

*Filed*

**ORDINANCE NO. 177**

AN ORDINANCE TO BE KNOWN AS THE REGIONAL ZONING ORDINANCE; TO PROVIDE FOR THE ZONING OF ALL THAT PORTION OF THE REGIONAL PLANNING AREA OUTSIDE THE CORPORATE LIMITS; TO PROVIDE FOR THE CREATION, MAINTENANCE, ADMINISTRATION AND ENFORCEMENT OF A ZONING MAP; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE

WHEREAS, the provisions of Chapter 217 of the 1959 Public Acts of Tennessee, as amended, and codified in Tenn. Code Anno. § 13-7-302 states:

*Power is hereby granted to the chief legislative body of any municipality to establish by ordinance zones or districts in territory adjoining but outside of such municipality and lying within planning regions in which the municipal planning commission has been designated as the regional planning commission under Section 13-3-102, and in which territory the county has no zoning already in force; provided, that prior to final enactment of such ordinance, six (6) months' notice of intent shall have been filed with the county executive of the county or counties within which the municipality and/or region lies. Within such zones or districts the municipality may by ordinance regulate the location, height, bulk, number of stories and size of buildings and other structures, the percentage of lot occupancy, the required open spaces, the density of population, and the uses of land, buildings and structures; and,*

WHEREAS, the County Executive for Hawkins County, Tennessee, was provided in writing on the 6th day of August, 1996, with the Notice of Intent of the Town of Mount Carmel, Tennessee, to adopt Regional Zoning -- all in compliance with Tenn. Code Anno. § 13-7-302; and

WHEREAS, six (6) months will have passed since the above-noted Notice of Intent was given on the 6th day of August, 1996; and

WHEREAS, pursuant to Tennessee Code Annotated §13-7-203 (a) before enacting the zoning ordinance or any amendment thereof, the chief legislative body shall hold a public hearing thereon, at least fifteen (15) days' notice of the time and place of which shall be published in the official municipal journal or in a newspaper of general circulation in the municipality said public hearing having been conducted on February 27, 1997; and

WHEREAS, the Mount Carmel Regional Planning Commission has recommended and certified to the Mount Carmel Board of Mayor and Alderman the implementation of such Regional Zoning until such time as the Zoning Ordinance of Hawkins County, Tennessee, shall become effective [July 1, 1997]; and

WHEREAS, Tenn. Code Anno. § 13-7-306 provides:

*In any county in which regional zoning has been adopted under this part, whenever the county legislative body adopts county zoning to cover at least such regional area and has provided for the administration and enforcement thereof, then and thereby the zoning provided for such regional area under this part is automatically superseded and repealed; and*

WHEREAS, the public welfare requires it.

NOW, THEREFORE,

**BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN of the  
Town of Mount Carmel, Tennessee, as follows: (see attached)**

\_\_\_\_\_  
JAMES DEAN Mayor

ATTEST:

\_\_\_\_\_  
NANCY CARTER, Recorder

APPROVED AS TO FORM:

*Michael A. Faulk*  
\_\_\_\_\_  
LAW OFFICE OF MICHAEL A. FAULK

PASSED 1ST READING: \_\_\_ Ayes \_\_\_ Nays \_\_\_ Other \_\_\_ *Failed 4-24-1997*  
PASSED 2ND READING: \_\_\_ Ayes \_\_\_ Nays \_\_\_ Other \_\_\_  
PUBLIC HEARING: March 27, 1997

<b>PUBLISHED ON:</b>	_____
DATE:	_____
NEWSPAPER:	_____

**REGIONAL  
ZONING ORDINANCE  
FOR  
MOUNT CARMEL, TENNESSEE**

**Adopted**

**Amended Through**

Prepared for  
**THE MOUNT CARMEL REGIONAL PLANNING COMMISSION**

**Larry Frost, Chairman**  
**Eugene Christian, Vice Chairman**  
**Mrs. Pat Roberts, Secretary**  
**James Dean, Mayor**  
**Carl Wolfe, Alderman**  
**Donald Carter**  
**Denzil Chase**  
**James Click**  
**James Davis**  
**David Sensabaugh**

Prepared By  
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**ZONING ORDINANCE**  
**FOR**  
**MOUNT CARMEL, TENNESSEE**

**TITLE OF ORDINANCE**

A ordinance establishing zone districts within the unincorporated territory of Mount Carmel's Planning Region, regulating the uses of property therein, adopting a map of said districts, requiring zoning permits for the construction and use of buildings and premises within said districts, establishing a board of zoning appeals and fixing the powers and duties thereof, and providing for the adjustment, enforcement, and penalties for violation of this ordinance.

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

**AUTHORITY FOR ORDINANCE**

WHEREAS, authority has been conferred by the General Assembly in Section 13-7-301 through Section 13-7-306, *Tennessee Code Annotated*, to provide for the establishment of districts or zones in the Mount Carmel Planning Region which lies outside the corporate limits for the location, height, and size of buildings and structures, the required open spaces, the density and distribution of population, and the uses of lands, buildings, and structures; and

WHEREAS, The Mount Carmel Regional Planning Commission, after a comprehensive study of present land uses, development, and development trends, has prepared, adopted, and recommended zones and appropriate regulations to which all owners of property affected were given ample opportunity, after public notice, to file their protests or criticisms thereon, if any.

NOW, THEREFORE, Be it resolved by the Mount Carmel Board of Mayor and Alderman as follows:

**ARTICLE I**

**GENERAL PURPOSE**

For the purpose of promoting the public health, safety, convenience, order, and general welfare of Mount Carmel, Tennessee, and to lessen congestion in the streets, to prevent the overcrowding of land, to avoid undue concentration of population, to facilitate the adequate provisions of transportation, water, sewerage, schools, parks, and other public requirements; to promote desirable living conditions and the sustained stability of neighborhoods, protecting property against blight and depreciation, securing economy in governmental expenditure, and encouraging the most appropriate use of lands, buildings, and other structures throughout the planning region, all in accordance with a comprehensive plan, the Board of Mayor and Alderman of Mount Carmel, does hereby ordain and enact into law the following articles and sections:

## ARTICLE II

### DEFINITIONS OF TERMS USED IN ORDINANCE

Except as specifically defined herein, all words used in the ordinance have their customary dictionary definition. For the purpose of this ordinance, certain words or terms used herein shall be defined as follows: words used in the present tense include the future tense. Words used in the singular number include the plural, and words used in the plural include the singular. The word "person" includes a firm, co-partnership, company, organization, trust, association, corporation, as well as an individual. The word "lot" includes the word "plot" or "parcel." The word building includes the word "structure."

The word "shall" is always mandatory. 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.

201. Accessory Use or Accessory Structure. A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.

202. Automobile Wrecking Yard. A premises used for the outside storage or sale of five or more inoperative used automobile or truck parts, or for the storage, dismantling, or abandonment of junk, obsolete automobiles, trailers, trucks, machinery, or parts thereof.

203. Building, Principal. A building in which is conducted the main or principal use of a lot on which said building is located.

204. Buffer Strip. A buffer strip shall be composed of plant material to provide an obscuring screen consisting of shrubs spaced not more than five feet apart that will grow to at least five feet in width and six feet in height after one full growing season. Buffer strips shall be a minimum of ten feet in width and shall be landscaped with trees, shrubs, grass and in a manner as specified by the building inspector. Any decision or order of the building inspector may be appealed to the planning commission for review and final determination. Other material or method of screening than that outlined above may be approved by the planning commission.

205. Dwelling, Multi-Family. A building or portion thereof, designed for occupancy by three or more families living independently of each other.

206. Dwelling, Single-Family. A detached building containing one dwelling unit and designed for occupancy by one family only.

207. Dwelling, Two-Family. A detached building containing two families.

208. Dwelling Unit. One or more rooms in a building designed for occupancy by one family and having not more than one principal cooking facility.

209. 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.

210. Mobile Home. A trailer house to be used as a residence not less than 32 feet in body length designed for long term occupancy and containing a flush toilet, a tub or shower bath, and kitchen facilities with water supply, electrical supply, and sewage disposal connected to outside systems. A mobile home for the purpose of this ordinance does not include a mobile unit to be used in conjunction with a commercial or industrial activity.

211. Mobile Home Park. An area or tract of land of not less than two (2) acres where two or more mobile homes as herein defined are placed, located or maintained, or intended to be placed, located or maintained for permanent residence, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

212. 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.

213. Structure. Something constructed or built and having a fixed base on, or fixed connection to, the ground or another structure.

214. Use. The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

**ARTICLE III**

**ESTABLISHMENT OF DISTRICTS**

For the purpose of this ordinance, Mount Carmel, Tennessee, is hereby divided into nine (9) classes of districts as follows:

- A-1 General Agriculture District
- A-1A General Agriculture District
- R-1 Low Density Residential District
- R-2 Medium Density Residential District
- R-3 High Density Residential District
- B-1 Arterial Business District
- B-2 General Business District
- M-1 Light Industrial District
- M-2 Heavy Industrial District

The boundaries of these districts are hereby established as shown on the map entitled "Regional Zoning Map of Mount Carmel, Tennessee," which accompanies this ordinance and which is on file at Mount Carmel City Hall. Unless otherwise specifically indicated on the map, the boundaries of districts are lot lines or center lines of streets or alleys or such lines extended, the boundary lines with cities, or a line midway between the main track of a railroad or the center lines of streams or other water bodies.

ARTICLE IV

APPLICATION OF REGULATIONS

Except as hereinafter provided.

401. Use. No building, structure 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.

402. Street Frontage. No dwelling shall be erected on a lot which does not abut at least forty (40) feet on a public street, except that lots fronting on cul-de-sacs may have a minimum road frontage of thirty (30) feet if the lot is at least fifty (50) feet in width at the minimum setback line. Lots of record that do not have the required road frontage may be granted a variance by the Board of Zoning Appeals provided that the requirements of this resolution are complied with as closely as possible.

403. Corner Lots. The minimum width of a side yard along an intersecting street shall be 50 percent greater than the minimum side yard requirements of the district in which the lot is located.

404. One Principal Building on a Lot. Only one principal building and its customary accessory buildings may hereafter be erected on any lot unless the second or additional buildings meets all of the requirements of the district in which it is located.

405. Conformity to Subdivision Regulations. No building permit shall be issued for or no building shall be erected on any lot within the planning region, 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 Regional Planning Commission and such approval entered in writing on the plat by the secretary of the commission.

406. Deed Restrictions. Deed restrictions shall not be construed to be superseded nor abrogated by this zoning ordinance where the provisions of this ordinance are less restrictive in nature than the restrictions in the deed; nor shall deed restrictions be construed to override, annul, abrogate, or supersede any provision of this ordinance where said deed restrictions are less restrictive in nature than the provisions of this ordinance.

ARTICLE V

GENERAL PROVISIONS

501. Continuance of Nonconforming Uses. Any lawful use of any building or land existing at the time of the enactment of this ordinance or whenever a district is changed by an amendment thereafter may be continued although such use does not conform with the provisions of this ordinance with the following limitations.

501.1. No building or land containing a nonconforming use shall hereafter be extended unless such extensions shall conform with the provisions of this ordinance for the district in which it is located; provided, however, that a nonconforming use may be extended throughout those parts of a building which were manifestly arranged for such use prior to the enactment of this ordinance.

501.2. Any nonconforming building, which has been damaged by fire or other causes, may be reconstructed and used as before, unless it is determined by the building official that the building is damaged to the extent of more than seventy-five (75) percent of the fair cash market value of the structure, in which case any repair or reconstruction shall be in conformity with this ordinance.

501.3. When a nonconforming use of any building or land has ceased for a period of six months it shall not be reestablished or changed to any use not in conformity with the provisions of this ordinance.

501.4. Any building containing a nonconforming use shall not be changed to another nonconforming use unless it is determined by the planning commission that such use is less offensive than the previous use.

501.5. Nonconforming Mobile Home. A mobile home deemed to be a legal nonconforming use at the time of the adoption of this ordinance and located on a single lot may be replaced under the following conditions.

501.5.1. Provided that they are replaced within six months of the removal or destruction of the previous mobile home;

501.5.2. Provided that the replacement mobile home is of structural quality equal to or exceeding that of the previous mobile home in the opinion of the building inspector;

501.5.3. Provided that they meet the front, side and rear yard requirements of the district in which they are located.

501.6. A nonconforming commercial or industrial use may be expanded provided that said expansion is approved by the Church Hill Regional Planning Commission. Before any expansion is begun, however, a set of plans showing existing development and the proposed expansion shall be presented to the planning commission for review and approval. A nonconforming use by its nature is not in character with its surrounding neighborhood, therefore, an effort shall be made to maintain the aesthetic characteristics of the neighborhood in order to protect the safety and welfare of citizens and to protect property values. Since noise, visual pollution, and traffic congestion are the primary sources of incompatibility of land uses, efforts should be made to minimize their effects. A

site plan showing the following, as a minimum, may be required by the planning commission where the proposed development would adversely effect the public welfare.

- 501.6.1. A signed statement by a licensed engineer or architect indicating existing noise levels and proposed noise levels when the expansion is completed.
- 501.6.2. Landscaped areas indicating fencing, bermes, and planted buffer strips.
- 501.6.3. Off-street parking, and loading and unloading areas.
- 501.6.4. erosion and sedimentation control.
- 501.6.5. Points of ingress and egress.
- 501.6.6. A bond may be required to insure completion of all required improvements.
- 501.6.7. Any other data deemed necessary by the planning commission.

502. Off-Street Automobile Parking. Off-street automobile parking must be provided on every lot. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall be at least 9 feet by 18 feet and shall have vehicular access to a public street. Turning space shall be provided so that no vehicle will be required to back into a through county road except for single family residences. Single family residential parking may include the driveway and garage. Condos and apartments may count garages at the discretion of the planning commission. Any area once designated as required for off-street parking shall not be chanced to any other use unless they are replaced.

- 502.1. Churches: One space for each four (4) seats.
- 502.2. Day Care Centers, Private Schools or centers of instruction, and similar uses: one space for each instructor plus one space for each four students.
- 502.3. Dwellings: Two spaces for all dwelling units.
- 502.4. Funeral Parlors: One space for each four (4) seats in the chapel.
- 502.5. Gasoline service stations, automobile repair garages and similar establishments: For (4) spaces for each bay or similar facility plus one space for each employee.
- 502.6. 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.
- 502.7. Hotel: One space for each three (3) employees plus one space for each guest room.

502.8. Industry: One space for each two (2) employees computed on the largest number of persons employed at any period during day or night.

502.9. Motels: One space for each three (3) employees plus one space for each accommodation.

502.10. Offices: One space for each three hundred (300) square feet of floor space.

502.11. Places of public assembly: One space for each three (3) seats in the principal assembly area.

502.12. Recreation and amusement areas without seating capacity: One space for each four (4) customers computed on maximum service capacity.

502.13. Restaurants, clubs, and lodges: One space for each three (3) employees plus one space for each four seats.

502.14. Retail business and similar uses: One space for each two hundred (200) square feet of gross floor space.

502.15. Wholesale business: one space for each two (2) employees based on maximum seasonable employment.

502.16. The building inspector may adjust the parking requirements upward or downward based on best available information.

503. Off-Street Loading and Unloading Space. Adequate loading and unloading spaces for each business and industrial use shall be provided on site with no encroachment onto public streets or alleys.

504. Vision Clearance. No fence, wall, shrubbery, sign, or other obstruction to vision between the height of three feet and fifteen feet shall be permitted within twenty feet of the intersection of the rights-of-way lines of streets, or of streets and railroads.

505. Access Control. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply.

505.1. A point of access, i. e., a drive or other opening for vehicles onto a street shall not exceed thirty-five (35) feet in width.

505.2. There shall be no more than two (2) points of access to any one (1) public street on a lot of less than 400 feet but more than 100 feet in width. Lots less than one hundred(100) feet in width shall have no more than one (1) point of access to any one (1) public street.

505.3. No point of access shall be allowed within twenty (20) feet of the right-of-way of any public street intersection.

505.4. Cases requiring variances relative to this action, and hardships not caused by the property owner, shall be heard and acted upon by the Board of Zoning Appeals.

505.5. Access control on property abutting state or federal highways shall be governed by official regulations of the Tennessee Department of Transportation, Division of Highways or the provisions of this resolution, whichever is higher.

506. Mobile Home Park. A mobile home park is any plot of ground containing a minimum of two acres 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:

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

506.1.1. The park plan drawn to scale.

506.1.2. The area and dimensions of the proposed park.

506.1.3. The location and width of all roadways.

506.1.4. The location and dimensions of any proposed service buildings and structures.

506.1.5. The location of all water and sewer lines.

506.1.6. The location of all equipment and facilities for refuse disposal.

506.1.7. A drainage plan of the park.

506.1.8. A certificate of accuracy signed by the surveyor or engineer that the engineering work is correct.

506.1.9. Certificate and signature of the health officer.

506.1.10. Any other information deemed pertinent by the planning commission.

506.2. Each mobile home park site shall meet the following minimum standards.

506.2.1. Shall have a minimum of twenty (20) feet between each mobile home.

506.2.2. All mobile homes and structures shall be setback 40 feet from side and rear property lines. There shall be a 20 feet greenway around the side and rear property lines which shall exclude all structures, mobile homes, and roadways.

506.2.3. The site shall be located in a flood free area with proper drainage.

506.2.4. 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.

506.2.5. 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. The buffer strip may be deleted by the planning commission with the reasons stated in the minutes.

506.2.6. The park shall be adequately lighted.

506.2.7 Each mobile home park shall provide a common area for playgrounds and leisure time pursuits totaling a minimum of 500 square feet for each mobile home space exclusive of roadways, mobile home spaces, and parking spaces.

506.2.8. Each mobile home park shall provide two off-street parking spaces for each mobile home. The parking spaces shall be located for convenient access to the mobile homes.

506.2.9. Roadways shall have a minimum pavement width of twenty (20) feet. All streets and parking spaces shall be paved with a minimum of two inches of asphaltic concrete, prepared with mineral aggregate laid hot as specified under Section 411, 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.

506.2.10. Each mobile home shall be underpinned.

507. Group Housing Projects (Apartments) and Residential, Commercial and Industrial Planned Unit Developments (Condominiums).

507.1. Same plan requirements and the applicable minimum standards from the previous section on mobile home parks shall apply to this section.

507.2. Maintenance agreement drawn by an attorney for PUD's.

507.3. Reviewed and approved by the planning commission.

507.4. Must meet other requirements of this resolution:

507.4.1. Must be an allowed land use in the zoning district.

507.4.2. Meet density standards.

507.4.3. Meet setback requirements.

507.4.4. Meet height restrictions.

507.4.5. Etc.

## ARTICLE VI

### USE REQUIREMENTS BY DISTRICTS

601. A-1 (General) Agriculture District. It is the intent of this district to provide space for agriculture and agriculturally oriented uses and structures which provide an important part in the economy, and at the same time provide space for development for an ever expanding population. This district is intended to provide locations for urbanization which are compatible with agriculture uses and to establish standards for future development.

601.1. In order to achieve the intent of the A-1 (General) Agriculture District, the following uses are permitted:

601.1.1. Farming uses, their accessory structures, and farming related uses including roadside stands for sale of farm produce provided they meet the setback requirements of this district.

601.1.2. General stores, cemeteries, restaurants, and professional offices.

601.1.3. Feed mills, farm supply stores, sawmills, greenhouses, commercial nurseries, auto repair shops, retail sales, offices, service business, small manufactures (pallet shop, machine shop, cabinet shops, etc.), churches, public and private schools, golf courses, parks, playgrounds, marinas, public utility substation type facilities, and airports provided a site plan is approved by the planning commission meeting the following standards:

(1) There shall be a buffer strip provided along side and rear property lines.

(2) There shall be a building setback at a distance of at least forty (40) feet from all street right-of-way lines, and twenty (20) feet from all other property lines. No signs, lighting, accessory buildings, solid waste containers, or similar items may be placed in the side and rear property line setbacks.

(3) The buffer strip requirement may be eliminated and the setback requirements reduced upon review by the planning commission if the noise levels, odors, and aesthetics generated are determined to be compatible with residential use.

(4) The site plan shall be drawn to scale and show the dimensions of the site, driveways, parking, buildings, and structures. Design plans for the buffer strip shall be submitted with the site plan.

(5) Any other information deemed pertinent by the planning commission.

601.1.4. Detached single-family dwellings.

601.1.5. Two family and multi-family dwellings provided that the side setback is twenty (20) feet for principle buildings.

601.1.6. Mobile homes provided there is only one mobile home per lot. However, three mobile homes will be permitted for tenant usage on large acreage farming enterprises.

601.1.7. Rural Family Mobile Home Parks may be allowed as a special exemption by the planning commission if the following standards are met:

- (1) A site plan drawn to scale showing the property boundaries and, the location of driveways, parking spaces, and mobile home spaces.
- (2) The first mobile home must have 20,000 square feet with 7,500 square feet for each additional mobile home. The maximum number of mobile homes allowed is three (3).
- (3) A minimum of 30 feet between each mobile home.
- (4) All mobile homes and structures shall be setback 20 feet from side and rear property lines, and 30 feet from the front property line.

601.1.8. Customary, incidental, home occupations conducted within the principal building provided there is no external; evidence of such occupation except announcement or professional sign attached to the principal building not more than two square feet in area, that only one person not a resident of the premises is employed, and that not more than 25 percent of the total floor area of any dwelling unit is in such use.

601.2. Area regulations. All buildings shall be setback from street or road right-of-way lines and lot lines to comply with the following yard requirements.

601.2.1. Lot Area	
Minimum for single-family dwelling units.	20,000 sq. ft.
Minimum for two family and multi-family units, first unit	20,000 sq. ft.
each additional unit	7,500 sq. ft.
601.2.2. Front Yard	
Minimum front yard setback	30 ft.
601.2.3. Rear Yard	
The minimum rear yard setback	30 ft.
601.2.4. Side Yard	
Minimum side yard setback	15 ft.

601.2.5. Customary accessory buildings shall have a minimum of 30 feet front yard setback and shall not be located closer than five feet to any side or rear lot line.

602 A-1A (General) Agricultural District Some intent and standards as the A-1 district except that rural mobile home parks are an allowed use.

602.1 Some land use standards, and setbacks as the A-1 district except that rural mobile home parks are an allowed use.

602.1.1 The maximum number of mobile homes allowed is twenty (20).

602.1.2 That no more than four (4) individual spaces per grass acre are provided.

602.1.3 Rural mobile home parks shall meet the mobile home park standards in Article V General Provisions.

603 R-1 (Low Density) Residential District. This is the most restricted residential district, intended for low density single-family use along with open areas which appear likely to develop in a similar manner. The requirements for the district are designed to protect essential characteristics and provide an environment for family life. Additional related uses normally required to provide the basic needs and conveniences of a residential area are permitted upon review by the planning commission provided certain standards are met. It is necessary to set higher standards for these related uses because they generate more traffic than single-family residential uses and would be detrimental to a residential neighborhood if they are not required to meet minimum standards.

603.1. Within the R-1 (Low Density) Residential District, the following uses are permitted:

603.1.1. Single-family residence.

603.1.2. Customary general farming.

603.1.3. Customary accessory buildings.

603.1.4. Customary, incidental, home occupations conducted within the principal building provided there is no external evidence of such occupation except announcement or professional sign attached to the principal building not more than two square feet in area, that only one person not a resident of the premises is employed, and that not more than 25 percent of the total floor area of any dwelling unit is in such use.

603.1.5. Publicly owned recreation facilities and grounds plus public utility stations.

603.1.6. Cemeteries, churches, day care centers, and both public and private schools offering general education provided:

(1) There is a buffer strip along the side and rear lot lines.

(2) Day care centers with fifteen or fewer children would be exempted from this section and treated as a single family dwelling unit.

603.2. Area Regulations

603.2.1. Lot Area	
Minimum for single-family dwelling units	15,000 sq. ft.
Minimum for two-family and multi-family units, first unit	15,000 sq. ft.

each additional unit 7,500 sq. ft.

Larger lot areas may be required by the health department unless sanitary sewers are available.

603.2.2. Front Yard  
Minimum front yard setback 30 ft.

603.2.3. Rear Yard  
Minimum rear yard setback 30 ft.

603.2.4. Side Yard  
Minimum side yard setback 12 ft.

603.2.5. Customary accessory buildings shall have a minimum of 30 feet front yard setback and shall not be located closer than five feet to any side or rear lot lines.

604. R-2 (Medium Density) Residential District. This district is intended to provide for medium density residential development including single-family residential development and low density multiple family apartment uses. Like the R-1 district, this district is designed to protect the essential characteristics of family living. Additional related uses normally required to provide the basic needs and conveniences of a residential area are permitted upon review by the planning commission provided certain standards are met. It was necessary to set higher standards for these related uses because they create more traffic than residential uses and would be detrimental to a residential neighborhood if they were not required to meet minimum standards.

604.1. Within the R-2 (Medium Density) Residential District, the following uses are permitted:

604.1.1. Any use permitted in the R-1 Residential District.

604.1.2. Two family and multi-family dwellings provided that buildings, structures, and pavement shall be setback at least 20 feet from side and rear property lines.

604.1.3. One mobile home on a single lot.

604.1.4. Funeral homes provided they meet the standards for churches in the R-1 district.

604.2. Area Regulations

604.2.1. Lot Area  
Minimum for single-family dwelling units 10,000 sq. ft.

Minimum for two family and multi-family units  
first unit 10,000 sq. ft.  
each additional unit 5,000 sq. ft.

Larger lot areas will probably be required by the health department unless sanitary sewers are available.

604.2.2. Front Yard

Minimum front yard setback	30 ft.
604.2.3. Rear Yard Minimum rear yard setback	30 ft.
604.2.4. Side Yard Minimum side yard setback	10 ft.

605. R-3 (High Density) Residential District. It is the intent of this district to provide for areas of high density residential development. One of the important purposes of this district is to create adequate standards of residential development in order to prevent a recurrence of the overcrowded housing conditions. Intensities of development have been established which will not cause traffic congestion and densities are limited in order to provide usable open space for dwellings and adequate space for all related facilities.

605.1. Within the R-3 (High Density) Residential District, the following uses are permitted:

605.1.1. Any use permitted in the R-2 Residential District.

605.1.2. Boarding and rooming houses.

605.1.3. Mobile home parks provided that:

(1) The park contains a minimum of two acres.

(2) That no more than six (6) individual spaces per gross acre are provided.

(3) That they meet all the provisions of the mobile home park standards established in Article V General Provisions.

605.2. Area Regulations

605.2.1. Lot Area	
Minimum for single-family dwelling units	7,500 sq. ft.
Minimum for two family and multi-family units, first unit	7,500 sq. ft.
each additional unit	4,000 sq. ft.

Larger lot areas will probably be required by the health department unless sanitary sewers are available.

605.2.2. Front Yard Minimum front yard setback	30 ft.
605.2.3. Rear Yard Minimum rear yard setback	20 ft.
605.2.4. Side Yard Minimum side yard setback	10 ft.

**606. B-1 (Arterial) Business District.** It is the intent of this district to establish areas in which the principal use of land is devoted to commercial uses which cater specifically to the needs of motor vehicle oriented trade. The intent of this district is to provide appropriate space and sufficient depth from the street to satisfy the needs of modern commercial development where access is entirely dependent on motor vehicle trade, to provide for the orderly development and concentration of highway and arterial commercial uses, and to encourage the development of these locations with such uses and in such a manner as to minimize traffic hazards and interference with other uses in the vicinity.

606.1. Within the B-1 (Arterial) Business District as shown on the Regional Zoning Map, the following uses are permitted:

606.1.1. Any use permitted in the R-3 (High Density) Residential District

606.1.2. Hotels and motels, and all types of retail sales.

606.1.3. Automobile sales and service, and mobile home sales.

606.1.4. Personal, business, and professional offices.

606.1.5. Restaurants

606.1.6. Funeral homes

606.1.7. Places of amusement and assembly.

606.2. Area Regulations

606.2.1 Front Yard

Minimum front yard setback 50 ft.

606.2.2. Side Yard

The width of any side yard which abuts a residential district, shall be not less than thirty (30) feet. In all other cases, each side yard shall be not less than twenty (20) feet.

606.2.3. Rear Yard

Minimum rear yard setback 25 ft.

**607. B-2 (General) Business District.** It is the intent of this district to encourage commercial development to concentrate to the mutual advantage of consumers and at the same time provide for adequate space and sufficient depth from the street for transactions of the district. This district is for personal and business services and general retail business, and is intended to include areas where commercial development has displaced or is displacing residential development, or is moving in on vacant lands. Regulations were designed to guide future change so as to preserve the carrying capacity of the streets, and to provide for off-street parking and loading. It is not the intent of this district to encourage the extension of existing strip commercial areas, but rather to provide concentrations of general commercial activities.

607.1. Within the B-2 (General) Business District, the following uses are permitted:

607.1.1. Any use permitted in the B-1 District.

607.1.2. Wholesale business, warehouses, storage yards and storage buildings.

607.1.3. Bottling operations and bakeries.

607.1.4. Stock yards and flea markets.

607.2. Area Regulations. The following requirements shall apply to all uses permitted in this district.

607.2.1. Front Yard  
Minimum front yard setback 30 ft.

607.2.2. Side Yards  
On the side of a lot adjoining a residential district there shall be a side yard of not less than thirty (30) feet. There shall be a side yard setback from an intersection street of not less than thirty (30) feet. In all other cases, a side yard for a commercial building shall be ten (10) feet.

607.2.3. Rear Yard  
There shall be a rear yard setback of not less than thirty (30) feet in depth. Rear yards, which abut a residential district, shall be completely screened from public view with plant material or fencing.

608. M-1 (Industrial) District. It is the intent of this district to establish industrial areas along with open areas which will likely develop in a similar manner. It is the intent that permitted uses are conducted so that noise, odor, dust, and glare of each operation are kept to a minimum. The industrial district is established to provide areas in which the principal use of land is for manufacturing and assembly plants, processing, storage, warehousing, wholesaling and distribution.

608.1. Within the M-1 (Industrial) District as shown on the Regional Zoning Map, the following uses are permitted:

608.1.1. Any use permitted in the B-2 Business District.

608.1.2. Any industry which does not cause injurious or obnoxious noise, vibrations, smoke, gas, fumes, odors, dust, fire hazard or other objectionable conditions in the opinion of the planning commission.

608.1.3. Trucking terminals and railroad yards.

608.1.4. Wholesale business, warehouses, storage yards and buildings.

608.1.5. Bottling and packaging operations.

608.1.6. Bakeries

608.2. Area Regulations

608.2.1. Front Yard  
Minimum front setback 50 ft.

608.2.2. Side Yard

Minimum side setback

20 ft.

608.2.3. Rear Yard

The minimum rear yard setback shall be at least thirty (30) feet. All rear lots, which abut a residential district, shall be completely screened with plant material or fencing.

609. M-2 (Heavy) Industrial District. It is the intent of this district to establish areas which, unless closely regulated, might cause a detrimental effect upon and be injurious to surrounding areas. This district is created, therefore, to allow for heavy type industries and uses that have noise, odor, dust and other objectionable conditions.

609.1. Within the M-2 (Heavy) Industrial District, as shown on the Regional Zoning Map, the following uses are permitted:

609.1.1. Any use permitted in M-1 District.

609.1.2. Lots or yards for scrap or salvage operations or for processing, storage, display or sales of any scrap, salvage, or secondhand building materials.

609.1.3. Meat products manufacturing.

609.1.4. Dying and finishing of textiles.

609.1.5. Paper and allied products manufacturing.

609.1.6. Chemicals and allied products manufacturing.

609.1.7. Rubber and miscellaneous plastic products manufacturing.

609.1.8. Automobile wrecking, salvage and junk yards provided that:

(1) All motor vehicles stored or kept in such yards shall be kept so that they will not catch or hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice or other vermin may be harbored, reared or propagated.

(2) Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone.

(3) All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition. The design of all fences, screens, or walls must be approved by the planning commission.

(4) All such yards shall be so maintained as to be in a sanitary condition, and so as not to be a menace to public health or safety.

(5) Application for automobile wrecking, junk or salvage yard permit: No person shall own or maintain an automobile wrecking, junk, or salvage yard

within the Planning Region until he has secured a permit from the building inspector. A detailed site plan, a schedule for construction, a design for fences, screens, or walls, and any other information deemed necessary shall be submitted to the planning commission prior to the issuance of such permit.

609.1.9. Non-hazardous solid waste disposal provided that:

- (1) The site is approved by the Tennessee Department of Public Health.
- (2) The total tract contains a minimum of one-hundred (100) acres.
- (3) Trenches and areas for burial of refuse shall be located at least 500 feet from any existing residence or any residence under construction at the time the landfill operation is begun.
- (4) Existing trees shall be maintained within one hundred (100) feet of the adjoining property lines. Where the natural growth within 100 feet of the adjoining property line is inadequate to effectively screen the landfill site, trees shall be planted for such screening purposes.
- (5) The site plan is reviewed and approved by the Regional Planning Commission. The plan shall consider, but not be limited to, the criteria of site suitability, population density of the surrounding area, accessibility, suitability of entrances and exits, and any other criteria deemed important by the planning commission.

609.2. Area Regulations

609.2.1. Front Yard  
Minimum front setback 50 ft.

609.2.2. Side Yard  
Minimum side setback 50 ft.

609.2.3. Rear Yard  
The rear yard setback shall be at least fifty (50) feet. All rear lots which abut a residential district shall be completely screened with plant material or fencing.

ARTICLE VII

EXCEPTIONS AND MODIFICATIONS

701. Lot of Record. Where the owner of a lot consisting of one or more 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 or other requirements of this ordinance may submit an application to the Board of Zoning Appeals for a variance from the terms of this ordinance. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as is possible.

702. Adjoining and Vacant Lots of Record. A plat of land consisting of one or more adjacent lots with continuous frontage in single ownership which individually are less than lot widths required by this ordinance, such groups of lots shall be considered as a single lot or several lots of minimum permitted size, and the lot or lots in one ownership shall be subjected to the requirements of this ordinance.

703. Front Yards. The front yard requirements of this ordinance shall not apply to any lot where the average depth of existing front yards on developed lots, located 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 front yard depths on the developed lots.

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**ARTICLE VIII**  
**ENFORCEMENT**

**801. Enforcing Officer.** The provisions of this ordinance shall be administered and enforced by the building inspector. This official shall have the right to enter upon any premises necessary to carry out his duties in the enforcement of this ordinance, and in addition shall:

801.1. Issue all building permits and make and maintain records thereof;

801.2. Issue all certificates of occupancy and make and maintain records thereof;

801.3. Maintain and keep current zoning maps, and records of amendments thereto;

801.4. Conduct inspections as prescribed by this ordinance, and such other inspections as are necessary to ensure compliance with the various provisions of this ordinance generally.

**802. Building Permit Required.** It shall be unlawful to commence the construction of any building including accessory buildings, or to commence the moving or expansion of any building, including accessory buildings, until the building inspector has issued for such work a building permit including a statement that the plans, specifications, and intended use of such building in all respects conform with the provisions of this ordinance. Application for a building permit shall be made to the building inspector. However, no building permit shall be required and there shall be no regulation of the erection, construction, or reconstruction of any building, or other structure on lands now devoted to agriculture uses or which may hereafter be used for agriculture purposes. Nor shall this resolution be construed as limiting or affecting in any way or controlling the agriculture uses of land.

**803. Issuance of Building Permit.** In applying to the building inspector for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, height, and location of all buildings to be erected, altered or moved, and any building 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, the building inspector shall issue a building permit for such construction. If a building permit is refused, the building inspector shall state such refusal in writing with cause.

**804. Certificate of Occupancy.** Upon the completion of the construction or expansion of a building or structure for which a building permit has been granted, application shall be made to the building inspector for a certificate of occupancy. Within three days of such application, the building inspector shall make a final inspection of the property in question, and shall issue a certificate of occupancy if the building or structure is found to conform to the provisions of this ordinance and the statements made in the application for the building permit. If such a certificate is refused, the building inspector shall state such refusal in writing, with the cause. No building hereafter erected or expanded in its use, shall be used until such a certificate of occupancy has been granted.

**805. Penalties.** Any person violating any provision of this ordinance shall be guilty of a misdemeanor, as setfore and described by statues of the State of Tennessee and in addition to any criminal proceeding, any person violating any provision of the ordinance shall be subjected to a civil penalty not to exceed five hundred dollars (\$500) for each offense. Each day such violation shall continue shall constitute a separate offense.

806. Remedies. In case any building or structure is erected, constructed, reconstructed, converted 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.

807. Appeals. Any appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, or board affected by any decision of the building inspector. All appeals will be heard by the Board of Zoning Appeals.

**ARTICLE IX**

**BOARD OF ZONING APPEALS**

901. Creation and Appointment. A Board of Zoning Appeals is hereby established in accordance with Section 13-7-304, Tennessee Code Annotated.

902. Procedure. Meetings of the Board of Zoning Appeals shall be held at the call of the chairman or by a majority of the membership and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, shall take all evidence necessary to justify or explain its action.

903. 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 officer, department, board of bureau affected, by any decision of the building inspector based in the whole or part on provisions of this ordinance. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the building inspector a notice of appeal, specifying the grounds thereof. The building inspector shall transmit forthwith 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 hearing. Any party may appear in person or be represented by an agent or attorney.

904. Powers. The Board of Zoning Appeals shall have powers in accordance with section 13-7-207 Tennessee Code Annotated.

905. Action of the Board of Zoning Appeals. In exercising the aforementioned powers, the Board of Zoning Appeals may, in conformity with the provisions of this ordinance, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and to that end shall have all powers of the building inspector. The concurring vote of a majority of the Board shall be necessary to reverse any order, requirement, decision or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance, or to authorize any variance from the terms of this ordinance.

**ARTICLE X**  
**AMENDMENT**

1001. Procedure. The Board of Mayor and Alderman may amend the regulations, restrictions, boundaries, or any provision of this ordinance. Any member of the Board of Mayor and Alderman may introduce such amendment, or any official, board or any other person may present a petition to the Board of Mayor and Alderman requesting an amendment or amendments to this resolution. All changes and amendments shall be effective only after official notice and public hearing.

1002. Approval by Planning Commission. No such amendment shall become effective unless it is first submitted to the Regional Planning Commission for approval, disapproval, or suggestions. If such amendment is disapproved by the Regional Planning Commission, it shall receive the favorable vote of a majority of the entire membership of the Board of Mayor and Alderman to become effective.

1003. Initiation of Amendments. An amendment of this ordinance may be initiated by any one of the following three methods: the petition of one or more persons interested in the proposed amendment, the Regional Planning Commission; and the Board of Mayor and Alderman.

**ARTICLE XI**

**LEGAL STATUS PROVISION**

1101. 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 Mount Carmel, Tennessee, the most restrictive shall in all cases apply.

1102. 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.

**ARTICLE XII**

**EFFECTIVE DATE**

Be it ordained by the Mount Carmel Board of Mayor and Alderman, that this ordinance shall take effect after its passage, the welfare of the city requiring it.

Certified by the Planning Commission on: \_\_\_\_\_

Approved by the Board of Mayor and Alderman on the first reading: \_\_\_\_\_

Approved by the Board of Mayor and Alderman on the second reading: \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to form \_\_\_\_\_  
City Attorney

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

## **OVERVIEW OF ZONES USED IN MOUNT CARMEL PLANNING REGION**

**A-1 No landfills or junkyards, allows most other land uses including small retail and manufacturing. One mobile home per lot only. Family mobile home parks are allowed as a special exemption only ( three spaces only ).**

**A-1A Twenty space rural mobile home parks ( 4 per acre ) with roadways and parking spaces paved.**

**R-1 Low density single family primarily.**

**R-2 Medium density apartments and one mobile home per lot only.**

**R-3 High density apartments and mobile home parks ( 6 per acre ) with roadways and parking spaces paved.**

**B-1 Arterial business.**

**B-2 General business.**

**M-1 Light industrial**

**M-2 Heavy industrial with landfills and junkyards.**