

ORDINANCE NO. 292

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES BY DELETING TITLE 14 IN ITS ENTIRETY AND SUBSTITUTING IN LIEU THEREOF A NEW TITLE 14 RELATING TO ZONING AND LAND USE CONTROL; TO FIX A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; AND TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMAN AS FOLLOWS:

SECTION I. That Title 14 of the Code of Ordinances is hereby amended to read as follows:

Title 14

ZONING AND LAND USE CONTROL

Chapter.

1. Municipal Planning Commission.
2. Authority.
3. Title and Purpose.
4. Definitions.
5. Establishment of Districts.
6. General Provisions.
7. Mobile Home Parks.
8. Group Housing and Planned Unit Development.
9. Provisions Governing Use Districts.
10. Area, Yard and Height Requirements.
11. Exceptions and Modifications.
12. Sign Regulations.
13. Enforcement.
14. Board of Zoning Appeals.
15. Amendment.
16. Stormwater Management, Erosion and Sedimentation Control.
17. Flood Control.

Chapter 1

MUNICIPAL PLANNING COMMISSION

Section

14-101. Creation and membership.

14-102. Organization, powers, duties, etc.

14-103. Schedule of Fees and Charges.

Sec. 14-101. Creation and membership.

There is hereby created and established a municipal planning commission. Such planning commission shall consist of nine (9) members. One (1) of the members shall be the mayor of the municipality or a person designated by the mayor and one (1) of the members shall be a member of the board of mayor and aldermen selected by the board of mayor and aldermen. The other seven (7) members shall be appointed by the mayor. In making such appointments, the mayor shall strive to ensure that the racial composition of the planning commission is at least proportionately reflective of the municipality's racial minority population. The members of the planning commission shall serve without compensation. The terms of the seven (7) members appointed by the mayor shall be for three (3) years each. The term of the mayor shall run concurrently with the mayor's term of office. Except for the initial appointment, the terms of all members who are members of the board of mayor and aldermen shall be eight (8) months so that every member of the board of mayor and aldermen shall have the opportunity to serve during their term of office. The member of the board of mayor and aldermen first appointed, shall be appointed for a term ending with the regular meeting of the Planning Commission to be held in July, 2005. Any vacancy in an appointed membership shall be filled for the unexpired term by the mayor, who shall also have authority to remove any appointed member at the mayor's pleasure.

Sec. 14-102. Organization, powers, duties, etc.¹

The planning commission shall be organized and shall carry out its powers, functions, and duties in accordance with all applicable provisions of Tennessee Code Annotated, title 13. (1978 Code, sec. 11-102)

Section 14-103. Schedule of Fees and Charges.

There is established the following schedule of fees and charges intended to partially defray the

administrative costs associated with Zoning and Land Use Control:

1. **Public Hearing.** Requests for rezoning real property, requests for amendment to the Zoning Ordinance, requests for variances to be heard by the Board of Zoning Appeals, and requests for deannexation all require public hearings. For each public hearing so held, the requestor shall pay to the Town in advance a fee of Thirty-Five Dollars (\$35.00).
2. **Agenda Appearance.** Requests for rezoning, zoning ordinance amendments, variances to be heard by the Board of Zoning Appeals, and annexation and deannexation of real property must be calendared in a timely manner on the agenda(s) of the Regional Planning Commission, Board of Zoning Appeals, and/or the Board of Mayor and Aldermen. For each such Agenda Appearance request, the requestor shall pay to the Town in advance a fee of Thirty-Five Dollars (\$35.00).
3. **Special Called Meeting.** In the event a special called meeting of either the Regional Planning Commission, Board of Zoning Appeals, or Board of Mayor and Aldermen is made by a requestor to hear that requestor's Agenda Appearance request item, a charge of Fifty Dollars (\$50.00) shall be paid by the requestor in advance of the notice of the Special Called meeting being sent to the applicable Commission/Board members.
 - (a) **Review and Inspection.** A schedule of fees for review and inspection by Town officials, engineering staff, planning staff, or legal staff shall be set by resolution of the Board of Mayor and Aldermen from time to time as circumstances require.
 - (b) **Advertising Expense.** For any administrative action undertaken as noted above that requires the advertisement of such meeting or hearing in a newspaper of general circulation, the

requestor shall pay to the town the cost of publishing such advertisement.

¹ The Mt Carmel Regional Planning Commission has duly adopted Subdivision Regulations on April 6, 1999, which are an Appendix to this Code.

Chapter 2

AUTHORITY

Section.
14-201. Authority.

Sec. 14-201. 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.
(Ord. No.202, 05/27/1999)

Chapter 3

TITLE AND PURPOSE

Section.

14-301. Short Title.

14-302. Purpose.

Sec. 14-301. 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* shall be known as the Zoning Map of Mount Carmel, Tennessee, latest edition. The Zoning Map of Mount Carmel, Tennessee, and all explanatory matter thereon are hereby adopted and made a part of this ordinance.
(Ord. No. 202, 05/27/1999)

Sec. 14-302. 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, and 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.
(Ord. No. 202, 05/27/1999)

Chapter 4

DEFINITIONS

Section.

14-401. Use of Terms.

Sec. 14-401 Use Of Terms.

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 constructed to include the word *intended, arranged, or designed to be used or occupied*.

Alley. A public way which affords only a secondary means of access to property and public travel, less than 20 feet in width.

Arterial Street. A street that provides for traffic movement between areas and across portions of the town and secondarily for direct access to abutting land, as shown on the zoning map of the Town of Mount Carmel.

Boarding Houses, Rooming Houses, or Bed and Breakfast. A building containing a single dwelling unit and not more than five guest rooms where lodging is provided with or without meals for compensation.

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 a least six feet high. Plantings shall be properly bedded and, maintained and fertilized to assure long life. The design of buffer strips, whether solid fencing or plantings, shall be subject to review and approval of the Planning Commission. All fencing and planted buffer strips shall be continually maintained by owners with dead plantings replaced.

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:

- (1) **Principal Building.** A building in which is conducted the main or principal use of the lot on which said building is located.

- (2) **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.

Building Height. The vertical distance from grade to highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch. Height of a building in stories includes basements.

Business Sign. A sign which directs attention to a business or profession conducted on the premises. A "For Sale" sign or a "For Rent" sign or similar sign shall be deemed a business sign.

Clinic. A structure used in providing medical services for outpatients only.

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 operated to render a service which is customarily carried on as a business.

Collector Street. A street providing for traffic movement within the city as shown on the Zoning Map of the Town of Mount Carmel, Tennessee.

Communications Facilities: A land-use facility supporting antennas and microwave dishes that sends and/or receives radio frequency signals. The facilities include structure, towers, and accessory buildings.

Condominium. A multi-unit structure offering individual ownership of said units.

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).

Dwelling Single Family. A building designed, constructed, and used for one dwelling unit.

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.

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.

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.

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 areas.

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.

(1) *Lot Areas.* The total horizontal area within the lot lines of a lot exclusive of streets and easement of access to other property.

(2) *Lot, Corner.* A lot abutting on two or more streets (other than an alley), at the intersection.

(3) *Lot Line.* The property line bounding a lot.

(4) *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).

(5) *Lot Line, Rear.* The lot line(s) 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.

(6) *Lot Line, Side.* Any lot line not a front or rear lot line.

(7) *Lot Width.* The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

Mobile Home. Is a manufactured home subject to the "UNIFORM STANDARDS CODE FOR MANUFACTURED HOMES AND RECREATIONAL VEHICLES ACT" codified at *Tenn. Code Ann. §68-126-201* and further defined in *§68-126-202(4)*; designed for long term occupancy with sleeping accommodations, bath room(s), kitchen facilities with plumbing, and electrical connections provided for attachment to outside systems. Designed to be transported after fabrication on its own wheels, a flatbed, or other trailer and constructed as a single self-contained unit on a single chassis; and commonly known as a "single-wide."

A "residential dwelling" as defined by *Tenn. Code Ann. §13-24-201*, constructed in two or more separate units, mounted on two or more chassis, having the same general appearance as site built homes, and assembled on site commonly known as a "double-wide," shall not be considered a mobile home for the purpose of these regulations.

A Modular Building Unit, structural unit or preassembled component unit subject to the "TENNESSEE MODULAR BUILDING ACT" codified at *Tenn. Code Ann. §68-126-301*, shall not be

considered a mobile home for the purpose of these regulations.

Mobile Unit. A structure which has all of the following characteristics: Designed to be transported after fabrication on its own wheels, or on a flatbed or other trailer. Arriving at the site where it is to function as an office, commercial establishment, assembly hall, storage, governmental or other similar purpose and is ready for use except for minor and incidental unpacking and assembly operations, location on foundation supports, connections to utilities and the like.

Mobile Home Park. Shall mean 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 (does not include sites where unoccupied mobile homes are on display for sale).

Non Conforming 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 this ordinance.

Nursing Home. One licensed by the State of Tennessee.

Outdoor Advertising. An attached, freestanding or structural poster panel or painted or lighted sign for the purpose of conveying some information, knowledge or idea to the public.

Setbacks. The following rules shall apply in determining setbacks:

- (1) All buildings including porches, carport covers, garages and swimming pools shall meet the minimum setback requirements for the zoning district where they are located. Driveways must be at least 2.5 feet from the rear and side property lines. Patios and walks at ground level around swimming pools must be at least 7.5 feet from the rear and side property lines. Also, swimming pools, including walks at ground level, must

meet the front yard setback requirements. Overhangs of two feet or less will be exempt from the setback requirements.

- (2) Setbacks for customary accessory buildings are specified in Section 14-1001. Front and rear raised and covered entrances six feet deep by eight feet wide or less are exempt from the front and rear setback requirements.

Story. That portion of a building included between the floor and 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.

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*.

Structure. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

Total Floor Area. The area of all floors of a building including finished attic, finished basement and covered porches.

Travel Trailer. Any vehicle used, or so constructed as to permit its being used as a 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.

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 travel trailer park more than 30 days.

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 provide in this ordinance.

- (1) *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.
- (2) *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.
- (3) *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.
- (4) *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.

(Ord. No. 202, 05/27/1999)

Chapter 5

ESTABLISHMENT OF DISTRICTS

Section

14-501. Classification of Districts.

14-502. Boundaries of Districts.

Sec. 14-501. Classification of Districts.

For the purpose of this title, Mount Carmel, Tennessee, is hereby divided into nine districts, designated as follows:

Residential:

- R-1 District - Low density
- R-1A District - Low density
- R-1B District - Low density
- R-2 District - Medium Density
- R-3 District - Medium Density
- R-4 District - High Density
- R-5 District - Mobile Home Park

Business:

- B-1 District - Neighborhood Business
- B-2 District - Arterial Business
- B-3 District - General Business
- B-4 District - Shopping Center

Industrial:

- M-1 District - Industrial

Sec. 14-502. Boundaries of Districts.

1. The boundaries of districts described in Section 14-501 are established as shown on the map entitled *Zoning Map of Mount Carmel, Tennessee*, latest edition, which is a part of this title 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 this title. Questions concerning the exact location of district boundaries shall be determined by the Board of Zoning Appeals.
(Ord. No. 202, 05/27/1999)

Chapter 6

MUNICIPAL PLANNING COMMISSION

Section.

- 14-601. Zoning Affects Every Building and Use.
- 14-602. Continuance of Non-Conforming Uses.
- 14-603. Only One Principal Building on Any Lot.
- 14-604. Reduction in Lot Area Prohibited.
- 14-605. Vision Clearance.
- 14-606. Street Frontage.
- 14-607. Conformity to Subdivision Regulations.
- 14-608. Height and Density.
- 14-609. Annexations.
- 14-610. Off-Street Automobile Parking.
- 14-611. Off-Street Loading and Unloading Space.
- 14-612. Ingress and Egress.
- 14-613. Communication Facilities.

Sec. 14-601. 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.

(Ord. No.202, OS/27/1999)

Sec. 14-602. 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 subject to 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 except that non conforming uses in the B-4 Shopping Center District may be re-established after the discontinuance for twenty-four (24) months.
- (c) Extended except in conformity with this ordinance.
- (d) Rebuilt or repaired after damage exceeding seventy-five (75) percent of the fair market value of the building immediately prior to damage.

2. Industrial, commercial, or other business establishments shall comply with provisions established in 13-7-208 Tennessee Code Annotated.

(Ord. No.202, OS/27/1999)

Sec. 14-603. Only One Principal Building on Any Lot.

1. In residential districts only one principal building and its customary accessory buildings may hereafter be erected on any lot.
2. 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 a customary 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.

(Ord. No.202, OS/27/1999)

Sec. 14-604. 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.

(Ord. No.202, OS/27/1999)

Sec. 14-605. 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 right-of-way lines of streets, or of streets and railroads.

(Ord. N O. 202, OS/27/1999)

Sec. 14-606. Street Frontage.

No residential building shall be erected on a lot which does not abut at least one public street for a least fifty (50) feet except for lots on cul-de-sacs and flag lots which must abut one public street for at least forty (40) feet or "lot of record" off of a permanent easement. The date to be considered a "lot of record" for lots fronting a permanent easement will be February 28, 1964 (date subdivision regulations were adopted) or the date when the property was annexed by the town if it is

later than the date subdivision regulations were adopted. The date the lot was subdivided will be determined by the date it was put on record with the Hawkins County Register of Deeds. The owner must provide the Building Inspector with the deed, tax maps, and other documentation to clearly define the lot and permanent easement in question. The adjoining property owners will be responsible for maintaining the permanent easement. Names for private streets must be approved by Hawkins County 911, and the sign approved by the Mount Carmel Public Works Department. City services (garbage, sewer connection if available, etc.) will terminate at the intersection of the permanent easement with the public street except for emergency services. The garbage and trash pickup will be on the right-of-way at the intersection of the permanent easement with the public street.

(Ord. No.202, OS/27/1999)

Sec. 14-607. 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, opened, or used 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.

(Ord. No.202, OS/27/1999)

Sec. 14-608. 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.

(Ord. No.202, OS/27/1999)

Sec. 14-609. Annexations.

All territory which may hereafter be annexed to the Town of Mount Carmel, Tennessee, shall be considered to be in a R-1 Low Density Residential District unless otherwise classified.

(Ord. No.202, OS/27/1999)

Sec. 14-610. 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 Center, Private Schools, Public Schools or Places of 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. Four (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 on 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 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. (Ord. No. 202, 05/27/1999)

Sec. 14-611. 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 for the loading and unloading of vehicles on 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 or 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 anyone time. (Ord. No. 202, 05/27/1999)

Sec. 14-612. Ingress and Egress.

A plan for adequate and safe ingress and egress for all land use shall be required. A site plan showing ingress and egress shall be submitted to and approved by the building inspector. (Ord. No. 202, 05/27/1999)

Sec. 14-613. Communication Facilities.

Communication towers for mobile telephone services and other radio and television services which provide for the needs of the citizens of the municipality will use the following standards to minimize adverse visual and operational effects of towers through careful design, siting, and screening;

to avoid potential damage to adjacent properties from tower failure and falling ice through engineering and careful siting of towers; and to maximize use of any new communication tower and/or existing structures to reduce the number of towers needed. Application for a building permit for such communication facility shall include:

1. A report prepared by a professional engineer licensed by the State of Tennessee describing the height and design of the tower, demonstrates the tower's compliance with applicable structural standards, building codes, electrical codes, and fire codes; and describes the tower's capacity, including the number and type of antennas it can accommodate. In case of an antenna mounted on an existing structure, the report shall indicate the existing structure's suitability to accept the antenna and the proposed method of affixing the antenna to the structure. Complete details of all fixtures and couplings and the precise point of attachment shall be indicated.
2. An adequate report inventorying existing towers and antenna sites within a reasonable distance from the proposed site, outlining the opportunities for shared use as an alternative to the proposed site. The applicant must demonstrate that the proposed tower or antenna cannot be accommodated on an existing approved tower or facility due to one or more of the following reasons:
 - (a) Unwillingness of the owner to entertain a cellular telephone facility proposal;
 - (b) The equipment would exceed the structural capacity of the existing approved tower and facilities;
 - (c) The planned equipment would cause radio frequency interference with other existing or planned equipment, which cannot be reasonably prevented;
 - (d) Existing or approved towers or facilities do not have space on which proposed equipment can be placed so it can function effectively and reasonably;
 - (e) Other reasons make it impractical to place the equipment proposed by the applicant on existing and approved towers or facilities.
3. A site plan shall be approved by the Mount Carmel Regional Planning Commission prior to the Building Inspector issuing a permit. The following standards shall be used in design of the facilities:
 - (a) Setback - Minimum setback shall be 100% of the height of the tower. Setback shall be measured from the base of the tower, or guy-wire supports for lattice towers, to the property line. Ground structures shall not be located within required setbacks;
 - (b) Landscaping and Screening - The visual impact of a telecommunication facility shall be mitigated from nearby views by an evergreen screen located outside the fence. This screen may consist of evergreen trees having a minimum height of 6' at planting and a minimum height of 15' at maturity, or a continuous hedge with 3' height at planting and 6' height at maturity. Sites may be exempted from the landscaping requirement provided the Building Inspector finds the vegetation or the topography of the site provides a natural buffer.
 - (c) Fencing - A chain-link fence or solid wall not less than 8' in height from finished grade shall be provided around each communication facility. Access to the facility shall be through a locked gate
 - (d) Lighting - The facility shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration. All lighting shall be oriented

- inward so as not to project unto surrounding property.
- (e) **Radiation Standards** - All proposed communications facilities shall comply with standards of the Federal Communications Commission or American National Standards Institute for non-ionizing electromagnetic radiation (NEIR) and electro-magnetic fields (EMF). Each request for a building permit shall be accompanied by certified documentation or statement from a registered engineer or other professional indicating compliance with these standards.
 - (f) **Aircraft Hazard** - Communication facilities shall not encroach into or through any established public or private airport approach path as established by the Federal Aviation Administration.
 - (g) **Equipment Storage** - Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the site unless repairs are being made.
 - (h) **Removal of Obsolete or Unused Facilities** - All obsolete or unused communications facilities shall be removed by the property owner within 12 months of cessation of use. The applicant shall submit an executed Removal Agreement to ensure compliance with this requirement.
 - (i) **Signs and Advertising** - The use of any portion of a tower for signs or advertising purposes, including banners, streamers, etc. is prohibited. Warning signs or identification signs will be permitted.
 - (j) **Maintenance** - Adequate inspection and maintenance shall be performed to insure the structural integrity of the facility and prevent dangerous conditions occurring on the site.
 - (k) **Access and Parking** - All access roads and parking areas for facilities adjacent to platted subdivisions, or developed areas shall be paved as required by the Zoning Ordinance and Subdivision Regulations. The requirements may be waived by the Building Inspector for rural or undeveloped areas.
 - (l) **Changes to Communication Facilities** - Any changes to antennae, reception, or transmitting devices shall require review in the same manner as the existing facility was originally approved.

Chapter 7

MOBILE HOME PARKS

Section.

14-701. Restricted Use of Mobile Homes.

14-702. Mobile Home Park Defined.

14-703. Development Standards.

14-704. Enforcement.

Sec. 14-701. Restricted Use of Mobile Home.

The use of mobile homes as dwellings are permitted only in mobile home parks.
(Ord. No. 202, 05/27/1999)

Sec. 14-702. Definitions.

For the purpose of this chapter, the following definitions shall apply:

1. Health officer shall mean the health officer of the Hawkins County, Tennessee, or his authorized representative.
2. Building Inspector shall mean the building inspector of the Town of Mount Carmel, Tennessee, or his authorized representative.
(Ord. No. 202, 05/27/1999)

Sec. 14-703. Development Standards.

The following property development standards shall apply for all mobile home parks:

1. The owner of the land proposed for a mobile home park shall submit a plan for development to the Mount Carmel Planning Commission. The plan shall show:
 - (a) The park plan drawn to scale.
 - (b) The area and dimensions of the proposed park.
 - (c) The location and width of all roads.
 - (d) The location and dimensions of any proposed service buildings and structures.
 - (e) The location of all water and sewer lines.
 - (f) The location of all equipment and facilities for refuse disposal and other park improvements.
 - (g) A storm water drainage plan of the park.

- (h) Water mains shall be properly connected with the community water supply system or with an alternate supply approved by the county health officer. The water mains shall be constructed to serve all lots shown on the mobile home park plat for both domestic use and fire protection. Fire hydrants shall be within 500 feet of all lots with the location of all the fire hydrants approved by town's fire chief. All fire hydrants shall be served by six (6) inch water mains. The other sizes of water mains, the location and types of valves, the amount of soil cover over the pipes, and other features of the installation shall be approved by the water system providing the water service, and shall conform with accepted standards of good practice for water systems.
 - (i) A certificate of accuracy signed by the surveyor and engineer certifying that the park will work as designed and that the park was built as designed by the surveyor and engineer.
 - (j) Certificate and signature of the health officer.
 - (k) Any other information deemed pertinent by the planning commission.
2. Each mobile home park site shall meet the following minimum standards:
 - (a) Shall have a minimum twenty (20) feet between each mobile home.
 - (b) All mobile homes, structures, and pavement shall be setback 30 feet from front, side, and rear property lines.
 - (c) The site shall be located in a flood free area with proper storm water drainage.
 - (d) Entrances and exits to the mobile home park shall be designed for safe and convenient movement traffic into and out of the park, and shall be located and designed as prescribed by the planning Commission.

- (e) 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.
- (f) The park shall be adequately lighted.
- (g) Each mobile home park shall provide three off-street parking spaces for each mobile home space. At least two parking spaces shall be provided at the mobile home space with the other parking space may be provided at a convenient parking lot for overflow parking.
- (h) 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 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.
- (i) Each mobile home shall be underpinned.
- (j) The site shall not be exposed to objectionable smoke, noise, odors, insect or rodent haborage, or other adverse influences.
- (k) Each mobile home space shall be a minimum of 2,500 square feet with a minimum of 75 feet in depth, and shall abut on a driveway with unobstructed access to open approved public street. Each mobile home shall be set back a minimum of 10 feet from property lines and space lines, and there shall be a minimum distance of 20 feet between mobile homes.
- (l) No service building shall be located less than 20 feet from any mobile home space. Service buildings shall be of permanent construction, adequately ventilated and lighted, and built in conformity to all town codes and ordinances.
- (m) The public water supply and sanitary sewer connections shall be provided to each mobile home space. Piping and connections shall be as specified and approved by the plumbing inspector.
- (n) 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.
- (o) All service buildings shall be convenient to the spaces which they solely serve and shall be maintained in a clean and sanitary condition.

(Ord. No. 202, 05/27/1999)

Sec. 14-704. Enforcement.

1. These regulations shall be enforced by the Building Inspector.
- (Ord. No. 202, 05/27/1999)

Chapter 8

GROUP HOUSING AND PLANNED UNIT DEVELOPMENT

Section.

14-801. Group Housing and Planned Unit Developments.

14-802. Development Standards.

Sec. 14-801. Group Housing and Planned Unit Developments.

A group housing or 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.

(Ord. No. 202, 05/27/1999)

Sec. 14-802. Development Standards.

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. Water mains shall be properly connected with the community water supply system or with an alternate supply approved by the county health officer. The water mains shall be constructed to serve all lots shown on the site plat for both domestic use and fire protection. Fire hydrants shall be within 500 feet of all lots with the location of all the fire hydrants approved by the town's fire chief. If the existing water line is of insufficient size or pressure for a fire hydrant, rough-in connections for future fire hydrants are required. All fire hydrants shall be served by six (6) inch water mains. The other sizes of water mains, the location and types of valves, the amount of soil cover over the pipes, and other features of the installation shall be approved by the water system providing the water service, and shall conform with accepted standards of good practice for water systems.
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 mandatory maintenance 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.
8. A certificate of accuracy signed by the surveyor and engineer certifying that the project will work as designed and that it was built as designed by the surveyor and engineer.

(Ord. No. 202, 05/27/1999)

Chapter 9

PROVISIONS GOVERNING USE DISTRICTS

Section.

- 14-901. Low Density Residential District R-1.
- 14-902. Permitted Uses.
- 14-903. Low Density Residential District R-1A.
- 14-904. Low Density Residential District R-1B.
- 14-905. Medium Density Residential District R-2.
- 14-906. Medium Density Residential District R-3.
- 14-907. High Density Residential District R-4.
- 14-908. Mobile Home Park District R-5.
- 14-909. Neighborhood Business District B-1.
- 14-910. Arterial Business District B-2.
- 14-911. General Business District B-3.
- 14-912. Shopping Center District B-4.
- 14-913. Industrial District —1.
- 14-914. Communication Facilities.

Sec. 14-901. 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 business activities.
(Ord. No.202, 05/27/1999)

Sec. 14-902. Permitted Uses.

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. Publicly 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 and approved by the Mount Cannel Planning Commission;
 - (b) The buildings are placed not less than thirty (30) feet from the front, 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, meet all setback requirements, and are not closer than ten (10) feet to any property line.
6. One accessory unit (ADU) may be approved by the Board of Zoning Appeals (BOZA) as a special exception if it finds the use in harmony with the character of the district, and the proposed ADU meets the following conditions:
 - (a) ADU's may be in the principal building or be in a detached building, but the ADU is limited to 800 square feet.
 - (b) The owner must reside on the premise either in the principal building or the ADU, and the principal building must be at least one year old.
 - (c) The ADU residents will be limited to a family of three or less persons.
 - (d) ADU's are for rental purposes only, and may not be sold.
 - (e) The BOZA may grant a variance to the density and parking requirements if the proposed ADU will be in harmony with the surrounding area.
7. A small day care center may be approved by the Board of Zoning Appeals (BOZA) as a special exception if it finds the use in harmony with the character of the district, and the proposed day care center meets the following conditions:
 - (a) They shall be limited to 20 children or less, and be licensed by the State.
 - (b) Sites on arterial and collector streets will have to have off street loading and unloading, and parking facilities. Sites on minor residential streets will be evaluated on the basis of traffic volume, speed, and sight distance.
 - (c) Sites must be resident-occupied.
 - (d) Sites shall be reviewed by the planning commission.
8. Cemeteries.

9. Prohibited uses.

(a) Communications facilities.

(Ord. No. 202, 05/27/1999)

Sec. 14-903. Low Density Residential District R-1A.

Same as R-1 district except the minimum lot size is 11,000 square feet if sanitary sewers are available.

(Ord. No. 202, 05/27/1999)

Sec. 14-904. Low Density Residential District R-1B.

Same as R-1 district except the minimum lot size is 7,500 square feet if sanitary sewers are available.

(Ord. No. 202, 05/27/1999)

Sec. 14-905. Medium Density Residential District R-2:

It is the intent of this district to provide areas for duplexes and condominiums, 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 family or condominium 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;
3. Group Housing and Planned Unit Developments;
4. Prohibited uses;

(a) High Density multiple family dwellings; except that apartments approved by the Planning Commission prior to July 1, 2005; may be constructed as approved.

(Ord. No. 202, 05/27/1999)

Sec. 14-906. Medium Density Residential District R-3:

It is the intent of this district to provide for areas of multi family, medium 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, Tennessee, the following uses are permitted:

1. Any use permitted in the R-2 residential district.
2. Multiple family dwellings to include apartments are permitted on review and approval 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 the district, and provided that no building 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) There is a minimum twenty-five foot landscaped and planted buffer strip along the side and rear lot line which may be waived by the planning commission upon exigent circumstances, which shall be stated in the minutes.

(Ord. No. 202, 05/27/1999)

Sec. 14-907. High Density Residential District R-4.

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-4 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. High density multiple family dwellings with the requirement that thirty percent of the land area shall be covered with vegetation.

(Ord. No. 202, 05/27/1999)

Sec. 14-908. Mobile Home Park District R-5.

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-5 residential district as shown on the zoning map of Mount Carmel, Tennessee, the following uses are permitted:

1. Any use permitted in the R-4 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 Sec. 14-703 are met.
 3. Communication facilities are prohibited.
- (Ord. No. 202, 05/27/1999)

Sec. 14-909. 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 district, as shown on the Zoning Map of the town of Mount Carmel, Tennessee, the following uses are permitted:

1. Funeral homes, churches, fraternal organizations and clubs, public and semi public uses;
2. Grocery stores, drug stores, hardware stores, shoe repair shops, barber and beauty shops, laundromats and laundry pick-up stations, restaurants, large day care centers and similar uses;
3. 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.

(Ord. No. 202, 05/27/1999)

Sec. 14-910. 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 buildings and uses shall first be reviewed and approved by the Mount Carmel Regional Planning Commission;
5. Apartments;
6. Places of assembly;

7. Shopping centers;
 8. Auto and mobile home sales; and
 9. Auto repair establishments.
 10. Accessory uses. Accessory uses which are accessory, incidental and subordinate to principal uses are permitted in the B-2 district as follows:
 - (a) Parking when accessory and incidental to a permitted principal use.
 - (b) Business signs when accessory and incidental to a permitted principal use.
 - (c) Wholesale and storage when accessory and incidental to a permitted principal use.
- (Ord. No. 202, 05/27/1999)

Sec. 14-911. 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, Tennessee, 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.
- (Ord. No. 202, 05/27/1999)

Sec. 14-912. Shopping Center District B-4.

It is the intent of this district to establish areas for concentrated retail business development. Uses that do not require a central location and create friction in the performance of this function will be discouraged from this district. The requirements are designed to

protect the essential characteristics of the district by promotion of retail business which serve the general public, and to discourage industrial, wholesale development and similar land uses. In order to achieve the intent of the B-4 Shopping Center District, as shown on the Zoning Map of Mount Carmel, Tennessee, the following uses are permitted:

1. Business signs as permitted in the B-1 district;
2. Shopping centers, stores and shops conducting retail business, and restaurants;
3. Special exceptions, upon a finding by the Board of Zoning Appeals that the land uses will be in harmony with the character of this district, and in support of the retail businesses in this district. The intensity of land use may be no higher, and the standard for open space no lower than generally permitted in this district. The following land uses may be considered for a special exception:

- (a) Motels;
- (b) Small professional offices;
- (c) Service businesses; and
- (d) Similar land uses.

Sec. 14-913. 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.

(Ord. No. 202, 05/27/1999)

Sec. 14-914. Communication Facilities.

The following districts may include communications facilities as special exceptions permitted only with approval of the Mount Carmel Regional Planning Commission:

R-2 Medium Density Residential District
R-3 Medium Density Residential District
R-4 High Density Residential District
Professional Office and Service District 0-1
Neighborhood Business Districts B-1
Central Business District B-2
Shopping Center Districts B-4

Chapter 10

AREA, YARD AND HEIGHT REQUIREMENTS

Section.

14-1001. Table 1.

14-1001. Table 1 below establishes area, yard, and height requirements.

Minimum Lot Size Single Family Dwellings			Minimum Yard Requirements From Property Lines			
District	Area In Sq. Ft. Family	Per Additional	Front	Side	Rear	Maximum Height of Structures
R-1	15,000		30 ft.	10 ft.	25 ft.	35 ft.
R-1A	11,000		30 ft.	10 ft.	25 ft.	35 ft.
R-1B	7,500		30 ft.	10 ft.	25 ft.	35 ft.
R-2	10,000	5,900	30 ft.	10 ft.	25 ft.	35 ft.
R-3	10,000	3,900	30 ft.	10 ft.	25 ft.	35 ft.
R-4	10,000	2,890	30 ft.	10 ft.	25 ft.	35 ft.
R-5	8/Acre	8/Acre	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			30 ft.	10 ft.	25 ft.	70 ft.
B-3			30 ft.	10 ft.	25 ft.	70 ft.
B-4			30 ft.	10 ft.	25 ft.	70 ft.
M-1			30 ft.	20 ft.	25 ft.	70 ft.

NOTE 1: The R-5 district minimum lot size shall be one (1) acre with no more than eight mobile homes or units per acre.

NOTE 2: The R-4 density shall apply to all business and manufacturing zones for residential dwelling units.

NOTE 3: The minimum width of a side yard along an intersecting street (corner lot) shall be twenty (20) feet from the street right-of-way.

NOTE 4: The minimum depth of building setback from the street right-of-way shall be not less than forty (40) feet for arterial streets. (Ord. No. 202, 05/27/1999)

Chapter 11

EXCEPTIONS AND MODIFICATIONS

Section.

14-1101. Lot of Record.

14-1102. Front Yards.

Sec. 14-1101. 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 title does not own sufficient land to enable him to conform to the yard or other requirements of this title, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this title, in accordance with 14-1304(b). Such lot may be approved as a building site by the BOZA, provided, however, that the yard and other requirements of the district are complied with as closely as is possible.
(Ord. No. 202, 05/27/1999)

Sec. 14-1102. Front Yards.

The front yard requirements of this title 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.
(Ord. No. 202, 05/27/1999)

Chapter 12

SIGN REGULATIONS

Section.

14-1201. Purpose.

14-1202. Conformance.

14-1203. Permit

14-1204. Prohibited Signs.

14-1205. General Provisions.

14-1206. District Provisions.

14-1207. Administration.

Sec. 14-1201. Purpose.

The purpose of this chapter is to regulate the erection, location and maintenance of all exterior signs within the Town of Mount 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 Mount 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. (Ord. No. 202, 05/27/1999)

Sec. 14-1202. Conformance.

All signs erected, replaced, reconstructed, expanded, or relocated on any property shall conform with the provisions of this chapter and with all other pertinent laws or ordinances of the Town of Mount Carmel. All portable signs erected and in existence prior to the effective date of this title are deemed non-conforming. A grace period of ninety (90) days from the date of adoption of this title shall be granted for portable signs after which all such non-conforming signs shall be required to be removed.

(Ord. No. 202, 05/27/1999)

Sec. 14-1203. Permit.

1. 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.
2. 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 non

advertising 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 premise.
 - (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: sign 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. Political campaign advertising shall not be placed on highway rights-of-way or other publicly owned property and shall be removed from other properties 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 sign 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 the 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.

(Ord. No. 202, 05/27/1999)

Sec. 14-1204. Prohibited Signs.

1. Off premises Signs: All off premises signs not specifically mentioned shall not be permitted.
2. Portable Signs: Portable signs, folding signs and similar moveable signs are prohibited. A portable sign is deemed 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.

3. Roof-Mounted Signs: Any signs attached to a building shall not be located upon the roof nor project above the building.
4. 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.
5. Billboards: All signs which advertise or are intended to advertise a product, service or other business not located on the premises are not allowed.
6. Other Signs: Any sign not provided for in this ordinance shall be prohibited.
(Ord. No. 202, 05/27/1999)

Sec. 14-1205. General Provisions.

The following shall apply in all zoning districts:

1. 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.
2. Traffic Hazards: signs are prohibited which may interfere with, mislead or confuses 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 conditions. No sign shall use the words "Stop", "Go", "Caution", "Yield", or other such words when such would be confused with traffic

fifteen (15) feet to an intersection right-of-way.

3. **Lighting:** Any lighting arrangement with exposed tubes or strings or 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.
4. **Trees And Utility Poles:** No signs shall be attached to trees or utility poles.
5. **Height Clearance:** All signs shall have a minimum clearance of ten (10) feet above a walkway.
6. **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.
7. **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.
8. **Off Premises Directional Signs:** signs shall be mounted on a single pole provided at the discretion of the Town of Mount Carmel at major street intersections. Each attached sign shall be approved by the building inspector and shall conform to a standard design. The maximum sign area is six (6) square feet.

Sec. 14-1206. District Provisions:

1. Low Density Residential District, R-1:

- (a) **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.
- (b) **Yard Sale Signs:** one yard sale 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.

2. Medium Density Residential District, R-2 & R-3:

- (a) Same as for low density residential districts, R-4.

3. High Density Residential District, R-4:

- (a) As for medium density residential district, R-2 & R-3.
- (b) **Multi-Family Development:** 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 sign shall be indirectly illuminated.

4. Mobile Home District, R-5:

- (a) Same as for high density residential district, R-4.

5. Neighborhood Business District, B-1:

- (a) As for high density residential district, R-3.
- (b) **Single Tenant Business and Multi-tenant**

center permitted one freestanding 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.

6. Arterial business district, B-2:

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

7. General business District, B-3:

- (a) As for arterial business district, B-2.

8. Industrial District, M-1:

- (a) Upon review and approval of the planning commission.

9. Shopping District, B-4:

- (a) Upon review and approval of the planning commission.

(Ord. No. 202, 05/27/1999)

Sec. 14-1207. Administration.

1. Permits: A schedule of fees for permits shall be set by resolution of the Board of Mayor and Aldermen from time to time as circumstances require. 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 such 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 not secure 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 to remove or secure it 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 sign allowed in Sec. 14-1203 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 terminated. If such signs are not removed with this time period, they shall be removed at the direction of the building inspector. The cost of removal shall be placed as a lien against 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.

(Ord. No. 202, 05/27/1999)

Chapter 13

ENFORCEMENT

Section.

14-1301. Enforcing Officer.

14-1302. Building Permits and Certificates of Occupancy.

14-1303. Remedies.

Sec. 14-1301. 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.

(Ord. No. 202, 05/27/1999)

Sec. 14-1302. 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 is in conformity with the provision of this ordinance and other ordinances of the Town of Mount Cannel, 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 therefore.
 - (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 and other ordinances of the town.

4. Records. A complete record of such application, sketches and plans shall be maintained in the office of the Building Inspector.
(Ord. No. 202, 05/27/1999)

Sec. 14-1303. Remedies.

In case any building, structure, or sign is erected, reconstructed, constructed, repaired, converted, or maintained, or any building, structure, or land is used in violation of this title, 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 illegal occupancy or use of such building, sign, structure or land.
(Ord. No. 202, 05/27/1999)

Chapter 14

BOARD OF ZONING APPEALS

Section.

14-1401. Creation and Appointment.

14-1402. Procedure.

14-1403. Appeals.

14-1404. Powers.

Sec. 14-1401. 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 the member's term on the Mount Carmel Planning Commission. (Ord. No. 202, 05/27/1999)

Sec. 14-1402. 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 of Zoning Appeals 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. (Ord. No. 202, 05/27/1999)

Sec. 14-1403. Appeals.

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 a decision of the Building Inspector based in whole or in part upon the provision 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. (Ord. No. 202, 05/27/1999)

Sec. 14-1404. 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 Exception. 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 sections 14-1001 and 14-1002.
 - (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. (Ord. No. 202, 05/27/1999)

Chapter 15

AMENDMENT

Section.

14-1501. Procedure.

14-1502. Approval by Planning Commission.

14-1503. Introduction of Amendment.

Sec. 14-1501. Procedure.

Such regulations, restrictions and boundaries as are provided for in the zoning ordinance may be amended, supplemented, changed, modified or repealed. All changes and amendments shall be effective only after official notice and public hearings as herein provided. An application for an amendment to this chapter that has been denied shall not be reinstituted sooner than twelve (12) months from the date of the denial, unless in the opinion of the planning commission substantial changes in conditions or circumstances have occurred.

Sec. 14-1502. Approval by Planning Commission.

No amendment shall become effective unless it is first submitted to and approved by the planning commission or, if disapproved, unless it shall receive a majority vote of the entire membership of the board of mayor and aldermen. If the planning commission neither approves nor disapproves such proposed amendment within thirty (30) days after such submission, the proposed amendment shall be deemed approved. Prior to planning commission action on any proposed zoning map revision or amendment, the planning commission may give public notice of such proposed revision or amendment by erecting an appropriate sign on the property that would be affected by the proposed change, and it may send a notice of the time and place for a public hearing by the planning commission on the proposed amendment to owners fronting or abutting the property in question.

Sec. 14-1503. Introduction of Amendment.

Applications for amendments to this chapter shall be filed with the recording secretary of the planning commission and shall contain information and shall follow the procedures established by the planning commission. The planning commission also may establish a schedule of fee payments for such amendments and may require such fees to accompany the filing of an application in order to defray administrative costs of application processing. Upon the introduction of an amendment to the

zoning ordinance or upon the receipt of a petition to amend the zoning 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 a public hearing by the board of mayor and aldermen on the requested change. Said notice shall be published in a newspaper of general circulation. 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.

Chapter 16

STORMWATER MANAGEMENT, EROSION AND SEDIMENTATION CONTROL

Section.

- 14-1601. Short title
- 14-1602. Purpose
- 14-1603. Definitions
- 14-1604. Regulated land disturbing activities
- 14-1605. Permit required for any land disturbing activity
- 14-1606. Grading, vegetation, drainage, and erosion and sedimentation control plans required.
- 14-1607. Plan requirements
- 14-1608. Stormwater System Design and Management Standards
- 14-1609. Plan must contain measures to meet approved standards
- 14-1610. Permanent Stormwater Management Facilities
- 14-1611. Plan development at owner/developer s expense
- 14-1612. Plan submitted to Building Inspector
- 14-1613. Plan reviewed within sixty (60) days
- 14-1614. Grading permit and bond
- 14-1615. Building inspector and/or town designee may require additional protective measures
- 14-1616. Retention/detention facilities and drainage structures maintained
- 14-1617. Improperly maintained retention/detention facilities and drainage structures a violation
- 14-1618. Town may take ownership of retention facilities and drainage structures
- 14-1619. Technical assistance
- 14-1620. Building Inspector and/or town designee responsible for providing safeguards in projects less than one acre or utilizing less than three (3) lots
- 14-1621. Grading permit also required for any project on less than one acre involving grading, filling, or excavating
- 14-1622. Existing developed properties with drainage, erosion and sediment concerns
- 14-1623. Improvements required in existing developments normally at owner s expense
- 14-1624. Town may take responsibility for existing retention facilities and drainage structures
- 14-1625. Improvements needed at existing locations determined by the Building Inspector and/or town designee
- 14-1626. Improvements required with existing facilities subject to appeal
- 14-1627. Post Construction
- 14-1628. Illicit Discharges
- 14-1629. Monitoring, reports, and inspections
- 14-1630. Mud/Silt in Street/Stream
- 14-1631. Certificate of Occupancy not issued until compliance with plan verified
- 14-1632. Plan construction acceptance and bond release
- 14-1633. Appeal of administrative action
- 14-1634. Town clean-up resulting from violations at Developer s/ Owner s expense
- 14-1635. Penalties Enforcement

Sec. 14-1601. Short Title.

This Chapter shall be known as the Stormwater Management, Erosion and Sedimentation Control Ordinance of the Town of Mount Carmel, Tennessee.

Sec. 14-1602. Purpose.

The purpose of this ordinance is to conserve the land, water and other natural resources of the Town of Mount Carmel and Hawkins County; and promote the public health and welfare of the people by establishing requirements for the control of stormwater, erosion and sedimentation and by establishing procedures whereby these requirements shall be administered and enforced; and to diminish threats to public safety from degrading water quality caused by the run-off of excessive stormwater and associated pollutants, to reduce flooding and the hydraulic overloading of the town's stormwater system; and to reduce the economic loss to individuals and the community at large.

Sec. 14-1603. Definitions.

For the purpose of this chapter, the following definitions shall apply: Words used in the singular shall include the plural, and the plural shall include the singular; words used in the present tense shall include the future tense. The word shall is mandatory and not discretionary. The word may is permissive. Words not defined in this section shall be construed to have the meaning given by common and ordinary use as defined in the latest edition of Webster's Dictionary.

1. Best Management Practices or BMPs: Any physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, that have been approved by the Town of Mount Carmel, TN.
2. Development: Any activity on one acre or more or on three lots or more that involves making changes to the land contour by grading, filling, excavating removal, or destruction of topsoil, trees, or vegetative covering.
3. Denuded Area: Areas disturbed by grading, filling, or other such activity in which all vegetation has been removed and soil is exposed directly to the elements allowing for the possibility of erosion and stormwater and sediment run-off.
4. Developer: Any person, owner, individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns.
5. Drainage: A general term applied to the removal of surface or subsurface water from a given area either by gravity or by pumping; commonly applied to surface water.
6. Drainage and Sedimentation Control Plan: For the purpose of this Chapter, a Drainage and Sedimentation Control Plan refers to a formal written document addressing grading, vegetation, drainage, and stormwater flows, erosion and sedimentation controls, as specified in Sections 14-1605 through 14-1608, that is reviewed by the Public Works Director and/or Building Inspector with the technical assistance of the Hawkins County Soil Conservationist and Extension Agents, reviewed by the Mount Carmel Planning Commission, and if approved by the Planning Commission, is used as the basis for the Building Inspector to issue a grading permit that allows land disturbing activity to proceed.
7. Drainage Ways and Local Waters: Any and all streams, creeks, branches, ponds, reservoirs, springs, wetlands, sinkholes, wells, drainage ways and wet weather ditches, or other bodies of surface or subsurface water, natural or artificial including Mount Carmel's stormwater system, lying within or forming a part of the boundaries of the Town of Mount Carmel, or the area under the regulatory responsibility of the Mount Carmel Planning Commission.
8. Erosion: The removal of soil particles by the action of water, wind, ice or other geological agents, whether naturally occurring or acting in conjunction with or promoted by anthropogenic activities or effects.

9. **Grading Permit:** The permit that must be issued by the Building Inspector, or in his/her absence, the town's designee, before any land disturbing activity is undertaken by a developer, or when grading, filling, or excavating is proposed on a project.
10. **Land Disturbing Activity:** Any activity which may result in soil erosion from water or wind and the movement of sediments into drainage ways, or local water, including, but not limited to, clearing, grading, excavating, transportation and filling of land, except that the term shall not include:
- (a) Such minor land disturbing activities as home and gardens and individual home landscaping, repairs and maintenance work.
 - (b) Construction, installation or maintenance of individual service connections, or septic lines and drainage fields. Utility line construction of 1.65 miles for a five (5) foot wide disturbed area will require a permit. If the Town of Mount Carmel is the permittee, the permit will be obtained from the Tennessee Department of Environment and Conservation. Preparation for single family residences separately built, unless in conjunction with multiple [three (3) or more] adjacent construction sites in subdivision developments.
 - (c) Emergency work to protect life, limb or property.
11. **Temporary Sediment Basin:** A temporary basin or pond constructed across a drainage way, or of an excavation that creates a basin, or by a combination of both to slow the flow of water and/or prevent sediment from moving further downstream. The size of the structure will depend upon the location, size of the drainage area, soil type, land cover/use, rainfall amount, and any unique site conditions favorable to producing high runoff volume, velocity, or sediment.
12. **Permanent stormwater management facility:** A permanent basin or pond (and in some cases a ditch or swale) designed to control the amount of stormwater leaving the developed site so that the volume and velocity does not exceed the pre-development flow.
13. **As Built Plans:** Drawings depicting conditions as they were actually constructed.
14. **Channel:** A natural or artificial watercourse with a definite bed and banks that conducts flowing water continuously or periodically.
15. **Community Water:** Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of surface or subsurface water, natural or artificial, lying within or forming a part of the boundaries of the Town of Mount Carmel, Tennessee.
16. **Contaminant:** Any physical, chemical, biological, or radiological substance or matter in water.
17. **Design Storm Event:** A hypothetical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.
18. **Discharge:** To dispose, deposit, spill, pour, inject, seep, dump, leak or place by any means, or that which is disposed, deposited, spilled, poured, injected, seeped, dumped, leaked, or placed by any means including any direct or indirect entry of any solid or liquid matter into the municipal separate storm sewer system.
19. **Easement:** An acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.
20. **Erosion and Sediment control Plan:** A written plan (including drawings or other graphic representations) that is designed to minimize the accelerated erosion and sediment runoff at a site during construction activities.
21. **Hotspot (priority area):** An area where land use or activities generate highly contaminated

runoff, with concentrations of pollutants in excess of those typically found in stormwater.

22. Illicit connections: Illegal and/or unauthorized connections to the municipal separate stormwater system whether or not such connections result in discharges into that system.
23. Illicit discharge: Any discharge to the municipal separate storm sewer system that is not composed entirely of stormwater and not specifically exempted under 14-1604.
24. Maintenance: Any activity that is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to restore the facility to its original operational design parameters. Maintenance shall also include the correction of any problem on the site property that may directly impair the functions of the stormwater facility.
25. Maintenance Agreement: A document recorded in the land records that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.
26. Municipal separate storm sewer system (MS4) (Municipal separate stormwater system): The conveyances owned or operated by the municipality for the collection and transportation of stormwater, including the roads and streets and their drainage systems, catch basins, curbs, gutters, ditches, man-made channels, and storm drains.
27. National Pollutant Discharge Elimination System permit or NPDES permit: A permit issued pursuant to 33 U.S.C. 1342.
28. Off-site Facility: A structural BMP located outside the subject property boundary described in the permit application for land development activity.
29. On-site Facility: A structural BMP located within the subject property boundary described in the permit application for land development activity.
30. Peak flow: The maximum instantaneous rate of flow of water at a particular point resulting from a storm event.
31. Person: Any and all persons, natural or artificial, including any individual, firm or association and any municipal or private corporation organized or existing under the laws of this or any other state or country.
32. Priority Area: Hot spot as defined above.
33. Runoff: That portion of the precipitation on a drainage area that is discharged from the area into the municipal separate stormwater system.
34. Sediment: Solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice and has come to rest on the earth's surface either above or below sea level.
35. Sedimentation: Soil particles suspended in stormwater that can settle in streambeds and disrupt the natural flow of the stream.
36. Soils Report: A study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils report shall be prepared by a qualified soils engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.
37. Stabilization: Providing adequate measures, vegetative and/or structural, that will prevent erosion from occurring.

38. Stormwater: Stormwater runoff, snow melt runoff, surface runoff, street wash waters related to street cleaning or maintenance, infiltration and drainage.
39. Stormwater Management: The programs to maintain quality and quantity of stormwater runoff to pre-development levels.
40. Stormwater Management Facilities: The drainage structures, conduits, ditches, combined sewers, sewers, and all device appurtenances by means of which stormwater is collected, transported, pumped, treated or disposed of.
41. Stormwater Management Plan: The set of drawings and other documents that comprise all the information and specifications for the programs, drainage systems, structures, BMPs, concepts and techniques intended to maintain or restore quality and quantity of stormwater runoff to pre-development levels.
42. Stormwater Runoff: Flow on the surface of the ground, resulting from precipitation.
43. Structural BMPs: Devices that are constructed to provide control of stormwater runoff.
44. Surface Water: Includes waters upon the surface of the earth in bounds created naturally or artificially including, but not limited to, streams, other watercourses, lakes and reservoirs.
45. Watercourse: A permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.
46. Watershed: All the land area that contributes runoff to a particular point along a waterway.

Sec. 14-1604. Regulated land disturbing activities.

1. Except as provided in subsection 14-1604(2) and 1604 (3), it shall be unlawful for any person to engage in any land disturbing activity on any

commercial development, or any development, construction, or renovation activity involving at least one acre or three (3) adjacent lots or more without submitting and obtaining approval of a Drainage and Sedimentation Plan as detailed in Sections 14-1606 through 14-1611 of this Chapter, and being issued a Grading Permit by the Building Inspector.

2. Any person who owns, occupies and operates private agriculture or forestlands shall not be deemed to be in violation of this ordinance of land disturbing activities, which result from the normal functioning of these lands, however, the Building Inspector has the authority to require best practices erosion and sedimentation control measures if pollution and run-off problems are evident.
3. Any State or Federal agency not under the regulatory authority of the Town of Mount Carmel for storm water management, erosion and sedimentation control.

Sec. 14-1605. Permit required for any land disturbing activity.

Any land disturbing activity, as defined, shall require a Grading Permit, in addition to any Building Permit that must be issued by the Building Inspector prior to the commencement of any work. Grading Permits for land disturbing activities will be issued by the Building Inspector only upon the Developer meeting requirements outlined in Sections 14-1604 through 14-1612 of this Chapter, which includes obtaining approval of a Drainage and Sedimentation Control Plan, by the Mount Carmel Planning Commission.

Sec. 14-1606. Grading, vegetation, drainage, and erosion and sedimentation control plans required.

A grading, vegetation, drainage, and erosion and sedimentation control plan, (for convenience defined in Section 14-1603 as a Drainage and Sedimentation Control Plan), shall be required for all developments, subdivisions, or construction activities involving one (1) or more acres, or three subdivision, or

construction activities involving one (1) or more acres, except as exempted in Sections 14-1604(2) and 14-1604(3) of this Chapter. A Drainage and Sedimentation Control Plan or BMP shall be required for all commercial construction or renovation, or any multi family residential facility involving three (3) or more units. If necessary to protect the health and safety of the people, the Building Inspector and/or Planning Commission may, at its discretion, require a Drainage and Sedimentation Control Plan for any development or renovation under one (1) acre, or subdivision with less than three (3) adjacent lots, or multi-family residential development under three (3) units.

Sec. 14-1607. Plan requirements.

The Drainage and Sediment Control Plan shall be prepared and designed and certified by an engineer and/or surveyor licensed in the State of Tennessee. The length and complexity of the plan is to be commensurate with the size of the project, severity of the site condition, and the potential for off-site damage. The plan shall be a 1 = 100 or smaller scale, topographic base map of the site which extends a minimum of 500 feet beyond the limits of the proposed development and includes at least the following:

1. Project Description. Briefly describe the intended project and proposed land disturbing activity including number of units and structures to be constructed and infrastructure required.
2. Contour intervals of five (5) or less showing present conditions and proposed contours resulting from land disturbing activity.
3. All existing drainage ways, including intermittent and wet-weather. Include any designated floodways or flood plains.
4. Existing land cover.
5. Approximate limits of proposed clearing, grading and filling.
6. Delineation of all existing drainage areas contributing runoff to the site. Amount of existing Stormwater discharged by each of the contributing areas. Amount of existing Stormwater entering and leaving any portion of the site and location that Stormwater enters or leaves the site. The appropriate calculations for making these determinations shall be included with the plan submission.
7. Description of existing soil types and characteristics and any anticipated soil erosion and sedimentation problems resulting from existing characteristics.
8. Location, size and layout of proposed stormwater and sedimentation control improvements.
9. Proposed drainage network. The plan shall illustrate the proposed means for transporting all Stormwater from its point of origin, through the site and to an adequate outfall.
10. Proposed drain tile or waterway sizes and plan and profile views of all proposed drainage structures, including ditches and swales.
11. Approximate flows leaving site after construction and incorporating water run-off mitigation measures. The evaluation must include projected effects on property adjoining and down stream of the site and on existing drainage facilities and systems. The hydraulic calculations necessary to ensure adequately sized stormwater management structures and BMPs used must also be included.
12. The projected sequence of work represented by the grading, drainage and erosion and sedimentation control plans as related to other major items of construction.
13. Specific remediation measures to prevent erosion and sedimentation run-off, and to meet approved standards as outlined in Section 14-1609 of this Chapter. Plans shall include detailed drawings for all control measures used; stabilization measures including vegetation and

non-vegetative measures, both temporary and permanent, will be detailed. Detailed construction notes and a maintenance schedule shall be included for all control measures in the plan.

14. Specific details for the construction of the entrance to the site for controlling erosion and road access points and for eliminating or keeping mud, sediment, and debris on Mount Carmel streets and public ways at a level acceptable to the Building Inspector. Mud, sediment, and debris brought onto streets and public ways must be removed by the end of the day by machine, broom or shovel to the satisfaction of the Building Inspector and/or Mount Carmel Law Enforcement Officer. Failure to remove said sediment, mud or debris shall be deemed a violation of this ordinance. Proposed structures: location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.
15. Proposed Stormwater management facilities: the location, size and layout of all proposed Stormwater and layout of all Stormwater management structures, including retention/detention facilities shall be illustrated on the plan. These facilities must be designed to meet or exceed the standards set forth in Section 14-1609 and as required by section 14-1608. Engineering calculations for sizing each facility must be provided. A qualified engineer registered in the State of Tennessee must seal the plans and calculations pertaining to permanent Stormwater management facilities. Specific details for the construction of the entrance to the site for controlling erosion and road access points and for eliminating or keeping mud, sediment, and debris on Mount Carmel streets and public ways at a level acceptable to the Building Inspector. Mud, sediment, and debris brought onto streets and public ways must be removed by the end of the day by machine, broom or shovel to the satisfaction of the Building Inspector and/or Mount Carmel Law Enforcement Officer.

Failure to remove said sediment, mud or debris shall be deemed a violation of this ordinance.

16. Proposed structures: location (to the extent possible) and identification of any proposed additional buildings, structures or development on the site.
17. Proposed Stormwater management facilities: the location, size and layout of all proposed Stormwater and layout of all Stormwater management structures, including retention/detention facilities shall be illustrated on the plan. These facilities must be designed to meet or exceed the standards set forth in Section 14-1609 and as required by section 14-1608. Engineering calculations for sizing each facility must be provided. A qualified engineer registered in the State of Tennessee must seal the plans and calculations pertaining to permanent Stormwater management facilities.

Sec. 14-1608. Stormwater system design and management standards.

1. Stormwater design or BMP manual.
 - (a) Adoption. The Town of Mount Carmel, Tennessee adopts as its stormwater design and best management practices (BMP) manual the latest edition of the following publications, which are incorporated by reference in this ordinance as is fully set out herein:
 - (1) TDEC Erosion and Sediment Control Manual
 - (2) Standard Specifications for Road and Bridge Construction, Tennessee Department of Highways and Public Works
 - (3) TDEC Manual for Post Construction

These manuals include lists of acceptable BMPs including the specific design performance criteria and operation and maintenance requirements for

each stormwater practice. As these manuals are updated, such updates are incorporated into the Town's BMP manual unless expressly rejected by a majority vote of a duly constituted meeting of the Planning Commission. The Town of Mount Carmel, Tennessee Stormwater facilities that are designed, constructed and maintained in accordance with these BMP criteria will be presumed to meet the minimum water quality performance standards. Other BMPs may be added or deleted upon approval of the Planning Commission. Site-specific BMP(s) may be approved by the Building Inspector.

2. General performance criteria for stormwater management. Unless granted a waiver or judged by the Building Inspector to be exempt, the following performance criteria shall be addressed for stormwater management at all sites: All site designs shall control the peak flow rates of stormwater discharge associated with design storms specified in this ordinance or in the BMP manual and reduce the generation of post construction stormwater runoff to pre-construction levels. These practices should seek to utilize pervious areas for stormwater treatment and to infiltrate stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas to the maximum extent practical to provide treatment for both water quality and quantity. To protect stream channels from degradation, specific channel protection criteria shall be provided as prescribed in the BMP manual. Stormwater discharges to critical areas with sensitive resources (i.e., cold water fisheries, shellfish beds, swimming beaches, recharge areas, water supply reservoirs) may be subject to additional performance criteria, or may need to utilize or restrict certain stormwater management practices. Stormwater discharges from hot spots may require the application of specific structural BMPs and pollution prevention practices. Prior to or during the site design process, applicants for land disturbance permits shall consult with the Building Inspector and/or Engineer to determine if they are subject to additional stormwater design requirements. The calculations for determining peak flows using sound engineering practices shall be used for sizing all stormwater facilities.
3. Minimum control requirements. Stormwater designs shall meet the multi-stage storm frequency storage requirements as identified in this ordinance and the BMP manual unless the Planning Commission has granted the applicant a full or partial waiver for a particular BMP. If hydrologic or topographic conditions warrant greater control than that provided by the minimum control requirements, the Planning Commission may impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff.
4. Stormwater management plan requirements. The stormwater management plan shall include sufficient information to allow the Planning Commission to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. To accomplish this goal the stormwater management plan shall include the following:
 - (a) Calculations: Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in the BMP manual. These calculations must show that the proposed stormwater management measures are capable of controlling runoff from the site in compliance with this ordinance and the guidelines of the BMP manual. Such calculations shall include:
 - (1) A description of the design storm frequency, duration, and intensity where applicable;
 - (2) Time of concentration;
 - (3) Soil curve numbers or runoff coefficients including assumed soil moisture conditions;
 - (4) Peak runoff rates and total runoff volumes for each watershed area;
 - (5) Infiltration rates, where applicable;

- (6) Culvert, stormwater sewer, ditch and/or other stormwater conveyance capacities;
 - (7) Flow velocities;
 - (8) Data on the increase in rate and volume of runoff for the design storms referenced in the BMP manual; and
 - (9) Documentation of sources for all computation methods and field test results.
- (b) **Soils Information:** If a stormwater management control measure depends on the hydrologic properties of soils (e.g., infiltration basins), then a soils report shall be submitted. The soils report shall be based on on-site boring logs or soil pit profiles and soil survey reports. The number and location of required soil borings or soil pits shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the control measure.
- (c) **Maintenance and Repair Plan:** The design and planning of all stormwater management facilities shall include detailed maintenance and repair procedures to ensure their continued performance. These plans will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. A permanent elevation benchmark shall be identified in the plans to assist in the periodic inspection of the facility.
- (d) **Landscaping Plan:** The applicant must present a detailed plan for management of vegetation at the site after construction is finished, including who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.
- Where it is required by the BMP, this plan must be prepared by a registered engineer or architect licensed in Tennessee.
- (e) **Maintenance Easements:** The applicant must ensure access to the site for the purpose of inspection and repair by securing all the maintenance easements needed. These easements must be binding on the current property owner and all subsequent owners of the property and must be properly recorded in the land record.
- (f) **Maintenance Agreement:**
- (1) Maintenance agreements will apply to all stormwater drainage facilities including but not limited to ditches, swales, ponds, riprap and the like. Permanent stormwater management facilities must be clearly marked on the plat of record including a notation that these stormwater facilities are permanent, that they must be maintained and may not be filled, altered or otherwise changed.
 - (2) The owner of property to be served by a permanent on-site stormwater management facility must execute an inspection and maintenance agreement that shall operate as a deed restriction binding on the current property owner and all subsequent property owners.
 - (3) The maintenance agreement shall:
 - i. Assign responsibility for the maintenance and repair of the stormwater facility to the owner of the property upon which the facility is located (in the case of sub-divisions, permanent stormwater maintenance facilities shall be jointly owned by all owners of lots in the subdivision) and be recorded as such on the plat for the property by appropriate notation.
 - ii. Provide for an inspection by the property owner at the property owner's expense upon direction of the town for the purpose of documenting maintenance and repair needs

and ensure compliance with the purpose and requirements of this ordinance. The property owner will arrange for this inspection to be conducted by a registered professional engineer licensed to practice in the State of Tennessee who will submit a sealed report of the inspection to the Town of Mount Carmel, Tennessee. The maintenance agreement shall also grant permission to the town to enter the property at reasonable times and to inspect the stormwater facility to ensure that it is being properly maintained.

- iii. Provide that the minimum maintenance and repair needs include, but are not limited to: the removal of silt, litter and other debris, the cutting of grass, grass cuttings and vegetation removal, and the replacement of landscape vegetation, in detention and retention basins, and inlets and drainage pipes and any other stormwater facilities. It shall also provide that the property owner shall be responsible for additional maintenance and repair needs consistent with the needs and standards outlined in the BMP manual.
 - iv. Provide that maintenance needs must be addressed in a timely manner, on a schedule to be determined by the Town of Mount Carmel, Tennessee.
 - v. Provide that if the property is not maintained or repaired with the prescribed schedule, the Town of Mount Carmel, Tennessee shall perform the maintenance and repair at its expense, and bill the same to the property owner. The maintenance agreement shall also provide that the town's cost of performing the maintenance shall be a lien against the property.
- (4) The municipality shall have the discretion to accept the dedication of any existing or future stormwater management facility, provided such facility meets the requirements of this ordinance and includes adequate and perpetual access and sufficient areas, by easement or otherwise, for inspection and regular maintenance. Any stormwater facility

accepted by the municipality must also meet the municipality's construction standards and any other standards and specifications that apply to the particular stormwater facility in question.

Sec. 14-1609. Plan must contain measures to meet approved standards.

The Drainage and Sedimentation Control Plan shall contain measures that will ensure development; construction or site work will meet or exceed the following standards:

1. The development fits within the topography and soil conditions in a manner that allows stormwater and erosion and sedimentation control measures to be implemented in a manner satisfactory to the Mount Carmel Planning Commission. Development shall be accomplished so as to minimize adverse effects upon the natural or existing topography and soil conditions and to minimize the potential for erosion.
2. Plans for development and construction shall minimize cut and fill operations. Construction and development plans calling for excessive cutting and filling may be refused a permit by the Mount Carmel Planning Commission if it is determined that the land use permitted by the applicable zoning district could be supported with less alteration of the natural terrain.
3. During development and construction, adequate protective measures shall be provided to minimize damage from surface water to the cut face of excavations or the sloping surfaces of fills. Fills shall not encroach upon natural watercourses, their flood plains; or constructed channels in a manner so as to adversely affect other properties.
4. Pre-construction vegetation ground cover shall not be removed, destroyed, or disturbed more than twenty (20) days prior to grading or earth moving. No work shall occur until perimeter sedimentation and erosion control devices are in place to the Building Inspector's satisfaction.

5. Developers shall be responsible upon completion of land disturbing activities to leave slopes and developed or graded areas so that they will not erode. Such methods include, but are not limited to, re-vegetation, mulching, rip-rapping or gunniting, and retaining walls. Bank cuts and grades should not exceed a 2 to 1 slope without use of a retaining wall and must be properly covered with mulch and vegetation. Regardless of the method used, the objective is to leave the site as erosion and maintenance-free as is practical.
6. Stormwater management facilities shall be designed and constructed to mitigate the increase in Stormwater runoff resulting from the development. The facilities shall reduce the post-construction runoff rate to the pre-construction runoff rate for the 2-year and 10-year storm frequencies. The Planning Commission may require designs based on larger storm events on a case-by-case. The facilities shall also be equipped with an emergency spillway or other such device capable of accommodating the 100-year storm event and preventing failure of the facility. A staged outlet box structure is a preferred method for controlling the rate of stormwater discharge. (See section 14-1608.)
7. Discharges from sedimentation basins or traps must be through piping, liners, rip-rap or properly grassed channels so that the discharge does not cause erosion.
8. All grading, vegetation, drainage, stormwater, erosion and sedimentation control mitigation measures shall conform to any or all Best Management Practices unless otherwise directed by the Building Inspector.
9. Sedimentation basins (debris basins, desalting basins, or silt traps) and other drainage and sedimentation control measures shall be installed in conjunction with initial work and must be in place and functional prior to the initial grading operations. These measures must be maintained throughout the development process. Sediment basins and/or silt traps may be temporary, but shall not be removed without the approval of Building Inspector.
10. Damage to vegetation on stream banks or waterways (those not regulated in other chapters of this code) shall be minimized within five feet of each bank, except as necessary for the installation of utilities, development of roads, or construction of retention ponds and related drainage improvements.
11. Land shall be developed to the extent possible in increments of workable size that can be completed in a single construction season. Erosion and sedimentation control measures shall be coordinated with the sequence of grading development and construction operations. Control measures such as berms, interceptor ditches, terraces, and sediment and silt traps shall be put into effect prior to any other stage of development.
12. The permanent vegetation shall be installed on the construction site as soon as utilities are in place and final grades are achieved. However, without prior approval of an alternate plan by the Mount Carmel Planning Commission, permanent or temporary soil stabilization must be applied to disturbed areas within seven (7) days from substantial completion of grading and where disturbed areas will remain unfinished for more than thirty (30) calendar days.
13. Retention facilities and drainage structures shall, where possible, use natural topography and natural vegetation. In lieu thereof, these structures shall have planted trees and vegetation such as shrubs and permanent ground cover on their borders. Plant varieties shall be those sustainable in a drainage way environment or as may be outlined in Best Management Practices. Woody material, such as trees, shall be kept from encroaching on the dam. Utilities shall not be constructed through the stormwater control device and must be accessible without disturbing the device.
14. In many situations, retention facilities and drainage structures need to be fenced in order to

protect public safety. The Mount Carmel Planning Commission may require fencing for any basin or structure. When the Planning Commission requires fencing, the following specifications apply. Alternate fencing plans may be considered when requested by the developer, residents, or if the Planning Commission feels some other form of fencing is more appropriate for the site.

- (a) A minimum height of six (6) feet.
 - (b) Line Post must be 1 7/8 diameter, 16 gauge.
 - (c) Fence must be chained link of a minimum of 9 gauge, or approved alternative.
 - (d) A lockable access gate of a minimum width of 12 feet must be provided to allow access by equipment and machinery as needed for maintenance.
15. Drainage and Sedimentation Control Plans must meet minimum requirements established in Tennessee Code Annotated as follows:
- (a) Name of applicant
 - (b) Business or residence address of applicant.
 - (c) Name and address of owners of property involved in activity.
 - (d) Address and legal description of property, and names of adjoining property owners.
 - (e) Name(s) and address(es) of contractor(s), if different from applicant, and any subcontractor(s) who shall undertake the land disturbing activity and who shall implement the Drainage and Sedimentation Control Plan.
 - (f) A brief description of the nature, extent, and purpose of the land disturbing activity.
 - (g) Proposed schedule for starting and completing project.

Sec. 14-1610. Permanent stormwater management facilities.

Installation of permanent stormwater management facilities shall occur after the site has been adequately stabilized with permanent vegetation. Permanent stormwater management facilities must be clearly marked on the plat of record including a notation that these stormwater facilities must be maintained as specified in the maintenance agreement [section 14-1608.(4)(f)] above and that they are permanent and may not be filled, altered or otherwise changed. The development will not be granted final approval (bond will not be released) until:

- 1. As built plans for each individual facility, sealed by the Engineer of record, have been submitted;
- 2. Each facility has been inspected by the Building Inspector.

Sec. 14-1611. Plan development at Owner's/Developer's expense.

Unless specifically approved by the Board of Mayor and Aldermen, all Drainage and Sedimentation Control Plans shall be developed and presented at the expense of the owner/developer.

Sec. 14-1612. Plan submitted to Building Inspector.

Six (6) copies of the Drainage and Sedimentation Control Plan shall be submitted directly to the Building Inspector at least fifteen (15) days prior to consideration. Any insufficiencies, violations noted or comments will be directed back to the Applicant/Developer. The Plan will then be revised as required prior to being presented to the Mount Carmel Planning Commission.

Sec. 14-1613. Speedy Review of Plan.

The Mount Carmel Planning Commission shall review Drainage and Sedimentation Control Plans as quickly as possible while still allowing for a thorough evaluation of the problems and mitigation measures identified and addressed. The Planning

Commission will take final action on plans submitted as outlined below unless the developer formally waives the right to speedy review: Within corporate limits, thirty (30) days; outside corporate limits but within the planning region, sixty (60) days.

Sec. 14-1614. Grading permit and bond.

Following approval of the Drainage and Sedimentation Control Plan by the Planning Commission, a limited grading permit for the erosion and sediment control devices only shall be obtained from the Building Inspector. After these devices are installed, inspected and approved, an unlimited grading permit must be obtained for other site work.

1. Prior to issuing the permit, The Town of Mount Carmel, Tennessee may, at its discretion, require the submittal of a performance security or performance bond in order to ensure that the stormwater practices are installed by the permit holder as required by the approved stormwater drainage and sediment control plan. The amount of the installation performance security or performance bond shall be the total estimated construction cost of the structural BMPs approved under the permit plus five percent (5%). The performance security shall contain forfeiture provisions for failure to complete work specified in the stormwater management plan. The applicant shall provide an itemized construction cost estimate complete with unit prices, which shall be subject to acceptance, amendment or rejection by the Town of Mount Carmel, Tennessee. Alternatively the Town of Mount Carmel, Tennessee shall have the right to calculate the cost of construction cost estimates.
2. The performance security or performance bond shall be released in full only upon submission of as-built plans and written certification by a registered professional engineer licensed to practice in Tennessee that the structural BMP has been installed in accordance with the approved plan and other applicable provisions of this ordinance. The Town of Mount Carmel, Tennessee will make a final inspection of the structural BMP to ensure that it is in compliance with the approved plan and the provisions of this

ordinance. Provisions for a partial pro-rata release of the performance security or performance bond based on the completion of various development stages may be made at the discretion of the Town of Mount Carmel, Tennessee.

Sec. 14-1615. Building Inspector and/or town designee may require additional protective measures.

The Building Inspector and/or the town's designee have the authority at their discretion to require ground cover or other remediation measures preventing stormwater, erosion and sediment run-off, if either determines after construction begins that the plan and/or implementation schedule approved by the Planning Commission does not adequately provide the protection intended in the ordinance and in the approval issued by the Commission. Additional protective measures required by the Building Inspector and/or the town designee that fall under the authority of the Planning Commission are subject to appeal under the procedures outlined in Section 14-1628 of this Chapter.

Sec. 14-1616. Retention/Detention facilities and drainage structures maintained.

All on-site retention basins and drainage structures shall be properly maintained by the owner/developer during all phases of construction and development so that they do not become a nuisance. Nuisance conditions shall include improper storage resulting in uncontrolled run-off and overflow; stagnant water with concomitant algae growth, insect breeding, and odors; discarded debris; and safety hazards created by the facilities operation. The Mount Carmel Planning Commission has the responsibility to see that the retention basin is properly maintained and operational. The Developer shall provide the necessary permanent easements to provide town personnel access to the retention facilities and drainage structures for periodic inspection. A right-of-way to conduct such inspections shall be expressly reserved in the permit.

Sec. 14-1617. Improperly maintained retention/detention facilities and drainage structures a violation.

The Building Inspector and/or town designee shall periodically monitor and inspect the care, maintenance and operation of retention facilities and drainage structures during and after construction and development. Facilities found to be a nuisance, as defined in the Mount Carmel Municipal Code are in violation of the ordinance and are subject to fines of \$50.00 per day with each additional day considered a separate violation.

Sec. 14-1618. Town may take ownership of retention facilities and drainage structures.

The Mount Carmel Board of Mayor and Aldermen shall have the authority to accept or take ownership of retention facilities and drainage structures on behalf of the town provided that the Board and Commission feel the public interest is best served by the town providing on-going responsibility for maintenance and upkeep. In such cases, approval of the transfer of ownership shall only occur after the Planning Commission and the BMA have received an inspection report from the Building Inspector, with the possible technical assistance of the Hawkins County Extension agent and/or Soil Conservationist, that certifies said devices have been properly constructed and landscaped, are operating effectively, and appropriate safety and protective measures have been implemented or constructed. Transfer of ownership to the town shall occur at or near the completion of the subdivision or development and the developer must provide fee simple title to the property on which the retention/detention basin or drainage structure is located and/or any necessary easements allowing the Town of Mount Carmel access to the facilities for routine maintenance and care.

Sec. 14-1619. Technical Assistance.

Through a Memorandum of Understanding with the Town of Mount Carmel, the Hawkins County Soil Conservation District staff and the Hawkins County Extension agent are available for consultation and advice concerning stormwater

management and erosion and sedimentation problems to all persons planning to develop land within the town or under the subdivision jurisdiction of the Mount Carmel Planning Commission. Tennessee Department of Environment and Conservation (TDEC) staff may also be consulted. The Planning Commission and Building Inspector will use these consultants as needed to review Drainage and Sedimentation Control Plans prior to approval and provide assistance to the Building Inspector with inspections.

Sec. 14-1620. Building Inspector and/or designee responsible for providing safeguards in projects less than one acre or utilizing less than three (3) lots.

Projects undertaken within the city limits of Mount Carmel that are not subject to review and approval of the Mount Carmel Planning Commission shall fall under the responsibility of the Mount Carmel Building Inspector and/or the town designee to see that the measures required in this Chapter to protect the health and safety of the people and to protect the quality of surface waters are carried out as needed. The Building Inspector shall require reasonable drainage; erosion and sedimentation control measures as part of the grading permit process outlined in Section 14-1605. Under no conditions shall the Building Inspector or town designee allow silt or sedimentation to enter drainage ways or adjoining properties, or allow stormwater flows to adversely impact adjoining properties. Denuded areas, cuts and slopes shall be properly covered within the same schedule as directed in Section 14-1607(14) of this Chapter.

Sec. 14-1621. Grading permit also required for any project on less than one acre involving grading, filling, or excavation.

A grading permit is also required for any development or construction activity, except as exempted in Section 14-1604 and those activities exempted from the definition of Land Disturbing Activity, on property one acre or less. However, said development and construction activities do not require a formal Drainage and Sedimentation Control Plan unless specifically requested by the

planning commission. The Building Inspector shall require that all grading, vegetation, drainage, stormwater, erosion and sedimentation control measures necessary shall be implemented, shall conform to any and all Best Management Practices, and shall meet the objectives established in this ordinance. Developers must also present to the Building Inspector a description of the measures that will be taken to address the requirements established in Sections 14-1607 of this chapter avoiding mud, sediment, rock and debris on public ways, streets, and/or streams. These measures must be addressed prior to the Building Inspector issuing a Grading Permit. Measures preventing excess run-off and erosion must be in place prior to the commencement of grading and/or excavation.

Sec. 14-1622. Existing developed properties with drainage, erosion and sediment concerns.

Properties of any size within the city limits of the Town of Mount Carmel that have been developed or in which land disturbing activities have previously been undertaken, are subject to the following requirements:

1. Denuded areas still existing must be covered as specified in Best Management Practices with appropriate vegetation and/or mulch.
2. Cuts and slopes must be properly covered with appropriate vegetation and/or retaining walls constructed.
3. Drainage ways shall be properly covered in vegetation or secured with stones, etc. to prevent erosion.
4. Junk, rubbish, etc. shall be cleared of drainage ways to help minimize possible contamination of stormwater run-off.
5. Stormwater run-off in commercial areas, office or medical facilities, and multi family residences of three (3) or more units shall be controlled to the extent reasonable to prevent pollution of local waters. Such control measures shall include, but not be limited to, the following:

- (a) Oil skimmer/grit collector structure. These structures are designed to skim off floatables out of parking lots and other impervious surfaces, and allow solids of debris and sediment to settle before being discharged in a local waterway.
- (b) Retention basins.
- (c) Planting and/or sowing of vegetation.
- (d) Rip-rapping, mulching, and other similar erosion control measures associated with local drainage ways.

Sec. 14-1623. Improvements required in existing development normally at owner s expense.

Drainage and sediment control measures required in existing developed properties shall normally be undertaken at the property or business owner's expense. The Board of Mayor and Aldermen, however, at its discretion in circumstances in which Board members feel the town's participation is essential to protecting the health and safety of residents and the water quality of Mount Carmel's drainage ways, may approve cost sharing needed drainage and sedimentation control measures.

Sec. 14-1624. Town may take responsibility for existing retention facilities and drainage structures.

The Mount Carmel Board of Mayor and Aldermen may, on behalf of the town, take responsibility for existing retention facilities and drainage structures if the Mount Carmel Planning Commission so determines that the general public is better served when said facilities are under the long term maintenance responsibility of the town. Facilities considered shall be accepted as outlined in Section 14-1618 of this Chapter. The Mount Carmel Planning Commission may also recommend to the Board of Mayor and Aldermen that the Town participate in making certain improvements to existing facilities in addition to accepting responsibility for their long term maintenance and care if the commission feels said improvements are in the best interest of the general public.

Sec. 14-1625. Improvements needed at existing locations determined by the Building Inspector and/or town designee.

Recommendations may come from the Building Inspector, Soil Conservation Service, the Agricultural Extension office or other qualified personnel. Recommendations shall be:

1. Provided in writing to the property/business owner.
2. Detailed as to specific actions required and why these actions are necessary.
3. Made with a reasonable period of time for implementation.

Sec. 14-1626. Improvements required with existing developments subject to appeal.

Improvements required by the Building Inspector and/or town designee as outlined in Section 14-1624 of this Chapter are subject to appeal by the property/business owners to the Mount Carmel Planning Commission as specified in Section 14-1633.

Sec. 14-1627. Post Construction.

1. As built plans. All applicants are required to submit actual as built plans for any structures located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be sealed by a registered professional engineer licensed to practice in Tennessee. A final inspection by the Town of Mount Carmel, Tennessee is required before any performance security or performance bond will be released. The Town of Mount Carmel, Tennessee shall have the discretion to adopt provisions for a partial pro-rata release of the performance security or performance bond on the completion of various stages of development. In addition, occupation permits shall not be granted until corrections to all BMPs have been made and accepted by the Town of Mount Carmel, Tennessee.

2. Landscaping and stabilization requirements.

- (a) Any area of land from which the natural vegetative cover has been either partially or wholly cleared by development activities shall be revegetated according to a schedule approved by the Town of Mount Carmel, Tennessee. The following criteria shall apply to revegetation efforts:

- (1) Reseeding must be done with an annual or perennial cover crop accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until such time as the cover crop is established over ninety percent (90%) of the seeded area.

- (2) Replanting with native woody and herbaceous vegetation must be accompanied by placement of straw mulch or its equivalent of sufficient coverage to control erosion until the plantings are established and are capable of controlling erosion.

- (3) Any area of revegetation must exhibit survival of a minimum of seventy-five percent (75%) of the cover crop throughout the year immediately following revegetation. Revegetation must be repeated in successive years until the minimum seventy-five percent (75%) survival for one (1) year is achieved.

- (b) In addition to the above requirements, a landscaping plan must be submitted with the final design describing the vegetative stabilization and management techniques to be used at a site after construction is completed. This plan will explain not only how the site will be stabilized after construction, but who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved.

3. Inspection of stormwater management facilities. Periodic inspections of facilities shall be performed as provided for throughout this document.
4. Records of installation and maintenance activities. Parties responsible for the operation and maintenance of a stormwater management facility shall make records of the installation of the stormwater facility, and of all maintenance and repairs to the facility, and shall retain the records for at least two (2) years. These records shall be made available to the Town of Mount Carmel, Tennessee during inspection of the facility and at other reasonable times upon request.
5. Failure to meet or maintain design or maintenance standards. If a responsible party fails or refuses to meet the design or maintenance standards required for stormwater facilities under this ordinance, the Town of Mount Carmel, Tennessee, after reasonable notice, may correct a violation of the design standards or maintenance needs by performing all necessary work to place the facility in proper working condition. In the event that the stormwater management facility becomes a danger to public safety or public health, the Town of Mount Carmel, Tennessee shall notify, in writing, the party responsible for maintenance of the stormwater management facility. Upon receipt of that notice, the responsible person shall have three (3) days to effect maintenance and repair of the facility in an approved manner. In the event that corrective action is not undertaken within that time, the Town of Mount Carmel, Tennessee may take necessary corrective action. However, in emergency situations as determined by the Building Inspector or his designee (washout of facilities, excessive mud and/or silt on streets, adjacent properties or streams) time will be of the essence. If the responsible person does not provide immediate corrective action, the Town of Mount Carmel, Tennessee may initiate necessary action and charge the responsible person for same plus administrative/overhead charges. The cost of any action by the Town of

Mount Carmel, Tennessee under this section plus an administrative/overhead charge of no less than \$200.00 nor more than \$500.00 for each incident shall be charged to the responsible party.

Sec. 14-1628. Illicit discharges.

1. Scope. This section shall apply to all water generated on developed or undeveloped land entering the municipality's separate storm sewer system.
2. Prohibition of illicit discharges. No person shall introduce or cause to be introduced into the municipal separate storm sewer system any discharge that is not composed entirely of stormwater. The commencement, conduct or continuance of any non- stormwater discharge to the municipal separate storm sewer system is prohibited except as described as follows:
 - (a) Uncontaminated discharges from the following sources:
 - (1) Water line flushing or other potable water sources,
 - (2) Landscape irrigation or lawn watering with potable water,
 - (3) Diverted stream flows,
 - (4) Rising ground water,
 - (5) Groundwater infiltration to storm drains,
 - (6) Pumped groundwater,
 - (7) Foundation or footing drains,
 - (8) Crawl space pumps,
 - (9) Air conditioning condensation,
 - (10) Springs,
 - (11) Non-commercial washing of vehicles,

- (12) Natural riparian habitat or wet-land flows,
 - (13) Swimming pools (if de-chlorinated typically less than one PPM chlorine),
 - (14) Fire fighting activities, and
 - (15) Any other uncontaminated water source.
- (b) Discharges specified in writing by the Town of Mount Carmel, Tennessee as being necessary to protect public health and safety.
 - (c) Dye testing is an allowable discharge if the Town of Mount Carmel, Tennessee has so specified in writing.
3. Prohibition of illicit connections. The construction, use, maintenance or continued existence of illicit connections to the separate municipal storm sewer system is prohibited. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. Reduction of stormwater pollutants by the use of Best Management Practices. Any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at the person's expense, the BMPs necessary to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.
4. Notification of spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which

are resulting in, or may result in, illicit discharges or pollutants discharging into stormwater, the municipal separate storm sewer system, the person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials, the person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non-hazardous materials, the person shall notify the Town of Mount Carmel, Tennessee in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the Town of Mount Carmel, Tennessee within three (3) business days of the telephone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least five (5) years.

Sec. 14-1629. Monitoring, reports, and inspections.

The Building Inspector and/or town designee, with the possible assistance of the Soil Conservationist and/or the County Extension agent, shall make periodic inspections of the land disturbing activities, the stormwater management system installations, and other activities requiring a grading permit to ensure compliance with the approved plan and Mount Carmel's Best Management Practices. Inspections will evaluate whether the measures required in the Drainage and Sedimentation Control Plan and/or grading permit and undertaken by the Developer are effective in controlling erosion. The right of entry to conduct such inspections shall be expressly reserved in the permit. If the Building Inspector and/or town designee determines that the permit holder has failed to comply with plan approval, the following procedures shall apply:

1. A Notice from the Building Inspector and/or town designee shall be served on the permit holder either by registered or certified mail, delivered by hand to the permit holder or an agent or employee of the permitted supervising the activities, or by posting the notice at the work site in a visible location, that the permit holder is in Non- Compliance.
2. The Notice of Non-Compliance shall specify the measures needed to comply and shall specify the time within which such corrective measures shall be completed. The Building Inspector and/or town designee shall require a reasonable period of time for the permittee to implement measures bringing the project into compliance; however, if it is determined by the Building Inspector and/or town designee that health and safety factors or the damage resulting from non-compliance is extremely severe, immediate action may be required.
3. If the permit holder fails to comply within the time specified, the permit may be subject to revocation. In addition, the permittee shall be deemed to be in violation of this ordinance and thus shall be subject to the penalties provided in this ordinance.
4. In conjunction with the issuance of a Notice of Non-Compliance or subsequent to the permittee not completing the corrective measures directed in the time period required, the Building Inspector or town designee may issue an order requiring all or part of the land disturbing activities on the site be stopped. The Stop Work Order may be issued with or as part of the Notice of Non-Compliance, or may be delivered separately in the same manner as directed in Section 14-1626(1).

Sec. 14-1630. Mud/Silt in Street/Stream.

The fact that mud, silt, debris or other debris has moved from the job site to the street, stream or adjoining property either by man, mechanical means, or acts of god is prima facie evidence that the provisions of this ordinance have been violated. If such occurs from separate, distinct places at least one

hundred (100) feet apart, each will be a separate violation even though the property is owned by the same individual. Such violations may be cited into the Municipal Court by the Building Inspector, Police or others designated to enforce this ordinance.

Sec. 14-1631. Certificate of Occupancy not issued until compliance with Plan verified.

The Building Inspector will not issue a Certificate of Occupancy necessary to occupy any commercial or residential establishment until all aspects of the Drainage and Sedimentation Control Plan have been completed, control devices constructed have been approved and accepted, and, if within a subdivision or commercial development, all paving, landscaping, and utilities, including street lighting if decorative lights are used, are approved and accepted.

Sec. 14-1632. Plan construction acceptance and Bond release. Drainage and Sedimentation Control Plan activities must be inspected and accepted by the Building Inspector and/or the town designee.

If within a commercial or subdivision development, streets, sidewalks, curbs and alleys, landscaping, street lighting, water, sewer, and any installation of power, telephone, cable, and gas utilities must be approved and accepted by the appropriate official. All monitoring and regulatory authorities shall complete an Approval and Acceptance Form before the Building Inspector releases the associated performance bond. The Building Inspector and/or town designee will sign a release on the Approval and Acceptance Form as soon as all of the project criteria have been satisfied and approved.

Sec. 14-1633. Appeal of Administrative Action.

Actions taken by the Building Inspector and/or town designee as authorized in this ordinance are subject to review by the Mount Carmel Planning Commission provided an appeal is filed in writing with the Chairman of the Planning Commission within (30) days from the date any written or verbal decision has been made which the Developer feels

adversely affects his/her rights, duties or privileges to engage in the land disturbing activity and/or associated development proposed. Drainage and sediment mitigation actions required by the Building Inspector and/or town designee with existing properties or developments are also subject to appeal to the Mount Carmel Planning Commission provided that appeals are made in writing, within thirty (30) days of receiving formal notification to the Commission chairman citing the specific reasons(s) the activity or activities required present a hardship and cannot be implemented.

action by the designated Enforcement Officer or the Mount Carmel Planning Commission.

Sec. 14-1634. Town clean up resulting from violations at Developer/Owner's expense.

Town staff is authorized to take remedial actions to prevent, clean-up, repair or otherwise correct situations in which water, sediment, rock, vegetation, etc. ends up on public streets and/or right-of-ways resulting from violations of this ordinance; where necessary drainage, erosion and sedimentation control measures have not been properly implemented. In such cases, the cost of labor, equipment, and materials used will be charged to the Developer/Owner in addition to a service charge of \$100.00 per hour and an administrative/overhead charge of not less than two hundred dollars (\$200.00) nor more than five hundred dollars (\$500.00) per incident. The Town will invoice the Developer/Owner directly, and payment shall be received within fourteen (14) days. Failure to pay for remedial actions taken by the town under this Section may result in the town Attorney filing a lien against the property involved in the action.

Sec. 14-1635. Penalties Enforcement.

Unless otherwise specified within a section of this chapter, the Building Inspector or other designee is the designated Enforcement Officer of this ordinance. The Building Inspector or other designee or any Mount Carmel Police Officer may issue citations for violations. No Developer or other person shall fail or refuse to comply with any lawful communication or notice to abate or take corrective

Chapter 17

FLOOD CONTROL

Section.

14-1701. Statutory Authority.

14-1702. Definitions.

14-1703. General Provisions.

14-1704. Administration.

14-1705. Provisions for Flood Hazard Reduction.

14-1706. Variance Procedures.

Sec. 14-1701. Statutory Authority, Findings of Fact, Purpose and Objectives.

1. **Statutory Authorization.** The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Town of Mount Carmel, Tennessee Mayor and Board of Aldermen, does ordain as follows:
2. **Findings of Fact.**
 - (a) The Town of Mount Carmel Board of Mayor and Aldermen wishes to maintain eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3(d) of the Federal Insurance Administration Regulations found at 44 CFR Ch. 1 (10-1-88 Edition) and subsequent amendments.
 - (b) Areas of the Town of Mount Carmel are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, an impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
 - (c) These flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; and by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, flood-proofed, or otherwise unprotected from flood damages.
3. **Statement of Purpose.** It is the purpose of this Ordinance to promote the public health, safety and general welfare, and to minimize public and

private losses due to flood conditions in specific areas. This Ordinance is designed to:

- (a) Restrict or prohibit uses which are vulnerable to water or erosion hazards, or which cause damaging increases in erosion, flood heights, or velocities;
 - (b) Require that uses vulnerable to floods, including community facilities, be protected against flood damage;
 - (c) Control the alteration of natural floodplains, stream channels, and natural protective barriers that accommodate floodwaters;
 - (d) Control filling, grading, dredging and other development which may increase erosion or flood damage, and
 - (e) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards.
4. **Objectives.** The objectives of this Ordinance are:
 - (a) To protect human life and health;
 - (b) To minimize expenditure of public funds for costly flood control projects;
 - (c) To minimize the need for rescue and relief efforts associated with flooding;
 - (d) To minimize prolonged business interruptions;
 - (e) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, street and bridges located in areas susceptible to flooding;
 - (f) To help maintain a stable tax base by providing for the sound use and development of flood prone areas;

- (g) To ensure that potential buyers are notified that property is in an area susceptible to flooding; and,
- (h) To establish eligibility for participation in the National Flood Insurance Program.

Sec. 14-1702. Definitions.

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

Accessory Structure shall represent a subordinate structure to the principal structure and, for the purpose of this section, shall conform to the following:

1. *Accessory structures* shall not be used for human habitation.
2. *Accessory structures* shall be designed to have low flood damage potential.
3. *Accessory structures* shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. *Accessory structures* shall be firmly anchored to prevent flotation that may result in damage to other structures.
5. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

Act means the statutes authorizing the National Flood Insurance Program that are incorporated in 42 U.S.C. 4001-4128.

Addition (to an existing building) means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition that is connected by a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Appeal means a request for a review of the Building Official's interpretation of any provision of this Ordinance or a request for a variance.

Area of Shallow Flooding means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood-related Erosion Hazard is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

Area of Special Flood Hazard is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year.

Basement means that portion of a building having its floor subgrade (below ground level) on all sides.

Breakaway Wall means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

Building, for purposes of this section, means any structure built for support, shelter, or enclosure for any occupancy or storage. (See *structure*)

Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Elevated Building means a non-basement building (i) built to have the bottom of the lowest horizontal structure member of the elevated floor elevated above the ground level by means of pilings, columns (posts and piers), (ii) and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Emergency Flood Insurance Program or *Emergency Program* means the program as implemented on an emergency basis in accordance with section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

Erosion means the process of the gradual wearing away of land masses. This peril is not per se covered under the Program.

Exception means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

Existing Construction any structure for which the *start of construction* commenced before the effective date of this Ordinance.

Existing Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

Existing Structures see *Existing Construction*

Expansion to an Existing Manufactured Home Park or Subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. the overflow of inland or tidal waters;
2. the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Elevation Determination means a determination by the Administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood Elevation Study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood Hazard Boundary Map (FHBM) means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the flood related erosion areas having special hazards have been designated as Zone A, M, and/or E.

Flood Insurance Rate Map (FIRM) means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study is the official report provided by the Federal Emergency Management Agency. The report contains flood profiles as well as the Flood Boundary Map and the water surface elevation of the base flood.

Floodplain or Flood-prone Area means any land area susceptible to being inundated by water from any source (see definition of *flooding*).

Floodplain Management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Flood Protection System means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a *special flood hazard* and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Flood-related Erosion means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an

unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

Flood-related Erosion Area or Flood-related Erosion Prone Area means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

Flood-related Erosion Area Management means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and flood plain management regulations.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor means the top surface of an enclosed area in a building (including basement), i.e., top of slab in concrete slab construction or top of wood flooring in wood frame construction. The term does not include the floor of a garage used solely for parking vehicles.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. *Freeboard* tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings and the hydrological effect of urbanization of the watershed.

Functionally Dependent Use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building

and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Highest Adjacent Grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic Structure means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) By an approved state program as determined by the Secretary of the Interior, or
 - (b) Directly by the Secretary of the Interior in states without approved programs.

Levee means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

Levee System means a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices,

which are constructed and operated in accordance with sound engineering practices.

Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

Manufactured Home means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term *manufactured home* does not include a *recreational vehicle*.

Manufactured Home Park or Subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Map means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Agency.

Mean Sea Level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of this Ordinance, the term is synonymous with National Geodetic Vertical Datum (NGVD) or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

National Geodetic Vertical Datum (NGVD) as corrected in 1929 is a vertical control used as a reference for establishing varying elevations within the floodplain.

New Construction any structure for which the *start of construction* commenced on or after the effective date of this Ordinance. The term also includes any subsequent improvements to such structure.

New Manufactured Home Park or Subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this Ordinance.

100-year Flood see *Base Flood*.

Person includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

Recreational Vehicle means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Riverine means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Special Hazard Area means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

Start of Construction includes substantial improvement, and means the date the building permit

was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State Coordinating Agency (Tennessee Department of Economic and Community Development, Local Planning Assistance Office) means the agency of the state government, or other office designated by the Governor of the State or by state statute at the request of the Administrator to assist in the implementation of the National Flood Insurance Program in that state.

Structure, for purposes of this section, means a walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank, or other man-made facilities or infrastructures.

Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Substantial Improvement means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals

or exceeds fifty percent of the market value of the structure before the *start of construction* of the improvement. This term includes structures which have incurred *substantial damage*, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or;
2. Any alteration of a *historic structure*, provided that the alteration will not preclude the structure's continued designation as a *historic structure*.

Substantially Improved Existing Manufactured Home Parks or Subdivisions is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance is a grant of relief from the requirements of this Ordinance that permits construction in a manner otherwise prohibited by this Ordinance where specific enforcement would result in unnecessary hardship.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

Water Surface Elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

1. Sec. 14-1703. General Provisions.

1. Application. This Chapter shall apply to all areas within the incorporated area of the Town of Mount Carmel, Tennessee.
2. Basis for Establishing the Areas of Special Flood Hazard

RESERVED FOR NEW MAP.

3. Requirement for Development Permit. A development permit shall be required in conformity with this Chapter prior to the commencement of any development activity.
4. Compliance. No structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.
5. Abrogation and Greater Restrictions. This Ordinance is not intended to repeal, abrogate, or impair any existing easement, covenant, or deed restriction. However, where this Ordinance conflicts or overlaps with another, whichever imposes the more stringent restrictions shall prevail.
6. Interpretation. In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and; (3) deemed neither to limit nor repeal any other powers granted under state statutes.
7. Warning and Disclaimer of Liability. The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the Town of Mount

Carmel, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

8. Penalties for Violation. Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Town of Mount Carmel, Tennessee from taking such other lawful actions to prevent or remedy any violation.

Sec. 14-1704. Administration.

1. Designation of Building Inspector. The building inspector is hereby appointed to administer and implement the provisions of this Ordinance.
2. Permit Procedures. Application for a development permit shall be made to the building inspector on forms furnished by him prior to any development activity. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill, storage of materials or equipment, drainage facilities. Specifically, the following information is required:
 - (a) Application stage
 - (1) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all buildings.*
 - (2) Elevation in relation to mean sea level to which any non-residential building will be flood-proofed, where base flood elevation data is available.*
 - (3) Certificate from a registered professional engineer or architect that the non-residential flood-proofed building will meet the flood-proofing criteria in Sec. 14-1704 2 (b), where base flood elevation data is available.*
 - (4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

* (see (b) below)
- (b) Construction Stage
 - (1) Within unnumbered A zones, where flood elevation data are not available, the building inspector shall record the elevation of the lowest floor on the development permit. The elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building and the highest adjacent grade. USGS Quadrangle maps may be utilized when no more detailed reference exists to establish reference elevations.
 - (2) Within all flood zones where base flood elevation data are utilized, the building inspector shall require that upon placement of the lowest floor, or flood-proofing by whatever construction means, whichever is applicable, it shall be the duty of the permit holder to submit to the building inspector a certification of the elevation of the lowest floor, or flood-proofed elevation, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by, or under the direct supervision of, a registered land surveyor, professional engineer, or architect and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by, or under the direct supervision of, a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's

risk. The building inspector shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

3. Duties and Responsibilities of the Building Inspector. Duties of the building inspector shall include, but not be limited to:

- (a) Review of all development permits to assure that the requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
- (b) Advice to permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit. This shall include Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U. S. C. 1334.
- (c) Notification to adjacent communities and the Tennessee Department of Economic and Community Development, Local Planning Office, prior to any alteration or relocation of a watercourse, and submission of evidence of such notification to the Federal Emergency Management Agency.
- (d) Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) of the lowest floor (including basement) of all new or substantially improved buildings, in accordance with Sec. 14-1704 2 (b).
- (e) Record the actual elevation (in relation to mean sea level or highest adjacent grade, whichever is applicable) to which the new or substantially improved buildings have been

flood-proofed, in accordance with Sec. 14-1704 2 (b).

- (f) When flood-proofing is utilized, the building inspector shall obtain certification from a registered professional engineer or architect, in accordance with Sec. 14-1704 2 (b).
- (g) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the building inspector shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Sec. 14-1706.
- (h) When base flood elevation data or floodway data have not been provided by the Federal Emergency Management Agency then the building inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the Community FHBM or FIRM meet the requirements of this Chapter.

Within unnumbered A zones, where base flood elevations have not been established and where alternative data is not available, the building inspector shall require the lowest floor of a building to be elevated or floodproofed to a level of at least (2) two feet above the highest adjacent grade (lowest floor and highest adjacent grade being defined in Sec. 14-1702 of this Ordinance). All applicable data including the highest adjacent grade elevation and the elevations of the lowest floor of flood-proofing shall be recorded as set forth in Sec. 14-1704 2.

(i) All records pertaining to the provisions of this Ordinance shall be maintained in the office of the building inspector and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

(j) Assure that the flood carrying capacity within an altered or relocated portion of any water course is maintained.

Sec. 14-1705. Provisions for Flood Hazard Reduction.

1. General Standards. In all flood prone areas the following provisions are required.

(a) New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure;

(b) Manufactured homes shall be elevated and anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces;

(c) New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(d) New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;

(e) Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(f) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(g) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(h) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(i) Any alteration, repair, reconstruction or improvements to a building which is in compliance with the provisions of this Ordinance, shall meet the requirements of *new construction* as contained in this Chapter; and,

(j) Any alteration, repair, reconstruction or improvements to a building which is not in compliance with the provision of this Ordinance, shall meet the requirements of *new construction* as contained in this Chapter and provided said non-conformity is not extended.

2. Specific Standards. These provisions shall apply to all areas of special flood hazard as provided herein:

In all areas of special flood hazard where base flood elevation data have been provided, including A zones, A1-30 zones, AE zones, AO zones, AH zones and A99 zones, and has provided a regulatory floodway, as set forth in Sec. 14-1703 2, the following provisions are required:

(a) Residential Construction. New construction or substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement elevated no lower than one (1) foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded

movements of flood waters shall be provided in accordance with standards of Sec. 14-1705 2 (c).

- (b) **Non-Residential Construction.** New construction or substantial improvement of any commercial, industrial, or non-residential building shall have the lowest floor, including basement, elevated no lower than one (1) foot above the level of the base flood elevation. Buildings located in all A-zones may be flood-proofed in lieu of being elevated provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the building inspector as set forth in Sec. 14-1704 2 (b).
- (c) **Elevated Building.** New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.
- (1) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria.
- Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - The bottom of all openings shall be no higher than one foot above grade; and

- Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

- (2) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and
- (3) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms in such a way as to impede the movement of floodwaters and all such petitions shall comply with the provisions of Sec. 14-1705 2 of this Chapter.
- (d) **Standards for Manufactured Homes and Recreational Vehicles**
- All manufactured homes placed, or substantially improved, on individual lots or parcels, in expansions of existing manufactured home parks or subdivisions, or in substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction, including elevations and anchoring.
 - All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:
 - The lowest floor of the manufactured home is elevated no lower than one (1) foot above the level of the base flood elevation on a permanent foundation;
 - The manufactured home must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement; and,

- iii. In or outside of an existing or new manufactured home park or subdivision, or in an expansion of an existing manufactured home park or subdivision, on which a manufactured home has incurred "substantial damage" as the result of a flood, any manufactured home placed or substantially improved must meet the standards of Sec. 14-1705 2 (d) (2) i and ii above.

(3) All recreational vehicles placed on sites must either:

- i. Be on the site for fewer than 180 consecutive days;
- ii. Be fully licensed and ready for highway use; or
- iii. The recreational vehicle must meet all the requirements for new construction, including anchoring and elevation requirements of Sec. 14-1705 2 (d) (2) i and ii above.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures.

In all areas of special flood hazard where base flood elevation data or floodway data have not been provided, the provisions of Sec 14-1704.3.(h) shall be utilized for all requirements relative to the base flood elevation or floodways.

3. Standards for Areas of Special Flood Hazard Zones A1-30 and AE With Established Base Flood Elevation But Without Floodways Designated.

Located within the areas of special flood hazard established in Sec. 14-1703 2, where streams exist with base flood data provided but where no

floodways have been provided, (zones A1-30 and AE) the following provisions apply:

- (a) No encroachments, including fill material, new structures or substantial improvements shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (b) New construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Sec. 14-1705 2.

4. Standards For Areas of Shallow Flooding (AO and AH Zones).

Located within the areas of special flood hazard established in Sec. 14-1703 2, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet (1' - 3') where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

- (a) All new construction and substantial improvements of residential buildings shall have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated, at least two (2) feet above the highest adjacent grade.

- (b) All new construction and substantial improvements of nonresidential buildings shall:

- (1) have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement shall be elevated at least two (2) feet above the highest adjacent grade; or,
- (2) together with attendant utility and sanitary facilities be completely flood-proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- (c) Adequate drainage paths shall be provided around slopes to guide floodwaters around and away from proposed structures.

5. Standards For Areas Protected by Flood Protection System (A-99 Zones).

Located within the areas of special flood hazard established in Sec. 14-1703 2 are areas of the 100- year flood protected by a flood protection system which is under construction but where base flood elevations and flood hazard factors have not been determined. With these areas (A-99 Zones) the following provisions apply:

- (a) All provisions of Sec. 14-1704 and Sec. 14-1705 1 and 8 shall apply.

6. Standards for Areas of Special Flood Hazard With Established Base Flood Elevation And With Floodways Designated.

Located within the areas of special flood hazard established in Sec. 14-1703 2, where streams exist with base flood data and floodways provided, the following provisions apply:

- (a) No encroachments, including fill material, new construction, substantial improvements or other developments shall be located within designated floodways, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed encroachments or new development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood during the occurrence of the base flood discharge at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
- (b) If Sec. 14-1705 6 (a) above is satisfied, new construction or substantial improvements of buildings shall be elevated or flood-proofed to elevations established in accordance with Sec. 14-1705 2.

7. Standards For Unmapped Streams.

Located within the Town of Mount Carmel, Tennessee are unmapped streams where areas of special flood hazard are neither indicated nor base flood data or floodways have been provided. Adjacent to such streams the following provisions shall apply:

- (a) In areas adjacent to such unmapped streams, no encroachments including fill material or structures shall be located within an area of at least equal to twice the width of the stream along each side of the stream, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the locality.
- (b) When flood elevation data is available, new construction or substantial improvements of

buildings shall be elevated or flood-proofed to elevations established in accordance with Sec. 14-1704 2 (b).

8. Standards for Subdivision Proposals.

Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, shall be reviewed to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to ensure that:

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than fifty lots and/or five acres.

Sec. 14-1706. Variance Procedures.

The provisions of this section shall apply exclusively to areas of special flood hazard.

1. Board of Zoning Appeals

- (a) The Town of Mount Carmel Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Chapter.
- (b) Variances may be issued for the repair or rehabilitation of historic structures (see

definition) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum to preserve the historic character and design of the structure.

- (c) In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:

- (1) The danger that materials may be swept onto other property to the injury of others;
- (2) The danger to life and property due to flooding or erosion;
- (3) The susceptibility of the proposed facility and its contents to flood damage;
- (4) The importance of the services provided by the proposed facility to the community;
- (5) The necessity of the facility to a waterfront location, in the case of a functionally dependent facility;
- (6) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
- (7) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
- (8) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (9) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site, and;
- (10) The costs of providing governmental services during and after flood conditions

including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

- (d) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Board of Zoning Appeals may attach such conditions to the granting of variances as it deems necessary to effectuate the purposes of this Ordinance.
- (e) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

2. Conditions for Variances

- (a) Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard; and in the instance of a historical building, a determination that the variance is the minimum relief necessary so as not to destroy the historic character and design of the building.
- (b) Variances shall only be issued upon
 - (1) a showing of good and sufficient cause,
 - (2) a determination that failure to grant the variance would result in exceptional hardship; and
 - (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
- (c) Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the base flood level will result in increased

premium rates for flood insurance, and that such construction below the base flood level increases risks to life and property.

- (d) The building inspector shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

Chapter 18

OUTDOOR LIGHTING

Section

- 14-1801. Purpose.
- 14-1802. Applicability.
- 14-1803. Temporary Exemptions.
- 14-1804. General Standards.
- 14-1805. Site Plan Review.
- 14-1806. Compliance.

14-1801. Purpose.

That outdoor lighting enables people to see essential detail for work or recreation, facilitates the safety or security of persons or property, emphasizes features of architectural or historical significance, lights parks and gardens, promotes products or services, or calls attention to commercial premises. But with the benefits of lighting also comes the need to protect travelers or adjacent properties from the use of inappropriate lighting practices and system. The reduction of glare, light trespass and excess illumination can maximize the effectiveness of site lighting, and conserve energy and resources. Through the regulation of the placement, orientation, distribution patterns and fixture types of electronically-powered illuminating devices, it is the intent of this ordinance to encourage better lighting practices and systems to reduce visual glare and conserve energy without decreasing safety or utility.

14-1802. Applicability.

That these regulations shall apply to all exterior lighting fixtures including but not limited to, boundary, parking lot, landscape, building (architectural), product display area, and driving lane lighting. It shall also apply to externally-lighted advertising signs. The following lighting applications are specifically exempted from these regulations:

1. Communication towers or motion sensor devices controlling not more than three hundred (300) watts total connected load;
2. Temporary construction or emergency lighting provided it is discontinued immediately upon completion of the required work;
3. Special event lighting including circus, fair, carnival or civic uses, and fireworks displays;
4. Permanent emergency or security lighting for buildings or uses, provided it is required by

building or electrical codes, or government regulation;

5. Exterior lighting for public monuments;
6. Exterior lighting fixtures for single-family and duplex residential dwelling units, provided that the maximum intensity of directional lighting (the center of the light beam) is not directed off-site;
7. Incandescent lighting fixtures of one hundred sixty (160) watts or less, or any other light fixture (metal halide, HPS, fluorescent, etc.) of fifty (50) watts or less;
8. Internally-illuminated signs where the bare bulb cannot be seen directly;
9. Transportation lighting, including street lighting, automobiles, traffic signals, aircraft, trains and railroad signals;
10. State, federal, or municipal facilities. However, voluntary compliance with the intent of this ordinance is encouraged; and
11. Temporary exemptions that may be approved by the Building Inspector, as outlined below.
12. Free-standing, antique or ornamental-style parking lot or private street lighting fixtures, using HPS or LPS lamps having no more than one hundred fifty (150) watts output per lamp, or any fixtures using BPS or LPS lamps with no more than one hundred (100) watts output per lamp, provided that the light emitted above the horizontal plane be restricted to no more than twenty-five (25) percent of the lamp's total output, that no more than two (2) such lamps shall be located within fifty (50) feet of each other, and that all illumination standards from Sec. 14-1804 are met.

14-1803. Temporary Exemptions.

That any person may submit a written request to the Building Inspector for a temporary exemption

to these regulations. A temporary exemption request shall contain the following information:

1. the specific exemption requested;
2. the type and use of outdoor fixture involved;
3. the duration of the requested exemption;
4. the type and wattage of the luminaries, calculated lumens and/or estimated foot-candle levels;
5. the proposed location and mounting height;
6. the type of baffling or shielding to be provided; and
7. any other data or information that may be deemed necessary by the Building Inspector.

A temporary exemption, if approved shall be valid for not more than thirty (30) days from the date of issuance. The approval may be renewable at the discretion of the Building Inspector, and any renewed exemption shall also be valid for not more than thirty (30) days.

14-1804. General Standards.

1. That all non-exempt exterior lighting and illuminated signs shall be designed, installed, and directed in such a manner to prevent glare, beyond the property line. The horizontal and vertical illuminance standards established by this ordinance shall be observed during the design, construction, and subsequent modification of any fixture.

Maximum Illumination Levels in Footcandles (fc)¹

¹ Based on initial footcandle values. The use of initial footcandle levels usually results in field measurements that are less intense over the life of a lamp, sometimes as much as thirty percent (30%) lower.

Horizontal Illuminance

General site lighting, open parking facilities.....15 fc

Building entrances, security areas, drive-throughs, Fuel pump islands, active storage areas such as lumber yards and automobile sales displays, and general advertising signs.....40 fc

Vertical Illuminance

Light trespass along a residentially-zoned property or a street (excluding the possible contribution of off-site sources such as street lighting).....1.5 fc

2. That exterior lighting fixtures, except as otherwise allowed, shall be recessed or flush-mounted, or otherwise properly shielded to reduce glare on-premises and eliminate glare off-site.
3. That all exterior lighting shall, as a minimum, be full cut-off fixtures, not allowing any distribution of light above the horizontal plane. Excepted is floodlighting, if it is properly shielded to prevent glare or light trespass.
4. That a Minimum uniformity ratio of ten to one (10:1) between the maximum level of illumination and the minimum level is recommended for open parking facilities, to reduce eye adaptation difficulty between lighter and darker areas.
5. That it is recommended all non-essential lighting be turned off after business hours excluding lighting for security purposes.
6. That single-family or duplex residential directional lighting, such as floodlighting, that has the center of its light beam directed off-site is prohibited.

7. That luminaries shall not have a mounting height in excess of forty (40) feet.
8. That except as allowed in 14-1804(6), the cut-off angle for exterior lighting fixtures shall not extend beyond the property line, unless proper shielding, baffling, or buffering techniques are employed. When buffering techniques are employed, allowances are not to be made for potential buffer growth and the ordinance requirements must be immediately met.

14-1805. Site Plan Review.

That an exterior lighting plan, drawn to scale, shall be submitted for review and approval for all developments using non-exempted exterior lighting. That included in the plan shall be, as a minimum:

1. The location, mounting height, and orientation of all exterior light fixtures;
2. The make, model, lamp type, and wattage of each lighting fixture;
3. Initial foot-candle data calculated by the point method (using horizontal illuminance calculations) for all lighted area, using isofootcandle calculations on a thirty (30) foot or less grid spacing or isofootcandle lines; and
4. Any baffles, shielding or other light protection measures to be employed.

14-1806. Compliance.

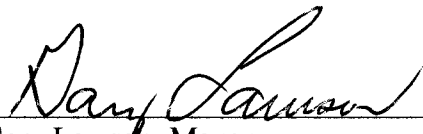
1. That modifications to exterior lighting fixtures shall not be made without the approval of the Building Inspector. The upgrading of a fixture to a higher wattage or higher illumination lamp shall be considered a modification.
2. That approval of a lighting plan does not relieve the property owner or developer of

responsibility should any lighting fixture fail to perform as approved. The Building Inspector may require modifications to installed lighting if a violation is determined to exist. The town reserves the right to conduct post-installation inspections and/or illuminance measurements to verify compliance, and to require timely remedial action at the expense of the landowner or other responsible person.

3. That the town shall retain the right to modify the implementation of the lighting ordinance upon approval of the planning commission.
4. That any use existing on the effective date of this ordinance that does not fully comply with the requirements pertaining to lighting then in effect shall be abated forthwith.

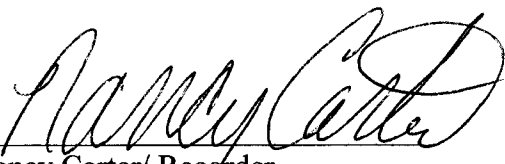
SECTION II. Any person violating any provisions of this ordinance shall be guilty of an offense and upon conviction shall pay a penalty of up to FIFTY DOLLARS (\$50.00) for each offense. Each occurrence shall constitute a separate offense.

SECTION III. That this ordinance shall take effect from and after the date of its passage and publication, as the law directs, the public welfare of the Town of Mount Carmel, Tennessee requiring it.



Gary Lawson, Mayor

ATTEST:



Nancy Carter/ Recorder

FIRST READING	AYES	NAYS	OTHER
Alderman Henry Bailey	✓		
Vice-Mayor Eugene Christian	✓		
Mayor Gary Lawson	✓		
Alderman Tresa Mawk	absent		
Alderman Thomas Wheeler	✓		
Alderman Carl Wolfe	absent		
Alderman Wanda Worley	✓		
TOTALS	5	0	0

PASSED FIRST READING 3-22-05

SECOND READING	AYES	NAYS	OTHER
Alderman Henry Bailey	absent		
Vice-Mayor Eugene Christian	✓		
Mayor Gary Lawson	✓		
Alderman Tresa Mawk	✓		
Alderman Thomas Wheeler	✓		
Alderman Carl Wolfe	✓		
Alderman Wanda Worley	✓		
TOTALS	6	0	0

PASSED SECOND READING July 26, 2005

PUBLISHED ON: August 2, 2005

NEWSPAPER: Kingsport Times News

KINGSPORT TIMES-NEWS

PUBLICATION CERTIFICATE

Kingsport, TN July 1, 2005

This is to certify that the Legal Notice hereto attached was published in the Kingsport Times-News, a daily newspaper published in the City of Kingsport, County of Sullivan, State of Tennessee, beginning in the issue of 6-19-05, and appearing 1 consecutive week(s) (times), as per order of _____

Ivan J Mount

Signed Karen C. Mulvey

THE Town of Mt. Carmel will conduct a public Hearing on Tuesday, June 28, 2005, at 7:00 P.M. on Ordinance 296, General Budget, Ordinance 297, Sewer Budget and Ordinance 298 that establishes a property tax rate. A public hearing will also be conducted on ordinance 292 that amends zoning Ordinance 202. The public is invited to attend and make comments.

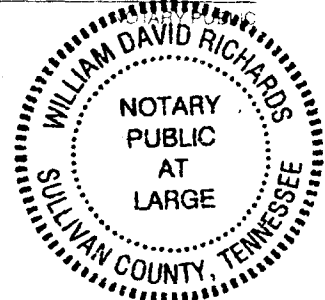
If you have any questions, please call 357-7311. Thanks in advance for your help.

STATE OF TENNESSEE, SULLIVAN COUNTY, TO-WIT:

Personally appeared before me this 1st day of July 2005, Karen C Mulvey of the Kingsport Times-News and in due form of law made oath that the foregoing statement was true to the best of my knowledge and belief.

William David Richards

My commission expires 6-26-07



KINGSPORT TIMES-NEWS

PUBLICATION CERTIFICATE

Kingsport, TN September 8, 2005

This is to certify that the Legal Notice hereto attached was published in the Kingsport Times-News, a daily newspaper published in the City of Kingsport, County of Sullivan, State of Tennessee, beginning in the issue of 8-03-05, and appearing 1 consecutive weeks/times, as per order of _____

John G. Mount Carmel

Signed Karen C. Mulkey

ORDINANCE PASSED BY
THE MT. CARMEL BOARD
OF MAYOR AND ALDER-
MEN AND DATE PASSED
ARE AS FOLLOWS: Ordinance 292. Amends code of Ordinances deleting Title 14 in its entirety and substituting in lieu thereof a new Title 14 relating to zoning and land use control; To fix a penalty for the violation of this Ordinance. Passed 6/26/05.

Pub. 1T: 08/03/05

STATE OF TENNESSEE, SULLIVAN COUNTY, TO-WIT:

Personally appeared before me this 8th day of September 2005, Karen C. Mulkey of the Kingsport Times-News and in due form of law made oath that the foregoing statement was true to the best of my knowledge and belief.

Debra F. Salys
NOTARY PUBLIC

My commission expires March 4, 2007

KINGSPORT TIMES-NEWS

PUBLICATION CERTIFICATE

Kingsport, TN

July 1, 2005

This is to certify that the Legal Notice hereto attached was published in the Kingsport Times-News, a daily newspaper published in the City of Kingsport, County of Sullivan, State of Tennessee, beginning in the issue of 6-19-05, and appearing 1 consecutive weeks/times, as per order of _____

Irvin Z Mount

Signed

Karen C. Mulvey

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STATE OF TENNESSEE, SULLIVAN COUNTY, TO-WIT:

Personally appeared before me this 15th day of July 2005, Karen C Mulvey of the Kingsport Times-News and in due form of law made oath that the foregoing statement was true to the best of my knowledge and belief.

William David Richards

My commission expires

6-26-07

