

Monteagle Regional Planning Commission
Tuesday, August 2nd, 2022, 6:00pm CST

Town Hall
24 Dixie Lee Avenue
Monteagle, TN 37356

Agenda

- Iva Michelle Russell, Chairman
- Richard Black, Vice-Chairman
- Janet Miller-Schmidt, Secretary
- Ed Provost Dorraine Parmley
- Peter Beasley Marilyn Rodman, Mayor

- I. Call to Order**
- II. Approval of Previous Meeting Minutes**
 - A. July 5th, 2022
- III. Staff and Community Reports**
- IV. Old Business**
- V. New Business**
 - A. Discussion about Adopting an ADU Ordinance
- VI. Hearing of Persons Having Business Before the Commission**
- VII. Adjournment**

Next Regularly Scheduled Meeting: September 6th, 2022
(Staff Planner will be absent.)

Monteagle Regional Planning Commission
Tuesday, July 5th, 2022, 6:00 P.M. CDT – Minutes

Town Hall
24 Dixie Lee Avenue
Monteagle, TN 37356

Agenda

I. Call to Order

Ms. Iva Michelle Russell called the meeting to order at 6:01 P.M., July 5th, 2022.

Present: Richard Black, Vice Chair; Janet Miller-Schmidt, Secretary; Dorraine Parmley; Peter Beasley; Ed Provost; and Mayor Marilyn Rodman

II. Approval of the minutes of the previous meeting

A. June 7th, 2022

1. Mr. Beasley made a motion, seconded by Mr. Black to approve the minutes a distributed. The motion passed.

III. Staff and Community Reports

A. Building Inspector, Earl Geary – No report

B. Southeast Tennessee Regional Planning Commission, Regional Planner, Anya Shalun – No Report

IV. Old Business

A. Joint IDA-IES Model Lighting Ordinance

Mr. Nate Wilson and Ms. Shalun are in discussion about an approved lighting list. Then this list would be added to the approved sight plan requirements. There will be a separate workshop regarding the lighting in the commercial/business area of Monteagle.

B. Discussion on Permitting Apartments in C-2

Ms. Shalun advises not to add Apartments to C-2, but suggests if Apartments are added to C-2, that the amended ordinance for C-2 would be “permitted” use only. Then the request for Apartments would be reviewed by the BZA (Board of Zoning Appeals). The minutes of the BZA and the Planning Commission would have to be very explicit and the effect on the neighbors would be considered and important. All of the Commissioners agree there is a need for apartments in the Town of Monteagle. The site plan would have to be explicit; Zoning Ordinances are as follows: C-1 - Residential, C-2 – No Residential and R-3 – apartments.

Ms. Miller-Schmidt made a motion, seconded by Mr. Beasley, to recommend to the Town Council to consider amending ordinance 501 Section Schedule of Permitted Uses, by adding “Special Exception Use on Individual Review”. Ms. Russell called a voice vote: Black, Nay; Beasley, Yes, Miller-Schmidt, Yes; Parmley, Yes; Provost, Yes; Russell, Yes. The motion passed.

C. 740 W. Main Street – Site Plan

No one present from this Project which requires landscaping site plan approved by TDOT because it is situated on State Hwy 41. Mr. Provost made a motion, seconded by Mr. Black, to turn down the 740 W. Main Street plan. It is presumed there will be a resubmitted site plan with the corrections including the landscaping and the TDOT approval.

V. New Business

A. Discussion on lowering acreage in agricultural land use C-2 (Iva Michelle Russell)

Ms. Russell stated Mr. Dale Layne would like to have animals on his 36 acres on Hwy 41.

During discussion, Mr. Geary mentioned that only 18 acres are in the Town of Monteagle limits. The ordinances require 50 acres for animals to be allowed. Ms. Miller-Schmidt, Mr. Black, Mr. Beasley and Mr. Provost each expressed their opinion that the current 50 acres should stand with no exception.

B. Discussing Urban Growth Boundary (Iva Michelle Russell)

Urban Growth Boundary is completely out of the Town of Monteagle Regional Planning Commission realm. Mr. Geary told the commissioners a Special Board of County Mayors have authority over subdivision zoning restrictions.

C. Pilot Expansion Site Plan (Geoff Johnson)

Mr. Johnson distributed large pages of the proposed site plan with alternative landscaping. Ms. Shalun explained that the alternative landscaping met landscaping requirements. Mr. Provost made a motion, seconded by Mr. Beasley, to approve the site-plan as present by Mr. Johnson. Prior to the vote, Mayor Rodman recused herself from the vote because her spouse, Ron Rodman, is employed by Pilot. The motion passed.

D. Preliminary Plat for Wren's Nest Hideaway (Tom Kale)

Mr. Kale was not present.

VI. Hearing of Persons Having Business Before the Commission

Mr. Dean Lay came before the Commission to discuss his understanding of the Regulations and ordinances regarding distilleries in Monteagle. Mr. Lay feels there are discrepancies regarding distilleries. Questions: MTAS says distilleries cannot stand alone. Can distilleries be allowed in C-1, C-2 or C-3. In C-3 is a stand-alone distillery allowed or does it have to have 50% food sales. Page 32, ordinance 510 and page 36 were cited by Mr. Lay as misleading. Can C-1 or C-2 have a distillery. Mayor Rodman requested Mr. Lay to explain what street was Mr. Lay trying to get an answer. He said he has a client interested in building a distillery on Monteagle Square Street near the Sonic and he did not want to advise the client incorrectly about the property's ability to be used for a distillery. Mr. Lay would like to have an answer regarding the ability to have or not have a distillery on that property. Further research is required and deferred to Ms. Shalun.

Mr. Geary brought up a request by Mr. Lay for a business to have a fenced Conex Container storage facility. Mr. Lay responded, explaining the property is zoned C-3 there would be no office on the property, only fences. He plans to rent and sell the containers. He will be receiving 10 containers on July 15. Mr. Lay and Mr. Geary agreed that no site plan is required if there is not permanent building on the land. Ms. Miller-Schmidt asked where this site is in relation to the interstate. Mr. Lay explained the property is on the far side of the I-24 exit 135. There are 6 acres in two tracts of land. Further discussion regarding this site required.

VII. Adjournment

Mr. Black made a motion, seconded by Mr. Provost, to adjourn the meeting. The meeting was adjourned at 6:52 p.m. Next Regularly Scheduled Meeting: August 2nd, 2022

Iva Michelle Russell, Chairman

Janet Miller-Schmidt, Secretary

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND THE OFFICIAL ZONING ORDINANCE TO
ADD PROVISIONS FOR ACCESSORY DWELLING UNITS
IN THE TOWN OF JASPER, TENNESSEE**

WHEREAS, the Town of Jasper, Tennessee has adopted a zoning ordinance under authority granted in Tennessee Code Annotated (TCA) Section 13-7-201; and

WHEREAS, TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and maps; and

WHEREAS, pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended this amendment to the Jasper Board of Mayor and Aldermen, as described herein; and

WHEREAS, pursuant to the requirements of TCA, Section 13-7-203, the Jasper Board of Mayor and Aldermen conducted a public hearing subject to fifteen (15) days notice prior to the final reading and adoption of this ordinance described herein;

NOW THEREFORE BE IT ORDAINED, by the Board of Mayor and Aldermen of the Town of Jasper, Tennessee; that the Jasper Zoning Ordinance be amended as follows,

Section 1: **Chapter 2 General Provisions Related to Zoning, Section 14-202. Definitions** of the Jasper Zoning Ordinance is amended with the addition of the terms “Accessory Dwelling Unit, Attached” and “Accessory Dwelling Unit, Detached” to be placed in its proper alphabetical order. The terms shall read as follows:

Accessory Dwelling Unit, Attached. A secondary residential unit attached built as part of the principal structure or customary accessory structure such as a detached garage or workshop. Accessory Dwelling Units are 700 square feet or less.

Accessory Dwelling Unit, Detached. A secondary, stand-alone residential unit built on the same lot as a single-family residence. Accessory Dwelling Units are 700 square feet or less.

Section 2: **Chapter 7 Exceptions and Modifications** of the Jasper Zoning Ordinance shall be amended by adding **Section 14-710 Standards for Accessory Dwelling Units.**

14-710. Standards for Accessory Dwelling Units

1. Intent, Applicability & General Provisions

The intent of this section is to provide regulations for development of Accessory Dwelling Units (ADUs) in a manner which provides for an efficient use of land and provides small-scale infill on lots with single-family dwellings. The intent is also to provide standards which will foster compatibility with surrounding development and reduce impacts of new ADUs on adjacent properties. ADUs

are intended to provide for a larger range of housing options while maintaining residential character of neighborhoods.

General Provisions for ADUs

Applications for an ADU must meet certain conditions. No variances or amendments to the following conditions shall be granted.

- a. The property owner must reside in either the principal structure or the ADU.
- b. Only one ADU is allowed per lot in conjunction with a single-family house. ADUs are not allowed in conjunction with a duplex, multi-family dwelling units, or single-wide mobile homes.
- c. An instrument shall be recorded with the register's office covenanting that the structure is being established as an accessory dwelling unit and may only be used under the conditions expressed herein.
- d. Only one minor or major home-based business may be conducted as a customary home occupation on a lot that contains an ADU. The business may be located in either the principal structure or the ADU.

2. Zones

Site Built Accessory Dwelling Units shall be permitted in any zone that allows residential uses on any parcel suitable for a single-family dwelling. Manufactured ADUs may be permitted on appeal in the R-2 or A-1 zones. ADUs may be permitted on appeal in commercial zones (C-1, C-2 and C-3) if there is a single-family home already located on property in these commercial districts. ADUs are not allowed in conjunction with duplexes or any other multi-family housing, and can only be located on properties with an existing single-family home. Only one (1) ADU is permitted on a single lot in conjunction with one single-family home. Single-wide trailers, RVs, campers, tents, and travel trailers are not approved ADUs.

3. Height and Area Regulations

- a. Height: Detached ADUs cannot exceed twenty-four feet or two stories maximum. Attached ADUs must meet existing height restrictions by zone.
- b. Location: Attached ADUs must be incorporated into the main principal dwelling unit or an existing accessory use (such as garage or workshop) in the rear or side yard. Detached ADUs are permitted in the rear and side yards only. ADUs must be located on the same lot as the primary single-family structure.
- c. Size
 - i. Attached ADU: The maximum size of an ADU shall not exceed 30% of the Principal Dwelling Unit or 700 square feet, whichever is less.
 - ii. Detached ADU: The maximum size of a detached ADU is 50% of the principal dwelling unit or 700 square feet, whichever is less. Non-enclosed breezeways connecting with the primary residence are considered detached ADUs.

- iii. The Board of Zoning Appeals can grant an exception to the above if an existing building or residence is being modified.
 - d. Setbacks:
 - i. Front: Accessory Dwelling Units are not permitted in the front yard between the Principal Dwelling Unit and the front property line.
 - ii. Side and Rear setbacks must follow the setback requirements for accessory uses as required by zone.
 - iii. Detached ADUs must be a minimum of five (5) feet from the principal dwelling.
 - e. Lot Coverage: Total lot coverage for the entire lot including the Principal Dwelling Unit and the Accessory Dwelling Unit shall not exceed 30% of the total lot area. The building footprint shall be measured from the outer building wall.
4. Ownership
- a. No more than one Accessory Dwelling Unit shall be permitted on a single lot in conjunction with the Principal Dwelling Unit.
 - b. The Accessory Dwelling unit shall be owned by the same person as the Principal Dwelling Unit and cannot be subdivided or otherwise separated in ownership such that the ADU is located on a different lot than the principal Dwelling Unit. Under no circumstances shall the property be converted into a horizontal ownership regime (timeshare) or a fee simple condominium.
 - c. One of the two dwellings on the property shall be owner occupied. With respect to Accessory Dwelling Units, “owner occupancy” means a property owner, as reflected in real property records, who makes his or her legal residence at the site, as evidenced by voter registration, property deed, or similar means and resides at the site more than six months out of any given year. Owner occupancy may also include a named natural person with an ownership or benefit in a private trust. The Building Inspector may waive this requirement for temporary absences of greater than six months for military service, employment sabbatical, or family medical leave qualified absences.
5. Health and safety requirements.
- a. Site-built and permanently installed ADUs must meet all standards of the Town of Jasper including any applicable building codes. Manufactured homes must meet the Uniform Standards Code for Manufactured Homes and Recreational Vehicles Act, Tennessee Modular Building Act, Tennessee Manufactured Home Installation Act, and National Manufactured Housing Construction and Safety Standards Act of 1974, as may be applicable.
 - b. Plumbing must be connected to an approved subsurface sewage disposal system or public sewer system. Composting toilets, incinerating toilets, and other disposal methods are prohibited. Temporary storage tanks are only allowed in recreational vehicles located within a campground.

- c. Site-installed features such as stairs, decks, handrails, and landings must meet all code requirements of Jasper.

6. Design

- a. Shipping containers, single-wide trailers, recreational vehicles, campers, and travel trailers shall not be permitted as an Accessory Dwelling Unit upon any lot where an Accessory Dwelling Unit is a permitted use. No structure still on wheels shall be a permitted ADU.
- b. The Accessory Dwelling Unit shall be of a similar architectural design, style, appearance and character of the Principal Dwelling Unit on the lot including but not limited to, matching façade color and building materials; roof form and pitch; and windows. Manufactured ADUs must also meet these requirements.

7. Parking

A minimum of one parking space per dwelling unit must be provided. Any additional parking space(s) required for an accessory dwelling unit may be provided as tandem parking on an existing driveway. Off-street parking shall be permitted in setback areas consistent with the underlying zoning district requirements

8. Permit Application

Property owners must apply for a permit to build and install an Accessory Dwelling Unit.

- a. The application shall require architectural drawings and a dimensional floor plan showing cooking, bath and living areas. The drawings must show the inside and outside of the ADU.
- b. The ADU permit must be issued prior to applying for a building permit.
- c. A deed restriction shall be recorded with the register's office covenanting that the structure is being established as an accessory dwelling unit and may only be used under the conditions expressed herein.
- d. Prior to the issuance of a permit, a floor plan and/or architectural renderings must be submitted to the building inspector showing the proposed interior and exterior of the ADU.
- e. Verification from the state of Tennessee Department of Environment/Division of Ground Water Protection that the individual on-site wastewater treatment or septic system has the capacity to serve the ADU. If served by sewer, the ADU must have approval from the Jasper Sewer Department for connection onto the existing sewer tap serving the primary residence on the property. Also, verification that the ADU can adequately be served by water and electric service providers must be provided.

9. Existing ADUs

Legally created accessory dwellings units established prior to the enactment of these regulations may continue to exist and will be regulated by the conditions under which it was approved.

10. Abandonment of an ADU

A property owner may choose to abandon an ADU by meeting the following criteria:

- a. If attached to the principal residence, then access must be established between the housekeeping units without going outdoors to make the ADU an extension of the existing primary residence.
- b. The kitchen facility must be removed from the ADU so that it is no longer a self-sufficient unit.
- c. Inspections by the Jasper Building Inspector will be required to ensure that all regulations are followed.
- d. An instrument is recorded in the register's office stating that the ADU no longer exists.

Section 3: Any Ordinance, Resolution, Motion or parts thereof in conflict herewith are hereby repealed and superseded. If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction; such holding will not affect any other portion of this Ordinance.

Section 4: As required by Tennessee Code Annotated (TCA), § 13-7-203, a public hearing subject to fifteen (15) days notice was held, and all of the requirements of TCA, §§ 13-7-201 through 13-7-210 have all been complied with, including the approval of all necessary agencies.

Town of Jasper

4460 Main Street, Jasper, TN 37347
PHONE (423) 942-3180

ACCESSORY DWELLING UNIT (ADU) APPLICATION

Property Owner:

Property Address:

City

State
Tennessee

Zip

Mailing Address (if different)

City

State

Zip

Phone Number (day)

Phone Number (mobile)

Fax Number

Email:

NOTE: The development standards that must be met to establish an Accessory Dwelling Unit (ADU) are found in the Town of Jasper Zoning Ordinance (attached). Before completing this application, we recommend that you review these sections and discuss your proposal with the Regional Planner. This Application is intended to be submitted prior to the issuance of a building permit.

PLEASE COMPLETE THE FOLLOWING PROPERTY INFORMATION:

	Tax Map	Group	Parcel	Subdivision Name (if applicable)
1.	Lot Size:	Size of proposed ADU (square feet):		Size of principal residence (excluding garage and utility space) :
Are there existing detached accessory structures on the property? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, please indicate the total square footage of existing detached accessory structures:				

2.	Which method do you plan to use to create the ADU? <input type="checkbox"/> An internal conversion/remodel within an existing, detached single-family dwelling. <input type="checkbox"/> Add new square footage to an existing single-family dwelling. <input type="checkbox"/> Include an ADU within a single-family, detached dwelling at the time of its construction. <input type="checkbox"/> Convert an existing, detached accessory structure. <input type="checkbox"/> Construct a separate, detached ADU on the same lot as the primary dwelling unit.			
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3.	Which of the two units will be the designated "owner occupied" unit? <input type="checkbox"/> Principal Dwelling <input type="checkbox"/> Accessory Dwelling Unit			
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4.	If the ADU is a new addition or detached building, please provide elevations (drawings) of the ADU with the primary dwelling unit to demonstrate how the ADU matches the design of the existing/principal dwelling with regards to materials, colors, window styles, and roof styles.			
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ADDITIONAL REQUIRED INFORMATION:

5.	<input type="checkbox"/> A dimensioned site plan showing the following features must be provided: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> <ul style="list-style-type: none"> ▪ Lot lines ▪ Building footprints of all existing and proposed structures ▪ Distances of structures to lot lines ▪ Driveways </td> <td style="width: 50%; border: none;"> <ul style="list-style-type: none"> ▪ Fields line and septic areas ▪ Location of off-street parking in accordance with the Jasper Zoning Ordinance ▪ Proposed ADU entrance locations </td> </tr> </table>				<ul style="list-style-type: none"> ▪ Lot lines ▪ Building footprints of all existing and proposed structures ▪ Distances of structures to lot lines ▪ Driveways 	<ul style="list-style-type: none"> ▪ Fields line and septic areas ▪ Location of off-street parking in accordance with the Jasper Zoning Ordinance ▪ Proposed ADU entrance locations
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	<input type="checkbox"/> A dimensioned floor plan showing cooking, bath and living areas.					

NOTE: Compliance with all applicable requirements must be accomplished and maintained in order to construct/establish and occupy an accessory dwelling unit. By pursuing the authorization for an accessory dwelling unit, you are committing to do such.

I hereby certify that the information contained in this application is true and correct to the best of my knowledge and belief.

Applicant's Signature	Applicant's Name (Printed)	Date
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STAFF USE ONLY

Approved By:	Date:
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ACCESSORY DWELLING UNITS (ADUs)

INFORMATION AND APPLICATION

Accessory Dwelling Units are habitable living units added to, created within, or detached from a single-family dwelling. These units contain facilities for living, sleeping, eating, cooking and sanitation.

Jasper allows ADUs in its residential zones as long as they meet the criteria of the Jasper Zoning Ordinance. A copy of these regulations are attached. Please refer carefully to the Jasper ADU criteria and permitting requirements when planning your project.

If the proposed ADU fails to meet the criteria outlined in the Zoning Ordinance, the proposed ADU cannot be established unless approved by the Board of Zoning Appeals.

APPLICATION PROCESS

ADU application is attached. We require that the applicant provide certain information to prove that the proposed ADU meets Jasper's standards. This will include a notarized and recorded affidavit by which the property owner agrees to adhere to the ADU standards established in the Town of Jasper Zoning Ordinance, including the requirement that one dwelling unit be owner occupied. The property owner must submit the signed and recorded *Declaration of Covenant for Accessory Dwelling Unit* to Town Hall prior to making application for a Building Permit for the ADU from the Building Inspector. Proof of the recorded Declaration of Covenant must be provided to the Town before the building inspector can issue a certificate of occupancy.

BUILDING PERMIT

Once the ADU permit is approved, the applicant may then apply for a Building Permit. (For more information on the Building Permit process and fees please contact the the Building Inspector.

After Recording, Please Return To:

Town of Jasper Town Hall
4460 Main Street
Jasper, TN 37347

DECLARATION OF COVENANT FOR ACCESSORY DWELLING UNIT

We, the undersigned, hereby certify that we are the owners of real property located in Jasper, Tennessee, legally described as follows:

{INSERT LEGAL DESCRIPTION OF PROPERTY }

This existing residence on said property is identified by the following address:

{INSERT PROPERTY ADDRESS}

WHEREAS, the Owner(s) desire to construct and maintain an Accessory Dwelling Unit (ADU) on the subject property and the Town desires to ensure that the Accessory Dwelling Unit is built and maintained in accordance with the requirements of the Jasper Zoning Ordinance;

WHEREAS, the Owner(s), have read and agree to abide by the Accessory Dwelling Unit standards and criteria set forth in the Jasper Zoning Ordinance;

NOW, THEREFORE, the Owner(s) agree as follows:

In consideration of the issuance by the Town of Jasper of an Accessory Dwelling Unit (ADU) permit for the creation or construction of one ADU, we, the Owner(s) do covenant and agree to and with Jasper, pursuant to the Jasper Zoning Ordinance requirements for ADUs that:

- 1) One of the two dwelling units (either the principal dwelling or ADU) shall be occupied by the owner of the property, as the property owner's principal and permanent residence, for at least six (6) months out of the year;
- 2) and, The accessory dwelling unit (ADU) shall maintain its architectural compatibility with the primary residence.

The Owner(s) further covenant and agree that in the event there is a violation of any of the above conditions, or the standards contained in the Jasper Zoning Ordinance, the ADU approval shall be revoked, occupancy of the ADU shall immediately cease, and the Owner(s) shall provide for the removal or legal reuse of all improvements added to create the ADU.

In the event that the ownership of this property is to be transferred, the Owner(s) further agree to inform any prospective purchasers of the existence of this agreement and of the need to maintain compliance with the Town of Jasper's ADU requirements.

This covenant and agreement shall run with the land and shall be binding upon the Owner(s), their successors, and assignees in interest, and shall continue in effect so long as said Accessory Dwelling Unit shall remain, unless otherwise released or revoked by authority of the Jasper Municipal Planning Commission.

Dated this _____ day of _____, 20____.

Owner

Owner(s) Signature

Witness my hand and official seal at _____, Tennessee, this ____ day of _____, 20____.

My Commission Expires: _____

Notary Public

THEREFORE, BE IT FURTHER ORDAINED, that this ordinance shall become effective upon final reading and passage by the Jasper Board of Mayor and Aldermen, **THE PUBLIC WELFARE REQUIRING IT.**

FIRST READING: _____ **Ayes** _____ **Nays** _____

FINAL READING: _____ **Ayes** _____ **Nays** _____

Mayor

Approved as to Form

ATTEST _____

City Recorder

Town Attorney

Date of Public Hearing: _____

A signed copy of this ordinance shall be returned to the Southeast Tennessee Development District to be incorporated in the official Zoning Ordinance for the Town of Jasper.