

# TOWN OF MONTEAGLE ZONING ORDINANCE

Prepared by the Monteagle Regional Planning Commission

Adopted: January 25, 2021

Updated 4/24/2023 with amendments to date

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(Insert Monteagle Board of Mayor and Aldermen Ordinance Approving Zoning Ordinance Once Approved)

# TOWN OF MONTEAGLE ZONING ORDINANCE

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WITH RECOGNITION AND GRATITUDE OF THE EFFORTS OF THOSE CITIZENS  
WHO ENACTED THE FIRST ZONING ORDINANCE OF THE TOWN OF MONTEAGLE  
ADOPTED FEBRUARY 23, 1984 AND EFFECTIVE THROUGH AUGUST 13, 2018 AND BEYOND:

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Adopted January 25, 2021

AMENDMENTS

Amendment (Ordinance No.)	Date	Summary of Changes
20-21	11/15/2021	Remove section 1207.C
21-23	01/31/2022	Include additional land uses in R-3 zoning district
21-27	01/31/2022	Increase building height in commercial and industrial zoning districts
07-22	04/25/22	AMEND SECTION 708 PLANT CLASSIFICATIONS
10-22	07/25/22	INCLUDE CAMPGROUNDS AS A USE GRANTED UPON APPROVAL OF A SPECIAL EXCEPTION in R-3
11-22	08/29/22	INCLUDE APARTMENTS AS A USE GRANTED UPON APPROVAL OF A SPECIAL EXCEPTION in C-2
04-23	04/24/23	Accessory Dwelling Units Ordinance
05-23	04/24/23	Increasing Site Plan Submittal Deadline to 30 days
06-23	04/24/23	Amending Rear Setbacks for Loading Zones in Commercial and Industrial Districts

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## DEVELOPER'S QUICK REFERENCE

The Town of Monteagle supports growth and development in our community, especially small businesses and residents who want to invest in their property. The requirements outlined in this zoning ordinance have been adopted to provide certain minimum standards that will protect public health and safety and provide for quality, orderly development of the town's commercial areas and residential neighborhoods. Every effort has been made to preserve individual property rights while also protecting other citizens and businesses from unsafe and incompatible land uses. This quick-reference guide outlines the basic steps to develop property in Monteagle. The town's staff and planning commission are available to help and assist any person needing assistance.

### Monteagle City Hall

Open 8:00-5:00 Central Time, Monday through Friday

Phone: (931) 924-2265

Email: monteagleinfo@blomand.net

Physical Address: 16 Dixie Lee Avenue, Monteagle, TN 37356

Mailing Address: P.O. Box 127, Monteagle, TN 37356

Planning Commission meets 6:00 PM (Central Time Zone) the first Tuesday every month.

### How to use this zoning ordinance:

First, identify the zoning classification of your property by looking at the zoning map, which is available at city hall. You can also confirm the zoning of your property by contacting the Monteagle building inspector.

Zoning District Name	District Abbreviation
Low-Density Residential District	R-1
Medium-Density Residential District	R-2
High-Density Residential District	R-3
General Residential District	R-4
Corridor Commercial District	C-1
Highway Commercial District	C-2
Interchange Commercial District	C-3
Industrial District	I-1
Institutional Development District	I-D

### **What can I put on my property? [Section 501]**

Once you have confirmed the zoning district in which your property is located, look to see which land uses—the types of buildings, businesses, and residences—are allowed in that zoning district by checking the Schedule of Permitted Uses in Section 501.

### **Dimensions and Setback Requirements [Chapter 4]**

Most buildings must be placed a certain minimum distance from the property lines to provide adequate light, air, and open space throughout the town's commercial districts and residential neighborhoods. Height limitations ensure neighborhoods maintain a uniform character and are protected from high-intensity developments that would disrupt the Monteagle's historical development patterns. Setback, height, and other dimensional requirements are provided in Chapter 4.

### **Lot Sizes for Purposes of Subdividing Property [Chapter 4]**

Applicants subdividing property for a new residential development or any other purpose should likewise refer to Chapter 4 for lot size requirements in each zoning district. Otherwise, the requirements for subdividing and plat approval process are contained in the Monteagle Subdivision Regulations, which are available on the town's website.

### **Specific Development Requirements [Chapter 5]**

Some land uses have special requirements that have been enacted to ensure safe, harmonious, and desirable development within the Town of Monteagle. These are included in Chapter 5. Developments in these categories are expected to comply with all applicable additional requirements.

### **Parking Requirements [Chapter 6]**

Most land uses have specific on-site parking requirements. Developments with new parking lots, expansions of existing parking lots, or owners paving a parking lot for the first time should consult Chapter 6 for the applicable parking design, landscaping, and ADA requirements.

### **Landscaping Requirements [Chapter 7]**

New developments and certain other projects may be required to install landscaping or screening. The purpose of this landscaping is to beautify the town and to provide separation between incompatible land uses. A development requiring landscaping must have the landscaping plan approved by the planning commission. Landscaping requirements may be found in Chapter 7. Developers concerned about the landscaping requirements should check to see if an Alternate Landscaping Plan as permitted in Section 710 would be more suitable for their project.

### **Sign Requirements [Chapter 9]**

Sign permits are required for all signs in the Town of Monteagle, unless exempted under Section 906. Developers applying for a sign, and anyone constructing, installing, displaying, or changing a sign on their property, whether permanent or temporary, should consult Chapter 9 for any applicable sign requirements. Signs for new commercial, industrial, and multifamily residential projects will likely need to have the sign design presented to the planning commission along with the site plan for approval before a sign permit is issued.

### **Site Plans (Commercial, Industrial, and Multifamily Residential Developments) [Chapter 10]**

A site plan shows the scheme for a proposed development and is usually required before a building permit is issued for new commercial, industrial, or multifamily residential construction. In most cases, site plans are prepared by a licensed surveyor, architect, or engineer, and must have an original stamp.

Site plans must be submitted to the planning commission for approval. Exceptions to the site plan requirement are listed in Section 1002. In addition to the proposed buildings, the site plan also includes detailed layouts of parking lots, landscaping, utilities, driveways, signs, site drainage, and other elements. Full requirements for site plans are in Chapter 10.

#### **Sketch Plans (Single-Family Homes, Duplexes, and Other Qualifying Developments) [Section 1009]**

To obtain a building permit for a single-family home, duplex, or qualifying development that is exempt from the site plan requirements under Section 1002, an applicant should prepare a sketch plan in accordance with Section 1009. Sketch plans may be prepared by the applicant and do not necessarily require a stamp from an architect, surveyor, or engineer. Sketch plans are submitted to the enforcement officer (building inspector) and do not need to be presented to the planning commission.

#### **Variances [Section 1106]**

If your property or proposed development has unique characteristics where the zoning requirements prevent you from using your land or create an unnecessary hardship, application for a variance may be made to the board of zoning appeals (BZA). Applicants should understand that the BZA has very limited grounds for which it can grant a variance under state law, and the variance process should not be viewed as an opportunity to save money or circumvent a particular zoning requirement. The narrow grounds for which a variance may be granted are listed in Section 1106. Applicants requesting a variance must complete and submit the required application and pay any mandated fees.

#### **Development in Floodplains**

Development in floodplains presents a risk to life and property and must therefore comply with the Flood Damage Prevention Ordinance of the Town of Monteagle. Applicants can determine if their property is in a floodplain by using FEMA's website or by contacting Monteagle City Hall. Buildings in a floodplain may be required to elevate or flood-proof all buildings on site.

#### **Restrictive Covenants**

Some subdivisions and pieces of property have private deed restrictions or restrictive covenants limiting the use of the property. The Town of Monteagle does not check deed restrictions when issuing building permits or determining zoning compliance, nor is the town responsible for enforcing deed restrictions or restrictive covenants. However, in no case will a building or land use be permitted that is in violation of this zoning ordinance, regardless of whether it is permitted or required by any private restriction or covenant.

### **General Development Checklist**

*This checklist is intended to be a guide for property owners and developers and it not a legal document or certification that any zoning requirement or other requirement of the Town of Monteagle or State of Tennessee has been met.*

#### **Single-Family Residences & Duplexes**

- ☐ Submit a Sketch Plan to the zoning enforcement officer (building inspector).
- ☐ Submit blueprints and other documents required for approval.
- ☐ Submit a copy of your septic permit, if required.
- ☐ Apply for and receive a building permit from the building inspector.

#### **Commercial, Industrial, and Multifamily Developments**

- ☐ Consult with the Town of Monteagle to determine utility availability
- ☐ Determine if a site plan is required. If required, it is recommended—and may be required—that a licensed architect, surveyor, or engineer prepare and stamp the site plan. Site plans must be submitted to and approved by the Monteagle planning commission.
- ☐ If a new parking lot is being built or existing parking lot modified, paved, or expanded, ensure it complies with Chapter 6 and that the parking lot design is shown on the site plan.
- ☐ If landscaping is required under Chapter 7, make sure a detailed landscaping plan is included with the site plan as well.
- ☐ If your development includes a new or replacement sign, the design should be submitted at the time of site plan approval or prior to construction (see Chapter 9).
- ☐ Complete and submit a sign permit application, if the development includes a sign.
- ☐ Submit three copies of the site plan and all required applications and materials at least 14 calendar days before the next planning commission meeting. Meetings are held the first Tuesday each month, unless rescheduled due to holidays.
- ☐ Make any corrections or revisions that may be requested by planning staff before the meeting. Bring five copies of the final revised site plan to the meeting.
- ☐ Attend the planning commission meeting where your project is on the agenda.
- ☐ Once the site plan has been approved and signed by the planning commission, apply for a building permit from the Monteagle building inspector. This may require submission of blueprints, copies of state permits, and other materials.
- ☐ Develop your property in accordance with the approved site plan.
- ☐ After the final inspection, receive a Certificate of Occupancy from the building inspector.

# CHAPTER 1

## INTRODUCTION

### 101 Authority from State Enabling Legislation

Authority is granted to the chief legislative body under Sections 13-7-201 through 13-7-401 of 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.

### 102 Title

This ordinance shall be known as the "Town of Monteagle Zoning Ordinance," and may be referred to as "zoning ordinance." The accompanying map illustrating the various districts and district boundaries as detailed in this ordinance shall have the title, "Town of Monteagle Zoning Map," and may be referred to as "zoning map." All explanatory matter on the zoning map is hereby adopted and made a part of this ordinance, subject to amendment as provided for in Section 1207 of this ordinance.

### 103 Purpose

These zoning regulations and districts contained in this ordinance have been carefully prepared and defined in accordance with a comprehensive plan for purposes of protecting the public health by providing, through setback requirements and other means, adequate light and air between buildings, and through density standards, the avoidance of extreme concentrations of population; providing for the public safety by lessening congestion in the streets through adequate access control provisions, fire hazards through adequate setbacks, and flood hazards through land use controls for identified flood areas; fostering 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; promoting general livability by calling for the provision of utilities and other public facilities; and enhancing 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.

## CHAPTER 2

### GENERAL PROVISIONS

#### **201 Applicability**

This zoning ordinance applies to all land and land uses in Monteagle. No building or land shall hereafter be used and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, whether operated for or without compensation. No building or structure, whether conforming or non-conforming, shall be changed, expanded, or any way altered except in conformance with the provisions of this ordinance.

#### **202 Emergency Access**

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.

#### **203 E-911 Addresses**

All structures shall display address numbers visible for emergency purposes. Single-family residential structures and all other structures requiring an address shall display address numbers that are a minimum of 4 inches in height and legible from the public right-of-way. These may be affixed to the building or a mailbox. All buildings and structures in the Town of Monteagle shall be brought into compliance with this requirement by January 1, 2019.

#### **204 Water Mains and Fire Hydrants**

Adequate water mains and fire hydrants shall be provided in accessible places in accordance with sound firefighting and fire prevention practice acceptable to the Town of Monteagle.

#### **205 Runoff and Drainage**

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, and improvements shall be made in accordance with sound engineering principles.

#### **206 Erosion and Soil Control**

Adequate provision shall be made to control the slippage, shifting, erosion, accretion, and subsidence of soil. Copies of any permits required by the Town of Monteagle, Tennessee Department of Environment and Conservation, U.S. Army Corps of Engineers, or other entity for land-disturbing activities shall be retained onsite for the duration of project activities and shall be made available for inspection by the Town of Monteagle or enforcement officer upon request.

#### **207 Sanitary Sewage Disposal**

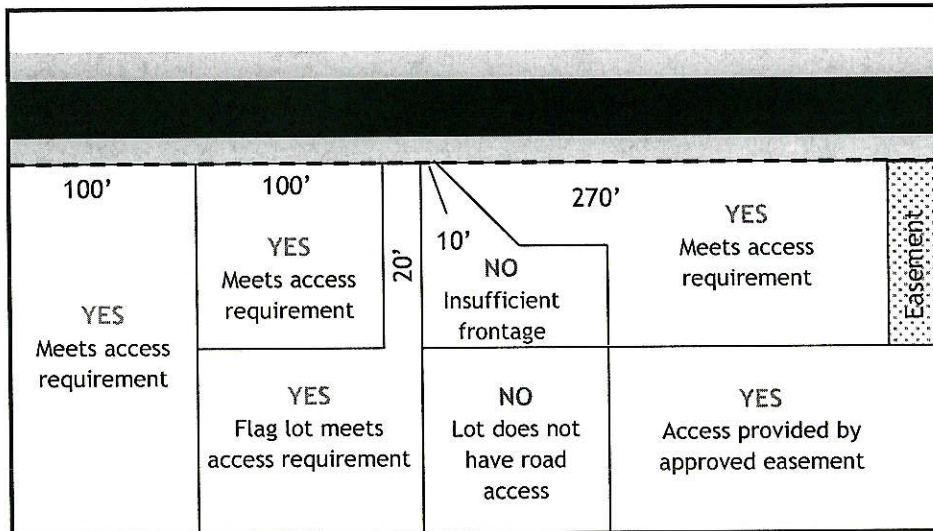
Adequate provision shall be made for the collection and disposition of all on- and off-site sanitary sewage in accordance with all applicable standards of the Town of Monteagle or jurisdictional health authority.

Unless otherwise stated in this ordinance, no more than one (1) principal building and its customary accessory buildings shall be erected on any single lot. This provision shall not apply to developments such as PUDs, shopping centers, or multifamily uses where multiple buildings are customarily placed on a single lot and remain under common ownership. Adequate setbacks shall be provided between individual buildings in the event the property is subdivided in the future.

The board of zoning appeals may approve a special exception from this requirement following the procedure in Section 1107 upon finding that the following criteria have been met:

- A. The location of the additional structure and its sewage disposal system is such that the property could be subdivided in the future without the need for variances.
- B. The placement of the additional structure is determined to be harmonious with the existing development and has minimal impact on surrounding properties.
- C. The additional structure does not present a threat to public health or safety, nor will it increase traffic congestion.
- D. The additional structure is permitted in the zoning district.
- E. By adding the additional structure, the total number of buildings classified as principal structures on the lot will not exceed two (2).
- F. The applicant agrees to any conditions deemed necessary by the BZA to minimize the impacts of the additional structure on adjacent properties including, but not limited to, additional landscaping, greater setbacks, and utilization of a shared driveway or access point.

No building shall be erected on a lot that does not abut an approved street or access easement for a minimum of 40 feet. The only exceptions to this frontage requirement are flag lots, provided that the access strip is a minimum of 20 feet in width along its entire length, and properties located in the C-1 Corridor Commercial District for which there are no minimum lot width or side yard requirements.



## **210 Reductions in Lot Area Prohibited**

No lot shall be reduced in area so that the minimum requirements of this ordinance are not maintained. No yard or open space provided around one building for the purpose of complying with this ordinance shall be considered as providing a yard or open space for any other building. This section shall not apply when a portion of a lot is acquired for a public purpose.

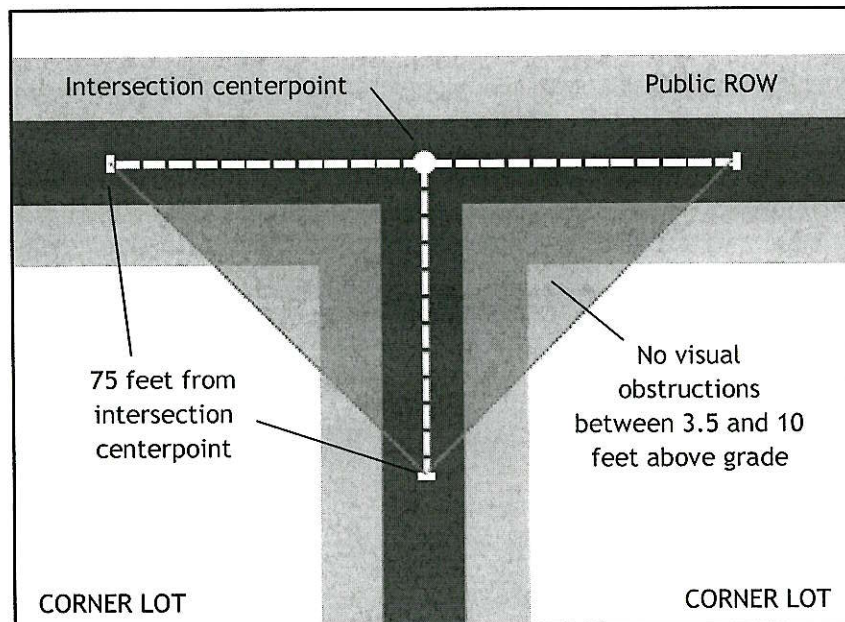
## **211 Conformance with Transportation Plan**

The width, grade, location, alignment, and arrangement of streets, sidewalks, and alleys shall conform to the Monteagle Transportation Plan and/or subdivision regulations to the extent reasonably practical.

## **212 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 75 feet from their intersection, there shall be no visual obstruction between the height of 3.5 feet and 10 feet above the average grade of each street at the centerline thereof. This shall not be construed to prohibit any necessary retaining wall.

See the illustration below regarding visual obstructions at street intersections.



## **213 Structures Regulated as Residential Uses**

Unless otherwise specified, land uses and structures intended for use as temporary or permanent living quarters by any person or persons shall be considered a residential use and regulated as such under this ordinance. The renting, leasing, or sale of such uses, units, or spaces by an owner or operator shall not constitute a commercial activity or enterprise entitling such land use to be located in a commercial district, regardless of the tax assessment, market appraisal, real estate classification, or other alleged commercial attribution.

# CHAPTER 3

## ZONING DISTRICTS AND ZONING MAP

### 301 Establishment of Zoning Districts

For the purposes of this ordinance, the following zoning districts are hereby established:

Zoning District Name	District Abbreviation
Corridor Commercial District	C-1
Highway Commercial District	C-2
Interchange Commercial District	C-3
Industrial District	I-1
Low-Density Residential District	R-1
Medium-Density Residential District	R-2
High-Density Residential District	R-3
General Residential District	R-4
Institutional Development District	I-D

### 302 Zoning District Descriptions

These descriptions define the character and establish the principles that guide development in each of Monteagle's zoning districts. If a proposed use does not specifically fit into one of the permitted land use categories, the following descriptions shall be used by the board of zoning appeals to determine whether or not such use may be permitted within the respective zoning district.

- A. **The C-1 Corridor Commercial District** is intended to provide an area for the conduct of community and regional retail and service business of an indoor and intensive nature. This especially includes 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. Small-scale industrial uses commonly associated with retail, business, or personal service activities are permitted in some circumstances. It is intended that the C-1 district have properties suitable for uses of different sizes so developed as to promote pedestrian circulation, avoid "dead" spaces between uses, and contribute to mutual business advantage. Excluded are commercial and industrial activities which are characterized by trucking other than stocking and delivery of retail goods, or which cater to automobiles, traffic, or patrons who remain in their vehicles for service. The C-1 provisions of this ordinance are intended to protect current retail businesses while encouraging the eventual elimination of uses inappropriate to the function of the corridor commercial district.
- B. **The C-2 Highway Business 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 ensure 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.

- C. **The C-3 Interchange Commercial District** is intended to 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. Excluded are those uses which do not provide services or accommodations directed towards interstate traffic.
- D. **The I-1 Industrial District** is established to provide a suitable area for land uses engaged in manufacturing and the storage and distribution of goods, to protect the surrounding land uses, to discourage uses incompatible to light manufacturing, and to protect existing industries in the district. Uses in the I-1 district include those that, because of dust, noise, odors, vibrations, dependence on heavy vehicles or machinery, and other factors, are incompatible with standard residential or commercial districts.
- E. **The R-1 Low-Density 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.
- F. **The R-2 Medium-Density 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.
- G. **The R-3 High-Density Residential District** is intended to promote the development of high-density residential developments including apartments, townhouses, and patio homes. Smaller lot sizes and reduced setbacks will allow for more units on a piece of property. When considering requests to rezone properties to the R-3 district, the planning commission and board of mayor and aldermen shall consider the impacts of increased traffic on the surrounding street networks created by such high-density residential developments. In addition, the commission shall investigate whether the existing utility infrastructure is capable of accepting the increased service demand. Environmental impacts and impacts on surrounding neighborhoods and land uses shall also be taken into consideration.
- H. **The R-4 General Residential District** is intended to promote and encourage the development of a diverse range of housing types. This includes not only low-density uses such as single-family homes, but also denser development including apartments, mobile home parks, and tiny

house developments. The intent of this district is to create adequate standards for residential 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.

- I. **The I-D Institutional Development District** is intended 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, and 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. Furthermore, 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.

#### **303                    Zoning Map**

The location and boundaries of the zoning districts established by this ordinance are bounded and defined as shown on the map entitled "Town of Monteagle Zoning Map." The zoning map or its amendments shall be dated with the effective date of the ordinance that adopted the zoning map or zoning map amendment. Certified copies of the adopted zoning map or zoning map amendment shall be maintained at town 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.

#### **304                    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.

# CHAPTER 4

## SETBACKS, BUILDING, AND LOT DIMENSIONS

### 401 Dimensions for C-1, C-2, C-3, and I-1 Districts

The following table outlines the general height, area, and dimensional requirements for Monteagle's commercial and industrial zoning districts. Unless another measurement is explicitly provided, these standards shall be in effect.

DIMENSION	C-1	C-2	C-3	I-1
Front yard setback <sup>[A]</sup>	0 feet	30 feet	40 feet	30 feet
Rear yard setback (standard)	0 feet	10 feet	10 feet	30 feet
Rear yard setback (when serviced from the rear) <sup>[C]</sup>	30 feet	30 feet	30 feet	30 feet
Rear yard setback (when abutting a public street)	Equal to the front yard setback required for adjacent properties fronting the rear street			
Side yard setback (standard)	0 feet	10 feet	10 feet	20 feet
Side yard abutting a local street, alley, or cul-de-sac	25 feet	25 feet	25 feet	25 feet
Side yard abutting a major thoroughfare or collector road	35 feet	35 feet	35 feet	35 feet
Setback when abutting any residential district (applies to front, side, and rear yard)	25 feet	25 feet	25 feet	50 feet
<u>Minimum lot size:</u>				
Public water + sewer	0 ft <sup>2</sup>	10,000 ft <sup>2</sup>	10,000 ft <sup>2</sup>	15,000 ft <sup>2</sup>
Public water + septic system <sup>[B]</sup>	15,000 ft <sup>2</sup>	15,000 ft <sup>2</sup>	15,000 ft <sup>2</sup>	20,000 ft <sup>2</sup>
Private well + septic system <sup>[B]</sup>	25,000 ft <sup>2</sup>	25,000 ft <sup>2</sup>	25,000 ft <sup>2</sup>	25,000 ft <sup>2</sup>
Lot width at building setback line	0 feet	75 feet	75 feet	150 feet
Maximum building height**	3 stories or 40 feet	3 stories or 40 feet	3 stories or 40 feet	3 stories or 40 feet

\*\*Building height may be increased as a special exception per Section 1107 of this ordinance. Developments that exceed the maximum established height shall provide adequate fire suppression in the event that reciprocating fire protection is unavailable. Property Owners / Developers shall understand the risk that this increase in building height causes in the event of a fire.

- A. The setback measurement shall apply to the principal building. Accessory structures, fencing, landscaping, parking areas, signs, and other permitted structures may be placed within the setbacks in accordance with the provisions of this ordinance.
- B. TDEC or the county health authority may require larger lot sizes when a septic system is utilized. The planning commission may approve smaller lots if TDEC has certified that the smaller area is adequate for a septic system, but not smaller than 10,000 square feet.
- C. Commercial properties may instead provide an alternate loading and unloading zone per Section 604, as an alternative to a 30' rear yard setback for service area. In such cases, the rear yard setback will be considered "Standard." All other setbacks, screening, landscaping, and other requirements of this code shall still apply. Subject to approval of the planning commission. (added 4/24/23)

The following table outlines the general height, area, and dimensional requirements for Monteagle's residential and institutional zoning districts. Unless another measurement is explicitly provided, these standards shall be in effect.

DIMENSION	R-1	R-2	R-3	R-4	I-1
Front yard setback <sup>[A]</sup>	30 feet	30 feet	30 feet	30 feet	25 feet <sup>[D]</sup>
Rear yard setback (standard)	20 feet	20 feet	25 feet	25 feet	25 feet <sup>[D]</sup>
Rear yard setback (when abutting a public street)	Equal to the front yard setback required for adjacent properties fronting the rear street				
Side yard setback (standard)	15 feet	15 feet	15 feet	15 feet	5 feet <sup>[D]</sup>
	+5 feet for each additional story over two				
Side yard abutting a local street, alley, or cul-de-sac	25 feet	25 feet	25 feet	25 feet	25 feet <sup>[D]</sup>
Side yard abutting a major thoroughfare or collector road	35 feet	35 feet	35 feet	35 feet	35 feet <sup>[D]</sup>
<u>Minimum lot size:</u>					
Public water + sewer	10,000 ft <sup>2</sup>	7,500 ft <sup>2</sup>	7,500 ft <sup>2</sup>	7,500 ft <sup>2</sup>	25 acres
Public water + septic system <sup>[B]</sup>	20,000 ft <sup>2</sup>	20,000 ft <sup>2</sup>	20,000 ft <sup>2</sup>	20,000 ft <sup>2</sup>	
Private well + septic system <sup>[B]</sup>	25,000 ft <sup>2</sup>	25,000 ft <sup>2</sup>	25,000 ft <sup>2</sup>	25,000 ft <sup>2</sup>	
Maximum lot coverage <sup>[C]</sup>	40%	50%	60%	60%	40% <sup>[E]</sup>
Lot width at building setback line	100 feet	65 feet	50 feet	50 feet	
Maximum building height	2.5 stories or 35 feet	3 stories or 40 feet	3 stories or 40 feet	3 stories or 40 feet	3.5 stories or 50 feet
Minimum square footage of dwelling unit	800 ft <sup>2</sup>	600 ft <sup>2</sup>	600 ft <sup>2</sup>	0 ft <sup>2</sup>	0 ft <sup>2</sup>

- A. The setback measurement shall apply to the principal building. Accessory structures, fencing, landscaping, parking areas, signs, and other permitted structures may be placed within the setbacks in accordance with the provisions of this ordinance.
- B. TDEC or the county health authority may require larger lot sizes when a septic system is utilized. The planning commission may approve smaller lots if TDEC has certified that the smaller area is adequate for a septic system, but not smaller than 10,000 square feet.
- C. Maximum lot coverage refers to the area permitted to be occupied by all buildings including accessory structures, but not parking areas or driveways. Higher percentages may be approved by the planning commission if the development offsets the overage with green features, LEED building design, or elements to capture stormwater onsite.
- D. Within the I-D district, no free-standing building shall be closer than 10 feet to any other free-standing building. In addition, no building shall be closer than 10 feet to any exterior property line or 25 feet from any street exterior to the total site.
- E. Within the I-D district, building coverage shall not exceed 40% of the total lot area. Paved areas and driveways may cover an additional 25% of the total lot area. Higher percentages may be approved by the planning commission if the development offsets the overage with green features, LEED building design, or elements to capture stormwater onsite.

# CHAPTER 5

## LAND USE SCHEDULE AND REGULATIONS

### 501 Schedule of Permitted Uses

The following tables identify the uses permitted in each zoning district, subject to any requirements listed in the corresponding section number. Any use which is not marked as a permitted use shall be prohibited within that district. The variance process shall not be used to approve a prohibited use.

RESIDENTIAL USES	C-1	C-2	C-3	I-1	R-1	R-2	R-3	R-4	I-D	Additional Requirements
Apartments and condominiums		•					•	•	•	
Accessory Dwelling Units	•	•	•		•	•	•	•		Section 502
Customary home occupations					•	•	•	•	•	Section 519
Duplexes						•	•	•	•	
Group quarters, dormitories									•	
Mixed-use residential	•									Section 525
Mobile homes, double-wide					•	•	•	•	•	Section 526
Mobile homes, single-wide								•		Section 526
Mobile home parks								•		Section 527
Patio homes							•	•	•	Section 528
Single-family dwellings					•	•	•	•	•	
Temporary dwelling units					•	•	•	•		Section 537
Tiny houses								•		Section 539
Townhouses							•	•	•	Section 540

CIVIC AND INSTITUTIONAL USES	C-1	C-2	C-3	I-1	R-1	R-2	R-3	R-4	I-D	Additional Requirements
Assisted living facilities		•						•	•	
Cemeteries		•			•	•	•	•	•	Section 514
Charitable, fraternal, and social organizations	•	•						•	•	
Churches	•	•			•	•	•	•	•	
Clinics	•	•							•	
Correctional facilities		•							•	
Daycare centers	•	•						•	•	
Educational facilities	•	•						•	•	
Essential services	•	•	•	•	•	•	•	•	•	
Hospitals and medical facilities	•	•							•	
Nursing/convalescent homes	•	•							•	
Parks and open space	•	•			•	•	•	•	•	
Places of public assembly	•	•							•	
Public buildings and uses	•	•	•	•	•	•	•	•	•	
Rehabilitation centers	•	•							•	

BUSINESS AND COMMERCIAL USES	C-1	C-2	C-3	I-1	R-1	R-2	R-3	R-4	I-D	Additional Requirements
Adult-oriented establishments				•						Section 505
Animal and veterinary facilities (indoor)	•	•								Section 506
Animal and veterinary facilities (outdoor)		•		•						Section 506
Artisan workshops	•	•		•						Section 507
Automotive fuel sales		•	•							Section 508
Automotive body shops and service facilities		•	•	•						Section 509
Automotive wash facilities		•	•							Section 510
Banks and financial institutions	•	•								
Bed and breakfasts	•	•				•		•	•	Section 511
Breweries and distilleries	•	•	•	•						Section 512
Business and professional offices	•	•								
Commercial kennels				•						Section 516
Commercial recreation and leisure activities		•								Section 517
Convenience stores	•	•	•							Section 518
Drug stores and pharmacies	•	•								
Flea markets		•								
Funeral homes	•	•								
Golf courses and country clubs		•			•	•	•	•	•	
Greenhouses and nurseries	•	•		•	•	•	•	•	•	Section 520
Health clubs, spas, gyms	•	•								
Hotels and motels	•	•	•						•	Section 522
Liquor stores	•	•								Section 524
Mobile home and RV sales		•		•						
Personal service establishments	•	•								Section 529
Restaurants, excluding drive-ins and drive-throughs	•	•	•							Section 532
Restaurants, including drive-ins and drive-throughs		•	•							Section 532
Retail and commercial uses	•	•								
Rooming/boarding houses	•	•				•		•	•	Section 511
Service commercial uses	•	•								
Shooting ranges		•		•						Section 534
Theaters	•	•							•	
Truck stops and fueling stations			•							Section 541
Truck service facilities			•	•						Section 541
Vehicle sales and rental		•								Section 542
Wholesale sales		•		•						

INDUSTRIAL USES	C-1	C-2	C-3	I-1	R-1	R-2	R-3	R-4	I-D	Additional Requirements
General warehouses				●						
Hazardous and flammable materials sales and storage				●						Section 521
Heavy vehicle and equipment service facilities				●						
Industrial uses and services				●						
Junkyards				●						Section 523
Self-storage facilities		●		●						Section 533
Wrecker services				●						Section 543

OTHER LAND USES	C-1	C-2	C-3	I-1	R-1	R-2	R-3	R-4	I-D	Additional Requirements
Accessory structures and uses	●	●	●	●	●	●	●	●	●	Section 503
Agricultural Uses	●	●	●							Section 504
Billboards				●						Section 908
Campgrounds		●					●	●		Section 513
Cluster developments		●			●	●	●	●	●	Section 515
Planned unit developments (PUDs)					●		●	●	●	Section 530
Recreational vehicles (RVs)		●			●	●	●	●	●	Section 531
Signs, excluding billboards	●	●	●	●	●	●	●	●	●	Chapter 9
Swimming pools	●	●	●		●	●	●	●	●	Section 535
Telecommunications facilities	●	●	●	●	●	●	●	●	●	Section 536
Temporary uses	●	●	●	●	●	●	●	●	●	Section 538

**\*\*Uses highlighted in green shall only be granted upon approval of a special exception, per section 1107**

Accessory structures and uses shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

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.

- A. General Provisions for ADUs. Applications for an ADU must meet certain conditions. No variances or amendments to the following conditions shall be granted.
  1. The property owner must reside in either the principal structure or the ADU.
  2. 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.
  3. 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.
  4. 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.
  5. All newly built ADUs are required to have a separate water meter from the primary structure.
- B. Zones. Permanently installed Accessory Dwelling Units shall be permitted in any zone that allows residential uses on any parcel suitable for a single-family dwelling. ADUs may be permitted as a special exceptions use 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.
- C. Height and Area Regulations.
  1. Height: Detached ADUs cannot exceed twenty-four feet or two stories maximum. Attached ADUs must meet existing height restrictions by zone.
  2. 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.
  3. 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 a special exception to the above if an existing building or residence is being modified.
4. Setbacks:
- i. Front: Accessory Dwelling Units are not permitted in the front yard between the Principal Dwelling Unit and the front property line. However, individuals with narrow lots whose primary residences are located at the rear of the property may request a special exception from the Board of Zoning Appeals to place their ADU in the front yard.
  - 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.
5. 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.

D. Ownership.

- 1. No more than one Accessory Dwelling Unit shall be permitted on a single lot in conjunction with the Principal Dwelling Unit.
- 2. 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.
- 3. 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.

E. Health and safety requirements.

- 1. All permanently installed ADUs must meet all standards of the Town of Monteagle 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.

2. 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.
3. Site-installed features such as stairs, decks, handrails, and landings must meet all code requirements of Monteagle.

F. Design.

1. 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.
2. The Accessory Dwelling Unit shall be of a similar architectural 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.

G. 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

H. Permit Application. Property owners must apply for a permit to build or install an Accessory Dwelling Unit.

1. The application shall require sketch plan drawings and a dimensional floor plan showing cooking, bath and living areas. The drawings must show the inside and outside of the ADU. Approval is left to the discretion of the building inspector.
2. The ADU permit must be issued prior to applying for a building permit.
3. 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.
4. Prior to the issuance of a permit, a floor plan, sketch plan, and/or architectural renderings must be submitted to the building inspector showing the proposed interior and exterior of the ADU.
5. 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 Monteagle 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.

- I. 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.
- J. Abandonment of an ADU. A property owner may choose to abandon an ADU by meeting the following criteria:
  1. 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.
  2. The kitchen facility must be removed from the ADU so that it is no longer a self-sufficient unit.
  3. Inspections by the Monteagle Building Inspector will be required to ensure that all regulations are followed.
  4. An instrument is recorded in the register's office stating that the ADU no longer exists.

#### **503                      Accessory Structures and Uses**

Accessory structures and uses shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Each accessory use and structure shall:
  1. Be customarily incidental to the principal use established on the same lot.
  2. Be subordinate to and serve the principal use.
  3. Be subordinate in area, intent, and purpose of the principal use.
  4. Contribute to the comfort, convenience, or necessity of users of the principal use.
- B. In residential districts, accessory structures shall be located no closer than half of the required setback for principal structures to any property line.
- C. No accessory structures shall be placed within the front yard setback unless approved by the planning commission.
- D. The combined area of all principal and accessory structures shall not exceed the maximum lot coverage limits set forth in Chapter 4.

#### **504                      Agricultural Uses**

This use includes agriculture, animal husbandry, gardening, tilling of soil, the raising of crops, and horticulture, 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.

- A. Agricultural uses are allowed within the limits of Monteagle if the property exceeds 50 acres in size.

**505 Adult-Oriented Establishments**

Adult-oriented establishments shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Prior to the establishment, operation, relocation, expansion, or change in use of any adult-oriented establishment, the owner or applicant shall apply for and receive a Special Exception permit from the board of zoning appeals. However, this provision shall not apply an existing legal operation undergoing routine renovations or remodeling, provided that the use is not expanding its square footage or changing the use of the existing adult-oriented establishment.
- B. No adult-oriented establishment shall locate within 500 feet of:
  - 1. Any boundary of an R-1, R-2, R-3, R-4, or I-D district.
  - 2. A residential use within any zone.
  - 3. The nearest property line of a park, 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.

- C. The applicant shall supply site plans, maps, surveys, or other such special information as might reasonably be required by the BZA for use in making a thorough evaluation of the proposal. The enforcement officer shall be responsible for measuring, evaluating, and advising the BZA regarding compliance of a proposed adult-oriented establishment with the special restrictions set forth herein.
- D. Expansion, relocation, substantial misrepresentation, violation of any of the terms of this ordinance, 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 of the approval shall constitute grounds for revocation after notice and hearing before the board of zoning appeals.

**506 Animal and Veterinary Facilities**

Animal and veterinary facilities shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. All outdoor animal and veterinary facilities shall be located a minimum of 100 feet from the closest residential district.

**507 Artisan Workshops**

Artisan workshops shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Within the C-1 district, artisan workshops shall be limited to operations which employ no more than five people per shift and which include a retail area offering sales of the products made on-site. This restriction shall not apply to artisan workshops in other districts.

#### **508 Automotive Fuel Sales**

Establishments with automotive fuel sales shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. To allow for vehicular circulation, there shall be a building setback from all street right-of-way lines of not less than 40 feet, except for canopies designed to cover the gasoline pump islands. The 40-foot setback also applies to fuel pumps.

#### **509 Automotive Body Shops and Service Facilities**

Automotive body shops service facilities shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. All damaged, wrecked, undriveable, and inoperable vehicles, and any salvage vehicles used for parts, shall be contained indoors or entirely within a screening fence as set forth in Section 715, except for driveway areas.
- B. Automotive body shops where five or more motor vehicles of any kind are located which are incapable of operation, exposed to the weather, and which may be used for salvage or spare parts shall be considered "junkyards" under the provisions of this zoning ordinance and regulated as such.

#### **510 Automotive Wash Facilities**

Automotive wash facilities shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Automotive wash facilities shall provide stacking lanes sufficient to prevent vehicles from blocking traffic or any public right-of-way.

#### **511 Bed and Breakfasts, Rooming Houses, and Boarding Houses**

Bed & breakfasts, rooming houses, and boarding houses shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Permits. No building permit or certificate of occupancy shall be issued without approval by the planning commission.
- B. Location. Operations shall be located and conducted in the principal building only.
- C. Operator occupied. Proprietors of the boarding houses, rooming houses and bed and breakfasts shall be permanent residents of the dwelling in which it is located. As permanent residents, they shall keep separate and distinct sleeping quarters from all guests. No more than two paid assistants may be employed.
- D. Number of rental units. No more than three bedrooms shall be for rent at any one time at any one boarding house, rooming house and bed and breakfast establishment.
- E. Length of stay. Lodging of guests shall be limited to no more than 10 days during any one stay.
- F. Food services. Meals for other than owners and staff shall be restricted to breakfast for paid house guests only. Breakfast hours shall be limited to from 4:00 a.m. to 11:00 a.m.

- G. Appearance. The residential character and appearance of the home shall not be changed by the establishment of a boarding house, rooming house, or bed and breakfast operation.
- A. Advertising. Signage shall comply with Chapter 9.
- H. 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.
- I. Code compliance. All applicable federal, state, and municipal codes, including municipal fire, building, and electrical codes shall be complied with as a condition of approval.
- J. Other conditions. The planning commission may attach other conditions deemed necessary during the approval process to protect surrounding properties and preserve the character of the neighborhood.

## **512 Breweries and Distilleries**

Breweries and distilleries shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Within the C-3 district, brewing and distilling operations shall only be approved if they are collocated within a restaurant or on the same lot. Otherwise, no standalone breweries or distilleries shall be permitted within the C-3 district.
- B. Breweries and distilleries shall comply with all municipal code requirements and other Monteagle ordinances regulating the location and permitting of establishments involved in the manufacture or sale of alcoholic beverages.

## **513 Campgrounds**

Campgrounds contain designated sites or cabins intended to be used or rented for temporary occupancy by campers, travel trailers, tents, tiny houses on wheels (THOWs), recreational vehicles (RVs), and park model RVs (hereinafter collectively referred to as "camping facilities"). Campgrounds shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Site plan required. A site plan meeting the requirements of Section 10 and showing the campground layout with individual sites intended for each type of camping facility shall be submitted to and approved by the planning commission prior to establishing any campground.
- B. Minimum lot area. No new campground shall be established on any lot less than 3 acres in size.
- C. Campsite area and spacing. Each campsite shall have a minimum area of 1,000 square feet, regardless of the type of camping facility designated for that site. In addition, each site shall be arranged so that no camping facility is placed within 10 feet of any other camping facility or building.
- D. Roads and emergency access. Streets shall be constructed in accordance with Section 615.
- E. Tree requirements. No campsite shall be located more than 20 feet from a tree. If new trees are planted to meet this requirement, they shall meet the specifications for a Class I or Class II shade tree in Section 708.

- F. Utility hookups. Utility hookups and installations shall meet all requirements of the Town of Monteagle. Sewage disposal facilities shall connect to an approved underground sewage disposal system or public sewer system.
- G. Restrooms and sanitation. Restrooms with showers, sinks, and flush toilets sufficient to serve all campers shall be provided at one or more convenient locations within the campground and shall be accessible to campers 24 hours per day. These facilities shall be cleaned at least once daily. Trash shall be collected from all campsites at least once daily.
- H. No permanent installations. RVs and travel trailers shall remain readily mobile. Nothing may be attached to a recreational vehicle or placed in a manner that would prevent or hinder the immediate removal of the recreational vehicle.
- I. Valid registration. All camping facilities on wheels located in the Town of Monteagle must have a Recreational Vehicle Industry Association (RVIA) decal and current registration and/or vehicle license.
- J. Town ordinances in effect. All Town of Monteagle ordinances including those for noise and alcohol consumption shall be in effect within campgrounds. It is encouraged that these ordinances be incorporated into campground rules and shared with all guests.
- K. Maximum length of stay. No camping facility may be located or occupied within the Town of Monteagle more than 14 consecutive days. This shall not apply to site-built cabins or other permanent structures meeting the requirements of this ordinance.
- L. ADA accessibility. At least one of the campsites shall be ADA-accessible.

#### **514 Cemeteries**

Cemeteries shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. No person shall develop, construct, or maintain a cemetery unless a site plan has been approved by the planning commission.
- B. Cemetery sites shall have direct access to a thoroughfare via a safe, high-visibility intersection.
- C. New cemeteries shall be located on a site containing not less than 10 acres.
- D. A site plan showing the following, in addition to other required elements, shall be submitted to the planning commission for approval:
  - 1. Locations of burial plots.
  - 2. Pedestrian and vehicular access ways.
  - 3. Locations of all structures including, but not limited to, mausoleums, permanent monuments, or maintenance buildings.
- E. Pedestrian and vehicular access ways shall be prepared before lots are sold.
- F. All structures, including but not limited to mausoleums, permanent monuments, or maintenance buildings, shall be set back not less than 25 feet from any property line or street right-of-way line.
- G. All graves or burial lots shall be set back not less than 25 feet from any property line or street right-of-way line.

- H. Cemetery yards shall be mowed and maintained as needed.

## 515 Cluster Developments

Cluster developments allow greater flexibility for creative design and superior scenic quality through preservation of sensitive environmental areas and efficient use of land. Instead of a conventional subdivision, which traditionally results in buildings spaced evenly throughout the site, cluster developments allow for individual lot and setback requirements to be reduced so as to group or "cluster" the buildings on a portion of the site. Typically, the building clusters are off-set with permanent open space and recreational areas. Cluster developments could include small-lot homes surrounded by preserved woodlands in residential zones, or multi-use complexes with dedicated open space in commercial zones.

Cluster developments shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Site plan and subdivision plat required. A site plan and subdivision plat showing the entire property to be developed as a cluster development shall be submitted for review and approval by the planning commission. All improvements shall be installed in accordance with the minimum standards set forth in the Monteagle subdivision regulations.
- B. Permitted uses. No use shall be permitted within any cluster development which is not specifically permitted in the underlying zone. Mobile homes shall be prohibited in cluster developments.
- C. Utilities. All land proposed for development under the cluster development regulations shall be provided with an adequate public water supply and approved means of sewage disposal.
- D. Area minimum. No cluster development shall be approved on a tract which is smaller than 5 acres in size.
- E. Setbacks and lot dimensions. Setbacks and other lot dimensions may be reduced from the minimum requirements of the underlying zoning district for interior lots, provided that the overall layout for the cluster development is orderly and will not create development conditions that impede traffic flow or present a threat to public health or safety. However, exterior lots shall meet the setback requirements for the underlying zoning district. The planning commission shall approve the final proposed setbacks and lot dimensions.
- F. Density. The maximum density for the entire site shall not exceed the maximum density of the underlying zone, unless a density bonus is granted as outlined in this section. 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.
  1. An increase in density, not to exceed 10%, may be granted for incorporating the following provisions into the development:
    - a. Providing additional recreational uses and facilities, or imagination in recreation design such as providing club houses, swimming pools, tennis courts and other major facilities;
    - b. Developing a system of pedestrian walkways for safe circulation to schools, churches, shopping and other traffic generators.

2. An additional increase in density, not to exceed 10% may be granted for providing superior aesthetics within a development by:
    - a. Providing enclosed or subsurface parking where applicable;
    - b. Providing a comprehensive fencing or screening system which offers the greatest possible degree of privacy.
  3. The developer shall submit documentation, plans and drawings as necessary to justify density increases.
- G. Local open space. A minimum of 40% of the total acreage shall be held for open space meeting the following criteria:
1. Natural areas such as forests, meadows, marshes, areas of rugged terrain, and historic sites. Parks may also be included. Walking, hiking, and bike trails may be used to access these sites and transform the natural area into a recreational space.
  2. Dedications for public trails and multimodal facilities.
  3. Developed recreational areas such as ball fields, horse walking areas, and golf courses, provided that such facilities are limited to use by the owners or occupants of the lots located within the subdivision.
  4. Other qualifying open space dedications as approved by the planning commission.
  5. The subdivision plat shall show all areas and acreages of land to be dedicated as open space.
- H. 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:

1. The legal framework for a homeowner's association, consisting of articles of incorporation and by-laws which guarantee as a minimum:
  - a. 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.
  - b. That when more than 50% of the lots within the subdivision are sold, there shall be a special meeting of the homeowner's association within 60 days.
2. 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:
  - a. Responsibility for paying a pro-rata share of the cost of the homeowner's association operation.
  - b. Agreement that the assessment levied by the association can become a lien on the property if not paid.

- c. Agreement that the association shall be able to adjust the assessment to meet changed needs.
- d. Guarantee of permanent unrestricted right to utilize lands and facilities owned by the association.

#### **516 Commercial Kennels**

Commercial kennels shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. All commercial kennels shall be located a minimum of 250 feet from the boundary of any residential district.

#### **517 Commercial Recreation and Leisure Activities**

Commercial recreation and leisure activities (e.g. go-carts, mini-golf, waterparks, archery ranges, etc.) shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Any outdoor use with motorized vehicles such as go-carts, and any use with outdoor sound amplification, shall be located a minimum of 250 feet from the boundary of any residential district.

#### **518 Convenience Stores**

Convenience stores shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Convenience stores collocated with automotive fuel sales, truck stops, fueling stations, or another land use shall be limited to the district for that use.

#### **519 Customary Home Occupations**

Customary home occupations shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- B. Permit required. No customary home occupation shall be permitted until the applicant has received approval from the planning commission, completed the required form, and paid any required fees.
- C. Permitted uses. Allowable customary home occupations include, but are not limited to: accountant, architect, artist, author, catering, contractor (office only), consulting services, counseling services, data entry, phone/internet sales, engineer, insurance agent, planner, real estate agent, small daycare (up to 5 children not related to the owner/operator), sculptor, songwriter, teacher, tutoring, traveling salesperson, and other such occupations as determined by the planning commission where intensity, nature, or manner of operation will not create a nuisance or disturbance to the residential district in which it is located.
- D. Prohibited uses. Prohibited customary home occupations include any personal service (such as a barber or cosmetologist) with more than one customer or client at a time, any business that

includes retail sales, or any activity deemed by the planning commission to be incompatible with the district or a potential nuisance to the surrounding area.

- E. 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.
- F. Customary home occupations shall not exceed 25% of the total floor area of the principal structure.
- G. No materials, equipment, or products shall be displayed or stored outside the dwelling or in a location visible from the public street.
- H. The customary home occupation shall be owned and operated by the person residing in the principal structure.
- I. No more than one person who does not reside on the premises shall be employed at the home occupation.
- J. No customary home occupation shall consist of storage for a nonresidential business occurring elsewhere.
- K. No instruction or counseling shall be provided to more than two pupils or clients at a time, unless the session is a family counseling session.
- L. No customary home occupation shall create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference that can be detected off-premises.
- M. No more than one vehicle not customarily found in a residential district shall be parked on the premises overnight.
- N. Signage for customary home occupations shall comply with Chapter 9.
- O. If the intensity, nature, or manner of operation of an approved home occupation creates a nuisance or disturbance within the residential district, the enforcement officer shall be authorized to revoke the home occupation's permit and cause for operations to be suspended. Appeals of such revocation shall be made to the board of zoning appeals.

## **520 Greenhouses and Nurseries**

Greenhouses and nurseries shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Within residential districts, only non-commercial greenhouses, nurseries, and gardens shall be permitted.
- B. Within residential districts, no greenhouse heating plant shall be operated within 25 feet of any side or rear property line.
- C. Commercial wood-chipping, mulching, and composting operations shall be prohibited in all residential districts. All such operations where the combined area of the grinding, mulching, composting, and storage operations exceed 2,000 square feet shall be limited to the I-1 Industrial district and shall be located a minimum of 250 feet from the boundary of any residential district.

## **521 Hazardous and Flammable Materials Sales and Storage**

Land uses with hazardous and flammable materials sales and storage shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Facilities and uses where hazardous and flammable materials are sold or stored shall be located a minimum of 100 feet from the boundary of any residential district. If the planning commission determines that the materials, site conditions, or other factors of a particular storage yard or facility justify a reduced setback without jeopardizing or placing at risk the health and safety of nearby residents, the setback may be reduced to the general setbacks for the applicable zoning district.
- B. Propane tanks used in personal gas grills and other such similar home-use products which are sold or filled at hardware and other retail stores shall not be considered hazardous or flammable materials for the purposes of this ordinance, and may be sold at retail establishments in any approved zoning district.

## **522 Hotels and Motels**

Hotels and motels shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Hotels and motels with truck parking shall be limited to the C-3 Interchange Commercial district.

## **523 Junkyards**

Because of the nature and character of their operations, junkyards can have a detrimental impact on surrounding properties. Junkyards tend to create problems of noise, dust, traffic, and health hazards, and many adversely affect property values by their general appearance. As such, junkyards shall comply with Title 13 of the Monteagle municipal code, all applicable general provisions of this zoning ordinance, and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Junkyards shall not be located within 1,000 feet of any residential district.
- B. In accordance with TCA 54-20-113, junkyards located within 1,000 feet of the nearest edge of the right-of-way of Interstate 24 or any primary highway shall receive the appropriate TDOT permit. A copy of this permit shall be furnished to the enforcement officer.
- C. Junkyards shall be so maintained as to be in a sanitary condition and so as not to be a threat to the public health or safety. Vehicles shall be kept so that they will not catch and hold water in which mosquitoes may breed, and so that they will not constitute a place in which rats, mice, or other vermin may be harbored, reared, or propagated.
- D. Salvage, storage, and processing operations shall be contained entirely within an enclosed screening fence as set forth in Section 715, except for driveway areas. The fence or wall shall touch the ground on the bottom and shall be constructed and maintained to prevent stray animals from accessing the junkyard. Temporary or permanent storage of any junk or salvage vehicles between the road and such fence or wall shall be prohibited.

Note: The board of zoning appeals does not possess the legal authority to grant variances from state law or the Monteagle municipal code. Therefore, no variances from any dimensional or other requirement which exceed the minimum requirements of the code will be granted.

#### **524 Liquor Stores**

Liquor stores shall comply with Title 8 of the Monteagle municipal code, all applicable general provisions of this zoning ordinance, and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Minimum building size shall be 1,200 square feet or as currently required by Section 8-108 of the Monteagle municipal code.
- B. In accordance with Section 8-112 of the Monteagle municipal code, no liquor store shall be located within 300 feet of any church, school, or playground as measured in a direct line from the front door to the nearest property line of the church, school, or playground. To demonstrate compliance with this requirement, a map showing every parcel within 300 feet of the proposed liquor store location shall be submitted to the planning commission along with the site plan. Owner and land use information for each parcel shall be shown.

Note: The board of zoning appeals does not possess the legal authority to grant variances from the Monteagle municipal code. Therefore, no variances from any dimensional or other requirement contained in the code will be granted.

#### **525 Mixed-Use Residential**

Mixed-use residential developments are intended to locate high-density housing developments in commercial zones with the goals of increasing pedestrian connectivity, making urban facilities and amenities accessible to residents, and establishing an integrated residential component that contributes to commercial activity and economic development throughout the Monteagle corridor.

Mixed-use residential developments shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Permitted housing styles. Housing styles eligible for mixed-use residential developments shall be limited to townhouses, patio homes, and apartments.
- B. Minimum number of units. All new mixed-use residential developments shall include a minimum of 4 dwelling units. Conversions of existing buildings shall be exempt from this unit minimum.
- C. Commercial space required. A minimum of 25% of the gross building square footage in mixed-use residential developments shall be reserved for commercial uses open to the general public.
- D. First floor reserved for commercial use.
  - 1. This subsection shall only apply to buildings that immediately front any of the following streets: College Street, Fairmont Avenue, Main Street, State Highway 56, Tracy Road, U.S. Highway 41, U.S. Highway 41A, West Main Street.
  - 2. In all such buildings, the entire front of the first floor visible from the public right-of-way shall be reserved for commercial use.

3. In all such buildings, residential areas shall occupy no more than 50% of the gross square footage of the first floor.
4. This subsection shall only apply to the initial building with road frontage. Other buildings located on the site may have the entire first floor dedicated to residential uses, provided that the development as a whole complies with the minimum commercial square footage requirement in subsection (C) above.
- E. Site plan and floor layouts required. Site plans showing the overall plan of development shall be submitted for review and approval by the planning commission. Floor layouts showing the square footage of all residential and commercial spaces shall also be provided, in addition to any other materials requested by the planning commission or the enforcement officer.
- F. Setbacks, building, and lot dimensions. All setbacks and dimensional requirements for the underlying zoning district shall apply.
- G. Parking. Parking for residential units shall be provided in accordance with Chapter 6 and shall be located in the rear of the building.
- H. Porch or patio required. The front entrance of each townhouse or patio home unit shall be constructed with an attached patio or covered porch which is a minimum of 60 square feet in area.
- I. Square footage. Each mixed-use residential unit shall be a minimum of 600 square feet, excluding the porch or patio.
- J. Pedestrian connectivity. ADA-accessible sidewalks shall be installed to connect the mixed-use development to the existing sidewalk system.
- K. Conditions for approval. When approving mixed-use developments, the planning commission shall be authorized to place conditions it deems necessary to ensure adequate provisions for access, circulation, parking, safety, landscaping, and building aesthetics.

## **526 Mobile Homes (Single and Double-Wide)**

Mobile homes shall comply with all applicable general provisions of this zoning ordinance, the requirements of this section, and all applicable requirements of the State of Tennessee. Where there is a conflict with another regulation or dimensional requirement within this ordinance, the standard specified in this section shall control.

- A. Building permit required. No mobile home shall be placed, occupied, located, or installed on any property in the Town of Monteagle without first obtaining a building permit.
- B. Double-Wide Mobile Homes. Per TCA 13-24-201, double-wide mobile homes are considered "Manufactured Homes," and as such, may be located in designated zoning districts the same as a standard residential dwelling. Pursuant to TCA 13-24-202, such manufactured homes shall have the same general appearance as required for site-built homes and be placed on a block foundation.
- C. Single-Wide Mobile Homes. Single-wide mobile homes are also "Manufactured Homes," but are constructed as a single self-contained unit and mounted on a single chassis. The location and placement of such structures is therefore limited to the designated zoning districts pursuant to TCA 13-24-201 (b).
- D. Code Compliance. Mobile homes shall meet all requirements of the Uniform Standards Code for Manufactured Homes Act (TCA 68-126-201 et seq.) and the Tennessee Manufactured Home

Installation Act (TCA 68-126-402 et seq.). All site-built structures such as porches shall be inspected for compliance with the building codes of the Town of Monteagle.

- E. Label Required. No mobile home shall be used, placed, stored, or serviced by utilities in the Town of Monteagle unless it has a valid label from the U.S. Department of Housing and Urban Development and corresponding data plate.

## 527 Mobile Home Parks

Mobile home parks shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Permit Requirements. From and after the date of passage of this zoning ordinance, all new mobile home parks in the Town of Monteagle shall be required to obtain a valid Mobile Home Park Permit. Application for said permit shall be made by completing the required form and paying the required fees as provided for in this ordinance.
- B. Owner responsible for park management. The property owner shall be responsible and held liable for ensuring the mobile home park is operated and maintained in accordance with all applicable ordinances and requirements of the Town of Monteagle.
- C. Site plan required. No permit for a new mobile home park shall be issued until a site plan demonstrating compliance with all applicable zoning requirements has been approved by the planning commission.
- D. Permitted uses. Permitted uses in mobile home parks include single-family mobile homes, customary accessory uses such as storage sheds and carports, public and private parks and playgrounds, and community buildings such as coin laundries.
- E. Area minimum. No new mobile home park shall be established on a tract or parcel of land that is smaller than 2 acres in size.
- F. Minimum number of spaces. All new mobile home parks shall have at least 10 spaces, the first 10 of which shall be completed and ready for occupancy before the first occupancy.
- G. Dimensional requirements. Mobile home parks shall be developed according to the following dimensional requirements:

SITE COMPONENT	MIN. REQUIREMENT
Lot/site area	5,000 ft <sup>2</sup>
Lot/site width	50 feet
Lot/site depth	100 feet
Front yard setback	30 feet
Rear yard setback	15 feet
Side yard setback	15 feet
Setback from all exterior property lines	25 feet

- H. Pad requirements. Each mobile home space shall be provided with a pad at least 12 feet and 50 feet long constructed of 4 inches of compacted gravel, or which is otherwise in compliance with the standards in the most recent edition of the FHA "Minimum Property Standards for Mobile Home Parks."

- I. Patio or deck required. Each mobile home space shall be provided with a deck or paved patio of at least 100 square feet.
- J. Streets. Streets shall be constructed in accordance with Section 615.
- K. Parking. Parking shall be provided in accordance with Chapter 6.
- L. 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. The recreational area shall be maintained in an attractive manner and shall be well-drained.
- M. Utilities. Utilities and individual installations shall meet all requirements of the Town of Monteagle. Sewage disposal facilities shall connect to an approved underground sewage disposal system or public sewer system.
- N. Sanitation. 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 fly-tight, watertight, and rodent-proof containers. Garbage and refuse shall be collected and disposed of no less than once per week.
- O. Mobile home subdivisions. Mobile home subdivisions, where lots are sold to individual owners, may be developed based on the development and dimensional requirements of this Section and the Monteagle Subdivision Regulations.

## 528      **Patio Homes**

Patio homes shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Architectural character. Each patio home shall have an architectural character that is individual yet compatible with its neighbors.
- B. Subdivision and site plan approval. Since it is intended that the land in a patio home development be used for owner-occupied patio homes, each home shall occupy a separate subdivision lot. To ensure that each building is built within the proper area of its lot, the following subdivision and construction process shall be followed by the developer:
  - 1. Prepare a site plan and a preliminary major subdivision plat for the proposed patio home development. Among other requirements, the site plan shall indicate the area on each lot on where the patio home will be built, and which lot line will have a zero (0)-foot setback.
  - 2. Present the site plan and the preliminary subdivision plat to the planning commission and obtain approval of both.
  - 3. After obtaining all required permits, proceed to construct the required subdivision improvements (streets, utility lines, etc.).
  - 4. Once the required improvements have been installed, obtain final plat approval following the procedure set forth in the subdivision regulations. The final plat shall show the buildable lot area for each lot so that the building inspector can ensure compliance with the approved site plan and preliminary plat.

- C. Dimensional requirements. Patio homes shall be developed according to the following dimensional requirements:

SITE COMPONENT	MIN. REQUIREMENT
Lot/site area	3,150 ft <sup>2</sup>
Lot/site width	35 feet
Lot/site depth	90 feet
Front yard setback	30 feet
Rear yard setback	per district req.
Side yard setback	0 feet on one side 20 feet on other side
Setback from all exterior property lines	per district req.

- D. Square footage. All units shall have a minimum area of 600 square feet.
- E. Building separation. Each patio home shall have 20 feet of separation from every other patio home, except chimneys and overhangs which shall not encroach more than 3 feet.

#### 529 Personal Service Establishments

Personal services establishments primarily engage in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, message parlors, and portrait studios. Such establishments shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. No massage parlor, as defined in Chapter 13, shall be located within 1,000 feet of the boundary line of any C-3 district or the property line of any truck stop, truck fueling station, or truck parking area.

#### 530 Planned Unit Developments (PUDs)

Planned unit developments (PUDs) are comprehensive developments, oftentimes featuring mixed uses, that have been carefully considered and holistically planned. They frequently share common parking areas, access points, interior drives, open spaces, site amenities, and consistent architectural styles across clusters of residential and commercial land uses. All PUDs must be approved by both the planning commission and board of mayor and aldermen. Due to this heightened level of review, the dimensional requirements and land use provisions are often more flexible than the base zoning district in which the PUD is located. In reviewing and approving PUDs, special consideration shall be given to the compatibility of land uses within the PUD, as well as the impacts of the PUD on public infrastructure, street networks, and adjacent properties.

PUDs shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Permitted uses. All uses permitted in the underlying zoning district shall be permitted within the PUD. In addition, the following uses shall be permitted in all PUDs:

1. Bed and breakfasts, resort hotels, rental and time-share cottages, and related business and ancillary facilities
  2. Real estate sales and rental offices
  3. Private and semi-public recreation clubs, and attendant uses and facilities
  4. Cart and equipment maintenance buildings
  5. Community centers, clubhouses, and other similar facilities
  6. Outdoor facilities and amenities including pavilions, picnic areas, play and outdoor exercise areas, trails, swimming pools, fishing and water feature ponds, and gardens
- B. Required uses. At a minimum, all PUDs shall be developed with all of the following uses integrated into the development:
1. One or more types of residential housing
  2. One or more of the permitted recreational facilities or amenities listed in subsection (A) above.
  3. One or more of the guest lodging facilities listed in subsection (A) above.
- C. Dimensional requirements. PUD developments shall comply with the following dimensional requirements:

SITE COMPONENT	MIN. REQUIREMENT
Minimum PUD area	25 acres
Setback from arterial streets	60 feet
Setback from all other exterior streets	30 feet
Minimum building separation	10 feet
Detached residential lot width	50 feet
Detached residential front setback	20 feet
Detached residential side setback	5 feet
Detached residential rear setback	20 feet
Setback from all exterior property lines	25 feet
Maximum building height	per district req.

Patio homes, townhouses, and cluster developments in PUDs shall have the option of complying with the lot and building setbacks prescribed for those particular developments by this zoning ordinance without the need for a variance. The setbacks and building placement shall be indicated on the PUD site plan and approved by the planning commission.

- D. Density requirements. The maximum number of residential units which are placed on separate lots shall be controlled by the minimum setback and area requirements in subsection (C) above. When units will not be placed on separate lots, the maximum number of detached units shall be 6 units per acre, and the maximum number of attached units (apartments, condominiums, etc.) shall be 16 units per acre.
- E. Utilities. Public water and sanitary sewer lines shall be extended to provide water and sewer service to all structures and land uses in the PUD.

F. PUD approval process. PUDs require the approval of both the planning commission and the board of mayor and aldermen. Once the board of mayor and aldermen has approved the PUD design plan, it is the responsibility of the planning commission to ensure that the development proceeds according to that design plan. PUDs shall be approved and developed in accordance with this section.

1. Developer meeting. First, the developer should consult informally with planning staff and city officials to discuss the PUD requirements, approval process, and development feasibility.
2. PUD zoning amendment. The formal application process shall begin upon submittal of an application for a zoning map amendment to have the property zoned for a PUD. The application shall be accompanied by a PUD design plan prepared in accordance with subsection (3) below.
3. PUD design plan. The PUD design plan illustrates the proposed scheme for development and provides the basis of review for determining whether to approve property for development as a PUD. The design plan receives a recommendation from the planning commission, but it is not officially approved until it has been voted upon by the board of mayor and aldermen. Once approved by the board, all subsequent plans and plats shall conform to the approved plan. The PUD design plan shall be drawn to scale and include the following elements:
  - a. Proposed development name, owner name and address, and developer information
  - b. Acreage of the site
  - c. Current zoning of the site and of adjacent properties
  - d. Date, north point, and graphic scale
  - e. Names of the owners of adjacent lots or tracts
  - f. A vicinity map showing the relation of the proposed development to Monteagle
  - g. 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 other amenities
  - l. Proposed location and sizes of utility lines, i.e. water and sewer
  - m. Any other information requested by the planning commission

Note: If the PUD is proposed to be developed in phases, the overall plan of development for all phases may be submitted in one comprehensive design plan. Separate site plans for each phase may then be submitted to and approved by the planning commission without having to come back to the board of mayor and aldermen for approval of a separate PUD design plan.

4. Review of PUD design plan by planning commission. The planning commission shall review the PUD design plan and make a recommendation thereon to the board of mayor

and aldermen. The planning commission may recommend approval, disapproval, or approval subject to modifications. A positive recommendation for the PUD design plan shall also constitute a favorable recommendation of the PUD zoning amendment.

5. Approval of PUD by board of mayor and alderman. The developer shall revise and resubmit the PUD design plan with any modifications that were requested by the planning commission. The board of mayor and aldermen shall then conduct an advertised public hearing and perform the required number of readings before voting to approve the PUD design plan and zoning map amendment. If the planning commission recommended in favor of the PUD design plan, the plan and zoning amendment may be approved with a simple majority vote. If the planning commission recommended against the PUD design plan, then a majority vote of the entire board shall be required for approval. Upon passage, the property shall be labeled as a PUD on the zoning map and the PUD design plan shall be deemed approved.
6. PUD site plan. Whereas the PUD design plan contains general information sufficient to receive PUD approval, the PUD site plan contains detailed information about building sizes and locations, parking areas, recreational amenities, drainage facilities, landscaping, building design, and other components.

Before beginning site preparation or construction, the developer shall prepare and submit a PUD site plan for review and approval by the planning commission. The site plan shall contain all of the required elements in Section 1008. Civil design drawings shall be submitted if requested by the planning commission or staff. In addition, detailed landscaping and exterior design plans shall also be submitted.

The planning commission shall review the site plan for conformance with the PUD design plan which was approved by the board of mayor and alderman. If the site plan conforms to the approved design plan and complies with all applicable zoning requirements, the PUD site plan may be approved and construction can begin.

7. Preliminary subdivision plat. If the PUD involves the creation of new subdivision lots or requires the installation of streets or utilities, a preliminary plat shall be submitted and approved along with the PUD site plan. The preliminary plat shall comply with all requirements of the Monteagle subdivision regulations.
8. Final subdivision plat. If a preliminary subdivision plat was required, a final plat shall be submitted upon completion of all required improvements within that phase of the PUD. No building sites or lots shall be sold or transferred until a final subdivision plat has been approved by the planning commission.

If home ownership is planned for the residents of the development, a master deed and any homeowner association contracts shall be submitted at the time final subdivision plat approval if requested.

- G. Modifications to approved PUD design plans. Once the PUD design plan has been approved by the board of mayor and aldermen, the planning commission is responsible for ensuring that development proceeds according to the approved design plan. However, because the design plan is considered preliminary and is used primarily to obtain PUD zoning approval, the final development may vary from the original from the original design plan. Oftentimes, changes are required upon completion of field investigations and engineering studies. To avoid having to obtain approval by the board of mayor and aldermen for every minor change, the planning

commission is authorized to approve the following modifications from the approved design plan:

1. Increases or decreases in gross square footage of parking areas, residential uses, or non-residential uses up to 10%.
2. Increases or decreases in the gross number of residential units up to 10%.
3. Modifications of interior circulation systems (roads), provided that such changes are in conformance with the road design criteria outlined in the Monteagle subdivision regulations or as otherwise set by the planning commission or board of mayor and aldermen as conditions during the original design plan approval.
4. Relocation of vehicular access points and driveways along the same road as originally approved, but not additional entrances or access points.
5. Changes in road names.
6. Increases in gross impervious surface area up to 10%.
7. Increases in building height up to the limit established by the underlying zoning district.
8. Changes in the locations of utility lines and fire hydrants, provided that such changes comply with all requirements of the Monteagle subdivision regulations.
9. Increases in landscaping, natural areas, open space, and trail facilities by any amount.
10. Other modifications where the planning commission determines that the change will not drastically change or alter land uses, traffic patterns, infrastructure systems, or environment in a manner that is inconsistent with the PUD design plan originally approved by the board of mayor and aldermen.

All other modifications including, but not limited to, conversions in residential housing styles (e.g. replacing detached patio homes with condominiums or apartments), changes in intensity or nature of recreational uses (e.g. replacing a swimming pool with a golf course or ATV trails), expansions of commercial areas over 10%, or any change that would significantly impact existing natural features or contribute to off-site stormwater runoff shall require a recommendation from the planning commission and approval of a modified design plan by the board of mayor and aldermen in accordance with subsections (F)(4) and (F)(5) above. The board of mayor and aldermen shall conduct a public hearing on the revised plan prior to approval.

- H. Variances in PUD developments. Although PUDs are intended to provide more flexible development standards for large-scale, mixed-use, and resort-style developments, they are nevertheless required to comply with the PUD requirements and those for the underlying zoning district, as applicable. If a PUD requires a variance, the request shall be submitted to the board of zoning appeals following the regular variance approval process in Section 1106. A developer shall have the option of receiving variances prior to submission of the design plan to the board of mayor and aldermen. Obtaining the variances beforehand may eliminate the need to submit a revised PUD design plan in the event a variance request is later denied.

#### **531 Recreational Vehicles (RVs)**

Recreational vehicles (RVs) shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. RVs shall not be used for temporary or permanent occupancy outside of an approved campground except as permitted in Section 536. This shall not prevent the occasional use of an RV on private property by the owners or their guests, provided that such use does not amount to a health or safety concern or constitute a nuisance to surrounding property owners.
- B. RVs shall not be stored, kept, or parked within any public right-of-way for a period exceeding 24 hours.

#### **532 Restaurants**

Restaurants shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Restaurants serving alcohol shall meet all applicable requirements of the Monteagle municipal code.
- B. Drive-ins and drive-thrus shall provide stacking lanes sufficient to prevent vehicles from blocking traffic or any public right-of-way.
- C. Restaurants with truck parking shall be limited to the C-3 district.
- D. Mobile food units shall comply with Title 9, Chapter 4, of the Monteagle Municipal Code.

#### **533 Self-Storage Facilities**

Self-storage facilities shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Units shall not be used to house or conduct sales, service, or repair activities on the premises.
- B. Self-storage facilities abutting a residential district shall add 10 feet to the setback required by the base zoning district.
- C. Facilities with exterior units shall be access-controlled and enclosed by an approved security or screening fence as set forth in Section 715.
- D. In addition, a landscaped screen as outlined in Section 706 shall be planted on the exterior of the fence as to conceal the fence and the compound from public view.

#### **534 Shooting Ranges**

Shooting ranges shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Outdoor shooting ranges shall not be located within 1,000 feet of any residential district.

Swimming pools shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. No swimming pool or part thereof shall protrude into any required front yard in any residential district.
- B. Every swimming pool shall be enclosed by a pool fence meeting the minimum requirements of Section 715.
- C. Within the R-1 and R-2 districts, private swimming pools are permitted, provided that the pools are intended for use solely by the occupants of the property on which it is located, and their guests.

Telecommunications facilities shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Purpose and Intent. This section establishes guidance and requirements for the location, construction, and compatibility of telecommunications facilities within Monteagle. These regulations, which include applicable provisions from the Telecommunications Act of 1996, Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, the Competitive Wireless Broadband Investment, Deployment, and Safety Act of 2018, FCC rulings, and caselaw, are intended to enable providers to meet the growing demand for telecommunications services while minimizing adverse impacts such facilities may have on nearby properties. These regulations are further intended to protect public safety, ensure compatibility with adjacent land uses, protect community assets including historic resources, reduce adverse visual impacts, and discourage unnecessary proliferation of wireless facilities.
- B. Definitions. Definitions applicable to this section are listed under "Telecommunications Facility Definitions" in Chapter 13.
- C. Principal or Accessory Use. Support structures, including towers, may be considered either principal or accessory uses. Additional facilities may be constructed on a lot with existing towers or structures.
- D. Aesthetics. All facilities shall be located and constructed to achieve minimum visual impact on adjacent properties and pedestrian environments, while retaining viable opportunities for future collocation. The use of stealthing is encouraged, provided that the design is visually harmonious with the surrounding natural or built environment. The design of base stations and any other structures and equipment shall use colors, landscaping, materials, screening, and textures that blend them into the natural setting and surrounding buildings. Towers shall either maintain a galvanized steel finish or be painted a neutral color to reduce visual obtrusiveness, subject to any applicable FAA requirements.
- E. Building Codes and Safety Standards. Telecommunications facilities shall meet or exceed all applicable standards, including without limitation those of the Federal Communications Commission (FCC), American National Standards Institute (ANSI), Institute of Electrical and Electronics Engineers (IEEE) standards for power density levels and structural integrity, American Concrete Institute (ACI), American Standards Testing and Materials Institute (ASTM),

the National Electrical Code, and the American Steel Institute. In addition, telecommunications facilities shall comply with all applicable building codes and federal, state, and local regulations. Towers must be able to withstand winds of a minimum of 70 MPH with 0.5-inch radial ice. Applicants shall also comply with Section 106 of the National Historic Preservation Act of 1966. Upon request by the enforcement officer, applicants shall provide documentation of compliance with all applicable codes and requirements, including certification by a qualified engineer. If, upon inspection, the tower or antenna fails to comply with such codes and standards and constitutes a danger to persons or property, then, upon written notice being given, the owner shall have 30 days to bring such structure or facility into compliance. Failure to do so shall constitute grounds for removal of the structure or facility at the owner's expense.

- F. Collocation. To prevent the unnecessary proliferation of wireless facilities, collocation on existing towers and other potential support structures is required whenever possible. Applicants for a new telecommunications facility shall explore all collocation opportunities and opportunities to locate their antenna on existing alternative structures.
- G. Telecommunications facilities installed on a tower. The following standards shall apply to towers and telecommunications facilities utilizing a tower as a support structure:
1. Tower Type. All new towers shall be monopoles; no lattice structures shall be permitted within the Town of Monteagle.
  2. Tower Setbacks. Towers shall be set back from all property lines by a distance equal to 100% of the tower height plus 10% or 20 feet, whichever is greater (the additional 10%/20 feet is necessary to accommodate future eligible facilities requests). The BZA may approve a smaller setback based on engineering certifications that a tower will collapse within a smaller fall radius through the use of breakpoint technologies. Guy wire anchors, if used, shall be set back a minimum of 5 feet from all property lines.
  3. Screening Requirements. A screening fence (see Section 715) shall surround the tower base and base station equipment. In addition, a landscaped screen (see Section 706) shall be planted around the fence. Screening trees or shrubs shall also be installed around each guy anchor on a guyed tower. These screening requirements may be waived by the board of zoning appeals if all base station equipment is located underground or effectively stealthed, or if the board determines that the screening requirements conflict with the aesthetic goals of this ordinance for the proposed project and location.
  4. Lighting. Towers shall not be artificially lighted unless required by the FAA or other applicable authority. If site lighting is required for safety or security purposes, it 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.
  5. Height. Unless another standard is specified within this section, towers shall meet the general height restrictions of the zoning district in which they are located (see Chapter 4). The board of zoning appeals may grant a special exception for a taller structure as provided for in Section 1107 upon all engineering and safety concerns being addressed to the board's satisfaction. Towers must be able to withstand winds of a minimum of 70 MPH with 0.5-inch radial ice. The maximum height of any tower or facility in the Town of Monteagle shall be 250 feet.

6. Shared Use. New towers and substantial changes to towers less than 100 feet in height shall be designed to accommodate a minimum of two PWSF providers. New towers and substantial changes to towers over 100 feet in height shall be designed to accommodate a minimum of two PWSF providers. Applicants shall provide a letter of intent committing the tower owner and any successive owners to providing for the shared use of the tower.
- H. Telecommunications facilities mounted on an alternative structure. The following standards shall apply to towers and telecommunications facilities utilizing an existing or proposed alternative structure for support, such as a building, water tank, pole sign, billboard, bell tower, or church steeple:
1. Harmonious design. Telecommunications facility installations on alternative structures shall be designed with screening or other stealth elements so as to minimize the visual impact from any abutting public right-of-way. Such facilities shall be architecturally harmonious and visibly indiscernible to the casual observer. Subsequent modifications must be consistent with the established design guidelines.
  2. Maximum projection from buildings. In addition to meeting the design requirements in Part 1 above, no building-mounted equipment or antenna shall project above the roof more than 10 feet nor extend from any wall surface more than 3 feet.
  3. Lighting. Telecommunications facilities on alternative structures shall not be lighted or illuminated, unless the design is architecturally harmonious and integrated into the overall lighting scheme for the property and building.
  4. Height. The combined height of the alternative structure and telecommunications facility shall not exceed the general height restrictions of the zoning district in which it located (see Chapter 4).
- I. Small wireless facilities in public rights-of-way. The Competitive Wireless Broadband Investment, Deployment, and Safety Act of 2018 (TCA 13-24-401 et seq.) requires local governments to permit small wireless facilities and potential support structures (PSS) in public rights-of-way and utility easements in any zoning district. Such installations are subject to the following requirements:
1. Definitions. Definitions for this subsection (I) shall be those in TCA 13-24-402 and as otherwise provided under "Telecommunications Facilities" in Chapter 13.
  2. Dimensional limitations. The antenna for the small wireless facility must conceivably fit within an enclosure no more than 6 cubic feet in volume. The other wireless equipment in addition to the antenna must cumulatively not exceed 28 feet in volume, regardless of whether the facility is ground-mounted or pole-mounted. Any wireless facility exceeding these dimensional limitations shall be prohibited in the public ROW and shall instead conform to subsections (G) or (H), as appropriate.
  3. Installation on potential support structures. Small wireless facilities may be installed on poles and other PSSs owned by the Town of Monteagle including light, electric, telephone, and other utility poles; traffic signals; and signs. If collocation on an existing pole or PSS is not feasible, the applicant shall consult with the town as to options for a new or replacement pole. The Town of Monteagle shall not deny the replacement of an existing PSS or the installation of a new pole, provided that the installation meets the requirements of this section and TCA 13-24-402.

4. Replacement of town-owned poles. The applicant may replace an existing town-owned pole with a new pole, provided that the replacement pole reasonably conforms to the design aesthetics of the pole being replaced. In addition, the new pole must be functionally equivalent as the one being replaced: if replacing a light pole, the new pole must also be a light pole; if replacing a telephone or electric pole, the new pole must be able to continue to serve that purpose. Newly installed poles that are replacing town-owned poles will become the property of the town, with maintenance and repair obligations as set forth in TCA 13-24-408(g).
  5. Height. No new or replacement pole shall be installed which is more than 10 feet taller than surrounding poles, with a total maximum height of 40 feet in residential districts (including I-D) or 50 feet in commercial and industrial districts. Any pole installed in a ROW abutting a residential district shall adhere to the 40-foot limit. The wireless antenna/equipment shall not extend more than 10 feet above any pole.
  6. ROW safety and ADA accessibility. No wireless facility, ground equipment, or PSS shall be installed as to impede pedestrian or vehicular access, visibility, or safety. If the proposed pole or PSS is currently located within a pedestrian travelway or creates an obstruction so that the travelway is noncompliant with the Americans with Disabilities Act, the applicant shall relocate the pole outside the travelway and repair the sidewalk to full ADA specification at his expense; any thusly required pole or utility relocations shall be consolidated with the application. No ground equipment is authorized in the sight triangle of Section 212, unless it is installed underground and flush to grade as to provide no visual obstruction.
  7. Spacing and Network Design. Consistent with TCA 13-24-408(d), applicants are not required to submit network designs or any other service or demand justification for a small wireless facility. There shall be no minimum separation distance requirements between any two facilities or support structures in a public ROW. However, applicants should consult with the town as to preferred locations and siting options.
  8. Placement at residential lot corners. Poles and other PSSs in residential districts shall be located no farther than 25 feet of the corner property boundary separating two lots over 3/4 acre in size, or no farther than 15 feet of the corner property boundary separating two lots 3/4 acre in size or smaller.
- J. Application Requirements. An application shall be filed for each request involving a telecommunications facilities in the Town of Monteagle as follows:
1. Exemptions. In accordance with TCA 13-27-207(e), no approvals, applications, or fees shall be required for the following activities involving small wireless facilities in public rights-of-way governed under Subsection (I):
    - a. Routine maintenance of a small wireless facility not involving the installation or replacement of a pole or other PSS;
    - b. The replacement of a small wireless facility with another small wireless facility that is the same size or smaller than the dimensional limitations under Subsection (I); or
    - c. The installation, placement, maintenance, operation, or replacements of a micro wireless facility, as defined in TCA 13-24-402, that is suspended on cables that are strung between existing poles or PSSs.

2. Number of facilities in an application. Each proposed telecommunication facility shall be considered a separate application, with the exception that up to 20 small wireless facilities authorized under Subsection (I) of this section may be submitted in a single application pursuant to TCA 13-24-409(b)(1).
3. Application Fees. The applicant shall pay the application fees required by the Town of Monteagle. In the event more than one small wireless facility under Subsection (I) is proposed in a single application, the fees shall be as follows: \$100 for the first five facilities, and \$50 for every facility over five (maximum of 20 facilities permitted in a single application).
4. Application Materials. Applications for telecommunications facilities shall include the following information:
  - a. Name and contact information for the applicant.
  - b. Name and contact information for the wireless company or telecommunications provider that will own or utilize the facility or transmission equipment once installed.
  - c. Proof of applicant/owners' certification by the Tennessee Regulatory Authority.
  - d. Tax map and parcel number, physical address, and exact latitudinal and longitudinal coordinates of the specific location of the site.
  - e. Site plan with a diagram or engineering drawing depicting the design for installation of the telecommunications facility with sufficient detail for the town to determine that the design meets all criteria of this ordinance and the Town of Monteagle. The site plan shall include information about materials, colors, lighting, and landscaping as may be required. If available, photographs of a similar facility or installation as the one proposed shall be submitted.
  - f. If collocating on an existing tower, pole, or alternative structure, certification that the applicant has obtained approval from the owner.
  - g. Documentation of the number of additional users that can be accommodated on the structure. In addition, the applicant shall provide a statement indicating the owner's commitment to allow feasible shared use for collocation. If the application is for a tower, certification from a qualified structural engineer that the tower has sufficient structural integrity and equipment space to accommodate multiple users shall also be submitted.
  - h. Engineering certifications and other information required by this ordinance or as may be reasonably requested by the town to process the application.

K. Review of Applications.

1. All applications for telecommunications facilities shall be approved or denied within 60 days, subject to any tolling provisions in state or federal law. Within the first 30 days, the enforcement officer shall provide written notice to the applicant delineating all missing documents or information. Upon issuance of such notice of incompleteness, the 60-day countdown pauses until the applicant provides the missing information. If the applicant provides the missing information, the 60-day countdown resumes.

However, if the applicant fails to provide the missing information within 30 days of the notice of incompleteness, the application shall be denied. These timeframes may be extended upon mutual agreement by the applicant and the Town of Monteagle.

2. If an application is denied, the enforcement officer shall provide written explanation citing the specific reasons and relevant ordinance provisions as to why the application has been denied.
3. In the event the Town of Monteagle fails to formally approve or deny an application within 60 days, subject to any tolling, the application shall be deemed approved.

L. Design Review. Reserved for future use.

M. Installation requirements. The applicant shall coordinate installations within the ROW with the Town of Monteagle and TDOT. All telecommunications facilities shall be fully constructed and installed within 9 months of the date the application is approved. Failure to complete the installation within this timeframe shall require a new application be submitted, including payment of required fees.

N. Removal of Abandoned Telecommunication Facilities. Any telecommunication facility that is not operated as a PWSF for a continuous period of 12 months shall be considered abandoned and shall be removed at the owner's expense. The owner shall notify the enforcement officer of the abandonment and remove the same within 90 days. Failure to do so shall be deemed to be a violation of these regulations and the owner shall be subject to the penalties as provided in this ordinance. The enforcement officer may pursue appropriate remedies as outlined in this ordinance, including removal of the facility with the cost for such removal to be paid by the owner. The owner of the facility may appeal the decision of enforcement officer to the board of zoning appeals. At such hearing, the owner shall be required to show just cause why the antenna or tower should not be considered abandoned and subject to removal.

O. Surety instrument required. Prior to the issuance of a permit for any tower or facility, a surety instrument (i.e. letter of credit or bond) shall be provided by all users guaranteeing the prompt removal of the facility once it ceases to operate. The amount of the surety instrument shall be determined by the enforcement officer and be adequate to ensure the safe and prompt removal of any telecommunications facility and/or support structure once it ceases to operate.

## **537 Temporary Dwelling Units**

A temporary dwelling unit (TDU) is a detached dwelling unit permitted on a temporary basis as a means of relief from extraordinary or extenuating circumstances. TDUs may also be permitted to allow residents to live on-site during major repairs or new home construction.

TDUs shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

### **A. General standards.**

1. No person shall construct, install, or locate a TDU on any property without first receiving a building permit or required authorization from the Town of Monteagle.
2. Only one TDU shall be permitted per eligible lot.
3. TDUs shall not be located within any front yard or other required setback.

4. Utilities for TDUs shall comply with installation and metering requirements of the Town of Monteagle. Prior to the issuance of any permit, written approvals from the jurisdictional health department or sewer utility shall be submitted certifying that the lot has been approved for a septic system or sewer connection, as appropriate.
- B. Permitted TDUs. TDUs are permitted in the following circumstances:
1. Medical hardship. Temporary family healthcare structures, as defined in TCA 13-7-501, may be located on properties with an existing single-family dwelling or mobile home in an approved zoning district in instances where a licensed physician has provided written documentation that the resident has a physical or mental disability which requires medical assistance from someone in close proximity. Such TDU may arrive on-site as one unit or on wheels but shall not be capable of moving under its own power. The unit shall meet all applicable local and state building and installation codes. TDU permits for medical hardship shall cost \$100 and be valid for 12 months (TCA 13-7-502). Permits may be renewed annually for an additional 12 months, subject to producing a new physician's statement (dated not earlier than 60 days before the permit expiration) certifying that medical assistance is still required. The temporary dwelling unit shall be removed within 30 days of the vacation or abandonment of the property by either resident, upon the death of the resident requiring medical assistance, or upon the expiration of the temporary use permit.
  2. Major home repairs. In cases of new home construction, major renovations, or where repairs are needed due to damage by fire or other natural disaster, a TDU permit may be issued for a recreational vehicle to be located on the same property where such repairs or construction is underway. RVs used as TDUs shall meet all adopted standards of the Recreational Vehicle Industry Association (RVIA) and be properly registered with a current license. Permits shall be valid for 12 months and may be renewed once for an additional 6 months.

## 538 Temporary Uses

Temporary uses include seasonal or short-term uses which are not intended for permanent location or operation on any parcel within the Town of Monteagle. Temporary uses shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Permit required. No temporary use shall be allowed until the applicant has received a Temporary Use Permit.
- B. Application. Application for a temporary use permit shall be made to the enforcement officer. Said application shall contain a sketch plan, description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking for the proposed temporary use. Upon certification that the requirements for a temporary use and other applicable requirements of this zoning ordinance have been met, the enforcement officer shall be authorized to issue the temporary use permit.
- C. Permitted Temporary Uses

The following temporary uses shall be permitted subject to the conditions provided for each respective use.

1. Carnival or circus. Such uses shall be limited to the C-1, C-2, I-1, and I-D districts. Permits shall be valid for 15 days; no extensions shall be issued.
  2. Christmas tree sales, pumpkin patches, and similar seasonal vendors. Such uses shall be limited to sales of agricultural products customarily harvested and sold in conjunction with seasonal holidays, but shall not include farmers markets or sales of animals or livestock. These temporary uses may be permitted at C-1, C-2, and I-1 districts. Permits shall be valid for 60 days and may be renewed once for a 30-day extension.
  3. Miscellaneous assemblies. A temporary use permit may be issued for any lawful assembly, such as an outdoor music concert, political rally, etc. in any zoning district. Permits shall be valid for a 7-day period. Noise levels and impacts on adjacent properties shall be considered when deciding whether to issue the temporary use permit near residences.
  4. Real estate sales offices. Permits for real estate sales offices may be issued in any zoning district where a residential development has been approved in accordance with this ordinance and the Monteagle subdivision regulations. Such office shall contain no living accommodations. Permits shall be valid for 12 months and may be renewed one time for an additional 12 months. The office shall be removed upon completion of the development of the subdivision or upon expiration of the temporary use permit, whichever occurs sooner.
- Note: this temporary use provision shall not apply to a sales office located in a model home which is a part of the development.
5. Seasonal sale of farm produce. Permits for stands and displays for the seasonal sale of farm produce may be issued in any zoning district except C-3. In residential districts, sales shall be limited to produce grown on-site. Permits shall be valid for 6 months. All structures shall be located outside the street right-of-way and a minimum of 25 feet from the pavement edge.
  6. Temporary buildings for construction projects. Permits for temporary contractors' offices and equipment sheds incidental to an approved construction project may be issued in any zoning district. Permits shall be valid for 12 months year and may be renewed one time for an additional 12 months. All temporary buildings shall be removed upon completion of the construction project or upon expiration of the temporary use permit, whichever occurs sooner.
  7. Tent meetings. Permits for tent meetings may be issued in the C-1, C-2, or I-D zoning districts. Permits shall be valid for 30 days; no extensions shall be issued.
  8. Temporary dwelling units. See Section 536.

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## Tiny Houses

Tiny houses shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Permitted locations. It shall be unlawful to occupy or locate a tiny house on any property within the Town of Monteagle except as follows:
  1. Permanently installed tiny houses may be permitted in an approved tiny house subdivision or mobile home park in an R-4 district.

2. Tiny houses on wheels (THOWs) shall be limited to approved campgrounds, which are permitted uses in the C-2 and R-4 districts.

B. General standards.

1. Each tiny house must be a detached and self-contained dwelling unit with basic functional areas that support normal daily routines such as cooking, sleeping, and sanitation.
2. The gross floor area of the primary structure shall not exceed 600 square feet, and no exterior dimension shall exceed 48 feet. This measurement shall not include tow hitches, exterior staircases, landings, and decks/porches which are not integral with the primary structure.
3. The structure must have been originally constructed with the intent for human occupation. In accordance with TCA 68-126-311, no "ready-movable" structures (e.g. portable sheds) shall be modified for use as residential, recreational, or emergency housing.
4. Tiny houses shall comply with the building permit requirements of the Town of Monteagle. This requirement shall not apply to THOWs, unless the wheels are removed for permanent installation.

C. Health and safety requirements.

1. Site-built and permanently installed tiny houses must either meet all standards of the Town of Monteagle including any applicable building codes, or 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.
2. 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 THOWs located within a campground.
3. Site-installed features such as stairs, decks, handrails, and landings must meet all code requirements of the Town of Monteagle.

D. Tiny houses on wheels (THOWs).

1. THOWs are limited to approved campgrounds and must meet all requirements of the Recreational Vehicle Industry Association (RVIA) and have a valid label.
2. A THOW may be permanently installed in an approved zoning district upon meeting the standards of Subsection (C)(1) above. "Permanently installed" means having the wheels removed, the tow hitch removed or concealed, and the structure affixed to the ground in accordance with state standards for manufactured homes. A THOW that does not meet the standards of Subsection (C)(1), or which only has an RVIA label, shall not be eligible for permanent installation.

- E. Tiny house subdivisions. Residential subdivisions specifically intended for tiny houses are permitted in the R-4 district, subject to the following requirements:

1. Permitted uses. Permitted uses in tiny house developments include shall only include site-built tiny houses, modular tiny houses, and THOWs where the wheels have been removed and the unit permanently installed. Also permitted are customary accessory uses such as storage sheds, carports, public and private parks and playgrounds, and community buildings such as coin laundries. THOWs are prohibited in tiny house developments and shall be limited to approved campgrounds.
2. Subdivision plat required. Because tiny houses in subdivisions are intended for permanent residency, separate lots for each home site are required. Therefore, a subdivision plat showing all home sites shall be submitted for approval in accordance with the Town of Monteagle subdivision regulations. The plat shall include limitations including maximum square footage to ensure development is limited to tiny houses.
3. Site plan required. In addition to the subdivision plat, a site plan demonstrating compliance with all applicable zoning requirements shall be presented to and approved by the planning commission.
4. Minimum area and number of units. To qualify for a new tiny house subdivision, the parent tract or parcel must be at least 3 acres in size. The initial phase shall include a minimum of 6 lots.
5. Dimensional requirements. Tiny house subdivisions shall have lots meeting the minimum dimensional requirements as outlined in Section 402, with the following exceptions:

SITE COMPONENT	MIN. REQUIREMENT
Lot area <sup>[a]</sup>	5,000 ft <sup>2</sup>
Lot width	50 feet
Setback from all exterior property lines	25 feet

- a. TDEC or the county health authority may require larger lot sizes when a septic system is utilized.
  6. Maximum floor area. No residential dwelling which does not meet the general standards of Subsection (B) shall be permitted within an approved tiny house subdivision.
  7. Streets. Streets shall be constructed in accordance with Section 615.
  8. Water supply. Water shall be provided to each lot in a tiny house development. The developer shall attach to any public water supply located within 1,000 feet of the proposed development.
  9. Sewage disposal. Each mobile home park shall connect to a public sanitary sewer system or provide an adequate disposal system approved in writing by the health department.
- F. Tiny house sales. Land uses involving the sale, display, marketing, or promotion of tiny houses are considered "Mobile Home and RV Sales" and shall be limited to the districts designated by this ordinance.

Townhouses are single-family residential dwellings with one or more floors on individual lots that have, or appear to have, one or more common walls with adjacent similar units. Townhouses may feature zero-lot-line setbacks. Units may be developed and sold fee-simple on individually-deeded lots. Triplexes and quadraplexes are considered Townhouses and shall meet the requirements of this section. Although townhouses are occupied by a single family unit, townhouse developments are considered multifamily developments for the purposes of this ordinance.

Townhouse developments shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Number of units. Each building shall contain between 3 and 7 units.
- B. Building facades and articulation. Each townhouse shall have an architectural character that is individual yet compatible with its neighbors. 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. One-story units, when used, shall be placed on the end of a building.
- C. Subdivision and site plan approval. 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:
  - 1. Prepare a site plan and a preliminary major subdivision plat for the proposed townhouse development.
  - 2. Present the site plan and the preliminary subdivision plat to the planning commission and obtain approval of both.
  - 3. After obtaining all required permits, proceed to construct the required improvements (streets, utility lines, etc.) and the building units according to the approved plans. This may be done for the entire development or completed in in two (2) or more phases.
  - 4. Once construction is finished and the enforcement officer has inspected all buildings and improvements, a final subdivision plat showing the individual lots shall be submitted to the planning commission for approval. The final plat shall show the individual lot lines exactly where the side walls of the individual units were built.
  - 5. If all requirements of the subdivision regulations have been met and any required bonds posted, the planning commission shall grant final subdivision approval for the completed phases.
  - 6. Once the final plat has been recorded at the appropriate register's office, the townhouse units can be sold.

- D. Dimensional requirements. Townhouses shall be developed according to the following minimum dimensional requirements:

SITE COMPONENT	MIN. REQUIREMENT
Lot/site area	1,620 ft <sup>2</sup>
Lot/site width	18 feet
Lot/site depth	90 feet
Front yard setback	30 feet
Rear yard setback	per district req.
Side yard setback/ for end units	0 feet/ 25 feet
Setback from all exterior property lines	25 feet

- E. Square footage. One-story units shall be a minimum of 850 square feet. Two-story units shall have a first-floor minimum of 600 square feet and total minimum square footage of 960.
- F. Building separation. Rows/groups of townhouses shall have the following building separations:

ARRANGEMENT	MIN. REQUIREMENT
End to end	30 feet
End to front	40 feet
Back to end	40 feet
Back to back	50 feet
Front to front	60 feet
Front to back	60 feet

#### 541 Truck Stops, Fueling Stations, Parking Areas, and Service Facilities

Truck stops, fueling stations, and parking areas shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. The provisions of this section shall apply to any land use where the parking facilities or services provided are intended to accommodate three or more heavy trucks, semis, and/or tractor trailers at any single time, for any duration of time, whether moving, parked, idling, or stationary.
- B. Truck parking areas and driveways shall be paved with asphalt or concrete. Dirt and gravel lots and driveways are prohibited.
- C. No truck parking area or driveway providing access to a truck parking lot shall be located within 100 feet of the property line of any residential district.
- D. A screening fence as outlined in Section 715 shall be installed along all boundary lines abutting, adjacent to, or opposite from a residential district. In addition, a landscaped screen shall be installed in accordance with Section 706.

- E. Lighting at such facilities shall be arranged to minimize glare and reflection on adjacent residential properties and public streets.
- F. To allow for vehicular circulation, there shall be a building setback from all street right-of-way lines of not less than 40 feet, except for canopies designed to cover the gasoline pump islands.
- G. Fuel pumps shall not be located closer than 25 feet to any street right-of-way line.
- H. Adequate sanitation facilities including, at a minimum, flush toilets and trash receptacles cleaned and emptied at least once daily shall be provided on any land use intended for truck parking or storage.
- I. No massage parlor, as defined in Chapter 13, shall be located within 1,000 feet of a truck stop, fueling station, or parking area.

#### **542 Vehicle Sales and Rentals**

Establishments for the sale and/or rental of vehicles shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Any lot on which two or more vehicles are visible from the public right-of-way and advertised for sale, whether with a sign, flyer, banner, window paint, or other means, shall be considered a vehicle sales establishment and subject to regulation under this zoning ordinance.
- B. Vehicle sales and/or rental establishments shall not be located within 100 feet of any residential district.
- C. Any sales lot lighting or exterior illumination shall be subdued or directed so that the light intensity will not create glare or be objectionable to surrounding areas.

#### **543 Wrecker Services**

Wrecker services shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. Wrecker services shall not be located within 250 feet of any residential district.
- B. Wrecker services where five or more motor vehicles of any kind are located which are incapable of operation, exposed to the weather, and which may be used for salvage or spare parts shall be considered "junkyards" under the provisions of this zoning ordinance and regulated as such.
- C. Vehicle storage areas shall be contained entirely within a screening fence as set forth in Section 715, except for driveway areas.

## CHAPTER 6

### ACCESS AND PARKING

#### 601 Applicability of Chapter

The provisions of this chapter shall apply to all land and land uses in the Town of Monteagle. New access points and alterations of existing access points shall comply with the requirements of Section 602. In addition, new parking lots and alterations of existing parking lots shall comply with all applicable requirements in accordance with the following table:

PARKING LOT MODIFICATION	APPLICABILITY
Expansion by 1%	Entire new/expanded area
Expansion by 25%	Entire new/expanded area + 50% of existing parking areas
Expansion by 50%	Entire new/expanded area + 100% of existing parking areas

Upon the expansion of any parking lot by 1%, upon application for a site plan or sketch plan for a new or expanded use, or upon the paving of any existing parking lot, the parking lot shall be brought into compliance with the ADA requirements of Section 611.

#### 602 Access

Access points provide defined points of ingress and egress for businesses and other land uses. The following requirements shall apply to all land uses:

- A. Frontage. Each lot must front on an approved public road or access easement in accordance with Section 209 to be eligible for a building permit.
- B. Shared access points and interior circulation encouraged. In an effort to minimize the number of curb cuts, reduce traffic congestion, and improve visual aesthetics along the corridor, every effort shall be made to utilize shared access points, frontage roads, and layouts that facilitate interior circulation.
- C. Number of access points. Lots with less than 100 feet of road frontage shall have no more than one access point on any public street. All other lots shall be permitted to have two access points. Additional access points shall only be permitted if the planning commission determines that topographical features, existing development patterns, anticipated traffic flows, or other factors justify the need for additional access points.
- D. Maximum width. The maximum width of all access points shall be 30 feet. If a particular land use or development generates high traffic volumes, the planning commission may approve a wider or channelized access point for greater traffic control and safety.
- E. Spacing of access points. There shall be a minimum of 50 feet between access points as measured from the nearest adjacent curb cut, even when on two separate lots.

- F. Distance from property line. Commercial access points shall be located no closer than 10 feet to any side property line.
- G. Distance from intersections. Access points shall be located no closer than 25 feet of the right-of-way line at any public street intersection.
- H. Access for lots fronting more than one street. In developments where a lot abuts more than one street, the planning commission may require primary access be provided from the street of lower classification in order to lessen congestion on the major street.
- I. One-way and U-shaped driveways. One-way circular or U-shaped driveways shall be considered one access point. In such arrangements, the combined width of all driveways shall not exceed 30 feet.
- J. Temporary access points. In staged or phased developments, temporary access points may be established at locations other than those specified for permanent access. Temporary access points shall be closed by the owner once the permanent access points are installed.
- K. Permit required. No curbs or streets shall be cut or altered unless the planning commission has approved a site plan. In addition, if the access point is on a state highway, the developer shall receive all required TDOT permits and provide copies to the enforcement officer.
- L. Conflict with State Regulations. The standards within this section shall not be construed as supplanting TDOT requirements for driveway permits along a state route. Where TDOT has imposed a stricter standard, this higher standard shall control. Conversely, issuance of a TDOT permit does not guarantee approval for a driveway permit by the Town of Monteagle.

#### **603 Backing into Public Streets Prohibited**

No access point or parking area for any non-residential use shall be so arranged as to require vehicles back directly into any public street or right-of-way. Such restrictions may also be placed on residential uses if the planning commission determines that backing into the public right-of-way would present an adverse impact on traffic safety.

#### **604 Off-Street Loading and Unloading Requirements**

- A. Every building or structure hereafter constructed and used for industry, business, or trade in any district shall provide a rear yard not less than 30 feet in depth for the loading and unloading of vehicles off the public street or alley. This space shall not be considered as part of the space requirements for off-street automobile storage.
- B. Alternatively, based on planning commission approval, a commercial business may propose an alternate loading and unloading zone configuration. The Loading and unloading zone:
  - a. Shall be sized based on the largest anticipated delivery truck size, with a minimum size of 12' by 50'. And,
  - b. Shall not obstruct parking spaces counting toward minimum parking requirements unless specifically noted otherwise elsewhere in this code. And,
  - c. Shall be located in an area that does not obstruct primary site circulation paths, including but not limited to entrance and exits driveways, the primary circulation path of the site, and fire truck site access path, drive aisles, unless specifically noted otherwise elsewhere in this code. And,
  - d. Shall not be located within a fire lane. And,
  - e. Shall allow the site to be considered as "standard" type per the table in Section 401 when determining building setbacks for the property. All other setbacks, screening,

landscaping, and other requirements of this code based on specific site uses shall still apply. And,

- f. Shall be clear of the access route of the fire department vehicles, and not block access to fire-related equipment, including but not limited to electrical disconnects, fire hydrants, and fire department connections. (added 4/24/23)
- C. There may be those sites which are oddly shaped, excessively small, contain hardships based on topographical conditions, or have other unusual site features or characteristics, that cannot all be individually accounted for in this zoning ordinance. The planning commission, on a case-by-case basis, shall be allowed to make administrative approval of alternate loading and unloading zones for site plans which follow the spirit of this code, without the need to seek additional variance from the Board of Zoning Adjustment (BZA). This does not exempt a site from providing any other conditions or eliminate the requirement for other variances required by this code. (added 4/24/23)

#### **605 Off-Street Parking Required**

Off-street automobile storage or parking spaces shall be provided on each lot hereafter established, unless otherwise required by this ordinance or unless a combined/remote parking arrangement is approved.

#### **606 Size of Parking Spaces**

Each parking space shall be a minimum of 9 x 18 feet.

## **607 Number of Required Spaces**

Specific minimum numbers of parking spaces are outlined below. Land uses which do not fit into one of the following categories shall provide a minimum of four spaces per 1,000 square feet of usable floor area, as determined by the planning commission.

### **Residential Uses**

- A. Two spaces for each dwelling unit.

### **Civic and Institutional Uses**

- B. One space for every four seats.
- C. If capacity is not based on seating, then one space per 100 square feet of assembly area.

### **Business and Commercial Uses**

- D. For office, commercial, and retail uses, one space per 250 square feet.
- E. For restaurants, one space per 100 square feet of dining room floor area, plus one space for every two employees.
- F. For theaters, auditoriums, and other assembly halls, one space for every four seats. If capacity is not based on seating, then one space per 100 square feet of area to be occupied or used by the public.
- G. For hotels and motels, one space for each room to be rented, plus one additional space for every three employees.
- H. For rooming/boarding houses and bed & breakfasts, 1.5 spaces for each room to be occupied by guests.
- I. For medical facilities, clinics, and hospitals, four spaces per doctor, plus one additional space for each employee.

### **Industrial Uses**

- J. One space for each two employees anticipated during maximum working shift, with a minimum of five spaces.

### **Other Uses**

- K. At repair stations and vehicle garages, five spaces for each vehicle repair rack or service bay.

## **608 Combination of Parking Spaces**

The required parking spaces for any number of separate uses may be combined in one lot. The required spaces assigned to one use may not be assigned to another use, except that parking spaces 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.

#### **609 Remote Parking Spaces**

If the off-street parking spaces required by this ordinance cannot be reasonably provided on the same lot on which the principal use is located, then the spaces may be provided on any land within 200 feet of the main entrance to such principal use; provided, that 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 spaces meeting the requirements of this ordinance has been made for the principal use.

#### **610 Design of Parking Lots**

In general, parking lots should be designed to break up the expanse of asphalt, provide shade, and reduce glare and heat from vehicles. The following specific requirements shall apply:

- A. In all parking lots, no parking space shall be more than 60 feet from a tree.
- B. For parking lots with 20 or more spaces, landscaped islands or bioretention basins equal to 10% of the total paved surface area shall be provided. These landscaped areas shall be distributed throughout the parking area with the configuration presented to the planning commission on the site plan for approval.
- C. One Class I or Class II shade tree (see Section 708) shall be planted for every 250 square feet of landscaping required under this section. Such required trees shall be planted in the landscaped islands and/or around the perimeter of the parking lot in the fulfillment of subsection (A) above.

#### **611 ADA Accessibility**

All public uses and businesses shall provide the minimum number of designated spaces meeting the requirements of the Americans with Disabilities Act, which are included as an appendix with this zoning ordinance. Required ADA spaces shall be shown on the site plan.

#### **612 Paving Requirements**

Parking areas with 20 or more spaces shall be surfaced with a suitable paving material such as asphalt, concrete, brick, or specialty pavers; nonpermanent groundcover such as gravel, dirt, crushed stone, and grass shall not be permitted for such lots.

#### **613 Drainage**

All parking lots shall be designed to drain surface water. However, no parking lot shall be designed or contoured so that runoff drains onto a public street or pedestrian facility. Use of pervious pavement and other green design elements is encouraged. Detailed drainage plan information shall be provided if requested by the planning commission.

#### **614 Access and Parking Shown on Site Plan**

The design of the parking lot shall be shown on the site plan presented to the planning commission for approval. The site plan shall show the number of spaces, location of ADA-accessible spaces, interior circulation lanes, access points, drainage systems, proposed materials, and landscaping. This information shall be of sufficient detail for the planning commission to determine if the requirements of this ordinance have been met.

Where streets are required to provide access or interior circulation in a development, the standard pavement widths and rights-of-way shall be as follows:

STREET TYPE	PAVEMENT WIDTH	ROW Width
One-way, with no on-street parking	12 feet	25 feet
One-way, with parallel parking on one side only	20 feet	50 feet
One-way, with parallel parking on both sides	28 feet	50 feet
Two-way, with no on-street parking	22 feet	50 feet
Two-way, with parallel parking on one side only	30 feet	60 feet
Two-way, with parallel parking on both sides	38 feet	60 feet

The planning commission may require additional pavement or right-of-way widths depending on the nature and intensity of the proposed development.

All streets shall be constructed in accordance with the specifications provided in the Monteagle Subdivision Regulations.

# CHAPTER 7

## LANDSCAPING AND FENCING

### 701 Landscaping Goals

The goals of the landscaping requirements of this chapter are: to promote the scenic quality of the community; to protect and improve the environment; to ensure the stock of native trees and vegetation is maintained and replenished; to improve the appearance of parking areas and property; to provide relief from vehicles, traffic, noise, heat, glare, and lighting; to reduce stormwater runoff, improve water quality, and reduce soil erosion; to protect and enhance property values; and to provide transition between incompatible land uses.

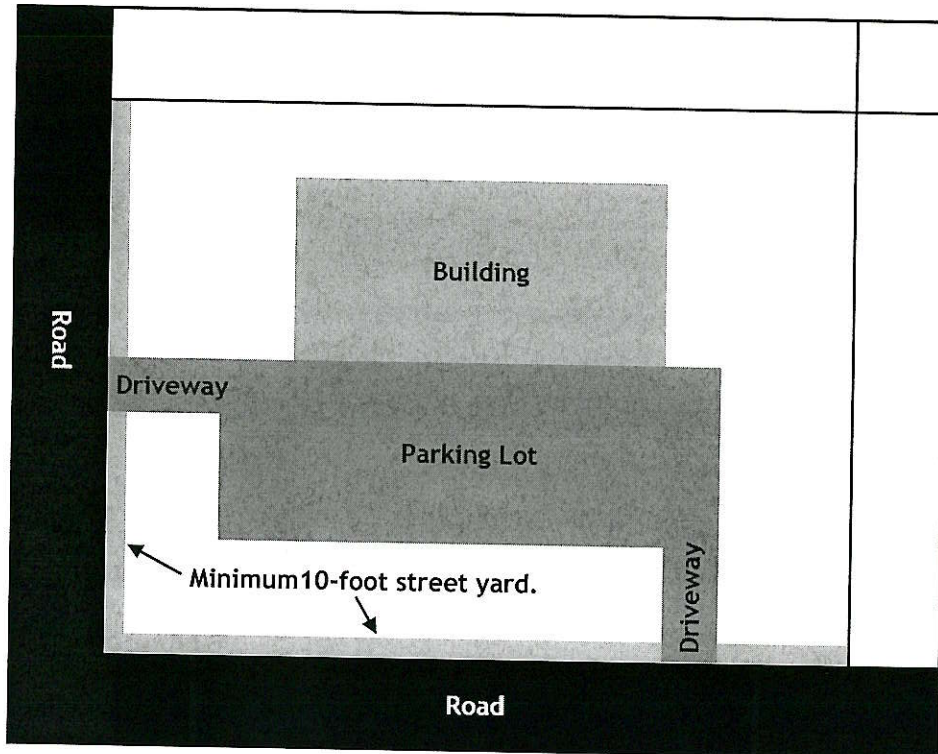
### 702 Applicability of Chapter

- A. The landscaping requirements of this ordinance shall apply to all land and land uses in the Town of Montecagle, except detached single-family residences and duplexes.
- B. New commercial, industrial, and multifamily residential developments (excluding duplexes) shall comply with all landscaping requirements.
- C. Building renovations and additions resulting in the expansion of gross floor area (GFA) shall comply with the landscaping requirements to the extent reasonably feasible and in accordance with the Maximum Obligation set forth in Section 709.

### 703 General Landscaping Requirements

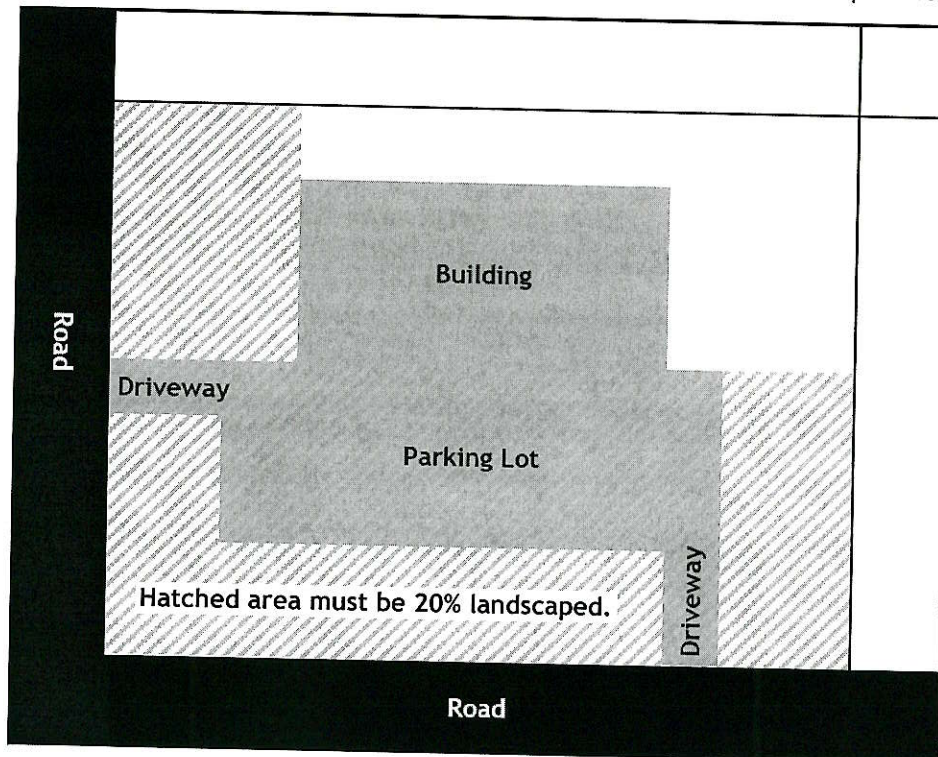
- A. Preservation of existing woodlands and natural areas is encouraged and may be used as a substitute for these landscaping requirements, subject to the approval of the planning commission.
- B. All landscaping shall be installed at the developer's expense and in accordance with accepted planting practices.
- C. Maintenance and upkeep of landscaped areas shall be the responsibility of the individual property owner. Dead trees, bushes, and shrubs shall be removed and replaced in accordance with the provisions of this ordinance.
- D. Where avoidable, landscaping shall not be installed within utility easements.
- E. Refuse receptacles (dumpsters) shall be located outside the public right-of-way and concealed on all four sides with evergreen plantings or a screening fence as outlined in Section 715. Access to the dumpster shall be provided by a gate with minimal opacity.
- F. No rip-rap, crushed stone, concrete, or other impervious materials, with the exception of mountain stone, shall be placed in the landscaped yard, unless approved by the planning commission.

Along each property line abutting a public road, a street yard at least 10 feet in width shall be provided. This shall be measured from the ROW line towards the interior of the property.



No parking areas, structures, or impervious surfaces—with the exception of sidewalks and approved driveways—are permitted within this street yard, which shall consist of grass, landscaping, or other natural living ground cover material.

A minimum of 20% of the total property between the street and front of the principal building, plus the side yard if located on a corner lot, shall be landscaped or kept in a natural state. Street yards, screening, and landscaping installed in parking lots shall count towards this 20% requirement.



For the purposes of meeting this requirement, landscaping may include bushes, shrubs, gardens, flowers, landscaping islands, natural areas, water features, and areas planted with trees. Sod, grass lawns, dirt, sand, gravel, stone rip-rap, buildings, and impervious surfaces shall not count towards this requirement.

A minimum of one Class I or Class II shade tree shall be planted for every 3,500 square feet of the gross front yard and side yard area (shown as the hatched area in the above illustration), or part thereof. Existing trees in the front and side yards consisting of native species or those meeting the standards of Section 708 may count towards this requirement.

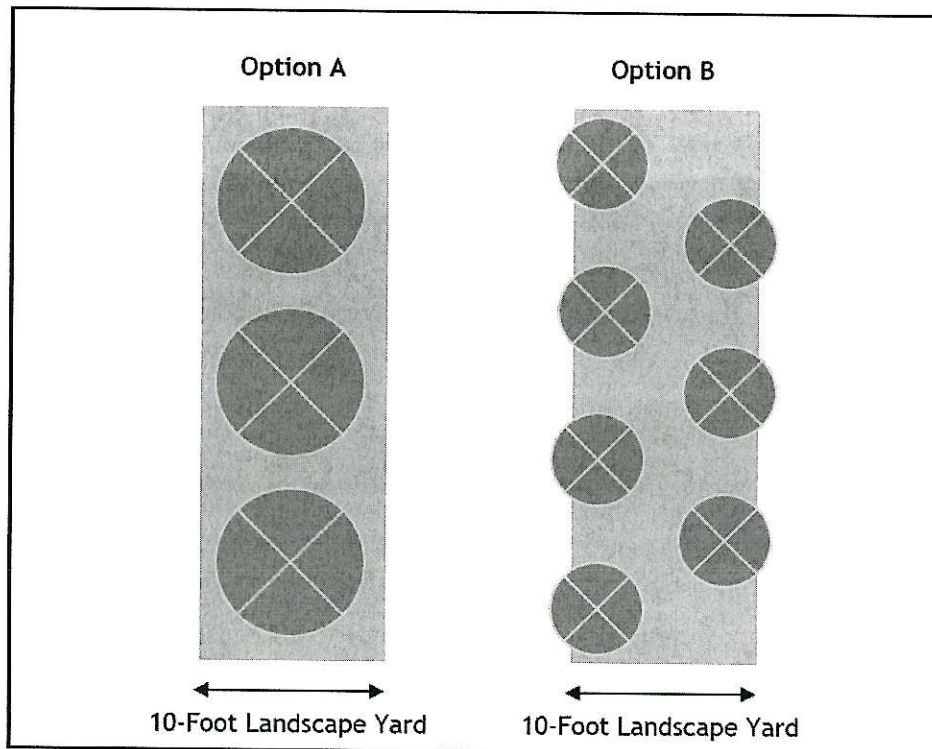
Trees should be located to break up the expanse of pavement in parking lots, create continuity in the progression of vegetation along the corridor, and enhance the viewshed from the public right-of-way.

The purpose of a screen is to install an evergreen buffer that will provide year-round visual obstruction between incompatible land uses and zoning districts. Existing natural areas and trees should be preserved, when possible, and may be used as a substitute for a screen, subject to the approval of the planning commission. Otherwise, screening shall be installed in accordance with the following matrix:

ZONING OF ABUTTING PROPERTY	ZONING OF DEVELOPMENT				
		C-1, C-2	C-3	I-1	R-3, R-4, I-D
	C-1, C-2	None	Required	Required	Required
	C-3	None	Required	Required	Required
	I-1	None	Required	Required	Required
	R-3, R-4, I-D	Required	Required	Required	Required
	R-1, R-2	Required	Required	Required	Required

The screen shall consist of a 10-foot-wide yard around the building or along the abutting side and rear property lines in accordance with the matrix above and planted with **either (A) or (B)** as follows:

- A. One row of screening trees planted on-center and spaced 10 feet apart.
- B. Two staggered rows of screening shrubs with 7 feet of separation between the rows and shrubs planted 8 feet apart.



Note: The matrix in this section applies generally to developments and land uses within Monteagle. Additional screening may be required for certain land uses. This matrix shall not be interpreted as preempting screening required by any other section of this zoning ordinance.

**707      Parking Lot Requirements**

See Section 610.

**708      Plant Classifications**

The purpose of this section is to identify desirable, size-appropriate species that will reach maturity with minimal impact to overhead utilities and other infrastructure. Species other than those listed below may be presented to the planning commission for approval, provided that they meet the approximate size guidelines of each respective category. In areas where designated wetlands are present, the property owner/developer/landscape architect shall install adequate landscaping that addresses the intent and purpose of this ordinance as well as fulfilling the requirements of the Tennessee Department of Environment and Conservation. (Last sentence added 04/25/22)

- A. Class I shade trees. Class I shade trees shall have a minimum expected maturity height of 35 feet and canopy spread of 20 feet. The species listed below are recommended where class I shade trees are required by this ordinance unless overhead power lines or other obstacles prohibit their use, in which case class II shade trees may be installed. Class I shade trees shall be installed at a minimum caliper of 2 inches as measured 30 inches above the base of the tree at grade level.

American Hophornbeam	Katsura Tree	Silver Linden
American Hornbeam	Littleleaf Linden	Southern Sugar Maple
Black Gum	Northern Red Oak	Sugar Maple
Chinese Pistache	Overcup Oak	Swamp White Oak
Dawn Redwood	Princeton American Elm	Sweet Gum
European Hornbeam	River Birch	Water Oak
Ginkgo	Sawtooth Oak	White Oak
Golden Rain Tree	Scarlet Oak	Willow Oak
Japanese Pododotree	Seedless Honey Locust	Yellowwood
Japanese Zelkova	Shumard Oak	

- B. Class II shade trees. Class II shade trees shall have a minimum expected maturity height of 20 feet and canopy spread of 10 feet. The following recommended species may be used where class II shade trees are required by this ordinance and in instances where class I shade trees cannot be installed. Trees shall be installed at a minimum caliper of 1.5 inches as measured 30 inches above the base of the tree at grade level:

Amur Maple	Hedge Maple	Sweetbay Magnolia
Autumn Flowering Cherry	Kousa Dogwood	Thornless Cockspur Hawthorn
Crape Myrtle	Okame Cherry	Trident Maple
Flowering Dogwood	Redbud	Winter King Hawthorn
Golden Rain Tree	Serviceberry	Yoshino Cherry

- C. Screening trees. Screening trees are evergreen species intended to create a year-round visual barrier between two properties. The following recommended species shall be installed at a height of 6-8 feet and shall have a minimum expected mature spread of 8 feet:

American Holly	Deodar Cedar	Loblolly Pine
Atlas Cedar	Eastern Red Cedar	Shortleaf Pine
Canadian Hemlock	Foster Holly	Southern Magnolia
Carolina Hemlock	Leyland Cyprus	Virginia Pine



- D. Screening shrubs. The following recommended screening shrubs shall be installed at a minimum size of 3 gallons and have a minimum expected maturity height of 6 feet and spread of 5 feet:

Burford Holly	English Holly	Nellie R. Stevens Holly
Cherry Laurel	English Laurel	Wax Myrtle
Eastern Arbor Vitae	Leatherleaf Viburnum	

- E. Prohibited plants. The following species shall not be approved as a part of any standard or alternate landscaping plan required by this ordinance:

Amur Bush Honeysuckle	January Jasmine	Purple Loosestrife
Air Potato	Japanese Grass	Sericea lespedeza
Asian Bittersweet	Japanese Honeysuckle	Silver Maple
Autumn Olive	Japanese Knotweed	Silver Poplar
Bamboo	Japanese Spiraea	Siberian Elm
Bush Honeysuckle	Johnson Grass	Tartarian Honeysuckle
Chinese Privet	Kudzu	Thorny Olive
Common Privet	Mimosa	Tree of Heaven
Common Reed	Morrow's Bush Honeysuckle	Tropical Soda Apple
English Ivy	Mulberry	Winter Creeper
Eurasian Water Milfoil	Multiflora Rose	
Garlic Mustard	Princess Tree	

#### 709 Maximum Obligation

The maximum cost of compliance with Sections 704, 705, 706, and 707 of this ordinance shall be \$10,000 or 10% of the total construction cost, whichever is greater. The construction cost shall be equal to the amount used to calculate the building permit fee.

#### 710 Alternate Landscaping Plan

The Town of Monteagle recognizes that existing site conditions or the nature of a proposed development may make it impractical or impossible to comply with the strict landscaping provisions of this ordinance. In such cases, the planning commission is authorized to approve an alternate landscaping plan, provided that the proposed arrangement complements the building façade, enhances the public viewshed, and advances the goals of Section 701. The planning commission may impose conditions it deems necessary when approving alternate landscaping plans to ensure the spirit and intent of this ordinance is fulfilled. Alternate plans shall be submitted in accordance with Section 710.

#### 711 Approval of Landscaping by Planning Commission

- Required landscaping shall be presented on the site plan or on a separate landscaping plan for review and approval by the planning commission.
- Any site plan submitted without the required landscaping elements shall be considered incomplete and shall not be approved. A verbal or written commitment from the developer to install landscaping will not be accepted for any conditional or interim approval; the landscaping plan must be presented to and voted on by the planning commission.
- If the developer is seeking a landscaping exemption from the BZA in accordance with Section 712 below, the planning commission shall review the development plan for compliance with all other applicable regulations (e.g. zoning district compliance and floodplain development

standards) and certify that those requirements have been fulfilled before sending the site plan to the BZA.

#### **712 Exemption by Board of Zoning Appeals**

Exemptions from this landscaping ordinance may only be granted by the board of zoning appeals (BZA), not the planning commission. In cases where an exemption is sought, the site plan shall first be submitted to the planning commission to ensure compliance with all other applicable provisions of this ordinance. The planning commission shall then refer the site plan to the BZA for consideration of a landscaping exemption following the procedure for a Special Exception in Section 1107. The granting of a Special Exception from the landscape requirements by the BZA shall constitute approval of the site plan and the development may proceed.

The BZA is authorized to grant Special Exceptions for landscaping exemptions under the following circumstances:

- A. An alternate landscaping plan is not feasible.
- B. The property's existing natural features are found to be desirable, and the landscaping required by this ordinance would be superfluous or significantly disturb the existing features.
- C. The configuration or features of a particular piece of property would make compliance with this landscaping ordinance overly burdensome or impractical, even under an alternate landscaping plan. The property shall have conditions unique to that property, not characteristics that are found generally throughout the town or zoning district.
- D. When the provisions of this ordinance would deprive the applicant of reasonable use of his or her land. Mere loss in value shall not constitute grounds for a special exception; there must be a deprivation of beneficial use of land.

**Financial hardship shall not constitute grounds for a Special Exception.** Applicants seeking an exemption for financial hardship shall be denied a Special Exception and their site plan sent back to the planning commission for further action.

In the event the request for a Special Exception is denied, the site plan shall be resubmitted to the planning commission with the required landscaping elements.

Receipt of a variance shall not preempt future developments or expansions at the same property from being required to comply with the landscaping requirements of this ordinance.

#### **713 Postponement Until Suitable Planting Season**

Applicants have 6 months from the date of the final building inspection to install all landscaping required by this ordinance. The purpose of this 6-month period is to enable the applicant to plant and install landscaping during the regular planting season, when conditions are optimal for plant health and vitality.

In cases of extreme drought or other unusual weather conditions, applicants may request an extension from the planning commission for an additional 6 months. Such request should be submitted at least 30 days before the expiration of the 6-month period. Financial hardship shall not be the basis for any extension.

In the event the required landscaping is not installed within 6 months and no extension has been granted, the owner shall be considered in violation of this ordinance and subject to penalties in accordance with Section 1209.

The property owner shall be responsible for the maintenance of all landscaping installed under this ordinance. Landscaped areas shall present a healthy, neat, and orderly appearance, and shall be kept free from refuse and weeds. Any dead or diseased plant material shall be replaced by the property owner with new plantings that meet the requirements of this ordinance. Owners who fail to properly maintain their landscaping in accordance with the provisions of this ordinance shall be deemed to be in violation and subject to penalties under Section 1209.

Fencing provides a physical barrier between land uses is often used for security, privacy, decoration, noise abatement, safety, and other purposes. Materials and functional utility vary widely; the Town of Monteagle has determined certain minimum standards that are necessary to ensure the objectives of this ordinance are achieved in instances where fencing is required. This section establishes classifications and basic minimum standards for fencing. Unless another standard is explicitly stated in this ordinance, the fencing standards in this section shall be in effect.

- A. General Standards. All new fences and modifications of existing fences in the Town of Monteagle shall meet the following requirements:
1. No fencing shall be located within any public street right-of-way.
  2. Fencing shall be located no closer than 12 inches from the edge of any new or existing sidewalk or multi-use trail.
  3. Fences on corner lots shall comply with the sight triangle requirements in Section 212.
  4. The finished or decorative side of the fence shall face outward as to be visible from the public right-of-way or adjoining property.
  5. Chain link fencing visible from the public right-of-way in the C-1, C-2, and C-3 districts shall have a vinyl or similar coating which is black, dark green, or other color approved by the planning commission. No chain link fencing with a steel or metal finish shall be installed in a location visible from the public right-of-way within commercial districts.
  6. Within residential and commercial districts, no barbed wire, razor wire, chicken wire, or similar such fencing material shall be visible from the public right-of-way, unless used for agricultural purposes.
  7. Electric fencing and hot wire fencing is prohibited in the Town of Monteagle, unless used for agricultural purposes. This does not include electrically charged invisible pet fences commonly found in residential areas.
  8. No fence shall be constructed of used or discarded materials that are in disrepair, or other items such as pallets, tree trunks, trash, junk, railroad ties, wooden doors, utility poles, or other materials not specifically manufactured for fencing.
- B. Fencing classifications. The following classifications describe and set forth minimum requirements for common types of fences in the Town of Monteagle. Other fences are permitted, provided that they meet the general standards outlined in Section (A) above.
1. Residential fences. Fences up to 8 feet in height are permitted in the side and rear yards of residential districts and may be placed on the lot line. Front-yard fences in residential districts shall have a minimum opacity of 50%. The design should be appropriate for residential-style fencing and complementary of the neighborhood's

housing styles, historical character, and streetscapes. Materials may include, but shall not be limited to, brick, wrought iron, aluminum, wood, and vinyl. Chain link fencing is discouraged but not prohibited.

2. Security fences. The primary purpose of a security fence is to restrict access to a structure or area of property. In general, security fences required by this ordinance shall have a height between 6 and 10 feet. Opacity requirements shall be determined by the planning commission based upon safety considerations and the need to screen the interior area. Materials may include, but shall not be limited to, brick, wrought iron, aluminum, wood, vinyl, and chain link fencing. Chain link security fencing visible from the public right-of-way in a C-1, C-2, or C-3 district shall have a vinyl or similar coating which is black, dark green, or other color approved by the planning commission.
  3. Screening fences. Screening fences are intended to limit noise, dust, and visibility between adjacent properties and land uses. In general, screening fences required by this ordinance shall have minimal opacity (i.e. very little or no thru-visibility) and a height between 6 and 10 feet. The planning commission may modify these requirements or impose additional reasonable requirements in order to achieve the screening objectives for the particular development or land use at hand. Screening fences should incorporate structural design elements or other features spaced no farther than 20 feet apart so as to break up monotony and provide visual interest. In addition, the design should complement nearby architectural styles, historical character, and streetscapes. Materials may include, but shall not be limited to, brick, wood, and vinyl. Chain link fencing is prohibited as a screening fence.
  4. Pool fences. Swimming pools shall be fenced as a safety precaution and to prevent uncontrolled access by children and pets from the street or from adjacent properties. Durable, permanent fencing at least 4 feet in height shall be placed around the yard and/or pool area and maintained for the life of the pool. The sides of an above-ground pool may constitute compliance with these fencing requirements, provided that the entire area outside the pool measures 4 feet above grade, and further provided that the ladder or steps can be secured, locked, or removed to prevent unauthorized access to the pool.
- C. Developments requiring fencing and landscape screening. As a general rule, when both fencing and landscape screening are required by this ordinance, landscaping shall be planted exterior of the fence as to be visible from the adjacent property or public right-of-way. This shall not preclude additional landscaping from being located on the interior of a fence if required by this ordinance. The final layout of any required fencing, screening, and other landscaping elements shall be approved by the planning commission.
- D. Modifications of existing fences. All modifications of existing fences shall comply with this ordinance.
- E. Maintenance of fences. Fences shall be maintained in a manner as to prevent rust, corrosion, and deterioration, and shall avoid the appearance of a patchwork indicative of a state of disrepair. Fences should be kept level and in good condition. If a screening or security fence deteriorates to the point where it is no longer achieving its stated purpose in this ordinance, it shall be replaced or repaired at the owner's expense.

# CHAPTER 8

## DESIGN STANDARDS

*This chapter is reserved for future use.*

# CHAPTER 9

## SIGNS

The provisions of this chapter governing signs and outdoor advertising are adopted pursuant to TCA 13-7-201 et. seq., the Billboard Regulation and Control Act of 1972 (TCA 54-21-101 et seq.), and TDOT Maintenance Division Rules Chapter 1680-02-03 Control of Outdoor Advertising.

### 901 Sign Regulation Goals

The purpose of this chapter is to:

- A. Encourage signs that are integrated into the architectural scheme of the building façade and discourage signs that contribute to the visual clutter along Monteagle's streetscapes.
- B. Achieve signs that are consistent and complementary to the overall design of the building which they serve in terms of size, shape, color, texture, and lighting.
- C. Promote a quality visual environment by allowing signs that are compatible with their surroundings and which effectively communicate their message to motorists and pedestrians.
- D. Ensure that signs are properly maintained in clean, working condition, and that the copy and text is not obscured or damaged.

### 902 Sign Definitions

Definitions applicable to this section are listed under "Sign Definitions" in Chapter 13.

### 903 Applicability of Chapter

The regulations of this chapter shall apply to the placement, construction, erection, alteration, replacement, maintenance, use, type, quantity, location, material, and size of all signs within the Town of Monteagle.

### 904 General Standards for All Signs

The following general standards shall apply to all signs in the Town of Monteagle.

- A. Design criteria. Signage should be consistent in size, material, and location within each development. Signs should be designed as an architectural element of the building and should reflect or complement the architectural style of the building.
- B. Visual obstructions and public safety. No sign shall be constructed, maintained, and/or illuminated in such a manner as to create or allow the obstruction of drivers, pedestrians, or the general public, or create a fire or safety hazard.
- C. Code compliance. Signs and supporting structures shall comply with all applicable code requirements of the Town of Monteagle, including any currently adopted building codes. No sign shall be installed, erected, or attached to a structure in any form that is violation of any such code.
- D. Sign maintenance. Signs shall maintain a neat and orderly appearance. Any sign not maintained in a state of good repair shall be removed at the property owner's expense within 30 days of notification.

- E. Nonconforming signs. See Section 1105.
- F. Abandoned signs. At the time a business or other use at a location moves to another location or ceases to exist, all signage pertaining to the prior establishment must be removed within 30 days after notification by the city at the property owner's expense.
- G. Maximum sign size. Unless otherwise specified in this ordinance, no sign in any zoning district shall exceed 120 square feet in area. If the sign is double-faced, each face may be up to 120 square feet.
- H. Sign height. Unless otherwise specified in this ordinance, no sign shall be erected to exceed the maximum height limitation for the district in which it is located.
- I. Setbacks. The property line setback for detached signs shall be equal to one-half of the required front-yard setback for the zoning district in which it is located.
- J. Placement in landscaped street yard. Signs may be located within the landscaped street yard required by this ordinance, subject to any applicable setback requirements and provided that adequate landscaping is installed around the sign, pole, or base.
- K. Illumination of signs. Spotlights and other forms of interior or exterior illumination shall be shaded, shielded, subdued, or directed so that the light intensity will not create glare or be objectionable to surrounding areas. Exposed bulbs are prohibited.
- L. Digital displays. Changeable message signs that display messages at intervals through the electronic coding of lights or light emitting diodes shall display each message for a minimum of six seconds and shall not have a daytime brightness greater than 4,000 nits or nighttime brightness of greater than 150 nits with an automatic control mechanism to adjust the luminance in response to ambient outdoor lighting levels.
- M. Temporary signs—time limit and coverage limitation. Unless specifically stated elsewhere in this ordinance, the maximum time limit for the display of a temporary sign, as defined in Chapter 13, is three months. There is no limit on the number of temporary signs such as banners, special promotions signs, sandwich boards, posters, or other such signs that may be permitted at any one business location, provided that the advertising maintains a neat and orderly appearance and does not violate the goals of Section 901. However, at no point shall total combined area of all temporary signs cover, block, or conceal more than 20% of the building façade, wall, or land use visible from the public right-of-way. This 20% calculation shall include signs posted on windows or doors.
- N. Signs over sidewalks. Signs overhanging any sidewalk shall be placed at least 9 feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds (2/3) the width of the sidewalk.

#### **905 Sign Standards for Specific Zoning Districts**

- A. Signs in residential districts. In the R-1, R-2, R-3, R-4, and I-D districts, only those signs customary and necessary for residential uses and other uses permitted by this ordinance in such districts are permitted. Permissible signs shall include:
  - 1. Building addresses and numbers.
  - 2. Entrance signs for neighborhoods and apartment complexes.
  - 3. Church signs.

4. Bulletin boards for schools.
  5. Signs for customary home occupations and bed & breakfasts, not to exceed 4 square feet in area.
  6. Other signs deemed customary and appropriate for residential districts, as determined by the planning commission.
- B. Signs in commercial and industrial districts. In the C-1, C-2, C-3, and I-1 districts, signs shall comply with the general requirements of this chapter and applicable provisions of this zoning ordinance. Additional requirements are as follows:
1. Sign allowances, generally. Each land use in a commercial or industrial district shall be permitted to have:
    - a. One permanent attached sign on the front of the building that does not exceed 20% of the front building face; AND
    - b. One permanent attached sign on each side or rear of the building containing only letters and numbers not exceeding 120 square feet in area or 20% of the side or rear building face, whichever is smaller; AND
    - c. One permanent detached sign not to exceed 120 square feet in area; AND
    - d. Incidental signs and signs customary for certain land uses such as logos and lettering affixed to fuel island canopies, entrance/exit signs, delivery signs, hours of operation, and drive-thru menu order boards, provided that such signs are deemed reasonable and necessary by the enforcement officer or planning commission.
    - e. If a building has an awning or canopy, any lettering, logos, numbers, or other symbols displayed or printed thereon shall count against the 20% limitation for the front-facing attached sign in subsection (a) above. Underneath the awning, one non-illuminated hanging sign may be mounted to the awning near the store entrance, provided that such hanging sign does not exceed four square feet in size and a vertical clearance of 7 feet is maintained.
  2. Sign allowances at multi-tenant shopping centers. In commercial shopping centers where spaces are leased or occupied by individual tenants and businesses, the following signs are permitted:
    - a. One permanent attached sign per tenant or storefront that does not exceed 20% of each respective storefront; AND
    - b. One permanent attached sign on each side or rear of the building displaying the name of the shopping center (not individual tenants) not exceeding 120 square feet in area or 20% of the side or rear building face, whichever is smaller; AND
    - c. One single permanent detached sign listing all of the tenants or businesses in the shopping center not to exceed 120 square feet in area; AND
    - d. Incidental signs and signs customary for shopping centers such as entrance/exit signs, delivery signs, hours of operation, and menu order boards, provided that such signs are deemed reasonable and necessary by the enforcement officer or planning commission.

- e. If a multi-tenant building has awnings or canopies, any lettering, logos, numbers, or other symbols displayed or printed thereon shall count against the 20% limitation for the front-facing detached sign in subsection (a) above. Underneath the awning, one non-illuminated hanging sign may be mounted to the awning near each store entrance, provided that such hanging sign does not exceed four square feet in size and a vertical clearance of seven feet is maintained.
3. C-3 & I-1 district height exceptions. Upon approval of a special exception request as provided for in Section 1107, signs oriented towards interstate traffic in the C-3 and I-1 districts may exceed the maximum height limitations in Chapter 4 to the extent reasonably necessary to achieve visibility from the interstate. The BZA, in approving a taller sign, may require engineering certifications that the sign will meet wind loads of a minimum of 70 MPH with half-inch radial ice (same as the requirements for telecommunications towers in Section 536). Such signs exceeding the standard height limitations shall have a setback equal to 110% of the final approved sign height from the closest property line of any residential district.
4. Billboards shall be limited to the I-1 district and meet the requirements of Section 908.

## 906 Sign Permit Requirements

- A. Permit required. Unless specifically exempted by Subsection (E) below, no temporary or permanent sign shall be placed, replaced, constructed, erected, altered, or displayed within the Town of Monteagle, regardless of the type, quantity, location, material, or size, without first obtaining a sign permit. Application for a sign permit shall be made by completing the required form and paying the required fees.
- B. Review and approval by planning commission. New and replacement signs at projects for which a site plan or subdivision plat is required shall have the sign design presented at the time of site plan or plat approval, or prior to sign construction, for review and approval by the planning commission before a sign permit is issued. The sign design plans shall include dimensions, proposed text and logos, lighting and illumination details, materials, colors, and other information as may be required by the planning commission. The planning commission shall review the proposed sign design for compliance with the criteria of this chapter. As a general protocol, if the proposed sign designs are submitted with the site plan or subdivision plat, a vote to approve said site plan or subdivision plat shall also constitute approval of the sign. The planning commission may approve such site plan or subdivision plat without the final sign designs, provided that final sign approval is obtained prior to beginning sign construction.
- C. Review and approval by enforcement officer. Signs which do not require planning commission approval under Subsection (B) above may be administratively approved by the enforcement officer upon meeting the criteria of this chapter.
- D. Signs requiring a permit. The following signs are required to apply for and receive a permit:
  1. Attached signs. Includes all signs attached to a building or part thereof, including but not limited to: wall signs, signs for a business or home occupation, canopy signs, awning signs, projecting signs, and banner signs.
  2. Detached signs. Includes all freestanding signs which are not attached to a building or part thereof, including but not limited to: ground signs, monument signs, shopping center signs, billboards, neighborhood entrance signs, pole signs, and pylon signs.

3. All other signs not specifically exempted under Subsection (E) below.

E. Signs exempt from permit requirements. The signs listed below are not required to apply for or receive a permit. However, such signs shall nevertheless comply with all applicable provisions of this chapter and zoning ordinance.

1. Government Signs. Signs may be erected for orderly traffic control and other municipal or government purposes, including historical monuments, markers, and signs erected by a public authority or its authorized designee.
2. Addresses. E-911 address numbers required under Section 203 shall not require a permit.
3. Hours of Operation. A commercial establishment may display the hours of operation on the main entry or on a window next to the main entry.
4. Window Signs and Decals. Logos and lettering on glass storefront doors and windows do not require a permit, provided that such sign area shall not exceed 16 square feet.
5. Construction Signs. Any temporary on-premise sign located upon a site where construction or landscaping is in progress and relating specifically to the project which is under construction, provided that no such sign shall exceed a total 16 square feet in area.
6. Temporary Window Signs. Temporary window posters announcing civic and cultural events or public services may be displayed by commercial establishments on the inside of windows at street level.
7. Temporary Yard Signs. Temporary on-premise signs smaller than four square feet in size advertising real estate sales, yard sales, or other events or promotions may be placed between the building and public right-of-way without the need for a permit. One such sign per road right-of-way abutting the property is permitted. Except for real estate signs, no such temporary yard sign shall be displayed longer than 90 days. The maximum size of temporary yard signs shall be four square feet.
8. Temporary Banners. Banners displayed less than 90 days shall not require a permit. Banners displayed longer than 90 days must receive a permit.
9. Political Signs. In accordance with TCA 2-1-116 and TCA 2-7-143, the "Tennessee Freedom of Speech Act," political signs may be placed on private property beginning 60 days before a general election and must be removed within 7 days after the election. The shape and quantity of such signs shall not be regulated, except as follows:
  - a. Political signs on commercial property shall not exceed 32 square feet in size.
  - b. Political signs on residential property shall not exceed 16 square feet in size.Outside the timeframes surrounding an election as provided for above, political signs shall be considered "Temporary Signs" and shall comply with such requirements.
10. Athletic Field Signs. Commercial copy signs on athletic field buildings and fences are allowed, provided they are facing towards the field.
11. Menu Displays. A restaurant menu display box may be permanently mounted on the building façade adjacent to the entry. The display box shall not exceed five square feet in area.

12. Replacement of Tenant Identification Signs. A permit is not required for the replacement of tenant identification on a multi-tenant sign.
13. Flags. Flags and flag poles are permitted, provided that the height of any pole shall not exceed the maximum building height for the district. The applicant may need to obtain a building permit to construct a flag pole.
14. Sidewalk Signs (sandwich boards). One pedestrian-scaled non-permanent sign easel-style or A-frame sign is permitted per commercial tenant, provided that such sign is located within five feet of the primary entrance and a minimum of five feet of unobstructed sidewalk clearance is maintained. Sidewalk signs shall not exceed six square feet in area per side and shall be removed at the close of business each day.
15. Landmark Signs. Landmark signs attached to any building on the National Register of Historic Places or listed under any similar state or national historical or cultural designation shall not require a permit, provided that such sign is the standard sign used by the designating department or agency and does not exceed four square feet in area.

## 907

### Prohibited Signs

The following signs are prohibited in the Town of Monteagle:

- A. Off-premise signs, whether temporary or permanent, that advertise or give direction to any business, product, service, attraction, or any other purpose or interest at a location other than on the site where the sign is located; provided, however, that this prohibition does not include the following:
  1. Billboards, which are regulated under Section 908.
  2. Nonconforming off-premise signs in existence at the time of passage of this ordinance, which may continue and expand in accordance with Section 1105.
  3. Regional Tourism Development Signs, as defined in Chapter 13, subject to granting of a Special Exception by the board of zoning appeals in accordance with Section 1107.
- B. Signs erected in a public right-of-way, except those placed by or on behalf of a government entity.
- C. Signs interfering with blocking the sight of directional, traffic, instructional, or warning signs, signals, or devices.
- D. Any sign with moving parts, flashing or blinking lights, animation, or sound-emitting devices.
- E. Government imitation signs.
- F. Snipe signs and signs attached to utility poles or bridges.
- G. Signs suspended across public streets or other public places, unless approved of the board of mayor and aldermen (Section 16-105 of Monteagle Municipal Code).
- H. Air-activated devices, streamers, tethered balloons, or other inflatable signs or figures, except as authorized by this ordinance.
- I. Roof signs, including signs painted on roofs.
- J. Signs on natural features such as trees, other vegetation, or rocks.

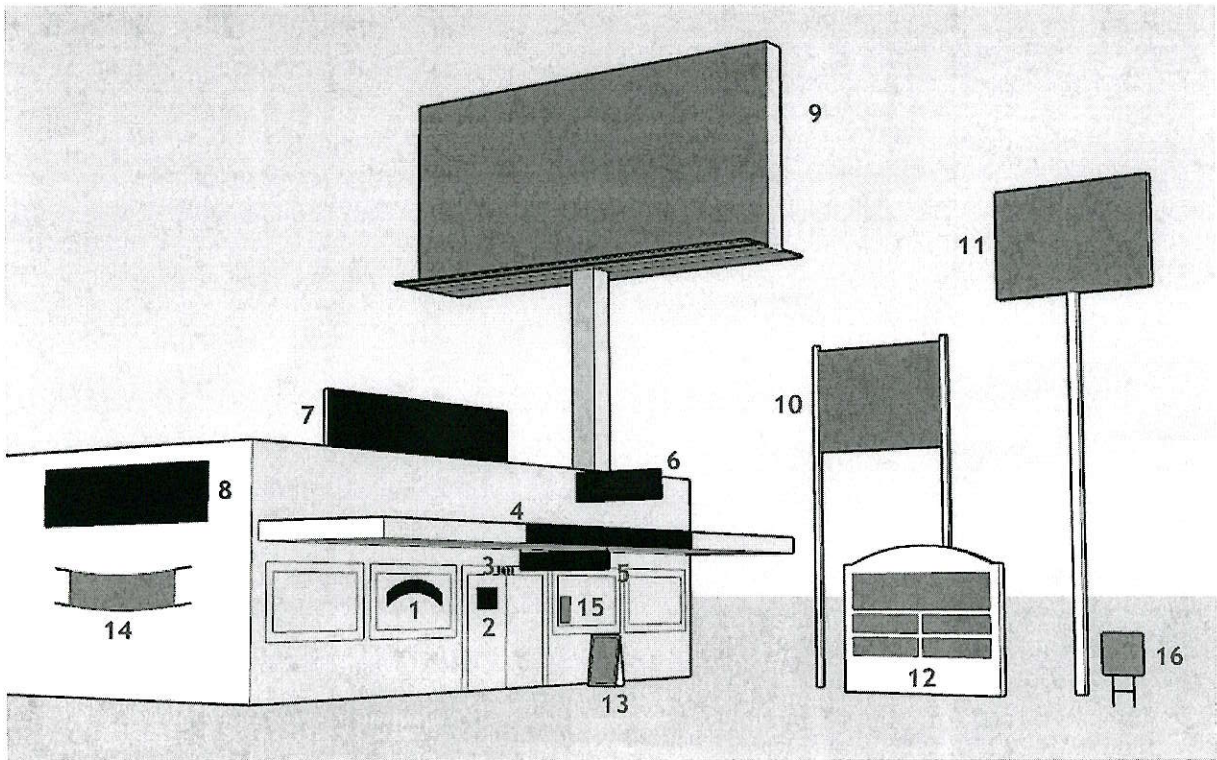
- K. Portable signs, including any sign which is not securely attached to a building or the ground. Sand bags, rocks, guide wires, tape, stakes, fence posts, chains, and staples shall not be considered a form of secure attachment.
- L. Any sign which exhibits statements, words, or pictures that are obscene to the general public or pornographic in nature.
- M. Exposed neon and LED signs, except for electronically controlled message boards giving the time, temperature, fuel prices, or public services information.
- N. Any sign not explicitly permitted by this zoning ordinance.

#### **908 Requirements for Billboards and Off-Premise Signs**

- A. Off-premise signs other than billboards are prohibited in the Town of Monteagle.
- B. Billboards shall be limited to those zoning districts identified in Section 501.
- C. Billboards shall meet all applicable requirements for outdoor advertising structures in TCA 54-21-101 et seq., the "Billboard Regulation and Control Act of 1972," and TDOT Maintenance Division Rules Chapter 1680-02-03 Control of Outdoor Advertising.
- D. Applicants may be required to receive a TDOT permit for a billboard. If such permit for a billboard is required, a copy of the permit shall be provided to the enforcement officer.  
**Receipt of a permit from TDOT does not guarantee issuance of a sign permit from the Town of Monteagle.** It is encouraged that billboard applicants research Monteagle's sign requirements and confer with staff before applying for a TDOT permit.
- E. No billboard shall be located within 100 feet of any residential district or within 100 feet of another billboard.
- F. Billboards are not limited to the size restrictions of Section 904(D) but shall not exceed the size or dimensional requirements in the TDOT Maintenance Division Rules Chapter 1680-02-03 Control of Outdoor Advertising.
- G. Nonconforming off-premise signs and billboards may continue in accordance with Section 1105.

## Common Types of Signs

*For illustration purposes only; image is not a regulatory component of this ordinance.*



### Attached Signs

1. Window Signs and Decals
2. Hours of Operation
3. Address Numbers
4. Canopy/Awning Sign
5. Hanging Sign
6. Projecting Sign
7. Roof Sign (Prohibited)
8. Wall Sign

### Detached Signs

9. Billboard
10. Pylon Sign
11. Pole Sign
12. Ground/Monument Sign
- Multi-Tenant Sign
13. Sandwich Board/A-Frame

### Temporary Signs

14. Banner
15. Event Poster
16. Yard Sign

# CHAPTER 10

## SITE PLAN REQUIREMENTS

### 1001 Site Plan Overview

A site plan delineates the overall scheme of development for 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; landscaping; pedestrian and vehicular circulation; and circulation for emergency vehicles.

### 1002 Site Plan Required

A site plan shall be required for all commercial, multifamily, industrial, public, and semi-public developments and redevelopments in the Town of Monteagle. Depending on the nature or intensity of the proposed land use, or when there is uncertainty as to building setbacks, easements, property lines, or utility locations, the enforcement officer or planning commission may require that a site plan be prepared and stamped by a licensed engineer, surveyor, or architect.

A. Exceptions. The following uses shall be exempt from the site plan requirements and may instead submit a sketch plan as provided in Section 1009:

1. Detached single-family residences, including mobile homes
2. Duplexes
3. Accessory structures and uses

### 1003 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 except in accordance with the approved final site plan.

### 1004 Permits Not to be Issued without an Approved Site Plan

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 this ordinance.

### 1005 Site Plan Submission and Staff Review

The applicant shall submit three copies of the proposed site plan to Monteagle City Hall no later than 30 calendar days (amended 4/24/23) prior to the next regularly scheduled planning commission meeting. Staff shall distribute one copy to the enforcement officer and one copy to the town planner. The third copy shall be kept at town hall for inspection by other reviewing officials.

Staff shall review the proposed site plan and provide any comments or suggested revisions to the applicant, allowing sufficient time to address the comments and make revisions before the planning commission meeting.

~~On the day of the planning commission meeting, the applicant or his representative shall bring five copies of the revised site plan, or more if requested by planning staff. (Deleted 4/24/23)~~

## 1006 Site Plan Review and Approval by Planning Commission

The planning commission shall review the site plan for compliance with all applicable requirements of this ordinance. During its review, the planning commission may request recommendations from planning staff, the enforcement officer, and other appropriate officials. The planning commission may take the following actions on site plans:

- A. Approve. If the site plan meets all applicable requirements of this ordinance, the planning commission may vote to approve the site plan.
- B. Conditionally approve. If the site plan is found to substantially comply with all applicable requirements and only minor revisions are needed, the planning commission may grant approval "subject to" submission of a final, revised site plan to planning staff and/or the enforcement officer. Staff shall inspect the revised site plan. If all of the required revisions have been made, staff shall notify the planning commission chairman and secretary that the site plan is in compliance and is ready to be signed.
- C. Refer to BZA. If a development requires a variance or special exception permit, the planning commission shall review all other site plan components for compliance with this zoning ordinance and may then vote to approve the site plan "subject to" receiving any required variances or special exception permits from the BZA. If the BZA grants the variance or approves the special exception permit, the site plan shall be approved. If the variance is denied, the site plan may be resubmitted to the planning commission once any required changes have been made.
- D. Table. If the planning commission determines that more information is required, or if planning staff or the enforcement officer requests time to perform additional research, the planning commission may table consideration of the site plan until the following meeting.

~~**Note:** Once tabled, the site plan may not be revised. If a site plan requires revisions, it is suggested that the applicant withdraw the site plan and resubmit once corrections have been made.~~ (Deleted 4/24/23)

Resubmittals of site plans without significant changes can be submitted 14 days prior to the following planning commission meeting. (added 4/24/23)

- E. Deny. If the site plan or the proposed development is found not to be in compliance with this zoning ordinance, the planning commission shall deny approval of the site plan. Amended or revised site plans may be submitted following the regular application process.

Planning commission actions taken on all site plans, including any reason(s) for denial, shall be recorded in the meeting minutes.

## 1007 Signing and Distribution of Approved Site Plans

Once a site plan has been approved, the planning commission secretary shall inscribe each site plan with his or her signature along with the date at which the site plan was approved by the planning commission. Once signed, the secretary or town recorder shall distribute the signed copies as follows:

No. Copies	Distribute to
1	Planning commission secretary
1	Enforcement officer
1	Planning staff

Site plans shall contain the following components and information, as applicable. The planning commission may require missing items be added or other corrections made as a condition for approval.

- A. Name, address, and contact information of the owner of record and the applicant.
- B. Name, contact information, and original stamp of the licensed engineer, surveyor, or architect who prepared the site plan.
- C. Name of the development and physical address of the site.
- D. Tax map and parcel ID number of the property to be developed.
- E. 24-hour contact information for the responsible project manager.
- F. Current zoning of the site and all abutting properties.
- G. Date, graphic scale, and north point.
- H. Courses and distances of all property lines and street centerlines.
- I. All property setback lines, easements, covenants, reservations and rights-of-way.
- J. The area of site in acreage or square feet and the total calculated area of land disturbance.
- K. Topography of existing ground and paved areas and elevations of streets, alleys, utilities, buildings, and structures. When required by the planning commission, 5-foot contours shall be shown.
- L. Floodplain limits and natural and artificial watercourses. If the property is in a floodplain, elevations for all structures shall be included.
- M. Existing and proposed sidewalks, streets, alleys, easements, and utilities.
- N. Existing and proposed buildings and structures, including signs.
- O. Existing and proposed public sewer systems with line sizes noted.
- P. Existing and proposed water mains with line sizes and fire hydrant locations noted.
- Q. Plans for collecting stormwater and methods of treatment.
- R. Grading and drainage plan including any existing and proposed slopes, terraces, and retaining walls.
- S. Existing and proposed natural areas, recreation areas, and open space.
- T. Detailed design of access points and parking lots showing internal circulation lanes, total number of parking spaces, loading areas, landscaping elements, drainage plans and systems, and location of ADA-accessible spaces.
- U. Distances between buildings.
- V. Number of existing and proposed dwelling units.
- W. Total gross floor area of each building.
- X. Lot coverage in square feet and as a percentage of total tract area.

- Y. Detailed information for all landscaping elements required by this ordinance. Details shall include location, installation size, quantity, spacing, and species information. In addition, the following landscape guarantee, to be signed and dated by the owner, shall be included:

**Landscaping Guarantee**

I (we) hereby guarantee to the Town of Monteagle that the plant materials shown on this site plan will be maintained after issuance of the final certificate of occupancy. Any plant material that dies or is damaged will be replaced in the next appropriate planting season with equivalent material. If this property is sold, this guarantee will become the responsibility of the new owner(s).

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Date

- Z. Certification of Zoning Compliance, to be signed and dated by the planning commission secretary.

**Certification of Zoning Compliance**

This site plan and the development shown hereon has been found to be in compliance with all applicable standards of the Monteagle Zoning Ordinance and was approved by the Monteagle Regional Planning Commission on the date indicated.

\_\_\_\_\_  
Secretary, Monteagle Regional Planning Commission

\_\_\_\_\_  
Date

Note: If the development involves construction or modification of a sign, the sign design shall be submitted along with the site plan or before sign construction (see Section 906).

**1009 Sketch Plans**

Sketch plans contain less detail than a site plan and do not require planning commission approval; instead, they may be administratively approved by the enforcement officer. Sketch Plans may be prepared by the applicant and do not require a stamp from a surveyor, architect, or engineer.

**A. Uses for which a Sketch Plan is Permitted**

1. All uses listed as Exceptions to the site plan requirement in Section 1002(A).

**B. Review and Approval by Enforcement Officer**

Sketch plans shall be submitted to the enforcement officer with the building permit application. The enforcement officer shall review the sketch plan for compliance with this

zoning ordinance. If the sketch plan complies with all applicable requirements, the sketch plan may be administratively approved.

If the sketch plan or other materials submitted by the applicant leave uncertainty as to whether a proposed development is in full compliance with this ordinance, the enforcement officer, at his or her sole discretion, may require a full site plan be submitted and, additionally, may withhold administrative approval and instead require the site plan be presented to and approved by the planning commission.

Sketch plans for a development requiring a variance or special exceptions permit shall be referred to the BZA. Upon approval of the sketch plan by the enforcement officer or BZA, and after the submission of any other required materials, a building permit may be issued.

If the proposed development for which the sketch plan has been submitted is in conflict with any provision of this ordinance, the enforcement officer shall deny approval of the sketch plan and building permit. A letter with the reasons for denial shall be provided to the applicant as well as the town recorder and planning commission secretary.

#### C. Sketch Plan Content

Sketch plans shall be drawn to scale and include the following information:

1. The size and shape of the lot.
2. The size, shape, location, and use of any existing or proposed buildings or structures on the site, or modifications thereto.
3. The property's zoning classification and the zoning of all adjacent properties.
4. Distance(s) between structure(s) as well as the distances from front, side, and rear property boundaries.
5. The applicant's name and contact information.
6. The street address of the property and tax parcel ID number.
7. Driveways and parking spaces, where applicable.
8. Location of well and septic system, where applicable.
9. The intended use of all structures.

# CHAPTER 11

## EXCEPTIONS AND MODIFICATIONS

This chapter is established to provide relief from unnecessary hardships that may occur from the applications of this ordinance to a specific piece of property. Further, it is intended to provide for the establishment of developments that could not reasonably adhere to the provisions of this ordinance.

### **1101 Lots of Record**

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

- A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this zoning 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 that the yard and other requirements of the district are complied with to the extent possible.
- B. 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. 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.
- C. 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.

### **1102 Exceptions to Front Yard Setback Requirements**

The front yard setback requirement of this ordinance for dwellings shall not apply on any lot where the average setback of existing buildings located wholly or in part within 100 feet on each side of such lot within the same block and zoning district and fronting on the same side of the street is less than the minimum required setback. In such cases, the setback on such lot may be less than the required setback, but no less than the average of the setbacks of the aforementioned existing buildings. In residential districts, in no case shall the front setback be less than 15 feet from the street right-of-way line.

### **1103 Exceptions to Height Limits**

Unless otherwise specifically required by this ordinance, the height limitations of this ordinance shall not apply to belfries, church spires, cupolas, domes and similar structures not intended for human occupancy, nor to chimneys, derricks, flag poles, monuments, radio or television towers or aerials, smoke stacks, transmission towers, water towers and similar structures. The board of zoning appeals shall also be authorized to grant special exceptions in I-1 districts for structures that exceed the height limit, but which are incidental and customary for industrial operations, following the procedures of Section 1107.

#### **1104 Absolute Minimum Lot Size**

In no case shall the planning commission or board of zoning appeals permit a detached residence to be erected on a lot which is less than 5,000 square feet.

#### **1105 Nonconforming Uses and Structures**

Any lawful use of any building or land existing at the time of enactment of this ordinance, prior to an amendment to this ordinance, or prior to being annexed into the Town of Monteagle, may continue although it does not conform to the provisions of this ordinance, subject to the provisions of this section and TCA 13-7-208.

##### **A. General Provisions for Nonconforming Uses and Structures**

1. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same or higher classification; provided, however, that establishment of another nonconforming use of the same or higher classification shall be subject to the approval of the BZA and such reasonable conditions as the BZA may require in order to protect the surrounding areas and properties. Application to the BZA shall be made following the Special Exception approval process as outlined in Section 1107.
2. A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of this ordinance. A nonconforming 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 nonconforming use of any structure or land, except for nonconforming mobile homes and mobile home parks, has been discontinued for a period of six months, it shall not be reestablished or changed to any use that is not in conformity with the provisions of this ordinance.
4. Immediately upon the removal of a nonconforming mobile home or mobile home park, the nonconformity of such structure or use of land shall lapse.
5. Any nonconforming building or use which is damaged by fire, flood, wind, or other act of God or man, may be reconstructed and used as before, provided that a building permit is obtained within 6 months of such damage. However, any structure damaged more than 60% of its assessed value immediately prior to damage shall be repaired or reconstructed in conformity with the provisions of this ordinance.
6. Nonconforming buildings containing nonconforming uses shall not be structurally altered except in conformance with the provisions of this ordinance. This provision shall not be construed to prevent normal maintenance, repairs, or alterations required for structural safety.

##### **B. Nonconforming Industrial, Commercial, and Business Establishments (TCA 13-7-208)**

Any industrial, commercial or business establishment in operation 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.

Nonconforming industrial, commercial or other business establishments shall be allowed to expand operations and construct additional 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 so as to avoid nuisances to adjoining landowners. No building permit or like permission for construction or landscaping shall be denied to such industry or business seeking to expand. The expansion shall be limited to land owned and in use by the nonconforming industry or business at the time of the zoning change; expansions on contiguous or noncontiguous property gained through acquisition after the zoning change will not be permitted.

Nonconforming industrial, commercial, or other business establishments shall be allowed to destroy present facilities and reconstruct new facilities necessary to the 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 such industry or business seeking to destroy and reconstruct facilities; provided, that there is a reasonable amount of space for such expansion on the property owned by such industry or business so as to avoid nuisances to adjoining landowners.

Expansions and new facilities must conform to the setbacks, height, bulk, and siting requirements provisions of the current zoning regulations.

If a nonconforming industrial, commercial, or other business establishment ceases to operate for a period of 30 continuous months, the protections of TCA 13-7-208 shall be forfeited and any use thereafter proposed to be established on the site must conform to the existing zoning regulations. The 30-month period of continuous ceased operation shall be tolled by:

1. The period in which an industrial, commercial, or other business establishment is party to any action in a court of competent jurisdiction regarding the use of the property until such time that a final settlement, order, decree, or judgment has been rendered;
2. Any period in which a facility is being constructed, reconstructed, renovated, or refurbished, provided that all necessary building permits were obtained within 30 months of cessation of continuous use;
3. The filing of an application for a building permit for the alteration, renovation, or reconstruction the nonconforming structure or use; or
4. The reactivation of the non-conforming use any time prior to the end of the 30-month period.

This 30-month cessation provision shall only apply if the property owner intentionally and voluntarily abandons the nonconforming use of the property. In any contested matter on the use of such property, the government has the burden of proving an overt act of abandonment in such matter.

Excluded from this 30-month cessation provision are industrial establishment locations where 25% or more of the gross annual sales from such locations are derived from sales to or contracts with local, state or federal governments, or as a subcontractor to contracts with local, state or federal governments. Also excluded are industrial establishment locations where 75% or more of the gross annual sales from the location are made to agriculture or construction businesses.

C. Nonconforming Multifamily Residential Establishments (TCA 13-7-208)

In the event of damage, whether partial or complete, by involuntary fire or wind damage or other natural disaster, nonconforming multifamily residential establishments, whether used as owner-occupied property or rental property, shall be allowed to reconstruct new facilities necessary to the conduct of such multifamily residential establishment subsequent to the zoning change; provided, however, that such reconstructed facilities shall not exceed the original height, density, setback, or square-footage of the original facilities in existence prior to the damage.

If the reconstructed multifamily facilities exceed the original height, density, setback, or square-footage of the original facilities in existence immediately prior to the damage, then the new facilities shall constitute a change in the use of the land, and any protections provided by TCA 13-7-208 shall be forfeited.

New multifamily facilities shall comply with any architectural design standards adopted by the Town of Monteagle and be consistent with the architectural context of the immediate and adjacent block faces.

D. Nonconforming Off-Site Signs (Off-Premise Signs/Billboards) (TCA 13-7-208)

The protections in Subsection (A) above also apply to a nonconforming off-site sign which, for the purposes of this subsection, means any sign that advertises or gives direction to any business, product, service, attraction, or any other purpose or interest, other than the industrial, commercial or other business establishment located on the site where the sign is located; provided, however, that any expansion shall be limited as follows:

1. Any off-site sign smaller than a standard 8-sheet poster which, for the purposes of this subsection, means an off-site sign with overall dimensions of at 5'4" to 6'2" in height and 11'4" to 12'2" in width shall not be expanded to a size greater than a standard 8-sheet poster;
2. Any standard 8-sheet poster shall not be expanded to a size greater than a 30-sheet poster which, for the purposes of this subsection, means an off-site sign with overall dimensions of 12'3" in height and 24'6" in width;
3. Any standard 30-sheet poster shall not be expanded to a size greater than any standard bulletin which, for the purposes of this subsection, means any off-site sign with overall dimensions of 10' to 14' in height and 36' to 48' in width;
4. Any standard bulletin shall not be expanded to a size greater than any super bulletin which, for the purposes of this subsection, means any off-site sign with overall dimensions of 16' to 20' in height and 60' in width;
5. Any super bulletin shall not be expanded;
6. Any off-site sign with a height larger than standard 8-sheet poster height or width larger than standard 8-sheet poster width, but not meeting the definition of a standard 8-sheet poster, a standard 30-sheet poster, a standard bulletin, or a standard super bulletin shall not be expanded by more than 100% of its surface area; or

Any operation, rebuilding, or expansion of an off-site sign that has been in existence for 10 years or more shall not be denied solely on the basis that the original permit for the sign does not exist to prove that it was a lawful use when constructed.

Note: These provisions for nonconforming off-site (off-premise) signs shall not be construed to apply to an on-premise or any other sign.

E. Nonconforming On-Site Signs

The utilization of a nonconforming on-premises sign or sign structure may continue, provided that the nonconforming sign does not present a threat to the health, safety, or public welfare. When the use of a property changes (including, but not limited to, the redevelopment of the site or a change in the use of the business), the signs on that property must be brought into compliance with the provisions of this ordinance. With the exception of minor repairs and maintenance (printing, painting, refacing, or refinishing the surface of the existing sign face or sign structure as to maintain appearance), no substantial improvements to a nonconforming sign or sign structure are permitted. Any structural or other substantial improvement to a nonconforming sign shall be deemed abandonment of the nonconforming status and shall result in the reclassification of such sign as an illegal sign.

## 1106 Variances

The purpose of a 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 use of his or her land. The variance shall be used only where necessary to overcome some obstacle which is preventing an owner from using his or her property under this ordinance.

- A. Application. Application for a variance shall be made by completing the required form and paying any required fees.
- B. Hearings. Upon receipt of an application and payment of the required fees, 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 or her land. The BZA shall consider and decide all applications for variances within 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 finding of the board, do not apply generally in the district.
  2. Variances shall not be granted to allow for a use otherwise excluded from the particular district in which requested.
  3. For reasons fully set forth in the findings of the board, 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/her 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.
  5. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the applicant. Likewise, all the board should consider

the availability of all other reasonable means for the applicant to comply with the provisions of the zoning ordinance.

1107

### Special Exceptions

Whereas variances are modifications of the strict application of zoning requirements for reasons of peculiar lot conditions or topography, the purpose of a special exception is to accommodate certain types of development that would otherwise be prohibited under the general rules of this zoning ordinance. Special exceptions may ONLY be granted in those situations specifically designated in this zoning ordinance, and not generally for any applicant seeking a variance or exemption from a particular requirement.

For example, Section 208 specifically includes a special exception permitting process for a secondary residence on a lot, subject to the conditions listed in that section. If the words "special exception" do not appear in a particular zoning section, then a special exception will NOT be granted or considered.

Special exceptions may be granted by the board of zoning appeals upon determination that any conditions or requirements for such special exceptions have been met. A special exception shall NOT be granted in lieu of a variance or any other request or proposal for which the board of mayor and aldermen has not explicitly authorized the board of zoning appeals to consider or grant a special exception. The following procedure is established to provide procedures for review of a proposed special exception by the board of zoning appeals:

- A. Authority. Authority to grant special exceptions lies solely with the Monteagle BZA.
- B. Application. Application for a special exception shall be made to the board of zoning appeals by completing the required form and paying any required fees. Said application shall show the location and intended use of the site, the names of the property owners and existing land uses within 300 feet, and any other material pertinent to the request which may be required by this ordinance or the board of zoning appeals.
- C. Conditions and Restrictions. In approving a special exception request, the BZA shall abide by any and all restrictions or conditions imposed by this ordinance. In addition, the BZA may impose such conditions or restrictions upon the proposed uses of buildings or land it deems necessary in the furtherance of the general purposes of this ordinance and to protect the public safety.
- D. Validity of plans. All approved conditions, restrictions, and rules made a part of the approval by the BZA shall constitute certification on the part of the applicant that the proposed use shall conform to such conditions at all times. Such conditions shall run with the land but may be modified or changed by written agreement between the landowner and the BZA.
- E. Notice to applicant. The applicant shall be notified not less than three business days prior to the meeting when and where the application will be heard by the commission or BZA.
- F. Time limit and Notice of Decision. All applications for a special exception shall be reviewed by the BZA and decided within 60 days of the date of application. The applicant shall be provided with either a written notice of approval or denial, which will constitute a permit for the special exception.
- G. Notice to board of mayor and alderman. The BZA secretary shall notify the Monteagle board of mayor and alderman in writing of any special exceptions granted in accordance this ordinance.

# CHAPTER 12

## ADMINISTRATION AND ENFORCEMENT

The intent of this chapter is to provide for suitable and proper administration and enforcement of the provisions of this ordinance; to designate the enforcing officer and to outline the proper steps to be taken by parties interested in constructing, erecting or modifying a structure or other land use; to include a means whereby appeals can be made; and to set forth the penalties for violating the provisions of this ordinance.

### **1201 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, morals, 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.

### **1202 The Enforcement Officer**

The provisions of this ordinance shall be administered by the Monteagle Zoning Enforcement Officer ("Enforcement Officer"). Unless otherwise designated by the Monteagle board of mayor and aldermen, the Monteagle building inspector shall act as the Enforcement Officer. The Enforcement Officer shall administer and enforce this ordinance. In addition, he or she shall:

- A. Issue all building permits.
- B. Issue all certificates of occupancy.
- C. Issue and renew, where applicable, all temporary use permits.
- D. Conduct inspections as required in this ordinance and such other inspections as are necessary to ensure compliance with the various other general provisions of this ordinance. The enforcement officer shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his or her 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.

### **1203 Building Permits**

It shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, 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 until the enforcement officer has issued for such work a building permit containing a statement that the plans, specifications, and intended use of such structure in all respects conform with the provisions of this ordinance.

Application for a building permit shall be made in writing to the enforcement officer on forms provided for that purpose. It shall be unlawful for the enforcement officer to approve the plans or issue a building permit for any excavation, construction, moving, or alteration until such plans have been inspected in detail by the enforcement officer 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 showing sufficient detail to enable the enforcement officer to ascertain whether the proposed excavation, construction, moving, or alteration is in conformance with this ordinance.

If the proposed excavation, construction, moving, or alteration as set forth in the application is in conformity with the provisions of this ordinance, the zoning officer shall issue a building permit for such excavation, construction, moving, or alteration. If an application for a building permit is not approved, the enforcement officer 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. Building permits shall be void after 6 months from the date of issuance unless substantial progress on the project has been made by that time.

#### **1204 Vested Property Rights**

Approval of a preliminary development plan by the planning commission, or approval of a permit by the enforcement officer, vests an applicant with certain property rights and guarantees them the right to develop according to the development standards that were in place at time of approval, subject to all time periods and conditions of TCA 13-4-310.

#### **1205 Certificate of Occupancy**

No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the enforcement officer has issued a certificate of occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of this ordinance. Within three days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the enforcement officer to make a final inspection thereof, and to issue a certificate of occupancy, if the building or premises or part thereof is found to conform with the provisions of this ordinance; or, if such certificate is refused, to state the refusal in writing with the cause for such refusal.

#### **1206 Board of Zoning Appeals**

A Board of Zoning Appeals (BZA) is hereby established in accordance with T.C.A. §§13-7-205 through 13-7-207. The BZA shall consist of seven (7) members appointed by the Board of Mayor and Aldermen. In accordance with TCA 13-7-205(a) requiring the expiration of at least one member term each year, the terms of the 7 members shall be one (1) member for a five (5) year term; one (1) member for a four (4) year term; one (1) member for a three (3) year term; one (2) members for a two (2) year term; two (2) members for a one (1) year term. Thereafter, the terms of the members shall be for five (5) years as the initial appointments expire.

- A. Procedure. Meetings of the board of zoning appeals 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 application and action taken thereon which shall be public records.
- B. Appeals to the board. An appeal to the Monteagle 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 enforcement officer 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 and paying any required fees. The enforcement officer shall transmit to the board 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. Upon the hearing, any person or party may appear in person, by agent, or by attorney.

- C. Powers of the board. The board of zoning appeals shall have the following powers:
1. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the enforcement officer or any other administrative official in the carrying out of the 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 board of zoning appeals is authorized to pass.
  3. Variances. To hear and decide applications for variances from the terms of this ordinance in accordance with Section 1105.
- D. Public Hearing. All cases brought to the board of zoning appeals shall be preceded by an advertisement in a newspaper of general circulation within the city stating the date, time, location, and subject matter the board will consider.

1207

#### Amendments to the Ordinance

- A. General. The regulations and the number or boundaries of districts established by this ordinance may be amended, supplemented, changed, modified, or repealed by the Monteagle Board of Mayor and Aldermen wherever it is alleged that there was an error in the zoning ordinance or whenever the public necessity, convenience, and general welfare require such amendment.
- B. Initiation of Amendment. Amendments may be initiated by the board of mayor and alderman, municipal planning commission, or through application by an individual. An application made by an individual shall be initiated upon completing the required form and paying fees as set forth in this ordinance. Applications from citizens shall be accompanied by maps, land surveys, development plans, petitions, or other information to assist the planning commission and board of mayor and alderman in their review and consideration of the proposed amendment.
- C. (Removed by Ordinance 20-21 on 11/15/2021)
- D. Review and Recommendation by Planning Commission. In accordance with TCA 13-7-204, no amendment shall become effective unless it is first submitted to and approved by the Monteagle Regional Planning Commission for review and approval.
- E. Public Notice and Hearing Required. Before finally adopting any such amendment, the board of mayor and aldermen shall hold a public hearing thereon, with at least 15 days' notice of the time and place for the public hearing given by at least one publication in a newspaper of general circulation in Monteagle. For amendments to the zoning ordinance, the notice shall identify the section of the ordinance to be revised; however, it shall not be necessary to publish the full text of the amendment, provided that the notice states that the full text is available for inspection at Monteagle City Hall during regular business hours. Notices for

zoning map amendments shall identify the current zoning classification, proposed zoning classification, and tax map, parcel numbers, and street addresses of all properties proposed for rezoning.

- F. Enactment. In accordance with TCA 13-7-204, if the amendment was approved by the planning commission, it must only receive a favorable vote of a simple majority of the membership of the board of mayor and aldermen. 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.
- G. Amendments to the Zoning Map. Upon passage of an amendment to the Monteagle Zoning Map, which is part of this ordinance, the city recorder shall cause for the amendment to be placed on the zoning map, noting thereon the ordinance number and effective date of such amendatory ordinance.

For all applications for amendment to the Zoning Map (Zoning Changes), property owners are required to post notice on their property until final resolution of the request. This notice shall include signage including the applicant, property owner, or representative's name, current zoning classification, proposed zoning classification, tax map and parcel numbers, street addresses of all properties proposed for rezoning, and the time and location of the public hearing.

- H. Effect of Denial of Application. Whenever an application for an amendment 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.
  - 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.

## **1208 Notice of Zoning Violation**

When it is determined that an owner, tenant, occupant, operator, agent, building, structure, facility, business, company, corporation, or any other person, party, or land use is in violation of any provision of this zoning ordinance, whether knowingly or unknowingly, the enforcement officer shall send the owner of record a written, dated notice of the violation via Certified Mail listing the section of the zoning ordinance which is being violated and identifying appropriate remedies to remove the violation within 30 days of the date of the letter. If the certified mail is returned as undeliverable, the notice shall be sent again as First Class Mail. In all cases, a copy of the mailed notice shall also be provided to the city recorder. Appeals of a determination of violation by the enforcement officer of any provision of this ordinance shall be made to the Monteagle board of zoning appeals by completing the appropriate application and paying the required fees. If the violation is not resolved within 30 days, the enforcement officer shall defer the case to the Monteagle town attorney for further action.

Note: The BZA is not authorized to hear or decide appeals of alleged violations of the Monteagle municipal code or building code.

**1209 Penalties**

Any persons violating any provisions of this ordinance shall be guilty of a Class C misdemeanor and upon conviction shall be fined not less than five dollars (\$5) nor more than fifty (\$50) for each offense. Each day such violation continues shall constitute a separate offense.

**1210 Remedies**

In accordance with TCA 13-7-208: In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is or is proposed to be used in violation of this zoning ordinance, the enforcement officer, municipal counsel, or other appropriate authority of the municipality, or any adjacent or neighboring property owner who would be specially damaged by such violation, may, in addition to other remedies, institute injunction, mandamus or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of the building, structure or land.

# CHAPTER 13

## DEFINITIONS

Except as specifically defined herein, all words used in these regulations have their customary dictionary definitions where not inconsistent with the context. For the purposes of this ordinance, certain words or terms are defined as provided for in this chapter.

The term “shall” is mandatory. When not inconsistent with the context, words used in the singular number include the plural and those used in the plural number include the singular. Words used in the present tense include the future.

### **Abandoned, Junked, Wrecked, and/or Disabled Vehicles**

Automobiles, trucks, tractor/trailers, or any other vehicle that has been wrecked and/or is not drivable and/or has no current license plate. (Monteagle Municipal Code Section 13-108).

### **Access**

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

### **Accessory Building or Use**

A land use or building that is: incidental to the principal use established on the same lot; subordinate to and serves the principal use; subordinate in area, intent, and purpose of the principal use; and which contributes to the comfort, convenience, or necessity of users of the principal use.

### **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 30% or less than the Principal Dwelling Unit or 700 square feet, whichever is 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 50% or less than the Principal Dwelling Unit or 700 square feet, whichever is less.

### **Adult**

Any person who is 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, cabarets, massage parlors, and other enterprises which regularly feature materials, acts, or 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 breasts 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 use of land for the production of food and fiber, including the growing of crops and/or the grazing of animals on natural prime or improved pastureland.

**Animal Husbandry**

The raising of domesticated farm animals when, in the case of dairy cows, beef cattle, horse, ponies, mules, llamas, goats, and sheep, the primary source of food, other than during the winter months, is from grazing in the pasture where they are kept.

**Artisan Workshop**

A land use where skilled craft workers make or create goods or products by hand, including furniture, decorative arts, sculptures, clothing, jewelry, pottery, and household items. Artisan workshops create little or no disturbance to surrounding properties and generally include on-site retail spaces in which products created on-site are available for purchase by the general public.

**Automotive Fuel Sales**

Any area of land, including structures thereon, that is utilized for the retail sale of gasoline and petroleum products primarily intended for light trucks and automobiles. Such land uses may also include retail sale of automobile accessories and incidental services including facilities for lubricating, car washing and cleaning or otherwise servicing automobiles, but not including painting or major repair. For land uses and facilities selling fuel to heavy trucks, semis, and tractor-trailers, see "Truck Stops and Fueling Stations."

**Automobile Wrecking**

The dismantling, storage, sale, or dumping of used motor vehicles, trailers or parts thereof. See also "Junkyard" and "Wrecker Service."

**Average Ground Elevation**

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

**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 guests.

**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.

**Building**

A structure having a roof supported by columns or walls and intended for shelter, housing, or enclosure.

**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.

**Caliper**

A measurement of the tree trunk diameter measured at 30 inches above grade level.

**Campground**

A parcel of land used or intended to be used or rented for occupancy by persons in travel trailers, tents, cabins, tiny houses on wheels (THOWs), RVs, park model RVs, and similar such accommodations.

**Camping Facilities**

Term that includes any site in an approved campground, cabin, travel trailer, tent, tiny house on wheels (THOW), recreational vehicle (RVs), or park model RV intended for use by campers or rented for temporary occupancy.

**Certificate of Occupancy**

A document issued by the Town of Monteagle certifying a building's compliance with applicable building codes and other laws, and indicating it to be in a condition suitable for occupancy.

**Class I Shade Tree**

Plants with a central trunk that have a minimum expected maturity height of 35 feet and canopy spread of 20 feet.

**Class II Shade Tree**

Plants with a central trunk that have a minimum expected maturity height of 20 feet and canopy spread of 10 feet.

**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 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.

**Cluster Development**

Development that allows flexibility for creative design and superior scenic quality through preservation of sensitive environmental areas and efficient use of land. Instead of a conventional subdivision, which traditionally results in buildings spaced evenly throughout the site, cluster developments allow for individual lot and setback requirements to be reduced so as to group or "cluster" the buildings on a portion of the site. Typically, the building clusters are off-set with permanent open space and

recreational areas. Such developments often include small-lot homes surrounded by preserved woodlands or multi-use complexes with dedicated open space.

**Commercial Kennel**

A facility for the boarding, breeding, raising, grooming, selling, training, or other animal husbandry activities for dogs, cats, or other animals for financial or other compensation.

**Conservation Subdivision**

Residential cluster development that reduces the area utilized for residential development and associated amenities in order to maximize the amount of open space and natural areas for conservation. Often, a density bonus is awarded as an incentive to develop in accordance with conservation subdivision principles. In Monteagle, regulations for conservation subdivisions are the same as cluster developments; see Section 514.

**Country Club**

A chartered 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.

**Customary Home Occupation**

A business, enterprise, exercise in commerce, or other activity conducted by a person or persons residing in the principal structure where the occupation is conducted, housed, or based. Such occupation in its nature and operation shall be appropriate for the residential district in which it is located and shall not generate significant noise, traffic, or level of activity as to become a nuisance or disturbance to the surrounding residential neighborhood.

**Daycare, Small or Home Daycare**

A home operated by any person who receives for remuneration, not more than five children under 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. In Monteagle, home daycares may be permitted as a customary home occupation.

**Daycare Center**

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.

**Development Plan, Final**

In accordance with TCA 13-4-310, a final development plan means a plan that is submitted by an applicant for approval by the Town of Monteagle describing with reasonable certainty the type and intensity of use for a specific parcel or parcels of property. Such plan may be in the form of, but not limited to, any of the following plans or approvals:

1. A planned unit development plan;
2. A subdivision plat;
3. General development plan;

4. Subdivision infrastructure construction plan;
5. Final engineered site plan; or
6. Any other land-use approval designation as may be utilized by a local government.

Unless otherwise expressly provided by the Town of Monteagle, such a plan shall include the boundaries of the site; significant topographical and other natural features affecting development of the site; the location on the site of the proposed buildings, structures, and other improvements; the dimensions, including height, of the proposed buildings and other structures or a building envelope; and the location of all existing and proposed infrastructure on the site, including water, sewer, roads, and pedestrian walkways. A variance shall not constitute a final development plan, and approval of a final development plan with the condition that a variance be obtained shall not confer a vested property right unless and until the necessary variance is obtained. Neither a sketch plan nor any other document which fails to describe with reasonable certainty the type of use, the intensity of use, and the ability to be served with essential utilities and road infrastructure for a specified parcel or parcels of property may constitute a final development plan;

**Development Plan, Preliminary**

In accordance with TCA 13-4-310, a preliminary development plan means a plan that is submitted by an applicant and that depicts a single-phased or multi-phased planned development typically used to facilitate initial public feedback and secure preliminary approvals from the Town of Monteagle. Examples of information found on development plans include proposed land uses, density and intensity of development, public utilities, road networks, general location of off-street parking, building location, number of buildable lots, emergency access, open space, and other environmentally sensitive areas such as lakes, streams, hillsides, and view sheds. An approved preliminary development plan serves as a guide for all future improvements within defined boundaries.

**Duplex**

A detached house designed for occupation by two independent family units with completely separated living facilities and which has the same general appearance as a single-family residence, with the exception of having two exterior entrances and parking areas.

**Dwelling**

A permanent building or portion thereof used for residential purposes, which contains at least a kitchen, bathroom facilities, and sleeping area.

**Dwelling, Multifamily**

A building designed for occupancy by up to four families living independently of each other with each unit having its own bedroom, kitchen, and bathroom facilities.

**Dwelling, Single-Family**

A building designed to be occupied exclusively by one family. Pursuant to TCA 13-24-102, any home in which eight or fewer unrelated persons with disabilities reside along with up to three additional related or unrelated persons acting as support staff or guardians is also considered a single-family residence.

**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.

**Enforcement Officer**

The official designated by this ordinance to enforce the provisions of the Monteagle zoning ordinance.

**Essential Services**

Services provided by public and private utilities necessary for the exercise of the principal use or service of the principal structure. These services include underground, surface, overhead gas, electrical, steam, water, sanitary sewage, stormwater drainage, and communication systems and accessories thereto, such as poles, towers, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, water storage tanks, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants. Buildings and telecommunications facilities are not included in this definition.

**Façade**

The total external surface area of a vertical side of a building, canopy, awning, or mechanical equipment used to dispense a product outside a building. If a building, canopy, awning, or mechanical equipment has a non-rectangular shape, then all walls or surfaces facing in the same direction, or within 25% of the same direction, shall be considered as part of a single façade. Any portion of the surface face of a mansard, parapet, canopy, marquee, or awning which is oriented in the same direction, or within 25% of the same direction, as the wall to which, or over which, such mansard, parapet, canopy, marquee, or awning is mounted shall be deemed a part of the same façade as such wall.

**Family**

An individual; or two or more persons related by blood, marriage, or law; or, unless otherwise required by state or federal law, a group of not more than five unrelated persons living together in one dwelling unit.

**Fence, or Fencing**

A linear physical barrier that is often used for security, privacy, decoration, noise abatement, safety, or other purposes, and which is usually composed of wood, metal, plastic, or other composite materials.

**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.

**Frontage**

The portion of property that abuts a public street or right-of-way.

**Gas Station**

See "Automotive Fuel Sales."

**Grade, Finished**

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

**Gross Floor Area (GFA)**

The total square footage of the principal and any accessory structures. When calculating gross floor area for the landscaping provisions of this ordinance, gross floor area also includes any permanent areas covered by impervious surfaces such as decks and patios.

**Hazardous Material**

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.

**Health Department**

Refers to the Franklin, Grundy, or Marion County Office of the Tennessee Department of Environment and Conservation, as applicable.

**Height, 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.

**Impervious Surface**

Any non-porous material such as concrete, asphalt, brick, tile, or metal that is applied, constructed, erected, paved, placed, or otherwise affixed to the ground that prevents or impedes the natural flow and percolation of water into the ground.

**Industrial Uses and Services**

Land uses that include manufacturing, warehousing, and distribution operations as well as uses that, because of dust, noise, odors, vibrations, dependence on heavy vehicles or machinery, and other factors, are incompatible with standard residential or commercial districts.

**Junkyard**

A lot, land, or structure, or part thereof, used primarily for the collection, storage and sale of wastepaper, rags, scrap metal, or discarded material. Also includes uses engaging in the collection, dismantling, storing, or salvaging of machinery or vehicles not in running condition or for the sale of parts thereof. Any lot or land use where one or more motor vehicles of any kind are located which are incapable of operation, exposed to the weather, and which may be used for salvage or spare parts shall also be considered a junkyard

**Landscaping**

Natural areas and improved areas of property that may include trees, shrubs, bushes, flowers, water features, planted islands, and other improvements, but not including sod, grass, dirt, sand, gravel, stone rip-rap, buildings, or any impervious surface.

**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 and including any open space required under this ordinance.

**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, Exterior**

A lot located within a development, but which abuts a parcel or street that is adjacent to the project site. Oftentimes, exterior lots have specific setback or buffer requirements intended to reduce the impacts of new developments on adjacent properties.

**Lot, Interior**

A lot other than a corner or exterior lot.

**Lot Area**

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

**Lot Coverage**

The lot area covered by all buildings and impervious surfaces located thereon, including any areas covered by carports, overhanging roofs, and other structures.

**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 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 Monteaule Subdivision Regulations.

**Lot Width**

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

**Manufactured Home**

As defined by the Uniform Standards Code for Manufactured Homes Act, TCA 68-126-202, a manufactured home is a structure transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained in the structure. In accordance with TCA 13-7-201 and for the purposes of this ordinance, a manufactured home that constructed as a single self-contained unit and mounted on a single chassis is considered a "mobile home" and subject to regulation as such.

**Massage Parlor**

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. Massage parlors are regulated under "Personal Service Establishments" for the purposes of this ordinance.

#### **Medical Facilities**

Includes the following:

##### **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.

##### **Pain Management Clinic**

Any clinic, facility, or office that promotes itself as being in business to prescribe or dispense pain medication for acute pain or chronic pain, or which provides services for the treatment or management of pain where the services are also accompanied with the prescription or dispensing of medication for the treatment of pain.

##### **Public Health Center**

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

#### **Mini Mall**

See "Shopping Center or Complex."

#### **Mini-Warehouse or Mini-Storage**

See "Self-Storage Facilities."

#### **Minimum Floor Elevation**

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

#### **Mixed-Use Residential**

High-density housing developments with designated commercial space that are located in commercial zones with the goals of increasing pedestrian connectivity, making urban facilities and amenities accessible to residents, and establishing an integrated residential component that contributes to commercial activity and economic development.

**Mobile Food Unit**

Any motorized vehicle or trailer attached to a motorized vehicle that includes a self-contained kitchen in which food is prepared or processed and from which food is sold or dispensed to the ultimate consumer. Mobile food units are regulated under Section 9-401 of Monteagle Municipal Code.

**Mobile Home, Single-Wide**

A “manufactured home,” as defined in this ordinance and TCA 68-126-202, that is constructed as a single self-contained unit and mounted on a single chassis which may be prohibited in certain zoning districts in accordance with TCA 13-24-201. This shall not be construed to include double-wides or manufactured homes that arrive in multiple units or sections.

**Mobile Home, Double-Wide**

See “Manufactured Home.”

**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.

**Modular Building Unit**

As defined by the Tennessee Modular Buildings Act, TCA 68-126-303, a modular building unit is 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. “Modular building unit” does not apply to temporary structures used exclusively for construction purposes, nonresidential farm buildings, or ready-removables that are not modular structures. For the purposes of this ordinance, a modular building unit meeting the definition of a “manufactured home” or “mobile home” shall be subject to regulation as such.

**Multifamily Housing or Development**

Residential structures with separate functional dwelling units for three or more families. Conventional forms of multifamily housing include apartments and condominiums. For the purposes of this ordinance, townhouses are also considered multifamily units given their bulk and shared walls.

**Mural, Wall Graphic or Wall Mural**

A scene, figure, or decorative design which is painted, affixed, or otherwise applied to a structure or building so as to enhance the architecture or façade, and which does not include written trade names, advertising, or commercial messages.

**Nonconforming Building or 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.

**Occupant or Tenant**

Each separate person which owns or leases and occupies a separate portion of a premise.

**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.

**Opacity**

A measurement indicating the degree of obscuration of light or visibility.

**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.

**Parking Bay, Interior**

Parking bay located in the interior of a parking lot.

**Parking Bay, Exterior**

Parking bay abutting the outside edge of a parking lot.

**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 Lot Modification**

Changes to an existing parking lot resulting in an increase in the number of parking bays or the square footage of impervious surface area, including the first-time paving of a gravel lot. Resurfacing (paving or otherwise) of an existing paved lot that does not increase the square footage of the lot shall not be considered a parking lot modification.

**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.

1. These units must be licensed by the state as an RV.
2. 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.
3. These units should not be used as a permanent or primary residence.
4. These units must be connected to sewer.

**Patio Home**

A patio is a single-family residential dwelling of one or more floors which does not have any common walls shared with an adjacent unit or units. Patio homes are located to one side of a 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. Units are developed and sold fee-simple on individually-deeded lots.

**Performance Guarantee**

A performance bond, cash deposit, bank letter of credit, cashier's check, or wire transfer that is provided to the Town of Monteagle as a condition of receiving a certificate of occupancy before certain elements required by this ordinance have been installed.

**Person**

Includes an individual, company, corporation, association, partnership, joint venture, business, proprietorship, or any other legal entity.

**Personal Service Establishments**

Establishments that primarily engage in providing services generally involving the care of the person or person's possessions. Personal services may include, but are not limited to, laundry and dry-cleaning services, barber shops, beauty salons, health and fitness studios, music schools, informational and instructional services, tanning salons, and portrait studios.

**Place of Public Assembly**

An institution or facility that congregations of people regularly attend to participate in or hold meetings, workshops, lectures, civic activities, religious services, and other similar activities, including buildings in which such functions and activities are held.

**Planned Unit Development (PUD)**

A single parcel of land which is planned and developed as a single unit which may contain one or more clusters of residential development, commercial development, mixed-use development, shared parking areas and circulation drives, common open spaces, and other amenities. Apartment complexes, resorts, shopping centers, and medical centers which are planned as comprehensive unit and which may require certain dimensional features that vary from those normally allowed are oftentimes developed as a PUD.

**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.

**Premises**

All contiguous land in the same ownership which is not divided by a public street or right-of-way.

**Principal Use**

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

**Principal Building or Structure**

A building in which the principal use of the lot is conducted on which it is situated.

**Public Building or Use**

Any facility, including but not limited to buildings, property, and roads, that are leased or otherwise operated or funded by a governmental body or public entity. Includes uses that provide a governmental function, activity, service, or public benefit.

**Quadrplex**

See "Townhouse."

**Recreational Vehicle (RV)**

A travel trailer, motor home, pick-up coach, camping trailer, tiny house on wheels (THOW), 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 RVs. For "RV Park," see "Campground."

**Rehabilitation Center**

A facility that provides formal, organized services designed to alter specific physical, mental, or social functions of persons under treatment by reducing disability or discomfort. Such facilities also ameliorate the signs or symptoms causing such functions, which may include counseling, vocational, social and/or educational services aimed at restoring the overall well-being, health, and abilities of those being treated, as determined and licensed by the Tennessee Department of Health, Board of Licensing Health Care Facilities.

**Residence**

See "Dwelling."

**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.

**Salvage Yard**

See "Junkyard."

**Sanitary Sewer System**

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

**Self-Storage Facilities**

A building or group of buildings that contain varying sizes of individual, compartmentalized, and controlled-access stalls or lockers for the dead storage of a customer's goods or wares, and from which no sales, service, or repair activities other than the rental of dead storage units are conducted.

**Service Commercial Uses**

Establishments that engage primarily in rendering services to businesses including, but not limited to printers, equipment rental, protective services, mailing, photo finishing, and similar uses.

**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.

**Sign Definitions**

The following definitions apply to signs generally and the provisions of Chapter 9:

**Attached Sign**

An on-premise sign painted onto or attached to a building, canopy, awning, marquee, or mechanical equipment located outside a building.

**Banner**

An on-premise sign which is made of fabric, paper, or any other non-rigid material and which has no enclosing framework or internal supporting structure, but not including balloon signs.

**Billboard**

Any off-premise sign subject to regulation under TCA 54-21-101 et seq., the "Billboard Regulation and Control Act of 1972," and TDOT Maintenance Division Rules Chapter 1680-02-03 Control of Outdoor Advertising.

**Construction Sign**

Any temporary on-premise sign located upon a site where construction or landscaping is in progress and relating specifically to the project which is under construction, provided that no such sign shall exceed a total of 16 square feet in sign area.

**Contractor's Sign**

See "Construction Sign."

**Detached Sign**

Includes any sign that is affixed to the ground or attached to or supported by a structure which is not a building. Typically includes pole signs, ground signs, and pylon signs.

**Digital Sign**

Digital displays. means a type of changeable message sign that displays a series of messages at intervals through the electronic coding of lights or light emitting diodes or any other means that does not use or require mechanical rotating panels

**Freestanding Sign**

See "Detached Sign."

**Ground Sign**

A detached sign that is supported by uprights or braces secured to the ground.

## **Sign Definitions (Continued)**

### **Height**

The total measurement of the vertical side of the rectangle which is used to calculate the sign area.

### **Incidental Sign**

An on-premise sign, emblem, or decal mounted flush to the façade to which it is attached and not exceeding two (2) square feet in sign area informing the public of goods, services, or facilities available on the premises (e.g. a credit card sign, ice machine sign, vending machine sign, or a sign indicating hours of business) or an on-premise sign which is affixed to mechanical equipment used to dispense a product and which is less than two (2) square feet in sign area.

### **Landmark Sign**

Any on-premise sign which identifies and is attached to any building which is included on the National Register of Historic Places, is listed as a Certified Historic Structure, is listed as a National Monument, or is listed under any similar state or national historical or cultural designation.

### **Nonconforming Sign**

A sign which does not comply with the current sign requirements or any other provision of this zoning ordinance. See also "Nonconforming Building" and "Nonconforming Use."

### **Off-Premise Sign**

A sign which directs attention or provides direction 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 premises on which the sign is located.

### **On-Premise Sign**

Any sign whose content relates to the premises on which it is located, referring exclusively to the name, location, products, person, accommodations, services, or activities conducted on or offered from or on those premises, or the sale, lease, or construction of those premises.

### **Permanent Sign**

The opposite of a "Temporary Sign:" a sign intended for permanent display or installation and which meets all applicable building and electrical codes of the Town of Monteagle.

### **Political Sign**

During the period beginning 60 days before a general election until 7 days following the election, a sign which is subject to regulation under TCA 2-7-143, the "Tennessee Freedom of Speech Act." All other times, political signs shall be considered "Temporary Signs."

### **Portable Sign**

A sign that is not attached to any permanent structure and whose removal or detachment would cause injury or material damage to a person or property, typically inclusive of signs attached to a movable trailer or stand.

### **Projecting Sign**

An attached sign that extends over a public sidewalk or beyond a street right-of-way line.

## **Sign Definitions (Continued)**

### **Reader Board**

Any on-premise sign attached to or made a part of the support system of a freestanding sign which either displays interchangeable messages or advertises some product or service offered separately from the name of the premises where it is located, such as "Deli Inside," "Tune-Ups Available," "Year-End Special," etc.

### **Real Estate Sign**

See "Temporary Sign."

### **Regional Tourism Development Sign**

An off-premise sign that promotes or provides direction to a seasonal or year-round venue, attraction, historic landmark, natural area, cultural event, or other destination deemed by the board of zoning appeals to be of economic or cultural importance to Monteagle, Grundy County, Franklin County, or Marion County. Such signs are typically oriented towards interstate or other regional travelers and are limited to the town's commercial districts.

### **Roof Sign**

An attached sign wholly or partially dependent upon the roof of any building for support. Roof signs are prohibited in Monteagle.

### **Sidewalk Sign**

Pedestrian-scaled non-permanent signs typically used to display restaurant menus, daily specials, sales, and other events. Common sidewalk signs include easel signs and A-frame signs.

### **Sign**

Any structure or wall or other object used for the display of any logo, message, or messages. Such term shall include without limitation any structure, display, device, or inscription which is located upon, attached to, or painted or represented on any land, building, structure, window exterior, awning, canopy, marquee, or similar appendage, and which displays or includes any message or messages, numeral, letter work, model, emblem, insignia, symbol, device, light, trademark, or other representation used as on in the nature of an announcement, advertisement, attention-arrester, warning, or designation of any person, firm, group, organization, place, community, product, service, business, profession, enterprise, or industry.

Specifically excluded from this definition are the following:

- A. Signs or flags erected, provided, owned, authorized, or required by a duly constituted governmental body including but not limited to traffic signs, regulatory signs, legal notices, and railroad crossing warnings.
- B. Signs located inside a building not visible from the public right-of-way.
- C. Memorial plaques or tablets.
- D. Gravestones.
- E. Inside faces of scoreboard fences or walls on athletic fields.
- F. Historical site plaques.

### **Sign Definitions (Continued)**

G. The display of street numbers.

H. Any message or messages on the clothing of any person or motor vehicle, unless otherwise prohibited.

#### **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.

#### **Snipe Sign**

Any on-premise sign for which a permit has not been issued which is attached in any way to a utility pole, tree, rock, fence, or fence post.

#### **Temporary Sign**

Any sign which is by reason of construction or purpose intended to be displayed for a short period of time, not to exceed three months. Temporary signs include, but are not limited to, those pertaining to special events, real estate sales, yard sales, auctions, political causes, elections, contractor work, and special meetings.

#### **Temporary Yard Sign**

An on-premise temporary sign placed between the building and public right-of-way that does not exceed four square feet in size.

#### **Unused Sign**

Any sign that has not displayed a message or messages for more than 90 days, or which is not kept in good structural repair such that the sign could pose a risk to the public health or safety.

#### **Wall Sign**

An attached sign that consists of lettering or other forms of display that is affixed parallel to or printed on the wall of a building.

#### **Width**

The total measurement of the horizontal side of the rectangle which is used to calculate the area of a sign.

### **Sketch Plan**

Sketch plans present the information for a proposed development or construction, but contain less detail than a site plan and do not require planning commission approval. Instead, sketch plans may be administratively approved by the enforcement officer. They may be prepared by the applicant and do not require a stamp from a surveyor, architect, or engineer.

### **Special Event**

A short-term event of unique significance lasting not in excess of 30 days. Such term shall include grand openings, health-related promotions or service programs such as flu shot clinics and blood donation drives, going-out-of-business sales, promotions sponsored by a governmental entity, school fairs, school bazaars, charity events, festivals, religious celebrations, and charity fundraisers. This definition shall not include sales or promotions carried out in the ordinary course of business, or usual activities generally associated with the property where the event is to be located.

**Special Exception**

A planned departure from the general provisions of this zoning ordinance that may be granted by the board of zoning appeals, but only from those specific sections for which it is explicitly written that a special exception permitted upon the owner demonstrating to the satisfaction of the BZA that the proposed development or land use will meet certain enumerated safeguards or qualifying conditions as listed in this ordinance.

**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 8 feet or more of head clearance equals 50% 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 8 feet or more of head clearance equals less than 50% 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 Monteagle 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.

## **Telecommunications Facility Definitions**

The following definitions apply specifically to telecommunications facilities and the provisions of Section 535:

### **Alternative Structure**

A structure that is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted, including but not limited to buildings, water tanks, pole signs, billboards, church steeples, electric power transmission poles/towers, and streetlights.

### **Antenna**

Any apparatus designed for the transmitting and/or receiving of electromagnetic waves, including telephonic, radio or television communications. Types of elements include omni-directional (whip) antennas, sectionalized or sectorized (panel) antennas, multi or single bay (FM & TV), yagi, or parabolic (dish) antennas, or any other antenna elements approved by the enforcement officer.

### **Base Station**

A structure or equipment at a fixed location that enables wireless telecommunications between user equipment and a communications network. Examples include transmission equipment mounted on a rooftop, water tank, silo, or other aboveground structure other than a tower. The term does not encompass a tower as defined herein or any equipment associated with a tower. "Base Station" includes, but is not limited to: equipment associated with wireless telecommunications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul; radio transceivers, antennas, coaxial or fiber optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks); any structure other than a tower that, at the time the application is filed, supports or houses equipment described in this definition that has been reviewed and approved under the applicable zoning or siting process, even if the structure was not built for the sole or primary purpose of providing such support. "Base station" does not include any structure that, at the time the application is filed, does not support or house wireless communication equipment.

### **Breakpoint Technology**

The engineering design of a monopole, or any applicable support structure, wherein a specified point on the monopole is designed to have stresses concentrated so that the point is at least five percent (5%) more susceptible to failure than any other point along the monopole so that in the event of a structural failure of the monopole, the failure will occur at the breakpoint rather than at the base plate, anchor bolts, or any other point on the monopole.

### **Collocation**

The mounting or installation of transmission equipment on an eligible support structure for the purposes of transmitting and/or receiving radio frequency signals for communications purposes so that installation of a new support structure is not required, including eligible facilities requests and qualified collocation requests.

## **Telecommunications Facility Definitions (Continued)**

### **Cellular on Wheels (COW)**

A temporary PWSF placed on property to provide short term, high-volume telecommunications services to a specific location and which can be easily removed from the property.

### **Distributed Antenna System (DAS)**

A system consisting of: (1) a number of remote communications nodes deployed throughout the desired coverage area, each including at least one antenna for transmission and reception; (2) a high-capacity signal transport medium (typically fiber optic cable) connecting each node to a central communications hub site; and (3) radio transceivers located at the hub site (rather than at each individual node as is the case for small cells) to process or control the communications signals transmitted and received through the antennas.

### **Eligible Facilities Request**

Any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: collocation of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment.

### **Eligible Support Structure**

Any tower or base station existing at the time the application is filed. For purposes of this ordinance, the definition of "eligible support structure" shall include utility structures currently hosting fiber, cable, and wire.

### **Existing**

A constructed tower or base station is "existing" if it has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process. A tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is "existing" for purposes of this definition.

### **Pedestrian Travelway**

The portion of a sidewalk or multi-use path intended to facilitate the unobstructed through-movement of pedestrians and/or bicyclists.

### **Personal Wireless Service Facility (PWSF)**

Any staffed or unstaffed location for the transmission and/or reception of radio frequency signals or other personal wireless communications, including commercial mobile services, unlicensed wireless services, wireless broadband services, and common carrier wireless exchange access services as defined in the Telecommunications Act of 1996, and usually consisting of an antenna or group of antennas, transmission cables, feed lines, equipment cabinets or shelters, and may include a tower or support structure. Facilities may include new, replacement, or existing towers and support structures, replacement towers and support structures, collocation on existing towers and support structures, base station-attached concealed and non-concealed antennas, dual-purpose facilities, concealed towers and support structures, and non-concealed towers and support structures (monopoles, lattice and guyed), so long as those facilities are used in the provision of personal wireless services as that term is defined in the Telecommunications Act.

## **Telecommunications Facility Definitions (Continued)**

### **Qualified Collocation Request**

Collocation of PWSF on a tower or base station that creates a Substantial Change in the facility but is entitled to processing within 90 days under 47 U.S.C. §332(c)(7).

### **Shared Use**

See "Collocation."

### **Site**

For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.

### **Small Cell Facility**

A wireless service facility that either meets both of the following qualifications or is within a stealth design that is consistent with the design guidelines:

1. Each antenna is located inside an enclosure of no more than 5 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an enclosure of no more than 5 cubic feet, however, the maximum dimensions of the antenna shall not exceed 36 inches in height and 16 inches in diameter; and
2. Primary equipment enclosures are no larger than 17 cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: Electric meter, concealment, telecommunications demarcation box, underground enclosures, back-up power systems, grounding equipment, power transfer switch, and cut-off switch.

### **Small Cell Network**

A collection of interrelated small cell facilities designed to deliver wireless service.

### **Substantial Change**

A modification substantially changes the physical dimensions of an eligible support structure if it meets any of the following:

1. For towers located outside of public rights-of-way (ROW), the modification increases the height of a tower or support structure by more than 20 feet or 10%, whichever is greater.
2. For towers located within public rights-of-way and for all base stations, the modification increases the height of the structure by more than 10 feet or 10%, whichever is greater.
3. For towers located outside of public rights-of-way, the modification involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower

### **Telecommunications Facility Definitions (Continued)**

more than 20 feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater.

4. For towers located within public rights-of-way and for all base stations, the modification involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than 6 feet.
5. The modification involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets. For towers in public rights-of-way and base stations, the modification involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure.
6. The modification entails any excavation or deployment outside the current site.
7. The modification would defeat the concealment elements of the eligible support structure.
8. The modification fails to comply with all conditions associated with the prior approval of the structure, unless the noncompliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding "substantial change" thresholds.

#### **Support Structure**

Anything constructed or erected, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including towers and alternative structures, but excluding antennas.

#### **Telecommunications Facility**

Includes any antenna, tower, base station, mechanical and/or electronic equipment, conduit, cable, fiber, wire, and associated structures, enclosures, assemblages, devices and supporting elements that generate, transmit or produce a signal used for communication that is proposed by an entity other than Town of Monteagle, including but not limited to radio/tv/satellite and broadcast towers, telephone service, including new microwave or cellular towers, PWSF, DAS, small cell facilities, and COWs.

#### **Tower**

Any structure built for the primary purpose of supporting any antennas and associated facilities for commercial, private, broadcast, microwave, microwave backhaul, public, public safety, licensed or unlicensed, and/or fixed or wireless services. A tower may be concealed or non-concealed. Non-concealed towers include:

Guyed - A style of tower consisting of a single truss assembly composed of sections with bracing incorporated. The sections are attached to each other, and the assembly is attached to a foundation and supported by a series of wires that are connected to anchors placed in the ground or on a building.

### **Telecommunications Facility Definitions (Continued)**

**Lattice** - A self-supporting tapered style of tower that consists of vertical and horizontal supports with multiple legs and cross bracing, and metal crossed strips or bars to support antennas. Lattice structures are not permitted within Monteagle.

**Monopole** - A style of freestanding tower consisting of a single shaft usually composed of two or more hollow sections that are in turn attached to a foundation. This type of tower is designed to support itself without the use of guy wires or other stabilization devices. These facilities are mounted to a foundation that rests on or in the ground or on a building's roof. All feed lines shall be installed within the shaft of the structure.

### **Transmission Equipment**

Equipment that facilitates transmission of communication service (whether commercial, private, broadcast, microwave, microwave backhaul, public, public safety, licensed or unlicensed, fixed or wireless), including but not limited to radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply.

### **Temporary Family Healthcare Structure**

As defined by TCA 13-7-501, a temporary family healthcare structure means a transportable healthcare environment that is specifically designed with environmental controls, biometric and other remote monitoring technology, sensors, and communication systems to support extended home-based medical care, rehabilitation, and the provision of home- and community-based support and assistance for an older adult or person with a disability on the property where family members or unpaid caregivers who participate in the person's care reside. A temporary family healthcare structure:

- A. Is primarily assembled at a location other than its site of installation;
- B. Is limited to one (1) occupant who shall be the older adult or person with a disability who requires extended home-based medical care, rehabilitation, or the provision of home and community-based support and assistance;
- C. Meets the accessibility guidelines of the federal department of housing and urban development and the Americans with Disabilities Act (42 U.S.C. § 12131 et seq.);
- D. Has no more than five hundred gross square feet (500 gross sq. ft.); and
- E. Complies with applicable provisions of title 68, chapter 120, part 1, and codes adopted by a county pursuant to title 5. Placing the temporary family healthcare structure on a permanent foundation shall not be required or permitted.

### **Temporary Use**

Any seasonal or short-term uses which are not intended for permanent location or operation on any parcel within the Town of Monteagle.

### **Tiny House**

A detached, self-contained dwelling unit, whether site built or a manufactured home, with less than 600 square feet of gross floor area which contains basic functional areas that support normal daily routines such as cooking, sleeping, and sanitation, and where no exterior dimension exceeds 48 feet. These size and lengths measurements do not include tow hitches, exterior staircases, landings, and decks/porches which are not integral with the primary structure.

**Tiny House on Wheels (THOW)**

A tiny house constructed or placed on a trailer or chassis with wheels intended for transportability or which can be easily relocated or moved.

**Townhouse**

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. Although townhouses are intended for occupancy by a single family unit, the development as a whole is considered a multifamily development for the purposes of this ordinance.

**Toxic Materials**

See "Hazardous Material."

**Travel Trailer**

See "Recreational Vehicle."

**Travel Trailer Park**

See "Campground."

**Trailer, Single-Wide.**

See "Mobile Home, Single-Wide."

**Trailer, Double-Wide.**

See "Manufactured Home."

**Triplex**

See "Townhouse."

**Truck Stop, Truck Fueling Station, Truck Parking Area, Truck Service Facility**

Any such land use that provides services to or is developed to accommodate three or more heavy trucks, semis, and/or tractor trailers at any single time, whether moving, parked, idling, or stationary, for any duration of time.

**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 Exception."

**Uses Car Sales**

See "Vehicle Sales and Rentals."

**Variance**

A modification or lessening of the strict application of the specific requirements of this ordinance which may be granted by the board of zoning appeals in cases 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 use of his or her land.

**Vehicle Sales and Rental**

Establishments primarily engaged in the retail sale of new and used automobiles, noncommercial trucks, motor homes, or recreational vehicles, including incidental storage, maintenance, and servicing. Any lot on which two or more vehicles are visible from the public right-of-way and advertised for sale, whether with a sign, flyer, banner, window paint, or other means, shall be considered a vehicle sales establishment and subject to regulation under this zoning ordinance.

**Vested Property Rights**

The right of a developer to proceed with a development based on the standards that were in place on the date of approval of a building permit or preliminary development plan by the Town of Montegale, subject to all time periods and conditions of TCA 13-4-310.

**Wrecker Service**

A service for towing wrecked or disabled automobiles, or freeing automobiles stalled in snow or mud. Wrecker services shall also include towing establishments and impound lots. Wrecker services where five or more motor vehicles of any kind are located which are incapable of operation, exposed to the weather, and which may be used for salvage or spare parts shall be considered "junkyards."

**Yard, Front or Street**

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

**Yard, Rear**

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**

Required 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.

# CHAPTER 14

## LEGAL STATUS PROVISIONS

### 1401 Previous Zoning Ordinance Repealed

The previous zoning ordinance and map are hereby repealed, effective immediately.

### 1402 Validity and Separability

Should any section, clause, or provision of this ordinance be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgment shall not affect the validity of this ordinance as a whole or any other part than the part judged invalid.

### 1403 Interpretation

Where the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by any other provision of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

### 1404 Effective Date

This zoning ordinance and accompanying zoning map shall become effective after the final reading and publication as required by law, the public welfare requiring it.

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Passed on first reading: \_\_\_\_\_  
Date

Passed on second reading: \_\_\_\_\_  
Date

Date public hearing advertised in the *Grundy County Herald*: \_\_\_\_\_  
Date

Date of public hearing: \_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor  
Town of Monteagle

Attest: \_\_\_\_\_  
City Recorder

## APPENDIX

# MONTEAGLE ZONING & PERMIT FEE SCHEDULE

Effective Date: \_\_\_\_\_ Ordinance No. \_\_\_\_\_

The following fee schedule has been adopted as part of the Town of Monteagle Zoning Ordinance. Payment of fees as set forth in this schedule shall be required to initiate certain actions or processes as specified in the zoning ordinance. Failure to pay the required fees shall result in an application being deemed incomplete, and the application or request shall not be processed, nor shall any time limit provision begin, until all fees and all other required materials have been received.

## ZONING FEES

Description	Fee Amount
Site Plan Review Fee	None
Subdivision Plat Review Fee	None
Zoning Letter Fee	None
Application for Zoning Amendment (Sec. 1207)	\$50.00
Application for Zoning Variance/Special Exception (Sec. 1106 and 1107)	\$50.00
Application for Appeal to Monteagle Board of Zoning Appeals (Sec. 1206)	\$50.00
Application for Customary Home Occupation (Sec. 517)	\$50.00
Telecommunications Facility Review Fee (Sec. 534)	\$100.00
Temporary Use Permit (Sec. 536)	\$100.00
Mobile Home Park Permit Review Fee (Sec. 525)	\$100.00
Planned Unit Development (PUD) Review Fee (Sec. 528)	\$250.00

## BUILDING PERMIT FEE SCHEDULE

Total Valuation	Fee Amount
\$1,000 and less	No fee, unless an inspection is required, in which case a \$15.00 fee for each inspection shall be charged.
\$1,000 to \$50,000	\$15.00 for the first \$1,000 Plus \$5.00 for each additional thousand or fraction thereof To and including \$50,000.
\$50,000 to \$100,000	\$260.00 for the first \$50,000 Plus \$4.00 for each additional thousand or fraction thereof To and including \$100,000.
\$100,000 to \$500,000	\$460.00 for the first \$100,000 Plus \$3.00 for each additional thousand or fraction thereof To and including \$500,000.
\$500,000 and up	\$1,660.00 for the first \$50,000 Plus \$2.00 for each additional thousand or fraction thereof.

### **MOVING FEE**

For the moving of any building or structure, the fee shall be **\$100.00**.

### **DEMOLITION FEE**

Demolition Volume	Fee Amount
0 up to 100,000 cubic feet	\$50.00
Over 100,000 cubic feet	\$0.50 per 1,000 cubic feet

### **SIGN PERMIT FEE**

The cost for a sign permit is **\$2.00 per square foot**. This is in addition to any required building permit fees. If the sign is double-faced, the square footage on each side shall be tabulated into the fee amount.

### **PENALTIES FOR FAILURE TO RECEIVE PERMIT**

Where work for which a permit is required by the Monteagle Zoning Ordinance or other code or ordinance of the Town of Monteagle is started or proceeded prior to obtaining said permit, the fees herein specified **shall be double**. Payment of such double-fee shall not relieve any persons from fully complying with the requirements of the zoning ordinance or any other applicable code or ordinance of the Town of Monteagle in the execution of the work, nor from any other penalties prescribed herein.

**FEES ARE NON-REFUNDABLE AND ARE DUE AT THE TIME OF APPLICATION. ALL FEES SHALL BE PAID AT MONTEAGLE CITY HALL. CHECKS SHALL BE PAYABLE TO THE TOWN OF MONTEAGLE. IT SHALL BE THE RESPONSIBILITY OF THE PAYEE TO ENSURE THEY ARE ISSUED A RECEIPT.**

Permit No. \_\_\_\_\_

## APPLICATION FOR BUILDING PERMIT

### TOWN OF MONTEAGLE, TENNESSEE

16 DIXIE LEE AVENUE, MONTEAGLE, TN 37356 (PHYSICAL) | PO BOX 127, MONTEAGLE, TN 37356 (MAILING)

PHONE: (931) 924-2265 / FAX: (931) 924-2264

**COMPLETE ALL ITEMS AND MARK BOXES WHERE APPLICABLE.**

Name	License No.	Mailing Address	Phone
Owner			(    )
			(    )
Contractor			(    )
			(    )
Architect/ Engineer			(    )
			(    )
Agent			(    )
			(    )
Applicant's Email Address: _____			
<b>PROJECT SITE INFORMATION</b>			
Tax Map No. _____		Current Zoning: (Circle) R-1 R-2 R-3 R-4 I-D C-1 C-2 C-3 I-1	
Project Site Physical Address: _____		Property Line Setbacks (see zoning ordinance): Front:      ft. Side:      ft. Rear:      ft.	
Located in Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No      If yes, FEMA Map Panel No. _____ Elevation: _____			
<b>PROJECT INFORMATION</b>			
<input type="checkbox"/> New Construction <input type="checkbox"/> Alteration <input type="checkbox"/> Repair/Replace <input type="checkbox"/> Demolition <input type="checkbox"/> Move <input type="checkbox"/> Addition			
Describe proposed work:			
Plans, drawings, and land survey must accompany this application. Survey must show location of proposed buildings and property lines.		Value of Construction \$ _____	

The undersigned does hereby declare that the statements contained in this document and on the attachments hereto are true and correct to the best of his or her knowledge, information, and belief.

Owner or agent: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTICE - This document becomes the building permit when signed for or by the enforcement officer.**

This permit is issued with the distinct understanding that the building for which this permit is issued is to be built in strict accordance with the building laws of Tennessee and Town of Monteagle. Additional permits for septic disposal and ground disturbance may be required, in addition to other permits. This building permit shall become null and void if construction is not commenced within 6 months, or if construction or work is suspended or abandoned for a period of 6 months any time after work has commenced. Persons performing construction work under this permit must observe Tenn. Law (Pub. Chap. 289 Acts of 1955) providing for precautions to be taken in the vicinity of high voltage wires.

CITY USE ONLY			
Plans Approval Required / Received / Not Required	Permit fee:	Staff initial For Payment:	Payment Date:
Sewer/Septic Approval Required / Received / Not Required	Permit Number:	Building Permit Approved by:	Date Permit Approved:

# APPLICATION FOR SIGN PERMIT

## TOWN OF MONTEAGLE, TENNESSEE

16 DIXIE LEE AVENUE, MONTEAGLE, TN 37356 (PHYSICAL) | PO BOX 127, MONTEAGLE, TN 37356 (MAILING)

PHONE: (931) 924-2265 / FAX: (931) 924-2264

**COMPLETE ALL ITEMS AND MARK BOXES WHERE APPLICABLE.**

	Name	License No.	Mailing Address	Phone
Owner				( )
				( )
Contractor				( )
				( )
Architect/ Engineer				( )
				( )
Applicant's Email Address:				
<b>PROPERTY INFORMATION</b>				
Tax Map No.		Current Zoning: (Circle) R-1 R-2 R-3 R-4 I-D C-1 C-2 C-3 I-1		
Physical Address:		Property Line Setbacks (see zoning ordinance): Front: ft. Side: ft. Rear: ft.		
Located in Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, FEMA Map Panel No. _____ Elevation: _____				
<b>SIGN INFORMATION</b>				
<input type="checkbox"/> New Sign <input type="checkbox"/> Modify/Repair/Replace Existing Sign <input type="checkbox"/> Demolition <input type="checkbox"/> Relocation				
Please select: This application is for a <input type="checkbox"/> TEMPORARY or <input type="checkbox"/> PERMANENT sign. If temporary, attach description of the temporary event or purpose for the sign, and date by which sign will be removed.				
Describe the structure of the proposed sign including style, materials, anchoring/bracing, colors, etc. <i>Attach additional sheets if necessary.</i>				
Describe sign lighting and illumination, including any digital or LED features. <i>Attach additional sheets if necessary.</i>				
Where will the sign be physically located on the property?				
Is the sign advertising a business, activity, or event on the same property as which it is located? <input type="checkbox"/> Yes <input type="checkbox"/> No				
Is the sign located within 660 feet of a state highway or interstate? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, TDOT permit may be required.				
Square footage of sign (include both sides if double-faced):			ft <sup>2</sup>	Value of Sign Construction \$
<b>REQUIRED ATTACHMENTS:</b>				
<ul style="list-style-type: none"> <li>Design and layout of the proposed sign, including proposed text and logos.</li> <li>For permanent signs, including modification, applicants must also complete and submit a building permit application.</li> <li>Detailed design plans for any sign that requires planning commission approval (Section 906 of zoning ordinance).</li> <li>Copies of TDOT or other state permits, if required (Section 908 of zoning ordinance)</li> </ul>				

The undersigned does hereby declare that the statements contained in this document and on the attachments hereto are true and correct to the best of his or her knowledge, information, and belief.

Owner or agent: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTICE - This document becomes the sign permit when signed for or by the enforcement officer.**

This permit certifies compliance with the sign requirements of the Town of Monteagle Zoning Ordinance. It does not demonstrate compliance with TDOT permit requirements or any other law or requirement of the State of Tennessee. Additional permits may be required.

CITY USE ONLY			
Planning Commission Approval Required / Received / Not Required	Permit fee:	Staff initial For Payment:	Payment Date:
Code/Electrical Approval Required / Received / Not Required	Permit Number:	Sign Permit Approved by:	Date Permit Approved:

# APPLICATION FOR MOBILE HOME PARK PERMIT

## TOWN OF MONTEAGLE, TENNESSEE

16 DIXIE LEE AVENUE, MONTEAGLE, TN 37356 (PHYSICAL) | PO BOX 127, MONTEAGLE, TN 37356 (MAILING)

PHONE: (931) 924-2265 / FAX: (931) 924-2264

**COMPLETE ALL ITEMS AND MARK BOXES WHERE APPLICABLE.**

<b>OWNER INFORMATION</b>		
Name:	Phone:	
Mailing Address:	Email:	
Does/will the owner reside at the mobile home park full-time? <input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>PROPERTY INFORMATION</b> <i>Provide information for property where mobile home park is located.</i>		
Mobile Home Park Physical Address:	Name of Mobile Home Park:	
Tax Map No.	Current Zoning: (Circle) R-1 R-2 R-3 R-4 I-D C-1 C-2 C-3 I-1	
Located in Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, FEMA Map Panel No. _____ Elevation: _____		
<b>MOBILE HOME PARK INFORMATION</b>		
Permit Application is for:		
<input type="checkbox"/> Existing Mobile Home Park <input type="checkbox"/> Modification/Expansion of Existing Mobile Home Park <input type="checkbox"/> New Mobile Home Park		
Total number of mobile home spaces:	Spaces currently occupied:	Spaces available:
Spaces are: <input type="checkbox"/> Rented <input type="checkbox"/> Owned		
Water service: <input type="checkbox"/> Public <input type="checkbox"/> Wells If public, name of water utility:		
Sewer service: <input type="checkbox"/> Public <input type="checkbox"/> Septic If on septic, describe condition of system(s):		
Trash Pickup: <input type="checkbox"/> Town of Monteagle <input type="checkbox"/> Other If other, name of sanitation service:		
Landlord/property manager name:		24-hour phone number:
<b>REQUIRED ATTACHMENTS:</b>		
<ul style="list-style-type: none"> <li>Applications for existing parks must submit a current map showing all spaces and label/VINs for all current trailers.</li> <li>Applications for new mobile home parks must submit a site plan and utility information as required by Zoning Ordinance.</li> </ul>		

The undersigned does hereby declare that the statements contained in this document and on the attachments hereto are true and correct to the best of his or her knowledge, information, and belief. Owner agrees to allow Town of Monteagle to enter property for purposes of inspection and code enforcement. Owner agrees to address any code or zoning violations within 30 days upon receipt of written notice.

Owner: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTICE - This document becomes the mobile home park permit when signed for or by the enforcement officer.**

<b>CITY USE ONLY</b>			
<b>Mobile home park inspection (city staff initial):</b>		<input type="checkbox"/> Trash collection meets zoning requirements. <input type="checkbox"/> No weeds, trash, debris, dead animals, standing water. <input type="checkbox"/> No wrecked, disabled, or inoperable vehicles. <input type="checkbox"/> No animal control violations.	
<input type="checkbox"/> Town has current park owner information. <input type="checkbox"/> Town has current landlord/manager information. <input type="checkbox"/> Town has up-to-date park map with trailer information.		<input type="checkbox"/> No animal control violations.	
<b>Enforcement officer to notify owner of code violations in writing. Owners have 30 days to come into compliance.</b>			
Required site plan/map received: <input type="checkbox"/> Yes <input type="checkbox"/> No	Permit fee:	Staff initial For Payment:	Payment Date:
Inspection date:	<input type="checkbox"/> Passed <input type="checkbox"/> Failed	Violation Letter Date:	Reinspection date:
Zoning Status: <input type="checkbox"/> Conforming <input type="checkbox"/> Nonconforming	Permit Number:	Permit Approved by:	Date Permit Approved:

# APPLICATION FOR ZONING AMENDMENT

## TOWN OF MONTEAGLE, TENNESSEE

16 DIXIE LEE AVENUE, MONTEAGLE, TN 37356 (PHYSICAL) | PO Box 127, MONTEAGLE, TN 37356 (MAILING)

PHONE: (931) 924-2265 / FAX: (931) 924-2264

**COMPLETE ALL APPLICABLE SECTIONS AND SUBMIT REQUIRED MATERIALS.**

APPLICANT INFORMATION	
Name:	Phone:
Mailing Address:	Email:

REQUEST FOR ZONING TEXT AMENDMENT
Section of Zoning Ordinance to be amended:
Text of proposed amendment:
Explanation/justification for proposed amendment:
<i>Attach additional pages if necessary.</i>

REQUEST FOR ZONING MAP AMENDMENT (REZONING)
Is the applicant (identified above) the OWNER of the property to be rezoned? YES or NO
<i>If "NO" to previous question, provide the following property owner information:</i>
Owner Name:
Owner Phone:
Owner Mailing Address:
Applicant relationship to owner:
Physical Address of Property to be Rezoned:
Tax Map and Parcel Number of Property to be Rezoned:
Current Zoning: (Circle) R-1 R-2 R-3 R-4 I-D C-1 C-2 C-3 I-1
Proposed Zoning: (Circle) R-1 R-2 R-3 R-4 I-D C-1 C-2 C-3 I-1
Describe <u>current use</u> and condition of property:
Describe <u>future plans</u> for property after rezoning:
<i>Attach additional pages if necessary and provide documentation (e.g. maps, petitions, plats or plans for development, justification for proposed amendment) to assist with application review.</i>

I hereby certify that the information provided on this application is true and correct. I understand that this application and any supplemental materials will be presented in public meetings and that public hearing notices will be mailed to nearby property owners. I also understand that this application does not provide any guarantee that the proposed amendment or rezoning will be adopted by the Town of Monteagle.

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

CITY USE ONLY			
Office Review	Application fee:	Staff Initial For Payment:	Payment Date:
Planning Review	Date Referred to Planning Staff:	Date Presented to Planning Comm.:	Planning Comm. Recommendation:
City Action	Date Public Hearing Advertised in Newspaper:	Date Notices Mailed to Surrounding Property Owners:	Date of Public Hearing:
	Reading Dates 1 <sup>st</sup> _____ 2 <sup>nd</sup> _____		Zoning Ordinance/ Map Updated:

# APPLICATION FOR ZONING VARIANCE

## TOWN OF MONTEAGLE, TENNESSEE

16 DIXIE LEE AVENUE, MONTEAGLE, TN 37356 (PHYSICAL) | PO Box 127, MONTEAGLE, TN 37356 (MAILING)

PHONE: (931) 924-2265 / FAX: (931) 924-2264

**Notice to Variance Applicants:** Section 13-7-207 of Tennessee Code Annotated authorizes the board of zoning to grant variances "Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property... or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any [zoning] regulation... would result in peculiar and exceptional practical difficulties to or exception or undue hardship upon the owner of such property... provided, that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance."

### COMPLETE ALL APPLICABLE SECTIONS AND SUBMIT REQUIRED MATERIALS.

<b>APPLICANT INFORMATION</b>	
Name:	Phone:
Mailing Address:	Email:
<b>PROJECT INFORMATION</b>	
Name of Project or Development for which Variance is Requested:	
Physical Address of Project or Development:	
Tax Map No.	Current Zoning: (Circle) R-1 R-2 R-3 R-4 I-D C-1 C-2 C-3 I-1
Select the response the best describes the reason for your variance request: <input type="checkbox"/> My project has been denied by the zoning enforcement officer and I am requesting a variance. <input type="checkbox"/> I have submitted my application to the city, and planning staff has notified me the project requires a variance. <input type="checkbox"/> The planning commission has denied my project because it requires one or more variances. <input type="checkbox"/> The planning commission has approved my project "subject to" receiving required variances from the BZA.	
<b>VARIANCE REQUEST INFORMATION</b>	
Specific section and zoning requirement from which variance is requested:	
Describe variance request: (Example: Request to encroach into required R-1 setback by 8 feet)	
Describe justification for variance, including how the zoning policy constitutes a hardship.	
Attach additional pages if necessary and provide documentation (e.g. site plan, architectural renderings, subdivision plat) that may assist with application review.	

I hereby certify that the information provided on this application is true and correct. I understand that this application and any supplemental materials will be presented in public meetings and that the Monteagle board of zoning appeals may conduct a public hearing on my request. I also understand that this application does not provide any guarantee that the board of zoning appeals will grant the requested variance.

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

CITY USE ONLY			
Office Review	Application fee:	Staff Initial For Payment:	Payment Date:
Planning Action	Date Referred to Planning Staff:	Date of BZA Meeting:	BZA Final Action:

# APPLICATION FOR SPECIAL EXCEPTION

## TOWN OF MONTEAGLE, TENNESSEE

16 DIXIE LEE AVENUE, MONTEAGLE, TN 37356 (PHYSICAL) | PO BOX 127, MONTEAGLE, TN 37356 (MAILING)  
PHONE: (931) 924-2265 / FAX: (931) 924-2264

**Notice to Special Exception Applicants:** The board of zoning appeals is authorized to grant special exceptions from the general requirements of the Monteagle zoning ordinance only for those scenarios and developments for which such special exception authorization has been granted by the Monteagle board of mayor and alderman. The BZA is authorized to impose such conditions it deems necessary to protect the public health and safety and to ensure the spirit and intent of the zoning ordinance is upheld.

### COMPLETE ALL APPLICABLE SECTIONS AND SUBMIT REQUIRED MATERIALS.

APPLICANT INFORMATION	
Name:	Phone:
Mailing Address:	Email:
PROJECT INFORMATION	
Name of Project or Development for which Special Exception is Requested:	
Physical Address of Project or Development:	
Tax Map No.	Current Zoning: (Circle) R-1 R-2 R-3 R-4 I-D C-1 C-2 C-3 I-1
SPECIAL REQUEST INFORMATION	
Specific section and zoning requirement for which special exception is requested:	
Describe special exception request: <i>(Example: Request to place additional dwelling unit on property)</i>	
Describe justification for special exception, including how the request meets the applicable evaluation criteria.	
<i>Attach additional pages if necessary and provide documentation (e.g. site plan, architectural renderings, subdivision plat) that may assist with application review.</i>	

I hereby certify that the information provided on this application is true and correct. I understand that this application and any supplemental materials will be presented in public meetings and that the Monteagle board of zoning appeals may conduct a public hearing on my request. I also understand that this application does not provide any guarantee that the board of zoning appeals will grant the requested special exception.

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

CITY USE ONLY			
Office Review	Application fee:	Staff Initial For Payment:	Payment Date:
Planning Action	Date Referred to Planning Staff:	Date of BZA Meeting:	BZA Final Action:

# APPLICATION FOR APPEAL TO MONTEAGLE BOARD OF ZONING APPEALS (BZA)

## TOWN OF MONTEAGLE, TENNESSEE

16 DIXIE LEE AVENUE, MONTEAGLE, TN 37356 (PHYSICAL) | PO Box 127, MONTEAGLE, TN 37356 (MAILING)  
PHONE: (931) 924-2265 / FAX: (931) 924-2264

**COMPLETE ALL APPLICABLE SECTIONS AND SUBMIT REQUIRED MATERIALS.**

APPLICANT INFORMATION	
Name:	Phone:
Mailing Address:	Email:
PROJECT INFORMATION	
Name of Project or Development:	
Physical Address of Project or Development:	
Tax Map No.	Current Zoning: (Circle) R-1 R-2 R-3 R-4 I-D C-1 C-2 C-3 I-1
APPEAL REQUEST INFORMATION	
Provide a brief description of your project or application.	
Describe the alleged error in the order, requirement, permit, decision, or refusal made by the enforcement officer, planning commission, or Town of Monteagle.	
Provide any additional information that supports your case for an appeal.	
Attach additional pages if necessary and provide documentation (e.g. site plan, architectural renderings, subdivision plat) that will assist the board of zoning appeals in evaluating your request.	

I hereby certify that the information provided on this application is true and correct. I understand that this application and any supplemental materials will be presented in public meetings and that the Monteagle board of zoning appeals may conduct a public hearing on my request. I also understand that this application does not provide any guarantee that the board of zoning appeals will grant the requested appeal.

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

CITY USE ONLY			
Office Review	Application fee:	Staff Initial For Payment:	Payment Date:
Planning Action	Date Referred to Planning Staff:	Date of BZA Meeting:	BZA Final Action:

# APPLICATION FOR TEMPORARY USE PERMIT

## TOWN OF MONTEAGLE, TENNESSEE

16 DIXIE LEE AVENUE, MONTEAGLE, TN 37356 (PHYSICAL) | PO BOX 127, MONTEAGLE, TN 37356 (MAILING)  
PHONE: (931) 924-2265 / FAX: (931) 924-2264

*Temporary uses permitted in accordance with Section 537 of the Monteagle Zoning Ordinance.*

**COMPLETE ALL APPLICABLE SECTIONS AND SUBMIT REQUIRED MATERIALS.**

<b>APPLICANT INFORMATION</b>	
Name:	Phone:
Mailing Address:	Email:
<b>TEMPORARY USE INFORMATION</b>	
Name of Temporary Use, Project, or Event:	
Physical Address of Use or Event:	
Tax Map No.	Current Zoning: (Circle) R-1 R-2 R-3 R-4 I-D C-1 C-2 C-3 I-1
Provide a brief description of the proposed temporary use.	
Describe the arrangements for sanitation during and after the temporary use (toilets, trash pickup, etc.):	
Describe the arrangements for parking and access during the temporary use:	
<i>Submit the required Sketch Plan (see Section 427) and attach additional pages if necessary.</i>	

I hereby certify that the information provided on this application is true and correct. I agree to operate and maintain the temporary use as described in this application and understand that failure to comply with the provisions of this zoning ordinance and requirements of the Town of Monteagle may result in my temporary use permit being revoked.

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTICE - This document becomes the temporary use permit when signed for or by the enforcement officer.**

<b>CITY USE ONLY</b>			
Permit fee:	Staff initial For Payment:	Payment Date:	Permit Number:
Permit Approved by:	Date Permit Approved:	Permit Expires:	Permit Renewed:

# APPLICATION FOR CUSTOMARY HOME OCCUPATION

## TOWN OF MONTEAGLE, TENNESSEE

16 DIXIE LEE AVENUE, MONTEAGLE, TN 37356 (PHYSICAL) | PO BOX 127, MONTEAGLE, TN 37356 (MAILING)  
PHONE: (931) 924-2265 / FAX: (931) 924-2264

*Customary Home Occupations permitted as per Section 518 of the Monteagle Zoning Ordinance.*

**COMPLETE ALL APPLICABLE SECTIONS AND SUBMIT REQUIRED MATERIALS.**

<b>APPLICANT INFORMATION</b>	
Name:	Phone:
Mailing Address:	Email:
<b>CUSTOMARY HOME OCCUPATION INFORMATION</b>	
Name of business or home occupation:	
Physical Address of Residence:	
Tax Map No.	Current Zoning: (Circle) R-1 R-2 R-3 R-4 I-D C-1 C-2 C-3 I-1
Provide a brief description of the proposed temporary home occupation.	
Customer traffic: I (we) anticipate _____ customers/clients per ____ hour ____ day ____ week ____ month (select).	
Will any activities, including storage, be located outside or in accessory buildings (garages, sheds, etc.)? ____ Yes ____ No If yes, attach additional sheets explaining or illustrating the proposed activities and/or building use.	
Describe any foreseeable noises, odors, or other possible disturbances to the neighborhood or surrounding owners.	
No. of employees that do not live at residence: _____	
Describe any requirements for shipments and/or deliveries:	
<b>Submit any materials (site plans, drawings, websites, etc.) that will assist the town in reviewing your application.</b>	

I hereby certify that the information provided on this application is true and correct. I agree to operate and maintain the customary occupation use as described in this application and understand that failure to comply with the provisions of this zoning ordinance and requirements of the Town of Monteagle may result in my customary home occupation permit being revoked.

Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

**NOTICE - This document becomes the permit when signed for or by the enforcement officer.**

CITY USE ONLY			
Office Review	Application fee:	Staff Initial For Payment:	Payment Date:
Planning Action	Date Referred to Planning Staff:	Date Approved By PC:	Permit no.

# CERTIFICATE OF OCCUPANCY

## TOWN OF MONTEAGLE, TENNESSEE

16 DIXIE LEE AVENUE, MONTEAGLE, TN 37356 (PHYSICAL) | PO BOX 127, MONTEAGLE, TN 37356 (MAILING)  
PHONE: (931) 924-2265 / FAX: (931) 924-2264

**This Certificate of Occupancy certifies that the referenced building or portion thereof is in compliance with the requirements of the Monteagle Municipal Zoning Ordinance and Monteagle Municipal Code.**

Effective Date: \_\_\_\_\_

Building Permit Number	
Building Owner	
Building Address	
Primary Use	
Building Code Version	
Zoning District	
Type of Construction	
Total Floor Area (sq. ft.)	
Description of Use	

\_\_\_\_\_  
Zoning Enforcement Officer

Town of Monteagle

## APPLICATION FOR ACCESSORY DWELLING UNIT

<b>Town of Monteagle</b> P.O. Box 127, Monteagle, TN 37356 PHONE (931) 924-2265					
<b>ACCESSORY DWELLING UNIT (ADU) APPLICATION</b>					
Property Owner:					
Property Address:		City	State Tennessee		
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 Monteagle Zoning Ordinance. 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:					
1.	Tax Map	Group	Parcel		
	Lot Size:	Size of proposed ADU (square feet):	Subdivision Name (if applicable)		
	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.				
3.	Which of the two units will be the designated "owner occupied" unit? <input type="checkbox"/> Principal Dwelling <input type="checkbox"/> ADU Will the ADU be operated as a short term rental? YES NO				
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.				
ADDITIONAL REQUIRED INFORMATION:					
5.	<input type="checkbox"/> A dimensioned sketch plan or site plan showing the following features must be provided: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>▪ Lot lines</li> <li>▪ Building footprints of all existing and proposed structures</li> <li>▪ Distances of structures to lot lines</li> <li>▪ Driveways</li> </ul> </td> <td style="width: 50%; vertical-align: top;"> <ul style="list-style-type: none"> <li>▪ Fields line and septic areas</li> <li>▪ Location of off-street parking in accordance with the Monteagle Zoning Ordinance</li> <li>▪ Proposed ADU entrance locations</li> </ul> </td> </tr> </table>			<ul style="list-style-type: none"> <li>▪ Lot lines</li> <li>▪ Building footprints of all existing and proposed structures</li> <li>▪ Distances of structures to lot lines</li> <li>▪ Driveways</li> </ul>	<ul style="list-style-type: none"> <li>▪ Fields line and septic areas</li> <li>▪ Location of off-street parking in accordance with the Monteagle Zoning Ordinance</li> <li>▪ Proposed ADU entrance locations</li> </ul>
<ul style="list-style-type: none"> <li>▪ Lot lines</li> <li>▪ Building footprints of all existing and proposed structures</li> <li>▪ Distances of structures to lot lines</li> <li>▪ Driveways</li> </ul>	<ul style="list-style-type: none"> <li>▪ Fields line and septic areas</li> <li>▪ Location of off-street parking in accordance with the Monteagle Zoning Ordinance</li> <li>▪ Proposed ADU entrance locations</li> </ul>				
<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		
STAFF USE ONLY					
Approved By:		Date:			

**Town of Monteagle**  
P.O. Box 127, Monteagle, TN 37356  
PHONE (931) 924-2265

## **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.

Monteagle allows ADUs in its residential zones as long as they meet the criteria of the Monteagle Zoning Ordinance. A copy of these regulations are attached. Please refer carefully to the Monteagle 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 Monteagle'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 Monteagle 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 Monteagle Town Hall  
P.O. Box 127  
Monteagle, TN 37356

**DECLARATION OF COVENANT FOR ACCESSORY DWELLING UNIT**

We, the undersigned, hereby certify that we are the owners of real property located in Monteagle 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 Monteagle Zoning Ordinance;

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

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

In consideration of the issuance by the Town of Monteagle 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 Monteagle, pursuant to the Monteagle 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 Monteagle 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 Monteagle'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 Monteagle 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

# ADA PARKING SPACE STANDARDS



Americans with Disabilities Act

**ADA Compliance BRIEF:**

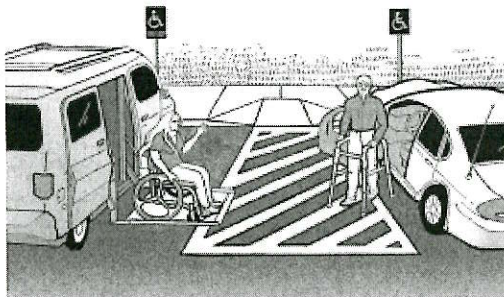
**Restriping Parking Spaces**

**Accessible Parking Spaces**

When a business or State or local government restripes parking spaces in a parking lot or parking structure (parking facilities), it must provide accessible parking spaces as required by the 2010 ADA Standards for Accessible Design (2010 Standards).

In addition, businesses or privately owned facilities that provide goods or services to the public have a continuing ADA obligation to remove barriers to access in existing parking facilities when it is readily achievable to do so. Because restriping is relatively inexpensive, it is readily achievable in most cases. State and local government facilities also have an ongoing ADA obligation to make their programs accessible, which can require providing accessible parking.

This compliance brief provides information about the features of accessible car and van parking spaces and how many accessible spaces are required when parking facilities are restriped.



**One of six accessible parking spaces, but always at least one, must be van-accessible.**

The required number of accessible parking spaces must be calculated separately for each parking facility, not calculated based on the total number of parking spaces provided on a site. One of six (or fraction of six) accessible parking spaces, but always at least one, must be van accessible.

Parking for hospital outpatient facilities, rehabilitation facilities, outpatient physical therapy facilities or residential facilities have substantially different requirements for accessibility (see 2010 Standards 208.2).

**Minimum Number of Accessible Parking Spaces  
2010 Standards (208.2)**

Total Number of Parking Spaces Provided in Parking Facility (per facility)	(Column A) Minimum Number of Accessible Parking Spaces (car and van)	Minimum Number of Van-Accessible Parking Spaces (1 of six accessible spaces)
1 to 25	1	1
26 to 50	2	1
51 to 75	3	1
76 to 100	4	1
101 to 150	5	1
151 to 200	6	1
201 to 300	7	2
301 to 400	8	2
401 to 500	9	2
500 to 1000	2% of total parking provided in each lot or structure	1/6 of Column A*
1001 and over	20 plus 1 for each 100 over 1000	1/6 of Column A*

\*one out of every 6 accessible spaces

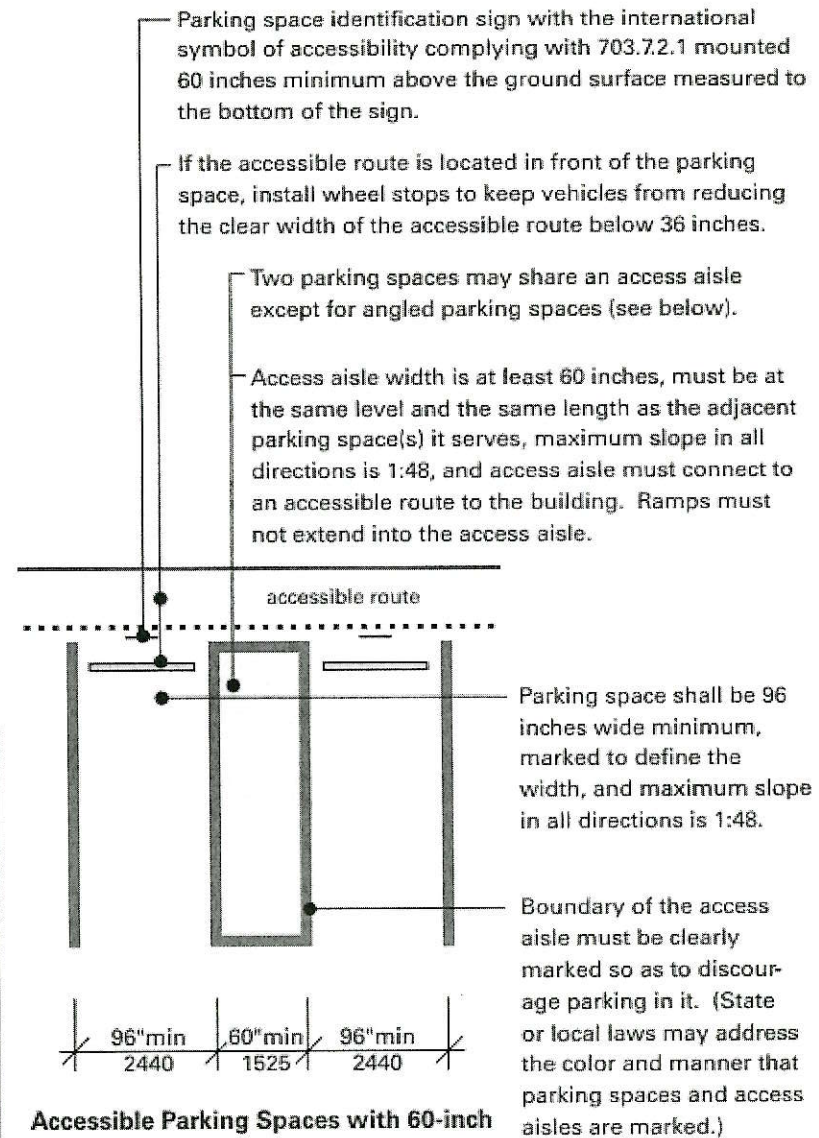
## Location

Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances.

When accessible parking spaces are added in an existing parking lot or structure, locate the spaces on the most level ground close to the accessible entrance. An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least 3 feet wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.

Accessible parking spaces may be clustered in one or more facilities if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the 98-inch minimum vertical height requirement).

## Features of Accessible Parking Spaces



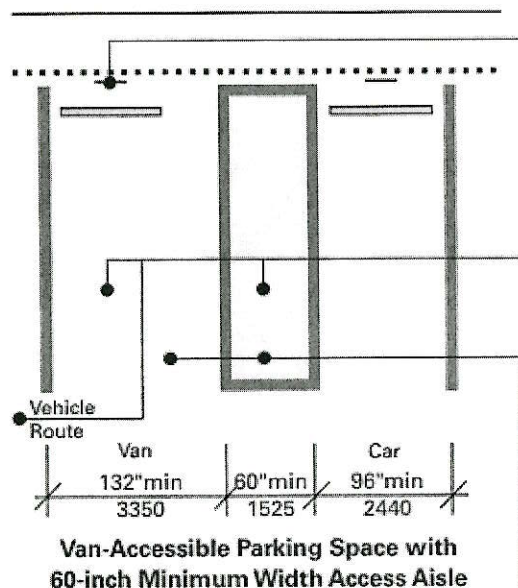
**Accessible Parking Spaces with 60-inch Minimum Width Access Aisle for Cars**

### Additional Notes:

Where parking spaces are marked with lines, width measurements of parking spaces and access aisles are to centerlines, except for the end space which may include the full width of the line.

Access aisles may be located on either side of the parking space except for angled van parking spaces which must have access aisles located on the passenger side of the parking spaces.

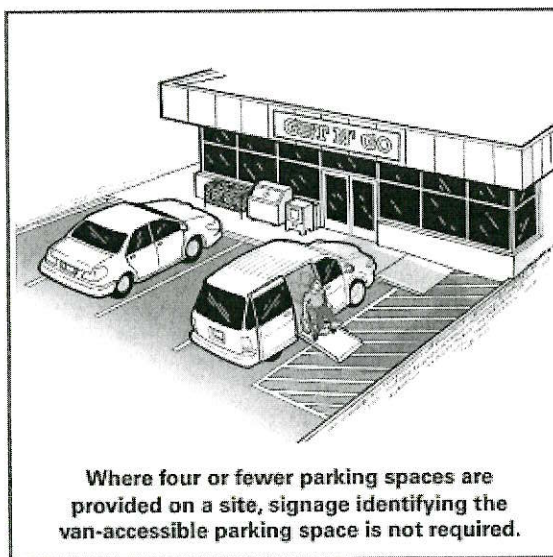
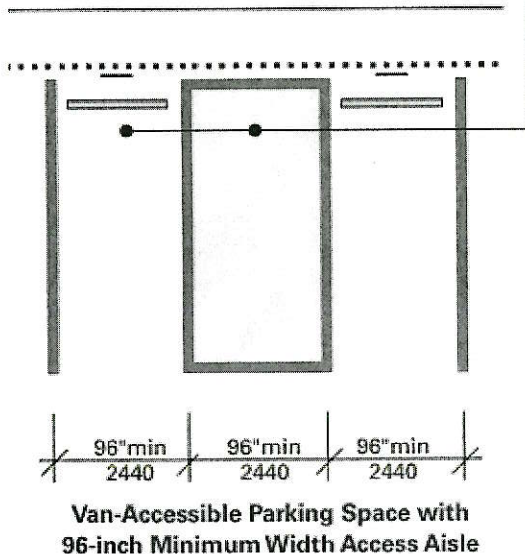
Van-accessible parking spaces incorporate the features of accessible parking spaces on the previous page and require the following additional features: a "van accessible" designation on the sign; different widths for the van parking space or the access aisle; and at least 98 inches of vertical clearance for the van parking space, access aisle, and vehicular route to and from the van-accessible space. The first image below shows a van-accessible space with a 60-inch minimum width access aisle. The second image shows a van-accessible space with a 96-inch minimum width access aisle. Both configurations are permitted and requirements for van-accessible signage and vertical clearance apply to both configurations.



Parking space identification sign with the international symbol of accessibility and designation, "van accessible." Note, where four or fewer parking spaces are provided on a site, a sign identifying the accessible space, which must be van-accessible, is not required.

Vertical clearance of 98 inches minimum to accommodate van height at the vehicle parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space.

Van parking space must be 132 inches wide minimum with an adjacent 60-inch wide minimum access aisle. A van parking space of 96 inches wide minimum with an adjacent 96-inch wide minimum access aisle is also permitted (see below).



## **Resources**

For more information about the ADA, please visit our website or call our toll-free number.

### **ADA Website**

[www.ADA.gov](http://www.ADA.gov)

To receive e-mail notifications when new ADA information is available, visit the ADA Website's home page and click the link near the bottom of the right-hand column.

### **ADA Information Line**

800-514-0301 (Voice)  
and  
800-514-0383 (TTY)

Call Monday – Wednesday, Friday 9:30 a.m. – 5:30 p.m., Thursday 12:30 p.m. – 5:30 p.m. (Eastern Time) to speak with an ADA Specialist. Calls are confidential.

24 hours a day to order publications by mail.

For people with disabilities, this publication is available in alternate formats.

### **Reference:**

2010 ADA Standards for Accessible Design  
(available on ADA.gov and from the ADA Information Line)

Sections 208 & 502 Parking Spaces

Section 206 Accessible Route

Duplication of this document is encouraged.

December 2015