



MCKENZIE MUNICIPAL-REGIONAL PLANNING COMMISSION

FEBRUARY 28, 2018 MEETING AGENDA

MCKENZIE MUNICIPAL COMPLEX @ 3:00 P.M.

- I. Call to Order
- II. Roll Call / Establishment of a Quorum
- III. Approval of Agenda
- IV. Approval of Minutes
- V. Old Business
 - A. Review of the Demolition by Neglect Ordinance
 - B. Review of the Junked Motor Vehicle Ordinance
 - C. Review of the Zoning Ordinance Amendment concerning the Sign Ordinance Maintenance Provisions
- VI. New Business
 - A. Review of the Zoning Ordinance Amendment concerning Tiny Houses
 - B. Review of the Zoning Ordinance Amendment concerning Ready-Removable Structures
 - C. Review of the Zoning Ordinance Amendment Pertaining to Requiring Permits for Recreational Vehicles being utilized as "Temporary Living Quarters for Guests"
 - D. Any other properly presented New Business
- VII. Other Business
 - A. Any other properly presented business
 - B. Municipal Reports
 - C. Meeting Schedule by Chairman Dean E. Robb
- VIII. Adjournment



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MEMORANDUM

TO: McKenzie Municipal-Regional Planning Commission
FROM: Shelton I. Merrell, Regional Planner
DATE: 14 February 2018
SUBJECT: STAFF REPORT FOR THE FEBRUARY MEETING

OLD BUSINESS

1. Review of the Demolition by Neglect Ordinance

Background:

Prior to the January 10, 2018 agenda meeting, the city administration asked staff to review an ordinance prepared by Town of Jonesborough, Tennessee in order to see if such an ordinance was needed in order to provide severer penalties for violations of the current McKenzie Property Maintenance Provisions. Discussion was held on this agenda item during the January 24, 2018 meeting and was subsequently tabled in order to receive more member input. The amendment would amend the current McKenzie Municipal Code.

Analysis:

The regional staff planner prepared the following derived from the aforementioned Jonesborough, Tennessee demolition by neglect ordinance for your review and consideration in efforts to receive a recommendation to the Board of Mayor and Council:

ORDINANCE # _____

AN ORDINANCE OF THE BOARD OF MAYOR AND COUNCIL OF THE CITY OF MCKENZIE, TENNESSEE,
TO AMEND THE MCKENZIE PROPERTY MAINTENANCE REGULATIONS

WHEREAS, the McKenzie Board of Mayor and Council has determined that the health, safety, and welfare of the community is endangered by the presence of dangerous buildings and various unsafe or unsanitary conditions; and,

WHEREAS, the McKenzie Board of Mayor and Council has determined that the establishment of property maintenance regulations are reasonable and necessary for the protection of the public health, safety, and welfare, and for the eradication of public nuisances; and,

WHEREAS, the McKenzie Board of Mayor and Council has determined that the adoption of property maintenance regulations is in the public interest; and,

WHEREAS, the McKenzie Board of Mayor and Council has furtherly determined that the amendment of those said maintenance regulations is also in the public interest; and,

NOW, THEREFORE, BE IT ADOPTED BY THE BOARD OF MAYOR AND COUNCIL OF THE CITY OF MCKENZIE, TENNESSEE, AS FOLLOWS:

SECTION 1. That Title 13, "McKenzie Property Maintenance Regulations", be amended by adding a new Chapter 5 that contains the following language:

CHAPTER 4

DEMOLITION BY NEGLECT

SECTION

- 13-501. Minimum maintenance requirements to prevent demolition by neglect.
- 13-502. Characteristics of deterioration.
- 13-503. Implementation of minimum maintenance requirements.
- 13-504. Initiating citation process.
- 13-505. Citation hearing / public meeting.
- 13-506. Enforcement.
- 13-507. Unreasonable economic hardship.
- 13-508. Penalties.

13-501. Minimum maintenance requirements to prevent demolition by neglect. Any designated landmark within the McKenzie City limits; or any building or structure within the historic zone must be kept in good repair and must be maintained at minimum maintenance requirements that will prevent one or more of the characteristics of deterioration set forth in section 13-502 of this chapter. The presence of one or more of these characteristics, which left unrepaired could lead to deterioration of the building's structural frame or architectural integrity, shall constitute a failure to meet minimum maintenance requirements and is thus determined to be by demolition by neglect.

13-502. Characteristics of deterioration. Demolition by neglect is determined to be deterioration of a building(s) and/ or surrounding environment, and the failure to meet minimum maintenance requirements characterized by one or more of the following:

- (1) Those buildings which have parts thereof which are so attached that they may fall and injure members of the public or property;
- (2) Foundations that are deteriorated or inadequate;
- (3) Floor supports that are defective or deteriorated or floor supports insufficient to carry imposed loads with safety;
- (4) Members of walls, or other vertical supports that split, lean, list or buckle due to defective material or deterioration;
- (5) Members of walls, or other vertical supports that are insufficient to carry imposed loads with safety;
- (6) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration;
- (7) Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety;
- (8) Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration;
- (9) Important defining architectural features that are substantially deteriorated;
- (10) Those buildings with the peeling of external paint, rotting, holes, and other forms of decay;
- (11) Unsafe electrical and / or mechanical conditions;
- (12) Exterior plaster or mortar that is deteriorated or crumbling;
- (13) Those buildings with a lack of maintenance of the surrounding environment that is associated with the defining historical character of the structures; i.e. fences, gates, sidewalks, steps, signs, accessory structures, and landscaping;
- (14) **Broken and or boarded windows and doors;**
- (15) Any fault, defect, or condition in the building which renders the same structurally unsafe, not properly water tight, or likely to lead to the deterioration characteristics listed above.

13-503. Implementation of minimum maintenance standards.

(1) Identification of the failure to meet minimum maintenance requirements in a building as listed in section 13-502 above may be made by a member of the historic zoning commission and or design review commission, **hereby further referred to as "the commission"**, commission staff, or the building inspector / codes enforcement officer. This initial identification may be made by routine inspection of the district or neighborhood or by referral from someone in the area.

(2) Information related to initial identification of demolition by neglect is presented to the historic zoning commission. Upon determination of the commission that the landmark or the building within the historic zone may not meet minimum maintenance requirements, the commission may request upon majority vote, that the building inspector / codes enforcement officer inspect the structure. The chair of the commission shall send a letter by certified mail to inform the property owner of the action by the commission, the impending inspection by the building inspector / codes enforcement officer, and the opportunity he or she will have at next meeting to address the commission about the preliminary identification of demolition by neglect and the inspection report.

(3) The building inspector / codes enforcement officer or his or her designee will present the inspection findings at the next commission meeting. The report shall detail any defects which constitute, in the inspectors opinion, a failure to meet the minimum maintenance requirements.

(4) If the determination is made by the building inspector that the structure does not meet the minimum maintenance requirements, the commission, upon a majority vote, may initiate the citation process as specified in section 13-504. At this time, the commission must prepare an

application for a certificate of appropriateness specifying corrective work that is required according to the commission's standards and design guidelines, and indicating the time schedule that will be necessary to complete the minimum maintenance improvements. The time schedule mandated by the commission will be a minimum of thirty (30) **calendar** days unless the building inspector / codes enforcement officer determines that the failure to immediately meet minimum maintenance requirements creates an imminent threat to the safety of the public or the property.

13-504. Initiating citation process. (1) A citation is formal notification to the property owner that the commission has determined that the demolition by neglect is occurring on the property because minimum maintenance requirements have not been met; and notification of the owner that correction of the defects must be undertaken.

(2) After action by the commission authorizing the citation process, the building inspector / codes enforcement officer will attempt to notify the property owner(s) of the determination of demolition by neglect by the commission. The notification shall state the reasons why the structure is found to be in violation of the minimum maintenance requirements. In addition, the notification shall include a copy of the application for a certificate of appropriateness listing the work required according to the commission's standards and guidelines. The notification shall be in writing and shall be delivered by certified mail, registered mail, or such other method that shows the receipt of the notification by the owner. Notice of the date, time, and location of a citation hearing / public meeting in which the owner may address the commission concerning said violations will also be provided.

(3) If after two attempts, the owner fails to receive the notification regarding the determination of demolition by neglect, the building inspector / codes enforcement officer will post the building / property with a notice of violation. Posting will be in a conspicuous, protected place on the property. The posted notice will include the fact that the building is in violation of minimum maintenance standards and the date, time, and location of the citation public hearing meeting held on the violations by the commission.

(4) The owner(s) of the building / property determined to be in violation of the minimum maintenance standards shall be notified of said violations as specified in sections 13-504(2) or 13-504(3) above a minimum of ten (10) **business** days in advance of the meeting on the issue held by the commission.

(5) After receiving notification of the determination of demolition by neglect, the owner(s) may initiate corrective action before the citation public hearing is held. Before work is begun however, the owner(s) must complete the application for a certificate of appropriateness, obtain a certificate of appropriateness, and a building permit.

13-505. Citation public hearing meeting. (1) If by the designated citation public hearing meeting, the owner(s) of the property has not completed corrective work specified in the notification of violation and the application for a certificate of appropriateness, the commission will restate the violations of the minimum maintenance requirements related to the property. The owner(s) will then be provided with the opportunity to address the concerns of the commission, to provide evidence, and to show cause why a citation should not be issued regarding the alleged violations.

(2) After reviewing the violations of the minimum maintenance requirements and providing the opportunity for the owner(s) to address the concerns; the commission may consider a motion to recognize the condition of the building / property and the owner(s) failure to correct defects. Upon a majority vote of the commission, the building inspector may be authorized to issue a citation to the owner(s) for failure to comply with the minimum maintenance requirements of this ordinance. This citation will include the following requirements:

- (a) A list of minimum maintenance requirements still in violation.
- (b) Any remaining or amended requirements detailed in the application for a certificate of appropriateness initially issued through section 13-503(4) above.
- (c) A written schedule of the time allotted to correct the violations.

(d) A statement detailing the requirement to complete and return within ten (10) days the application for a certificate of appropriateness, and to obtain a certificate of appropriateness, and a building permit.

(3) The determination of the commission related to the citation and certificate of appropriateness as specified in section 13-505(2) above shall on the date it is authorized be a final administrative decision subject only to the application process for unreasonable economic hardship as specified in section 13-507 and appealable only to the appropriate state court. Any appeal of the commission's decision to the state court must be made within thirty (30) **calendar** days.

13-506. Enforcement. If any owner has not complied with the commission's requirement to complete the application for a certificate of appropriateness, obtain a certificate of appropriateness, and a building permit within ten (10) **business** days; or if the owner(s) does not adhere to the allotted schedule for the corrections to take place as approved or amended by the commission in the certificate of appropriateness; or if the owner(s) has not complied with the requirements specified from the commission's standards and guidelines detailed in the certificate of appropriateness, then any or all of the following may apply:

(a) The owner(s) may be required to attend the next meeting of the commission to explain to the commission's satisfaction why the corrections to the owner(s) cited building / property have not been made and to show cause why the commission should not initiate additional enforcement action. Upon review of any information provided regarding delays in the correction of the demolition by neglect, the commission may defer the matter in order to provide the owner(s) with more time either to correct the deficiencies, make a proposal for repairs, or perhaps sell the property.

(b) The commission, upon majority vote, may request the board of Mayor and Council to direct the city attorney to take the appropriate legal action, either civil or criminal, against the owner(s).

(c) Charges may be brought against the owner(s) in the municipal court of the city for the violation(s) of this chapter.

(d) The commission, upon majority vote, may request the board of mayor and council to cause such property to be repaired by the city at the city's expense at such time funds are available, or to cause such property to be repaired by a designated agent of the city. If repairs are initiated through action by the board of mayor and council, the board will instruct the city attorney to file the necessary affidavits with the courts and / or the register of deeds which shall establish a lien and privilege against the cited property for the benefit of the city or the agent of the city to the extent of the amount of money spent for said repairs plus interest accrued at bank prime rates in effect beginning at the completion of said repairs and continuing until the lien is satisfied.

(e) In final recourse and to preserve the property from irreversible damage or loss, violations of the minimum maintenance requirements shall make a property subject to the city's right of eminent domain. The commission may, upon majority vote, request the board of mayor and council to exercise its power of eminent domain if it is determined that no alternate course of action is feasible. The board may work with any agent to develop a plan for the purchase and the repair of the cited building. Upon the obtaining of ownership to any party or agent that enters into and consummates an agreement with the board of mayor and council to make the necessary building repairs and maintenance corrections in an agreed upon period of time.

13-507. Unreasonable economic hardship. (1) Unreasonable economic hardship can be considered when enforcement of regulations in the chapter deprives the owner(s) of the entire reasonable economic value of the property. Enforcement of a minimum maintenance requirement may create unreasonable economic hardship only if all of the following apply:

(a) There is no reasonable return possible on the property as it is;

(b) There is no profitable use to which, the property could be adapted;

(c) The sale or rental of the property is impractical or it is not feasible for the owner(s) to dispose of the property as is at a reasonable price.

(2) An owner(s) that feels he or she fits the criteria established for unreasonable economic hardship may file an application for a certificate of economic hardship. Applications will be accepted by the commission after the commission votes to authorize the building inspector / codes enforcement officer to issue a citation for violations and the notification has been received by the owner(s).

(3) The owner(s) of property cited for demolition by neglect must inform the commission in writing of his or her intent to file an application for a certificate of economic hardship within ten (10) **business** days of the date of the citation was issued.

(4) The owner(s) of the cited property must file within ten (10) **business** days of the date of the citation was issued, a completed application for a certificate of economic hardship. The completed application must be filed with the commission and must be submitted with the following information:

- (a) A copy with the current recorded deed.
- (b) The amount paid for the property and purchase date.
- (c) The current assessed value.
- (d) Past and current use of property.
- (e) Current market value of the property preferably determined by a recent appraisal(s) or if not through county tax records.

- (f) Ownership structure of property (partnership, corporation, joint venture, not for profit, sole proprietorship, etc.)

- (g) Mortgage history of the property including any current mortgage principal balance and interest rate, and any other financing secured by the property including a detail of principal and interest.

- (h) Equity in current use and in previous alternative uses.

- (i) Tax bracket of ownership, and federal income tax returns for previous two (2) **calendar** or **fiscal** years.

- (j) Past and current income, expense, and net worth statements for a two (2) **calendar** or **fiscal** year period. If the property is income producing, annual gross income from the property and the itemized operating and maintenance expenses for the previous two (2) **calendar** or **fiscal** years. In addition the depreciation deduction and annual cash flow before and after debt services, if any, during the same period.

- (k) Past capital expenditures during ownership of the current owner(s).

- (l) Estimate of the cost of the proposed construction, alteration, demolition, or removal related to the corrective measures detailed in the citation issued by the historic zoning commission.

- (m) A detailed description of what alternative legal adaptive uses have been considered by the owners(s).

- (n) A detailed description of what efforts have been made by the owner(s) to sell the property, including any listing of the property for sale or rent, price asked, and offers received, if any.

- (o) A detailed description of what efforts have been made by the owner(s) to obtain financial assistance, tax credits, transfer of density, etc. that might generate funding for needed improvements.

(5) The commission shall schedule and hold a public hearing on the owner(s) application for a certificate of economic hardship within fifteen (15) **calendar** days from receipt of the application. Notice of the date, time, and place of the hearing shall be provided to the owner(s) a minimum of fifteen (15) **calendar** days in advance of the meeting.

(6) The commission may require at the hearing that the applicant furnish additional information relevant to the application including but not limited to the solicitation of expert testimony.

(7) The commission may request, receive, and consider studies and economic analysis related to the property in question from other agencies and sources including private organizations and individuals.

(8) In evaluating the owner's information provided in the application for a certificate of economic hardship, if commission determines that the owner(s) present return is not reasonable, the commission must consider whether there are other uses currently allowed for the structure that would provide a reasonable return and whether such a return could be obtained through an investment in the rehabilitation of the property.

(9) The commission shall review all the evidence and information required of the applicant for a certificate of economic hardship, and make a determination within thirty (30) **calendar** days following the conclusion of the hearing.

(10) Written notice of the determination will be provided to the applicant along with the reasons justifying the decision by the commission.

(11) If the commission grants a certificate of economic hardship, the commission must detail options it has considered that would bring the property up to minimum maintenance requirements and why each option is not deemed feasible. In granting a certificate of economic hardship, the commission may determine that some corrections may be feasible while others cannot be implemented due to economic hardship. Under such circumstances, the commission must authorize the building inspector / codes enforcement officer to issue a building permit for any activity that is deemed feasible under the conditions detailed in the certificate of economic hardship.

(12) In granting a certificate of economic hardship, the commission may also detail any feasible plan to relieve any aspect of the economic hardship. The plan may include, but is not limited to, tax relief, loans and grant available from any source public or private, building code modifications, etc. The commission may recommend that the planning commission consider recommending changes to the zoning. The commission may also request the board of mayor and council to consider relaxation of the provisions of this chapter sufficient to allow reasonable beneficial use of or return from the property. If no alternative cause of action has been deemed feasible, the commission may request the board to consider acquisition through the eminent domain.

(13) If the commission denies a certificate of hardship, the commission must detail in writing the economic and financial options that in the judgment of the commission will allow the improvements to be made to the property as required in the citation issued as specified in section 13-505(2) above.

(14) If a certificate of economic hardship is denied by the commission, the commission will revise, to the extent necessary, the designated schedule for completion of the corrective measures detailed in the citation taking into account any **agreed upon** need for additional time due to time lost during consideration of the certificate application. The commission will notify the owner(s) in writing of any schedule amendments with the notification of the denial of the certificate within fifteen (15) **calendar** days.

(15) The determination by the commission of an application for a certificate of economic hardship, either approving or disapproving, shall on the date it is issued be a final administrative decision appealable only to the appropriate state court. Any appeal of the commission's decision to state court must be made within fifteen (15) **calendar** days.

13-508. Penalties. Any person violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined fifty dollars (\$50.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

SECTION 2. BE IT FURTHER ORDAINED, that this ordinance become effective immediately upon its adoption by the McKenzie Board of Mayor and Council.

Date of First Reading: _____

Date of Second Reading: _____

Date of Public Hearing: _____

Date of Adoption: _____

The Honorable Jill Holland, Mayor of McKenzie

ATTEST:

Jennifer Waldrup, City Recorder

2. Review of the Junked Motor Vehicle Ordinance

Background:

The regional planner was asked by the City administration to review an ordinance prepared by the University of Tennessee Institute for Public Service concerning junked motor vehicles during the January 10, 2018 agenda meeting. Reviewers of the current adopted ordinance said it appeared to be limited in scope. Although this ordinance was discussed during the January 24, 2018 meeting, it was tabled in order to receive more membership input. The ordinance would amend the current McKenzie Municipal Code.

Analysis:

The regional staff planner prepared the following for your review and consideration based upon the aforementioned ordinance prepared by the University of Tennessee Institute for Public Service for recommendation to the Board of Mayor and Council:

ORDINANCE # _____

AN ORDINANCE OF THE BOARD OF MAYOR AND COUNCIL OF THE CITY OF MCKENZIE, TENNESSEE, TO AMEND TITLE 13, "MCKENZIE PROPERTY MAINTENANCE REGULATIONS", BE AMENDED BY ADDING A NEW CHAPTER 4 ENTITLED "JUNKED MOTOR VEHICLES"

WHEREAS, the McKenzie Board of Mayor and Council has determined that the health, safety, and welfare of the community is endangered by the presence of dangerous buildings and various unsafe or unsanitary conditions; and,

WHEREAS, the McKenzie Board of Mayor and Council has determined that the establishment of property maintenance regulations are reasonable and necessary for the protection of the public health, safety, and welfare, and for the eradication of public nuisances; and,

WHEREAS, the McKenzie Board of Mayor and Council has determined that the adoption of property maintenance regulations is in the public interest; and,

WHEREAS, the McKenzie Board of Mayor and Council has furtherly determined that the amendment of those said maintenance regulations is also in the public interest; and,

NOW, THEREFORE, BE IT ADOPTED BY THE BOARD OF MAYOR AND COUNCIL OF THE CITY OF MCKENZIE, TENNESSEE, AS FOLLOWS:

SECTION 1. That Title 13, "McKenzie Property Maintenance Regulations", be amended by adding a new Chapter 4 that contains the following language:

CHAPTER 4

JUNKED MOTOR VEHICLES

SECTION

- 13-401. Definitions.
- 13-402. Violations civil offense.
- 13-403. Exceptions.
- 13-404. Enforcement.
- 13-405. Penalty for violations.

13-401. Definitions. For the purpose of the interpretation and application of this chapter, the following words and phrases shall have the indicated meanings:

(1) "Person" shall mean any natural person, or any firm, partnership, association, corporation or other organization of any kind and description.

(2) "Private property" shall include all property that is not public property, regardless of how the property is zoned or used.

(3) "Traveled portion of any public street or highway" shall mean the width of the street from curb to curb, or where the street is unpaved, the entire width of the street in which vehicles ordinarily use for travel.

(4) (a) "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts,

campers, tractors, trailers, tractor-trailers, buggies, wagons, and earth-moving equipment, and any part of the same.

(b) "Junk Vehicle" shall mean a vehicle of any age that is damaged or defective, including but not limited to, any one or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner upon the public streets and highways under its own power if self-propelled, or while being towed or pushed, if not self-propelled:

(i) Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels.

(ii) Missing or partially or totally disassembled essential part or parts of the vehicle's drive train, including, but not limited to, engine, transmission, transaxle, drive shaft, differential, or axle.

(iii) Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including, but not limited to, fenders, doors, engine hood, bumpers, windshield, or windows.

(iv) Missing or partially or totally disassembled essential interior parts, including, but not limited to, driver's seat, steering wheel, instrument panel, clutch, brake, gear shift lever.

(v) Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator or alternator, battery, distributor, gas tank, carburetor or fuel injection system, spark plugs, or radiator.

(vi) Interior is a container for metal, glass, paper, rags, or other cloth, wood, auto parts, machinery, waste or discarded materials, in such quantity, quality and arrangement that a driver cannot be properly seated in the vehicle.

(vii) Lying on the ground (upside down, on its side, or at other extreme angle), sitting on block or suspended in the air by any other method.

(viii) General environment in which the vehicle sits, including, but not limited to, vegetation that has grown up around, in or through the vehicle, the collection of pools of water in the vehicle, and the accumulation of other garbage or debris around the vehicle.

13-402. Violations a civil offense. It shall be unlawful and a civil offense for any person:

(1) To park and or in any other manner place and leave unattended on the traveled portion of any public street or highway a junk vehicle for any period of time, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(2) To park or any other manner place and leave unattended on the untraveled portion of any street or highway, or upon any other public property, a junk vehicle for more than forty-eight (48) continuous hours, even if the owner or operator of the vehicle did not intend to permanently desert or forsake the vehicle.

(3) To park, store, keep, maintain on private property a junk vehicle.

13-403. Exceptions. (1) It shall be permissible for a person to park, store, keep and maintain a junked vehicle on private property under the following conditions:

(a) The junk vehicle is completely enclosed within a building where neither the vehicle nor any part of it is visible from the street or from any other abutting property. However, this exception shall not exempt the owner or person in possession of the property from any zoning, building, housing, property maintenance and or slum clearance code.

SECTION 2. BE IT FURTHER ORDAINED, that this ordinance become effective immediately upon its adoption by the McKenzie Board of Mayor and Council.

Date of First Reading: _____

Date of Second Reading: _____

Date of Public Hearing: _____

Date of Adoption: _____

The Honorable Jill Holland, Mayor of McKenzie

ATTEST:

Jennifer Waldrup, City Recorder

3. Review of the Sign Maintenance Ordinance Amendment

Background:

The City administration asked the regional staff planner to address not only the maintenance of privately owned signs but also the desuetude of the grandfather status for non-conforming signs via ordinance during the January 10, 2018 agenda meeting. This ordinance was discussed at the January 24, 2018 meeting but was tabled due to the desire to have more membership input.

Analysis:

The regional staff planner has prepared the following for your review and consideration for recommendation to the Board of Mayor and Council:

ORDINANCE # _____

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF MCKENZIE, TENNESSEE BY AMENDING CHAPTER 4, SECTION 11-413, SIGN REGULATIONS TO REQUIRE SIGN MAINTENANCE BY PRIVATE SIGN OWNERS

WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-201 through 13-7-211, a Zoning Ordinance has been adopted for City of McKenzie, Tennessee; and,

WHEREAS, the McKenzie Board of Mayor and Council deems it necessary, for the purpose of promoting the health, safety, prosperity, morals and general welfare of the City to amend said Ordinance; and,

WHEREAS, the McKenzie Municipal-Regional Planning Commission has recommended the following amendments to the text of the Zoning Ordinance amending Chapter 4, Section 11-413 specifically regulating signs; and,

WHEREAS, the McKenzie Municipal-Regional Planning Commission believes it to be prudent to recommend to the McKenzie Board of Mayor and Council that Section 11-413 of the Zoning Ordinance of McKenzie, Tennessee be amended in order to maintain certain standards relating to visual aesthetics for the citizens and developers desiring to do business within in the City of McKenzie; and

WHEREAS, pursuant to Tennessee Code Annotated Section 13-7-203, a public hearing was held, the time and place of which was published with fifteen (15) days advance notice and was held;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND COUNCIL OF THE CITY OF MCKENZIE, TENNESSEE:

SECTION 1. That Chapter 4, Sign Regulations, 11-413, Number (4) Regulations applying to all districts, of the Zoning Ordinance of McKenzie, Tennessee be amended by adding a new letter(s) (EE) Sign Maintenance to read as follows:

(EE) Maintenance. Property owners shall be required to maintain their signs located on the premises of their properties and or buildings within the City of McKenzie. Existing signs for defunct establishments shall be upgraded to the standards found within the adopted McKenzie Historic Design Review Guidelines (if applicable) and McKenzie Zoning Ordinance upon the establishment of another business at that location. **The grandfather status provisions are not applicable to these instances.**

SECTION 2. BE IT FURTHER ORDAINED, that this Ordinance shall become effective upon final reading the public welfare so requiring it.

Date of First Reading: _____

Date of Second Reading: _____

Date of Public Hearing: _____

Date of Adoption: _____

The Honorable Jill Holland, Mayor

ATTEST:

Jennifer Waldrup, City Recorder

The regional staff planner will delete whatever portion of the aforementioned ordinance you desire and will forward accordingly to the McKenzie Board of Mayor and Council.

NEW BUSINESS

1. Review of the Zoning Ordinance Amendment Concerning “Tiny Houses”

Background:

The regional staff planner rendered a training session on the “tiny houses” that have been getting the attention of many municipal leaders throughout the State of Tennessee during the December 2017 meeting. As a result, of this training session, the regional staff planner was asked by the members to bring in provisions germane to such in order to protect the City from someone asking for permits for these types of structures without any provisions being adopted.

Analysis:

The regional staff planner has prepared the following for your review and consideration:

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING ORDINANCE OF MCKENZIE, TENNESSEE,
TO CREATE PROVISIONS GOVERNING TINY HOUSES

- WHEREAS, pursuant to Tennessee Code Annotated Section 13-7-201 through 13-7-211 empowering the City to enact the McKenzie Zoning Ordinance and Official Zoning Map, and provide for its administration and enforcement; and,
- WHEREAS, the Board of Mayor and Council deems it necessary, for the purpose of promoting the health, safety and general welfare of the City to amend said Official Zoning Ordinance; and,
- WHEREAS, the McKenzie Municipal-Regional Planning Commission has reviewed said proposed amendment pursuant to Section 13-7-204 of the Tennessee Code Annotated and recommends such amendment to the McKenzie Board of Mayor and Council; and,
- WHEREAS, pursuant to Section 13-7-203 of the Tennessee Code Annotated the Board of Mayor and Council has held a public hearing; and,
- WHEREAS, all the requirements of Section 13-7-201 through 13-7-211 of the Tennessee Code Annotated, with regard to the amendment of a zoning ordinance and map by the Planning Commission and subsequent action of the Board of Mayor and Council have been met,

NOW, THEREFORE, BE IT ORDAINED by the Board of Mayor and Council of the City of McKenzie, Tennessee, that the Official Zoning Ordinance of McKenzie, Tennessee be amended as follows:

SECTION 1. That Chapter 13 DEFINITIONS be amended by creating the following definition and alphabetically adding it to the existing text:

"Tiny house" - A principal residential structure which contains less than 800 square feet of heated living space and is designed to be used as a dwelling. Such residential structures (under 800 square feet in size) fashioned from previously purposed structures, such as storage containers, grain bins, water tanks, train boxcars, or other similar structures shall be considered tiny houses. For the purpose of these regulations the term "tiny house" does not include the terms "mobile home" or "manufactured home."

SECTION 2. That Chapter 4: GENERAL PROVISIONS, Section 11.419. Tiny Houses be created as follows:

11.419. Tiny Houses

Tiny houses, as defined in Chapter 13 of this Ordinance, where allowed as a permitted use by this Ordinance shall meet the following conditions:

1. Tiny houses shall have the same general appearance as required for site-built homes.
2. Tiny houses must be installed on a permanent foundation system in compliance with all applicable requirements of the adopted building code.

3. Tiny houses must be covered with an exterior material customarily used on a conventional dwelling. The exterior covering material shall extend to the ground except that, when a solid concrete or masonry perimeter foundation is used, the exterior covering material need not extend below the top of the foundation.
4. Any hitches or towing apparatus, axles and wheels must be removed.
5. The roof must be pitched so there is at least a two - inch vertical rise for each twelve (12) inches of horizontal run. The roof must consist of material that is customarily used for conventional dwellings.
6. Tiny houses shall be required to connect to a public utility system which includes gas, electric, water and sewer in compliance of the adopted applicable building and electric codes.
7. Tiny houses may not exceed two (2) stories in height.

SECTION 3. That Chapter 6, SECTION 11-604. R-3 (HIGH DENSITY RESIDENTIAL) DISTRICT, Number (1) Uses Permitted be amended by creating a new letter (e) to read as follows:

(e) Tiny Houses

SECTION 4. BE IT FURTHER ORDAINED, that this Ordinance shall become effective upon final reading and publication in a newspaper of general circulation, the public welfare so requiring it.

Approved and adopted by the Board of Mayor and Council, McKenzie, Tennessee.

Date of First Reading: _____

Date of Second Reading: _____

Public Notice Date: _____

Date of Adoption: _____

The Honorable Jill Holland, Mayor

Attest: _____
Jennifer Waldrup, City Recorder

2. Review of the Zoning Ordinance Amendment Concerning Ready-Removable Buildings

Background:

According to Title 68, Chapter 126, Section 303, Number (9) of Tennessee Code Annotated, ready-removable structures are defined as structures without any foundation, footings, or other support mechanism that allow a structure to be easily relocated, but which may include electrical wiring. Also, Tennessee Code Annotated further states ready-removable structures are but not limited to stadium press boxes, guard shelters, or structures that contain only electrical, electronic, or mechanical equipment that are solely occupied for service or maintenance of such equipment. Over the past few years, individuals have tried to convert ready-removable storage facilities into residential structures in communities across the state. Currently, the Zoning Ordinance of McKenzie, Tennessee does not address these structures being utilized for residential purposes. During the February 14, 2018 agenda meeting, the members informed the regional staff planner these types of structures were not desired for residential purposes within the City of McKenzie.

Analysis:

According to the State of Tennessee Fire Marshal, it is against state law to modify ready-removable structures for use as residential, recreational, or emergency housing in Tennessee. The regional staff planner has prepared the following for your review and consideration for recommendation:

ORDINANCE # _____

AN ORDINANCE TO AMEND CHAPTER 6, "PROVISIONS GOVERNING RESIDENTIAL DISTRICTS", SECTIONS 11-601, 11-602, 11-603, 11-604, 11-605, AND 11-606; AND CHAPTER 13, DEFINITIONS, OF THE ZONING ORDINANCE OF MCKENZIE, TENNESSEE BY PROHIBITING READY-REMOVABLE STRUCTURES TO BE USED FOR PRINCIPAL AND OR ACCESSORY RESIDENTIAL DWELLINGS

WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-201 through 13-7-211, a Zoning Ordinance has been adopted for City of McKenzie, Tennessee; and,

WHEREAS, the McKenzie Board of Mayor and Council deems it necessary, for the purpose of promoting the health, safety, prosperity, morals and general welfare of the City to amend said Ordinance; and,

WHEREAS, the McKenzie Municipal-Regional Planning Commission has recommended the following amendments to the text of the Zoning Ordinance amending Chapters 6 and 13; and,

WHEREAS, the McKenzie Municipal-Regional Planning Commission believes it to be prudent to recommend to the McKenzie Board of Mayor and Council such amendment of the Zoning Ordinance of McKenzie, Tennessee be adopted in order to maintain property values within residentially zoned districts; and

WHEREAS, pursuant to Tennessee Code Annotated Section 13-7-203, a public hearing was held, the time and place of which was published with fifteen (15) days advance notice and was held;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND COUNCIL OF THE CITY OF MCKENZIE, TENNESSEE:

SECTION 1. That Chapter 13, Definitions, of the Zoning Ordinance of McKenzie, Tennessee be amended to include a definition for ready-removable structure to read as the follows:

"Ready-removable structure" - means a structure without any foundation, footings, or other support mechanisms that allow a structure to be easily relocated but which may include electrical wiring. Ready-removable structures include, but are not limited to, stadium press boxes, guard shelters, or structures that contain only electrical, electronic, or mechanical equipment that are solely occupied for service or maintenance of such equipment.

SECTION 2. That Chapter 6, Provisions Governing Residential Districts, Section 11-601, UAG (Urban Agriculture) Districts, Number (3) Uses Prohibited, be amended to read as follows:

3. Uses Prohibited
Commercial feed lots including commercial poultry production facilities, dog kennels, quarrying activities, mobile homes, travel trailers, campers, ready-removable structures used as principal or accessory residential dwellings, and any other use not specifically permitted or permissible on appeal in this section.

SECTION 3. That Chapter 6, Provisions Governing Residential Districts, Section 11-602, R-1 (Low Density Residential) Districts, Number (3) Uses Prohibited be amended to read as follows:

3. Uses Prohibited
Mobile homes, travel trailers, campers, and ready-removable structures used as principal or accessory residential dwellings, and any other use not specifically permitted or permissible on appeal in this section.

SECTION 4. That Chapter 6, Provisions Governing Residential Districts, Section 11-603, R-2 (Medium Density Residential) Districts, Number (3) Uses Prohibited, be amended to read as follows:

3. Uses Prohibited
Mobile homes, travel trailers, campers, and ready-removable structures as principal or accessory residential dwellings, and any other use not specifically permitted or permissible on appeal in this section.

SECTION 5. That Chapter 6, Provisions Governing Residential Districts, Section 11-604, R-3 (High Density Residential) Districts, Number (3) Uses Prohibited, be amended to read as follows:

3. Uses Prohibited
Mobile homes, travel trailers, campers, and ready-removable structures as principal or accessory residential dwellings, and any other use not specifically permitted or permissible on appeal in this section.

SECTION 6. That Chapter 6, Provisions Governing Residential Districts, Section 11-605, R-4 (Residential-Mobile Home) Districts, Number (3) Uses Prohibited, be amended to read as follows:

3. Uses Prohibited
Ready-removable structures as principal or accessory residential dwellings, and any other use not specifically permitted in Section 11-605 (1) & (2) in this section.

SECTION 7. That Chapter 6, Provisions Governing Residential Districts, Section 11-606, PRD (Planned Residential Development) Districts, by creating a new Number (12) Uses Prohibited, be amended to read as follows:

12. Uses Prohibited
Mobile homes, travel trailers, campers, and ready-removable structures as principal or accessory residential dwellings, and any other use not specifically permitted or permissible on appeal in this section.

SECTION 8. BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon its passage after the final reading, THE PUBLIC WELFARE REQUIRING IT.

Date of First Reading: _____

Date of Second Reading: _____

Date of Public Hearing: _____

Date of Adoption: _____

The Honorable Jill Holland, Mayor

ATTEST:

Jennifer Waldrup, City Recorder

3. **Review of the Zoning Ordinance Amendment Concerning Recreational Vehicles being utilized as “Temporary Living Quarters” For Visiting Guests**

Background:

The City expressed a desire to have an ordinance drafted to address recreational vehicles used as temporary living quarters for visiting guests during the February 14, 2018 agenda meeting. It was concluded these uses be permitted by permit.

Analysis:

The regional staff planner has prepared the following for your review and consideration for recommendation:

ORDINANCE # _____

AN ORDINANCE TO AMEND CHAPTER 6, "PROVISIONS GOVERNING RESIDENTIAL DISTRICTS", SECTIONS 11-601, 11-602, 11-603, 11-604, 11-605, AND 11-606, OF THE ZONING ORDINANCE OF MCKENZIE, TENNESSEE BY ALLOWING RECREATIONAL VEHICLES AS "TEMPORARY LIVING QUARTERS FOR VISITING GUESTS" BY PERMIT BASIS

WHEREAS, pursuant to Tennessee Code Annotated Sections 13-7-201 through 13-7-211, a Zoning Ordinance has been adopted for City of McKenzie, Tennessee; and,

WHEREAS, the McKenzie Board of Mayor and Council deems it necessary, for the purpose of promoting the health, safety, prosperity, morals and general welfare of the City to amend said Ordinance; and,

WHEREAS, the McKenzie Municipal-Regional Planning Commission has recommended the following amendments to the text of the Zoning Ordinance amending Chapters 6 and 13; and,

WHEREAS, the McKenzie Municipal-Regional Planning Commission believes it to be prudent to recommend to the McKenzie Board of Mayor and Council such amendment of the Zoning Ordinance of McKenzie, Tennessee be adopted in order to maintain property values within residentially zoned districts; and

WHEREAS, pursuant to Tennessee Code Annotated Section 13-7-203, a public hearing was held, the time and place of which was published with fifteen (15) days advance notice and was held;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND COUNCIL OF THE CITY OF MCKENZIE, TENNESSEE:

SECTION 1. That Chapter 6, Provisions Governing Residential Districts, Section 11-601, UAG (Urban Agriculture) Districts, Number (1) Uses Permitted, be amended to add a new letter (e) to read as follows:

- (e) Recreational vehicles / campers utilized as temporary living quarters for visiting guests not to exceed seven (7) consecutive days. A permit for such must be obtained by either the property owner or guest.

SECTION 2. That Chapter 6, Provisions Governing Residential Districts, Section 11-602, R-1 (Low Density Residential) Districts, Number (1) Uses Permitted be amended by adding a new letter (c) to read as follows:

- (c) Recreational vehicles / campers utilized as temporary living quarters for visiting guests not to exceed seven (7) consecutive days. A permit for such must be obtained by either the property owner or guest.

SECTION 3. That Chapter 6, Provisions Governing Residential Districts, Section 11-603, R-2 (Medium Density Residential) Districts, Number (1) Uses Permitted, be amended by adding a new letter (d) to read as follows:

- (d) Recreational vehicles / campers utilized as temporary living quarters for visiting guests not to exceed seven (7) consecutive days. A permit for such must be obtained by either the property owner or guest.

SECTION 4. That Chapter 6, Provisions Governing Residential Districts, Section 11-604, R-3 (High Density Residential) Districts, Number (1) Uses Permitted, be amended by adding a new letter (d) to read as follows:

- (d) Recreational vehicles / campers utilized as temporary living quarters for visiting guests not to exceed seven (7) consecutive days. A permit for such must be obtained by either the property owner or guest.

SECTION 5. That Chapter 6, Provisions Governing Residential Districts, Section 11-606, PRD (Planned Residential Development) Districts, by creating a new Number (2) Uses Permitted, be amended by adding a new letter (d) to read as follows:

- (d) Recreational vehicles / campers utilized as temporary living quarters for visiting guests not to exceed seven (7) consecutive days. A permit for such must be obtained by either the property owner or guest.

SECTION 6. BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately upon its passage after the final reading, THE PUBLIC WELFARE REQUIRING IT.

Date of First Reading: _____

Date of Second Reading: _____

Date of Public Hearing: _____

Date of Adoption: _____

The Honorable Jill Holland, Mayor

ATTEST:

Jennifer Waldrup, City Recorder