

ORDINANCE NO: 09-345

AN ORDINANCE TO FURTHER AMEND THE CODE OF ORDINANCES, TITLE 14, CHAPTER 6, SECTION 14-610 RELATED TO OFF-STREET AUTOMOBILE PARKING; TO AMEND THE CODE OF ORDINANCES, TITLE 14, CHAPTER 6, SECTION 14-612 RELATED TO INGRESS AND EGRESS; TO AMEND THE CODE OF ORDINANCES, TITLE 14, CHAPTER 6, SECTION 14-1302 RELATED TO BUILDING PERMITS AND CERTIFICATES OF OCCUPANCY; 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 the Code of Ordinances, Title 14, Chapter 6, Section 14-610 is hereby amended by deleting said section in its entirety and substituting in lieu thereof a new Section 14-610 to read as follows:

Sec. 14-610. Off-Street Automobile Parking.

1. General Standards Required:

a. Site Plan. A site plan showing all parking spaces, landscaping, dimensions, setbacks, ingress/egress and any other parking requirements requested shall be submitted to and approved by the building inspector.

b. Location. All required off-street parking spaces shall be located on the same lot as the structure or use to which they are accessory or on a lot contiguous thereto which has the same zoning classification and is under the same ownership

c. Parking Surfaces. All parking lots other than single and two-family residential shall be paved with asphalt, concrete, or permeable pavers.

d. Dimensions. No parking space shall be of dimensions of less than nine (9) feet in width and nineteen (19) feet in length. All parking spaces shall be striped and shall be maintained.

e. Grades. Grades within the paved area of a parking lot shall at no place be less than one (1) percent or more than twelve (12) percent. Grades of

driveways or entrances from a public street serving a parking lot shall at no point exceed twelve (12) percent.

f. Car Repair. No motor vehicle repair work except emergency service shall be permitted in association with any required off-street parking facilities.

g. Drive thru Business Stacking Lanes. Stacking lanes shall be designed to prevent circulation congestion, both on site and on adjacent public streets. Drive-thru establishments shall provide a minimum of four (4) stacking spaces (within the site) before the transaction window. If said separate stacking lane is curbed, an emergency by-pass or exit shall be provided. An additional space shall also be provided adjacent to the transaction window.

2. Minimum Parking Spaces Required:

a. Off street automobile parking spaces shall be provided on every lot on which any of the following uses are hereafter established:

i. Churches. One space for each four (4) seats.

ii. Day Care Center, Private Schools, Public Schools or Places of Instruction and Similar Uses. Two (2) spaces for every three (3) employees plus such number of spaces for students as may be required for schools.

iii. Residential Dwellings:

(1) Single and duplex - Two (2) spaces for each unit.

(2) Multi-family - Two spaces each unit, plus one visitor space per three units.

iv. Funeral Parlors. One space for each four (4) seats in the chapel.

v. Gasoline Service Stations, Automobile Repair Garages and Similar Establishments. Two (2) spaces for each bay or similar facility plus one space for each employee; but, not less than five (5) total.

vi. 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.

vii. Hotel. One space for each three (3) employees plus one space for each guest room.

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

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

x. Offices:

(1) Medical. One space for each two hundred (200) square feet of floor space.

(2) Other Professional. One space for each three hundred (300) square feet of floor space.

(3) General. One space for each three hundred (300) square feet of floor space.

xi. Places of Public Assembly. One space for each three (3) seats in the principal assembly area.

xii. Recreation and Amusement Areas Without Seating Capacity. One space for each four (4) customers computed on maximum service capacity.

xiii. Restaurants. Clubs and Lodges. One space for each three (3) employees, plus one space for each four seats.

xiv. Retail Business and Similar Uses. One space for each two hundred (200) square feet of gross floor space.

xv. 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.

xvi. Mobile Home Parks. Two spaces each unit, plus one visitor space per three units.

xvii. Wholesale Business. One space for each two (2) employees based on maximum seasonable employment.

3. Landscape Requirements for Parking Areas:

a. Off-street parking areas containing ten (10) or more parking spaces shall be landscaped.

b. Number of Trees Required

i. One (1) shade tree shall be provided per ten (10) parking spaces, or any fraction thereof. A maximum of fifty (50) percent of the required shade trees may be replaced by ornamental trees at a ratio of two (2) ornamental trees for each shade tree replaced. An approved tree list will be provided by the building inspector.

ii. The following general standards for tree planting shall apply:

(1) Tree Sizes

(a) Shade trees shall be a minimum of two (2) inches in caliper.

(b) Ornamental trees shall be a minimum of one and a half (1½) inches in caliper.

(c) Evergreen trees shall be a minimum height of four (4) feet at the time of planting.

(2) Location

(a) No tree shall be planted closer than five (5) feet from any street right-of-way, driveway, sidewalk or curb.

(b) No tree shall be planted closer than ten (10) feet from any fire hydrant, utility pole or streetlight.

(c) No tree shall be planted so as to block visibility at any street intersection.

c. It shall be the obligation of the occupant(s) of each building, structure or use on whose premises landscaped strips are located to maintain said landscaped strips.

4. Special Exceptions from These Requirements:

a. Special Exception Procedures. In the case of a request for a Special Exception Use Permit the following shall apply:

i. Pursuant to *Tenn. Code Ann. §§13-7-206 and 207(2)*, the Board of Zoning Appeals shall hear and decide applications for Special Exception Use Permits. A Special Exception Use Permit shall not be considered an entitlement, and shall be granted by the Board of Zoning Appeals only after the applicant has demonstrated to the satisfaction of the Board of Zoning Appeals that all of the required standards have been met.

ii. In granting any Special Exception Use Permit, the Board of Zoning Appeals may impose conditions,

restrictions or time limits considered necessary to protect surrounding properties and better carry out the general intent of this Zoning Ordinance.

iii. A Special Exception Use Permit may, consistent with *Tenn. Code Ann. §§13-7-206*, be made to the parking requirements for specific uses of property upon a determination that the proposed specific parking facility is so designed, located and proposed to be operated such that the public health, safety and welfare will be protected and the special exception is the minimum necessary deviation from the requirements of this Ordinance to accommodate the specific character of the proposed use.

iv. An approval of a Special Exception Use Permit by the Board of Zoning Appeals shall state the section of this Code under which the Permit was considered, and findings of fact relating to the applicable approval standards. In the case of a denial, the findings shall specifically identify the standards not satisfied.

v. In passing upon such applications, the Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, and:

(1) all standards specified in other sections of the zoning ordinance;

(2) the integrity of adjacent properties, such that the parking facilities are so designed, located and proposed to be operated that the public health, safety and welfare will be protected;

(3) the design and architectural compatibility of the parking facilities, such that the operational and physical characteristics of the parking facilities shall not adversely affect abutting properties, including those located across street frontages, and, have site design and architectural features which contribute to compatibility, including, but not limited to, landscape, drainage, access and circulation or building orientation;

(4) natural site features shall be preserved to the greatest extent possible so as to minimize the intrusion of parking areas;

(5) traffic impact, such that the applicant shall demonstrate how the proposed parking facility will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the area;

(6) hazard protection, such that the proposed parking facility shall reasonably protect persons and property from hazards;

(7) the need for special conditions such that notwithstanding a finding by the Board of Zoning Appeals that an application satisfies the minimum parking standards, the Board of Zoning Appeals may restrict the hours of operation, establish permit expiration, require extraordinary setbacks and impose other reasonable conditions necessary to protect the public health, safety and welfare;

(8) the safety of access to the property for ordinary and emergency vehicles;

(9) the costs of providing governmental services, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

vi. 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 a Special Exception, as it deems necessary to effectuate the purposes of this Section.

vii. Conditions for Special Exceptions

(1) Special Exceptions shall be issued upon a determination that the application is the minimum relief necessary, considering the factors listed herein.

(2) Special Exceptions shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the special exception would result in exceptional hardship; or a determination that the granting of a special exception will not result in additional threats to public safety, extraordinary public expense, create nuisance, or

irreconcilably conflict with other parts of the Zoning Ordinance.

(3) The Secretary shall maintain the records of all appeal actions and report any special exception to the Board of Mayor and Aldermen upon request.

SECTION II. That the Code of Ordinances, Title 14, Chapter 6, Section 14-612 is hereby amended by deleting said section in its entirety and substituting in lieu thereof a new Section 14-612 to read as follows:

Sec. 14-612. Ingress and Egress.

1. Plan:

a. 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.

b. Where two (2) driveways are provided for one (1) lot frontage, the clear distance between driveways shall not be less than twenty-five (25) feet.

c. No point of access shall be allowed within thirty (30) feet of the right-of-way line of any public intersection.

SECTION III. That the Code of Ordinances, Title 14, Chapter 6, Section 14-1302 subsection 2 is hereby amended by deleting said section in its entirety and substituting in lieu thereof a new Section 14-1302 subsection 2 to read as follows:

Sec. 14-1302. Building Permits and Certificates of Occupancy.

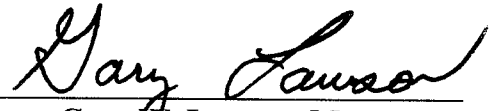
2. Issuance of Building Permit. In applying to the Building Inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height, location on the lot of all buildings to be erected, altered or moved and of any building already on the lot. 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 then in force, and the use is for one (1) or two (2) family residential in a residential zone, the building inspector shall issue a building permit for such excavation or construction; if the use is other than for one (1) or two (2) family residential in a residential zone, the building inspector shall forward the application to the Planning Commission for its consideration along with the recommendation of the building inspector and the reasons therefore. The Planning Commission shall determine whether the application conforms with the provisions of this ordinance and other ordinances then in force and if so shall issue a building permit for such excavation or construction; if not, the Planning commission may direct the applicant on what must be done to comply or deny the application. The building inspector shall not issue a building permit for other than one (1) or two (2) family residential in a residential zone without the approval of the Planning Commission. 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.

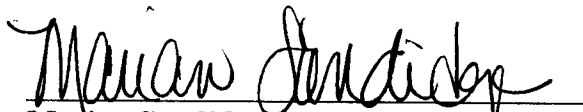
- b. A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

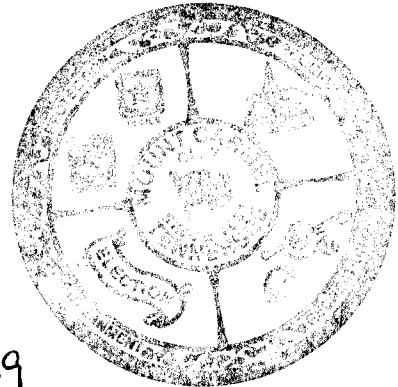
SECTION IV. That the violation of any provision of this ordinance shall be punishable by a penalty of not more than fifty dollars (\$50.00). Each day of violation may constitute a separate offense.

SECTION V. 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 W. Lawson, Mayor

ATTEST:


Marian Sandidge, Recorder



Passed First Reading November 24, 2009
Passed Second Reading January 26, 2010
Published On January 28, 2010

FIRST READING	AYES	NAYS	OTHER
ALDERMAN WILLIAM BLAKELY	✓		
ALDERMAN RICHARD GABRIEL	✓		
ALDERMAN TRESA MAWK	✓		
ALDERMAN KATHY ROBERTS			absent
VICE-MAYOR THOMAS WHEELER	✓		
ALDERMAN CARL WOLFE	✓		
MAYOR GARY LAWSON	✓		
TOTALS	6	0	1

PASSED FIRST READING: November 24, 2009

SECOND READING	AYES	NAYS	OTHER
ALDERMAN WILLIAM BLAKELY			absent
ALDERMAN RICHARD GABRIEL			absent
ALDERMAN TRESA MAWK	✓		
ALDERMAN KATHY ROBERTS	✓		
VICE-MAYOR THOMAS WHEELER	✓		
ALDERMAN CARL WOLFE	✓		
MAYOR GARY LAWSON	✓		
TOTALS	5	0	2

PASSED SECOND READING: January 26, 2010

KINGSPORT TIMES-NEWS

PUBLICATION CERTIFICATE

Kingsport, TN 1-1-2010

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 12-22-09, and appearing 1 consecutive weeks/times, as per order of _____

Iron of Mt. Carmel

Signed Lori Ramey

PUBLIC HEARING
The Mount Carmel Board of Mayor and Aldermen will have public hearing on Tuesday, January 26, 2009, at 7:00 p.m. at Mount Carmel City Hall concerning Ordinance 345, "An Ordinance to Further Amend the Code of Ordinances, Town of Mount Carmel, Tennessee; Title 14, Chapter 6, Section 14-610 Related to: Off-Street Automobile Parking; To Amend the Code of Ordinances, Title 14, Chapter 6, Section 14-612 Related to Ingress and Egress; to Amend the Code of Ordinances, Title 14, Chapter 6, Section 14-1302 Related to Building Permits and Certificates of Occupancy; To Fix a Penalty for the Violation of this Ordinance; and, to Fix the Effective Date of this Ordinance." And concerning Ordinance 346, "An Ordinance to Amend the Code of Ordinances, Town of Mount Carmel, Tennessee; Title 14, Chapter 17 Related to Flood Control to Minimize Danger to Life and Property Due to Flooding; and to Maintain Eligibility for Participation in the National Flood Insurance Program; to Fix a Penalty for the Violation of this Ordinance; and, to Fix the Effective Date of this Ordinance." The regular Board of Mayor and Aldermen meeting will follow. The public is welcome to attend and make comments.
Pub11T: 12/22/2009

STATE OF TENNESSEE, SULLIVAN COUNTY, TO-WIT:

Personally appeared before me this 1st day of Jan 2010, Lori Ramey, acctg dept 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.

Deborah F. Salyers
NOTARY PUBLIC

My commission expires



April 26, 2011

PUBLIC NOTICE

The Town of Mount Carmel,

Tennessee, on January 26,

passed the following ordinances:

Ordinance No. 09-345. An Ordinance to Further Amend the Code of Ordinances, Title 14, Chapter 6, Section 14-610 Related to Off-Street Automobile Parking; To Amend the Code of Ordinances, Title 14, Chapter 6, Section 14-612, Related to Ingress and Egress; To Amend the Code of Ordinances, Title 14, Chapter 6, Section 14-1302, Related to Building Permits and Certificates of Occupancy; To Fix a Penalty for the Violation of This Ordinance.

Ordinance No. 09-346. An Ordinance to Amend the Code of Ordinances, Title 14, Chapter 17 Related to Flood Control to Minimize Danger to Life and Property Due to Flooding, and to Maintain Eligibility for Participation in the National Flood Insurance Program; To Fix a Penalty for the Violation of This Ordinance.

PUB1T;01/28/10

PUBLIC NOTICE

The Town of Mount Carmel, Tennessee, on January 26, 2010, passed the following ordinances:

Ordinance No. 09-345. An Ordinance to Further Amend the Code of Ordinances, Title 14, Chapter 6, Section 14-610 Related to Off-Street Automobile Parking; To Amend the Code of Ordinances, Title 14, Chapter 6, Section 14-612, Related to Ingress and Egress; To Amend the Code of Ordinances, Title 14, Chapter 6, Section 14-1302, Related to Building Permits and Certificates of Occupancy; To Fix a Penalty for the Violation of This Ordinance.

Ordinance No. 09-346. An Ordinance to Amend the Code of Ordinances, Title 14, Chapter 17 Related to Flood Control to Minimize Danger to Life and Property Due to Flooding, and to Maintain Eligibility for Participation in the National Flood Insurance Program; To Fix a Penalty for the Violation of This Ordinance.

PUB1T;01/28/10



ad number 1 for the Town of Mount Carmel

Wednesday, January 27, 2010 12:53 PM

From: "Marian Sandidge" <mariansandidge@yahoo.com>
To: "Sheryl Edwards" <sedwards@timesnews.net>

January 27, 2010

Kingsport Times-News
ATTN: Sheryl Edwards
Classified Advertising Department
P.O. Box 479
Kingsport, TN 37662

RE: Adopted Ordinances for the Town of Mount Carmel

Dear Sheryl:

Please run the following advertisement in the Legal Section one time:

The Town of Mount Carmel, Tennessee, on January 26, 2010, passed the following ordinances:
Ordinance No. 09-345. An Ordinance to Further Amend the Code of Ordinances, Title 14, Chapter 6, Section 14-610 Related to Off-Street Automobile Parking; To Amend the Code of Ordinances, Title 14, Chapter 6, Section 14-612, Related to Ingress and Egress; To Amend the Code of Ordinances, Title 14, Chapter 6, Section 14-1302, Related to Building Permits and Certificates of Occupancy; To Fix a Penalty for the Violation of This Ordinance.
Ordinance No. 09-346. An Ordinance to Amend the Code of Ordinances, Title 14, Chapter 17 Related to Flood Control to Minimize Danger to Life and Property Due to Flooding, and to Maintain Eligibility for Participation in the National Flood Insurance Program; To Fix a Penalty for the Violation of This Ordinance.

Should you have any additional questions, please give me a call.

Sincerely,
TOWN OF MOUNT CARMEL
Marian Sandidge, City Recorder