

ORDINANCE NO. 15-24

**AN ORDINANCE TO AMEND THE MONTEAGLE ZONING ORDINANCE BY REQUIRING  
SITE PLAN REVIEW BY PLANNING COMMISSION PRIOR TO BZA REVIEW OF A  
SPECIAL EXCEPTIONS REQUEST  
IN THE TOWN OF MONTEAGLE**

- WHEREAS,** the authority granted in Tennessee Code Annotated (TCA), Section 13-7-201, allows for the zoning of territory within a municipality; and
- WHEREAS,** the Monteagle Board of Mayor & Aldermen has implemented zoning districts as provided for in TCA, Section 13-7-202; and
- WHEREAS,** TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and zoning maps; and
- WHEREAS,** in accordance with TCA, Section 13-7-203(A), an advertised public hearing was held prior to the adoption of this zoning ordinance amendment with at least twenty-one (21) days' notice being given of the public hearing; and
- WHEREAS,** in accordance with TCA, Section 13-7-203(B), the Monteagle Municipal-Regional Planning Commission approved and recommended the zoning amendment herein described to the Monteagle Board of Mayor and Aldermen;
- WHEREAS,** pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended amendments to the zoning ordinance, as herein described; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Mayor & Aldermen of the Town of Monteagle, Tennessee that the Monteagle Zoning Ordinance be and hereby is amended as shown below:

**Section 1:** Amend the language in Section 1107 Special Exceptions Letter B Application by adding the following requirements for Site Plan review as follows:

**Add:**

- 1. For any Special Request that will require site plan approval, the applicant must have the Planning Commission review the site plan before the Special Exception Application is submitted to the Board of Zoning Appeals (BZA). The reviewed site plan will be included in the agenda for BZA public hearing. Site plan review prior to the hearing does not constitute final approval of the site plan by the Planning Commission.**

**Section 2:** Amend the language in Section 1107 Special Exceptions Letter C Conditions and Restrictions by adding the following requirements for Site Plan review as follows:

- 1. The BZA must utilize the site plan review in their evaluation of the Special Exception Request. Any additional restrictions placed on the site plan by the BZA must be shown on the site plan when it goes back to the Planning Commission for final approval.**

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

**NOW, THEREFORE, BE IT FURTHER ORDAINED THAT** this Ordinance shall become effective immediately from and after its date of final passage.

**First Reading:** 8-26-24

**Final Reading:** \_\_\_\_\_

**Date of Public Hearing:** \_\_\_\_\_

\_\_\_\_\_  
**Mayor**

**ATTEST:** \_\_\_\_\_

**Town Recorder**

*A Signed Copy must be returned to a staff planner of the Southeast Tennessee Development District to update and incorporate the amendment into the official zoning ordinance.*

ORDINANCE NO. 16-24

**AN ORDINANCE TO AMEND THE MONTEAGLE ZONING ORDINANCE TO REMOVE  
CONVENIENCE STORES AS A PERMITTED USE IN C-1 AND TO ADD ADDITIONAL  
RESTRICTIONS TO SECTION 518 CONVEINENCE STORES  
IN THE TOWN OF MONTEAGLE**

- WHEREAS,** the authority granted in Tennessee Code Annotated (TCA), Section 13-7-201, allows for the zoning of territory within a municipality; and
- WHEREAS,** the Monteagle Board of Mayor & Aldermen has implemented zoning districts as provided for in TCA, Section 13-7-202; and
- WHEREAS,** TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and zoning maps; and
- WHEREAS,** in accordance with TCA, Section 13-7-203(A), an advertised public hearing was held prior to the adoption of this zoning ordinance amendment with at least twenty-one (21) days' notice being given of the public hearing; and
- WHEREAS,** in accordance with TCA, Section 13-7-203(B), the Monteagle Municipal-Regional Planning Commission approved and recommended the zoning amendment herein described to the Monteagle Board of Mayor and Aldermen;
- WHEREAS,** pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended amendments to the zoning ordinance, as herein described; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Mayor & Aldermen of the Town of Monteagle, Tennessee that the Monteagle Zoning Ordinance be and hereby is amended as shown below:

**Section 1: Amend the language in the Schedule of Permitted Uses by removing Convenience Stores as a permitted use in C-1 as follows:**

BUSINESS AND COMMERCIAL USES	C-1	C-2	C-3	I-1	R-1	R-2	R-3	R-4	I-D	Additional Requirements
Convenience stores		●	●							<u>Section 518</u>

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

**Section 2: Amend Section 518 Convenience Stores by adding the following restrictions as follows:**

**Add:** B. The following restrictions will be required for new convenience stores in the Town of Monteagle.

- 1. Building size for convenience stores will be a maximum of 5,000 sq. ft.**

2. Off-street parking and convenient pedestrian access will be required for every convenience stores in accordance with the Town of Monteagle's parking requirements and ADA regulations.
3. Convenience stores must operate as 24/7 facilities. This requirement may be waived by the Board of Zoning Appeals on a case-by-case basis.
4. Convenience stores must offer a minimum of 500 stock keeping units (SKUs)
5. The product mix of SKUs includes grocery type items and also includes items from the following groups: beverages, snacks (including confectionary), tobacco, and fuel.

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

**NOW, THEREFORE, BE IT FURTHER ORDAINED THAT** this Ordinance shall become effective immediately from and after its date of final passage.

**First Reading:** 8-26-24

**Final Reading:** \_\_\_\_\_

**Date of Public Hearing:** \_\_\_\_\_

\_\_\_\_\_  
**Mayor**

**ATTEST:** \_\_\_\_\_

**Town Recorder**

*A Signed Copy must be returned to a staff planner of the Southeast Tennessee Development District to update and incorporate the amendment into the official zoning ordinance.*



ORDINANCE NO. 17-24

**AN ORDINANCE TO MAKE ADDITIONS TO SECTION 1203 BUILDING PERMITS  
OF THE ZONING ORDINANCE OF  
THE TOWN OF MONTEAGLE, TENNESSEE**

- WHEREAS**, the authority granted in Tennessee Code Annotated (TCA), Section 13-7-201, allows for the zoning of territory within a municipality; and
- WHEREAS**, the Monteagle Board of Mayor & Aldermen has implemented zoning districts as provided for in TCA, Section 13-7-202; and
- WHEREAS**, TCA Section 13-7-204 enables a municipality with the authority to amend zoning ordinances and zoning maps; and
- WHEREAS**, in accordance with TCA, Section 13-7-203(A), an advertised public hearing was held prior to the adoption of this zoning ordinance amendment; and
- WHEREAS**, in accordance with TCA, Section 13-7-203(B), the Monteagle Municipal-Regional Planning Commission approved and recommended the zoning amendment herein described to the Monteagle Board of Mayor and Aldermen;
- WHEREAS**, pursuant to the requirements of TCA, Section 13-7-204, the planning commission has recommended amendments to the zoning ordinance, as herein described; and

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Mayor & Aldermen of the Town of Monteagle, Tennessee that the Monteagle Zoning Ordinance be and hereby is amended as shown below:

**Section 1: Add the following language in Section 1203 to read as follows:**

**1203 Building Permits**

**1. Building Permit Expiration**

The enforcement officer may extend a building permit for an additional 6 months at their discretion. If no substantial progress has been made on the project after 12 months, the building permit will be void and revoked. The project site plan must be updated and resubmitted to the planning commission prior to issuance of a new building permit. The Enforcement Officer will notify the permit holder in writing, with information copies of such notification to the Mayor and the Chair of the Planning Commission.

If the permit holder disputes the Enforcement Officers notification that its permit is void and revoked, it must demonstrate that substantial progress has in fact been made as required and shall submit for review construction contracts and other documentation relating to construction schedule flow charts, schedule of values, and cost at the Enforcement Officer requests.

Substantial progress shall be defined as "work in place" equal to or exceeding 10% of the cost of construction as stated by the value on the building permit. Design costs, stored materials, grading cost not associated with new construction, and fees cannot be included in the sum of substantial progress. The twelve-month time span is subject to weather delays. A weather delay may result from daily precipitation of one-tenth of an inch or more, or from extremes of other conditions such as wind and snow.

If adverse weather conditions are the basis for a request to extend the twelve-month limit set out above, the permit holder will have the responsibility of documenting such request by data substantiating the extent to which such weather conditions were abnormal for the period of time and location and had an adverse effect on the scheduled construction. Submission of National Weather Service observations of daily weather conditions in the vicinity of the construction site will be required.

Site plans lapse when the vesting period provided in TCA 13-4-310 has expired and no extension has been granted by the Town and if there is no active building permit when the vesting period expires.

**Section 2: Any Ordinance, Resolution, Motion or parts thereof in conflict herewith are hereby repealed and superseded. If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction; such holding will not affect any other portion of this Ordinance.**

**Section 3: Correct any grammatical or formatting errors as found.**

**NOW, THEREFORE, BE IT FURTHER ORDAINED THAT** this Ordinance shall become effective immediately from and after its date of final passage.

**First Reading:** 8-26-24

**Final Reading:** \_\_\_\_\_

**Date of Public Hearing:** \_\_\_\_\_

\_\_\_\_\_  
**Mayor**

**ATTEST:** \_\_\_\_\_  
**Town Recorder**