel.

f. **Lot Width:**

No lot shall be less than 100 feet wide at the building setback line.

g. **Height Requirement:**

No building shall exceed 2 1/2 stories or 35 feet in height, except as provided in Section 5.040.

5. Parking Space Requirements. (As regulated in Section 4.030.)

6. Access Control. (As regulated in Section 4.010.)

B. R-2 Medium Density Residential District

1. District Description

This residential district is intended to promote and encourage the establishment and maintenance of a suitable environment for urban residence in areas which by location and character are appropriate for occupancy by moderate density, single-family and selected multiple-family dwellings. One of the important purposes of this district is to create adequate standards of residential development in order to prevent overcrowded and unhealthy conditions in the older established neighborhoods. The intensity of land use should not be so great as to cause congestion of buildings or traffic or overload existing sanitary facilities. Densities should be limited to provide adequate light, air, and usable open space for the residents and adequate space for all related facilities.

2. Uses Permitted (*Ord. 96-02*)

In the R-2 Medium Density Residential District, the following uses and their accessory uses are permitted:

- a. Any use permitted without review in the R-1 Low Density Residential District with the same restrictions applying;
- b. Duplexes;
- c. Residential townhouses and patio homes as regulated in Section 4.160; and

3. Uses on Review (*Ord. 96-02*)

In the R-2 Medium Density Residential District, the following uses and their accessory uses may be permitted subject to review by the Montegale Regional Planning Commission in accordance with the provisions of Section 6.060:

- a. Public parks and swimming pools;
- b. Customary incidental homes occupations as provided in Section 4.060;
- c. Cluster Development, subject to the provisions of Section 4.090; and, (**Amended 09-11-01**)
- d. Private schools, provided that the building is located not less than 45 feet from any property line, except the lines bordering on streets.
- e. Boarding house, rooming house, or bed and breakfast subject to the provisions in Section 4.180 of this document. (**Added 09-25-01**)

4. Dimensional Regulations (*Ord. 96-02*)

All uses permitted in the R-2 Medium Density Residential District shall comply with the following requirements, except as provided in Chapter 5, "Exceptions and Modifications."

- a. Front Yard:

The minimum depth of the front yard shall be 30 feet.

- b. Rear Yard:

The minimum depth of the rear yard shall be 20 feet for the principal structure.

- c. Side Yard:

The side yards shall be a minimum of 15 feet for one- and two-story structures, plus 5 additional feet of side yard for each additional story over two.

If the side yard abuts a local street, alley, or cul-de-sac the side yard setback shall be 25 feet.

If the side yard abuts a major thoroughfare or collector road the side yard setback shall be 35 feet.

d. Land Area:

No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than 20,000 square feet in area except where public water and sanitary sewer services are available, in which case the minimum lot area shall be 7,500 square feet. Where there is a lot of record which has less area than required above, said lot may be utilized for the construction of one single family dwelling provided the lot is approved for a septic sewer system by the health department.

On lots where duplexes are constructed, the following lot area requirements shall apply for each duplex:

15,000 square feet with public water and sanitary sewer

22,500 square feet with public water but without sanitary sewers.

e. Maximum Coverage:

On any lot or parcel of land, the area occupied by all buildings, including accessory buildings, shall not exceed 45 percent of the total area of such lot or parcel.

f. Lot Width:

No lot shall be less than 60 feet wide at the building setback line.

g. Height Requirement:

No building shall exceed 3 stories or 40 feet in height except as provided in Section 5.040.

5. Parking Space Requirements (As regulated in Section 4.030).

6. Access Control (As regulated in Section 4.010).

C. **R-3 High Density Residential District (Ord. 96-02)**

1. District Description

This residential district is intended to promote and encourage the establishment and maintenance of a suitable environment for urban residence in areas which by location and character are appropriate for occupancy by high density single- and multi-family dwellings. The intent of this district is to create adequate standards for residential development to allow for high density development without creating undesirable conditions. The intensity of land use should not be so great as to cause congestion of buildings and traffic or to overload existing sanitary facilities.

2. Uses Permitted

In the R-3 High Density Residential District, the following uses and their accessory uses are permitted:

- a. Any use permitted without review in the R-1 Low Density Residential District and the R-2 Medium Density Residential District with the same restrictions applying;
- b. Mobile homes.
- c. Group quarters or dormitories where public sewage service is available; and
- d. Recreational facilities associated with multi-family dwellings or apartment complexes.

3. Uses on Review

In the R-3 High Density Residential District, the following uses and their accessory uses may be permitted as a use on review by the Monteagle Regional Planning Commission in accordance with the provisions of Section 6.060:

- a. Any use permitted as a use on review in the R-2 Medium Density Residential District shall also be permitted on review in the R-3 High Density Residential District.
- b. Multi-family dwellings where the sewage disposal system is approved by the Monteagle Utility Board or the appropriate county health department.
- c. Mobile home parks subject to the mobile home park requirements in Section 3.040.8.
- d. Professional offices in structures similar to homes or apartments.

- e. Day care centers serving between five (5) and twelve (12) children unrelated to the operator and group care homes as provided in Tennessee Code Annotated 71-3-501.
- f. Boarding house, rooming house, or bed and breakfast subject to the provisions in Section 4.180 of this document. (**Amended 09-25-01**)
- g. Any public (governmental) use.
- h. Cluster Development, subject to the provisions of Section 4.090. (**added 1/30/07**)

4. Dimensional Regulations

All uses permitted in the R-3 High Density Residential District shall comply with the following requirements, except as provided in Chapter 5, "Exceptions and Modifications."

a. Front Yard:

The minimum depth of the front yard shall be 20 feet.

b. Rear Yard:

The minimum depth of the rear yard shall be 20 feet.

c. Side Yard:

The side yards shall be a minimum of 10 feet for one- and two-story structures, plus 5 additional feet of side yard for each additional story over two.

If the side yard abuts a local street, alley, or cul-de-sac the side yard setback shall be 25 feet.

If the side yard abuts a major thoroughfare or collector road the side yard setback shall be 35 feet.

d. Land Area:

No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than 20,000 square feet in area except where sanitary sewer service is available, in which case the minimum lot area shall be 7,500 square feet for a single-family home. However, when there is an existing lot of record of less than 20,000 square feet at the time of adoption of this ordinance this lot may be utilized for the construction of one single-family dwelling provided the lot in question has a public water supply and the sewerage disposal system is approved by the county health department.

On lots or parcels of land where multi-family dwellings are constructed the following area requirements shall apply:

NUMBER OF DWELLING UNITS	WITH PUBLIC WATER AND SANITARY SEWERS	WITH PUBLIC WATER BUT WITHOUT SANITARY SEWERS
2 units	10,000 sq. ft.	22,500 sq. ft.
3 units	15,000 sq. ft.	Approval by Co. Health Dept.
Over 3 units	15,000 sq. ft. plus 2,500 sq. ft. for each unit over 3.	

e. Maximum Lot Coverage:

On any lot or parcel of land the area occupied by all buildings, including accessory buildings, shall not exceed 55 percent of the total area of such lot or parcel.

f. Lot Width:

No lot for a single-family home shall be less than 50 feet wide at the building setback line. No lot for a multi-family dwelling shall be less than 75 feet wide at the building setback line.

g. Height Requirement:

No building shall exceed 3 stories or 40 feet except as permitted in Section 5.040.

5. Parking Space Requirements (As regulated in Section 4.030).

6. Access Control (As regulated in Section 4.010).

7. Site Plan Requirements (As required in Section 4.150).

8. Mobile Home Park Restrictions

a. District Description

These guidelines are intended to provide for the development of single-family mobile home parks and for mobile home subdivisions. The purpose is two-fold: 1) to provide for adequate mobile home parks where mobile home dwellers can rent a mobile home space, and 2) to provide for new platted mobile home subdivisions where mobile home owners can purchase a lot for their home. Mobile home subdivisions will be regulated by the Monteagle Subdivision Regulations as to required improvements and approval procedure, and by these zoning regulations for dimensional requirements.

b. Uses Permitted

Single-family mobile homes and customary accessory uses such as storage sheds and carports.

"Public" parks, playgrounds, community buildings in Mobile Home Subdivisions.

"Private" parks, playgrounds, community buildings, and coin laundries provided by the mobile home park owner in Mobile Home Parks.

c. Uses Prohibited

All uses not allowed under Uses Permitted.

d. Regulations for Mobile Home Parks

1. Permit Required: no mobile home park shall be established or maintained by any person unless such person holds a valid mobile home park permit from the Town of Monteagle. The permit shall not be issued until the Monteagle Regional Planning Commission has approved the site plan, the Marion or Grundy Health Department has approved the water and sewerage plans, and the Monteagle Building Inspector has certified that the mobile home park has been developed in accordance to the approved site plan.
2. Site Plan Required: the requirements of 4.150.F (Site Plan Contents) shall be met for the site plan of a mobile home park. The scale of the site plan shall be 1" = 100' or more detailed if the developer desires.
3. Site Requirements: each mobile home park shall be located outside of flood hazard areas on a well-drained site and shall be situated so drainage will not endanger water supply. Each mobile home park shall be located on a single lot or on adjacent lots of the same ownership and planned so as to facilitate the efficient management and administration of such park.

Any area of land designated to be used as a mobile home park shall be at least three acres in size and be located in the R-3 district.

4. Mobile Home Spaces:

- a. Each mobile home park space shall be at least fifty (50) feet wide and such space shall be clearly defined by permanent markers.

- b. The minimum size for each space on which a mobile home is located or is to be located, with public water and sewer, shall be five thousand (5,000) sq. ft.
 - c. Each mobile home space shall be provided with a deck or paved patio of at least two hundred (200) square feet.
 - d. Each mobile home space shall be provided with a pad which shall be a minimum of twelve (12) by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel, or comply with the standards in the most recent edition of the FHA "Minimum Property Standards for Mobile Home Parks."
 - e. There shall be a front yard setback of twenty (20) feet from all access roads within the mobile home park.
 - f. Each mobile home shall have a minimum side yard setback of not less than fifteen (15) feet and a rear yard setback of not less than fifteen (15) feet. No mobile home shall be located closer than twenty (20) feet from any building within the mobile home park.
5. Street Requirements: the minimum widths of various private streets within a mobile home park shall comply with the following:

- One-way with no on-street parking..... 12 ft wide
- Two-way with no on-street parking..... 18 ft. wide
- Parallel parking on one side..... 8 ft. additional width
- Parallel parking on two sides 16 ft. additional width

The streets shall be constructed in accordance with the requirements in the Monteagle Regional Subdivision Regulations.

6. Parking and Buffer Area: each mobile home park shall provide 2 parking spaces per mobile home space. Each parking space shall be at least 9 feet by 18 feet. They may be arranged side-by-side or end-to-end.

Each mobile home park shall have a green strip along all exterior boundaries of the park (refer to definition of Buffer Strip).

7. Recreation Area: a centrally-located area in each mobile home park shall be provided for use by the occupants for recreation and entertainment. Such recreational area shall be at least 250 square feet per mobile home space. Such recreational area shall be maintained in an attractive manner and shall be well-drained.
8. Water Supply: water shall be piped directly to each mobile home space or site. The developer of a mobile home park shall attach to any public water supply located within 1,000 feet of the proposed park. If such a public water supply is available it shall be used exclusively.

No independent water supply shall be constructed without written approval of plans and specifications by the health officer.

9. Sewage Disposal: each mobile home park shall provide an adequate disposal system approved in writing by the health officer. Each mobile home space shall be equipped with at least a 3-inch sewer connection trapped below the frost line and reaching at least 4 inches above the surface of the ground. All trunk sewer lines shall be laid in trenches separated by at least 10 feet horizontally from any drinking water supply line.

The developer of a mobile home park shall first attempt to dispose of sewage through a public sewerage system. If this attempt is not feasible, then a septic tank and subsurface soil absorption system may be used provided the soil characteristics are suitable and an adequate disposal area is available.

10. Solid Waste Collection: the storage, collection, and disposal of refuse within a mobile home park shall be so managed as to create no health hazards. All refuse shall be stored in flytight, watertight, and rodent-proof containers. Garbage and refuse shall be collected and disposed of no less than once a week.

e. Regulations for Mobile Home Subdivision

Mobile home subdivisions, if in the city, shall be located on land which is zoned R-3 and shall be developed in accordance with the Monteagle Subdivision Regulations regarding platting, design, improvements, etc. with the following exceptions:

1. Lot width shall be a minimum of 50 feet.
2. Lot depth shall be a minimum of 100 feet.

3. Lot area shall be a minimum of 5,000 square feet with public water and sewerage. (Lots without public water and/or sewerage shall have a lot area as prescribed by the Marion or Grundy County Health Department to accommodate wells and/or individual septic tank systems.

D. C-1 Central Business District (Ord. 96-02)

1. District Description

This district is established to provide an area for the conduct of community and regional retail and service business of an indoor and intensive nature, especially for those sales and service uses which require a central location, which generate substantial pedestrian traffic, and which are mutually benefited by close proximity to other uses of similar nature and requirements, and for only those small-scale industrial uses commonly associated with retail, or business, or personal service activities. It is intended that such an area have properties suitable for uses of different sizes so developed as to promote pedestrian circulation, avoid "dead" spaces between uses, and to contribute to mutual business advantage. It is further intended to exclude those commercial and industrial activities which are characterized by trucking other than stocking and delivery of retail goods, and which cater to automobiles, or traffic, or to patrons who remain in their vehicles for service.

The provisions of this district are further intended to protect present retail businesses while encouraging the eventual elimination of uses inappropriate to the function of the central business district.

2. Uses Permitted (Amended 02-29-00)

The following uses, their accessory uses, and only these uses are permitted in the C-1 Central Business District:

- a. Retail sales establishments including art galleries, video rental and sales stores, discount stores, clothing sales, convenience stores, florists, office supplies, computer supplies and equipment, books, card, craft and/or gift shops, audio and video sales, music and musical instruments, furniture, bicycle sales and service, jewelry stores, millinery, photography, radio, cameras and camera repair, hobby stores, sporting goods, antique stores, souvenirs, pets and pet supplies and accessories, print shops, copying and express services, and yard goods, but excluding adult oriented entertainment and sales including any adult entertainment that may be an accessory part of any of the above-named businesses. Retail business may include a retail business which makes products sold at retail on the premises, provided such manufacturing is incidental to the retail business or service, occupies less than 40 percent of the floor area, and employs not more than 5 operators;
- b. Clubs, lodges, and fraternal organizations;

- c. Personal service establishments including barber and beauty shops, laundries and laundromats, dry cleaners, shoe repair, tailors, indoor recreation except for pool halls and video arcades; day care center, travel agencies, music instruction studios, photograph studios, dance studios, martial art studios, and assisted living centers;
- d. Business and real estate offices, insurance agencies, computer services, banks and financial institutions;
- e. The following businesses may be permitted upon review with a majority vote of the City Council: Hardware, garden and lawn supplies, and equipment; auto parts; appliances; television and audio supplies, equipment and repair; plumbing, heating, electrical and air condition service and sales; carpentry and cabinet establishments; carpet and tile; and mini-malls.
- f. Physical Fitness Facilities and Offices and Clinics of Doctors of Medicine, as defined in Section 2.020. (**Added 11-08-01**)
- g. Newspaper and other printing plants;
- h. Off-street parking lots;
- i. Professional offices for doctors, lawyers, dentists, architects, artists, engineers, and similar professional services;
- j. Public uses and structures, churches;
- k. Utility structures and facilities, but excluding storage and parking facilities for equipment and supplies;
- l. Radio and television stations and transmission towers;
- m. Drug store or pharmacy;
- n. Restaurants, grills, and similar eating establishments, excluding drive-ins;
- o. Schools, colleges, and churches;
- p. Signs as regulated in Section 4.120;
- q. Theaters (indoor);
- r. Building material yards (wholesale and storage);
- s. Funeral homes;
- t. Hotels and motels; and

3. Conditional Uses (**Amended 06-19-2012**)

The Board of Zoning Appeals shall consider the impacts on adjoining properties and determine whether or not the proposed use meets the spirit

and intent of this ordinance. Approval of this Conditional Use may be granted where the requirements shown below have been met and subject to such other restrictions as the Board of Zoning Appeals may determine to protect the public health, safety, and welfare.

- a. Manufacturing, processing, and other establishments of an artistic and crafts nature, such as: candy jewelry, pottery, light metal fabrication, blacksmithing, woodworking, computers, electronics, and furniture, provided the following conditions are met:
 1. The establishment shall not occupy more than 5,000 square feet.
 2. There shall not be more than five (5) persons employed including the owner / proprietor.
 3. There shall be no exterior storage of materials or product except in areas which are surrounded by opaque fencing, nor shall the exterior appearance of the structure indicate that any use is occurring which is not a customary use in the C-1 district.
 4. A moderate adverse environmental impact on surrounding development in the form of smoke, odor, dust, noise, gas fumes, fire hazards, and traffic, to include loading and unloading.
 5. Car washes (includes automatic, self serve, and manned), subject to site plan approval (See 4.150 SITE PLAN) which should meet requirements of the Board of Zoning Appeals.

- b. Apartments, provided the following conditions are met:
 1. Apartments shall be located above the ground floor or in the rear of the building, if a one-story building.
 2. Provide a floor layout to ensure adequate space and separate outside entrance.
 3. No more than two (2) apartments shall be allowed in any one (1) building.
 4. One off-street parking space per apartment shall be provided.

5. Any apartment to be developed shall not be less than eight hundred fifty (850) square feet in area.
 6. The character of the building as a commercial structure shall not be changed by the addition of a residential use.
 7. A sketch plan as described in Section 4.150 (SITE PLAN) and floor layout shall be presented to the Planning Commission to ensure the provisions of (1.) through (6.) above are met. Detailed construction information shall be required to ensure compliance with all pertinent codes of the city. Recommendations shall be provided by the Staff Planner, Building Official, and Fire Chief prior to the final decision by the Planning Commission.
- c. Single-family residential uses and mixed-use commercial-residential, provided that the building maintains a commercial appearance, meets the basic standards of the International Building Code, and meets the minimum off-street automobile parking requirements of Section 4.030 based on the use(s) of the building.

3.1 Uses Prohibited (Added 03-12-98)

- a. Truck Stops
- b. Fireworks Sales
- c. Mobile and Modular Home Sales
- d. All uses except those specifically permitted, or permitted as Uses on Review in accordance with Section 6.060 are prohibited.

4. Dimensional Regulations

All uses permitted in the C-1 Central Business District shall comply with the following requirements, except as provided in Chapter 5.

- a. Front Yard:
No front yard shall be required in the C-1 Central Business District.
- b. Rear Yard:

Where a commercial building is to be serviced from the rear there shall be provided an alleyway, service court, rear yard, or combination thereof of not less than 30 feet in depth. The depth of a rear yard which abuts a residential district shall be not less than 25 feet.

In all other cases, no rear yard is required. When buildings have common side and rear walls as they often do in C-1 districts, special care shall be taken to meet the requirements of the city's fire code.

c. Side Yard:

No side yard shall be required except that the width of a side yard which abuts a residential district shall be 25 feet. If a side yard is provided adjacent to another C-1 property the side yard shall be at least 5 feet so that extremely narrow aisles are not created which will be difficult to police or keep free of litter.

d. Height Requirement:

No building shall exceed 3 stories or 40 feet, except as provided in Section 5.040.

5. Requirement of Buffer Strip

Certain new commercial uses, including but not limited to those, which generate high traffic volumes, and/or utilize large amounts of illumination, may be required by the commission to provide a buffer strip where the property abuts a residential zone..

6. Parking Space Requirements (As regulated in Section 4.030).

7. Off-Street Loading and Unloading Requirements (As regulated in Section 4.040).

8. Access Control (As regulated in Section 4.010).

9. Site Plan Requirements (As required in Section 4.150).

E. C-2 Highway Business District (Ord. 96-02)

1. District Description

This district is established along selected portions of major thoroughfares to provide areas for those amusements, specialized sales, and travel accommodation activities which depend on visibility from or proximity to automobiles or traffic, serve regional travelers, cater to local residents in vehicles, or provide services essential to the movement of vehicles. It is intended that such areas have properties with lot sizes, yards, and performance and development standards sufficient to insure that activities performed on any one lot will not unduly impede the flow of traffic, will not adversely affect activities of adjoining zones, and will not infringe on the efficiency of activities or customer attractiveness of adjacent lots. It is further intended to exclude those uses which are not necessary for service to traffic, which are not dependent on traffic, and which could reasonably

be located elsewhere thus not contributing to congestion of the major thoroughfare.

2. Uses Permitted

The following uses and their accessory uses shall be permitted in the C-2 Highway Business District:

- a. Any use permitted in the C-1 Central Business District, except industry other than that which is incidental to a retail business or service;
- b. Hotels and motels;
- c. Restaurants, grills, and fast food outlets including those allowing customer service in automobiles;
- d. Tourist services, including tourist information centers, souvenir/gift shops, and hunting/fishing/boating/camping supply shops;
- e. Ambulance and other emergency services;
- f. Gasoline service stations as regulated in Section 4.100;
- g. Establishments for the sale, service, or rental of passenger, travel and recreation vehicles;
- h. Public or private golf courses;
- i. Libraries, art galleries, museums, and the like;
- j. Outdoor recreation facilities;
- k. Signs and billboards as regulated in Section 4.120; and,
- l. Utility structures and facilities including storage and parking facilities for equipment and supplies.

3. Conditional Uses (Amended 06-19-2012)

The Board of Zoning Appeals shall consider the impacts on adjoining properties and determine whether or not the proposed use meets the spirit and intent of this ordinance. Approval of this Conditional Use may be granted where the requirements shown below have been met and subject to such other restrictions as the Board of Zoning Appeals may determine to protect the public health, safety, and welfare.

- a. Manufacturing, processing, and other establishments of an artistic and crafts nature, such as: candy jewelry, pottery, light metal

fabrication, blacksmithing, woodworking, computers, electronics, and furniture, provided the following conditions are met:

1. The establishment shall not occupy more than 5,000 square feet.
2. There shall not be more than five (5) persons employed including the owner / proprietor.
3. There shall be no exterior storage of materials or product except in areas which are surrounded by opaque fencing, nor shall the exterior appearance of the structure indicate that any use is occurring which is not a customary use in the C-1 district.
4. A moderate adverse environmental impact on surrounding development in the form of smoke, odor, dust, noise, gas fumes, fire hazards, and traffic, to include loading and unloading.

b. Apartments, provided the following conditions are met:

1. Apartments shall be located above the ground floor or in the rear of the building, if a one-story building.
2. Provide a floor layout to ensure adequate space and separate outside entrance.
3. No more than two (2) apartments shall be allowed in any one (1) building.
4. One off-street parking space per apartment shall be provided.
5. Any apartment to be developed shall not be less than eight hundred fifty (850) square feet in area.
6. The character of the building as a commercial structure shall not be changed by the addition of a residential use.
7. A sketch plan as described in Section 4.150 (SITE PLAN) and floor layout shall be presented to the Planning Commission to ensure the provisions of (1.) through (6.) above are met. Detailed construction information shall be required to ensure compliance with all pertinent codes of the city. Recommendations shall be provided by the Staff

Planner, Building Official, and Fire Chief prior to the final decision by the Planning Commission.

- c. Single-family residential uses and mixed-use commercial-residential, provided that the building maintains a commercial appearance, meets the basic standards of the International Building Code, and meets the minimum off-street automobile parking requirements of Section 4.030 based on the use(s) of the building.

3.1 Uses Prohibited (Added 03-12-98)

- a. Truck Stops
- b. Fireworks Sales
- c. Mobile and Modular Home Sales
- d. All uses except those specifically permitted, or permitted as Uses on Review in accordance with Section 6.060 are prohibited.

4. Dimensional Regulations

The following requirements shall apply to all uses permitted in the C-2 Highway Business District:

- a. Lot Area:
 - 1. For those areas served by a sanitary sewer system, there shall be a minimum lot area of not less than 10,000 square feet.
 - 2. For those areas not served by a sanitary sewer system the lot area requirements shall be determined by the Marion or Grundy County Health Department, but in no case shall be less than 15,000 square feet.
- b. Front Yard:

The depth of the front yard shall be 30 feet from the highway right-of-way.
- c. Side Yard:

The width of any side yard which abuts a residential district shall not be less than 25 feet.
- d. Rear Yard:

Each lot shall have a rear yard of not less than 10 feet; where a commercial building is serviced from the rear, there shall be provided a rear yard of not less than 30 feet; the depth of a rear yard which abuts a residential district shall not be less than 25 feet.

e. Lot Width:

Each lot shall have a width of not less than 75 feet at the building setback line.

f. Height Restriction:

No building or structure shall exceed 3 stories or 40 feet, except as provided in Section 5.040.

5. Requirement of Buffer Strip

Certain new commercial uses, including but not limited to those, which generate high traffic volumes, and/or utilize large amounts of illumination, may be required by the commission to provide a buffer strip where the property abuts a residential zone.

6. Off-Street Parking Requirements (As regulated in Section 4.030).

7. Off-Street Loading and Unloading Requirements (As regulated in Section 4.040).

8. Access Control (As regulated in Section 4.010).

9. Site Plan Requirements (As required in Section 4.150).

F. C-3 Interchange Commercial District (Ord. 96-02)

1. District Description

This district is to better meet the special opportunities and needs at interchanges with Interstate highways. The district is to serve both the needs of the motoring public and commercial vehicles, as well as addressing the unique commercial opportunities and problems created by access to an Interstate highway.

2. Uses Permitted

The following uses and their accessory uses shall be permitted in the C-3 Interchange Commercial District:

- a. Hotels and motels, but those with dancing or serving alcoholic beverages shall be considered a use on review.

- b. Restaurants, grills, and fast food outlets including those allowing customer service in automobiles, but those with dancing or serving alcoholic beverages shall be considered a use on review.
- c. Tourist services, including tourist information centers, souvenir/gift shops, and sporting goods shops.
- d. Gasoline service stations(subject to the provisions of section 4.100) and convenience stores, sales and services, arts and crafts, drug stores and personal services such as barber shops and beauty shops.
- e. Automotive services and repairs, sale of tires and automotive parts and accessories.
- f. Business, finance, banks, insurance, professional and real estate offices and services.
- g. Essential facilities or services for utilities: substations, distribution and collection lines, pumping facilities, drainage ways, and the like.
- h. Libraries, art galleries, arts and crafts, museums, and the like.
- i. Accessory uses and structures:
 - 1. Signs and billboards and regulated in Section 4.120.
 - 2. Accessory off-street parking and loading facilities
 - 3. Accessory structures and uses customarily incidental to the permitted uses, provided that such accessory structures and uses are on the same lot as the principal use and are not otherwise prohibited.

3. Conditional Uses (Amended 6-19-2012)

The Board of Zoning Appeals shall consider the impacts on adjoining properties and determine whether or not the proposed use meets the spirit and intent of this ordinance. Approval of this Conditional Use may be granted where the requirements shown below have been met and subject to such other restrictions as the Board of Zoning Appeals may determine to protect the public health, safety, and welfare.

- a. Hotels, motels and restaurants with on premises consumption of alcoholic beverages and / or dancing as an accessory use, subject to

obtaining necessary permits from the Monteagle Beer Board and / or the Tennessee Alcoholic Beverage Commission.

- b. Places of large group assembly including shopping centers, auditoriums, motion picture theaters and other commercial recreational facilities.
- c. Truck stops and large vehicle and equipment repair.
- d. Sales, either retail or wholesale, of hazardous or flammable materials such as natural gas or propane in quantities larger than 30 gallon tanks; fireworks.
- e. Mini-warehouse / Mini storage as defined in Section 2.020 Definitions will be allowed upon meeting the following conditions: the property must front on a Minor Arterial Street, setbacks from this use will be front 40 feet, side 30 feet, and rear 30 feet (add ten additional feet if property is adjacent to a residential district), a 10 foot planted evergreen buffer approved by the MRPC, the property should be enclosed with a fence inside of the evergreen buffer, and the minimum lot size will be .75 acres. In all cases, a site plan (Section 4.150) should be submitted prior to any approval.
- f. Apartments, provided the following conditions are met:
 - 1. Apartments shall be located above the ground floor or in the rear of the building, if a one-story building.
 - 2. Provide a floor layout to ensure adequate space and separate outside entrance.
 - 3. No more than two (2) apartments shall be allowed in any one (1) building.
 - 4. One off-street parking space per apartment shall be provided.
 - 5. Any apartment to be developed shall not be less than eight hundred fifty (850) square feet in area.
 - 6. The character of the building as a commercial structure shall not be changed by the addition of a residential use.
 - 7. A sketch plan as described in Section 4.150 (SITE PLAN) and floor layout shall be presented to the Planning Commission to ensure the provisions of (1.) through (6.)

above are met. Detailed construction information shall be required to ensure compliance with all pertinent codes of the city. Recommendations shall be provided by the Staff Planner, Building Official, and Fire Chief prior to the final decision by the Planning Commission.

- g. Single-family residential uses and mixed-use commercial-residential, provided that the building maintains a commercial appearance, meets the basic standards of the International Building Code, and meets the minimum off-street automobile parking requirements of Section 4.030 based on the use(s) of the building

4. Dimensional Regulations

The following requirements shall apply to all uses permitted in the C-3 Interchange Business District:

a. Lot Area:

- 1. For those areas served by a sanitary sewer system, there shall be a minimum lot area of not less than 10,000 sq. ft.
- 2. For those area not served by a sanitary sewer system the lot area requirements shall be determined by the Marion or Grundy County Health Department, but in no case shall be less than 15,000 sq. ft.

b. Front Yard:

The depth of the front yard shall be 40 feet from the street right of way

c. Side Yard:

The width of any side yard which abuts a residential district shall not be less than 25 feet. Commercial buildings may be built on a common lot line provided there is mutual consent of the owners of the building and land directly involved in writing, and the adjacent walls or common wall of the buildings has a fire resistant rating of two (2) hours.

d. Rear Yard:

Each lot shall have a rear yard of not less than 10 feet; where a commercial building is serviced from the rear, there shall be

provided a rear yard of not less than 30 feet; the depth of a rear yard which abuts a residential district shall not be less than 25 feet.

e. Lot width:

Each lot shall have a width of not less than 75 feet at the building set back line.

f. Height Restriction:

No building or structure shall exceed 3 stories or 40 feet, except as provided in Section 5.040.

5. Requirements for Landscaping and Buffering

Not less than ten (10) percent of the lot shall be landscaped, to included a ten (10) foot strip along the highway. In addition any property which abuts a residential zone shall have a buffer strip along said abutment.

6. Off-Street Parking Requirements (As regulated in Section 4.030).

7. Off-Street loading and Unloading Requirements (As regulated in Section 4.040).

8. Access Control (As regulated in Section 4.010)

9. Site Plan Requirements (As required in Section 4.150).

G. I-1 Light Industrial District

1. District Description

The I-1 industrial district is established to provide a suitable area for firms engaged in light manufacturing and the storage and distribution of goods, to protect the surrounding land uses, to discourage uses incompatible to light manufacturing, and to protect the existing industries in the district.

2. Uses Permitted

In the I-1 Light Industrial District the following uses and their accessory uses are permitted provided that all building, health, and safety regulations are met:

- a. Light industries, provided that any industry that may cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odor, dust, fire hazard, or other objectionable conditions, shall be required to show that the proposed location, construction and operation will not injure present or prospective industrial development in the district.

- b. Wholesaling, warehousing, including mini-warehouse/mini-storage as defined in Section 2.020, and those businesses which are incidental thereto, including storage yards, but excluding storage of any material of any explosive nature; **(Added 12/18/01)**
- c. Contractors or construction equipment dealer's yards;
- d. Repair or service facilities, including but not limited to automobile repair, appliance repair, machine shops, cabinet shops, carpentry, plumbing, and welding;
- e. Sales and service of boats, boat trailers and mobile homes;
- f. Agricultural equipment sales and service;
- g. Gasoline service stations;
- h. Veterinarian hospitals and kennels;
- i. Laundry and dry-cleaning establishments;
- j. Radio stations and transmission towers;
- k. Baking establishments;
- l. Bottling and distribution plants;
- m. Newspaper and printing plants;
- n. Truck terminals;
- o. Heavy equipment sales and service;
- p. Off-street parking lots;
- q. Public utility strictures;
- r. On-site and off-site signs as regulated in Section 4.120.

3. Uses on Review (*Ord. 96-02*)

In the I-1 Light Industrial District, the following uses and their accessory uses may be permitted as Uses on Review by the Monteagle Regional Planning Commission in accordance with the provisions of Section 6.060:

- a. Automobile wrecking and junk yards, and
- b. Adult oriented establishments, subject to the following special restrictions:

1. Special Permit Restrictions for Adult-Oriented Establishments:

In no case shall an adult-oriented establishment be permitted to locate within five hundred (500) feet of any boundary of an R-1, R-2 or R-3 Residential Zone, the ID Institutional Development District, nor shall any proposed adult-oriented establishment be permitted to locate within five hundred (500) feet of a residential use within any zone, nor shall any proposed adult-oriented establishment be permitted to located within five hundred (500) feet from the nearest property line of a site which is used for the purpose of a recreational park (ornamental parks are not to be considered in the requirement), place of worship, school, day care center, or other adult-oriented establishment. Measurement shall be made from the nearest recorded property line of the adult-oriented establishment to the nearest property line or boundary of the above-mentioned uses.

2. Evaluation:

For the purpose of enforcing the regulations of this section, it shall be the responsibility of the building inspector to measure, evaluate, and advise the Planning Commission and Board of Aldermen regarding compliance of a proposed adult-oriented establishment with the special restrictions set forth herein. It shall be the responsibility of the applicant to supply site plans, maps, surveys or other such special information as might reasonably be required and requested by the Planning Commission or its designee for use in making a thorough evaluation of the proposal.

3. Revocation and Hearing:

Expansion, relocation, substantial misrepresentation, violation of any of the terms of this ordinance or change in dominant sales items or services offered to the public or failure to operate the establishment in conformity with any terms and specifications set forth in the conditions attached to the special permit shall constitute grounds for revocation of the special permit after notice and hearing. Notice of the hearing before the Board of Zoning Appeals for revocation of the permit shall be given in writing setting forth the grounds of the compliant and the time and place of hearing. Such notice shall be mailed by certified mail to the applicant's last known address at least five (5) days prior to the date set for hearing.

4. Adult-Oriented Establishments - Unlawful Acts

It shall be unlawful for any person to own, manage or operate an adult-oriented establishment in any zone other

than I-1 or to own, manage or operate such an establishment without obtaining a special permit as required herein.

5. Penalty

Any person violating any of the provisions of this ordinance, upon conviction by the court, shall be fined not less than twenty-five (\$25.00) dollars nor more than fifty (\$50.00) dollars, and may be imprisoned not less than fifteen (15) days, nor more than thirty (30) days, for each violation, and each day of violation of any provision of this ordinance shall constitute a separate offense.

4. Dimensional Regulations

All uses permitted in the I-1 Light Industrial District shall comply with the following requirements, except as provided in Chapter 5.

a. Front Yard:

The minimum of the front yard shall be 30 feet.

b. Rear Yard:

The minimum depth of the rear yard shall be 30 feet.

c. Side Yard:

The minimum depth of the side yard shall be 20 feet, except that side yards for industrial lots adjacent to residential districts shall be a minimum of 50 feet.

d. Land Area:

It is hoped that all industries will be served by public water and sewerage systems. Where public water and public sewer is available, there shall be required a minimum land area of 15,000 square feet.

In areas where only public water is available, the size of the lot shall meet the requirements of the Marion or Grundy County Health Department based on soil types and septic system design requirements.

e. Lot Width:

No lot shall be less than 150 feet wide at the building setback line.

f. Height Requirement:

No building or structure shall exceed 3 stories or 40 feet in height, except as provided in Section 5.040.

5. Requirements of Buffer Strip

Wherever a new use is established on property which abuts at any point upon property zoned R-1, R-2, and R-3, the developer of said new use shall provide along the abutment a buffer strip as defined in Chapter 2.

6. Parking Space Requirements (As regulated in Section 4.030).

7. Off-Street Loading and Unloading Requirements (As regulated in Section 4.040).

8. Access Control (As regulated in Section 4.010).

9. Site Plan Requirements (As required in Section 4.150).

H. ID Institutional Development District

1. District Description

It is the intent of this district to promote and maintain the development of institutions which accommodate or serve a number of individuals, families, or groups in multiple buildings in a campus or community setting; where the major purposes of such an institution under its charter and auxiliary to its housing or residential uses are religious, educational, cultural, or recreational in nature. Further, it is the purpose of this section to provide the opportunities to create more desirable environments conducive to the purposes of such an institution by permitting maximum flexibility and diversification of land uses and regulations within its boundaries consistent with the institutional programs as regulated and administered by its governing body. It is further intended to be used to encourage the application of new techniques and technology to community development which will result in superior living or development arrangements with lasting values. It is further intended to achieve economies in land development and maintenance while providing building groupings for both privacy and social/cultural interchange, usable and attractive open spaces, safe circulation, and the general well-being of the inhabitants and users.

2. Uses Permitted

In the ID Institutional Development District, the following uses and their accessory uses are permitted:

- a. Single- and multi-family dwellings;
- b. Churches and chapels;
- c. Sports and recreational facilities;

- d. Libraries and museums;
- e. Music, theater and performance facilities, and places of public assembly;
- f. Art, educational, and craft facilities;
- g. Lodging (rooming) houses;
- h. Communal eating establishments;
- i. Professional and/or hobby clubs; and,
- j. Such gift, book, art/crafts, and retail facilities as are necessary to the above uses.

3. Uses on Review (Ord. 96-02)

In the ID Institutional Development District, the following use and its accessory uses may be permitted as a use on review by the Monteagle Regional Planning Commission in accordance with the provisions of Section 6.060:

- a. Dormitories

4. Dimensional Regulations

All uses permitted in the ID Institutional Development District shall comply with the following requirements, except as provided in Chapter 5.

- a. Building Location:

No free-standing building shall be closer than ten (10) feet to any other free-standing building and no closer than ten (10) feet from any exterior property line or twenty-five (25) feet from any street exterior to the total site.

- b. Land Area:

The total land area for an institutional development shall be not less than twenty-five (25) acres.

- c. Maximum Lot Coverage:

Building coverage shall not exceed forty (40) percent of the total site, excluding streets. Off-street parking areas, parking structures, and the service drives shall not exceed thirty-five (25) percent of the total land area.

- d. Height Requirement:

No building shall exceed three and one-half (3 1/2 stories or fifty (50) feet in height, except as provided in Section 5.040.

5. Parking Space Requirements (As regulated in Section 4.030).
6. Access Control (As regulated in Section 4.010).

I. Planned Unit Development Zone (PUD) (Added 09-11-01)

1. Standards

For the purposes of this Ordinance the Planned Unit Development Zone shall represent a zoning district allowing a careful mix of uses, designed together with a single vision and with careful consideration of surrounding development. This zoning classification shall be utilized to promote flexibility in the design of a planned development while maintaining the relative densities and integrity of the surrounding environment.

Residential development reviewed under these provisions should be characterized by unified design and a site plan incorporating features to assure the optimum use of land and attention to detail, with emphasis on topographic, environmental and aesthetic factors. Commercial and other uses shall also be characterized by unified development and the use of common parking facilities and a common circulation system. The regulations below are intended to secure the health, safety, and general welfare of the community and of the residents of the proposed development.

Within the areas designated PUD on the Zoning Map of Monteagle, Tennessee, the following regulations shall apply for site plan review:

A. Permitted Principal and Accessory Uses and Structures

1. All uses permitted in the residential districts, excluding mobile homes.
2. Inns, bed-and-breakfasts, lodges, retreat and resort hotels, and related business, and ancillary facilities, meeting rooms, rental and time-share cottages.
3. Real estate sales offices, rental offices, information centers, model homes used for the sale, resale and management of the property.
4. Private and semi-public recreation clubs and attendant uses and facilities, including: golf, swimming and spa, athletic and health, tennis, croquet, skating, country clubs and similar clubs as may be approved in conjunction with the master plan.

5. Cart and equipment/maintenance buildings, and community centers, clubhouses and other similar facilities.
6. Other outdoor facilities such as: pavilions, picnic, play and outdoor exercise areas, trails, swimming pools, fishing and water feature ponds, botanical gardens.

To meet the intent of this zone as a mixed-use development, the PUD district shall be comprised of a variety of uses as permitted in this section in accordance with the following minimum mixture:

1. Two (2) or more types of residential housing types.
2. One (1) or more of the significant recreational facilities, clubs and amenities listed above, and other forms of greenbelts and open spaces.
3. Any one (1) or more of the guest lodging establishments noted above.

B. Minimum Site Area, Yard Requirements and Density

The minimum site area applying to PUD Developments shall be fifty (50) acres under single ownership at the time of rezoning. The minimum width, frontage, and yard requirements applying to individual buildings lots are given below. Yard requirements are limited to the following standards, however, building layout must be approved by the Planning Commission.

Within the Planned Residential Development district, the following site standards shall apply to the entire development regardless of use:

1. Minimum setback from an arterial street - sixty (60) feet.
2. Minimum setback from collector street - thirty (30) feet.
3. Minimum setback requirement from periphery boundary of the development - twenty-five (25) feet.
4. Where a side yard is proposed between two structures, the minimum width shall be ten (10) feet between structures (5 feet per structure).

For residential units to be located on separate lots, the following standards shall apply:

1. Minimum lot size - seven thousand, five hundred (7,500) square feet for single-family structures. For multi-family units, fifteen thousand (15,000) square feet for the first three (3) units, and two thousand, five hundred (2,500) square feet for each additional unit over three
2. Minimum lot width - fifty (50) feet.

3. Minimum front setback - twenty (20) feet.
4. Minimum rear setback - twenty (20) feet.

For residential developments not located on separate lots, the provisions above do not apply, however, residential density on those lands devoted to residential uses shall not exceed 5.8 units per acre for single-family units, and 14.4 units per acre for multi-family units.

Densities for non-residential uses shall be as determined by the Planning Commission and as depicted on the Design Plan.

C. Height Regulations

The height restrictions of the underlying zoning district shall apply within Planned Unit Developments.

D. Access

All lots shall be served from properly dedicated public streets, per the requirements of the Monteagle Subdivision Regulations, or from a Vehicular Permanent Easement as defined and regulated in the Monteagle Subdivision Regulations.

E. Utilities

All land proposed for development under the PUD zone must have an adequate public water supply. Also, the development must have an adequate sanitary sewer system, as defined in Chapter 2, which is approved by the Tennessee Department of Environment and Conservation, and/or the Marion, Grundy, or Franklin County Health Departments, depending on the location of the development and the appropriate jurisdiction.

F. Parking and Loading

The provisions of 4.030 and 4.040 of this Ordinance shall apply.

G. Buffers

Buffer strips, as defined in Chapter 2 of this Ordinance, are required at district boundaries and to separate dissimilar uses with the PUD. These buffer strip requirements are in addition to the periphery setback and other setback requirements.

2. Application and General Procedures

Approval of a Planned Unit Development involves several steps: request by the developer to rezone the subject property to PUD; preparation of a design plat showing general lot and building layouts and demonstrating compliance with all zoning requirements as part of the rezoning review by the Planning Commission; a recommendation by the Planning

Commission to the Mayor and Board of Aldermen as to the rezoning of the subject property to PUD; if the rezoning is adopted by the Mayor and Board of Aldermen, the preparation and submission of preliminary and final plats for the development of the property, in accordance with the Monteagle Subdivision Regulations.

A. Design Plan

As part of the request for application of a Planned Unit Development zone, the developer shall prepare and submit to the Planning Commission a design or sketch plan demonstrating the general layout of the proposed development and showing compliance with all applicable rules and regulations.

The Design Plan shall:

1. be drawn to a scale of not less than 1" = 100"
2. include the following:
 - (a) The proposed development name, the name and address of the owner or owners, and the name of the designer of the plan;
 - (b) The acreage of the site;
 - (c) The current zoning of the site and of adjacent properties;
 - (d) Date, approximate north point, and graphic scale;
 - (e) The names of the owners of adjacent lots or tracts;
 - (f) A vicinity map showing the relation of the proposed development to Monteagle;
 - (g) The location and length of existing and proposed property lines;
 - (h) Existing and proposed roads, curb cuts, drives and parking areas;
 - (i) General location of all structures planned for the site;
 - (j) Number of dwelling units;
 - (k) Areas proposed for open space, recreation facilities, or landscaping;
 - (l) General location and sizes of utility lines, i.e. water and sewer.

Within forty-five (45) days after submission of the design plan, the Planning Commission will review it and indicate its approval, disapproval, or approval subject to modifications as a basis for a recommendation to the Mayor and Board of Aldermen on rezoning of the property. Approval of the design plan shall constitute a positive recommendation to the Mayor and Board of Aldermen to rezone the site to PUD. If the project receives positive action by the Mayor and Board of Aldermen pursuant to procedures outlined elsewhere in this Ordinance regarding the rezoning of property, the developers shall proceed with the preparation of preliminary and final plans to be submitted to the Monteagle Planning Commission; these preliminary and final documents will serve as

the basis for actual development of the project site, and will therefore also serve as the preliminary and final plats required for the division of property, according to the Monteagle Subdivision Regulations, with any modifications. The preliminary and final plats submitted must be in substantial conformance with the Design Plan used for rezoning purposes. Plats containing minor changes from the approved Design Plan may be found to be in substantial conformity and approved for further processing and final action. Any increase in density or intensity of use, any decrease in common areas, or shifting of structures within the development shall be deemed to be a substantial deviation and shall require an amendment of the Design Plan by the Board of Mayor and Aldermen prior to further action by the Planning Commission.

B. Preliminary Plan

Before initiating construction, fill or grading of a tract of land for a Planned Unit Development, the owner or lessee of the site shall submit to the Planning Commission a preliminary plan (plat) for the use and development of the entire tract.

The Preliminary Plan shall include all requirements for Preliminary Plats as contained in the Monteagle Subdivision Regulations including a drainage plan, showing all drainage features and structures and demonstrating compliance with City drainage standards.

Within thirty (30) days after submission of the preliminary plan, the Planning Commission will review it and indicate its approval, disapproval, or approval subject to modifications as a basis for preparation of the final plan. If the plan is disapproved, reasons for such disapproval will be stated in writing. If approved subject to modifications, the nature of the required changes will be indicated. Approval of the preliminary plan shall lapse if no final plan based thereon is submitted within one (1) year of such approval unless an extension of time is applied for and granted by the Planning Commission.

C. Final Plan

Within one (1) year after approval of the preliminary plan, the owner or lessee shall present a final plan to the Planning Commission. The final plan shall substantially conform to the approved Design Plan and approved Preliminary Plan. If a Final Plan is disapproved by the Planning Commission, the applicant may resubmit a Final Plan which substantially conforms to the approved Design Plan, or the applicant may request an amendment to the approved Design Plan from both the Planning Commission and the Mayor and Board of Aldermen.

The final plan shall conform substantially to the approved preliminary plan and shall include all requirements for Final Plats as contained in the Monteagle Subdivision Regulations.

If home ownership is planned for the residents of the development, a master deed and any home owner association contracts must accompany the final plan for review by the Planning Commission.

CHAPTER FOUR

SUPPLEMENTARY PROVISIONS APPLYING TO ALL DISTRICTS WHERE APPLICABLE

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- 4.010 ACCESS CONTROL
- 4.020 ACCESSORY USE REGULATIONS
- 4.030 OFF-STREET PARKING REQUIREMENTS
- 4.040 OFF-STREET LOADING AND UNLOADING REQUIREMENTS
- 4.050 TEMPORARY USE REGULATIONS
- 4.060 CUSTOMARY HOME OCCUPATIONS
- 4.070 GENERAL LOT RESTRICTIONS
- 4.080 VISION AT STREET INTERSECTIONS
- 4.090 GENERAL REQUIREMENTS FOR CLUSTER DEVELOPMENT
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4.010 ACCESS CONTROL

In order to promote traffic safety for both motorist and pedestrian, as well as to minimize traffic congestion, the following regulations shall apply: (*Ord. 96-02*)

A. Major Street Plan

The classification of streets in the Town of Monteagle shall be:

1. Arterials: Interstate and numbered U.S. and state highways.
2. Collectors: Streets which collect vehicles from local streets and provide access to arterial streets and/or points of origin/destination.
3. Local Streets: Primarily residential in nature, low speed.

The Major Street Plan is found in the **Monteagle Existing & Future Land Use Plan: 2010.**

B. General Access Regulations Applying to All Classifications of Streets

1. Maximum Width of All Access Points:

The maximum width of all access points shall be thirty (30) feet measured at the property line; except when the development requiring access generates high overall or high peak traffic volumes, the Monteagle Regional Planning Commission may approve a wider channelized access point to allow various turning movements for greater traffic control and safety.

2. Temporary Access Ways:

Temporary access ways may be granted by the planning commission at locations other than those specified for permanent access where it is expedient for the purpose of staged development. Temporary access ways shall be closed by the owner when permanent access to the property is completed.

3. Off-Street Parking Lanes Entirely Independent of Public Streets:

No off-street vehicular storage or parking shall be allowed where the arrangement requires that vehicles back directly into a public street right-of-way.

4. Access for Lots Fronting on More Than One Street:

In all commercial developments where a lot abuts more than one street, the planning commission may require that the access be from the street of lowest classification when necessary to lessen serious congestion on the major street. If access is allowed onto two or more streets, the number of access points shall conform to those allowed for each street classification (see Section 4.010:D).

5. Gasoline Service Stations:

Gasoline service stations shall be allowed two access points onto the same street to allow proper circulation past the gasoline pumps. This is regardless of lot width or street classification provided the required site plan is approved by the Monteagle Regional Planning Commission.

6. Access at Intersections:

No point of access shall be allowed within twenty (20) feet of the right-of-way line at any public street intersection.

7. Distance Between Points of Access:

The minimum distance between driveways shall be not less than twenty-five (25) feet.

8. Curb Cuts:

No curbs on Town streets or rights-of-way shall be cut or altered without the written approval of the Board of Aldermen, or if on a state highway, a permit from the Tennessee Department of Transportation (TDOT).

C. Reserved for Future Use

D. Specific Number of Access Points

Where topographical features, existing development patterns or other factors make the construction of frontage road not feasible, the planning commission shall allow direct access to the existing streets according to the following minimum requirement: There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof, on arterial and collector streets. Exceptions:

1. Lots of one hundred (100) feet or less frontage shall have one (1), but no more than one (1) point of access on any one public street.
2. One-way circular or U-shaped driveways shall be considered as one access point for the purpose of this section.

E. Backing Into Public Streets, Where Prohibited

No curb cuts or points of access or parking arrangement shall be permitted on arterial streets which would require that vehicles back directly onto said arterial street. The planning commission may prohibit said arrangements on collector street for commercial, semi-public, public, industrial and group residential uses, where the commission finds a significant adverse impact on traffic safety.

4.020 ACCESSORY USE REGULATIONS

The uses of land, buildings, and other structures permitted in each of the districts established by this ordinance are designated by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

1. Be customarily incidental to the principal use established on the same lot;
2. Be subordinate to and serve such principal use;
3. Be subordinate in area, intent, and purpose of such principal use; and,
4. Contribute to the comfort, convenience, or necessity of users of such principal use.

4.030 OFF-STREET REQUIREMENTS

A. Amount Required (*Ord. 96-02*)

Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One passenger vehicle space shall be determined as one hundred sixty-two (162) square feet of parking space and such space shall be provided with vehicular access to a street or alley. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below.

1. Dwellings:

Not less than two spaces for each family dwelling unit.

2. Boarding Houses and Rooming Houses:

Not less than one and one-half (1 1/2) spaces for each two rooms occupied by boarders or roomers.

3. Tourist Accommodations, Hotels or Motels

Not less than one (1) space for each room to be rented plus one (1) additional space for each three (3) employees.

4. Any Auditorium, Church, Stadium or Other Place of Public Assembly:

Not less than one (1) space for every four (4) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one space for each one hundred (100) square feet of floor space devoted to that particular use shall be provided.

5. Manufacturing, Industrial or Wholesaling Use

Not less than one (1) space for each two (2) employees anticipated during maximum working shift, with a minimum of five (5) spaces for any establishment. For establishments maintaining space for the sale of products at retail, there shall be one (1) parking space for each three hundred (300) square feet of floor area devoted to retail sales.

6. Commercial Building or Use:

One space for each one hundred seventy-five (175) square feet of usable floor space in the C zone. Usable floor space is to be determined by the Montecagle Regional Planning Commission based on the nature of the business.

7. Medical or Dental Clinics and Hospitals:

Four spaces per doctor, plus one additional space for each employee.

8. Service Stations:

Five spaces for each grease rack or similar facility, plus one (1) space for each gasoline pump.

9. Offices:

One (1) space for each two hundred (200) square feet of office space.

10. Restaurants:

One space per one hundred fifty (150) square feet of usable floor area, plus one space for every two (2) employees. For drive-in restaurants, one space per fifty (50) square feet of usable floor area.

B. Certification of Minimum Parking Requirements

Each application for a building permit shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space. This information shall be in sufficient detail to enable the building inspector to determine whether or not the requirements of this section are met.

C. Combination of Required Parking Space

The required parking space for any number of separate uses may be combined in one (1) lot, but the required spaces assigned to one use may not be assigned to another use except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.

D. Remote Parking Space

If the off-street parking space required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within five hundred (500) feet or of the main entrance to such principal use provided such land is in the same ownership as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space meeting the requirements of this ordinance has been made for the principal use.

E. Requirements for Design of Parking Lots

1. Except for parcels of land devoted to one and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
2. Each parking space shall be no less than one hundred sixty-two (162) square feet in area (9 x 18).
3. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 4.010.
4. The parking lot shall be contoured to drain surface water.

4.040 OFF-STREET LOADING AND UNLOADING REQUIREMENTS

Every building or structure hereafter constructed and used for industry, or business, or trade in any district shall provide space for the loading and unloading of vehicles off the street or public alley. This space shall not be considered as part of the space requirements for off-street automobile storage.

1. Behind every building or structure used for business or trade, there shall be a rear yard of not less than twenty (20) feet in depth to provide space for loading and unloading vehicles, except as provided in Chapter 3.
2. The Board of Zoning Appeals may hereafter reduce this requirement where unusual or special conditions are due consideration.

4.050 TEMPORARY USE REGULATIONS

The following regulations are necessary to govern the operation of certain necessary or seasonal uses non-permanent in nature. Application for a Temporary Use Permit shall be made to the building inspector. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located.

1. Carnival or Circus:

In the C-1 or C-2 districts a temporary use permit may be obtained; however, such permit shall be issued for a period of not longer than fifteen (15) days.

2. Christmas Tree Sale:

In any district a thirty-day (30) temporary use permit for the display of Christmas trees on open lots may be obtained.

3. Temporary Building:

In any district a temporary use permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six (6) month extensions; however, not more than three (3) extensions shall be granted to a particular use. Such use shall be removed upon completion of the construction project or upon expiration of the temporary use permit, whichever occurs sooner.

4. Real Estate Sales Office:

In any district a temporary use permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the planning commission under the Monteagle Subdivision Regulations. Such office shall contain no living accommodations. The permit shall be valid for one (1) year but may be granted two (2) six-month (6) extensions. Such office shall be removed

upon completion of the development of the subdivision or upon expiration of the temporary use permit, whichever occurs sooner.

5. Religious Tent Meetings:

In the C-2 district a temporary use permit may be issued for a tent or other temporary structure to house a religious meeting. Such permit shall be issued for not more than a thirty-day (30) period.

6. Seasonal Sale of Farm Produce: (*Ord. 96-02*)

In any district, except for the ID, a temporary use permit may be issued for the sale of farm produce grown on the premises. In the C-2 district a temporary use permit may be issued for the sale of farm produce grown off premises. The permit shall be issued for a period not to exceed five (5) months. Any and all structures must be off the street right-of-way and not less than twenty-five (25) feet back from the pavement.

7. Temporary dwelling units in case of medical hardships: (*Ord. 96-02*)

In any district, a temporary use permit may be issued to place a mobile home (double-wides excluded) on a lot which already contains a residential structure, provided that the purpose of such placement temporarily shall be to make it possible for a resident of either structure to provide assistance to a person who requires daily assistance due to physical or mental disability, and provided further than such a temporary structures does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a temporary use permit as provided under this subsection must produce a written statement from a physician certifying that the specific disability requires assistance from someone in close proximity as evidence of such disability, and a written statement from the Health Department approving the sewage disposal system of the proposed temporary structure, unless the temporary dwelling unit is connected to the Monteagle sanitary sewerage system.

Such a permit may be initially issued for eighteen (18) months. A permit may be renewed for six (6) months at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the disabling condition. A temporary permit shall be revoked and the structure removed immediately upon expiration of the permit or upon a change in the conditions under which such permit was issued.

The person requiring assistance due to the stated disabling condition may be a resident of either the temporary or permanent structure. The temporary residence shall be treated as an accessory structure.

8. Temporary dwelling unit in cases of other special hardships: (*Ord. 96-02*)

In any district, a temporary use permit may be issued to place a mobile home (double-wides excluded) temporarily on a lot which already contains a residential structure where the Monteagle Board of Zoning Appeals finds that special circumstances or conditions, fully described in the findings of the board, exist; such that the use of a temporary residential structure is necessary in order to

prevent an exceptional hardship on the applicant; such as repair of the principle residence damaged by fire; provided that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a temporary use permit as provided under this subsection must produce evidence of connection to the Monteagle sanitary sewer system or a written statement from the County Health Department approving the sewage disposal system of the temporary structure. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of twenty-one (21) months. The temporary structure shall be treated as an accessory structure.

9. **Miscellaneous Assemblies:**

In any district a temporary use permit may be issued for any lawful assembly, such as an outdoor music concert, political rally, etc. Such permit shall be issued for not more than a seven-day (7) period. Noise levels shall be considered when deciding whether to issue the temporary use permit near residences.

4.060 CUSTOMARY HOME OCCUPATIONS

A customary home occupation is a gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling, and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings. When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine whether said home occupation is in compliance with the above restrictions and is compatible with the district in which said home occupation is located. However, activities such as dance instruction, band instrument instruction (except piano instruction), tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, animal clinics, retail sales business, or any other activity deemed by the board to be incompatible with the district or a potential nuisance to the surrounding area, shall not constitute an acceptable home occupation.

4.070 GENERAL LOT RESTRICTIONS

The following general lot restrictions shall be complied with in all districts.

A. **One Principal Structure for Each Lot**

1. Only one (1) principal building and its customary accessory buildings may be erected on any lot. This provision does not prohibit planned unit development complexes as permitted under Section 4.090 of this ordinance.
2. No building shall be erected on a lot which does not abut at least one street for at least forty (40) feet, unless the lot is a flag lot in which case it must have at least twenty (20) feet of frontage at the end of an access strip which is twenty (20) feet wide throughout its length. Such building shall conform to the lot and yard requirements of the district in which it is located.

3. If an existing lot of record already has one principal structure on the lot and the lot is of one (1) acre or more in size and relief is sought from the "one principal structure for each lot" rule, the following concerns must be examined by the planning commission with approval for such relief granted by the Board of Zoning Appeals (accordance with 6.060):
 - a. the location of the additional structure and its sewage disposal system be such that the property could be subdivided in the future without variances; and,
 - b. no objection from the surrounding neighbors; and,
 - c. the additional structure would be allowed in district where proposed; and,
 - d. no more than one additional principal structure proposed for location.

B. Reductions in Lot Area Prohibited

No lot, even though it may consist of one (1) or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

No yard or other open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.

C. Rear Yard Abuts a Public Street

When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street right-of-way line as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

4.080 VISION AT STREET INTERSECTIONS

On a corner lot in any district, within the area formed by the centerlines of the intersecting or intercepting streets and a line joining points on such centerlines at distance of seventy-five (75) feet from their intersection, there shall be no obstruction to vision between the height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street at the centerline thereof. The requirements of this sections shall not be construed to prohibit any necessary retaining wall.

4.090 GENERAL REQUIREMENTS FOR CLUSTER DEVELOPMENT
(Amended 09-11-01)

In any zoning district where cluster development is allowed, the Monteagle Regional Planning Commission may approve Cluster Development complexes which include certain dimensional or density features that vary from the requirements outlined in Chapter 3. The intent of this article is to permit greater flexibility for creative design and superior scenic quality through preservation of sensitive environmental areas and efficient use of land. This is accomplished by off-setting the building clusters with permanent open space and recreational areas.

Instead of the conventional subdivision which results in buildings more or less evenly spaced throughout the site, these provisions allow individual lot and yard requirements to be reduced to permit closer grouping or "clustering" of buildings on a portion of the site, such as condominiums in residential zones or multi-use complexes in the business and industrial zones.

1. Development Requirements.

- a. Permitted Uses: No use will be permitted within the Cluster Development which is not specifically permitted or a use on review in the underlying zone, except that mobile homes are not eligible as permitted uses in cluster developments.
- b. Utilities: All land proposed for development under the cluster development regulations must have an adequate public water supply. Also, the development must have an adequate sanitary sewer system, as defined in Chapter 2, which is approved by the Tennessee Department of Environment and Conservation, and/or the Marion, Grundy, or Franklin County Health Departments, depending on the location of the development and the appropriate jurisdiction.
- c. Minimum site area: Ten (10) acres.
- d. Density: The maximum density for the entire site shall not exceed the maximum density of the underlying zone. Areas used for streets and parking shall not be considered as part of the required area per dwelling unit, or required open space for residential cluster developments. An increase in density, not to exceed ten (10) percent may be granted for incorporating the following provisions into the development:
 - (1) Providing additional recreational uses and facilities, or imagination in recreation design such as providing club houses, swimming pools, tennis courts and other major facilities;
 - (2) Developing a system of pedestrian walkways for safe circulation to schools, churches, shopping and other traffic generators.

An increase in density, not to exceed ten (10) percent may be granted for providing superior aesthetics within a development by:

- (1) Providing enclosed or subsurface parking where applicable;
- (2) Providing a comprehensive fencing or screening system which offers the greatest possible degree of privacy.

The developer shall submit documentation, plans and drawings as necessary to justify density increases.

- e. Minimum Lot Size, Width or Yard requirements: None, although the exterior yards of the complex must meet the setback and yard requirements of the district in which the development is located. Also, commercial and industrial cluster developments shall have a buffer strip as defined in Chapter 2 along any abutment with property zoned R-1, R-2, or R-3.
- f. Local Open Space:
 - (1) Minimum Local Open Space Requirement. A minimum of forty (40) percent of the total acreage must be held for open space. Of the forty (40) percent reserved for open space, a portion of the land, to be determined by the planning commission, may be suitable for such activities as field games, court games and playgrounds. The intent of this section is to preserve the natural environment. Plats proposed for approval under the provisions of this section shall include local open space tracts of size, location, shape and topography which will meet the intent of this section.
 - (2) Permitted Local Open Space Uses. Local open space can be left entirely natural or developed for outdoor recreation. The two (2) categories allowed are:
 - i. Natural areas such as forests, meadows, marshes, areas of rugged terrain, historic building sites or historical sites. Parks and parkway areas may also be included.
 - ii. Developed recreational facilities of an outdoor nature such as golf courses or swimming pools, which are limited to the use of the owners or occupants of the lots located within the subdivision and members as defined by the owner of the facility.
- g. Approval of all developments requires compliance with the Montegale Subdivision Regulations.

2. **Legal Requirements for Operation and Maintenance.**

Local open space may either be retained by the developer or deeded to a homeowner's association or other organization approved by the planning commission.

When such tracts are retained by the developer, plans for improvement and maintenance of these tracts must be approved by the planning commission, and deed covenants made to assure continuing use of the tracts for local open space purposes.

When such tracts are to be deeded to a homeowner's association, the developer shall provide:

- a. The legal framework for a homeowner's association, consisting of articles of incorporation and by-laws which guarantee as a minimum:
 - (1) that the homeowner's association will be responsible for liability insurance, local taxes, and maintenance of recreational or other facilities pertaining to the local open space.

- (2) that when more than fifty (50) percent of the lots within the subdivision are sold, there shall be a special meeting of the homeowner's association within sixty (60) days.
- b. Deeds to individual lots within the subdivision, which shall convey mandatory membership in the homeowner's association, and include as a minimum the following provisions:
- (1) responsibility for paying a pro-rata share of the cost of the homeowner's association operation.
 - (2) agreement that the assessment levied by the association can become a lien on the property if not paid.
 - (3) agreement that the association shall be able to adjust the assessment to meet changed needs.
 - (4) guarantee of permanent unrestricted right to utilize lands and facilities owned by the association.

4.100 GASOLINE SERVICE STATION RESTRICTIONS

The following regulations shall apply to all gasoline service stations:

1. To allow for vehicular circulation there shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet, except for canopies designed to cover the gasoline pump islands;
2. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line; and,
3. Sign requirements as established in Section 4.120 shall be met.

4.110 SWIMMING POOL RESTRICTIONS

The following regulations shall apply to all swimming pools:

1. No swimming pool or part thereof, excluding aprons, patios, and walks, shall protrude into any required front yard in the R-1, R-2 and R-3 districts;
2. The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or from adjacent properties. Said fence or wall shall not be less than five (5) feet in height and shall be maintained in good condition;
3. Private swimming pools are permitted in the R-1, R-2 and R-2 districts provided that the pool is intended, and is to be used, solely for the enjoyment of the occupants and their guests of the property on which it is located.
4. Public swimming pools are permitted in some districts as a "Use on Review."

4.120 SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES

These conditions are established as a reasonable and impartial method of regulating advertising structures in order to insure light, air, and open space, to reduce traffic hazards at intersections, and to protect the property values of the entire community.

A. General Regulations Applying to All Districts

In any zoning district, the following general regulations shall apply as well as the regulations in Chapter 23, "Signs and Outdoor Displays," of the Southern Standard Building Code.

1. No sign shall be erected or maintained where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, or device;
2. No sign having flashing, intermittent, or animated illumination shall be permitted within three hundred (300) feet of property in any residential district unless such sign is not visible from such property; and in no case shall such a sign be less than fifty (50) feet from residential property;
3. No illuminated sign shall be permitted within fifty (50) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property;
4. No billboard or ground sign shall be erected to exceed the maximum height limitation for the district in which it is located or to exceed fifty (50) feet in length. The bottom coping of every ground sign shall be at least three (3) feet above the ground or street level;
5. Billboards and other similar outdoor advertising structures shall be erected or placed in conformity with the side, front, and rear yard requirements of the district in which located. However, no billboards shall be erected or placed closer than within one hundred (100) feet of any residential district;
6. Signs erected and overhanging any sidewalk must be placed at least nine (9) feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds (2/3) the width of the sidewalk, but in no case exceeding ten (10) feet;
7. Professional signs and signs for home occupations shall not exceed four (4) square feet in area in the R-1, R-2 and R-3 districts;
8. No building walls or roofs shall be used for display of advertising in the R-1, R-2, and R-3 districts;
9. Temporary signs shall not be erected or otherwise fixed to any pole, tree, stone, fence, or any object within the right-of-way of any street, nor shall any temporary sign be suspended across public streets or other public places without the approval of the Montevalle City Commission.

10. Portable signs are not permitted without the approval of the Monteagle City Commission.
11. In any district the following signs shall be permitted:
 - a. For parking areas, entrance and exit signs shall not exceed four (4) square feet in area and there can be only one (1) sign which shall not exceed sixteen (16) square feet in area identifying or designating the conditions of the use of such parking area;
 - b. "For Sale" or "For Rent" signs not exceeding four (4) square feet in area;
 - c. One sign not more than twelve (12) square feet in area giving the names of the contractors, engineers, or architect, during construction of a building;
 - d. Signs established by, or by order of, any governmental agency; and,
 - e. For special events of public interest, one sign not over fifty (50) square feet in area located upon the site of the event.

B. Specific Regulations Applying to Residential Districts

The following regulations shall apply in the R-1, R-2 and R-3 districts;

1. Nameplates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted;
2. For apartment buildings, identification signs not exceeding nine (9) square feet in area are permitted;
3. Church, school, or public building bulletin boards or identification signs not exceeding twenty (20) square feet in area are permitted;
4. Flashing or intermittent illumination is prohibited;
5. Billboards and other advertising structures are prohibited;
6. Allowed signs shall be placed no closer to any property line than one-half (1/2) the required building setback distance.

C. Specific Regulations Applying to Business Districts

In the C-1 Central Business and the C-2 Highway Business districts the following regulations shall apply:

1. Bulletin boards or identification signs not exceeding sixty (60) square feet in area shall be permitted for public recreation uses, community facilities, and clinics;

2. Business and professional signs shall be permitted subject only to the restrictions in Section 4.120:A of this ordinance. All ground signs shall be located no closer to any property line than one-half (1/2) the required setbacks; and,
3. Billboards and other outdoor advertising structures are permitted subject to the general restrictions set forth in Section 4.120:A of this ordinance.

D. Specific Regulations Applying to Industrial Districts

In the I-1 Light Industrial District, the following regulations shall apply:

1. business signs shall be permitted which relate to the industry on the premises. Such signs shall be located not closer than one-half (1/2) the required setback from all property lines; and,
2. Billboards and other outdoor advertising structures are permitted subject to the general restrictions set forth in Section 4.120.A of this ordinance.

4.130 DEVELOPMENT STANDARDS FOR WRECKED AUTO YARDS AND JUNK YARDS OR SALVAGE YARDS

Because of the nature and character of their operations, wrecked auto yards, junk yards or salvage yards, and similar uses of land can have a decidedly detrimental effect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic, and health hazards, and may adversely affect property values by their general appearance. The following standards shall be used as a guide in evaluating whether land uses, such as those outlined above, have properly minimized their objectionable characteristics.

A. General Standards for Evaluation

1. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.
2. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than 1,000 feet from any established residential zone.
3. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall from 8 to 12 feet in height, except for driveway areas. Storage between the road or street and such fence, screen or wall is expressly prohibited. Any fence, screen or wall for screening purposes shall be properly painted or otherwise maintained in good condition.
4. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to the public health or safety.

B. Off-Street Parking Requirements (As regulated in Section 4.030).

C. Ingress and Egress

The number and width of vehicular access driveways permitted on any single street frontage shall be limited to the requirements in Section 4.101.D.

D. Application for Wrecked Auto Yard, Junk Yard, or Salvage Yard Permit (Ord. 96-02)

No person shall own or maintain a new wrecked auto yard, junk or salvage yard within the Town of Monteagle until he has secured approval from the Monteagle Regional Planning Commission for a “use on review” according to Section 6.060 of this ordinance.

The written application, plans, and schedules and a statement of approval of the site percolation and drainage characteristics from the Grundy or Marion County Sanitarian shall be submitted to the Commission for its consideration of the use on review permit.

4.140 DEVELOPMENT STANDARDS FOR CEMETERIES

A. Specific Requirements

The following standards shall be imposed upon the development and construction of cemeteries in the Town of Monteagle or its region;

1. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare via a safe, high-visibility intersection;
2. Any new cemetery shall be located on a site containing not less than twenty (20) acres;
3. A plan showing burial plots and pedestrian and vehicular access ways shall be prepared before lots are sold.
4. All structures, including but not limited to mausoleums, permanent monuments, or maintenance buildings, shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line;
5. All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line; and,
6. All required yards shall be mowed and maintained as needed.

B. Application for Cemetery Permit

No person shall develop, construct, or maintain a cemetery in the region of Monteagle until he has secured approval from the Monteagle Board of Zoning

Appeals for a proposed "use on review" according to Section 6.060 of this ordinance.

The written application, plans, schedules, and other information as required shall be submitted to the Monteagle Regional Planning Commission. The planning commission shall duly review these materials and make its recommendation in the form of a motion.

4.150 SITE PLAN REQUIREMENTS

Except as hereinafter provided in this section and in Chapter 5, it shall be unlawful for any person to construct or erect any building or structure on any land within the Town of Monteagle until a site plan has been submitted and approved in accordance with the provisions of this chapter. Such plan shall delineate the overall scheme of development of a tract of land, including but not limited to grading; drainage; existing and proposed improvements; size, height, shape, and location of buildings; location and design of parking area; pedestrian and vehicular circulation on site; and circulation for emergency apparatus.

A. When Required

1. Site plans shall be required for all new developments, redevelopments and modifications of the following uses.
 - a. Commercial
 - b. Multi-family, except for duplexes.
 - c. Public
 - d. Semi-public
 - e. Or any modification to a site or use where a site plan has been previously approved.
 - f. Industrial Uses (**Added 1/28/03**)
2. Exceptions: A site plan shall not be required where: (*Ord. 96-02*) (**Amended 1/28/03**)
 - a. Single family residential structures.
 - b. Any structure and use so excepted shall submit a sketch plan as provided in paragraph 3 below.
3. Sketch Plan Required. (Ref. Section 6.030) The application for a building permit for any structure which does not require a site plan as provided above, shall be accompanied by a sketch or scale plan indicating:
 - a. the size and shape of the lot,

- b. the shape, size, location and use of any existing or proposed buildings or structures on the site, or modifications thereto,
- c. the distance between the structure or structures and other structures as well as to front, side and rear boundaries (i.e. setbacks),
- d. the owners name and the street address of the property, telephone number,
- e. driveways and parking spaces where applicable,
- f. where applicable, location of well(s) and septic system,
- g. the intended use of such structure.

Sketch plans are for the use of the building inspector and need not be submitted to the planning commission except where in the opinion of the building inspector, this should be done to conform with the spirit of this ordinance.

B. Development According to Site Plan

It shall be unlawful for any person to construct, erect, or alter any building or structure, or to develop, change, or improve land for which an approved site plan is required by this chapter except in accordance with the approved final site plan.

C. Permits Not to be Issued Without Approved Site Plans

No permit shall be issued to erect or alter any building or structure until a site plan has been submitted and approved in accordance with the provisions of this chapter.

D. Site Plan Submission

The owner or developer shall submit three (3) copies, or as many as may be required by the Monteagle Regional Planning Commission, of his proposed site plan to the Monteagle Regional Planning Commission no later than fifteen (15) days prior to the next regular meeting of the planning commission. The planning commission shall consider the site plan in light of the provisions of this chapter and approve or disapprove same as required; the plans then shall be returned to the owner or his agent with the date of such approval or disapproval noted thereon over the signature of the secretary of the Monteagle Regional Planning Commission. One copy of the approved plan shall be retained by the Monteagle Regional Planning Commission.

E. Site Plan Content

- 1. The site plan shall show the following:
 - a. Name of development and address;

- b. Name and address of owner of record and the applicant;
 - c. Present zoning of the site and abutting property;
 - d. Date, scale, and north point;
 - e. Courses and distances of all property lines and of all street center lines;
 - f. All property setback lines, easements, covenants, reservations and rights-of-way;
 - g. The total land area of site; and,
 - h. Topography of existing ground and paved areas, and elevations of streets, alleys, utilities, sanitary and storm sewers, and buildings and structures. Topography to be shown by dashed line illustrating five-foot (5) contours as required by the Monteagle Regional Planning Commission and by spot elevations where necessary to indicate flat areas, as based on U.S.C. and G.S. datum.
2. The site plan shall show the location of the following when existing:
- a. Sidewalks, streets, alleys, easements, and utilities;
 - b. Buildings and structures, including signs;
 - c. Public sewer systems with line sizes noted;
 - d. Slopes, terraces, and retaining walls;
 - e. Driveways, entrances, exits, parking areas, and sidewalks;
 - f. Water mains with size noted and fire hydrants;
 - g. Major tree and shrub areas;
 - h. Recreational areas and swimming pools;
 - i. Natural and artificial watercourses; and,
 - j. Limits of floodplains.
3. The site plan shall show the location, dimensions, size, and height of the following when proposed:
- a. Sidewalks, streets, alleys, easements, and utilities;
 - b. Buildings and structures, including signs;

- c. Public sewer systems;
 - d. Slopes, terraces, and retaining walls;
 - e. Driveways, entrances, exits, parking areas, and sidewalks;
 - f. Water mains and fire hydrants;
 - g. Major tree and shrub areas;
 - h. Recreational areas;
 - i. Distance between buildings;
 - j. Estimates of the following;
 - Number of dwelling units;
 - Number of parking spaces;
 - Number of loading spaces;
 - Square feet of floor space;
 - Plans for collecting storm water and methods of treatment of natural and artificial watercourses; and,
 - Proposed grading, surface drainage, terraces, retaining wall heights, grades on paving areas, and ground floor elevations of proposed buildings and structures (proposed topography of site shall be shown by five-foot (5) contours as required by the Monteagle Regional Planning Commission.)
4. The site plan shall meet the provisions of the Landscape Ordinance. (See Appendix B for Landscape Ordinance. **(Added 5/25/10)**)

For sample site plan see following page. (*Ord. 96-02*)

INSERT SITE PLAN DIAGRAM

F. Requirements, Regulations, and Restrictions

1. Any building or structure shall be reasonably accessible to fire, police, emergency, and service vehicles. When deemed necessary for access by the building inspector, emergency vehicle easements shall be provided. The access for fire, police, and emergency vehicles shall be unobstructed at all times.
2. The width, grade, location, alignment, and arrangement of streets, sidewalks, and alleys shall conform to the Monteagle Transportation Plan and/or subdivision regulations as nearby as is reasonably practicable.
3. Adequate water mains and fire hydrants shall be provided in accessible places in accordance with sound fire fighting and fire prevention practice acceptable to the Monteagle Building Inspector.
4. Adequate provision shall be made for the collection and disposition of all on-site and off-site storm water and natural surface water. Natural drainage ways shall be used when it is reasonably practicable to do so, and improvements shall be made to said ways in accordance with good engineering practices.
5. Adequate provision shall be made to control the slippage, shifting, erosion, accretion, and subsidence of soil.
6. Adequate provision shall be made for the collection and disposition of all on- and off-site sanitary sewage.

G. Appeals

If an applicant determines that his site plan has been unjustly disapproved or that the Monteagle Regional Planning Commission has made requests for conformity to standards other than those set forth in this ordinance, he may appeal the decision of the planning commission to the Monteagle Board of Zoning Appeals.

4.160 RESIDENTIAL TOWNHOUSE AND PATIO HOME (RT-PH) REGULATIONS

A. Purpose:

In Monteagle's residential zoning districts fee-simple townhouses and patio homes are allowed to increase the variety of available housing choices. Within these districts townhouse units and patio homes can be developed and sold as individually-deeded lots in fee-simple to those who desire this type of low-maintenance home, provided the developer follows the specific regulations established in this section for "zero lot line" townhouse units or patio homes.

B. Definitions:

1. **PATIO HOMES:** A patio home for the purposes of the Monteagle Regional Zoning Ordinance shall be defined as a single-family residential

dwelling of one (1) or more floors, which does not have any common walls shared with an adjacent unit or units, but which is located to one (1) side of a less than standard width lot. That is, these homes have a "zero foot" setback on one side to maximize the amount of usable outdoor lot area on the other side for a patio, landscaped garden, or other outdoor living area.

2. RESIDENTIAL TOWNHOUSES: A single-family residential dwelling of one (1) or more floors on a lot by itself and having or appearing to have a common wall with an adjacent similar unit or units.

C. Regulations for Townhouses:

All townhouse complexes shall incorporate the following features which have proved to provide the most attractive developments:

1. They shall contain between three (3) and seven (7) units in each building;
2. Each townhouse shall have an architectural character that is individual yet compatible with its neighbors;
3. The front facades shall be off-set horizontally and the roof lines shall be off-set vertically from one another to avoid the appearance of an apartment building;
4. One (1) story units, when used, shall be placed on the end of a building.

Since a townhouse complex involves common walls unlike the patio home, some separate requirements are necessary to each type of development. (Note: the regulations in Section E also apply to townhouses.)

5. Subdivision Plat Approval Procedure for TOWNHOUSE Construction:

Since it is intended that the land in a townhouse development be used for owner-occupied townhouses, each townhouse shall occupy a separate subdivision lot. Since the townhouses are joined or appear to be joined, they shall be built as entire units.

Therefore, to prevent the sale of individual unbuilt lots, no individual lots can be recorded until the following subdivision and development process shall have been followed by the developer:

- a. Prepare a site plan and a preliminary major subdivision plat for the proposed townhouse development (major lots are those which shall each contain a row of several townhouses);
- b. Present the site plan and the preliminary subdivision plat to the Monteagle Regional Planning Commission and obtain approval of both;

- c. Proceed to construct the required streets, etc., and the building units according to these approved plans after obtaining needed building permits. (This may be done for the entire development or may be done in two (2) or more phases.);
- d. Present final plat of the built-up phases to city building inspector for inspection and verification and then to the Monteagle Regional Planning Commission for final subdivision approval. (The final plat shall show the individual lot lines exactly where the side walls of the individual units were built.);
- e. If all the final subdivision requirements of the Monteagle Regional Subdivision Regulations have been met or adequate bonds posted, the planning commission shall grant final subdivision approval for the phases that have been constructed with townhouses;
- f. The developer records this final plat and can then sell these townhouse units.

6. Area and Dimensional Requirements for Townhouses:

All townhouses within Monteagle's region shall conform to the following measurements:

a. Minimum Floor Area

<u>ONE STORY</u>	<u>TWO STORY</u>	
	(1st	Floor)
	(Min. Total)	
850 sq. ft.	600 sq. ft.	960 sq. ft.

b. Minimum Lot Width and Public Street Frontage:

R-1.....	24 feet
R-2.....	20 feet
R-3.....	18 feet

c. Minimum Lot Area:

R-1.....	2,400 sq. ft.
R-2.....	2,000 sq. ft.
R-3.....	1,800 sq. ft.

d. Minimum Lot Depth:

Ninety (90) feet provided front and back setbacks and minimum lot areas are met.

e. Minimum Building Line Setbacks:

Front: 30 ft. from interior street right-of-way
35 ft. from exterior street right-of-way

Side: None except for end units which shall have a 15-foot side yard

Rear: 25 feet

f. Minimum Separation Between Buildings Containing Groups of Townhouses:

- 1) End to end 30 ft.
- 2) End to front 40 ft.
- 3) Back to end 40 ft.
- 4) Back to back..... 50 ft.
- 5) Front to front 60 ft.
- 6) Front to back 60 ft.

D. Regulations for PATIO HOMES:

(Note: The regulations in Section E also apply to patio homes.)

1. Subdivision Plat Approval Procedure for Patio Home Construction:

To insure that each building is built within the proper area of its lot, these regulations shall be followed:

- a. Prepare a site plan and a preliminary subdivision plat for the proposed patio home development. The site plan among other requirements must indicate with a separate line the portion of each lot on which the patio houses must be built and which lot line will have a zero foot setback.
- b. After approval of the site plan, the normal subdivision review process for preliminary and final plats must be followed. The final plat will also show the buildable lot area for each lot, so that the building inspector will know if a future house plan for one of these lots complies with the intent of the approval site plan.

2. Area and Dimensional Requirements for Patio Homes:

All patio homes within Montecagle's region shall conform to the following measurements:

a. Minimum Lot Width at Building Line:

- R-1..... 60 ft.
- R-2..... 50 ft.
- R-3..... 50 ft.

b. Minimum Lot Area:

R-1.....	6,000 ft.
R-2.....	5,000 ft.
R-3.....	5,000 ft.

c. Minimum Public Street Frontage:

Forty (40) feet

d. Minimum Lot Depth:

Ninety (90) feet, provided front and back setbacks and lot area requirements are met.

e. Minimum Building Line Setbacks:

Front: 30 feet from interior street right-of-way
35 feet from exterior street right-of-way

Side: Zero feet on one side and twenty (20) feet on the other; except where a lot is on the edge of the Patio Home Development (i.e., abuts a conventional residential area, a townhouse area, a non-residential area, or a side street) in which case either E-1 or E-2 below shall apply.

Rear: 20 ft. from another patio home lot
30 ft. from all other types of residential development and from non-residential districts

f. Minimum Separation Between Patio Homes:

Twenty (20) feet between any part of any two (2) buildings (except for chimneys and overhangs which shall not exceed three (3) feet).

E. Regulations Applying to Both Townhouses and Patio Homes:

1. Minimum Building Setbacks:

Minimum Building Setbacks for side yard adjacent to side street on corner lots shall be met as specified in Chapter 3 according to the district in which the development is located.

2. Minimum Side Yard Setback from Edge of RT-PH Development:

No building shall be located less than twenty (20) feet from any boundary of the RT-PH development. (Larger front and rear setbacks have already been specified.)

3. Site Plan Approval Required:

The site plan referred to in items C.5.a and D.1.a for the RT-PH development shall be prepared in accordance with the Site Plan Regulations in this ordinance.

4. Required Utilities:

The RT-PH development shall be provided with adequate public water and sewerage systems.

5. Street Construction:

All proposed streets shall be built in accordance with the requirements of the Monteagle Regional Subdivision Regulations.

6. Required Off-Street Parking:

Two (2) spaces (9 feet by 18 feet in size) shall be provided for each dwelling unit. These spaces shall be located entirely upon the lot and shall be directly accessible from the public street right-of-way (a garage may count for one (1) space). To provide for guest parking the provision in 4.090 7.c. shall be met.

7. Reconstruction:

In the event that one or more townhouse units are destroyed by fire or other cause, no structure or structures shall be placed on each vacant lot except another townhouse which must be built according to the original intent of these RT-PH regulations. If one or more zero lot line homes are destroyed, no structures shall be placed on each vacant lot except another zero lot line house also built according to the original intent of these RT-PH regulations.

8. Open Space:

The maximum lot coverage shall not exceed 55 percent of the lot area. Driveways and sidewalk will be figured in the open space.

4.170 TELECOMMUNICATION STRUCTURES (Added 03-30-99)

The purpose of this ordinance is to establish general guidelines for the siting of wireless communication towers and antennas. The goals of this ordinance are to (1) protect residential areas and land uses from potential adverse impacts of towers and antennas; (2) encourage the location of towers in non-residential areas; (3) minimize the total number of towers throughout the community; (4) and, strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers.

Telecommunication Structures are not allowed in the corporate limits unless within a permitted zone. Telecommunication Structures, where allowed as a permitted use by this Ordinance, are subject to the following requirements:

A. Inventory of Existing Site

Each applicant for an antenna and/or tower shall provide to the Monteagle Planning Commission an inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the corporate limits of the Town of Monteagle or within Monteagle's planning region thereof, including specific information about the location, height and design of each tower. This information may be shared with other applicants applying for administrative approval under this ordinance. By the sharing of this information, this is not warranting that such sites are available or suitable for tower construction.

B. Setback

1. All towers and accessory structures that are not constructed within a utility easement shall be setback from the property lines a distance equal to twenty (20) percent of the tower height or the district yard requirement, whichever is greater.
2. In instances when a tower and accessory structure are constructed within a utility easement on an existing utility structure, the tower and accessory structures shall adhere to a setback from the easement lines equal to twenty (20) percent of the tower height.
3. In instances when a tower and accessory structures are constructed adjacent to a residential district, either immediately adjacent to such property owner or across a public way, the minimum setback from a residential lot line or a residential district, measured from the base of the tower, shall be equal to one-hundred (100) percent of the tower height.

C. Shared Use

1. The shared use of existing towers shall be required throughout the community. The applicant's proposal for a new wireless transmission facility shall not be approved unless the applicant can prove through documentation, that the proposed equipment cannot be accommodated on an existing or approved tower located within a minimum distance of one (1) mile of the proposed tower due to one (1) of the following reasons:
 - a. The planned equipment would exceed the structural capacity of the existing and approved towers and said towers do not have the capability to be upgraded.
 - b. The planned equipment would cause radio frequency (RF) interference with other existing or planned equipment.
 - c. The planned equipment would not function effectively and reasonably on an existing tower.
 - d. Geographic service requirements would prevent the co-use of an existing tower or structure.
2. The feasibility of the shared use of any proposed tower in the future shall be addressed at the time of application. As a minimum, a tower shall be

designed for the co-use of a minimum of three (3) fully sectored antenna arrays unless such tower is proposed for co-use on an existing utility structure. The applicants shall provide a letter of intent committing the tower owner and any successive owners to providing for the shared use of the tower, if a future applicant agrees, in writing, to pay any reasonable rate for the shared use.

D. Type

All new towers shall be monopole type structure. No lattice type towers or antennas shall be permitted in the Town of Monteagle.

E. Structural Requirements

Prior to the approval of any application for a tower or the co-use of an existing tower or utility structure, the applicant shall provide written certification from a registered structural engineer that the tower is able to withstand winds of a minimum of seventy (70) miles per hour with one-half (.5) inch radial ice.

F. Buffering and Landscaping

1. For all ground structures and buildings special care shall be taken to minimize the effects on the adjacent residential areas.
2. All ground structures shall be buffered in a manner, which consist of a minimum of an eight (8) foot wide landscaped strip around the perimeter of the security fencing. The buffered strip shall consist of a combination of trees, shrubs, vines and or ground covers that blends and enhances the appearance of the ground structures within the surrounded area. The buffer shall be installed for the permanent year round protection of adjacent property by visually shielding internal activities from adjoining property to a height of eight (8) feet or the height of the proposed accessory structures, whichever is greater. The landscaping provisions of this section may be varied or reduced if the proposed plan provides for unique and innovative landscaping treatment or physical features that meet the intent and purpose of this section.

G. Aesthetics

Towers and antennas shall meet the following requirements:

1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA (Federal Aviation Association), be painted a neutral color so as to reduce obtrusiveness.
2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of neutral color that is identical to, or closely compatible with, the color of the supporting

structure so as to make the antenna and related equipment as visually unobtrusive as possible.

H. Height

1. No tower shall exceed a height of two hundred and fifty (250) feet.
2. In instances when a tower is to be co-located upon an existing utility structure, which is defined as an existing power line structure or an existing water tower, the maximum height shall not exceed the height of the structure plus (+) twenty (20) feet.

I. Co-located Towers and Antennas

The co-location of towers and antennas shall only be permitted on existing and proposed telecommunication towers and public utility structures consisting of power line structures or water towers in excess of thirty-five (35) feet in height.

J. Vehicle Access Control

The location and design of driveways and/or access easements to the facility from a public street shall be depicted on the site plan and shall be approved by the planning commission in accordance with these regulations.

K. Lighting

1. Towers: Towers may be lighted within the corporate limits of Monteagle if required by the FAA (Federal Aviation Administration).
2. Structures: Outside lighting of structures, if required for safety and security purposes, shall be of a sensory fashion in which illumination occurs only when the site is approached. The lighting shall be arranged to minimize glare and reflection on adjacent residential properties and public streets and does not exceed 0.4 feet candles measured at the property line, easement line or abutting properties zoned for residential use.

L. Security

The cellular tower facility shall be fully secured through the installation of a security fencing/wall system of a minimum height of eight (8) feet or the height of the accessory structures whichever is greater. Additional fencing may be required by the Monteagle Planning Commission as an aesthetic buffer on the outside of the security fencing.

M. Removal of Obsolete Towers

1. Any tower that is no longer in use for its original communications purpose shall be removed at the owner's expense. The owner shall provide the Town of Monteagle with a copy of the notice of intent to the FCC to cease operations and shall be given ninety (90) days from the date of ceasing operations to remove the obsolete tower and accessory structure(s), provided another operator has not submitted a request for a tower during that time period. In the case of multiple operators sharing a single tower, this provision shall not become effective until all users cease operations.

2. Prior to the issuance of a permit for any tower, co-use of any tower or co-use of any utility structure, a surety instrument (i.e. letter of credit or bond), which shall serve to ensure prompt removal of the tower once it ceases to operate, shall be provided by all users. The amount of the surety instrument shall be determined by the town's designated official and then approved by the planning commission during the site plan review process.

N. Site Plan Requirements

Prior to the issuance of a building permit, the construction of a tower or the utilization of an existing structure for telecommunications or television transmission purposes, the submission of a site plan in accordance with the following provisions and all other provisions of this Ordinance shall be required.

1. If the proposed tower is a new tower not on an existing plan, the site plan shall show the location of the initial users accessory structure and the location of two (2) future accessory structures.
2. A letter of intent from the owner and any successive owners allowing for the shared use of the tower.
3. A letter from a professional engineer certifying that the towers height and design complies with these regulations and all applicable structural standards and, also, describes the tower's capacity which includes the number and type of antennas that can be accommodated.
4. A letter indicating why existing towers within one (1) mile of the proposed towers location cannot be utilized.
5. A site plan where the regulations are applicable, per Section 4.150 of this Ordinance, reviewed and approved by the Monteagle Regional Planning Commission.

4.180 STANDARDS FOR BOARDING HOUSE, ROOMING HOUSE AND BED AND BREAKFAST (Added 09-25-01)

Bed and Breakfast, boarding house and rooming house operations are a "use on review" in R-2 and R-3 residential zones. The Monteagle Regional Planning Commission may require such conditions as are necessary to preserve and protect the character of the neighborhood in which the proposed use is located.

1. Permits – No building permit or Certificate of Occupancy for such use shall be issued without written approval of the Monteagle Regional Planning Commission.
2. Location – The Boarding House, Rooming House and Bed and Breakfast operation shall be located and conducted in the principal building only.
3. Operator Occupied – Proprietors of the Boarding House, Rooming House and Bed and Breakfast shall be permanent residents of the dwelling in which it is located. As permanent residents they shall keep separate and distinct sleeping quarters from Boarding House, Rooming House and Bed

and Breakfast guests. No more than two (2) paid assistants may be employed.

4. Number of Rental Units – No more than three (3) bedrooms shall be for rent at any one time at any one Boarding House, Rooming House and Bed and Breakfast establishment.
5. Length of Stay – Lodging of guests at the Boarding House, Rooming House and Bed and Breakfast Inn shall be limited to no more than ten (10) days during any one (1) stay.
6. Food Services – Meals for other than owners and staff will be restricted to breakfast for paid house guests only. Breakfast hours are limited to from 4:00 a.m. to 11:00 a.m.
7. Site Plan – An accurately drawn plan shall be presented to the Monteagle Regional Planning Commission at least ten (10) days prior to the meeting. The site plan shall show the location of the principal building, off-street automobile parking, relationship to adjoining properties and surrounding land use, existing zoning of the proposed site, any required screening, and any other information as may be required by the Monteagle Regional Planning Commission.
8. Appearance – The residential character and appearance of the home shall not be changed by the establishment of a Boarding House, Rooming House and Bed and Breakfast operation.
9. Advertising – The proposed use shall not be advertised by the use of signs which exceed four (4) square feet in area. The sign shall be non-illuminated and must be attached flat to the main structure or visible through a window.
10. Parking – Off-street parking facilities shall be provided at the rate of at least one space per room for rent in addition to at least two spaces for the household. Parking will comply with Article 4.030 of the Monteagle Zoning Ordinance.
11. All applicable Federal, State, and Municipal codes, including municipal fire, building, and electrical codes shall be complied with as a condition of approval by the Monteagle Regional Planning Commission.
12. The Monteagle Regional Planning Commission may also attach other conditions on the use of the structure or site which will be necessary to carry out the intent of the Zoning Ordinance. Consideration will be given to the impact on adjoining properties. Landscaping, fencing, screening and other methods might be required to mitigate anticipated impacts to the neighborhood.

4.190 APPEARANCE STANDARDS FOR MODULAR HOMES. (Added 5/25/10)

See Appendix A for Ordinance No. 98-08.

4.200 LANDSCAPE ORDINANCE. (Added 5/25/10)

See Appendix B for Landscape Ordinance.

CHAPTER FIVE

EXCEPTIONS AND MODIFICATIONS

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- 5.010 SCOPE
- 5.020 NON-CONFORMING USES
- 5.030 EXCEPTIONS TO HEIGHT LIMITATIONS
- 5.040 LOTS OF RECORD
- 5.050 EXCEPTIONS TO FRONT SETBACK REQUIREMENTS
- 5.060 ABSOLUTE MINIMUM LOT SIZE

5.010 SCOPE

Chapter 5 of this ordinance is devoted to providing for the necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided for in Chapter 3 and Chapter 4.

5.020 NON-CONFORMING USES

TCA 13-7-208 deals with non-conforming industrial, commercial and business uses as follows:

"In the event that a zoning change occurs in any land area where such land area was not previously covered by any zoning restrictions of any governmental agency of this state or its political subdivisions, or where such land area is covered by zoning restrictions of a governmental agency of this state or its political subdivisions and such zoning restrictions differ zoning restrictions imposed after the zoning change, then any industrial, commercial, or business establishment in operation, permitted to operate under zoning regulations or exceptions thereto prior to the zoning change shall be allowed to continue in operation and be permitted provided that no change in the use of the land is undertaken by such industry or business.

Industrial, commercial or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto in effect immediately preceding a change in zoning shall be allowed to expand operations and construct facilities which involve an actual continuance and expansion of the activities of the industry or business which were permitted and being conducted prior to the change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners. No building permit or like permission for construction or landscaping shall be denied to an industry or business which were permitted prior to change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

Industrial, commercial, or other business establishments in operation and permitted to operate under zoning regulations or exceptions thereto immediately

preceding a change in zoning shall be allowed to destroy present facilities and reconstruct new facilities necessary to conduct of such industry or business subsequent to the zoning change, provided that no destruction and rebuilding shall occur which shall act to change the use classification of the land as classified under any zoning regulations or exceptions thereto in effect immediately prior to or subsequent to a change in the zoning of the land area on which such industry or business is located. No building permit or like permission for demolition, construction or landscaping shall be denied to an industry or business seeking to destroy and reconstruct facilities necessary to the continued conduct of the activities of that industry or business where such conduct was permitted prior to a change in zoning, provided that there is a reasonable amount of space for such expansion on the property owned by such industry or business situated within the area which is affected by the change in zoning, so as to avoid nuisances to adjoining landowners.

The provisions of the preceding three paragraphs shall apply only to land owned and in use by such affected business, and shall not operate to permit expansion of an existing industry or business through the acquisition of additional land."

An existing non-conforming use which is NOT an industrial, commercial or business shall meet these criteria:

1. An existing non-conforming use of a building may be changed to a conforming use or to another non-conforming use of the same or higher classification providing, however, that establishment of another non-conforming use of the same or higher classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.
2. A non-conforming use of land shall be restricted to the area occupied by such use as of the effective date of this ordinance. A non-conforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this ordinance.
3. When a non-conforming use of any structure or land, excepting non-conforming mobile homes or mobile home parks, has been discontinued for a period of six (6) months, it shall not be re-established or changed to any use not in conformity with the provisions of this ordinance. Immediately upon the removal of a non-conforming mobile home or mobile home park, the non-conformity of such structure or use of land shall lapse.
4. Any non-conforming building or non-conforming use which is damaged by fire, flood, wind or other act of God or man, may be reconstructed and used as before if it be done within six (6) months of such damage, unless more than sixty (60) percent of the structure is damaged in which case any repair, reconstruction or future use shall be in conformity with the provisions of this ordinance.
5. A non-conforming building or buildings housing a non-conforming use shall not be structurally altered except in conformance with the provisions of this ordinance. These provisions shall not be construed to prevent

normal maintenance and repairs or alterations required for structural safety.

5.030 EXCEPTIONS TO HEIGHT LIMITATIONS

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, silos, grain elevators, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyers, flagpoles, radio towers, masts, and aerials.

The height limitations of this ordinance may be exceeded for other structures provided the following conditions are met:

1. The developer must present, at the time he applies for a building permit, a copy of the building plans which have been approved by the building inspector. These plans must show all of the following:
 - a. A wet standpipe riser with one and one-half (1 1/2) inch fire hose connections;
 - b. A wet automatic sprinkler protection system for the entire building;
 - c. Enclosed exit stairways;
 - d. Smoke and heat detection units; and,
 - e. Any other fire protection and prevention requirements which the building inspector feels are necessary for the building.
2. The design and installation of these fire protection measures must be in conformance with the National Fire Protection Association standards (NFPA).
3. Before the building can be occupied, the developer must secure a statement from the building inspector that the fire protection systems have been installed according to the plans and that the systems are functioning properly.

5.040 LOTS OF RECORD

The following provisions shall apply to all existing lots of record:

1. Where the owner of a lot consisting of one (1) or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard or other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as a building site provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the Board of Zoning Appeals.

2. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this ordinance, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.
3. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

5.050 EXCEPTIONS TO FRONT SETBACK REQUIREMENTS

The front setback requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth.

In such case, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

5.060 ABSOLUTE MINIMUM LOT SIZE *(Ord. 96-02)*

In no case shall the Board of Zoning Appeals permit a detached residence to be erected on a lot whose total lot area is:

1. less than 7,500 sq. feet where public water and sewer is available; or
2. where only public water is available, the county health department has approved the sewerage disposal system for said lot in writing and provided the building permit application for any structure on said lot does not exceed the maximum size for the structure as established in the health department permit.

CHAPTER SIX

ADMINISTRATION AND ENFORCEMENT

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6.010 ADMINISTRATION OF THE ORDINANCE

Except as otherwise provided, no structure or land shall, after the effective date of this ordinance, be used and no structure or part thereof shall be erected, altered or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this ordinance shall be considered minimum requirements adopted for the promotion of public health, safety, convenience, order, prosperity and general welfare of the community. Where other ordinances, resolutions or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions or regulations is mandatory.

6.020 THE ENFORCEMENT OFFICER

The provisions of this ordinance shall be administered by the Monteagle Building Inspector. The Building inspector shall administer and enforce this ordinance and in addition he shall:

1. Issue all building permits;
2. Issue all certificates of occupancy;
3. Issue and renew, where applicable, all Temporary Use Permits; and,
4. Conduct inspections as required in this ordinance and such other inspections as are necessary to insure compliance with the various other general provisions of this ordinance. The building inspector shall possess the right to enter upon any premises at reasonable times for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

The city recorder shall keep and maintain all records; current zoning maps and amendments thereto, and collect all monies pertaining to the administration and enforcement of this ordinance.

6.030 BUILDING PERMITS

It shall be unlawful to commence the excavation for or the construction of any building or other structure including accessory structure, signs or billboards; to commence the moving, alteration, or repair of any structure including accessory structures; or to commence the filling of land or to cause any such work to be done within regional limits of Monteagle until the building inspector has issued for such work a BUILDING PERMIT containing a statement that the plans, specifications and intended use of such structure in all respects conforms to the provisions of this ordinance. Provided, however, that any building or other structure, etc. as indicated above, which has a value less than one thousand dollars (\$1,000); no fee will be charged for a permit. Therefore, a fee will be charged for all work exceeding one thousand dollars (\$1,000) by the building inspector or his/her designee. **(Amended 01-30-01)**

Application for a building permit shall be made in writing to the building inspector on forms provided for that purpose. It shall be unlawful for the building inspector to approve the plans or issue a building permit for any excavation or construction until such plans have been inspected and found to be in conformity with this ordinance. To this end the application for a building permit for excavation, construction, moving, or alteration shall be accompanied by a site plan approved by the planning commission where required or a sketch plan, as described in Section 4.150, paragraph A to enable the building inspector to ascertain whether the proposed excavation, construction, moving or alteration is in conformance with this ordinance:

1. The actual shape, location and dimensions of the lot to be built upon;
2. The shape, size and location of all buildings or other structures to be erected, altered or moved and of buildings or other structures already on the lot;
3. The existing and intended use of all such buildings or other structures; and,
4. Location and design of off-street parking areas and off-street loading areas; and such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this ordinance are being observed.

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the building inspector shall issue a building permit for such excavation or construction. If any application for a building permit is not approved the building inspector shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this ordinance and building permits shall be void after six (6) months from date of issue, unless substantial progress on the project has been made by that time.

6.040 TEMPORARY USE PERMITS

It shall be unlawful to commence construction or development of any use of a temporary nature until a permit has been secured from the Monteagle Building Inspector as provided for in Section

4.050 of this ordinance. Application for a temporary use permit shall be made in writing to the building inspector on forms provided for that purpose.

6.050 (Reserved for Future Use.)

6.060 PROCEDURE FOR AUTHORIZING USES PERMITTED ON REVIEW AND SPECIAL EXCEPTIONS (Ord. 96-02)(amended 10/31/06)

The following procedure is established for uses on review permit requests to the planning commission and for appeals to the Board of Zoning Appeals (BZA). The procedure will be generally the same whether the action is by either body.

A. Application (amended 10/31/06)

An application for a use on review shall be made to the planning commission chair or secretary and may be made through the town recorder prior to a scheduled meeting of the planning commission. Information may be requested by the Planning Commission with the application including: showing the location intended use of the site, the names of the property owner and existing land uses adjacent to the property, and any other material pertinent to the request which the planning commission or BZA may require.

B. Restrictions

The planning commission may accept or note offers or conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the purposes of this ordinance, and it may make recommendations to the Board of Zoning Appeals.

C. Validity of Plans

All approved plans, conditions, restrictions and rules made a part of the review and approval of the planning commission or the Board of Zoning Appeals shall constitute a certification on the part of the applicant that the proposed use shall conform to such regulations at all times. Such conditions shall run with the land but may be modified or changed by written agreement between the land owner and the commission or board.

D. Notice to Applicant

The applicant shall be advised, not less than three (3) working days prior to the meeting, when and where the application will be heard by the commission or board.

E. Notice of Decision

The applicant shall be notified whether his request was approved or denied and conditions attached to said approval. The action taken shall be noted

in the minutes of the meeting where the action was taken by the commission or board.

6.070 BOARD OF ZONING APPEALS (BZA)

A Board of Zoning Appeals (BZA) is hereby established in accordance with 13-7-205 through 13-7-207 of the Tennessee Code Annotated. The BZA shall consist of five (5) members appointed by the Board of Mayor and Aldermen.

A. Procedure

Meetings of the BZA shall be held at the call of the chairman, and at such other times as the BZA may determine. Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the BZA shall be open to the public. The BZA shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

B. Appeals to the BZA

An appeal to the BZA may be taken by any person, firm, or corporation aggrieved, or by any governmental office, department, board, or bureau affected by any decision of the building inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the BZA a notice of appeal specifying the grounds thereof. The building inspector shall transmit to the BZA all papers constituting the record upon which the action appealed was taken. The BZA shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any person or party may appear in person, by agent, or by attorney.

C. Powers of the BZA

The BZA shall have the following powers:

1. Administrative Review:

To hear and decide appeals where it is avowed by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the building inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.

2. Special Exceptions:

To hear and decide applications for special exceptions as specified in this ordinance, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the BZA is authorized to pass.

3. Variances:

To hear and decide applications for variances from the terms of this ordinance.

6.080 VARIANCES

The purpose of this variance is to modify the strict application of the specific requirements of this ordinance in the case of exceptionally irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable uses of his land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his property under this ordinance.

A. Application

After written denial of a permit, a property owner may make application for a variance using the standard form made available by the BZA.

B. Hearings

Upon receipt of an application and a ten (\$10.00) dollar fee, the Board of Zoning Appeals shall hold a hearing to decide whether a variance to the ordinance provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The BZA shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.

C. Standards for Variances

In granting a variance, the BZA shall ascertain that the following criteria are met:

1. Variances shall be granted only where special circumstances or conditions, fully described in the findings of the board, do not apply generally in the district;
2. Variances shall not be granted to allow a use otherwise excluded from the particular district in which the request is made;
3. For reasons fully set forth in the findings of the BZA, the aforesaid circumstances or conditions are such that the strict application of the provisions of this ordinance would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land;
4. The granting of any variance shall be in harmony with the general purposes and intent of this ordinance and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development; and,

5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying therefor.

6.090 AMENDMENTS TO THE ORDINANCE

A. General

The Monteagle City Commission may, from time to time, amend this ordinance by changing the boundaries of districts or by rewriting provisions wherever it is alleged that there was an error in the original zoning ordinance or whenever the public necessity, convenience and general welfare require such amendment.

B. Initiation of Amendment

Amendments may be initiated by the Monteagle City Commission, the planning commission, or by citizens desiring an amendment.

C. Application for Amendment from Citizens

A request for an amendment shall be in writing and shall also be accompanied by maps, drawings, a petition signed by the owners affected by the proposed amendment, and data necessary to demonstrate that the proposed amendment is in general conformance with the general plan of the Town of Monteagle and its region that public necessity, convenience, and general welfare require the adoption of the proposed amendment. (An accurate legal description shall be prepared in time for notice of any public hearing.)

D. Review and Recommendation by the Planning Commission

The planning commission shall review and make recommendations to the Board of Mayor and Aldermen on all proposed amendments to the zoning ordinance.

E. Grounds for an Amendment

The planning commission in its review and recommendation, and the city commission in its deliberations, shall make their findings with regard to the following grounds for an amendment:

1. The amendment is in agreement with the general plan for the area;
2. The amendment does not violate the legal grounds for zoning provisions;
3. It has been determined that there will be no adverse effects upon adjoining property owners unless such adverse effect can be justified by the overwhelming public good or welfare;
4. It has been determined that no one property owner or small group of property owners will benefit materially from the change to the detriment of the general public; and,

5. It has been determined that conditions affecting the area have changed to a sufficient extent to warrant an amendment to the area's general plan and, consequently, the zoning map.

F. Public Hearing and Notice of Hearing

A public hearing shall be held on all proposed amendments to this ordinance. Notice of such hearing shall be in a newspaper of general circulation within the Town of Monteagle at least fifteen (15) days prior to the hearing. This notice shall specify the location, date and time of the hearing, the current and proposed zoning classification, and in the case of a proposed boundary change a legal description of the change.

G. Enactment

If the amendment was disapproved by the planning commission, it must receive the favorable vote of a majority of the entire membership of the Board of Mayor and Aldermen in order to be enacted.

If the amendment was approved by the planning commission, it must only receive the favorable vote of a simple majority of the membership of the Board of Mayor and Aldermen.

H. Amendments Affecting the Zoning Map

Upon request of an amendment to the Monteagle Regional Zoning Map, which is part of this ordinance, the city commission shall have such amendment placed upon the zoning map, noting thereon the ordinance number and effective date of such amendatory ordinance.

I. Effect of Denial of Application

Whenever an application for an amendment to the text of this ordinance or for a change in the zoning classification of any property is denied, the application for such amendment shall not be eligible for reconsideration for one year following such denial except in the following cases:

1. Upon initiation by the Board of Mayor and Aldermen or planning commission;
2. When the new application, although involving all or a portion of the same property, is for a different zoning district than that for which the original application was made; or,
3. When the previous application was denied for the reason that the proposed zoning would not conform with the general plan and the general plan has subsequently been amended in a manner which will allow the proposed zoning.

6.100 PENALTIES (Ord. 96-02)

Any person(s) violating any provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars (\$5.00) nor more than one hundred dollars (\$100.00) for each offense. Each day such violation(s) shall continue constitutes a separate offense.

6.110 REMEDIES

In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained, or any building, structure or land is used in violation of this ordinance, the building inspector or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may seek remedy I the courts by instituting injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

6.120 INTERPRETATION

In case of conflict between this regional ordinance or any part thereof and the whole or part of any existing or future regional ordinance of the Town of Monteagle, the most restrictive shall, in all cases, apply.

6.130 SEPARABILITY

Should any section or provisions of this ordinance be declared invalid or unconstitutional by any court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part thereof which is not specifically declared to be invalid or unconstitutional.

6.140 EFFECTIVE DATE

This ordinance shall take effect from and after the effective date of its passage and publication as required by law, the public welfare requiring it.

PASSED ON FINAL READING:

DATE

MAYOR
TOWN OF MONTEAGLE

CERTIFIED BY THE MONTEAGLE REGIONAL PLANNING COMMISSION

DATE: 1983

CHAIRMAN: /s/ Kay Sanders

*APPROVED AND ADOPTED BY THE
MAYOR AND BOARD OF ALDERMEN OF THE
TOWN OF MONTEAGLE, TENNESSEE*

PASSED FIRST READING: Jan 26, 1984

PASSED FINAL READING: Feb 23, 1984

/s/ Dean Lay
MAYOR

ATTEST:

/s/ Joy Sturtevant
CITY RECORDER

Town of
MONTEAGLE, TENNESSEE
ZONING ORDINANCE

Prepared by the
Monteagle Regional Planning Commission

Kay Sanders, Chairman

Dean Lay, Mayor

John E. Baggenstoss

Raymond Releford

Ann Malhoit

Charlie Teasley

Naomi Milner

July 1986
(Original date the entire document was adopted)

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Building Permit Denial

Ordinance No. 98-08

Landscape Ordinance

Town of
MONTEAGLE, TENNESSEE
ZONING ORDINANCE

As Amended Through May 25, 2010