

ORDINANCE NO. 13-394

AN ORDINANCE TO AMEND TITLE 14, CHAPTER 5 THROUGH CHAPTER 11, SECTION 14-501 THROUGH SECTION 14-1103 OF THE CODE OF ORDINANCES RELATING TO AMENDMENTS TO THE ZONING ORDINANCE; TO ESTABLISH A PENALTY FOR THE VIOLATION THEREOF; AND, TO FIX THE EFFECTIVE DATE OF THIS ORDINANCE.

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

SECTION I. That the Town of Mount Carmel Municipal Code, Title 14, *ZONING AND LAND USE CONTROLS*, Chapters 5 through Chapter 11, Section 14-501 through Section 14-1501, are hereby amended to read as follows:

CHAPTER 5 ESTABLISHMENT OF DISTRICTS

SECTION

14-501. Classification of districts.

14-502. Boundaries of districts.

14-501. Classification of districts. For the purpose of this title, Mount Carmel, Tennessee, is hereby divided into nine (9) districts, designated as follows:

Residential:

- R-1 Single Family Residential District
- R-M Multi- Family Residential District
- R-5 District - Mobile Home Park
- PD- Planned Development District

Business:

- B-1 District - Neighborhood business
- B-2 District- Arterial business
- B-3 District- General business
- B-4 District - Shopping center

Industrial:

- M-I District - Industrial

14-502. Boundaries of districts.

(1) The boundaries of districts described in §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 there from, 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. #292, July 2005)

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.

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. #292, July 2005)

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 percent (75%) 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 *Tennessee Code Annotated*, §13-7-208. (Ord. #292, July 2005)

14-603. Only one principal building on any lot.

(1) In Single Family residential districts only one (1) 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. #292, July 2005)

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. #292, July 2005)

14-605. Vision clearance. No fence, wall, shrubbery, sign or other obstruction to vision between the height of three feet (3') and fifteen feet (15') shall be permitted within twenty feet (20') of the intersection of the right-of-way lines of streets, or of streets and railroads. (Ord. #292, July 2005)

14-606. Street frontage. No residential building shall be erected on a lot which does not abut at least one (1) public street for a least fifty feet (50') except for lots on cul-de-sacs and flag lots which must abut one (1) public street for at least forty feet (40') 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 then 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. #292, July 2005)

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. #292, July 2005)

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. #292, July 2005)

14-609. Annexations. All territory which may hereafter be annexed to the Town of Mount Carmel, Tennessee, shall be considered to be in an R-1 Single Family Residential District unless otherwise classified. (Ord. #292, July 2005)

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 feet (9') in width and nineteen feet (19') 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 percent (1%) or more than twelve percent (12%). Grades of driveways or entrances from a public street serving a parking lot shall at no point exceed twelve percent (12%).

(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 bypass 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 (1) 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 (2) spaces each unit, plus one (1) visitor space per three (3) units.

(iv) Funeral parlors. One (1) 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 (1) space for each employee; but, not less than five (5) total.

(vi) Hospitals and nursing homes. One (1) space for each two (2) staff or visiting doctors plus one (1) space for each two (2) employees and one (1) space for each four (4) beds, computed on the largest number of employees on duty at any period of time.

(vii) Hotel. One (1) space for each three (3) employees plus one (1) space for each guest room.

(viii) Industry. One (1) space for each two (2) employees, computed on the largest number of persons employed at any period during day or night.

(ix) Motels. One (1) space for each three (3) employees plus one (1) space for each accommodation.

(x) Offices.

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

(2) Other professional. One (1) space for each three hundred (300) square feet of floor space.

(3) General. One (1) space for each three hundred (300) square feet of floor space.

(xi) Places of public assembly. One (1) space for each three (3) seats in the principal assembly area.

(xii) Recreation and amusement areas without seating capacity. One (1) space for each four (4) customers computed on maximum service capacity.

(xiii) Restaurants, clubs and lodges. One (1) space for each three (3) employees, plus one (1) space for each four (4) seats.

(xiv) Retail business and similar uses. One (1) space for each two hundred (200) square feet of gross floor space.

(xv) Schools. High schools require one (1) space for each faculty member, plus one (1) space for each four (4) pupils. Elementary and junior high schools require four (4) spaces for each classroom.

(xvi) Mobile home parks. Two (2) spaces each unit, plus one (1) visitor space per three (3) units.

(xvii) Wholesale business. One (1) 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 percent (50%) 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:

(A) Tree sizes. (1) Shade trees shall be a minimum of two inches (2") in caliper.

(2) Ornamental trees shall be a minimum of one and a half inches (1 1/2") in caliper.

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

(B) Location.

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

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

(3) 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 *Tennessee Code Annotated*, §§ 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 14-17 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 *Tennessee Code Annotated*, §§ 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:

(A) All standards specified in other sections of the zoning ordinance;

(B) 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;

(C) 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;

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

(E) 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;

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

(G) 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;

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

(I) 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.

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

(B) Special exceptions shall only be issued upon:

(1) A showing of good and sufficient cause, a determination that failure to grant the special exception would result in exceptional hardship;

(2) 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.

(C) The secretary shall maintain the records of all appeal actions and report any special exception to the board of mayor and aldermen upon request. (Ord. #9-345, Jan. 2010)

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 (1) space of at least twelve by twenty-five feet (12' x 25') for each three thousand (3,000) square feet of floor area or part thereof.

(2) Wholesale and industrial. One (1) space of at least twelve by fifty feet (12' x 50') for each ten thousand (10,000) square feet of floor area or part thereof.

(3) Bus and truck terminals. Sufficient space to accommodate the maximum number of buses or trucks that will be stored and loading and unloading at the terminal at any one time. (Ord. #292, July 2005)

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 feet (25').

(c) No point of access shall be allowed within thirty feet (30') of the right-of-way line of any public intersection. (Ord. #09-345, Jan. 2010)

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 (1) 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 one hundred percent (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 six feet (6') at planting and a minimum height of fifteen feet (15') at maturity, or a continuous hedge with three feet (3') height at planting and six feet (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 eight feet (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 onto 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 twelve (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. (Ord. #292, July 2005)

CHAPTER 7

MOBILE HOME PARKS

SECTION

14-701. Restricted use of mobile homes.

14-702. Definitions.

14-703. Development standards.

14-704. Enforcement.

14-701. Restricted use of mobile homes. The use of mobile homes as dwellings are permitted only in mobile home parks. (Ord. #292, July 2005)

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. #292, July 2005)

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 stormwater 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 five hundred feet (500') 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 inch (6") 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 feet (20') between each mobile home.

(b) All mobile homes, structures, and pavement shall be setback thirty feet (30') from front, side, and rear property lines.

(c) The site shall be located in a flood free area with proper stormwater 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 (3) off-street parking spaces for each mobile home space. At least two (2) 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 feet (20'). All streets shall be paved with a minimum of two inches (2") 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 harborage, or other adverse influences.

(k) Each mobile home space shall be a minimum of two thousand five hundred (2,500) square feet with a minimum of seventy five feet (75') 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 ten feet (10') from property lines and space lines, and there shall be a minimum distance of twenty feet (20') between mobile homes.

(l) No service building shall be located less than twenty feet (20') 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 five hundred (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. #292, July 2005)

14-704. Enforcement. These regulations shall be enforced by the building inspector. (Ord. #292, July 2005)

CHAPTER 8

GROUP HOUSING AND PLANNED UNIT DEVELOPMENT

SECTION

14-801. Group housing and planned unit developments.

14-802. Development standards.

14-801. Group housing and planned unit developments. A group housing or apartment project is defined as any group of two (2) or more buildings to be constructed on one (1) 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. #292, July 2005)

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 five hundred feet (500') 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 inch (6") 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 (1) 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 Mount 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. #292, July 2005)

CHAPTER 9

PROVISIONS GOVERNING USE DISTRICTS

SECTION

- 14-901. Single Family Residential District R-1.
- 14-902 Multi-Family Residential District R-M
- 14-9083. Mobile Home Park District R-5.
- 14-904. Planned Development District
- 14-905. Neighborhood Business District B-1.
- 14-910 06. Arterial Business District B-2.
- 14-91107. General Business District B-3.
- 14-91208. Shopping Center District B-4.
- 14-913 09. Industrial District M-1.
- 14-91410. Communication facilities.

14-901. Single Family 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 rural characteristics of the district, to promote and encourage an environment for family life and to prohibit business activities (Ord. #292, July 2005)

(a) Permitted uses. In order to achieve the intent of the Single Family 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 with adequate means of waste disposal;
- (3) Customary home occupations provided that:
 - (a) There is no external evidence of the occupation except an announcement sign not more than two (2) square feet in area;
 - (b) That only one (1) person, not a resident of the dwelling is employed; and
 - (c) Not more than thirty percent (30%) 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 Carmel Planning Commission;
 - (b) The buildings are placed not less than thirty feet (30') from the front, side, and rear property lines;
 - (c) There are buffer strips along the side and rear property lines.
- (5) Cemeteries

(b) Accessory Uses.

- (1) Customary accessory buildings provided that they are located in rear yards, meet all setback requirements, and are not closer than three feet (3') to any property line.

(c) Special Exceptions. Special Exceptions are permitted only with the Board of Zoning Appeals and are allowed in the R-1 Single Family Residential District as follows:

- (1) One (1) 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) ADUs may be in the principal building or be in a detached building, but the ADU is limited to eight hundred (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 (1) year old;
 - (c) The ADU residents will be limited to a family of three (3) or less persons;
 - (d) The BOZA may grant a variance to the density and parking requirements if the proposed ADU will be in harmony with the surrounding area.
- (2) 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 twenty (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.

(d) Prohibited uses.

(1) Communications facilities. (Ord. #292, July 2005, as amended by Ord. #10-349, Feb. 2010)

(e) Dimensional requirements. The minimum and maximum dimensional requirements for the R-1, Single Family Residential District are as follows:

(1) Minimum requirements.

(a) Lot area for lots that are not served with public sanitary sewer, 15,000 square feet

(1) Lot frontage, 50 feet on a public street unless the lot is on a cul-de-sac or is considered a flag lot then lot frontage is a minimum of 40 feet.

(2) Front yard setback, 30 feet

(3) Side yard setback, 10 feet except where the side yard fronts another street such as a corner lot then the setback for the street facing side will be 20 feet.

(4) Rear yard setback, 25 feet.

(b) Lot area for lots served with public sanitary sewer, 7,500 square feet.

(1) Lot frontage, 50 feet on a public street unless the lot is on a cul-de-sac or is considered a flag lot then lot frontage is a minimum of 40 feet.

(2) Front yard setback, 30 feet

(3) Side yard setback, 8 feet except where the side yard fronts another street such as a corner lot then the setback for the street facing side will be 20 feet.

(4) Rear yard setback, 20 feet.

(2) Maximum permitted.

(a) Lot coverage, 30 percent including accessory buildings

(b) Maximum height, 35 feet

14-902. Multi-Family Residential District R-M. It is the intent of this district to provide areas for multi-family developments such as duplexes ~~and~~ condominiums, and apartments, 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 residential dwellings.

(a) Permitted uses.

(1) Any use permitted in the R-1 Residential District;

(2) Duplexes;

(3) Group housing and planned unit developments;

(b) Accessory uses.

(1) Customary accessory buildings provided that they are located in rear yards, meet all setback requirements, and are not closer than three feet (3') to any property line.

(c) Special exceptions:

(1) 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 (25') 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. #292, July 2005)

(c) High density multiple family dwellings with the requirement that thirty percent (30%) of the land area shall be covered with vegetation. (Ord. #292, July 2005)

(d) Prohibited uses. Commercial and Industrial Uses

(e) Dimensional requirements. The minimum and maximum dimensional requirements for the R-2, Multi-Family Residential District are as follows:

(1) Minimum requirements.

(a) Lot area, 10,000 square feet

(b) Lot frontage, 50 feet on a public street unless the lot is on a cul-de-sac or is considered a flag lot then lot frontage is a minimum of 40 feet.

(c) Front yard setback, 30 feet

(d) Side yard setback, 10 feet except where the side yard fronts another street such as a corner lot then the setback for the street facing side will be 20 feet.

(e) Rear yard setback, 25 feet.

(2) Maximum permitted.

(a) Lot coverage, 70 percent including accessory buildings

(b) Maximum height, 35 feet

14-903. 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 (1) acre, that there are no more than eight (8) individual spaces per acre, and provided that all provisions of the mobile home park standards of § 14-703 are met.

(3) Communication facilities are prohibited. (Ord. #292, July 2005)

Moved from Previous Chapter

14-904. Planned development district. (1) Intent. The intent of this division is to allow flexibility and provide performance criteria for planned developments. This division permits design innovation, encourages a maximum choice of types of environment and living areas available to the public, provides open space and recreational areas, and optional methods of land development which encourage imaginative solutions to environmental design problems. The goal is a development in which building, land use, transportation facilities, utility systems and

open spaces are integrated through an overall design. The total parcel, rather than a single lot, is the unit into which the public control is directed. Public regulation through a system of overall site plan review permits flexibility in building siting, a mixture of housing types and uses and the grouping of units to create more usable open spaces for the preservation of significant natural features. The planned development allows for placement of buildings on land without adherence to the conventional lot-by-lot approach common to traditional subdivisions. Such concerns as density are determined on a project basis utilizing the characteristics of the surrounding neighborhood and physical characteristics of the location allowing for the clustering of buildings which not only may create more useful open spaces but also may reduce public facility cost. Commercial entities may be included as part of an overall planned development. Industrial uses are forbidden in a planned development.

(a) Establishment of districts. Planned development districts may be established prior to submission of development plans by a property owner.

(b) Qualifying requirements for development.

(i) The planned development shall include at a minimum one (1) acre of land.

(ii) The planned development shall be harmonious with the area surrounding the development site, and demand on public facilities and services shall not exceed the capabilities of such facilities and services.

(c) Application for development. A zoning application for a planned development shall include the following items:

(i) A statement that the applicant holds title to the entire parcel of land proposed for development or has legally recognized option to the entire parcel of land proposed for development.

(ii) A pre-application conference held by the staff to provide for a mutual understanding of the planned development regulations and to discuss the proposed plans of the applicant.

(iii) A written statement outlining the main features of the proposed enterprise, including goals and objectives.

(iv) A legal description of the total site requested for approval.

(d) Preliminary development plan.

(i) A preliminary development plan for a planned development shall contain the following:

(A) Location, size, and shape of the subject property with distances and bearings of the boundary of the site.

(B) Vehicular circulation patterns including common parking areas.

(C) Location of structures and open spaces for the district.

(D) Landscape drainage calculations and erosion control plans. The developer will be required to obtain approved stormwater permits from TDEC and the town. The TDEC permit application will be as specified by TDEC. The storm water plan/application for the town will be as specified in title 14, chapter 16 of the municipal code, must be prepared and sealed by an appropriate design professional and approved by the planning commission prior to a grading permit being issued.

(E) A development schedule indicating the sequential order for stages of development within the district.

(ii) The following items shall be adequately explained in written or graphic form: relationship of the proposed development to the adjacent land uses, accesses to major

streets, approximate locations and sizes of the existing and proposed on-site and off-site public utilities, density and housing characteristics of the project.

(e) Final development plan. A final development plan for a planned development shall:

(i) Be drawn to scale of not less than one inch equals fifty feet (1" = 50') using black ink on Mylar-type material containing information as described for the preliminary development plan and including all revisions required by the planning commission. Property lines shall carry accurate bearings, distances and other pertinent physical features. Easements shall carry accurate dimensions.

(ii) Be prepared and signed (with seal) by the appropriate licensed professional.

(iii) Meet all the applicable federal, state, and town regulations.

(iv) Contain quantitative data for the total amount of open space, including materials and techniques utilized such as screens, fences, and walls.

(f) Development standards. (i) Height. The maximum height of buildings and structures in a planned development district shall be harmonious with adjoining districts.

(ii) Density. The intensity of land uses, bulk of buildings, concentration of population and amount of open space shall be generally harmonious to those requirements associated with neighboring districts.

(iii) Frontage. Every dwelling unit shall adjoin a public street or common open space providing access to a public street.

(iv) Periphery yards. The distance between structures and the nearest periphery boundary shall not be less than thirty feet (30') or a distance equal to the height of the building, whichever is greater. Periphery boundaries, yards and height restrictions shall be required as needed to provide for an appropriate transition from adjoining districts. Fences, walls, and vegetation may be required by the planning commission.

(v) Parking. Adequate parking spaces shall be provided at a minimum ration of two (2.0) spaces per unit. All required parking shall be off the street. Parking located within the periphery yard of the development district shall be provided with screening from neighboring districts.

(vi) Open spaces. Open spaces shall be classified as public open space, common open space or private open space. At least twenty percent (20%) of the development shall be devoted to permanent, public, or common open space required for recreation. However, in no event shall the periphery yard be considered in meeting these requirements.

(vii) Commercial uses within a planned development. In a planned development of twenty (20) acres or more, commercial 14-29 uses may be permitted. Such commercial uses shall be governed by the following:

(A) Commercial facilities may be permitted in developments of two hundred (200) dwelling units or more. A ratio of one (1) acre of commercial use, including parking, drive, and landscaping, is required for each two hundred (200) residential units.

(B) All access to commercial facilities shall be from internal streets or drives.

(C) Construction of such facilities may begin after twenty-five percent (25%) of the residential units have been occupied.

(D) Commercial areas shall have architectural designs compatible with surrounding residential development as determined by the planning commission.

(viii) Screening. Screening (fencing, walls, or vegetation) shall be provided as required by the planning commission.

(ix) Responsibilities for utility access and open space. The following certificate shall be signed, dated, and placed on the final development plan:

(A) Government and utility access. The owners of this property hereby agree to grant full rights of access to this property over the designated street utilities, and other easements for governmental and utility agencies to perform their normal responsibilities. (Signed and dated by owners.)

(B) Maintenance of common open space. The owners of this property hereby agree to assume full liability and responsibility for the improvement, maintenance and operation of all common open space. (Signed and dated by owners.)

(g) Procedure for development plans. (i) Preliminary development plan. Approval of the preliminary plan of a planned development shall be for a period of twenty-four (24) months, during which time a final development plan shall be filed. If the development plan and zoning map amendment are disapproved by the planning commission and the zoning map amendment is subsequently approved by the board of mayor and aldermen, the commission shall take timely action to consider a preliminary development plan for the subject property.

(ii) Final development plan. The final development plan required in this division shall be submitted to the planning commission within two (2) years of the approval of the zoning map amendment by the board of mayor and aldermen, and the commission shall approve a final development plan for the subject 14-30 property with such conditions as are found necessary. If construction plans have not been submitted in accordance with requirements of this division, the planning commission may institute action for rezoning the property to its previous classification or any other appropriate classification.

(h) Development control following the approval of final development plan.

(i) No building permit shall be issued until the final development plan of the planned development has been approved by the planning commission and its approval and recommendation is certified to the building official. Such plan shall then limit and control the issuance of all building and occupancy permits and restrict the construction, location, and continuing use of all land, structures and other facilities to the conditions as set forth in the plan.

(ii) The building official shall periodically inspect the site and review all building permits issued to ensure that the development schedule is followed.

(iii) The provision and construction of the common open space any recreational facilities shown on the final development plan must proceed at the same rate as the construction of the dwelling units. If the building official finds that the development schedule has not been followed, no additional permits shall be issued until the owner or developer complies with the development schedule. (as added by Ord. #10-355, Oct. 2010)

14-905. 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 semipublic 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 feet (20') from all property lines. Points of access and egress shall be not less than fifteen feet (15') from the intersection of street lines. (Ord. #292, July 2005)

14-906. 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) Stores and shops conducting retail business can be located on any floor.
(2) Personal, business, and professional services shall be located on any floor other than the ground level.

(3) Public and semi-public buildings and uses provided that public and semi-public buildings uses shall first be reviewed and approved by the Mount Carmel Regional Planning Commission;

(4) 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) Outside storage is permitted in the B-2 district by special exception pursuant to §14-1404, subsection 2, upon application to the board of zoning appeals, and shall be granted by the board only after the applicant has demonstrated to the satisfaction of the board that the use is so designed, located and proposed to be operated that the public health, safety and welfare will be protected. The board shall determine from its review that approval of the permit will not adversely affect other property in the area to the extent that it will impair the reasonable long-term use of those properties and the operational and physical characteristics of the special exception shall not adversely impact abutting properties. Site design and architectural features which contribute to compatibility include, but are not limited to, landscaping, drainage, access and circulation, building style and height, bulk, scale, setbacks, open areas, roof slopes, building orientation, overhangs, porches, ornamental features, exterior materials and colors. The applicant shall demonstrate how the proposed use will not adversely affect the safety and convenience of vehicular and pedestrian circulation in the area. Notwithstanding a finding by the board that a special exception application satisfies the minimum development standards of this article, the board may restrict the hours of operation, establish permit expiration dates, require extraordinary setbacks and impose other reasonable conditions necessary to protect the public health, safety and welfare. (Ord. #340, May 2009)

14-907. 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. #292, July 2005)

14-908. 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. (Ord. #292, July 2005)

14-909. 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.
- (4) Uses permitted by special exception. (a) Methadone treatment clinic or facility, substance abuse treatment.

- (i) The consideration for approval by the board of zoning appeals of a methadone treatment clinic or facility and substance abuse treatment facility shall be contingent upon the receipt of the appropriate license and certificate of need by the State of Tennessee.

- (ii) Maps showing existing land use and zoning within one-quarter (1/4) mile of the proposed site should be submitted with an application for use of review approval along with the license of the applicant, certificate of need, site plan, survey, or other information deemed reasonable by the board of zoning appeals for use in making a thorough evaluation of the proposal.

- (iii) The clinic or facility shall be located on and have access to a principal arterial street.

- (iv) Measurement shall be made in a straight line on the zoning map from the nearest property line of the lot on which the methadone treatment clinic or facility and substance abuse treatment facility is situated to the nearest property line of the following uses:

(A) The clinic or facility shall not be located within one thousand feet (1,000') of a school, day care facility, park, church, synagogue, mosque, mortuary or hospital.

(B) The clinic or facility shall not be located within one thousand feet (1,000') of any establishment that sells alcoholic beverages for either on or off premises consumption.

(C) The clinic or facility shall not be located within one thousand feet (1,000') of any area devoted to public recreation activity.

(D) The clinic or facility shall not be located within one thousand feet (1,000') of any amusement catering to family entertainment.

(E) The site shall not be less than one thousand feet (1,000') of any residential dwelling at the time of approval.

(F) The site shall not be less than one-half (1/2) mile from any other methadone treatment clinic or facility and substance abuse treatment facility.

(v) In interpreting this subsection (4)(a), the following definitions shall apply:

(A) "Medical clinic." A licensed facility for examining and treating patients with medical problems on an outpatient basis other than a methadone treatment clinic or facility or substance abuse treatment facility.

(B) "Methadone treatment clinic or facility." A licensed facility for counseling of patients and the distribution of methadone for outpatient, nonresidential purposes only other than a medical clinic or substance abuse treatment facility.

(C) "Substance abuse treatment facility." A licensed facility with purpose of providing outpatient treatment, counseling or similar services to individuals who are dependent on legal and illegal drugs, opiates, alcohol or other similar substances other than a medical clinic or methadone treatment clinic or facility.

(Ord. #292, July 2005, as amended by Ord. #10-348, Feb. 2010)

14-910. 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 (Ord. #292, July 2005)

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, Minimum Yard Reqs From Property Lines; Maximum height of structures

R-1	15,000	30 ft. 10 ft. 25 ft.	35 ft.
R-1	7,500	30 ft. 8 ft. 20 ft. when water / sewer available.	35 ft.
R-M	10,000	30 ft. 10 ft. 25 ft.	35 ft.
R-5	8/acre	30ft. 10ft 25ft	35ft.
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. 10 ft. 25 ft.	70 ft.

CHAPTER 11
EXCEPTIONS AND MODIFICATIONS

SECTION

14-1101. Lot of record.

14-1102. Front yards.

14-1103 Areas bound by railroad and other barriers.

14-1101. Lot of record. Where the owner of a lot consisting of one (1) 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. 292, July 2005)

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 feet (100') 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. #292, July 2005)

14-1103 Areas bound by railroad and other barriers

(1) These standards take precedence over any conflicting zoning regulations found within the corresponding zoning districts.

(2) Where a lot is bounded by the railroad to the north, Main Street to the south, Hammond Avenue to the east and the Church Hill Municipal Boundary to the west the setbacks are as follows:

- (a) Rear setback: Zero feet (0') for a one story structure and ten feet (10') for two
- (2) or more story structures;

(b) Side yard setback: Five feet (5'); and

(c) Front Yard setback; Thirty feet (30').

(3) Where a parking lot is bounded by the railroad to the north, Main Street to the south, the corporate limits with the City of Kingsport to the east and the Church Hill Municipal Boundary to the west the setbacks are as follows:

(a) Front yard setback: Ten feet (10') from the edge of the pavement on Main Street for future sidewalk installation.

(4) Minimum depth of a structure located on an arterial street. The minimum setback for structures located on an arterial street is forty feet (40') from the established street right of way.

NOTE 1: The R-5 district minimum lot size shall be one (1) acre with no more than eight (8) mobile homes or units per acre.

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

SECTION II. That the violation of any provision of this ordinance shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation.

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

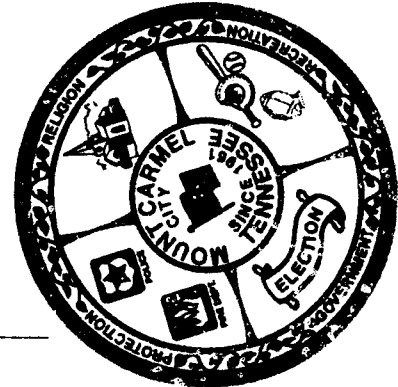
Larry Frost
LARRY FROST, Mayor

ATTEST:

Marian Sandidge
MARIAN SANDIDGE, City Recorder

APPROVED AS TO FORM:

C. Christopher Raines Jr.
C. CHRISTOPHER RAINES, JR., ATTORNEY



MOTION: Eugene Christian			
SECOND: Carl Wolfe			
FIRST READING	AYES	NAYS	OTHER
ALDERMAN EUGENE CHRISTIAN	X		
ALDERMAN LEANN DEBORD		X	
ALDERMAN FRANCES FROST	X		
ALDERMAN WANDA DAVIDSON	X		
VICE-MAYOR PAUL HALE	X		
ALDERMAN CARL WOLFE	X		
MAYOR LARRY FROST	X		
TOTALS	6	1	0

PASSED FIRST READING – May 28, 2013

MOTION: Eugene Christian			
SECOND: Carl Wolfe			
SECOND READING	AYES	NAYS	OTHER
ALDERMAN EUGENE CHRISTIAN	X		
ALDERMAN LEANN DEBORD			ABSENT
ALDERMAN FRANCES FROST	X		
ALDERMAN WANDA DAVIDSON	X		
VICE-MAYOR PAUL HALE	X		
ALDERMAN CARL WOLFE	X		
MAYOR LARRY FROST	X		
TOTALS	6	0	1

PASSED SECOND READING – June 25, 2013

PUBLICATION AFTER PASSAGE:
DATE: June 25, 2013
NEWSPAPER: *Kingsport Times-News*

Subject: Passed Ordinance to Publish for the Town of Mount Carmel
From: Marian Sandidge (mariansandidge@yahoo.com)
To: sedwards@timesnews.net;
Date: Friday, June 28, 2013 11:01 AM

June 28, 2013

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 June 25, 2013, passed the following ordinances:
Ordinance No. 13-392. An Amending Title 9, "Business, Peddlers, Solicitors, Etc.", by adding Chapter 2, "Fortunetellers, Clairvoyants, and Similar Pursuits."
Ordinance No. 13-393. An Ordinance to Amend the Code of Ordinances to Provide for the Regulation of Sewers and Sewage Disposal; to Fix a Penalty for the Violation of this Ordinance; and to Fix the Effective Date of this Ordinance.
Ordinance No. 13-394. An Ordinance to Amend Title 14, Chapter 5 through Chapter 11, Section 14-501 through Section 14-1103 of the Code of Ordinances Relating to Amendments to the Zoning Ordinance; to Establish a Penalty for the Violation Thereof; and to Fix the Effective Date of this Ordinance.
Ordinance No. 13-395. An Ordinance of the Town of Mount Carmel, Tennessee, Adopting the Annual Budget and Tax Rate for the Fiscal Year Beginning July 1, 2013 and Ending June 30, 2014.
Ordinance No. 134-396. An Ordinance Providing for and Fixing the Tax Rate on all Real, Personal, and Mixed Property within the Town of Mount Carmel, Hawkins County, Tennessee, which is Taxable on the Basis of Assessments made by the Hawkins County Property Assessor, the Public Service Commission and the Division of Property Assessments of the State of Tennessee for the Year 2013.

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

Sincerely,
TOWN OF MOUNT CARMEL
Marian Sandidge, City Recorder



Order Confirmation

Ad Order Number	Customer	Payor Customer
0001090010	TOWN OF MOUNT CARMEL	TOWN OF MOUNT CARMEL
Sales Rep.	Customer Account	Payor Account
sedwards	59632	59632
Order Taker	Customer Address	Payor Address
sedwards	P O BOX 1421, , MT CARMEL TN 37645 USA	P O BOX 1421, , MT CARMEL TN 37645 USA
Ordered By		
Order Source	Customer Phone	Payor Phone
	423-357-7311	423-357-7311
PO Number	Customer Fax	Customer EMail
		mcch@chartertn.net

Tear Sheets	Proofs	Affidavits	Payment Method
0	0	1	

Invoice Text:

<u>Blind Box</u>	<u>Materials</u>	<u>Color</u>		
		<NONE>		
<u>Net Amount</u>	<u>Tax Amount</u>	<u>Total Amount</u>	<u>Payment Amt</u>	<u>Amount Due</u>
\$80.82	\$0.00	\$80.82	\$0.00	\$80.82

Ad Number	Ad Type	Ad Size	Pick Up Number
0001090010-01	LL Legal Liner	2.0 X 31 Li	
External Ad #	Ad Attributes		

Run Dates	6/29/2013
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PUBLIC NOTICE

The Town of Mount Carmel, Tennessee, on June 25, 2013, passed the following ordinances:
Ordinance No. 13-392. An Amending Title 9, "Business, Peddlers, Solicitors, Etc.", by adding Chapter 2, "Fortunetellers, Clairvoyants, and Similar Pursuits."
Ordinance No. 13-393. An Ordinance to Amend the Code of Ordinances to Provide for the Regulation of Sewers and Sewage Disposal; to Fix a Penalty for the Violation of this Ordinance; and to Fix the Effective Date of this Ordinance.
Ordinance No. 13-394. An Ordinance to Amend Title 14, Chapter 5 through Chapter 11, Section 14-501 through Section 14-1103 of the Code of Ordinances Relating to Amendments to the Zoning Ordinance; to Establish a Penalty for the Violation Thereof; and to Fix the Effective Date of this Ordinance.
Ordinance No. 13-395. An Ordinance of the Town of Mount Carmel, Tennessee, Adopting the Annual Budget and Tax Rate for the Fiscal Year Beginning July 1, 2013 and Ending June 30, 2014.
Ordinance No. 134-396. An Ordinance Providing for and Fixing the Tax Rate on all Real, Personal, and Mixed Property within the Town of Mount Carmel, Hawkins County, Tennessee, which is Taxable on the Basis of Assessments made by the Hawkins County Property Assessor, the Public Service Commission and the Division of Property Assessments of the State of Tennessee for the Year 2013.

PUB1T; 06/29/13

RECEIVED

MAY 28 2013

KINGSPORT TIMES-NEWS

PAGE..... OF....

PUBLICATION CERTIFICATE

Kingsport, TN 5/16/13

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 May 16, 2013, and appearing 1 consecutive weeks (times), as per order of

Town of Mount Carmel

Signed Sheryl Edwards

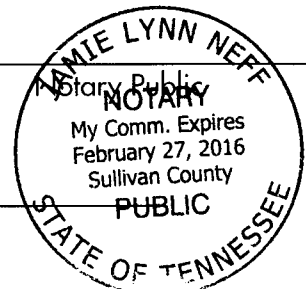
Mount Carmel Board of Mayor and Alderman
The Mt Carmel Board of Mayor and Alderman will have a Public Hearing on May 28, 2013 at 5:25 PM at Town Hall concerning a Residential Zoning Amendment. The public is welcome to attend.
PUB1T: 05/16/13

STATE OF TENNESSEE, SULLIVAN COUNTY, TO WIT:

Personally appeared before me this 16th day of May, 2013, Sheryl Edwards 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.

My commission expires Feb 27, 2014

Janie L. Neff





Order Confirmation

Ad Order Number 0001080300	Customer TOWN OF MOUNT CARMEL	Payor Customer TOWN OF MOUNT CARMEL
Sales Rep. sedwards	Customer Account 59632	Payor Account 59632
Order Taker sedwards	Customer Address P O BOX 1421, , MT CARMEL TN 37645 USA	Payor Address P O BOX 1421, , MT CARMEL TN 37645 USA
Ordered By	Customer Phone 423-357-7311	Payor Phone 423-357-7311
Order Source		
PO Number	Customer Fax	Customer EMail mcch@chartertn.net

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PUB1T: 05/16/13

Tear Sheets 0	Proofs 0	Affidavits 1	Payment Method	
Invoice Text:				
Blind Box	Materials	Color <NONE>		
Net Amount \$26.94	Tax Amount \$0.00	Total Amount \$26.94	Payment Amt \$0.00	Amount Due \$26.94

Ad Number 0001080300-01	Ad Type LL Legal Liner	Ad Size 1.0 X 14 Li	Pick Up Number
External Ad #		Ad Attributes	

Run Dates 5/16/2013

KINGSPORT TIMES-NEWS

PUBLICATION CERTIFICATE

Kingsport, TN 7/3/13

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 June 29, 2013 and appearing 1 consecutive weeks/times, as per order of

Town of Mount Carmel

Signed Sheryl Edwards

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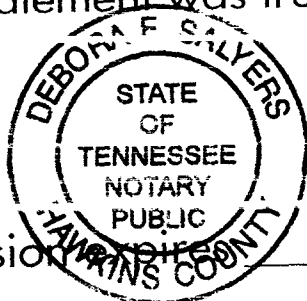
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PUB1T: 06/29/13

STATE OF TENNESSEE, SULLIVAN COUNTY, TO WIT:

Personally appeared before me this 3rd day of July, 2013, Sheryl Edwards

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. Salvers
Notary Public

My commission

April 28, 2015