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# **ZONING ORDINANCE**

**OF**

**MOUNT CARMEL, TENNESSEE**

**OCTOBER 1963**

Prepared by

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ZONING ORDINANCE  
AND  
MAP  
MOUNT CARMEL, TENNESSEE

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October 1963

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ZONING ORDINANCE  
MOUNT CARMEL, TENNESSEE

AUTHORITY

An ordinance, in pursuance of the authority granted by Sections 13-701 through 13-710, Tennessee Code Annotated, for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare; to provide for the establishment of districts within the corporate limits; to regulate, within such districts, the location, height, bulk, number of stories and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population and the uses of land, buildings and structures; to provide methods of administration of this ordinance and to prescribe penalties for the violation thereof.

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

ARTICLE I. SHORT TITLE

This ordinance shall be known as the "Zoning Ordinance of Mount Carmel, Tennessee," and the map herein referred to, which is identified by the title, "Mount Carmel, Tennessee Zoning Map" and dated April, 1980 shall be known as the Zoning Map of Mount Carmel, Tennessee. The Zoning Map of Mount Carmel, Tennessee and all explanatory matter thereon are hereby adopted and made a part of this ordinance.

ARTICLE II. PURPOSE

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

### ARTICLE III. DEFINITIONS

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

1. ALLEY: A public way which affords only a secondary means of access to property and public travel, less than 20 feet in width.
2. ARTERIAL STREETS: A street that provides for traffic movement between areas and across portions of the town and secondarily for direct access to abutting land, as shown on the zoning map of the Town of Mount Carmel.
3. BOARDING OR ROOMING HOUSE: A building containing a single dwelling unit and not more than five guest rooms where lodging is provided with or without meals for compensation.
4. BUFFER STRIP: A plant or fencing material acceptable to the building inspector which has such growth characteristics as will provide an obscuring screen not less than six feet in height.
5. BUILDING: Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or chattel.
  - (a) Principal building: A building in which is conducted the main or principal use of the lot on which said building is located.
  - (b) Accessory building or use: A building or use customarily incidental and subordinate to the principal building or use and located on the same lot with such building or use.
6. BUILDING HEIGHT: The vertical distance measured from the finished grade at the building line to the highest point of the roof.
7. BUSINESS SIGN: A sign which directs attention to a business or profession conducted on the premises. A "For Sale" sign or a "To Let" sign for the property on which it is displayed shall be deemed a business sign.

8. CLINIC: A structure used in providing medical services for outpatients only.
9. CLUB: Buildings and facilities owned or operated by an association or persons for a social or recreational purpose, but not operated primarily for profit or to render a service which is customarily carried on as business.
10. COLLECTOR STREET: A street providing for traffic movement within the city as shown on the Zoning Map of the Town of Mount Carmel, Tennessee.
11. CONDOMINIUM: A multi-unit structure offering individual ownership of said units.
12. "DAY CARE CENTER." A place operated by a person, society, agency, corporation, institution, or other group that receives pay for the care of eight or more children under 17 years of age for less than 24 hours per day, without transfer of custody. The term "Day Care Center" also includes child development centers, nursery schools, day nurseries, play-schools, and kindergarden as well as agencies providing before and after school care, regardless of name, purpose, or auspices. (Excluding schools graded 1-12 and kindergartens operated by governmental units or by religious organizations.)
13. DWELLING, SINGLE FAMILY: A building designed, constructed and used for one dwelling unit.
14. DWELLING, TWO FAMILY OR DUPLEX: A building designed, constructed or reconstructed and used for two dwelling units that are connected by a common structural wall.
15. DWELLING, MULTI FAMILY: A building designed, constructed or reconstructed and used for more than two dwelling units, with each dwelling unit having a common structural wall with any other dwelling unit on the same floor.
16. FAMILY: An individual or two or more persons related by blood marriage, legal adoption, or legal guardianship, living together as one housekeeping unit using one kitchen, and providing meals or lodging to not more than three unrelated persons living together as one housekeeping unit using one kitchen.
17. HOME OCCUPATION: An occupation for gain or support which is customarily conducted in the home, which is incidental to the use of the building or structure as a dwelling unit, which employs not more than two persons not residents of the premises, and

18. LOT: A parcel of land which fronts on and has access to a public street and which is occupied or intended to be occupied by a building or buildings with customary accessories and open space.
- (a) Lot Area. The total horizontal area within the lot lines of a lot exclusive of streets and easements of access to other property.
  - (b) Lot, Corner. A lot abutting on two or more streets other than an alley, at their intersection.
  - (c) Lot Line. The property line bounding a lot.
  - (d) Lot Line, Front. The lot line separating the lot from the street other than an alley, and in the case of a corner lot, the shortest lot line along a street other than an alley.
  - (e) Lot Line, Rear. The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.
  - (f) Lot Line, Side. Any lot line not a front or rear lot line.
  - (g) Lot Width. The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.
19. MOBILE HOME: A detached single-family dwelling unit with all of the following characteristics: Designed for long-term occupancy and containing sleeping accommodations, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems; designed to be transported after fabrication on its own wheels, or on flatbed or other trailers or detachable wheels; and arriving at the site where it is to be occupied as a dwelling complete, including major appliances and furniture, and ready for occupancy except for minor and incidental unpacking and assembly operations, location on foundation supports, connection to utilities, and the like.

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

frequent and/or extensive travel, and for recreational and vacation use, including camper trucks and self-propelled campers, etc.

30. TRAVEL TRAILER PARK: Any plot of land upon which two or more travel trailers are located and used as temporary living or sleeping quarters. The occupants of such parks may not remain in the same trailer park more than 30 days.
31. YARD: An open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance.
- (a) Yard Front. A yard between side lot lines and measured horizontally at right angles to the front lot line from the nearest point of a building. Any yard meeting this definition and abutting on a street other than an alley, shall be considered a front yard.
  - (b) Yard, Rear. A yard between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a principal building.
  - (c) Yard Side. A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point on a principal building.
  - (d) Yard, Street Side. A yard adjacent to a street between the front yard and rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a principal building.

#### ARTICLE IV. ESTABLISHMENT OF DISTRICTS

Section A. Classification of Districts. For the purpose of this ordinance, Mount Carmel, Tennessee is hereby divided into six districts, designated as follows:

Residence - R-1 District - Low Density  
Residence - R-2 District - High Density  
Business - B-1 District - Neighborhood Business  
Business - B-2 District - Central Business  
Business - B-3 District - Arterial Business  
Industrial - M-1 District - Industrial

#### Section B. Boundaries of Districts

1. The boundaries of districts in Section A of this Article are established, as shown on the map entitled "Zoning Map of Mount Carmel, Tennessee," dated April 1980, which is a part of this ordinance and which is on file in the office of the Town Recorder
2. Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center lines of streets or alleys or a specified distance therefrom, railroad rights-of-way, or the corporate limit lines as they existed at the time of the enactment of the ordinance. Questions concerning the exact locations of district boundaries shall be determined by the Board of Zoning Appeals.
3. Where a district boundary divides a lot, as existing at the time this ordinance takes effect, and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than twenty-five (25) feet within the more restricted district.

## ARTICLE V. GENERAL PROVISIONS

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

Section A. Zoning Affects Every Building and Use: No building or land shall hereafter be used and no building or part thereof shall be erected, moved or altered unless for a use expressly permitted by and in conformity with the regulations herein specified for the district in which it is located, whether operated for or without compensation.

### Section B. Continuance of Non-conforming Uses

1. Any building or use existing at the time of enactment or subsequent amendment of this ordinance, but not in conformity with its provisions may be continued with the following limitations: Any building or use which does not conform to the provisions of this ordinance or subsequent amendment may not be:
  - (a) Changed to another non-conforming use.
  - (b) Re-established after discontinuance for twelve (12) months.
  - (c) Extended except in conformity with this ordinance.
  - (d) Rebuilt or repaired after damage exceeding seventy-five (75) percent of the fair sales value of the building immediately prior to damage.
2. Industrial, commercial, or other business establishments shall comply with provisions established in 13-708 Tennessee Code Annotated.

### Section C. Only One Principal Building on Any Lot

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

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

Section E. Obstruction to Vision at Street Intersections Prohibited. On a corner lot not in Central Business Districts, within the area formed by the center lines of the intersecting or intercepting streets and a line joining points on such center lines at a distance of ninety (90) feet from their intersection, there shall be no obstruction to vision between a height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

Section F. Off-Street Loading and Unloading Space Required. Every building or structure hereafter constructed and used for industry, business or trade shall provide adequate space for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public or private alley or, if there is no alley, to a public street.

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

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

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

Section J. Off-Street Automobile Parking. Off-street automobile parking spaces shall be provided on every lot on which any of the following uses are hereafter established except for nonresidential uses in the B-2 (Central Business) District. The number of automobile parking spaces provided shall be at least as great as the number specified below for various uses. Each space shall have at least two hundred square feet in area and shall have vehicular access to a public street. Turning space shall be provided so that no vehicle will be required to back into the street.

1. Automobile repair garages: One space for each regular employee plus one space for each 250 square feet of floor space used for repair work.
2. Churches: One space for each four (4) seats.
3. Clubs and lodges: One space for each three hundred (300) square feet of floor space.
4. Dwellings
  - (a) Single and duplex - two spaces for each unit.
  - (b) Multi-family - two spaces each unit.
5. Funeral Parlors: One space for each four (4) seats in the chapel.
6. Gasoline service stations and similar establishments: Four (4) spaces for each bay or similar facility plus one space for each employee.
7. 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.
8. Hotel: One space for each three (3) employees plus one space for each guest room.
9. Industry: One space for each two (2) employees, computed on the largest number of persons employed at any period during day or night.
10. Motels: One space for each three (3) employees plus one space for each accommodation.
11. Offices:
  - (a) Medical - one space for each two hundred (200) square feet of floor space.
  - (b) Other professional - one space for each three hundred (300) square feet of floor space.
  - (c) General - one space for each three hundred (300) square feet of floor space.
12. Places of public assembly: One space for each three (3) seats in the principal assembly room or area.

13. Recreation and amusement areas without seating capacity. One space for each four (4) customers, computed on maximum service capacity.
14. Restaurants: One space for each three (3) employees, plus one space for each fifty (50) square feet of floor space devoted to patron use.
15. Retail business and similar uses: One space for each two hundred (200) square feet of gross floor space.
16. 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.
17. Mobile Home Parks: Two spaces for each mobile home.
18. Wholesale business: One space for each two (2) employees based on maximum seasonal employment.
19. If off-street parking space required above cannot be reasonably provided on the same lot on which the principle use is conducted, the Board of Zoning Appeals may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle standing space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner.
20. Extension of parking space into a residential district: Required parking space may extend up to 120 feet into a residential zoning district, provided that: (1) the parking space adjoins a commercial or industrial district; (2) has its only entrance and exit upon the same street as the property in the commercial or industrial district from which it provides the required parking space; and (3) is separated from abutting properties in the residential district by a plant or fence buffer strip as determined by the Building Inspector.

Section K. Off-Street Loading and Unloading Space. On every lot on which business, trade, or industrial use is hereafter established, space with access to a public street or alley shall be provided as indicated below for the loading and unloading of vehicles off the public street or alley:

1. Retail business: One space of at least 12 x 25 feet for each 3,000 square feet of floor area of part thereof.

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

Section L. Ingress and Egress. A plan for adequate and safe ingress and egress for all land uses shall be required.

Section M. Flood Protection. Any structure proposed to be located within fifty (50) feet of any main drainage channel or stream (hereafter referred to as a stream) within the Town of Mount Carmel, Tennessee must be approved by the Mount Carmel Regional Planning Commission and be in conformity with Flood Disaster Protection Act of 1973 as amended. The planning commission shall determine, on the basis of the watershed and the probable runoff, the openings needed for the stream and how close a structure may be built to the stream in order to assure adequate space for flow of flood water. However, in no case shall a building or structure be permitted within fifteen (15) feet of the top of the bank of any stream.

Section N. Mobile Homes. The use of mobile homes as dwellings are permitted only in licensed and approved mobile home courts. Mobile homes used as dwellings within mobile home parks shall conform to the following:

1. The wheels are to be removed and the mobile home made a permanent or semi permanent structure, and
2. The provisions of the building code, housing code, sanitation code, plumbing code, electrical code, and all other city codes and ordinances are complied with.

Section O. Modular Homes. The use of modular homes as a principal building are permitted on single lots provided that:

1. A modular home to be classified as a permanent residential dwelling shall contain at a minimum, 1,056 feet of floor space.
2. It shall not be constructed on any type of chasis.
3. It shall be assembled on a permanent foundation.
4. It shall meet all of the requirements of the Southern Standard Building Codes.

Section P. Business Signs. Business signs shall be allowed in business zones provided that all signs, except one detached sign, shall be erected flat against the front or side of a building or within eighteen (18) inches thereof. All signs shall not project above buildings nor have flashing intermittent or moving illumination.

## ARTICLE VI. PROVISIONS GOVERNING USE DISTRICTS

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

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

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

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

2. Duplexes
3. Multiple family dwellings are permitted on review by the Mount Carmel Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to preserve and protect the character of Mount Carmel, and provided that no permit shall be issued without written approval of the Board of Zoning Appeals, and subject to the following minimum standards.
  - (a) A complete site plan showing the location of all buildings, courts, recreational areas, drives and walkways, parking lots, refuse disposal containers, drainage system and easements, and landscaping details.
  - (b) They are located on a lot containing a minimum of three acres.
  - (c) There is a minimum ten foot landscaped and planted buffer strip along the side and rear lot line.
  - (d) There are no more than eight units per gross acre.
4. Funeral homes, fraternal organizations and clubs not operated for profit, offices for doctors, lawyers, dentists, architects, real estate agencies and insurance agencies provide that:
  - (a) They shall be located on designated arterial or collector streets;
  - (b) The building shall be placed not less than fifty (50) feet from all property lines;
  - (c) There is a planted buffer strip erected on the side and rear property lines.

Section C. Neighborhood Business Districts (B-1). It is the intent of this district to establish business areas to serve surrounding residential districts. The district regulations are intended to discourage strip business development and encourage grouping of uses in which parking and traffic congestion is reduced to a minimum. In order to achieve the intent of the districts, as shown on the Zoning Map of the Town of Mount Carmel, Tennessee, the following uses are permitted:

1. Any use permitted in the R-2 residential district;
2. Shopping centers;
3. Grocery stores, drug stores, hardware stores, shoe repair shops, barber and beauty shops, laundromats and laundry pick-up stations, restaurants, day care centers and similar uses;

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4. Gasoline service stations provided that all structures, including underground storage tanks, shall be placed not less than twenty (20) feet from all property lines. Points of access and egress shall be not less than fifteen (15) feet from the intersection of street lines.

Section D. Central Business District (B-2). It is the intent of this district to establish an area for concentrated general business development that the general public requires. The requirements are designed to protect the essential characteristics of the district by promotion of business and public uses which serve the general public and to discourage industrial development which do not lend itself to pedestrian traffic. 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. Stores and shops conducting retail business;
2. Personal, business, and professional services;
3. Public and semi-public buildings and uses provided that public and semi public buildings and uses shall first be reviewed by the Mount Carmel Regional Planning Commission;
4. Business signs, parking lots and garages, and advertising signs;
5. Lodges and clubs; hotels and motels, restaurants and similar services;
6. Apartments;
7. Wholesale business, warehouses, storage yards and buildings;
8. Hospitals;
9. Gasoline service stations provided that all structures, including underground storage tanks, shall be placed not less than thirty (30) feet from all property lines. Points of access and egress shall be not less than fifteen (15) feet from intersection of street lines.
10. Funeral homes;
11. Places of assembly.

Section E. Arterial Business Districts (B-3). 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 these districts, as shown on the Zoning Map of the Town of Mount Carmel, Tennessee, the following uses are permitted:

1. Any use permitted in B-1 Districts, except mobile homes;
2. Hotels and motels;
3. Auto and mobile home sales;
4. Restaurants;
5. Offices;
6. Places of amusement and assembly;
7. Funeral homes;
8. Public and semi-public buildings and uses;
9. Travel trailer parks;
10. Lodges and clubs

Section F. Industrial Districts 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 business districts except residences;
2. Terminals;
3. Wholesale business;
4. Warehouses;
5. Storage yards and buildings and similar uses;
6. Any industry which does not cause injurious or obnoxious noise, fire hazards or other objectionable conditions as determined by the Building Inspector.

# ARTICLE VII. AREA, YARD, AND HEIGHT REQUIREMENTS

| District | Area in<br>Sq. Ft. | Minimum Lot Size<br>Sq. Ft.                                                                                                                                                  |                      | Minimum Yard Requirements<br>From Property Lines |                     |        | Maximum Height<br>of Structures |
|----------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------------------------------------------------|---------------------|--------|---------------------------------|
|          |                    | Per Additional<br>Family                                                                                                                                                     | Lot Width<br>In Feet | Front                                            | Side<br>(Each Side) | Rear   |                                 |
| R-1      | 15,000             | 3,000                                                                                                                                                                        | 80 ft.               | 30 ft.                                           | 10 ft.              | 25 ft. | 35 ft.                          |
| R-2      | 8,500              | For each addi-<br>tional effi-<br>ciency apartment<br>1,500, one bed-<br>room apartment<br>2,000, two bed-<br>room apartment<br>2,500, three<br>bedroom apart-<br>ment 3,000 | 70 ft.               | 30 ft.                                           | 8 ft.<br>per story  | 25 ft. | 35 ft.                          |
| B-1      |                    |                                                                                                                                                                              |                      | 30 ft.                                           | 10 ft.              | 25 ft. | 35 ft.                          |
| B-2      |                    |                                                                                                                                                                              |                      |                                                  |                     |        | 70 ft.                          |
| B-3      |                    |                                                                                                                                                                              |                      | 30 ft.                                           | 10 ft.              | 25 ft. | 70 ft.                          |
| M-1      |                    |                                                                                                                                                                              |                      | 30 ft.                                           | 20 ft.              | 25 ft. | 70 ft.                          |

## ARTICLE VIII. EXCEPTIONS AND MODIFICATIONS

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

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

Section C. Group Housing Project. In the case of a group housing project of two or more buildings to be constructed on a plat of ground of at least one acre not subdivided or where the existing or contemplary street and lot layouts make impractical to apply the requirements of this ordinance to the individual building units in such housing projects, the application of the terms of this ordinance may be varied by the Board of Zoning Appeals in a manner that will be in harmony with the character of the neighborhood, will insure substantially the same character of occupancy and intensity of land use no higher and a standard of open space no lower than that permitted by this ordinance in the district in which the proposed project is to be located. However, in no case shall the Board of Zoning Appeals authorize a use prohibited in the district in which the project is to be located, or a smaller lot area per family than the minimum required in such district, or a greater height, or a larger coverage than the requirements of this ordinance permit in such district.

Section D. Exception on Height Limits. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, mast and aerals.

## ARTICLE IX. ENFORCEMENT

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

### Section B. Building Permits and Certificates of Occupancy.

1. Building Permit Required. It shall be unlawful to commence excavation for the construction of any building including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the Building Inspector has issued a building permit for such work.
2. Issuance of a Building Permit. In applying to the Building Inspector for a building permit, the applicant shall submit a dimensional sketch or a scale plan indicating the shape, size, height, location on the lot of all buildings to be erected, altered or moved and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance and other ordinances of the Town of Mount Carmel, then in force, the Building Inspector shall issue a building permit for such excavation or construction. If a building permit is refused, the Building Inspector shall state such refusal in writing with the cause.
  - (a) The issuance of a permit shall in no case be construed as waiving any provision of this ordinance.
  - (b) A building permit shall become void twelve (12) months from the date of issuance unless substantial progress has been made by that date on the project described therein.
3. Certificate of Occupancy. No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the Building Inspector shall have issued a certificate of occupancy stating that such land, building, or part thereof, and the proposed use thereof are found to be in conformity with the provisions of this ordinance.

Within five (5) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Inspector to make a final inspection thereof and to issue a certificate of occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the provision of this ordinance; or, if such certificate is refused, to state such refusal in writing with the cause.

4. Records. A complete record of such application, sketches and plans shall be maintained in the office of the Building Inspector.

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

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

## ARTICLE X. BOARD OF ZONING APPEALS

Section A. Creation and Appointment. A Board of Zoning Appeals is hereby established in accordance with Section 13-705, Tennessee Code Annotated, Volume 3, same being Section 5, Chapter 44 of the Public Acts of Tennessee of 1935. The Mount Carmel Planning Commission is hereby designated as the Board of Zoning Appeals. It shall be appointed by the Mayor of the Town and confirmed by the majority vote of the Board of Mayor and Aldermen. The term of individual membership shall be concurrent with appointment on the Mount Carmel Planning Commission.

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

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

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

1. Administrative Review. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.
2. Special Exceptions. To hear and decide applications for special exceptions upon which the Board of Zoning Appeals is specifically authorized to pass.
3. Variance. To hear and decide applications for variance from the terms of this ordinance, but only where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property at the time of the adoption of this ordinance was a lot of record;

or where, by reason of exceptional topographic conditions or other extraordinary or exceptional situations or conditions or a piece of property the strict application of the provisions of this ordinance would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this ordinance as specifically authorized in Article VIII, Section A and C.

- (a) In granting a variance the Board may attach thereto such conditions regarding the location, character and other features of the proposed building, structure or use as it may deem advisable in furtherance of the purpose of this ordinance.
- (b) Before any variance is granted it shall be shown that special circumstances are attached to the property which do not generally apply to other property in the neighborhood.

## ARTICLE XI. AMENDMENT

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

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

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

ARTICLE XII. LEGAL STATUS PROVISIONS

Section A. Conflict with Other Ordinances. In case of conflict between this ordinance or any part thereof, and the whole or part of any existing or future ordinance of the Town of Mount Carmel, the most restrictive shall in all cases apply.

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

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

Certified by Planning Commission \_\_\_\_\_

Passed on First Reading \_\_\_\_\_

Passed on Second Reading \_\_\_\_\_

Approved and Signed In Open Meeting \_\_\_\_\_

\_\_\_\_\_  
Mayor

Approved as to Form:

/S/ \_\_\_\_\_, City Attorney

Attest

/S/ \_\_\_\_\_, City Recorder