

MEETING NOTICES

The Jonesborough Planning Commission and Board of Zoning Appeals will meet in a **Called Session at 8:00 a.m., Tuesday, June 4, 2024**, in the Board Room at the Town Hall, 123 Boone Street, Jonesborough, TN.

Opening Prayer

Pledge to the Flag

BOARD OF ZONING APPEALS

Agenda

Call to Order

1. Request for a Variance to the Sideyard Setback Requirements for Property located at 198 New Hope Road.
2. Adjournment

JONESBOROUGH PLANNING COMMISSION

Agenda

Call to Order

1. Request for Rezoning a certain portion of property along East Main Street from currently zoned R-1 (Low Density Residential) and B-3 (Arterial Business) to R-3 (High Density Residential).
2. Adjournment

JONESBOROUGH BOARD OF ZONING APPEALS

AGENDA PRESENTATION

DATE: June 4, 2024 AGENDA ITEM #: BZA-1

SUBJECT: Variance – Sideyard Set Back Requirements for Property
Located at 198 New Hope Road

BACKGROUND:

Ron and Judy Cox are requesting a variance to add an addition to their existing single-family residence in the side yard at 198 New Hope Road, and further described on Washington County Tax Map 59-C, Group D, Parcel 7.00. Variance request is for a 3-foot side yard variance (left side of home), and as the property is zoned Planned Residential District (PRD), the established side yard setback for this planned development is 7 ½ feet.

During the site plan process, the PRD developer establishes the minimum setbacks to encourage flexibility in design, and subsequently the planning commission during that site plan approval may accept or deny the developer's request for setbacks (the 7 ½ foot side yard setbacks were approved by planning commission). The 7 ½ side yard setback is the lowest standard in the town's zoning ordinance, with 8 feet being the next lowest setback for high density residential zones. The subject property is part of the Mill Creek Phase 1, Section 1 planned development.

In reviewing the subject property, staff found no exceptional topographical conditions or other extra ordinary or exceptional situations or conditions at the property. If the variance is granted, the side yard setback would be reduced to 4 ½ feet. The adjoining residence to the west is estimated at 7 ½ feet to their property line.

Lastly, the recorded plat of the Mill Creek Phase 1, Section 1 notates an established easement area as stated "There shall be a 7.5 FT utility and drainage easement estimated along all interior lot lines and property lines.

RECOMMENDATION:

The current 7 ½ foot side yard setback is already considered a low minimum setback for zoning and building purposes; there are no exceptional topographical conditions or other extra ordinary or exceptional situations or conditions at the property; and with the existing established utility and drainage easement of 7 ½ foot, the recommendation is to deny the variance request.



TOWN OF JONESBOROUGH

123 BOONE STREET
JONESBOROUGH, TN 37659
TELEPHONE (423) 753-1030
FAX (423) 753-1074

Jonesborough:

Planning Commission; Board of Zoning Appeals;
Design Review Commission; Board of Mayor & Alderman

Owner/ Applicant: JUDY R COX Phone Number: 423-677-2356
Representative Ron & Judy Cox
Attending Meeting: Ron & Judy Cox Phone Number: 423-677-2356
Site Location/ Area: 198 NEW HOPE RD

Describe reason for Request Review:

☐ Major Subdivision Plat ☐ Site Plan ☐ Design Review ☐ Rezone ☐ Annexation ☒ Variance ☐ Other
SEE ATTACHED EMAIL (3 foot side yard setback variance for an addition to existing residence)
staff

Submittals Included:

EXTERIOR PLANS- HAND MADE DRAWINGS (FRONT & SIDE) FOR 10' X 22' X 21' ADDITION ON LEFT SIDE

FOR STAFF USE ONLY:

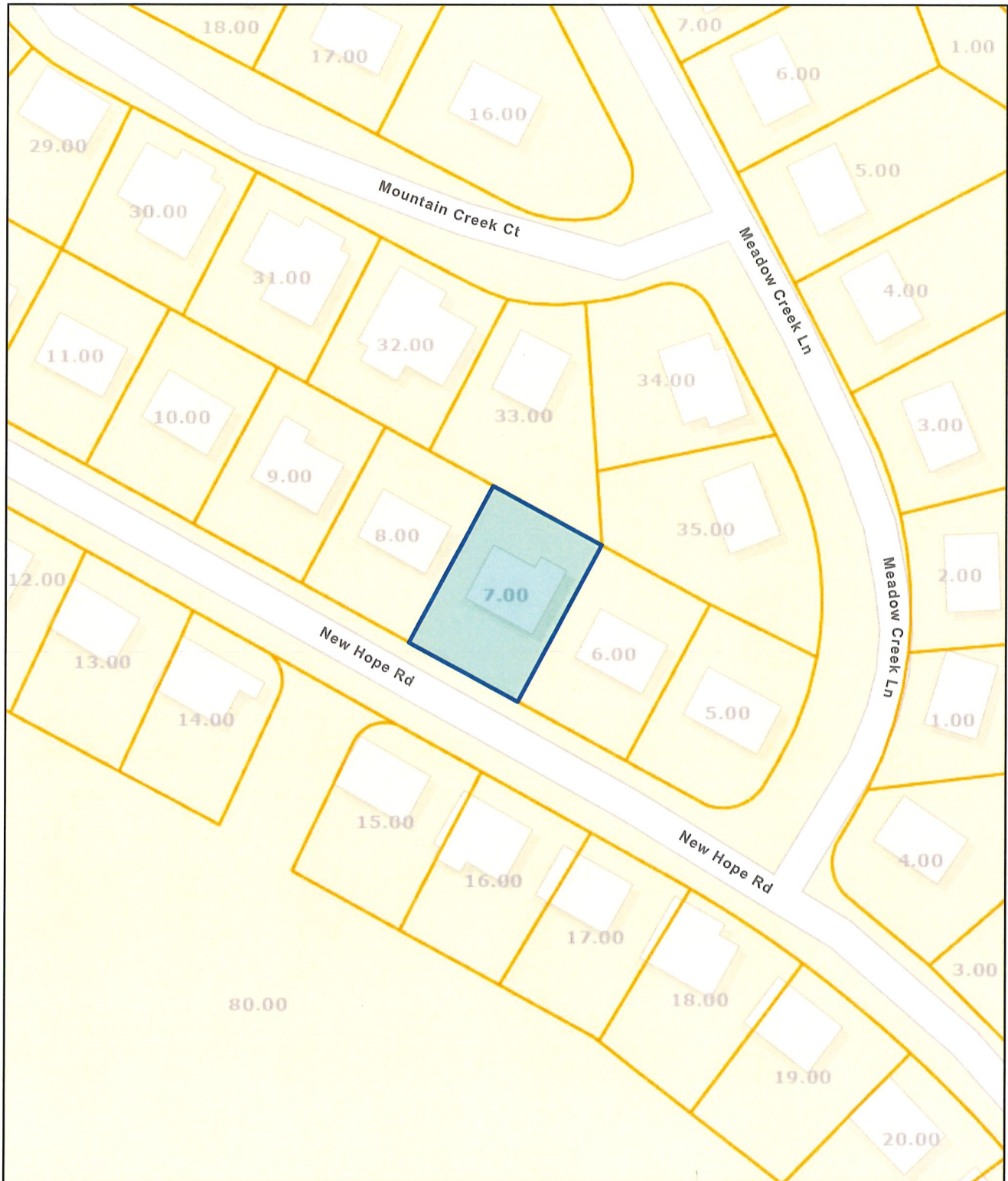
Zoning District: PRD Development Type: ☒ Single Family ☐ Multifamily ☐ PUD ☐ Commercial
Setbacks: Front 20' Side 7'5" Rear 25' Tax Map: 059C Group: D Parcel ID: 007.00
☐ Planning Commission ☒ Board of Zoning Appeals ☐ Design Review Commission ☐ BMA
Next Meeting Date & Time: 5/21/2024 Application Due Date: 4/30/2024

Owner/ Applicant declares that by signing below that the information given on this application is accurate and that they are affirming that the owner/ applicant/ representative will be present at the meeting on the above date.

Fee(see fee schedule): \$ 300 Date of Payment: 4/25/24

Owner Signature/ Applicant: Ronald Cox Date: 4/25/24
Judy R Cox

Washington County - Parcel: 059C D 007.00



Date: May 30, 2024

County: Washington

Owner: DEBORD JUDY R

Address: NEW HOPE RD 198

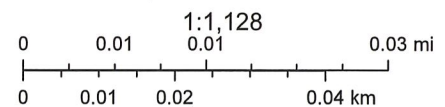
Parcel Number: 059C D 007.00

Deeded Acreage: 0.16

Calculated Acreage: 0

Date of TDOT Imagery: 2023

Date of Vexcel Imagery: 2023



Esri Community Maps Contributors, City of Johnson City, TN, State of North Carolina DOT, Tennessee STS GIS, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS, State of Tennessee, Comptroller of the Treasury

The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.

Washington County - Parcel: 059C D 007.00



Date: May 30, 2024

County: Washington

Owner: DEBORD JUDY R

Address: NEW HOPE RD 198

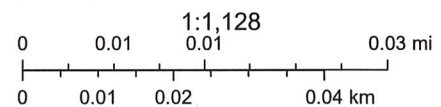
Parcel Number: 059C D 007.00

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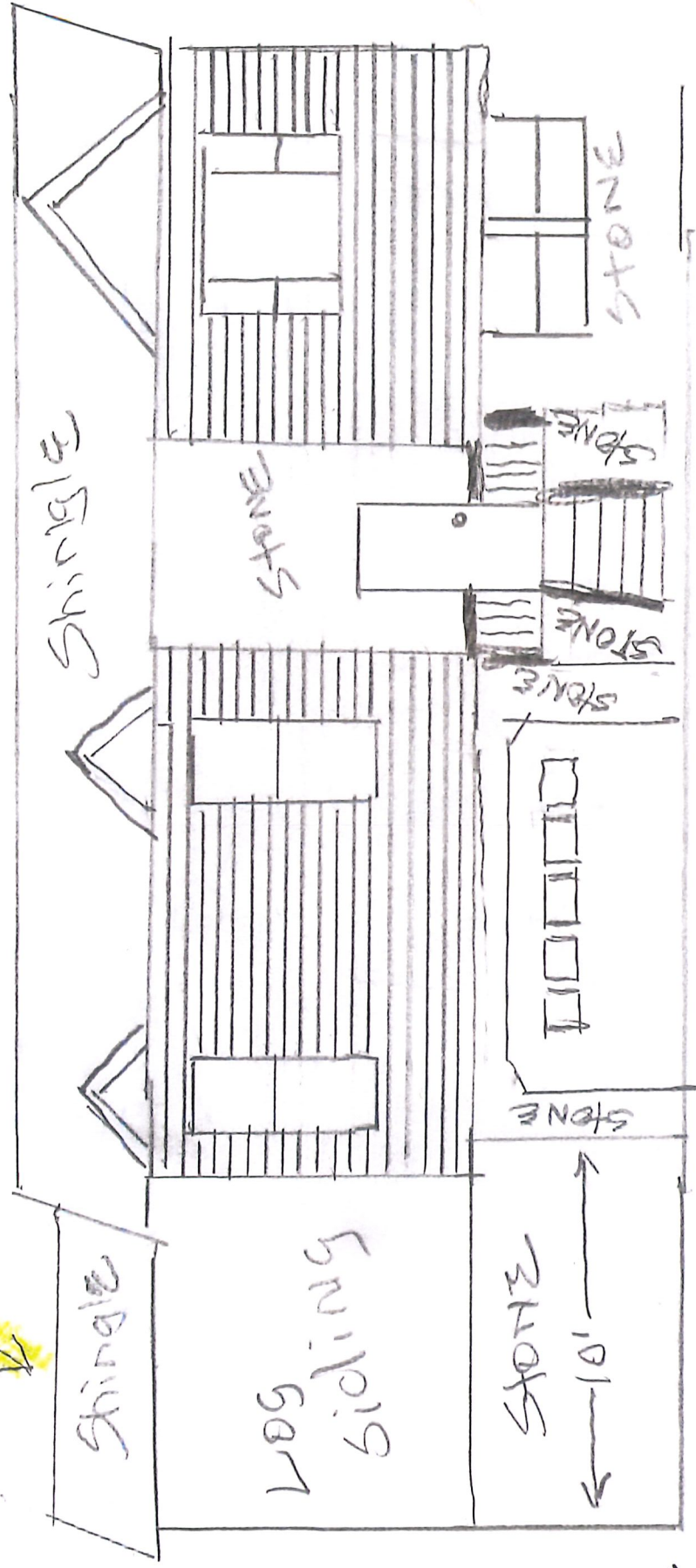
The property lines are compiled from information maintained by your local county Assessor's office but are not conclusive evidence of property ownership in any court of law.

198 New Hope Rd.
Estimated cost 50,000.00

Don & Judy Cox
MOH 9479
644 2356

→ Addition

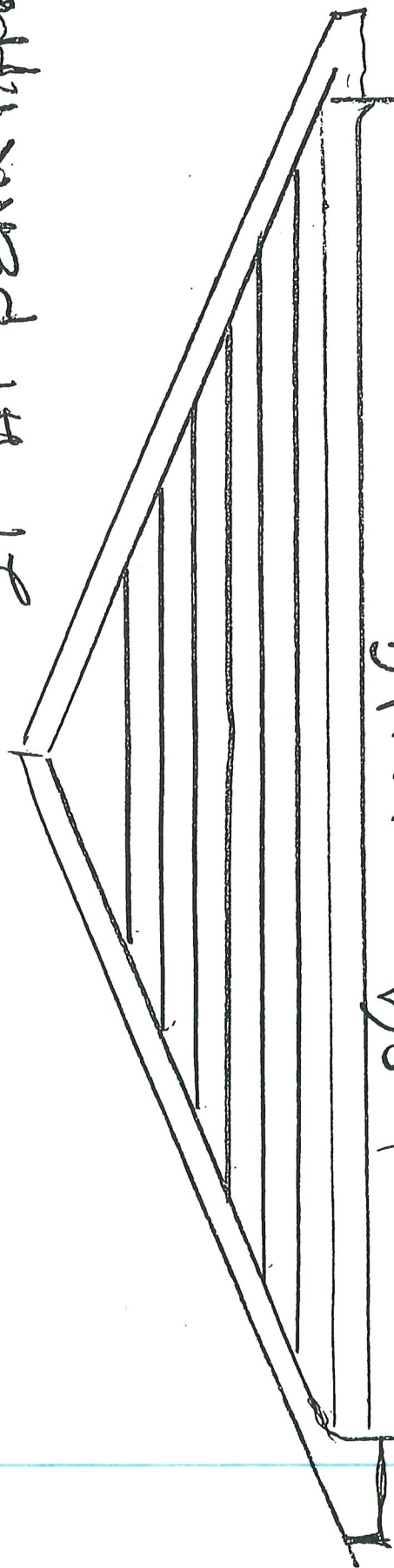
10' x 22'
Roof peaks at approx 21'



Property
line
4' 6"

Lot 70' x 100'

21' AT PEAK APPROX.



Log siding

stone

← 22' →



VARIANCE NOTICE

SIDE SETBACK FOR 10' ADDITION

**JONESBOROUGH REGIONAL
PLANNING COMMISSION
AT TOWN HALL, 123 BOONE ST.**

JUNE 4 at 8 AM

PM INFORMATION
753-1030

JONESBOROUGH PLANNING COMMISSION

AGENDA PRESENTATION

DATE: June 4, 2024 AGENDA ITEM #: 1

SUBJECT: Rezone Request – East Main Street from R-1 & B-3 to R-3

BACKGROUND:

Joseph Sponcia, is requesting a rezoning of a tract of land located off East Main Street and connects at Chuck's Alley (Chuck's Alley connects with East Jackson Boulevard/11-E. The owner is Joe McCoy. The subject tract has a split zoning of R-1 Low Density Residential District and B-3 Arterial Business District. The tract is predominantly the B-3 zone. The "road frontage" portion of the tract is predominantly the R-1 zone. The subject property is further described on Washington County Tax Map 52, Parcel 225.00.

The illustration map "Proposed Rezoning Map" serves as the map to identify what the requester is asking to be rezoned. Only a portion of the existing R-1 is being requested to be reclassified to the R-3 zone as identified by "Stays R-1 or R1 to R3". The existing B-3 zone area is all being requested to be reclassified to R-3.

Of note, the B-3 zoning district permits for the same uses in the R-3 zone, and the residential density (number of residential units permitted in a zone) is based on the R-3 zoning density. With the establishment of the Lowe's commercial use/property, Lowe's has a right to accept or reject development plans associated with the subject tract of land. For over a decade, "Lowe's" has rejected different commercial plans including but not limited to commercial storage facilities, car wash, etc. The intent of the rezoning is to downzone the B-3 zone to R-3 zone for the purposes of residential development.

The B-3 zoning district allows multiple uses including any use in the B-1 and B-2 districts, and the B-1 allows any permitted use in the R-3 zoning district except mobile homes and mobile home parks (not allowed).

A conceptual plan has been included in the rezoning process for illustration purposes only. The concept plan is not binding to the rezoning process. If a rezoning was ultimately approved by the Board of Mayor and Aldermen, then development plans would be submitted for review and approval to the Planning Commission.

The immediate zoning abutting the subject tract is as follows:

North: B-1, B-3 and R-1

South: R-1

East: B-3 and R-1

West: B-1 and R-1

The immediate land uses abutting the subject tract is as follows:

North: Former Jonesborough Elementary School/Middle School; Commercial Uses

South: Single Family Residences

East: Single Family Residence, Lowe's Home Improvement

West: Single Family Residences, Former Jonesborough Elementary School/Middle School

The staff's review of the rezoning request is provided in 2 points as the rezoning is going from a split zone of R-1/B-3 to R-1/R-3.

Point 1: The existing R-1 zoning boundary should remain unchanged as the density of the remaining tract is high density, regardless of the tract being developed residentially within the B-3 zone or if the B-3 portion is zoned R-3.

Point 2: To repeat some of Point 1, the B-3 zoning boundary already allows for high density residential uses.

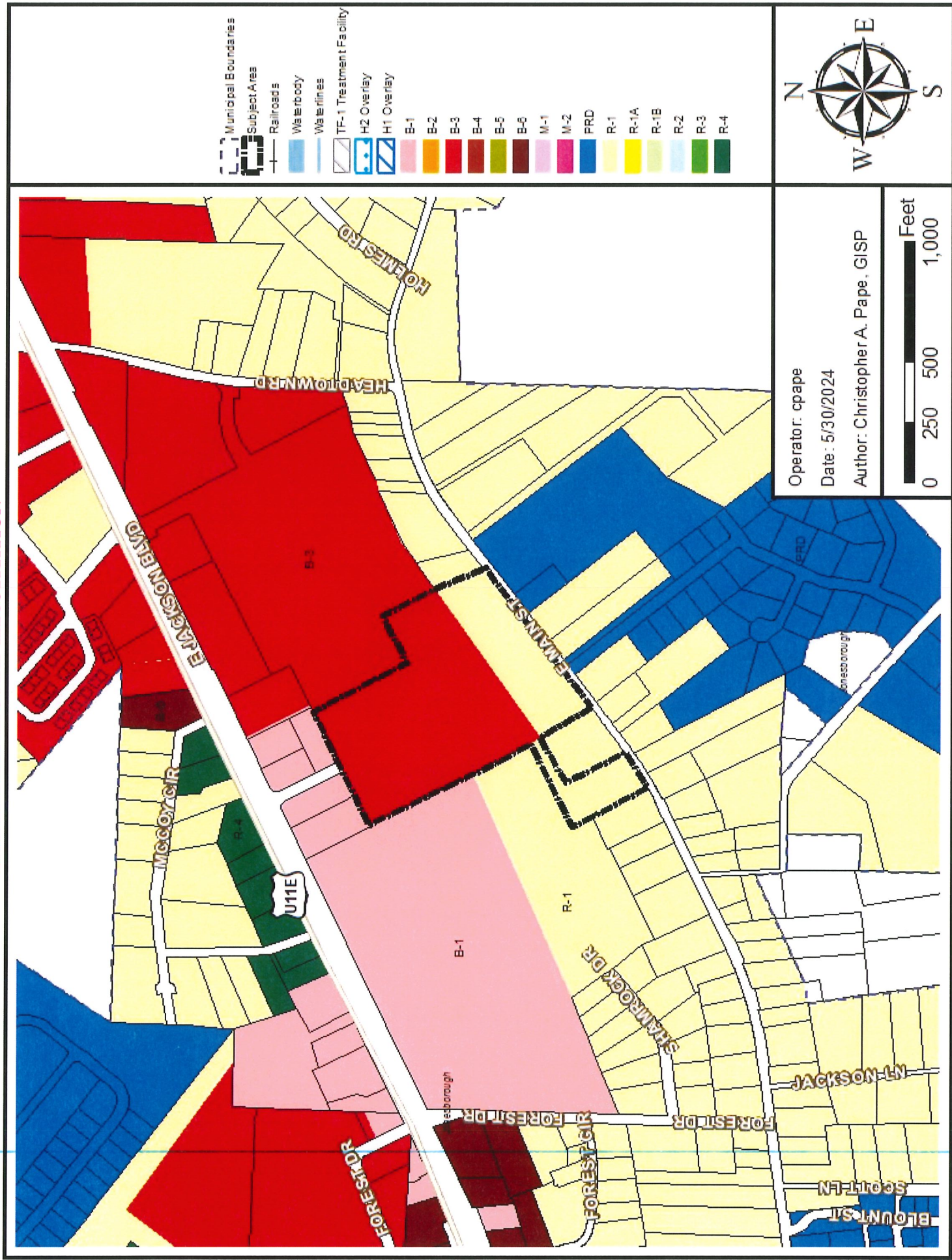
Furthermore, if the portion of R-1 zone remains unchanged, the R-1 zoning district permits for single family, two-family and multi-family uses however the R-1 zone is designated for low density residential development and not high-density residential development.

Lastly, although the concept plan is not a binding instrument as part of the rezoning process, any site plan submitted to the Planning Commission will need to address the vehicular ingress and egress plan associated with development of the subject tract of land, to access East Main Street and Chuck's Alley/Highway 11-E.

RECOMMENDATION:

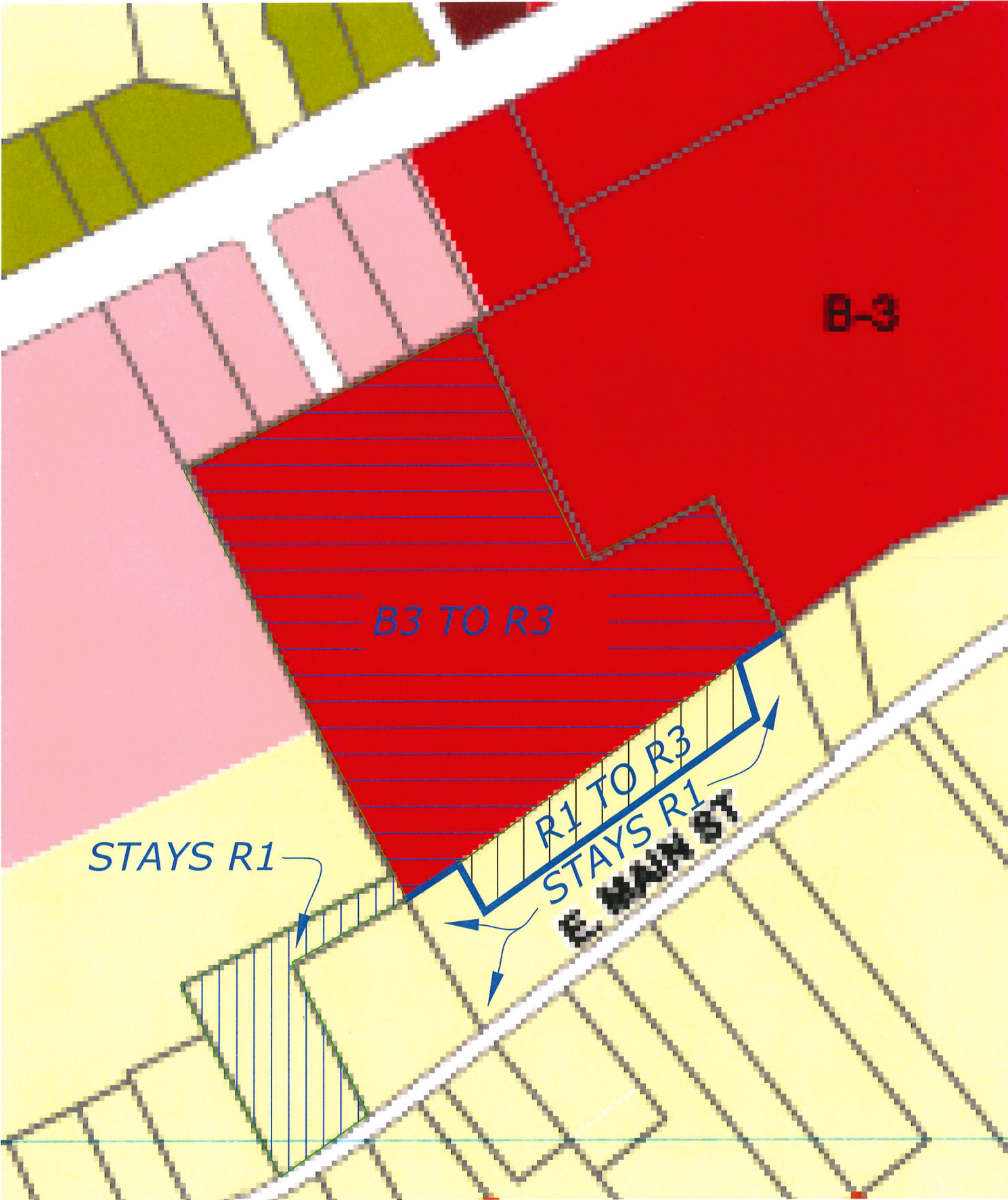
1. Recommend to the Jonesborough Board of Mayor and Aldermen denial of the rezoning of the R-1 Low Density Residential District to R-3 High Density Residential District.
2. Recommend to the Jonesborough Board of Mayor and Aldermen approval of the rezoning of the B-3 Arterial Business District to R-3 High Density Residential District.

CURRENT ZONING MAP ILLUSTRATION



Operator: cpape
 Date: 5/30/2024
 Author: Christopher A. Pape, GISP

PROPOSED REZONING MAP





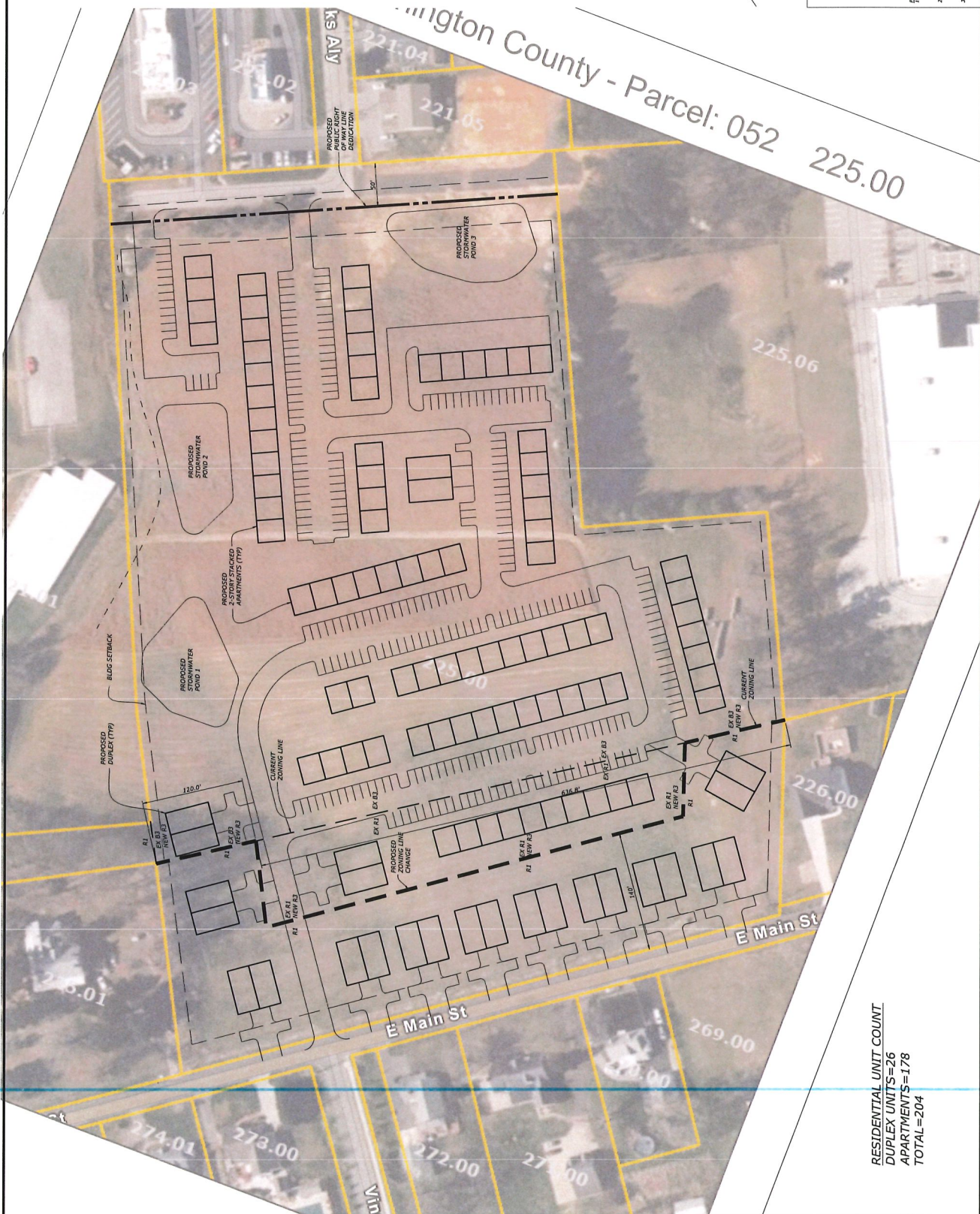
NO.	REVISIONS	BY	DATE

SITE CONCEPT
MCCOY PROPERTY
E. MAIN ST
JONESBOROUGH TENNESSEE

C1
DATE: 5-28-24



PROFESSIONAL SERVICE NOTICE
1. I, the undersigned, am a duly Licensed Professional Engineer in the State of Tennessee. I am not providing engineering services outside the State of Tennessee.
2. I am not providing engineering services to any entity that is not a legal entity under the laws of the State of Tennessee.
3. I am not providing engineering services to any entity that is not a legal entity under the laws of the State of Tennessee.
4. I am not providing engineering services to any entity that is not a legal entity under the laws of the State of Tennessee.
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9. I am not providing engineering services to any entity that is not a legal entity under the laws of the State of Tennessee.
10. I am not providing engineering services to any entity that is not a legal entity under the laws of the State of Tennessee.



Jonesborough County - Parcel: 052 225.00

RESIDENTIAL UNIT COUNT
DUPLX UNITS=26
APT UNITS=178
TOTAL=204

REZONING NOTICE

From R-1&B3 to R-13

**Will Be Considered By The
Jonesborough Regional
Planning Commission**

At Town Hall, 123 Boone St.

JUNE 4th 8AM

For Information Call

For PC agenda

Glenn Rosenoff <GRosenoff@jonesboroughtn.org>

Thu 5/30/2024 10:56 AM

To: Shawn Jackson <sjackson@JonesboroughTN.org>

Please provide Donna copies is the following sections of the zoning code (contained in municipal code) to go with PC packets:

11-513

11-520

11-519

11-518

11-516



Glenn Rosenoff, CMFO
Town Administrator
Town of Jonesborough
p: (423) 753-1030

tract. Alleys may be designated one-way. Alleys outside of the perimeter green space must be at least twelve feet (12') wide if one-way and sixteen feet (16') wide if two-way, or as allowed by the subdivision regulations.

(q) Any required plantings within the green, open space or common areas, any sidewalk, walkway or trail, or hardscape structures resulting from site plan, subdivision, and/or landscape approval, must be installed or constructed, or properly secured with a bond, letter of credit, or cash deposit, before final approval of the subdivision plat or issuance of a certificate of occupancy.

(r) Notes on the subdivision plat must explain ownership, maintenance responsibilities, and restrictions of common or open space, the perimeter green space and any vegetated buffer. (as added by Ord. #2001-16, Dec. 2001, and amended by Ord. #2012-03, April 2012, and 2012-15, Nov. 2012)

11-513. R-1 (Low Density) Residential District. It is the intent of this district to establish low density residential areas along with open areas that appear likely to develop in a similar manner. The requirements for the district are designed to protect essential residential, historic and aesthetic characteristics of the district and to promote and encourage an environment for family life; and to prohibit all business activities. In order to achieve the intent of the R-1 (Low Density) Residential Districts, as shown on the zoning map of the Town of Jonesborough, Tennessee, the following uses are permitted:

- (1) Single-family residences, except mobile homes.
- (2) Two (2) family residences.
- (3) Multi-family residences; provided that a site plan is submitted to the building inspector for review and approval.
- (4) Customary general farming.
- (5) Incidental home occupations; provided that a home occupation permit application is approved by the Jonesborough Regional Planning Commission.

(a) The planning commission shall use the following criteria in determining the appropriateness of an incidental home occupation permit request:

- (i) The home occupation shall be clearly incidental to the principal residential use.
- (ii) The home occupation shall be carried on by residents living full-time in the dwelling.
- (iii) One (1) additional person may be employed who is not a resident in the dwelling and working in the dwelling at any given time.
- (iv) The home occupation shall not utilize more than one-third (1/3) the area of the principal building or a maximum of five hundred (500) square feet. The calculation is based on livable

space, and the home occupation area includes any storage space for any related materials or products. The determination of livable space must be submitted by the property owner, and confirmed by the building inspector.

(v) The planning commission may approve an incidental home occupation that is carried out in an outbuilding located on the same lot as the primary residence/building, with the following conditions:

(A) The space utilized for the home occupation in the outbuilding is based on the calculation for eligible livable space allowed in the primary building, and the area proposed in the outbuilding is instead of space used in the primary building.

(B) Attached garages workshops, storage areas, etc. are not included in the calculation of livable space, and any proposed uses of these spaces for a customary home occupation will be considered the same as an outbuilding in subsection (5)(a)(v)(A) above.

(C) The occupation requested can be undertaken efficiently in the outbuilding, and does not create access or safety concerns.

(D) The building is suitable for the occupation and meets any code or safety requirements that might be applicable.

(vi) The submittal for approval of an incidental customary occupation must be made by the property owner living in the primary structure, or if a rental by the tenant living in the primary structure with a letter from the property owner approving the submittal of the occupation being considered.

(vii) There may be no external evidence displayed or created outside the building, including products and materials, related to the incidental home occupation other than one (1) unanimated, non-illuminated, flat freestanding or window sign of no more than two and one-fourth (2-1/4) square feet or one and one-half by one and one-half feet (1-1/2' x 1-1/2')

(viii) The hours of operation are limited to between 8:00 A.M. to 8:00 P.M.

(ix) Educational instructional activities as incidental home occupations may not involve more than ten (10) people at one (1) time. Baby-sitting or daycare like activity must involve four (4) children or less to be considered an incidental home occupation.

(x) There shall be no retail transactions on the premises, unless provided a special exception by the planning commission for items produced in the dwelling. If there are product sales, the

applicant must detail how sales will be made, and why said sales are not retail. The planning commission shall ultimately determine whether sales are considered retail.

(xi) No equipment or process used in the incidental home occupation shall create noise, vibration, glare, smoke, fumes or odors detectable beyond the property lines of the lot to any additional extent than what is normal for the residential character of the neighborhood.

(xii) The following are examples of acceptable and unacceptable incidental home occupations, and the listing is intentionally incomplete and used as examples only.

(A) Examples of acceptable occupations: Lawyer, insurance, accountant, architect, engineer, counselor, clergy, financial planners, and other similar professional services; Tupperware, Amway, Mary Kay products and other such home marketed products, provided a group at any given time is not larger than ten (10) people, barber or beauty shop with only one (1) chair, pet grooming, artist studios, small repair services for jewelry, appliances, computers, etc.

(B) Occupations not meeting incidental home occupations criteria include: Most retail sales, daycares (more than four (4) children), dance studios serving more than four (4) students, kennels, motor vehicle repair unless in separate outbuilding with only two (2) vehicles present, gun sales, florist shop, restaurants.

(b) A site plan shall be submitted to the planning commission showing ingress and egress and associated parking.

(c) Only one (1) commercial vehicle may be used for the incidental home occupation, including storage and transport of materials, and if the vehicle has exterior advertising associated with the home occupation, such vehicle must be stored in a garage or building or other mode of concealment when it is located at the dwelling.

(d) The holder of an incidental home occupation permit must continuously comply with all provisions of the permit requirements.

(e) An incidental home occupation permit is not transferrable. The permit terminates if the permit holder ceases to occupy the dwelling.

(f) An incidental home occupation permit may be revoked by the planning commission when it is determined that the conditions of the issuance have not been met.

(i) The permit holder shall be notified in writing that the conditions of the permit issuance are not being met, and the specific infraction(s) noted.

(ii) The permit holder shall be given a minimum of ten (10) calendar days from the date of the written correspondence to

bring the conditions noted into compliance or to obtain written approval from the building inspector of a plan to get in compliance within a minimum and reasonable time period.

(iii) Correspondence shall include the date the planning commission shall consider a possible revocation of the incidental home occupation permit.

(g) The board of zoning appeals shall not issue a variance from the established criteria of the issuance of an incidental home occupation permit.

(6) Public owned buildings and uses, schools offering general education, and churches provided that:

(a) The location of these uses shall first be reviewed by the Jonesborough Planning Commission and a site plan approved;

(b) The buildings are placed not less than fifty feet (50') from the side and rear property lines; and

(c) There are planted buffer strips along side and rear property lines.

(i) Parking associated with home occupation must be accommodated on the property in which the occupation is taking place. A commercial vehicle must conform to requirements outlined in § 11-513(5)(c) of this chapter and may not be parked on the public street. Any vehicle associated with an employee may not be parked on the public street, unless there are parking spaces, public or private, that do not restrict the flow of traffic through the subdivision. If the applicant intends to park his or her vehicle on the public street as a result of the home occupation business activity, the applicant must:

(A) Provide justification for such street parking.

(B) Provide an explanation as to why such parking cannot be located on the property in which the home occupation will be undertaken.

(C) Show evidence of how any on-street parking resulting from the home occupation will not present a traffic safety concern to other residents within the subdivision.

(ii) The applicant must provide documentation of subdivision restrictions, if any, that might impact the appropriateness of the home occupation in the subdivision in which the residence involved is located. The applicant must declare "yes" or "no" if there are subdivision regulations that do apply. If yes, documentation of those restrictions must be provided in the application submittal. If subdivision restrictions impacting the appropriateness of a home occupation being permitted are submitted, the planning commission shall determine if the information provided should impact the commission's

determination, and the commission may defer action until any internal issue within the subdivision on the home occupation request is resolved.

(iii) Before the planning commission takes action on an incidental home occupation permit application, the following notification requirements should be met:

(A) Adjoining properties are sent notice of the planning commission meeting date and time along with a description of the request for an incidental home occupation permit. When reasonable in a heavily populated subdivision, notification is encouraged to any additional households in close proximity to the home occupation applicant.

(B) If there is a subdivision homeowner's association, notification of the meeting date and time, and information summarizing the home occupation request and the residence involved will be sent to the mailing address of the homeowner's association in advance of the planning commission meeting in which the application will be discussed.

(C) If the subdivision has a designated person who facilitates communication within the subdivision, notification of the meeting date and time in which the home occupation application will be discussed and information summarizing the home occupation request shall be sent to the designated communications facilitator in advance of the planning commission meeting date.

(7) Accessory uses. Structures, and outdoor storage: Accessory uses, structures, and outdoor storage shall be located in rear yards not closer than ten feet (10') to any property line.

Carports can be exempted from the rear yard requirement and be approved by the building inspector under the following conditions:

(a) A schematic is submitted to the building inspector showing the carport location and distances from the front and side property lines as well as the residence, and photos, sketches, or marketing materials are provided showing the appearance and design of the carport.

(b) A site plan shall be submitted to the planning commission showing ingress and egress and specific locations for all off-street parking associated with vehicles involved with the home occupation, and also for personal vehicle parking for occupants of the residence.

(c) The building inspector approves the location, construction stability and design/appearance of the carport and its compatibility with the residence based on standards and guidelines established by the planning commission; however, the owner submitting a request to install a carport may take the request to the planning commission.

(8) Cottage inns as a special exception limited adaptive use of historic structures listed on the National Register of Historic Places or structures within the H-1 or H-2 historical districts subject to planning commission approval.

(9) Accessory building apartments are an allowed use; provided that:

(a) The setback distances of the accessory building from property lines meets the setback requirements for a primary building.

(b) There is appropriate ingress and egress to the accessory building apartment as determined by the planning commission under subsection (9)(h) below.

(c) The apartment does not eliminate the garage, workshop or other accessory use of the structure.

(d) The floor space of the apartment is no more than the remaining floor space of the accessory use.

(e) The apartment living space is on the second floor. However in existing accessory buildings the second floor residential use is not required; provided that the residential use is not more than fifty percent (50%) of the existing building.

(f) There is adequate parking for both the primary structure and accessory apartment.

(g) The apartment and its access meets all requirements set out in the International Building Code or such building code adopted by the Town of Jonesborough.

(h) A site plan be presented to the planning commission for review and approval showing the following:

(i) Relationship of accessory building to primary building on lot and all property lines.

(ii) Identification of accessory use.

(iii) Relationship of apartment to accessory use in building.

(iv) Square footage of floor space of apartment and accessory use.

(v) Pertinent information from building code showing minimum requirements that might apply, including minimum square footage requirements for rooms by use, stair widths and elevation, etc.

(vi) Parking areas for primary and accessory apartment building, as well as ingress and egress.

(vii) Method of utility service.

(viii) Names of adjoining property owners.

The site plan should be submitted ten (10) days in advance of the planning commission meeting so adjacent property owners may be notified before the meeting.

(i) Accessory apartments within the historic district must meet historic zoning commission standards and guidelines. Setback

requirements within the historical district, if established elsewhere in the code, shall apply.

(10) Portable storage containers are subject to the following provisions and restrictions:

(a) "Portable storage containers," also called PODS, conex boxes, SAMS or shipping containers, are defined as any transportable unit or container normally used for temporary storage outdoors which is typically delivered and removed by truck.

(b) Portable storage containers to be placed on non-public property in all zones require a permit.

(c) Except in a manufacturing zone, there should be no more than one (1) portable storage container per parcel without a variance from the Jonesborough Regional Planning Commission/Board of Zoning Appeals, or without advance planning commission approval as a component of development site plan approval.

(d) Placement of portable storage containers must meet setback requirements of the zone in which they are located.

(e) A portable storage container permitted for temporary use in association with construction or moving activity must meet the following requirements:

(i) The location of the portable storage container on the site is either approved or designated by the Jonesborough Building Inspector, and to the extent possible containers will be located to the rear of the primary building.

(ii) A portable storage container in temporary status is permitted to locate on the site approved no more than nine (9) months without planning commission approval to extend, and the building inspector has the authority before the nine (9) month term to issue a written notice to the owner to remove the portable storage container within ten (10) calendar days from the date of the notice if the building inspector determines the project to be essentially complete or the portable storage container is essentially empty.

(iii) Any extension beyond the initial nine (9) month period of use must be approved by the planning commission, and the planning commission has the authority to require partial or total screening of the container as a condition of the extension. The planning commission may require a rendering of the type of screening to be used, if required, as part of the extension consideration. If an extension is granted, the planning commission shall determine the specific length of the extension.

(f) Except in an R-1, R-2 or PRD Zone, portable storage containers may be considered for long-term use as an outbuilding under the following circumstances:

(i) The portable storage container meets outbuilding requirements, and the container must be screened or covered.

(ii) A schematic is submitted to the planning commission for approval showing the portable storage container location, size, relationship and distance from primary building, a rendering indicating the method of screening or covering of the container, and setback distances from property lines.

(iii) If the portable storage container location requested is on the side or in front of the primary structure on the lot, the information required in subsection (10)(f)(ii) above must be submitted to the planning commission for approval along with a written justification of why the portable storage container cannot be located on a site in the rear of the primary structure.

(iv) Any signage permanently applied to the container must be removed or covered.

(g) The building inspector has the authority to allow temporary placement of a portable storage container on a property in an emergency situation like a loss due to fire, flood, or other such catastrophic event. Such emergency temporary use shall be reviewed by the planning commission, if necessary, at its next meeting, and the temporary use term is only until a more formal request can be reviewed by the planning commission.

(h) Portable storage containers used by residents, property/business owners or contractors may not be placed on public streets or rights-of-way without the permission of the Town of Jonesborough.

(i) Portable storage containers may not be used to store illegal or hazardous materials.

(j) Portable storage containers approved in temporary status must be removed immediately or within ten (10) calendar days upon completion of the project; at the end of nine months; or as directed by the building inspector if prior to the nine (9) month temporary permit term.

(k) Portable storage containers may only be considered for temporary use within the historic zones, unless receiving a special exception from the historic zoning commission.

(l) More than one (1) portable storage unit may be allowed in a manufacturing M-1 or M-2 zone, however, a permit is required to ensure safe placement of the containers. Portable storage containers used long-term in a manufacturing zone do not require planning commission approval. (as added by Ord. #94-10, Sept. 1994, amended by Ord. #98-01 (Jan. 1998), replaced by Ord. #99-03, May 1999, and amended by Ord. #2003-21, Dec. 2003, Ord. #2009-08, June 2009, Ord. #2012-16, Dec. 2012, Ord. #2014-08, Aug. 2014, 2016-04, March 2016 *Ch12_04-09-18*, and Ord. #2018-04, April 2018 *Ch12_04-09-18*)

characteristics of the district by promotion of business and public uses which serve the general public and to discourage industrial, and wholesale development which do not lend themselves to pedestrian traffic. In order to maintain and enhance the unique historic and aesthetic characteristics of the community and achieve the intent of the B-2 (Central) Business District, site plans shall be required for all new construction.

These plans shall include: the proposed location of all structures, off-street parking provisions, location of all ingress and egress points, location and size of proposed utilities, landscaping features, and any other plans deemed pertinent. Prior to the issuance of the building permit, the site plans shall be reviewed and approved by the planning commission to determine if they are in keeping with the comprehensive planning program of the Town of Jonesborough, Tennessee.

- (1) Single- and multi-family residences.
- (2) Stores and shops conducting retail business.
- (3) Personal, business, and professional services.
- (4) Public and semi-public buildings and uses.
- (5) Lodges and clubs; hotels and motels; restaurants and similar services.
- (6) Business signs.
- (7) Temporary business activity; provided that:
 - (a) A temporary business permit is issued by the planning commission.
 - (b) The information required in § 11-518(6)(b) of this chapter is submitted as part of the temporary business permit process.
 - (c) Signage for a temporary business is restricted to sixty-four (64) square feet which can be on one (1) freestanding sign with a limit of thirty-two (32) square feet per side, or on a structure or combination thereof with no individual sign being larger than thirty-two (32) square feet.
 - (d) Temporary business permits are prohibited in the B-2 zone within the H-1 or H-2 historic zones.
- (8) Temporary business activity associated with the property like tent sales, clearance sales, special promotions, etc., that are not of longer duration than two (2) weeks. Temporary business activity of longer duration than two (2) weeks must be approved by the planning commission. Items for sale on the property that are taken inside the business each night is not considered accessory temporary business activity. Temporary business activity outside on the same property may only be undertaken once each quarter or a maximum of four (4) times a year. (as added by Ord. #94-10, Sept. 1994, replaced by Ord. #99-03, May 1999, and amended by Ord. #2012-04, April 2012)

11-520. B-3 (Arterial) Business District. It is the intent of this district to establish business areas that encourage groupings of compatible business

activities; reduce traffic congestion to a minimum and enhance the aesthetic atmosphere. In order to maintain and enhance the unique historic and aesthetic characteristics of the community and achieve the intent of the B-3 (Arterial) Business District, site plans shall be required for all new construction. These plans shall include: the proposed location of all structures, off-street parking provisions, location of all ingress and egress points, location and size of proposed utilities, landscaping features, and any other plans deemed pertinent. Prior to the issuance of the building permit, the site plans shall be reviewed and approved by the planning commission to determine if they are in keeping with the comprehensive planning program of the Town of Jonesborough, Tennessee.

- (1) Any use permitted in B-1 or B-2 business districts.
- (2) Automobile sales and service, and mobile home sales.
- (3) Funeral homes.
- (4) Places of amusement and assembly.
- (5) Other similar uses.
- (6) Food stores selling wine. (as added by Ord. #94-10, Sept. 1994, and amended by Ord. #2016-03, Feb. 2016 ***Ch12_04-09-18***)

11-521. B-4 (Intermediate) Business District. (1) It is the intent of this district to establish an area adjacent to the B-2 (Central Business) District which will support those uses. In order to maintain and enhance the unique historic and aesthetic characteristics of the community and achieve the intent of the B-4 (Intermediate Business) District, site plans shall be required for all new construction. These plans shall include: the proposed location of all structures, off-street parking provisions, location of all ingress and egress points, location and size of proposed utilities, landscaping features, and any other plans deemed pertinent. Prior to the issuance of the building permit, the site plans shall be reviewed and approved by the planning commission to determine if they are in keeping with the comprehensive planning program of the Town of Jonesborough, Tennessee.

- (2) Any use permitted in the B-1 or B-2 business districts except shopping centers and gasoline service stations. (as added by Ord. #94-10, Sept. 1994, and replaced by Ord. #99-03, May 1999)

11-522. B-5 (Heritage Business) District. (1) It is the intent of this district to establish an area immediately adjacent to or within the historic district which supports limited business use and which supports the intent of the requirements of the historic district. In order to maintain and enhance the unique historic and aesthetic characteristics of the community and to achieve the intent of the B-5 Heritage Business District, site plans shall be required for all new construction. These plans shall include: the proposed location of all structures, off-street parking provisions, location of all ingress and egress points, location and size of proposed utilities, landscaping features, and any other places deemed pertinent. Prior to the issuances of a building permit, the

(ii) Location of existing street(s), and points of ingress and egress.

(iii) Location on the temporary premises of any vehicles or any structures, existing or to be installed, on the temporary premises, to be used in merchant activity.

(iv) Schematics and/or photos of vehicles, structures to be used.

(v) Area for parking on temporary premises may not be public right-of-way, including surface condition of parking area before and after any improvements.

(vi) Location of public right-of-way in relationship to temporary premises.

(vii) Setbacks, showing property lines and that any structure location meets the setback requirements established for the zone of the property in which the temporary business is located.

(viii) Location of any utilities, if present.

(ix) Location of any lighting, existing or to be installed.

(x) Schematic of signage to be used.

(xi) Buffering, if buffering would be required in the landscape ordinance. However, the planning commission will review any buffering plan and at its discretion may authorize a variety of effective temporary measures to provide appropriate screening.

(xii) Landscaping plan, and maintenance plan for grounds. The landscape plan shall include how through underpinning or screening the undercarriage of any mobile structure is addressed. The location of any potted or permanent plant material must be shown. The planning commission reserves the right to deny any application for a temporary business permit in which the commission feels will negatively impact surrounding properties and the historical character of Jonesborough.

(c) Signage for a transient or temporary business is restricted to sixty-four (64) square feet which can be on one (1) freestanding sign with a limit of thirty-two (32) square feet per side, or on a structure or combination thereof with no individual sign being larger than thirty-two (32) square feet. (as added by Ord. #94-10, Sept. 1994, replaced by Ord. #99-03, May 1999, and amended by Ord. #2003-03, Feb. 2003, Ord. #2011-12, Sept. 2011, Ord. #2012-04, April 2012, and Ord. #2012-12, Sept. 2012)

11-519. B-2 (Central) Business District. It is the intent of this district to establish an areas for concentrated general business development that the general public requires. The requirements are designed to protect the essential

characteristics of the district by promotion of business and public uses which serve the general public and to discourage industrial, and wholesale development which do not lend themselves to pedestrian traffic. In order to maintain and enhance the unique historic and aesthetic characteristics of the community and achieve the intent of the B-2 (Central) Business District, site plans shall be required for all new construction.

These plans shall include: the proposed location of all structures, off-street parking provisions, location of all ingress and egress points, location and size of proposed utilities, landscaping features, and any other plans deemed pertinent. Prior to the issuance of the building permit, the site plans shall be reviewed and approved by the planning commission to determine if they are in keeping with the comprehensive planning program of the Town of Jonesborough, Tennessee.

- (1) Single- and multi-family residences.
- (2) Stores and shops conducting retail business.
- (3) Personal, business, and professional services.
- (4) Public and semi-public buildings and uses.
- (5) Lodges and clubs; hotels and motels; restaurants and similar services.
- (6) Business signs.
- (7) Temporary business activity; provided that:
 - (a) A temporary business permit is issued by the planning commission.
 - (b) The information required in § 11-518(6)(b) of this chapter is submitted as part of the temporary business permit process.
 - (c) Signage for a temporary business is restricted to sixty-four (64) square feet which can be on one (1) freestanding sign with a limit of thirty-two (32) square feet per side, or on a structure or combination thereof with no individual sign being larger than thirty-two (32) square feet.
 - (d) Temporary business permits are prohibited in the B-2 zone within the H-1 or H-2 historic zones.
- (8) Temporary business activity associated with the property like tent sales, clearance sales, special promotions, etc., that are not of longer duration than two (2) weeks. Temporary business activity of longer duration than two (2) weeks must be approved by the planning commission. Items for sale on the property that are taken inside the business each night is not considered accessory temporary business activity. Temporary business activity outside on the same property may only be undertaken once each quarter or a maximum of four (4) times a year. (as added by Ord. #94-10, Sept. 1994, replaced by Ord. #99-03, May 1999, and amended by Ord. #2012-04, April 2012)

11-520. B-3 (Arterial) Business District. It is the intent of this district to establish business areas that encourage groupings of compatible business

(3) The DC Overlay District when approved will be shown on the zoning map of Jonesborough.

(4) The underlying properties of the overlay zone will normally be a business or manufacturing zone.

(5) The DC overlay may be within the historic district, especially when the operation is developed to accommodate tourists, and there is a retail component that can enhance the economic well-being of Jonesborough's historic downtown area.

(6) Distilling company facilities can be located in the DC overlay zone; provided:

(a) The manufacturing facility meets all state and federal requirements for the legal manufacture and sale of intoxicating liquors.

(b) The manufacturing building is five hundred feet (500') from an active church or school, as measured directly from building to building, unless in a B-2 Central Business District where this distance requirement building to building is one hundred fifty feet (150').

(c) A site plan and map is submitted to the Jonesborough Regional Planning Commission for approval providing the following information:

(i) The availability of parking.

(ii) Adequate pedestrian access.

(iii) Schematic of building showing location on property, setbacks, street access, exterior lighting, any changes impacting drainage and stormwater management and utilities.

(iv) Odor control plan.

(v) General overview of business plan including any area for retail liquor sales.

(vi) If in the historic district, approval is required from the historic zoning commission on any exterior building improvements and signage.

(d) The Jonesborough Regional Planning Commission reviews and approves the site plan and the use of the property for a distilling company manufacturing intoxicating liquors.

(e) A landscape plan must be submitted to the tree and townscape board and be approved before a regular certificate of occupancy is issued. (as added by Ord. #2014-02, March 2014)

11-518. B-1 (Neighborhood) Business District. It is the intent of this district to establish business areas to serve surrounding residential districts. The district regulations are intended to discourage strip business development and encourage grouping of uses in which parking and traffic congestion is reduced to a minimum. In order to maintain and enhance the unique historic and aesthetic characteristics of the community and achieve the intent of the B-1 (Neighborhood Business) District, site plans shall be required for all new

construction. These plans shall include: the proposed location of all structures, off-street parking provisions, location of all ingress and egress points, location and size of proposed utilities, landscaping features, and any other plans deemed pertinent. Prior to the issuance of the building permit, the site plans shall be reviewed and approved by the planning commission to determine if they are in keeping with the comprehensive planning program of the Town of Jonesborough, Tennessee.

(1) Any used permitted in the R-3 (Residential) District except mobile homes and mobile home parks.

(2) Shopping centers, grocery stores, drug stores, hardware stores, shoe repair shops, barber and beauty shops, laundromats and laundry pick-up stations, and similar use. Restaurants are not permitted in a B-1 zone except along an arterial route and on the condition a site plan that includes parking and access is submitted to and approved by the planning commission.

(3) Business signs; provided that all signs, except one (1) detached sign, shall be erected flat against the front or side of a building or within eighteen inches (18") thereof. All signs shall not project above buildings nor have flashing intermittent or moving illumination, except that electronic signs may be permissible in a B-1 zone along arterial streets when conditions for such signs, as stipulated in the sign ordinance, have been met.

(4) Gasoline service stations; provided that all structures, including underground storage tanks, shall be placed not less than twenty feet (20') from all property lines. Points of access and egress shall be not less than fifteen feet (15') from intersection of street lines.

(5) Accessory uses, structures, and outdoor storage accessory uses, structures and outdoor storage shall not be located closer than ten feet (10') to any property line. Accessory uses shall include temporary business activity associated with the property like tent sales, clearance sales, special promotions, etc. that are not of longer duration than two (2) weeks. Temporary business activity of longer duration than two (2) weeks must be approved by the planning commission. Temporary business activity outside on the same property may only be undertaken once each quarter or a maximum of four (4) times a year. Accessory uses in front and side yards may be required, at the discretion of the building inspector, to be screened from public view.

(6) Transient and temporary business activity provided that:

(a) Guidelines for a transient business license are followed.

(b) Guidelines for a temporary business permit, as established in § 5-102 of the municipal code, are followed, and the following information is submitted to town staff for review and the Jonesborough Regional Planning Commission for approval as part of the temporary business permit process:

(i) Location of temporary premises showing property lines, boundary of temporary premises, and listing of owner.

(ii) Location of existing street(s), and points of ingress and egress.

(iii) Location on the temporary premises of any vehicles or any structures, existing or to be installed, on the temporary premises, to be used in merchant activity.

(iv) Schematics and/or photos of vehicles, structures to be used.

(v) Area for parking on temporary premises may not be public right-of-way, including surface condition of parking area before and after any improvements.

(vi) Location of public right-of-way in relationship to temporary premises.

(vii) Setbacks, showing property lines and that any structure location meets the setback requirements established for the zone of the property in which the temporary business is located.

(viii) Location of any utilities, if present.

(ix) Location of any lighting, existing or to be installed.

(x) Schematic of signage to be used.

(xi) Buffering, if buffering would be required in the landscape ordinance. However, the planning commission will review any buffering plan and at its discretion may authorize a variety of effective temporary measures to provide appropriate screening.

(xii) Landscaping plan, and maintenance plan for grounds. The landscape plan shall include how through underpinning or screening the undercarriage of any mobile structure is addressed. The location of any potted or permanent plant material must be shown. The planning commission reserves the right to deny any application for a temporary business permit in which the commission feels will negatively impact surrounding properties and the historical character of Jonesborough.

(c) Signage for a transient or temporary business is restricted to sixty-four (64) square feet which can be on one (1) freestanding sign with a limit of thirty-two (32) square feet per side, or on a structure or combination thereof with no individual sign being larger than thirty-two (32) square feet. (as added by Ord. #94-10, Sept. 1994, replaced by Ord. #99-03, May 1999, and amended by Ord. #2003-03, Feb. 2003, Ord. #2011-12, Sept. 2011, Ord. #2012-04, April 2012, and Ord. #2012-12, Sept. 2012)

11-519. B-2 (Central) Business District. It is the intent of this district to establish an areas for concentrated general business development that the general public requires. The requirements are designed to protect the essential

- (i) Define the location, size, accessibility, special conditions, and existing zoning of the proposed project site;
- (ii) The types of surrounding land uses;
- (iii) The type of proposed development and the location of all existing and proposed buildings, parking areas, open spaces, natural areas and screening techniques; and
- (iv) Any other such additional information as may be required to adequately review the request.
- (e) A written report shall be required. This report shall contain a narrative noting that the property owners in the general vicinity of the proposed use or project have been notified. The report shall note all comments of these property owners. (as added by Ord. #94-10, Sept. 1994, and replaced by Ord. #99-03, May 1999)

11-516. R-3 (High Density) Residential District. It is the intent of this district to provide areas for high density residential development plus open areas where similar development is likely to occur. The requirements for the district are designed to protect essential residential, historic, and aesthetic characteristics. Limited non-residential uses are permitted; provided they meet applicable standards and do not encourage general business activities. In order to achieve the intent of the R-3 (High Density) Residential District, as shown on the zoning map of the Town of Jonesborough, Tennessee, the following uses are permitted:

- (1) Any use permitted in the R-2 (Medium Residential) District.
- (2) Mobile home parks; provided that they conform to requirements of the mobile home park ordinance of the Town of Jonesborough, Tennessee.
- (3) Medical offices; funeral homes; civic and fraternal organizations and clubs not operated for a profit; nursing homes; public recreational uses; and offices for doctors, lawyers, dentists, real estate agencies, insurance agencies, and other similar uses provided that they are located on major streets designated on the zoning map of the Town of Jonesborough, Tennessee; and provided that:

- (a) A site plan, which shall include: the proposed location of structures, off-street parking, ingress and egress points, proposed utilities, and landscaping shall be submitted to the Jonesborough Planning Commission for approval.

- (b) The building shall be placed not less than fifty feet (50') from all property lines.

- (c) There is a planted buffer strip erected on the side and rear property lines.

- (d) Existing buildings may be utilized; provided that the requirements of this chapter are met as closely as possible and that no parking shall be allowed in front yards. (as added by Ord. #94-10, Sept. 1994, and replaced by Ord. #99-03, May 1999)