

**LOUDON COUNTY
PLANNING
& CODES
ENFORCEMENT OFFICE**

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AGENDA

LOUDON REGIONAL PLANNING COMMISSION

JUNE 4, 2014

12:30 P.M.

1. Call To Order
2. Pledge of Allegiance
3. Roll Call
4. Approval of Minutes for May 7, 2014 meeting.
5. Planned Agenda Items:
 - A. **Review request from owner of Taco Loco Restaurant, located at 859 Mulberry Street, to add 6 outdoor tables along the front (Mulberry Street) side of the restaurant.
Applicant: Heriberto Navarrete**
 - B. **Discuss roadway improvements for Ft. Loudoun Middle School along Hwy. 11 entrance. Jason Vance, Loudon County Schools Superintendent**
 - C. **Review Temporary Use Ordinance provisions for permitting in cases where temporary businesses do not operate on a daily basis. Staff**
6. Additional Public Comments
7. Announcements and/or Comments from the Board/Commission
8. Adjournment

City of Loudon

Site Plan Review

Project Summary

Project Name: *Taco Loco Outdoor Seating*
Applicant: *Heriberto Navarette, Restaurant Owner*
Location: *859 Mulberry St., West End*
Map/Parcel: *41H, Group F, Parcel 24.00*
Zoning: *C-2 (Highway Commercial)*
Acreage: *0.11*
File#:

Project Summary:

Owner of Taco Loco Restaurant would like to add 6 outdoor tables with seating capacity for 4 at each table. Each table will have an umbrella. The seating area is proposed to be located in front of the restaurant along Mulberry St., as shown on the attached drawing. The area will extend 13 ft. out from the front of the building, and run 23 ft. along the front between the 2 doors on the front. The area will be fenced, due to alcohol sales, with a wooden or metal fence material, with gates at each end. A 5 ½ ft. section of sidewalk will remain between the proposed fence and edge of Mulberry St. for pedestrian traffic to get by.

Required Parking: *1 space per 150 sq. ft. of floor area, plus 1 space for each 2 employees*
Restaurant Square Footage: *1,260 (14 tables/booths)*
Employees: *4*
Parking Required: *11 spaces*
Parking Provided: *14 spaces, 1 handicapped (+5 available on McEachern's after 5:00 p.m.)*

Building Setback From Front Property Line: *20' (according to Payne Maps)*
Mulberry St. Right of Way Width: *50' (based on Rosedale Park/The Ward Addition Survey 1916)*
Edge of Sidewalk to Front of Bldg.: *18'*

Department Review Comments:

Building Codes:

Public Works:

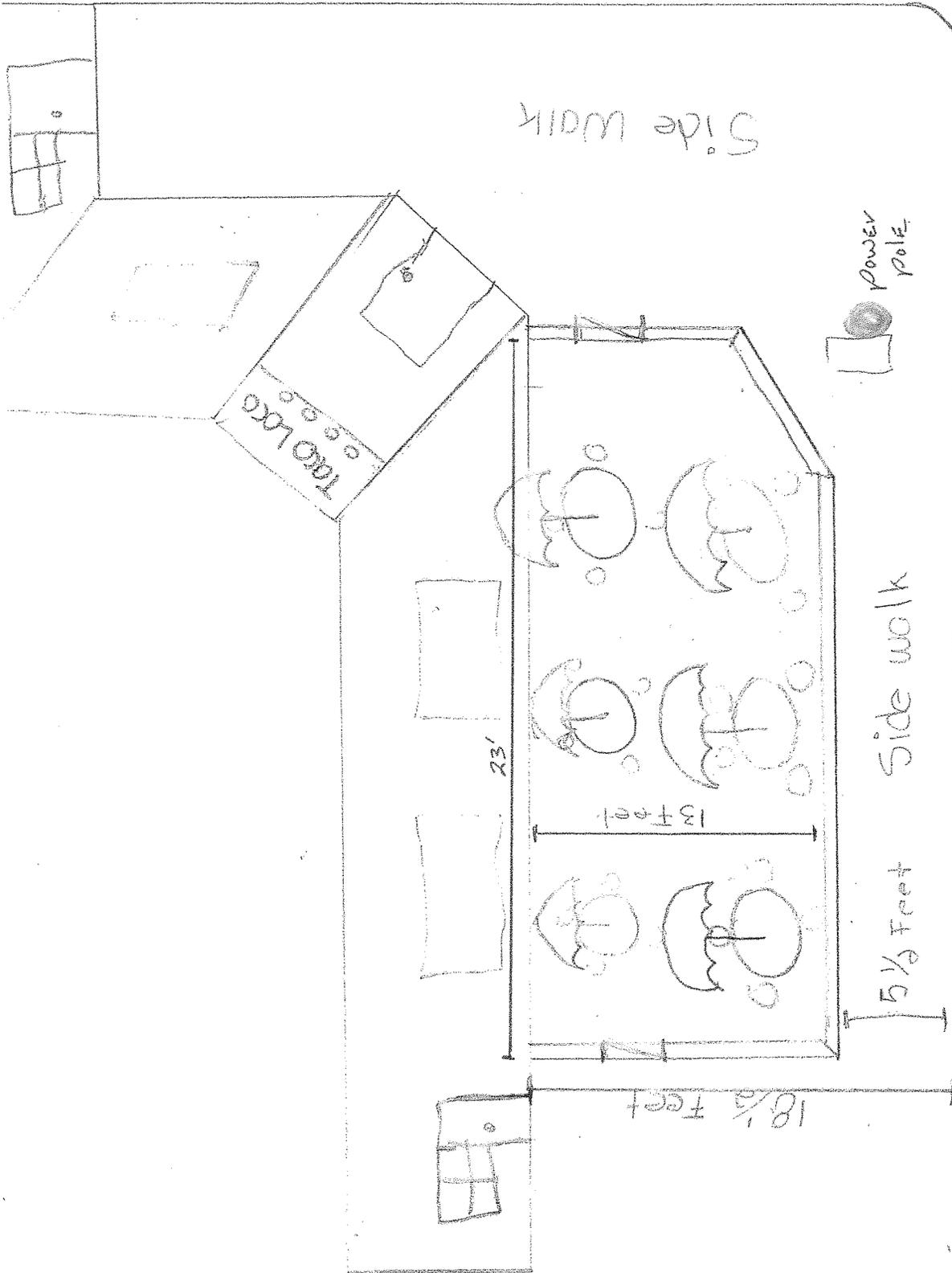
Fire Department:

Police Department:

Recreation Department:

Utilities Department:

Highland Ave.



Mulberry St.

14-617.TEMPORARY USE REGULATIONS.

A. Purpose: The following regulations are necessary to govern the operation of certain necessary or seasonal uses nonpermanent in nature. Application for a temporary use permit shall be made to the City of Loudon Building and Codes Department. Said application shall contain a graphic description of the property to be utilized and a site sketch, a description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and adequate parking space for the proposed temporary use.

B. Criteria for Granting a Temporary Use Permit:

The City may grant a temporary use permit only if it finds that:

1. The proposed temporary use will not be materially detrimental to the public welfare, or injurious to the property or improvements in the immediate vicinity; and
2. The proposed temporary use is compatible with existing land use in the immediate vicinity; and
3. The proposed temporary use or site plan is not otherwise allowable in the zone in which it is proposed.

C. General Guidelines:

Organizers of events involving the sale of food or retail items or independent temporary or itinerant vendors or merchants are subject to the following standards:

[1] The application for a temporary vendor Temporary Use Permit shall include the signature of the owner of the property or the owner's authorized agent. The owner of the property may be the applicant if the owner is to be the operator of the temporary use.

[2] The site for a temporary vendor shall provide adequate parking as determined by the BZA and shall provide for an on-site turn around area so that backing onto the street will not be necessary. Parking areas shall have an asphalt, concrete, or other hard dustless surface. In the event the proposed location will be on the site of an existing permanent business, the applicant must provide verification that the parking spaces displaced by the temporary vendor (including areas for tents, trailers, inventory, and parking for the temporary vendor) will not total more than 25% of the total parking available on the site.

[3] Traffic control measures may be required by the BZA. These may include a requirement that the applicant make provisions for directing traffic during expected peak hours of operation.

[4] Temporary facilities, including vehicles, trailers or tents, will be permitted provided they are erected or placed in conformance with all applicable Codes. Any tent must provide an emergency exit remote from the point of entrance into the tent.

Vehicles, trailers and tents must be located on an asphalt, concrete or hard dustless surface and in no event may be erected or placed on a gravel or grass area, except for carnivals, circuses, rodeos, horse shows or other similar temporary uses that require a natural dirt or turf surface. All approved vehicles, trailers or tents must be maintained in good condition.

[5] Any site used for a temporary vendor must be located so that all parts of all facilities and sales inventory on the site are no more than five hundred feet from an operable fire hydrant.

[6] A deposit in the amount of fifty dollars (\$50) per site shall be made with the Building and Codes Department. In the event the site has not been cleared and cleaned within the time specified, the deposit shall not be refunded. Additionally, unless the owner (and permit holder, if different) can prove good cause, the site shall not be eligible for other permits for temporary vendors, and the permit holder shall not be eligible for another temporary vendor Temporary Use Permit, for six (6) months for the first offense, twelve (12) months for the second offense and eighteen (18) months for the third and all subsequent offenses. Except as otherwise specifically provided herein in subsection [10], all sites must be cleared and cleaned within five (5) days after the expiration of the Temporary Use Permit. The City shall refund a vendor deposit within 15 to 30 days after the site has been cleaned up and the vendor has notified the City that the temporary use has terminated.

[7] If food or drinks are available for purchase, adequate provision shall be made for restroom facilities on the property as required by the Health Department. Portable toilets, if used, shall be located on the site and may not be located in any required front setback or in any required side yard.

[8] The applicant shall post a copy of the Temporary Use Permit on the property for inspection by City officials or others during the course of the temporary use.

[9] No Temporary Use Permit shall be granted to any applicant who occupies or proposes to occupy premises for the temporary vendor where conditions exist on the sites which are in violation of the sign, building, fire, electrical, or other ordinances of the City. If any such violations occur after the issuance of the temporary vendor Temporary Use Permit and same are not cured within 24 hours after notice, the Temporary Use Permit may be suspended, revoked or terminated by written notice, any temporary electrical service may be interrupted, and the deposit may be forfeited. The written notice referenced in the previous sentence may be given by the Building and Codes Official or the City Manager. The City may, in addition, initiate any other enforcement remedies with respect to such violations as may be provided by law.

[10] Any electric meter installed on a freestanding permanent pole and/or any temporary pole installed to supply power to a temporary vendor shall be removed within 14 days after the Temporary Use Permit expires.

[11] Any site for a temporary vendor must be located so that all parts of all facilities and/or tents and all inventory are outside of any easements for electric power transmission or distribution.

[12] Adequate provision shall be made for solid waste management. If a dumpster is to be located on-site, it shall be located in such a manner as to minimize impact on adjoining properties or other businesses on the same lot of record.

[13] Signage for a temporary vendor shall conform to the requirements of the City's sign regulations including but not limited to an application for a sign permit and payment of applicable sign permit fees. The granting of a temporary vendor Temporary Use Permit shall not, by itself, allow any signage on the site in addition to that which was allowed prior to the granting of such permit.

[14] Unless stated otherwise in specific guidelines below, a site may be used for temporary vending for no more than 120 days during any 12 month period. The BZA may approve a site to be used by multiple temporary vendors provided that no site shall be used by more than one temporary vendor at any time. The BZA may require additional standards be met in order to assure compatibility of the proposed location with adjoining properties.

[15] The application for and grant of a Temporary Use Permit for the temporary vending of food, beverages, other merchandise and any other such temporary sales event that is not an accessory use to the principal use on a lot or a portion of a lot shall not be allowed to have tables, chairs or other furniture that would allow for or facilitate on-site consumption of food or beverages.

D. Specific Guidelines:

1. Carnival, Rodeo, Horseshow, or Circus: May obtain a temporary use permit in the M-1, C-1, and C-2 districts or on city owned property; however, such permit shall be issued for a period of not longer than fifteen (15) days. Such use shall only be permitted on lots where adequate off-street parking can be provided. Such a use shall [be] set back from all residential districts a distance of one hundred (100) feet or more.

2. Christmas tree sale: May obtain a 30 day temporary use permit for the display and sale of Christmas trees on open lots in the C-1, C-2, C-3, C-4 and P-1 districts.

3. Temporary buildings: In any district, a temporary use permit may be issued for a contractor's temporary office and equipment sheds incidental to a construction project. Such permit shall not be valid for more than one (1) year but may be renewed for six (6) month extensions; however, not more than three (3) extensions for a particular use shall be granted. Such use shall be removed immediately upon completion of the construction project or upon expiration of the temporary use permit, whichever occurs sooner. In any commercial district, a temporary permit may be issued for a temporary structure if said structure is used as an accessory use in conjunction with a permanent business. The structures shall comply with all setback provisions of the district. Permits shall be restricted to not more than two (2) times during the calendar year for periods not to exceed thirty (30) days each.

4. Real estate sales office: In any district, a temporary use permit may be issued for a temporary real estate sales office in any new subdivision which has been approved by the Planning Commission under the City of Loudon Subdivision Regulations. Such office shall contain no living accommodations. The permit will be valid for one (1) year, but may be granted two (2) six-month extensions. Such office shall be removed upon completion of sales of the lots therein or upon expiration of the temporary use permit, whichever occurs sooner.

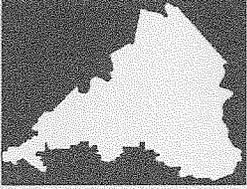
5. Religious tent meetings: In any district except the M-2, a temporary use permit may be issued for a tent or other temporary structure to house a religious meeting. Such permit shall be issued for not more than a thirty (30) day period. Such activity shall be permitted only on lots where adequate off-street parking can be provided. All temporary structures used for this purpose shall [be] set back from all public right-of-ways a distance of not less than 15 feet.

6. Portable storage container: In any residential, C-1, C-2, C-3, C-4 or P-1 district a temporary use permit shall be required for a portable storage container. The use of a portable storage container shall be limited to no more than sixty (60) consecutive days in a 12 month period from date of issue. In the event the owner of the property suffers a catastrophic loss due to fire, flood or other physical calamity occurring on the property in question, the temporary use permit may be extended for additional two-week periods upon a showing of need. There shall be no more than three (3) extensions of any temporary use permit. An exception to this shall be made if the portable storage container is being used as temporary storage when work requiring a building or demolition permit is being done to structures or buildings on the property. In such cases, the use of the portable storage container shall not exceed the period for which the building or demolition permit has been issued. Portable storage containers shall not be placed in a public right-of-way, or located so as to interfere with traffic visibility. Portable storage containers shall not be placed in the front yard of the main building, unless there is a physical hardship or characteristic of the property that will not allow the placement of the container in any other location.

7. Temporary outdoor sales of food or retail merchandise: The temporary sale of merchandise or food not accessory to the actual principal use of a property shall be permitted in the C-1, C-2, C-3, C-4, and M-1 districts subject to the additional standards below and Title 9 of the City of Loudon Code. For the purposes of this subsection "food" includes but is not limited to prepared food, and beverages; and "retail merchandise" includes but is not limited to furniture, appliances, floor coverings, art or decorative items, clothing, and souvenirs. The sale of animals from any temporary structure for any duration is prohibited in all districts. Bona Fide charitable, religious, patriotic or philanthropic organizations are exempt from this section. Food vendors operating as part of a larger event (street fair, concert, etc.) are exempt from the application process per this section. However, it is the responsibility of the organizer of the event to obtain a temporary use permit which will include all vendors participating in the event.

8. Special Events or Miscellaneous Assemblies: In any district, a Temporary Use Permit may be issued for any assembly, such as an outdoor music concert, promotional event, grand opening, etc. Such permit shall be issued for not more than a 7- day period. A permit is not required for an event that is 1 day or less.

9. Exempted Activities or Organizations: Any event sponsored by the City of Loudon, or a school system. Yard sales, seasonal sales of farm produce, weddings, funerals and similar religious ceremonies conducted at churches, cemeteries, private facilities or residences.



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AGENDA

LOUDON BOARD OF ZONING APPEALS

JUNE 4, 2014

NO MEETING SCHEDULED