

ORDINANCE NO. 122

AN ORDINANCE REPEALING ORDINANCE NO. 3 "ZONING ORDINANCE, MOUNT CARMEL, TENNESSEE", AS AMENDED BY ORDINANCE NO. 75, AND ANY OTHER AMENDMENTS THERETO (MOUNT CARMEL CODE SECTION 14-201) AND SUBSTITUTING IN THEIR PLACE "ZONING ORDINANCE, MOUNT CARMEL, TENNESSEE, JANUARY, 1991"

WHEREAS, in order to update and to make more uniform the Zoning Ordinance of the Town of Mount Carmel, Tennessee; and

WHEREAS, to provide not only for Zoning but also for regulation of signs and other matters concerning the public health, safety, morals, convenience, order, prosperity and general welfare of the Town of Mount Carmel; and

WHEREAS, it is necessary to repeal the existing Zoning Ordinance and substitute therefore a more comprehensive ordinance;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN OF MOUNT CARMEL AS FOLLOWS:

Section 1. Ordinance Nos. 3, 75 & 75A and any amendments thereto, are and shall be hereby repealed;

SECTION 2. The document attached hereto which shall hereinafter be known as "Zoning Ordinance, Mount Carmel, Tennessee, January, 1991" and all the contents thereof shall be substituted in the place of Ordinances 3, 75 & 75A and any amendments thereto (Mount Carmel Code Section 14-201).

Prepared for

THE MOUNT CARMEL PLANNING COMMISSION

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ZONING ORDINANCE
MOUNT CARMEL, TENNESSEE

AUTHORITY

An ordinance, in pursuance of the authority granted by Sections 13-7-201 through 13-7-210, *Tennessee Code Annotated*, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare; to provide for the establishment of districts within the corporate limits; to regulate, within such districts, the location, height, bulk, number of stories and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population and the use of land, buildings and structures; to provide methods of administration of this ordinance and to prescribe penalties for the violation thereof.

BE IT ORDAINED by the Board of Mayor and Aldermen as follows:

ARTICLE I.
SHORT TITLE

This ordinance shall be known as the "Zoning Ordinance of Mount Carmel, Tennessee," and the map herein referred to, which is identified by the title, "Mount Carmel, Tennessee Zoning Map" and dated April, 1991 shall be known as the Zoning Map of Mount Carmel, Tennessee. The Zoning Map of Mount Carmel, Tennessee and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

ARTICLE II.
PURPOSE

The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the health, safety, morals, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fire, panic and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration, among other things, as to the character of each district and its particular suitability for particular uses; and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the town.

ARTICLE III. **DEFINITIONS**

Unless otherwise stated the following words shall, for the purpose of this ordinance, have the meaning herein indicated. Words used in the present tense include the future. The singular number includes the plural and the plural the singular. The word "shall" is mandatory, not directory. The word "used" or "occupied" as applied to any land or building shall be construed to include the word "intended" arranged or designed to be used or occupied.

1. **ALLEY**: A public way which affords only a secondary means of access to property and public travel, less than 20 feet in width.
2. **ARTERIAL STREETS**: A street that provides for traffic movement between areas and across portions of the of the town and secondarily for direct access to abutting land, as shown on the zoning map of the Town of Mount Carmel.
3. **BOARDING OR ROOMING HOUSES**: A building containing a single dwelling unit and not more than five guest rooms where lodging is provided with or without meals for compensation.
4. **BUFFER STRIP**: Planted with a staggered double row of conifer trees at least four feet high planted on six foot centers. Solid fencing would have to be at least six feet high with the design approved by the planning commission. Plantings shall be properly bedded when planted, maintained and fertilized to assure long life. All fencing and planted buffer strips shall be continually maintained by owners with dead plantings replaced.
5. **BUILDING**: Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.
 - (a) **Principal building**: A building in which is conducted the main or principal use of the lot on which said building is located.
 - (b) **Accessory building or use**: A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such building or use.
6. **BUILDING HEIGHT**: The vertical distance measured from the finished grade at the building line to the highest point of the roof.
7. **BUSINESS SIGN**: A sign which directs attention to a business or profession conducted on the premises. A "For Sale" sign or a "To Let" sign for the property on which it is displayed shall be deemed a business sign.
8. **CLINIC**: A structure used in providing medical services for outpatients only.
9. **CLUB**: Buildings and facilities owned or operated by an association or persons for a social or recreational purpose, but not operated primarily for profit or to render a service which is customarily carried on as a business.
10. **COLLECTOR STREET**: A street providing for traffic movement within the city as shown on the Zoning Map of the town of Mount Carmel, Tennessee.

11. CONDOMINIUM: A multi-unit structure offering individual ownership of said units.
12. "DAY CARE CENTER." A place operated by a person, society, agency, corporation, institution, or other group that receives pay for the care of eight or more children under 17 years of age for less than 24 hours per day, without transfer of custody. The term "Day care Center" also includes child development centers, nursery schools, day nurseries, play-schools, and kindergarten as well as agencies providing before and after school care, regardless of names, purpose, or auspices. (Excluding schools graded 1-12 and kindergartens operated by governmental units or by religious organizations.)
13. DWELLING SINGLE FAMILY: A building designed, constructed and used for one dwelling unit.
14. DWELLING, TWO FAMILY OR DUPLEX: A building designed, constructed or reconstructed and used for two dwelling units that are connected by a common structural wall.
15. DWELLING MULTI FAMILY: A building designed, constructed or reconstructed and used for more than two dwelling units, with each dwelling unit having a common structural wall with any other dwelling unit on the same floor.
16. FAMILY: An individual or two or more persons related by blood marriage, legal adoption, or legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to not more than three unrelated persons living together as one housekeeping unit using one kitchen.
17. HOME OCCUPATION: An occupation for gain or support which is customarily conducted in the home, which is incidental to the use of the building or structure as a dwelling unit, which employs not more than two persons not residents of the premises, and not more than thirty (30) percent of the total actual ground floor area.
18. LOT: A parcel of land which fronts on and has access to a public street and which is occupied or intended to be occupied by a building or buildings with customary accessories and open space.
 - (a) Lot Area. The total horizontal area within the lot lines of a lot exclusive of streets and easements of access to other property.
 - (b) Lot, Corner. A lot abutting on two or more streets other than an alley, at their intersection.
 - (c) Lot Line. the property line bounding a lot.
 - (d) Lot Line, Front. The lot line separating the lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.
 - (e) Lot Line, rear. The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.
 - (f) Lot Line, Side. Any lot line not a front or rear lot line.
 - (g) Lot Width. the average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

19. MOBILE HOME. Designed for long term occupancy with sleeping accommodations, and bath rooms and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems. Designed to be transported after fabrication on its own wheels or flatbed, or other trailers and constructed as a single self-contained unit on a single chassis. Manufactured homes which are constructed in two or more separate chunks, are mounted on two or more chassis, have the same general appearance as site built homes, and are assembled on site will not be considered mobile homes for the purpose of these regulations.
20. MOBILE UNIT: A structure which has all of the following characteristics: Designed to be transported after fabrication on its own wheels, or on flatbed or other trailer or detachable wheels. Arriving at the site where it is to function as an office, commercial establishment, assembly hall, storage, governmental or other similar purpose and ready for use except for minor and incidental unpacking and assembly operations, location on foundation supports, connections to utilities and the like.
21. MOBILE HOME PARK: Shall mean any plot of ground containing a minimum of one acre upon which two or more mobile homes are located or are intended to be located (does not include sites where unoccupied mobile homes are on display for sale).
22. NONCONFORMING STRUCTURE OR USE: A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is located.
23. NURSING HOME: One licensed by the State of Tennessee.
24. OUTDOOR ADVERTISING: An attached, free standing or structural poster panel or painted or lighted sign for the purpose of conveying some information, knowledge or idea to the public.
25. STORY: That portion of a building included between the upper surface of the floor next above; or any portion of a building used for human occupancy between the topmost floor and the roof. A basement not used for human occupancy other than for a janitor or domestic employee shall not be counted as a story.
26. STREET: Any public or private way set aside for public travel, 20 feet or more in width. The word "street" shall include the words "road", "highway" and thoroughfare."
27. STRUCTURE: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.
28. TOTAL FLOOR AREA: The area of all floors of a building including finished attic, finished basement and covered porches.
29. TRAVEL TRAILER: Any vehicle used, or so constructed as to permit its being used as conveyance upon the public streets or highways and duly licensable as such, and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one (1) or more persons, and designed for short-term occupancy, for frequent and/or extensive travel, and for recreational and vacation use, including camper trucks and self-propelled campers, etc.
30. "TRAVEL TRAILER PARK: Any plot of land upon which two or more travel trailers are located and used as temporary living or sleeping quarters. The occupants of such parks may not remain in the same trailer park more than 30 days.

31. **YARD:** An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.
- (a) **Yard Front.** A yard between side lot lines and measured horizontally at right angles to the front lot line from the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley, shall be considered a front yard.
 - (b) **Yard, Rear.** A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a principal building.
 - (c) **Yard Side.** A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point on a principal building.
 - (d) **Yard, Street Side.** A yard adjacent to a street between the front yard and rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a principal building.

ARTICLE IV.
ESTABLISHMENT OF DISTRICTS

Section A. **CLASSIFICATION OF DISTRICTS.** For the purpose of this ordinance, Mount Carmel, Tennessee is hereby divided into nine districts, designated as follows:

Residence	-	R-1 District - Low Density
Residence	-	R-2 District - Medium Density
Residence	-	R-3 District - High Density
Residence	-	R-4 District - Mobile Home District
Residence	-	O-1 District - Professional Office and Service District
Business	-	B-1 District - Neighborhood Business
Business	-	B-2 District - Arterial Business
Business	-	B-3 District - General Business
Industrial	-	M-1 District - Industrial

Section B. **BOUNDARIES OF DISTRICTS**

1. The boundaries of districts in Section A of this Article are established as shown on the map entitled "Zoning Map of Mount Carmel, Tennessee," dated April 1991, which is a part of this ordinance and which is on file in the office of the Town Recorder.
2. Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys or a specified distance therefrom, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of the ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.

ARTICLE V. GENERAL PROVISIONS

For the purpose of this ordinance the following general provisions shall apply to the city as a whole:

Section A. ZONING AFFECTS EVERY BUILDING AND USE: No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, whether operated for or without compensation.

Section B. CONTINUANCE OF NON-CONFORMING USES

1. Any building or use existing at the time of enactment or subsequent amendment of this ordinance, but not in conformity with its provisions may be continued with the following limitations; Any building or use which does not conform to the provisions of this ordinance or subsequent amendment may not be:
 - (a) Changed to another non-conforming use.
 - (b) Re-established after discontinuance for twelve (12) months.
 - (c) Extended except in conformity with this ordinance.
 - (d) Rebuilt or repaired after damage exceeding seventy-five (75) percent of the fair sales value of the building immediately prior to damage.
2. Industrial, commercial, or other business establishment shall comply with provisions established in 13-7-208 *Tennessee Code Annotated*.

Section C. ONLY ONE PRINCIPAL BUILDING ON ANY LOT

1. In residence Districts only one principal building and its customary accessory buildings may hereafter be erected on any lot.
2. No residential building shall be erected on a lot which does not abut at least one public street for at least fifty (50) feet.
3. The equipment of an accessory building with sink, cook stove or other kitchen facilities for the independent occupancy thereof, shall be prima facie evidence that such building is not an accessory building but a separate dwelling and must meet all minimum standards of lot area and yard requirements of the district in which it is located.

Section D. REDUCTION IN LOT AREA PROHIBITED. No lot shall be reduced in area so that yards, lot area per family, lot width, building area or other requirements of this ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

Section E. OBSTRUCTION TO VISION AT STREET INTERSECTIONS PROHIBITED. On a corner lot within the area formed by the center lines of the intersecting or intercepting streets and a line joining points on such center lines at a distance of ninety (90) feet from their intersection, there shall be no obstruction to vision between a height of three and one-half (3 1/2) feet and a height of ten (10) feet

above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

Section F. OFF-STREET LOADING AND UNLOADING SPACE REQUIRED. Every building or structure hereafter constructed and used for industry, business or trade shall provide adequate space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley or, if there is no alley, to a public street.

Section G. CONFORMITY TO SUBDIVISION REGULATIONS. No building permit shall be issued for or no building shall be erected on any lot within the municipality, unless the street giving access to the lot upon which said building is proposed to be placed shall have been accepted or opened as a public street prior to that time or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by the Mount Carmel Regional Planning Commission.

Section H. HEIGHT AND DENSITY. No building or structure shall hereafter be erected or altered so as to exceed the height limit, to accommodate or house a greater number of families, to have narrower or smaller front yards or side yards that are required or specified in the regulations herein for the district in which it is located.

Section I. ANNEXATIONS. All territory which may hereafter be annexed to the Town of Mount Carmel, Tennessee shall be considered to be in the R-1 Low Density Residential district until otherwise classified.

Section J. OFF-STREET AUTOMOBILE PARKING. Off-street automobile parking spaces shall be provided on every lot on which any of the following uses are hereafter established. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall have at least two hundred square feet in area and shall have vehicular access to a public street. Turning space shall be provided so that no vehicle will be required to back into the street.

1. Churches: One space for each four (4) seats.
2. Day Care Centers, Private Schools, centers or schools or instruction and similar uses: one space for each instructor plus one space for each four students.
3. Dwellings
 - (a) Single and duplex - three spaces for each unit.
 - (b) Multi-family -three spaces each unit.
4. Funeral Parlors: One space for each four (4) seats in the chapel.
5. Gasoline service stations, automobile repair garages and similar establishments: For (4) spaces for each bay or similar facility plus one space for each employee.
6. Hospitals and nursing homes: One space for each two staff or visiting doctors plus one space for each two employees and one space for each four beds, computed on the largest number of employees on duty at any period of time.
7. Hotel: One space for each three (3) employees plus one space for each guest room.

8. Industry: One space for each two (2) employees, computed on the largest number of persons employed at any period during day or night.
9. Motels: One space for each three (3) employees plus one space for each accommodation.
10. Offices:
 - (a). Medical - one space for each two hundred (200) square feet of floor space.
 - (b). Other professional - one space for each three hundred (300) square feet of floor space.
 - (c). General - one space for each three hundred (300) square feet of floor space.
11. Places of public assembly: One space for each three (3) seats in the principal assembly for area.
12. Recreation and amusement areas without seating capacity. One space for each four (4) customers computed on maximum service capacity.
13. Restaurants, clubs and lodges: One space for each three (3) employees, plus one space for each four seats.
14. Retail business and similar uses: One space for each two hundred (200) square feet of gross floor space.
15. Schools: high schools require one space for each faculty member, plus one space for each four (4) pupils. Elementary and junior high schools require four (4) spaces for each classroom.
16. Mobile Home Parks: Three spaces for each mobile home.
17. Wholesale business: one space for each two (2) employees based on maximum seasonable employment.

Section K. OFF-STREET LOADING AND UNLOADING SPACE.

On every lot on which business, trade, or industrial use is hereafter established, space with access to a public street or alley shall be provided as indicated below of the loading and unloading of vehicles off the public street or alley:

1. Retail business: One space of at least 12 x 25 feet for each 3,000 square feet of floor area of part thereof.
2. Wholesale and industrial: One space of at least 12 x 50 feet for each 10,000 square feet of floor area or part thereof.
3. Bus and truck terminals; Sufficient space to accommodate the maximum number of buses or trucks that will be stored and loading and unloading at the terminal at any one time.

Section L. INGRESS AND EGRESS. A plan for adequate and safe ingress and egress for all land uses shall be required. A site plan showing ingress and egress shall be submitted to and approved by the building inspector.

Section M. The use of mobile homes as dwellings are permitted only in mobile home parks.

Section N. Mobile Home Parks. A mobile home park is any plot of ground containing a minimum of one acre upon which two or more mobile homes are located or are intended to be located, but does not include sites where unoccupied mobile homes are on display for sale. The following property development standards shall apply for all mobile home parks:

The owner of the land parcel proposed for a mobile home park shall submit a plan for development to the Mount Carmel Planning Commission. The plan shall show:

1. The park plan drawn to scale.
2. The area and dimensions of the proposed park.
3. The location and width of all roads.
4. The location and dimensions of any proposed service buildings and structures.
5. The location of all water and sewer lines.
6. The location of all equipment and facilities for refuse disposal and other park improvements.
7. A drainage plan of the park.
8. A certificate of accuracy signed by the surveyor or engineer that the engineering work is correct.
9. Certificate and signature of the health officer.
10. Any other information deemed pertinent by the planning commission.

Each mobile home park site shall meet the following minimum standards:

1. Shall have a minimum twenty (20) feet between each mobile home.
2. All mobile homes, structures, and pavement shall be setback 30 feet from side and rear property lines.
3. The site shall be located in a flood free area with proper drainage.
4. Entrances and exits to the mobile home park shall be designed for safe and convenient movement of traffic into and out of the park, and shall be located and designed as prescribed by the planning commission.
5. There shall be a planted buffer strip along the side and rear property lines. Any part of the park area not used for buildings or other structures, parking, or access ways shall be landscaped with grass, trees, and shrubs.
6. The park shall be adequately lighted.
7. Each mobile home park shall provide three off-street parking spaces for each mobile home space. Two parking spaces will be provided at the mobile home space with the other parking space provided at a convenient parking lot for overflow parking.

8. Roadways shall have a minimum pavement width of twenty (20) feet. All streets shall be paved with a minimum of two (2) inches of asphaltic concrete, prepared with mineral aggregate laid hot as specified under Section 4ll, Asphaltic Concrete Surface (hot mix) Grade E, mixed with sand, Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways, January 2, 1968, and latest revisions thereto.
9. Each mobile home shall be underpinned.

Section O. GROUP HOUSING AND PLANNED UNIT DEVELOPMENTS. A group housing apartment project is defined as any group of two or more buildings to be constructed on one parcel of land. A planned unit development is one defined as a comprehensive residential, commercial, or industrial development where project design does not include standard street, lot, and subdivision arrangements, and where shares, property, or units are to be sold. Group housing or planned unit development projects may be allowed upon review and approval by the Mount Carmel Planning Commission provided that the following are met:

1. A site plan showing the location of proposed buildings, roads, drives, parking, utilities, drainage, and any other information necessary for review must be presented to the planning commission.
2. In no case shall the planning commission approve a use prohibited, a higher density, a greater height, or a larger lot coverage than permitted in the district where the project is located.
3. A one acre minimum lot size is required.
4. When property is subdivided for the purpose of selling either proposed or existing townhouses, duplexes, or commercial shopping centers, side yard setbacks will not be required where the units connect.
5. Public and private roads in all developments in which property is to be subdivided, must be constructed to standards set forth in the Mt. Carmel Subdivision Regulations. All common driveways and parking areas for group housing developments and planned unit developments must be paved with hot asphalt or concrete pavement prior to final approval.
6. A plat for the conversion of rental units to condominiums must be approved by the Mt. Carmel Planning Commission along with a condominium agreement to maintain commonly owned land and structures.
7. Preliminary or design approval and final or recording approval shall be required for all condominium developments approved by the planning commission before any units can be sold. For condominium projects to be developed in stages or phases, preliminary or design approval shall be required on the entire project with final or recording approval required at the completion of each stage of construction before any units can be sold.

ARTICLE VI.

PROVISIONS GOVERNING USE DISTRICTS

Section A. LOW DENSITY RESIDENTIAL DISTRICT R-1. It is the intent of this district to establish low density residential areas along with open areas which appear likely to develop in a similar manner. The requirements for the district are designed to protect essential characteristics of the district, to promote and encourage an environment for family life and to prohibit all business activities. In order to achieve the intent of the Low Density Residential District (R-1) as shown on the Zoning Map of the Town of Mount Carmel, Tennessee, the following uses are permitted:

1. Single family dwellings;
2. Customary general farming;
3. Customary home occupations provided that: there is no external evidence of the occupation except an announcement sign not more than two (2) square feet in area; that only one person, not a resident of the dwelling is employed; and not more than 30 percent of the total floor area of the dwelling is used.
4. Public owned buildings and uses, schools offering general education, and churches and other semi-public uses provided that;
 - (a) The location of these uses shall first be reviewed by the Mount Carmel Planning Commission;
 - (b) The buildings are placed not less than thirty (30) feet from the side and rear property lines;
 - (c) There are buffer strips along side and rear property lines.
5. Customary accessory buildings provided that they are located in rear yards and not closer than ten (10) feet to any property line.

Section B. MEDIUM DENSITY RESIDENTIAL DISTRICT R-2. It is the intent of this district to provide areas for single and two family dwellings, to encourage development and continued use of the land for residential purposes, to prohibit business and industrial uses; and other uses which would interfere with development or continuation of single or two family dwellings. In order to achieve the intent of the Medium Density Residential District (R-2), as shown on the Zoning Map of the Town of Mount Carmel, Tennessee the following uses are permitted;

1. Any use permitted in the R-1 Residential District;
2. Duplexes

Section C. HIGH DENSITY RESIDENTIAL DISTRICT R-3. It is the intent of this district to provide for areas of multi family, high density residential development. An important purpose of this district is to create adequate standards for residential development in order to prevent overcrowded and unhealthy housing conditions. Intensities of development have been established to lessen traffic congestion, limit densities, to provide for adequate sunlight, air and usable open space for dwellings and adequate space for related facilities. In order to achieve the intent of the R-3 district as shown on the zoning map of Mount Carmel, the following uses are permitted.

1. Any use permitted in the R-2 residential district.
2. Multiple family dwellings are permitted on review by the Mount Carmel Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of Mount Carmel, and provided that no permit shall be issued without written approval of the Board of Zoning Appeals, and subject to the following minimum standards.
 - (a). A complete site plan showing the location of all buildings, courts, recreational areas, drives and walkways, parking lots, refuse disposal containers, drainage system and easements, and landscaping details.
 - (b). They are located on a lot containing a minimum of one acre.
 - (c). There is a minimum twenty-five foot landscaped and planted buffer strip along the side and rear lot line.
 - (d). There are no more than eight units per gross acre.

Section D. MOBILE HOME PARK DISTRICT R-4. It is the intent of this district to provide for areas for use of mobile homes as a residential use. It is the purpose of the district to provide exclusive areas for mobile homes which will be attractive and at a density which will prevent overcrowding, lessen traffic congestion, provide for adequate sunlight and open space. Within the R-4 residential district as shown on the zoning map of Mount Carmel, Tennessee the following uses are permitted.

1. Any use permitted in the R-3 Residential District.
2. Mobile home parks provided that the park contains a minimum of one acre, that there are no more than eight individual spaces per acre, and provided that all provisions of the mobile home park standards of Article V, Section N are met.

Section E. PROFESSIONAL OFFICE AND SERVICE DISTRICT (O-1)

It is the intent of this district to provide areas for professional offices while protecting continued land use for residential purposes and to prohibit other business and industrial uses. In order to achieve the intent of this district as shown on the Zoning Map of the Town of Mount Carmel, the following uses are permitted:

1. Any use permitted in the R-2 (Residential) District.
2. Professional offices for doctors, dentists, lawyers, architects, real estate agencies, insurance agencies that are licensed professionals.
3. Professional services such as surveyors, barbers, beauticians, physical therapist that are licensed professionals.

Section F. NEIGHBORHOOD BUSINESS DISTRICT (B-1)

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 achieve the intent

of the districts, as shown on the Zoning map of the Town of Mount Carmel, Tennessee, the following uses are permitted:

1. Any use permitted in the R-2 residential district;
2. Funeral homes, fraternal organizations and clubs, public and semi public uses.
3. Grocery stores, drug stores, hardware stores, shoe repair shops, barber and beauty shops, laundromats and laundry pick-up stations, restaurants, day care centers and similar uses;
4. Gasoline service stations provided that all structures, including underground storage tanks, shall be placed not less than twenty (20) feet from all property lines points of access and egress shall be not less than fifteen (15) feet from the intersection of street lines.

Section G. ARTERIAL BUSINESS DISTRICT (B-2). It is the intent of this district to establish business areas that encourage the groupings of compatible business activities in which parking and traffic congestion can be reduced to a minimum. In order to achieve the intent of this district, as shown on the Zoning Map of the Town of Mount Carmel, Tennessee, the following uses are permitted:

1. Any use permitted in the B-1 District.
2. Stores and shops conducting retail business;
3. Personal, business, and professional services;
4. Public and semi-public buildings and uses provided that public and semi public budding and uses shall first be reviewed by the Mount Carmel Regional Planning Commission;
5. Apartments;
6. Places of assembly;
7. Shopping centers
8. Auto and mobile home sales
9. Auto repair establishments

Section H. GENERAL BUSINESS DISTRICT (B-3)

It is the intent of this district to provide for business uses which need some buffering from other business uses and have some aspects closely associated with manufacturing. In order to achieve the intent of this district, as shown on the Zoning Map of the Town of Mount Carmel, the following uses are permitted:

1. Any use permitted in the B-2 District;
2. Wholesale business, warehouses, storage yards and buildings and similar uses;
3. Places of amusement and assembly;

4. Public and semi-public buildings and uses;

Section I. INDUSTRIAL DISTRICT M-1

It is the intent of this district to establish industrial areas along with open areas which will likely develop in a similar manner. The requirements established in the district regulations are designed to protect the essential characteristics, to promote and encourage industrial, wholesaling and business uses. in order to achieve the intent of the district as shown on the Zoning Map of the Town of Mount Carmel, Tennessee, the following uses are permitted:

1. Any use permitted in the B-3 business districts except residences;
2. Terminals;
3. Any industry which does not cause injurious or obnoxious noise, fire hazards or other objectionable conditions as determined by the Building Inspector.

**ARTICLE VII.
AREA, YARD AND HEIGHT REQUIREMENTS**

District	Minimum Lot Size Single Family Dwellings		Minimum Yard Requirements From Property Lines			Maximum Height of Structures
	Area in Sq. Ft.	Per Additional Family	Front	Side (Each Side)	Rear	
R-1	15,000		30 ft.	10 ft.	25 ft.	35 ft.
R-2	10,000	5,000	30 ft.	10 ft.	25 ft.	35 ft.
R-3 ¹	8,500	5,000	30 ft.	10 ft.	25 ft.	35 ft.
R-4 ²	8,500	5,000	30 ft.	10 ft.	25 ft.	35 ft.
O-1			30 ft.	10 ft.	25 ft.	35 ft.
B-1			30 ft.	10 ft.	25 ft.	35 ft.
B-2						70 ft.
B-3			30 ft.	10 ft.	25 ft.	70 ft.
M-1			30 ft.	20 ft.	25 ft.	70 ft.

¹ Minimum lot size for multi-family developments of three (3) or more units shall be one (1) acre with no more than eight (8) units per acre.

² Minimum lot size shall be one (1) acre with no more than eight mobile homes or units per acre.

ARTICLE VIII.
EXCEPTIONS AND MODIFICATIONS

Section A. LOT OF RECORD. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this ordinance does not own sufficient land to enable him to conform to the yard of other requirements of this ordinance, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this ordinance, in accordance with Article XI, Section D 3. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as close as is possible.

Section B. FRONT YARDS. The front yard requirements of this ordinance for dwellings shall not apply to any lot where the average depth of existing front yards on developed lots, located within one hundred (100) feet on each side of such lot and within the same block and zoning district and fronting on the same street as such lot, is less than the minimum required front yard depth. In such case, the minimum front yard shall be the average of the existing yard depths on the developed lots.

**ARTICLE IX.
SIGN REGULATIONS**

Section A. PURPOSE

The purpose of this Article is to regulate the erection, location and maintenance of all exterior signs within the Town of Mt. Carmel. These regulations are established as a reasonable and impartial method of controlling advertising structures so as to protect property values, the visual character of Mt. Carmel development, and the public health, safety and welfare. Signs are deemed to be an accessory and incidental use to the land and building which they identify or advertise. It is intended that such signs will be appropriate and adequate, but not excessive, in performing their identification or advertising function.

Section B. REGULATIONS

1. Conformance: All signs erected, replaced, reconstructed, expanded, or relocated on any property shall conform with the provisions of this Article and with all other pertinent laws or ordinances of the Town of Mt. Carmel. All portable signs erected and in existence prior to the effective date of this ordinance are deemed nonconforming. A grace period of ninety (90) days from the date of adoption of this ordinance shall be granted for portable signs after which all such signs shall be required to be removed.
2. Permit: No signs, except as outlined below, shall be erected, remodeled, relocated, or expanded until an application containing information as required is made and a permit issued by the building inspector.

Exceptions to permit requirements are:

- (a). Signs generally permanent in nature -
 - (1) Official signs - traffic or other public signs, historical signs, legal notices, railroad crossing signs, danger signs, and such temporary, emergency or other nonadvertising signs as may be approved and/or erected by the city, county, state or federal government.
 - (2) On-site directional or location signs - small signs, not to exceed two (2) square feet in area, to identify underground public utilities, public telephones and restrooms, parking areas, freight entrances, etc., or to direct traffic movement onto or within a premises.
 - (3) Permanent subdivision signs - indicating the name of the subdivision shall be permitted only after said sign has been approved by the planning commission.
 - (4) Warning Signs - signs no larger than four (4) square feet in area warning the public against hunting, fishing, trespassing, swimming or the like or to advise of dangerous animals, hazardous wastes, unsafe conditions or the like on the applicable property.

(b). Signs which exist for only a limited time period -

- (1) Official Notices and Campaigns - Official notices of government, political, civic, philanthropic, educational or religious campaign signs not to exceed fifteen (15) square feet and three (3) months time duration. Each of these signs is to be removed within ten (10) calendar days of notice action date. All political campaign advertising placed on highway rights-of-way or other publicly owned property shall be removed within a reasonable period of time, not to exceed three (3) weeks, following the election.
- (2) Real Estate Signs - One (1) unlighted real estate sign on premises of property for sale, lease, or rental not to exceed four (4) square feet in residential or twenty-four (24) square feet in any other district. Such signs shall be removed within ten (10) calendar days of the sale, rental, or lease of said premises.
- (3) Yard Sale Signs - One (1) unlighted yard sale sign on premises of property that the sale takes place, not to exceed four (4) square feet. Such signs shall be removed within ten (10) calendar days of the sale. One (1) off-premises directional signs not to exceed four (4) square feet is permitted and shall be removed within two (2) calendar days of the sale.
- (4) Construction Signs - No more than one (1) on site sign per street property frontage identifying the owner, financiers, professional design firms and contractors associated with construction, alteration, or removal or subdivision identifying the developer's purpose, excluding any product advertisement. Each permitted sign shall not exceed twenty-four (24) square feet. Construction signs in residential areas are limited to four (4) square feet in size. All signs shall be removed within ten (10) calendar days after completion of construction and be displayed no longer than one (1) year from date of erection.
- (5) Business Announcements - Unlighted temporary signs not to exceed twenty-four (24) square feet are permitted in a commercial zone for a period of not more than thirty (30) days. If erected for greater than thirty (30) days a sign permit is required.

3. Prohibited Signs

- (a). Off-premises Signs - All off-premises signs not specifically mentioned shall not be permitted.
- (b). Portable Signs - Portable signs, folding signs and similar movable signs are prohibited. A portable sign is defined as any sign which is or is intended to be affixed or mounted to a frame with wheels for the expressed purpose of easy mobility, and is intended ordinarily to be leased for short periods of time for promotional sales, grand openings, etc. Any sign which does not conform to the Southern Building Code shall be considered in violation of these regulations.
- (c). Roof-Mounted Signs - Any signs attached to a building shall not be located upon the roof nor project above the building.

- (d). **Animated Signs** - Any sign which contains flashing or intermittent red, blue, green or amber illumination or contains any part which is in motion, flutters, rotates, except for the hands of a clock, is prohibited.
 - (e). **Billboards** - All signs which advertise or are intended to advertise a product, service or other business not located on the premises are not allowed.
 - (f). **Other Signs** - Any sign not provided for in this ordinance shall be prohibited.
4. **General Provisions** - The following shall apply in all zoning districts:
- (a). **Operations** - The changing of copy on an approved sign specifically designed for use of replaceable copy, the painting, repainting, cleaning or other normal maintenance, unless a structural change is made, shall not require a building permit.
 - (b). **Traffic Hazard** - signs are prohibited which may interfere with, mislead or confuse traffic through use of improperly working graphics, location, size, shape or color and thereby interfere with traffic signals, control signs or other aspects of safe street driving conditions. No sign shall use the words "Stop", "Go", "Caution", "Yield", or other such words when such would be confused with traffic signs or devices. No sign shall be closer than fifteen (15) feet to an intersection right-of-way.
 - (c). **Lighting** - Any lighting arrangement with exposed tubes or strings of lights that causes direct glare upon an unrelated building, driver or passerby are prohibited. Any sign displaying flashing or intermittent lights or changing colors are prohibited. Signs indicating time, temperature, and barometric pressure are permitted if they do not interfere with public safety or create a traffic hazard. Other computerized moving message signs must be approved by the planning commission.
 - (d). **Trees and Utility Poles** - No sign shall be attached to trees or utility poles.
 - (e). **Height Clearance** - All signs shall have a minimum clearance of ten (10) feet above a walkway.
 - (f). **Set Back** - Unless otherwise restricted no sign shall project beyond a property line, and no part of any sign shall be closer than five (5) feet to any street right-of-way. Those free-standing signs described in subsections B.5.c, B.5.d, and B.5.e and located along Main Street shall be located no closer than fifteen (15) feet from the edge of the street pavement. • Wall signs shall not project more than eighteen (18) inches from the exterior of a building.
 - (g). **Sign content** - signs which contain statements or words of obscene, pornographic, or immoral character, contain matter which is untruthful or emit audible sound, odor or visible matter are prohibited.
 - (h). **Off premises directional signs** - signs shall be mounted on a single pole provided at the discretion of the Town of Mt. Carmel at major street intersections. Each attached sign shall be approved by the building inspector and shall conform to a standard design.

5. District Provisions

(a). Low Density Residential district, R-1

- (1) Home Occupations** - conducted in a dwelling are permitted one sign provided the area of one side of the sign does not exceed three (3) square feet and the sign shall not be illuminated by any means.
- (2) Yard Sale Signs** - one yard sale type sign is permitted provided the area of one side of the sign does not exceed four (4) square feet, the sign shall not be illuminated by any means and the sign shall be placed no more than two days prior to the day the sale is to take place.

(b). Medium Density Residential District, R-2

- (1)** As for low density residential districts, R-1

(c). High density Residential District, R-3

- (1)** As for medium density residential district, R-2
- (2) Multi-family Developments** - one permanent identification sign is permitted at each major street access provided that such signs do not exceed twenty-four (24) square feet in area per side with a maximum number of two sides, height of sign shall not exceed twelve (12) feet, signs shall be set back a minimum of twenty (20) feet from any property line, and the signs shall be indirectly illuminated.

(d). Mobile Home District, R-4

- (1)** As for high density residential district, R-3

(e). Professional Office District, O-1

- (1)** As for mobile home district, R-4
- (2) Single tenant offices and multi-tenant offices** shall be permitted one free standing sign, provided that sign area shall not exceed twenty-four square feet in area per side of sign. The height of sign shall not exceed twelve feet. Wall signs for each business shall not exceed three square feet. Free standing signs and road signs shall not be illuminated.

(f). Neighborhood Business District, B-1

- (1)** As for high density residential district, R-3.
- (2) Single tenant Business and Multi-tenant Center** - permitted one free standing sign provided that sign area shall not exceed twenty-four (24) square feet in area per side of sign and height of sign shall not exceed twelve (12) feet. Wall signs are permitted provided the aggregate sign surface area does not exceed 20 percent of the facade on which the signs are to be displayed.

(g). Arterial business District, B-2

- (1) As for Neighborhood Business District, B-1, with the exception that maximum sign height shall be forty (40) feet and the free standing sign area shall not exceed one-hundred twenty five (125) square feet.

(h). General Business District, B-3

- (1) As for Arterial Business District, B-2

(i). Industrial District, M-1

- (1) Upon review and approval of the planning commission

Section C. ADMINISTRATION

1. Permits - a fee of twenty (20) dollars per permit shall be charged. Permits for signs shall become null and void if the sign is not installed within six (6) months after the date of issuance of the permit.
2. Inspection - The building inspector shall inspect at any time that he deems necessary each sign regulated by this article to insure that suchh sign conforms to this article and all other city ordinances.
3. Permit Revocation - The building inspector is hereby authorized and empowered to revoke any permit upon failure of the holder thereof to comply with any provision of this code.
4. Unsafe and Unlawful Signs - If the building inspector finds that any sign is unsafe or insecure or is a menace to the public or has been constructed or erected or is being maintained in violation to the provisions of this article, he shall give written notice to the owner of the sign and/or the property and /or the architect, builder, contractor, or agent for both or either requiring the sign to be made safe and secure or to be removed. If the sign is not removed or altered so as to render it safe and secure, the building inspector shall proceed with action as provided by law. The building inspector may cause any sign which is an immediate danger to persons or property to be removed immediately and without notice. The written notice is not required for signs allowed in subsection B.2.a. and B.2.b.
5. Abandoned Signs - Signs which advertise a discontinued use of a building shall be removed within forty-five (45) days from the date the use was teminated. If such signs are note removed within this time period, they shall be removed at the direction of the buiding inspector. The cost of removal shall be placed as a lien agianst the property until such cost is paid.
6. Appeals - Disputes on questions of conformity to the regulations shall be resolved by the Board of Zoning Appeals.

ARTICLE X. **ENFORCEMENT**

Section A. ENFORCING OFFICER. The provisions of this ordinance shall be administered and enforced by a Building Inspector appointed by the Mayor and approved by the Board of Mayor and Aldermen, who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this ordinance.

Section B. BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY

1. **Building Permit Required.** It shall be unlawful to commence excavation for the construction of any building including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the Building Inspector has issued a building permit for such work.
2. **Issuance of a Building Permit.** In applying to the Building Inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height, location on the lot of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance and other ordinances of the Town of Mount Carmel, then in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state such refusal in writing with the cause.
 - (a) The issuance of a permit shall in no case be construed as waiving any provision of this ordinance.
 - (b) A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.
3. **Certificate of Occupancy.** No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Building inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this ordinance.
4. **Records.** A complete record of such application, sketches and plans shall be maintained in the office of the Building inspector.

Section C. PENALTIES. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than two (2.00) dollars nor more than fifty (\$50.00) dollars for each offense. Each day such violation shall continue shall constitute a separate offense.

Section D. REMEDIES. In case any building or structure is erected, constructed, reconstructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of this ordinance, the Building Inspector or any other appropriate authority or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute injunction, mandamus or other appropriate action in proceeding to prevent the occupancy or use of such building, structure or land.

ARTICLE XI.

BOARD OF ZONING APPEALS

Section A. CREATION AND APPOINTMENT. A Board of zoning Appeals is hereby established in accordance with Section 13-7-205, *Tennessee Code Annotated*. The Mount Carmel Planning Commission is hereby designated as the Board of Zoning Appeals. It shall be appointed by the Mayor of the town and confirmed by the majority vote of the Board of Mayor and Aldermen. The term of individual membership shall be concurrent with appointment on the Mount Carmel Planning Commission.

Section B. PROCEDURE. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall adopt rules of procedure and shall keep records of applications and actions thereon which shall be a public record.

Section C. APPEALS: How Taken. An appeal to the Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved, or by any governmental office, or department, board or bureau affected by an decision of the Building inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any person or party may appear and be heard in person or by agent or by attorney.

Section D. POWERS. The Board of Zoning Appeals shall have the following powers:

1. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.
2. Special Exceptions. to hear and decide applications for special exceptions upon which the Board of Zoning Appeals is specifically authorized to pass.
3. Variance. To hear and decide applications for variance from the terms of this ordinance but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the adoption of this ordinance was a lot of record; or where by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions or a piece of property the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance as specifically authorized in Article VIII, Section A and B.
 - (a) In granting a variance the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance.
 - (b) Before any variance is granted it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood.

ARTICLE XII. **AMENDMENT**

Section A. PROCEDURE. The Board of Mayor and Aldermen may amend the regulations, boundaries, or any provision of this ordinance. Any member of the town board may introduce such amendment, or any official, board or any other person may present a petition to the Board of Mayor and Aldermen requesting an amendment or amendments to this ordinance.

Section B. APPROVAL BY PLANNING COMMISSION. No such amendment shall become effective unless the same be first submitted for approval, disapproval or suggestions to the planning commission. If the planning commission within thirty (30) days disapproves after such submission, it shall require the favorable vote of a majority of the entire membership of the city board to become effective. If the planning commission neither approves nor disapproves such proposed amendment within forty-five (45) days after such submission, the action of such amendment by said board shall be deemed favorable.

Section C. INTRODUCTION OF AMENDMENT. Upon the introduction of an amendment to this ordinance or upon the receipt of a petition to amend this ordinance, the board of mayor and aldermen shall publish a notice of such request for an amendment, together with the notice of time set for hearing by the board of mayor and aldermen on the requested change. Said notice shall be published in a newspaper of general circulation in the Town of Mount Carmel, Tennessee. Said hearing by the board of mayor and aldermen shall take place not sooner than fifteen (15) days after the date of publication of such notice.

**ARTICLE XIII.
LEGAL STATUS PROVISIONS**

Section A. CONFLICT WITH OTHER ORDINANCES. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Mount Carmel, the most restrictive shall in all cases apply.

Section B. VALIDITY. If any section, clause, provision or portion of this ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this ordinance which is not of itself invalid or unconstitutional.

Section C. EFFECTIVE DATE. This ordinance shall take effect and be in force fifteen (15) days from and after its passage, the public welfare demanding it.

Certified by Planning Commission

Passed on First Reading

Passed on Second Reading

Approved and Signed in Open Meeting

Ronnie L. Davis
Mayor

Approved/as to Form:

/s/ Michael A. Faulk, City Attorney

Attest

/s/ Rita J. Jones, City Recorder