

Prepared for
LOUDON REGIONAL PLANNING COMMISSION

LOUDON ZONING ORDINANCE

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ORDINANCE NO. 1989-11
AMENDED · ORDINANCE NO. 1992-10

AN ORDINANCE TO AMEND TITLE 11 OF THE "LOUDON MUNICIPAL CODE, 1975" MORE COMMONLY KNOWN AS THE ZONING ORDINANCE OF THE CITY OF LOUDON, TENNESSEE BE IT ORDAINED by the Council of the City of Loudon, Tennessee, that:

Section 1. Title 11 of the "Loudon Municipal Code, 1975" is hereby amended in its entirety by deleting Chapters two through six substituting therefore the following:

Section 2. Title 11 of the "Loudon Municipal Code, 1975" was recodified by the City of Loudon in 1992 by Ordinance No. 1992-10 which changed the zoning ordinance to Title 14.

CHAPTER 2

ZONING CODE

SECTION

14-201. Zoning Code and Zoning Map

14-202. Purpose of Zoning Code

14-203. Definitions

14-201. ZONING CODE AND ZONING MAP. Title 14, Chapters 2 through 9, inclusive of this code shall be known as the zoning code, and a map entitled "Zoning Map of Loudon, Tennessee," dated _____, 1976, and referred to in this code as the zoning map and all explanatory matter thereon is hereby made a part of the zoning code and is on file in the office of the city recorder.

14-202. PURPOSE OF ZONING CODE. The zoning regulations and districts as herein set forth have been made in accordance with a comprehensive plan for the purpose of promoting the public health, safety, convenience, order, prosperity, and general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fires, floods, 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 peculiar uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

14-203. DEFINITIONS. For the purpose of this zoning code and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular; the word "person" includes a firm, partnership, or corporation as well as an individual; the term "shall" is always mandatory and not directory; and the word "may" is permissive. The word "used" or "occupied" as applied to any land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout the zoning code. Terms not herein defined shall have the meaning customarily assigned to them.

ACCESSORY BUILDING: A subordinate building, the use of which is incidental to that of a main building and located on the same lot therewith.

ACCESSORY USE: A use customarily incidental, appropriate, and sub-ordinate to the principal use of land or buildings and located upon the same lot therewith.

ADULT BOOKSTORE: An establishment with 1% or more of its sales attributable to books, magazines, motion pictures, videos, periodicals and other materials which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined herein) for the sale to or for the observation by patrons therein.

ADULT MOTION PICTURE THEATER: A public place, whether open or enclosed, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas" (as defined therein) for the observation by patrons therein.

ALLEY: A minor right-of-way, dedicated to public use, which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility and public service purposes.

ALTERNATIVE TOWER STRUCTURE: Man-made trees, clock towers, bell steeples, light poles, power poles or structures and similar alternative-design mounting structures that camouflage or conceal the presence of towers or antennas.

ANTENNA. Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

AREA, BUILDING: The total areas taken on a horizontal plane at the main grade level of the principal building and all accessory buildings exclusive of uncovered porches, terraces, and steps.

AUTOMOBILE WRECKING: The dismantling, storage, sale, or dumping of used motor vehicles, trailers, or parts thereof.

BOARD: The Loudon Board of Zoning Appeals.

BUILDING AREA OF A LOT: That portion of a lot bounded by the required rear yard, side yards, and the building setback line.

BUILDING: Any structure intended for shelter, housing, or enclosure of persons, animals, or chattel, including tents, lunch wagons, dining cars, and similar structures whether stationary or movable.

BUILDING INSPECTOR: The zoning and codes officer or his authorized representative appointed by the city.

BUILDING, MAIN OR PRINCIPAL: A building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

BUILDING PERMIT: A document permitting the erection of a structure in conformity with local regulations.

BUILDING SETBACK LINE: A line delineating the minimum allowable distance between the property line and a building on a lot, within which no building or other structure shall be placed except as otherwise provided.

CABARET: Any restaurant, bar, dance hall, nightclub or other such public place, which features exotic dancers, strippers, male or female impersonators or similar entertainers.

CONSTRUCTION/DEMOLITION: wastes means wastes, other than special wastes, resulting from construction, remodeling, repair, and demolition of structures and from road building. Such wastes include but are not limited to bricks, concrete, and other masonry materials, soil, rock, lumber, road spoils, rebar and paving material.

CREMATORY: The building or portion of a building that houses one (1) or more cremation chambers used for the reduction of body parts or bodies of deceased persons to cremated remains and the holding facility. CREMATORY includes crematorium.

DWELLING: A house, duplex, or other building used primarily as an abode except that the word "dwelling" shall not include mobile homes, trailers, tents, motels, or other structures designed or used primarily for transient residents.

DWELLING MULTIPLE: A dwelling designed for occupancy by three (3) or more families living independently of each other.

DWELLING UNIT: One or more rooms and a single kitchen designated as a unit for occupancy by only one family for cooking, living, and sleeping purposes.

ELECTRIC SERVICE: The furnishing of electric power and energy for lighting, heating, power or any other purpose for which electric power and energy can be used.

ELECTRIC UTILITY: Any public or private entity engaged in generating and/or transmission and/or distribution of electric power and energy for lighting, heating, power or any other purpose for which electric power and energy can be used.

FAA: Federal Aviation Administration.

FCC: Federal Communications Commission.

FILL AREA: means the area containing waste placed in final disposal and not including earthen berms or other facility appurtenances.

HEIGHT. When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

HEIGHT OF BUILDING: The vertical distance from the established average sidewalk grade, street grade, or finished grade at the building line, whichever is the highest, to the highest point of the building.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal, or discarded material; or for the collecting, dismantling, storage, and salvaging of machinery or vehicles not in running condition or for the sale of parts thereof.

LOADING AND UNLOADING SPACE: An area ten (10) feet by forty (40) feet with a fourteen (14) foot height clearance providing for the standing, loading, or unloading of a truck or other vehicle.

LOT: A piece, parcel, or plot of land in one ownership, which may include one or more lots of record, occupied or to be occupied by one principal building and its accessory buildings including the open spaces required under this ordinance.

LOT LINES: The boundary dividing a given lot from the street, an alley or adjacent lots.

LOT OF RECORD: A lot which is part of a subdivision recorded in the office of the county register of deeds, or a lot described by metes and bounds, the descriptions of which has been recorded in the office of the county register of deeds prior to the effective date of this zoning code.

MASSAGE: Shall mean the administering by any person by any method of exerting or applying pressure, friction, moisture, heat or cold to the human body, and/or the rubbing, stroking, kneading, pounding, tapping, or otherwise manipulating a part or whole of the human body or the muscles or joints thereof, by any physical or

mechanical means. Massage shall also mean the giving, receiving, or administering of a bath to any person or the application of oil, lotion, or body paint to any person.

MASSAGE PARLOR: Any premise, public place, place of business or membership club where there is conducted the business or activity of furnishing, providing or giving for a fee or any other form of consideration a massage service or procedure. This definition shall not apply nor be construed to include a hospital, nursing home, medical clinic or the office of a duly licensed physician, surgeon, physical therapist, chiropractor, osteopath or licensed massage therapist, licensed through the State of Tennessee, Division of Health Related Board. Nor shall this definition be construed to include a barbershop or beauty salon operated by a duly licensed barber or cosmetologist.

MINOR: Any person less than eighteen years of age.

MOBILE HOME OR TRAILER: A movable living unit designed for year-round occupancy having no foundation other than wheels, jacks, or skirtings, which is capable of being moved, towed, or transported by another vehicle.

MANUFACTURED HOME COMMUNITY: Any area, tract, site, or plot of land whereupon mobile homes as herein defined are placed, located, or maintained, and shall include all equipment thereof.

NON-CONFORMING USE: A building, structure, or use of land existing at the time of enactment of the zoning code or subsequent amendment thereto which does not conform to the regulations of the district in which it is located.

NOXIOUS MATTER: Material (in gaseous, liquid, solid, particulate, or any other form) which is capable of causing injury to living organisms, chemical reactions, or detrimental effects upon the social, economic, or psychological well-being of individuals.

OPEN SPACE: An area on the same lot with a main building which is open, unoccupied, and unobstructed by structures from the ground to the sky except as otherwise provided in the zoning code.

PARKING LOT: An off-street facility including parking spaces with adequate provisions for drives and aisles for maneuvering and obtaining access, and for entrance and exit.

PARKING SPACE: An off-street space available for parking one motor vehicle and having an area of not less than two hundred (200) square feet exclusive of passageways and driveways giving access thereto, and having access to a street or alley.

PERSON: Any individual, firm, partnership, joint venture, association, social club, fraternal organization, joint stock company, corporation, estate, trust, receiver, trustee, syndicate, or any other group or combination acting as a unit.

PRINCIPAL USE: The specific primary purpose for which land or a building is used. Sign, billboard, or other advertising device: Any structure or part thereof or device attached thereto or represented thereon, which shall display or include any letter, words, model, banner, flag, pennant, insignia, or representation used as, or which is in the nature of an announcement, direction, or advertisement. The word "sign" includes the word "billboard" or any other type of advertising device, but does not include the flag, pennant, or insignia of any nation, state, city, or other political units.

SEXUALLY ORIENTED ADULT BUSINESSES: Retail uses devoted to the sale, distribution, viewing or provision of services that are characterized by emphasis upon the depiction of "Specified Sexual Activities: or "Specified Anatomical Areas", herein defined. Sexually oriented adult businesses include, but are not limited to, adult bookstores, adult night clubs/bars, adult motion picture theaters, cabarets, massage parlors, adult theaters, and all other businesses which regularly feature materials, acts or displays involving sexual excitement or enticements.

SPECIFIED ANATOMICAL SEXUAL AREAS:

1. Less than completely and opaquely covered human genitals, pubic region, buttocks or anus.
2. Human female breasts below a point immediately above the top of the areola, even if completely and opaquely covered; or
3. Human male genitals in a discernibly rigid state even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITY:

1. Human genitals in a state of actual or simulated sexual stimulation or arousal;
2. Acts of actual or simulated human masturbation, sexual intercourse or sodomy;
3. Actual or simulated fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts;
4. Sexually oriented torture, beating or the infliction of pain;
5. Erotic touching, fondling or other such contact with an animal by a human being; or
6. Human excretion, urination, menstruation, vaginal or anal irrigation as part of or in connection with any of the activities set forth above.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above; or any portion of a building between the topmost floor and the roof, which is used for human occupancy in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent or more of floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty

(50) percent of the floor area of the story next below shall be a "half-story." A basement shall be considered as a story if more than half of its height is above the average ground level from which the "height of a building" is measured or if it is used for residential purposes.

STREET: A public or private thoroughfare which affords the principal means of access to abutting property.

STRUCTURE: Any combination of materials, including buildings, constructed or erected, the use of which requires location on the ground or attachment to anything having location on the ground and including among other things, signs, billboards, and fences.

SWIMMING POOLS: An outdoor swimming pool shall be any pool or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth of any point greater than one and one-half (1-1/2) feet.

TEMPORARY STRUCTURE: A structure that does not have a continuous permanent foundation, that involves no grading or site improvements, and that, when removed, results in no physical alteration of the site.

TEMPORARY USE: A use established for a fixed period of time, with intent to discontinue such use upon the expiration of such time, and that does not involve the construction or alteration of any permanent structure.

TOWER. Any structure that is designed and constructed primarily for the purpose of Supporting one or more antennas for telephone, radio and similar communication purposes, Including self-supporting lattice towers, guyed towers, or monopoly towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and other similar structures. This term includes the structure and any support structures.

TRAVEL TRAILER: A vehicular, portable structure designed as a temporary dwelling for travel, recreation, and vacation uses.

TRAVEL TRAILER PARK: A plot of land designed and equipped to accommodate travel trailers for short periods of time.

TRUCK STOP: A facility intended to provide services to the trucking industry including, but not limited to, parking for extended or overnight stay, restaurants, motels, truck washing and repair services, both facilities and game rooms for drivers, in addition to fueling services.

USE: The purpose for which land or a building or other structure is designed, arranged, or intended, or for which it is or may be occupied or maintained.

YARD: A yard is 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, provided that accessory buildings may be located in a rear yard.

YARD, FRONT: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the front lot line.

YARD, REAR: The yard extending across the entire width of the lot between the nearest part of the principal building, including porches, and the rear lot line.

YARD, SIDE: The yard extending along the side lot line from the front yard to the rear yard, and lying between the side lot line and the nearest part of the principal building, including covered porches.

CHAPTER 3

GENERAL PROVISIONS

SECTION

14-301. Scope

14-302. Zoning Affects Every Building and Use

14-303. Continuance of Nonconforming Uses and Structures

14-304. Only One Principal Building on Any Lot

14-305. Lot Must Abut a Public Street

14-306. Rear Yard Abuts a Public Street

14-307. Reductions in Lot Area Prohibited

14-308. Obstruction to Vision at Street Intersection Prohibited

14-309. Off-Street Automobile Storage

14-310. Access Control

14-311. Off-Street Loading and Unloading Space Required

14-312. Maximum Building Height

14-313. Site Plan Review

14-301. SCOPE. For the purpose of the zoning code, there shall be certain general provisions, which shall apply, except as specifically noted, to the city as a whole

14-302. 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 where specified for the district in which it is located, except as hereafter provided.

14-303. CONTINUANCE OF NONCONFORMING USES AND STRUCTURES. It is the intent of the zoning ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of the zoning ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions contained herein. It is also the intent of the zoning ordinance to so administer the elimination of nonconforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful nonconforming uses, buildings, and structures existing at the time of passage of the zoning ordinance or any amendments thereto, shall be allowed to remain subject to the following provisions:

1. An existing nonconforming use of a building may be changed to another nonconforming use of the same classification or to a nonconforming use of a more restrictive classification; provided, however, that a more restrictive classification shall be subject to the written approval of the Board of Zoning

Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.

2. A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of the zoning ordinance. A nonconforming use of a building or buildings except commercial or industrial shall not be enlarged to either additional land or buildings after the effective date of the zoning ordinance.

Industrial and commercial uses may be permitted to construct additional facilities provided that there is a reasonable amount of space for such construction on the property owned by such industry or business. "Reasonable amount of space" is defined as that area necessary so that the additional building(s) shall conform to all appropriate provisions of the zoning ordinance and shall not, in the opinion of the Board of Zoning Appeals, be detrimental to adjoining property.

3. When a nonconforming use of any structure or land has been discontinued for a period of one (1) year, it shall not be reestablished or changed to any use not in conformity with the provisions of the zoning ordinance.
4. Any nonconforming building or nonconforming use, which is damaged by fire, wind, or other act of nature, may be reconstructed and used as before, if it be done within twelve (12) months of such damage, unless damaged to extent of more than seventy-five (75) percent of its fair sales value immediately prior to damage, in which case, any repair or reconstruction shall be in conformity with the provisions of the zoning ordinance; provided that a structure being utilized for industrial or commercial purposes may be demolished and new facilities necessary to the conduct of such business or industry reconstructed if there is a reasonable amount of space for such reconstructions on the property owned by such business or industry. "Reasonable amount of space" is defined as that area necessary so that the reconstructed building(s) shall conform to all appropriate provisions of the zoning ordinance, and shall not, in the opinion of the Board of Zoning Appeals, be detrimental to adjoining property, and, further provided that nonconforming structures within the Floodplain (F-1) District which have been damaged to the extent of fifty (50) percent or more of its market value shall not be repaired or reconstructed except in conformity with the provisions of this ordinance, including compliance with floodproofing standards as specified in Section 14-410.
5. A nonconforming building or building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of the zoning ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

14-304. ONLY ONE PRINCIPAL BUILDING ON ANY LOT. Only one principal building and its customary accessory buildings may be erected on any lot. This provision does not prohibit group housing developments as permitted under Section 14-503 of this code.

14-305. LOT MUST ABUT A PUBLIC STREET. No building shall be erected on a lot which does not abut at least one public street for a distance of at least twenty-five (25) feet at the right-of-way line and fifty (50) feet wide at the building setback line. This provision shall not apply to lots located in the C-1, Central Business District.

14-306. REAR YARD ABUTS A PUBLIC STREET. When the rear yard of a lot abuts a public street, all structures built in that rear yard shall observe the same setback from the street line, center line of the street or property line as required for adjacent properties which front on that street.

14-307. REDUCTION IN LOT AREA PROHIBITED. No lot, even through it may consist of one or more adjacent lots of record, shall be reduced in area so that yards, lot area per family, lot width, building area, or other requirements of the zoning code are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

14-308. OBSTRUCTION TO VISION AT STREET INTERSECTION PROHIBITED. On a corner lot not in the central business district, 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 thirty (30) feet from their intersection, there shall be no obstruction to vision between the height of three and one-half (3-1/2) feet and 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.

14-309. OFF STREET AUTOMOBILE STORAGE.

1. In all districts except the C-1, Central Business District, there shall be provided, at such time any building or structure is erected or enlarged or increased in capacity, off-street parking spaces. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below. For uses not specifically mentioned herein, off-street parking requirements shall be determined by the Board of Zoning Appeals.
 - a. Single and two-family dwellings. Not less than two (2) spaces for each dwelling unit.
 - b. Multiple-family dwellings. Not less than two (2) spaces per dwelling unit.

- c. Boarding houses and rooming houses. Not less than one (1) space for each one (1) room occupied by boarders or roomers.
 - d. Hotels, motels, and other tourist accommodations. Not less than one (1) space for each room offered for tourist accommodation plus one (1) space for each three (3) employees.
 - e. Manufacturing or other industrial use. Not less than one (1) space for each two (2) persons employed or intended to be employed on a single shift, with a minimum of five (5) spaces provided for any establishment.
 - f. Commercial building or use. One space for each two hundred (200) square feet of retail floor space.
 - g. Shopping centers. One and one half (1-1/2) spaces for each two hundred (200) square feet of retail floor space.
 - h. Medical or dental clinics. Four (4) spaces per doctor or dentist or one (1) space for each one hundred (100) square feet of usable floor space, whichever is greater.
 - i. Automobile service stations. Three (3) spaces for each grease rack of similar facility.
 - j. Theaters, auditoriums, churches, stadiums, or other uses designed to draw an assembly of persons. No less than one (1) space for each five (5) seating spaces provided in such place of assembly.
 - k. Offices. One (1) space for each two hundred and fifty (250) square feet of office space.
 - l. Restaurants. One (1) space per one hundred and fifty (150) square feet of floor area, plus one (1) space for each two (2) employees. (For drive-in restaurants, one (1) space per fifty (50) square feet of floor area).
 - m. Manufactured home communities. Two (2) spaces for each mobile home space provided.
 - n. Other uses. As required by the Board of Zoning Appeals.
2. Certification of minimum parking requirements. Each application for a building permit shall include information as to the location and dimensions of off-street parking and loading space and the means of ingress and egress to such space.

This information shall be in sufficient detail to enable the building inspector to determine whether or not the requirements of this section are met.

3. Combination of required parking space. The required parking space for any number of separate uses may be combined in one lot but the required space assigned to one use may not be assigned to another use, except that the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or on Sundays.
4. Remote parking space. If the off-street parking space required by the zoning code cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within four hundred (400) feet of any public entrance to such principal use, provided such land is in the same ownership as the principal use.
5. Requirements for design of parking lots.
 - a. Except for parcels of land devoted to one and two-family residential uses, all areas devoted to off-street parking shall be so designed and be of such size that no vehicle is required to back into a public street to obtain egress.
 - b. Each parking space shall be no less than two hundred (200) square feet in area.
 - c. Entrances and exits for all off-street parking lots shall comply with the requirements of Section 14-310 of this code.
 - d. The parking lot shall be designed in such a manner as to provide adequate drainage and to eliminate the possibility of stagnant pools of water.

14-310. ACCESS CONTROL.

1. Purpose. The number and location of access cuts onto city streets or state routes directly affect traffic flow within the city. Standards for the design and placement of access cuts are an important factor in providing a safe and efficient transportation network.

The following regulations shall serve as a guide to control the number, placement, and design of access cuts in order to reduce the number of accidents and to maintain traffic flow.

2. Definitions of terms.

- a. Frontage. The length along the street right-of-way line of a single property tract or roadside development area between the edges of the property distance between (1) and (2) in Figures 1 and 2 or corner property having separate frontages along each street.
- b. Frontage boundary line (abbreviated as FB line). A line, perpendicular to the street center line, at each end of the frontage, extending from the right-of-way line to the edge of through traffic lane; line (1)-(4) or (2)-(3) in Figures 1 and 2.
- c. Buffer area. The border area along the frontage between the traveled way and the right-of-way and within the frontage boundary lines area (1)-(2)-(3)-(4) in Figures 1 and 2.
- d. Driveway (W). Narrowest width of driveway measured parallel with the edge of traveled way; W in Figures 1 and 2.
- e. Driveway Angle (Y). The angle of 90° or less between the driveway center line and the edge of the traveled way Y in Figures 1 and 2.
- f. Edge Clearance (E). The distance measured along the edge of the traveled way, between the frontage boundary line and tangent projection of the nearest edge of driveway; E in Figures 1 and 2.
- g. Corner Clearance (C). At an intersecting street or highway, the dimension measured along the center line of the traveled way between the frontage boundary line opposite the intersection of the two center lines and the tangent projection of the nearest edge of driveway C in Figure 3.
- h. Setback (G). The lateral distance between right-of-way line and the roadside business building, gasoline pump curb base, display stand, or other object, the use of which will result in space for vehicles to stop or park between such facilities and the right-of-way line; G in Figure 2.
- i. Outside Radius (R). The outside or larger curve radius on edge of driveway R in Figures 1, 2, and
- j. Distance Between Double Driveways (D). The distance measured along the right-of-way between the tangent projections of the inside edges of two adjacent driveways to the same frontage; D in Figure 2.

- k. General. For simplicity, the above definitions are stated in terms of single radius curves of edge of driveways or intersecting highways. Where compound curves or tapers are used, an equivalent single radius curve may be used as a control guide.
3. Right-of-Way Encroachment. No part of the highway should be used for servicing vehicles, displays, or the conducting of private business. The buffer area is to be kept clear of buildings, fences, business signs, parking areas, service equipment, and appurtenances thereto. Parking may be permitted on the roadway, as at curbs on city streets when permitted by police control. The buffer area may be graded and landscaped as approved by the street superintendent.
- a. Buffer Areas. In the development of private property and the construction of driveways thereto, it may be necessary to regrade the buffer area by cutting or filling. Such work shall be done in a manner to insure adequate sight distance for traffic operations, proper drainage, suitable slopes for maintenance operations, and good appearance. The buffer area outside the driveways should be treated to prevent use by vehicles. This may be accomplished by grading, use of curbs, rails, guide posts, low shrubs, etc., in a manner that will not impair clear sight across the area.
4. Sight Distance. Where feasible within the frontage limits, any driveway shall be located so as to afford maximum sight distance along the highway.

Where a driveway is provided to a commercial establishment, the buffer area and adjacent border area shall be reasonably cleared so that either the establishment itself or an appropriate sign located outside the right-of-way can be seen at a sufficient distance to enable proper maneuvers on the part of the drivers desiring to enter the establishment.

The profile of the driveway and the grading of the buffer area shall be such that a driver of a vehicle that is standing on the driveway may see a sufficient distance in both directions to enable him to enter the highway without creating a traffic hazard.

- a. Setbacks. Improvements on property adjacent to the right-of-way should be so located that parking, stopping and maneuvering on the right-of-way will not be necessary in order for the vehicles or patrons to be served.
5. Location of Driveways. Driveways shall be so located that vehicles entering or leaving the establishment will not interfere with the free movement of traffic or create a hazard on the highway. Where feasible they shall be located where there are no sharp curves and steep grades and where sight distance is adequate for safe traffic operation. Driveways should not be located within the

intersections, rotaries and interchanges or on highways immediately approaching them. They shall be located so that they will not interfere with the placement of signs, signals or other devices that affect traffic operation.

The Loudon Regional Planning Commission shall have the authority to restrict the location of driveways if, in their opinion, such driveways may contribute to a higher incidence of accidents.

6. Number and Arrangement of Driveways. For property tracts with a sizable frontage on the highway, driveway location and arrangement largely will be governed by the position of installations thereon. Where driveways are provided to land areas only, i.e., areas with no developments sufficiently near the highway to significantly control driveway arrangements, they shall be located to best advantage with regard to the highway alignment, profile, sight distance conditions, etc.

The permissible number, arrangement, and width of driveways shall be governed in part by the highway frontage of abutting private property. The number of driveways provided shall be the minimum number required to adequately serve the needs of the adjacent property. Frontages of one hundred (100) feet or less shall be limited to one driveway. Normally not more than two driveways will be provided to any single property tract or business establishment.

Where there are several adjacent roadside establishments each with relatively limited frontage or where there is probability of such development, consideration by the Planning Commission will be given to the provision of a frontage road for the several driveways so as to reduce the number of separate connections to the highway. Where border width permits, the several driveways shall be connected directly to such an outer road paralleling the highway with connections to the through highway only at the extremities of the frontage road or at well-spaced intervals along it.

Driveways shall be positioned to clear the frontage boundary lines by the specified minimum dimension. Where two driveways are provided for one frontage, the clear distance between driveways measured along the right-of-way line shall not be less than forty (40) feet.

At an intersection of two highways, a driveway connecting each highway with a corner property will be permitted where essential to the conduct of business on the corner tract, provided such driveways comply with the control dimensions herein established. Where traffic in relation to capacity is high, the corner clearance on the approach to the intersection desirably should be greater than that on the far side of the intersection.

7. Driveway Width and Edge Radius. The driveway width shall be adequate to handle properly the anticipated volume and type of traffic and shall be within the limits specified for the particular conditions and type of establishment as set out in these rules and regulations.

Where space permits, the radius of curve connecting the edge of through traffic lane and edge of driveway shall be the maximum radius to permit turns by the largest vehicle to be expected with some frequency. For narrow frontage or narrow border conditions, the combination of driveway width and edge radius of smaller dimension should be adequate to this end. The radii for driveways on streets on which there are outer parallel parking lanes shall be based on turns from the edge of through lane, and parking should be regulated as necessary to keep the turning area free of standing vehicles.

8. Driveway Alignment and Profile. Single driveways shall be positioned at right angles to the roadway. Where two driveways are used on one frontage, and they are to be used for access to and from both directions of travel on the highway, each roadway shall be at right angles with the center line of the roadway as specified in sketches and examples. The driveway angle may be between 45° (min.) and 60° (max.) when the driveway is to be used by vehicles in only one direction of highway travel (right turns only) on a divided highway.

On uncurbed sections of highway, the gradient of the driveway shall conform with the normal shoulder pitch from the edge of the traveled way to the outer shoulder line and thence slope downward on a suitable grade to the gutter or low point over a culvert (swale where a culvert is not use). Thereafter it shall continue downward or roll upward depending upon the level of its destination with respect to the shoulder.

Where curbs are used along the roadway and sidewalks are provided or contemplated, the gradient of the driveway usually shall fit the plane of the sidewalk. If the difference in elevation of the gutter and the sidewalk is such that this is not practical, then the sidewalk shall be lowered to provide a suitable gradient for the driveway in such case the surface of the sidewalk should be sloped gently from either side of the driveway. Vertical curves on driveways should be flat enough to prevent dragging of central or overhang portions of passenger vehicles.

9. Curbs and Guide Posts. Curbs of the type specified by the City of Loudon shall be required on driveways, islands within the buffer area, and along property frontage in commercial, industrial, and residential complex developments; but all such curbs shall be outside the limits of the shoulders where the traveled way is not curbed. Where the traveled way is curbed, the returns of the driveway shall join properly the curb of the traveled way.

It is desirable that all internal curbs be placed twenty-six (26) feet from the center line of the existing roadway where sufficient right-of-way does not exist. Where adequate right-of-way exists, curbs shall be located just outside the frontage boundary line. Final location of curbs is subject to the approval of the street superintendent. (Refer to appendices for curb specifications).

10. Driveway Profile.

- a. No highway edge curb, cut section. (a) From edge of traveled way to outer edge of shoulder, gradient same as shoulder pitch; (b) from outer edge of shoulder to allow point at ditch line or culvert, maximum downward gradient of five (5) percent; (c) beyond ditch line, maximum gradient of eight (8) percent for commercial driveways and ten (10) percent for others.
- b. No highway edge curb, fill section. (a) Slope across shoulder, same as above; (b) beyond outer edge of shoulder, maximum gradient five (5) percent for commercial driveways ten (10) percent for others.
- c. With highway edge curb. Driveway profile should slope upward from gutter line to meet the sidewalk, if any, with maximum difference between downward cross slope of traveled way and upward slope of driveway of 10 percent; beyond outer edge of walk or equivalent, maximum gradient of eight (8) percent for commercial driveways and ten (10) percent for others.

Steeper grades may be permitted subject to approval of planning commission. The commission's waiver will be based on the traffic volume and location.

11. Access Control. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and property damage by reducing the points of conflict, the following regulations shall apply:

- a. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width; however, if in the opinion of the road superintendent and/or Board of Zoning Appeals that one (1) access with a width greater than thirty (30) feet is more appropriate to protect the safety of motorists, then said Board may require and/or grant a variance from this requirement.
- b. There shall be no more than two (2) points of access to any one public street for each four hundred (400) feet of lot frontage, or fraction thereof; provided, however, that lots less than one hundred (100) feet in width shall have no more than one point of access to any one public street.

- c. Where two (2) driveways are provided for one (1) lot frontage, the clear distance between driveways shall not be less than forty (40) feet.
- d. No point of access shall be allowed within four hundred (400) feet of the center line of any public intersections. This distance shall be measured from the center of the intersection to the center line of the access cut.
- e. No curbs on city streets or rights-of-way shall be cut or altered without written approval of the street department, and the Tennessee Department of Transportation when state highways are involved
- f. Paved acceleration and deceleration lanes may be required along any arterial or major collector street at the discretion of the Board of Zoning Appeals upon recommendation by the superintendent or the Board of Zoning Appeals. The requirement for acceleration and deceleration lanes will be based on the following:
 - i. Existing road conditions
 - width
 - sight distance
 - ii. Traffic volume
 - average daily traffic and highway capacity
 - average daily traffic flowing into the development
- g. All access cuts shall be paved for all commercial, industrial, and residential developments. The minimum area paved shall commence from the edge of existing street pavement to the property line.

12. Control Dimensions

- a. Edge Clearance (E). All portions of the driveway shall be within the frontage boundary line. For driveways with angles of about 90° , the edge of clearance should not be less than the radius of curvature (R) for the junction of the driveway and pavement (shoulder) edges.

Residential: 5 feet minimum
 Commercial: 10.5 feet minimum

- b. Width (W)

Residential: 10 feet minimum; 15 feet maximum
 Commercial: 20 feet maximum for one-way use

30 feet maximum for two-way use

c. Driveway Angle (Y)

Driveways for two-way operation:

90° to centerline of roadway

Driveways for one-way operation:

- I. Driveways used by vehicles in both directions of travel on highway; same as for two-way operations (90° to center line for roadway).
- II. Driveways used by vehicles in one direction of travel on divided highway 45° minimum and 60° maximum.

d. Radius of Curvature (R)

Residential: 5 feet minimum; 15 feet maximum

Commercial: 10 feet minimum; 20 feet maximum

e. Distance Between Double Driveway (D). 40 feet minimum

In no case shall the distance (D) be less than the largest adjacent width opening (W).

f. Corner Clearance (C) 400 Feet Minimum

Where there are traffic signals at the intersection, desirably the nearside clearance should be two (2) or more times the far side. (see Figure 4).

13. Parallel Access Roads.

- a. Purpose. Frontage roads shall be required on all major arterials as shown on the Loudon Major Road Plan. Such frontage roads are hereby required in order to reduce the number of randomly placed access cuts and to allow for the safe and efficient travel on such arterials.

The property owner shall be responsible for dedication of the required right-of-way and grading to meet elevations and location as designated by the road superintendent. The City of Loudon shall be responsible for actual construction including base, asphalt surface and curbing.

- b. Location. The center line of all frontage roads shall be located eighteen (18) feet from the existing right-of-way except in situations in which variations exist in right-of-way width in which case adjacent frontage roads shall be designed to match the proposed frontage road on the adjacent properties. Such frontage roads shall extend the length of the parcel to allow for adjacent property connection. The location of all access points on to major arterials are hereby indicated on the attached map.
- c. Construction and Design. All frontage roads shall be designed and constructed in compliance with the Loudon Subdivision Regulations. Dedicated right-of-way for frontage road shall be ten (10) feet greater than the width of the constructed frontage road. All such roads shall be approved by the Loudon Regional Planning Commission and shall be dedicated as public roads following acceptance of the Loudon City Council. All such roads shall be adequately marked and stripped appropriately to assist public circulation into, on and out of the property.
- d. Waivers. Unique situations may exist which would require a waiver from these regulations. Such waiver shall be reviewed by the road superintendent and planning commission, with appropriate comments, prior to any action by city council.
- e. Temporary Permits. Since it is unlikely that adjoining properties will develop at the same time, access on to public roads must be provided. In order to assure access, the city shall issue temporary access permits for those developments which have no or incomplete parallel access frontage. Permits shall be issued only on a temporary basis and will expire upon the extension of the frontage road from the adjoining property.

14-311. OFF STREET LOADING AND UNLOADING SPACE REQUIRED. Every building or structure hereafter constructed and used for industry, business, or trade involving the receipt or distribution of vehicles, materials, or merchandise shall provide 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. The minimum required spaces for this provision shall be based on the total usable floor area of each principal building according to the following table:

<u>Total Usable Floor Area in Square Feet</u> (See Sec. 14-203) for Each Principal Building	<u>Spaces Required</u>
0 to 4,999 sq.ft.	One (1) space
5,000 to 9,999 sq.ft.	Two (2) spaces
10,000 to 15,999 sq.ft.	Three (3) spaces
15,000 to 19,999 sq.ft.	Four (4) spaces

Over 20,000 sq.ft.

Four (4) spaces plus one (1) space
for each additional 20,000 sq.ft.

The Board of Zoning Appeals may waive the above requirements if it has determined after appropriate study that due to the nature of a particular business or industrial establishment such loading space requirements are too restrictive or are not needed.

14-312. MAXIMUM BUILDING HEIGHT. No structure shall be erected which exceeds three (3) stories or fifty (50) feet in height except as provided by Section 14-506.

14-313. SITE PLAN REVIEW. All persons, businesses, or organizations applying for a building permit must first submit two (2) copies of a site plan to the Loudon County Office of Planning and Community Development for all commercial, residential complex, and industrial developments at least thirty (30) days prior to the meeting at which it is to be considered. A permit will not be issued unless a plan is submitted and approval from the Loudon Regional Planning Commission is given to the Building Official.

All site plans shall show the following:

1. The site location of the proposed use/structure including a location map and the scale of such map.
2. Drainage system plan to include but not limited to the location of enclosed storm sewers and appurtenances, open channels, and swales on property lines and/or back lot lines, and contour lines at five (5) foot intervals. The commission may choose to eliminate contours if a need does not exist.
3. Size and dimensions of the proposed building and a drawing of all setbacks.
4. Location of loading zones, front, side, and rear doors, if any.
5. Parking area design, number of parking spaces, and design of those spaces.
6. Location and layout of proposed water and sewer lines and any attendant facilities such as a pumping station and utility power lines, etc.
7. Location of any signage and the dimension of such sign(s) which will advertise the use of the building.
8. Location of any easements, alleys, or marginal access roads.
9. Location and design of all entrances and exits onto a public road. (Developer should consult with local planner, planning commission)

10. In the case of a shopping center, a master plan may be submitted to the planning commission, which gives all of the above information for the shopping center as a whole instead of individually for each use in the shopping center.
11. After a time period in which a master plan for a shopping center is approved, any additional structure which was proposed for development and was not included in the original master plan for the shopping center must submit a site plan for the proposed addition to the shopping center including additional parking areas.
12. A letter of credit must be submitted along with a site plan to cover the estimated cost of required public improvements, including driveway and parking area paving and curbing, landscaping improvements, and drainage improvements. The dollar amount of the letter of credit will be determined by the Loudon County Planning Director, based on reasonable construction cost estimates provided by the developer and a 15% contingency. Letters of credit will be released upon satisfactory completion of the required improvements and the issuance of an occupancy permit by the Loudon City Building Official.
13. Approval of a site plan expires after twelve (12) months if construction is not underway.

CHAPTER 4

ZONING DISTRICTS

SECTION

- 14-401. Classification of Districts**
- 14-402. Boundaries of Districts**
- 14-403. R-1, Low Density Residential District**
- 14-404. R-2, High Density Residential District**
- 14-405. C-1, Central Business District**
- 14-406. C-2, Highway Business District**
- 14-407. C-3, Local Business District**
- 14-408. M-1, Light Industrial District**
- 14-409. M-2, Heavy Industrial District**
- 14-410. F-1, Floodplain District (see supplement)**
- 14-411. P-1, Professional and Civic District**
- 14-412. C-4, Interchange Commercial District**
- 14-413. R-1-S, Single Family Residential District**
- 14-414. H-1, Historic Overlay District**
- 14-415. PDD, Planned Development District**

14-401. CLASSIFICATION OF DISTRICTS. For the purposes of this ordinance, the City of Loudon, Tennessee, is hereby divided into the following zoning districts:

- R-1, Low Density Residential District
- R-2, High Density Residential District
- C-1, Central Business District
- C-2, Highway Business District
- C-3, Local Business District
- M-1, Light Industrial District
- M-2, Heavy Industrial District
- F-1, Floodplain District
- P-1, Professional and Civic District
- C-4, Interchange Commercial District
- R-1-S, Single Family Residential District
- H-1, Historic Overlay District

14-402. BOUNDARIES OF DISTRICTS.

1. The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of Loudon, Tennessee," dated _____, 1976, which is a part of the zoning code, and which is on file in the office of the City Recorder.

2. Unless otherwise indicated on the zoning map, the boundaries are lot lines, the center of streets or alleys, or the corporate limit lines as they exist at the time of the enactment of the zoning code. 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 existing at the time the zoning code 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 fifty (50) feet within the more restricted district.

14-403. R-1, LOW DENSITY RESIDENTIAL DISTRICT. Within the R-1, Low Density Residential District, as shown on the Zoning Map of Loudon, Tennessee, the following regulations plus the other applicable provisions of this zoning code shall apply:

1. Permitted uses and structures.
 - a. Single-family and multiple-family dwellings.
 - b. Mobile homes, provided the regulations in Section 14-606 are complied with.
 - c. Institutions (including churches, schools offering general education courses, and public libraries).
 - d. Horticulture, including forestry, not involving advertising, display, or public sale of products on the premises.
 - e. Accessory buildings or uses customarily incidental to any aforementioned uses.
 - f. Single real estate signs advertising the sale, rental, or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least six (6) feet from all lot lines and street rights-of-way. Nameplates and single signs identifying home ownership or address, and on-premise customary home occupations, provided the requirements of Section 14-604 (2) are met.
2. Uses and structures permitted on review by the Board of Zoning Appeals.
 - a. Municipal, county, state, or federal uses, except general office buildings; public utilities, except storage and warehousing areas, cemeteries; agricultural uses; hospitals for human care; philanthropic institutions and clubs, except a club the chief activity of which is customarily carried out as

a business; public parks; golf courses; provided, however, that no permit shall be issued except with the written approval of the 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 in which the proposed use is located.

- b. Customary home occupations, provided the conditions in Section 14-603 are met.
- c. Daycare and Preschool Facilities. (*This item added by City Council 10/15/01*)

3. Prohibited uses and structures.

- a. Any other use not specifically permitted or permissible on review in this R-1, Low Density Residential District.
- b. Advertising signs and billboards except those specifically permitted under Section 14-403 (1) (f) of this code.

4. Area regulations. The principal building shall be located so as to comply with the following requirements:

- a. Minimum lot area for single-family dwelling unit served by public water and sewer systems: 10,000 square feet.
- b. Minimum lot area per dwelling unit for two-unit structures and multi-family structures or any combination thereof which are served by public water and sewer systems:

- 6,000 sq. ft. first family
- 6,000 sq. ft. second family
- 3,000 sq. ft. third family
- 3,000 sq. ft. fourth family
- Over four (4) units not permitted

No two-unit structure(s) or multi-family structure(s) shall be allowed unless such structure(s) is served by a public sewer system approved by the Tennessee Department of Public Health, and the Loudon Utilities Board.

- c. Minimum lot area for single-family dwelling units where lot is not served with public sewer: 15,000 square feet.

- d. Minimum lot width at building setback line: 75 feet
 - e. Minimum depth of front yards: 30 feet
 - f. Minimum depth of rear yards: 20 feet
 - g. Minimum width of side yards:
 - 1-story building10 feet each side
 - 2-story building.....12 feet each side
 - 3-story building.....15 feet each side
 - h. Maximum percentage of lot area which may be occupied by structures: 40 percent.
5. Site development standards for required yards. The required yards of all uses shall be made fertile; planted with grass, shrubs, and/or trees or otherwise landscaped; and maintained in good order.
6. Location of accessory buildings
- a. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.
 - b. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

14-404. R-2, HIGH DENSITY RESIDENTIAL DISTRICT. Within the R-2, High Density Residential District, as shown on the Zoning Map of Loudon, Tennessee, the following regulations and plus the other applicable provisions of the zoning code shall apply:

- 1. Permitted uses and structures.
 - a. Single-family and multiple-family dwellings.
 - b. Mobile homes, provided the regulations in Section 14-606 are complied with.
 - c. Institutions (including churches, schools offering general education courses, and public libraries).

- d. Horticulture, including forestry, not involving advertising, display, or public sale of products on the premises.
 - e. Accessory buildings or uses customarily incidental to any aforementioned uses.
 - f. Single real estate signs advertising the sale, rental, or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least six (6) feet from all lot lines and street rights-of-way. Nameplates and single signs identifying home ownership or address, and on-premise customary home occupations, provided the requirements of Section 14-604 (2) are met.
2. Uses and structures permitted on review by the Board of Zoning Appeals.
- a. Municipal, county, state, or federal uses, except general office buildings; public utilities, except storage and warehousing areas, cemeteries; agricultural uses; hospitals for human care; philanthropic institutions and clubs, except a club the chief activity of which is customarily carried out as a business; public parks; golf courses; provided, however, that no permit shall be issued except with the written approval of the 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 in which the proposed use is located.
 - b. Customary home occupations, provided the conditions in Section 14-603 are met.
 - c. Daycare and Preschool Facilities. (*This item added by City Council 10/15/01*)
3. Prohibited uses and structures.
- a. Any other use not specifically permitted or permissible on review in this R-2, High Density Residential District.
 - b. Advertising signs and billboards except those specifically permitted under Section 14-403 (1) (f) of this code.
4. Area regulations. The principal building shall be located so as to comply with the following requirements:
- a. Minimum lot area for single-family dwelling unit served by public water and sewer systems: 7,500 square feet.

- b. Minimum lot area per dwelling unit for two-unit structures and multi-family structures or any combination thereof which are served by public water and sewer systems:

- 5,000 square feet first family
 - 5,000 square feet second family
 - 2,500 square feet each additional family over two

No two-unit structure(s) or multi-family structure(s) shall be allowed unless such structure(s) is served by a public sewer system approved by the Tennessee Department of Public Health, and the Loudon Utilities Board.

- c. Minimum lot area for single-family dwelling units where lot is not served with public sewer: 15,000 square feet.
 - d. Minimum lot width at building setback line:.....50 ft.
 - e. Minimum depth of front yards:.....25 ft.
 - f. Minimum depth of rear yards:.....15 ft.
 - g. Minimum width of side yards:
 - 1-story building10 feet each side
 - 2-story building.....12 feet each side
 - 3-story building.....15 feet each side
 - h. Maximum percentage of lot area which may be occupied by structures: 50 percent.
5. Site development standards for required yards. The required yards of all uses shall be made fertile; planted with grass, shrubs, and/or trees or otherwise landscaped; and maintained in good order.
6. Location of accessory buildings.
- a. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.
 - b. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

14-405. C-1, CENTRAL BUSINESS DISTRICT. Within the C-1 Central Business District as shown on the Zoning Map of Loudon, Tennessee, the following regulations plus other appropriate provisions of this zoning code shall apply:

1. Permitted uses and structures.
 - a. Retail trade - general merchandise.
 - b. Retail trade - food.
 - c. Retail trade - apparel and accessories.
 - d. Retail trade - furniture, home furnishings and equipment.
 - e. Retail trade - eating and drinking.
 - f. Retail trade - drug and proprietary, antiques, books and stationary, sporting goods, farm and garden supplies, jewelry, florists, and optical and photographic supplies.
 - g. Finance, insurance, and real estate services.
 - h. Business services.
 - i. Personal services - laundering and dry cleaning and beauty and barber services.
 - j. Repair services not including automotive repair and services.
 - k. Professional services.
 - l. Governmental services not including correctional institutions and military reservations.
 - m. Entertainment assembly not including drive-in movies.
 - n. Cultural activities.
 - o. Residential hotels and transient lodgings provided that the requirements of 14-309(1)(b) are met.

- p. Religious activities and welfare, and charitable services.
- q. Railroad transportation.
- r. Multi-family residential uses.
 - i. Shall be permitted on any floor, except a ground floor of an existing commercial building and within existing structure constructed for residential purposes.
 - ii. Shall be permitted within structures specifically designed for living quarters provided they comply with Section 14-309 (1)(b).

Any use or structure customarily incidental to the above permitted uses.

- 2. Prohibited uses and structures. Any use or structure not specifically permitted as prohibited.

- a. Mobile homes, manufactured homes or other temporary structures. *(Amended by Loudon City Council 2/9/04.)*

- b. Truck Stops

- 3. Area regulations. Buildings shall be located so as to comply with the following requirements:

- a. Minimum depth of front yard.....10 feet

- b. Minimum depth of rear yard.....20 feet

However, commercial buildings may be built next to a common lot line by common consent, if the lot line walls have a fire resistance rating equal to that required for Fire Districts by the Southern Standard Building Code. Evidence of common consent must be filed in writing with the building inspector upon application for a building permit.

The Board shall have the discretion to waive the setback requirements when unusual circumstances warrant this consideration.

14-406. C-2, HIGHWAY BUSINESS DISTRICT. The purpose of this district is to provide for highway-oriented commercial uses. Within the C-2, Highway Business District, as shown on the Zoning Map of Loudon, Tennessee, the following regulations plus other appropriate provisions of this zoning code shall apply.

1. Permitted uses and structures.
 - a. All uses permitted in the C-1, Central Business District.
 - b. Wholesale trade.
 - c. Retail trade - building materials, hardware, farm equipment.
 - d. Retail trade - automotive, marine craft, aircraft, and accessories.
 - e. Retail trade - fuel and ice.
 - f. Repair services - automobile repair and service.
 - g. Contract construction services
 - h. Educational services.
 - i. Amusements.
 - j. Recreational activities.
 - k. Utilities not including sewage disposal and solid waste disposal.
 - l. Animal husbandry services, provided that all animals are maintained within a closed, air conditioned structure.
 - m. Signs and billboards subject to the provisions of Section 14-604.
 - n. Any use or structure customarily incidental to the above permitted uses.
(Amended by Loudon City Council 2/22/05)
2. Prohibited uses and structures. Any use or structure not specifically permitted is prohibited.
 - a. Mobile homes, manufactured homes or other temporary structures.
(Amended by Loudon City Council 2/9/04.)
 - b. Truck stops
3. Area regulations.

- a. Minimum lot width at building line.....50 feet
- b. Minimum depth of front yard.....30 feet
- c. Minimum depth of rear yard.....15 feet
- d. Minimum width of side yards:
 - 1-story building.....10 ft. each
 - 2-story building.....15 ft. each
 - 3-story building.....20 ft. each

However, buildings may be built to the side property line provided there is written consent of the adjacent property owner and further provided that the buildings share a common fire resistant wall.

- e. Outdoor Storage. Outdoor storage is permitted only in the rear yard and where screened from view by landscaping or other approved materials. All outdoor storage must be approved by the Planning Commission.
(Amended by Loudon City Council 2/22/05)

14-407. C-3, LOCAL BUSINESS DISTRICT. The purpose of this district is to provide for neighborhood shopping and service areas convenient to residential neighborhoods. Within the C-3, Local Business District, as shown on the Zoning Map of Loudon, Tennessee, the following regulations plus other appropriate provisions of this zoning code shall apply:

- 1. Permitted uses and structures.
 - a. Grocery stores, drug stores, barber and beauty shops, laundry and dry cleaning pick up stations, doctors and dentist offices, established for the convenience of the neighborhood.
- 2. Uses and structures permitted on review by the Board of Zoning Appeals.
- 3. Prohibited uses and structures. Manufacturing uses or any commercial or other use not specifically permitted or permissible on review by the Board of Zoning Appeals.
 - a. Mobile homes, manufactured homes or other temporary structures.
(Amended by Loudon City Council 2/9/04.)
 - b. Truck stops

4. Area regulations
 - a. Minimum lot width at building line.....50 ft.
 - b. Minimum depth of front yard.....35 ft.
 - c. Minimum depth of rear yard.....20 ft.
 - d. Minimum width of side yards.....10 ft. each

No building in the C-3, Local business district shall exceed one (1) story in height. Also, no building in the C-3 district shall exceed two thousand (2,000) square feet in area.

14-408. M-1, LIGHT INDUSTRIAL DISTRICT. This district is established to provide for manufacturing, warehousing, and similar light industrial uses. Within the M-1, Light Industrial District, as shown on the Zoning Map of Loudon, Tennessee. The following regulations plus other appropriate provisions of this zoning code shall apply:

1. Permitted uses and structures.
 - a. Railroad and motor vehicle transportation, including truck terminals and truck stops.
 - b. Aircraft transportation.
 - c. Marine transportation.
 - d. Communication Towers, in compliance with Section 14-615, Performance Standards for Permitting Telecommunication Towers and Antennas.
 - e. Public utilities.
 - f. Wholesale trade.
 - g. Retail trade - building materials, hardware, and farm equipment.
 - h. Warehousing and storage services.
 - i. Agricultural processing.
 - j. Food and kindred products manufacturing not including meat products manufacturing.

- k. Textile mill products manufacturing.
 - l. Apparel and other finished products manufacturing made from fabrics and similar materials.
 - m. Lumber and wood products manufacturing.
 - n. Furniture and fixtures manufacturing.
 - o. Printing, publishing, and allied industries.
 - p. Rubber and miscellaneous plastic products.
 - q. Stone, clay, and glass products manufacturing.
 - r. Fabricated metal products manufacturing not including ordinance and accessories.
 - s. Professional, scientific, and controlling instruments manufacturing.
 - t. Small article manufacturing - jewelry; musical instruments; toys; pens, pencils, and other office and artists' materials; costume jewelry; tobacco; and motion picture production.
 - u. Signs and billboards subject to the provisions of Section 14-604.
 - v. Any use or structure customarily incidental to the above uses.
2. Prohibited uses and structures. Any use or structure not specifically permitted or permitted on review by the Board of Zoning Appeals is prohibited.
3. Area regulations. All buildings and structures shall be located so as to comply with the following minimum requirements:
- a. Minimum depth of front yard....30 ft.
 - b. Minimum depth of rear yard.....20 ft.
 - c. Minimum width of side yard:
 - 1-story building.....10 ft. each side
 - 2-story building.....15 ft. each side
 - 3-story building.....20 ft. each side

- d. There shall be no required minimum lot area for industrial districts except as should be needed to satisfy the above space requirements and requirements pertaining to off-street parking and loading, respectively.
4. Environmental controls. The applicant for a building permit in the M-1, Light Industrial District must present, as a part of the application, documentation demonstrating that the proposed industry will not represent a hazard to the community safety, health, welfare, or amenity. This includes, but is not limited to, the following:
- a. Documentation that a proposed use will be served by adequate water and wastewater facilities approved by the Loudon Board of Utilities and the Tennessee Department of Public Health.
 - b. Documentation that adequate means are available for the disposal of all solid waste.
 - c. Documentation that proposed industrial uses will comply with all applicable federal, state, and local air and water pollution control laws and/or regulations.

The Building Inspector shall not issue a building permit for any industrial use he believes may have the potential to be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration, and the like, and those uses deemed dangerous due to potential explosion hazards, threat of fire, or poisonous fumes. Any of the above uses shall be permitted only on written approval of the Board of Zoning Appeals under the provisions of Section 14-804 and subject to such conditions and safeguards as may be required by said Board in the interests of public health, safety, and welfare.

14-409. M-2, HEAVY INDUSTRIAL DISTRICT. This industrial district is provided for heavy manufacturing uses and processes. Within the M-2, Heavy Industrial District, as shown on the Zoning Map of Loudon, Tennessee, the following regulations plus other appropriate provisions of this zoning code shall apply:

- 1. Permitted uses and structures.
 - a. All uses permitted in the M-1, Light Industrial District.
 - b. Meat products manufacturing.
 - c. Paper and allied products manufacturing.

- d. Chemicals and allied products manufacturing.
 - e. Petroleum refining and related services.
 - f. Primary metal industries.
 - g. Mining activities and related services.
 - h. Crematory(ies) and crematorium(s) (human or animal).
(amended by City Council 12/16/13)
 - i. Any use or structure customarily incidental to the above uses.
2. Uses and structures permitted on review by the Board of Zoning Appeals
- a. Sexually Oriented Adult Businesses, in compliance with Section 14-616, Sexually Oriented Adult Businesses
3. Prohibited uses and structures. Any use or structure not specifically permitted is prohibited.
4. Area regulations. All buildings, structures, and principal operations shall be located so as to comply with the following minimum requirements:
- a. Minimum depth of front yard...40 feet
 - b. Minimum depth of rear yard....25 feet
 - c. Minimum width of side yards:
 - 1-story building.....20 feet each side
 - 2-story building.....25 feet each side
 - 3-story building.....30 feet each side
5. Environmental controls. The applicant for a building permit in the M-2, Heavy Industrial District must present, as a part of the application, documentation demonstrating that the proposed industry will not represent a hazard to the community safety, health, welfare, or amenity. This includes, but is not limited to, the following:
- a. Documentation that a proposed use will be served by adequate water and wastewater facilities approved by the Loudon Board of Utilities and the Tennessee Department of Public Health.

- b. Documentation that adequate means are available for the disposal of all solid waste.
- c. Documentation that proposed industrial activities will comply with all applicable federal, state, and local air and water pollution control laws and/or regulations.

14-410. F-1, FLOODPLAIN DISTRICT (see supplement)

14-411. P-1, PROFESSIONAL AND CIVIC DISTRICT. The purpose of this district is to provide areas for the development of professional offices and services, hospitals, schools, churches and other places of public assembly. Regulations are designed to control development in such a manner as to not be incompatible with permitted residential uses. Within the P-1, Professional and Civic District, as shown on the Zoning Map of Loudon, Tennessee, the following regulations plus other applicable provisions of the Zoning Ordinance shall apply:

- 1. Permitted uses and structures.
 - a. Any use permitted and as regulated in the R-2, High Density Residential district.
 - b. Professional and business offices including the offices of an attorney, engineer, accountant, dentist and physician.
 - c. Financial institutions.
 - d. Specialty retail, including boutiques, antique shops, florists, beauty shops, barber shops and other similar uses not exceeding 2,000 square feet in retail area. *(Amended by Loudon City Council 2/9/04.)*
 - e. Nursing and convalescent homes.
 - f. Private clubs and lodges.
 - g. Accessory buildings and uses customarily incidental and subordinate to permitted uses and structures.
- 2. Uses and structures permitted on review by the Board of Zoning Appeals.
 - a. Accessory uses such as news-stands, cafeterias, recreational uses, and shops associated with and incidental to the permitted uses primarily for

the benefit, use and convenience of the persons directly involved in the principal use to which the proposed accessory use is related.

3. Prohibited uses and structures.
 - a. Any use not specifically permitted or permissible on review is specifically prohibited.
 - b. Billboards and other off-premise advertising structures.
4. Area regulations. The principal building shall be located so as to comply with the following requirements:
 - a. The area regulations for the R-2, high density residential district shall apply except as follows: (1) non-residential uses on adjoining lots may share a common fire-resistant wall, and (2) the maximum percentage of lot area which may be occupied by non-residential uses shall be sixty (60) percent.
5. Site development standards for required yards. The required yards of all uses shall be made fertile, planted with grass, shrubs, trees and/or other vegetative cover, and maintained in good order.
6. Location of accessory buildings.
 - a. No accessory buildings shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.
 - b. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

14-412. C-4, INTERCHANGE COMMERCIAL DISTRICT. The purpose of this district is to provide for a commercial district relative to the needs which exist at Interstate interchanges, and to control development in order to preserve the integrity and safety of the area.

1. Permitted uses and structures.
 - a. All uses permitted in the C-1, Central Business District.
 - b. All uses permitted in the C-2, Highway Business District.

- c. Tourist related activities - all those permitted in the C-1 and C-2 districts.
2. Prohibited uses and structures. Any use or structure not specifically permitted is prohibited.
- a. The sale, storage, distribution or manufacturing of any pyrotechnics devices.
 - b. Mobile homes, manufactured homes or other temporary structures.
(Amended by Loudon City Council 2/9/04.)
 - c. Truck stops
3. Area regulations.
- a. Minimum lot width at building line.....50 ft.
 - b. Minimum depth of front yard.....40 ft.
 - c. Minimum depth of rear yard.....20 ft.
- 1-story building.....15 ft.
 - 2-story building.....20 ft.
 - 3-story building.....25 ft.

14-413. R-1-S, SINGLE FAMILY RESIDENTIAL DISTRICT. Within the R-1-S, Single family residential district, as shown on the Zoning Map of Loudon, Tennessee, the following regulations plus other applicable provisions of this zoning code shall apply:

1. Permitted uses and structures.
- a. Single family dwellings.
 - b. Institutions (including churches, schools, offering general education courses, and public libraries).
 - c. Horticulture, including forestry, not involving advertising, display, or public sale of products on the premises.
 - d. Accessory buildings or uses customarily incidental to any aforementioned uses.
 - e. Single real estate signs advertising the sale, rental, or lease of only the premises on which they are maintained, provided that they are not over

four (4) square feet in area, and at least six (6) feet from all lot lines and street rights-of-way. Nameplates and single signs identifying home ownership or address, on-premise customary home occupations, manufactured home communities, and apartment buildings provided the requirements of Section 14-604 (2) are met.

2. Uses and structures permitted on review by the Board of Zoning Appeals.
 - a. Municipal, county, state, or federal uses, except general office buildings; public utilities, except storage and warehousing areas; cemeteries; hospitals for human care; philanthropic institutions and clubs, except a club the chief activity of which is customarily carried out as a business; public parks; golf courses; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board may require in order to preserve and protect the character of the district in which the proposed use is located.
 - b. Customary home occupations provided the conditions in Section 14-603 are met.
 - c. Daycare and Preschool Facilities.
(This item added by City Council 10/15/01)
3. Prohibited uses and structures.
 - a. Any other use not specifically permitted or permissible on review in this R-1-S, Single family residential district.
 - b. Advertising signs and billboards except those specifically permitted under Section 14-403 (1) (f) of this code.
 - c. Mobile homes and manufactured home communities.
4. Area regulations. The principal building shall be located so as to comply with the following requirements.
 - a. Minimum lot area for single family dwelling unit served by public water and sewer systems: 10,000 square feet.
 - b. Minimum lot area for single family dwelling units where lot is not served with public sewer: 15,000 square feet.
 - c. Minimum lot width at building setback line.....75 ft.

- d. Minimum depth of front yards.....30 ft.
- e. Minimum depth of rear yards.....20 ft.
- f. Minimum width of side yards:
 - 1-story building.....10 ft. each side
 - 2-story building.....12 ft. each side
 - 3-story building.....15 ft. each side
- g. Maximum percentage of lot area which may be occupied by structures: forty (40) percent.

5. Site development standards for required yards The required yards of all uses shall be made fertile; planted with grass, shrubs, and/or trees or otherwise landscaped; and maintained in good order.

6. Location of accessory buildings.

- a. No accessory building shall be erected in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard, and shall be at least five (5) feet from all lot lines and from any other building on the same lot.
- b. Accessory buildings on corner lots shall conform with front yard setbacks for both intersecting streets.

14-414. H-1 HISTORIC OVERLAY DISTRICT. This district is established as an overlay district which is superimposed over existing district(s). The district is established for the purpose of preserving and protecting the historical and/or architectural value of buildings, structures or historically significant areas within the City of Loudon.

1. Use, area, parking, height regulations

The regulations controlling permitted uses, special exceptions, height, lot areas, locations, or accessory structures, off-street parking, setbacks or other regulations created for the various zoning districts are applicable within the district overlaid by the historic district except when in conflict with the provisions of this section which shall control.

2. Issuance of Permits and Certificate of Appropriateness

No building, structure or sign shall be constructed, altered, rehabilitated, relocated, or demolished, unless the Historic Zoning Commission, as created in Chapter 10, shall have approved plans and granted a certificate of appropriateness consistent with established design review guidelines. All applications for building permits shall be referred to the Historic Zoning Commission, which shall have broad powers to request detailed construction plans and related data pertinent to thorough review of the proposal. The Historic Zoning Commission shall, within thirty (30) days following the appropriateness of sufficient data, grant a certificate of appropriateness with or without attached conditions or deny the certificate, and shall state the grounds for denial in writing.

14-415. PLANNED DEVELOPMENT DISTRICT (PDD).

A. PURPOSE

The Planned Development District, hereinafter referred as the "PD District", is intended for master-planned developments that allow for a mixture of land-uses to coexist in a community setting based on readily defined land use goals and design principles which:

Advocate the development of communities and places that are diverse and responsive to the human scale, where destinations are designed to encourage pedestrian activity, stimulate increased social interaction and engender a sense of place; Promote efficient and economic uses of land; Respect existing communities; Provide flexibility to meet changing needs, technologies, economics, and consumer preferences; Promote development patterns and land uses which reduce transportation needs and which conserve energy and natural resources; Reduce infrastructure installation and maintenance costs by permitting smaller networks of utilities and streets and the use of shared facilities; Protect and enhance natural resources; Provide more open spaces and scenic areas, either privately owned or publicly owned, than would otherwise be provided under conventional land development procedures; and encourage a variety of uses, building forms, and building relationships while maintaining a consistent architectural theme.

B. PLANNED DEVELOPMENT MODEL

The PD District is designed to recognize and allow for the development of livable, sustainable communities, which typically will occur in relatively undeveloped areas. They are broadly characterized as self-contained communities having an

identifiable boundary and/or open space perimeter and a “center” of the community (although not necessarily the geographic center).

Design guidelines or standards that regulate key items such as building product, landscape, signage and site furnishings are typically developed and adopted to establish a consistent community vision and to guide development for the life of the project. The developmental approach is to consider growth as the building of consistent segments of a growing town rather than incremental and unconnected sprawl along rural highways.

A Planned Development District is typically divided into at least two types of Areas, and each type of Area has different land use and site development regulations. A PD District must have a Neighborhood Center Area and a Mixed Residential Area. A PD District may also have a Neighborhood Edge Area, a Workshop Area, or an Employment Center Area. Nothing prohibits the existence of more than one Area within a defined geographical area as if depicted on the Conceptual Master Plan approved as part of a PD District. The following areas and uses characterize a PD District:

1. Neighborhood Center Area.

The Neighborhood Center Area serves as the focal point of a PD District. It may contain commercial, office, recreational, civic, religious, educational and government services to meet the daily needs of community residents. A Neighborhood Center Area is pedestrian-oriented, and it is designed to encourage pedestrian movement between the Mixed Residential Area and a Neighborhood Center Area. A square or park or other area designated for common use by the community is required in a Neighborhood Center area.

Traditional retail and commercial uses and offices also generally should be located adjacent or closely proximate to this public open space.

Neighborhood Center area uses may include retail shops, restaurants, clubhouses, offices, banks, hotels and lodging, a post office, governmental offices, churches, community centers, and residential dwellings.

2. Mixed Residential Area.

The Mixed Residential Area includes a variety of residential land uses including single-family residential, duplex, townhouse, triplex, condominium and multi-family developments. Residential-scale retail and office uses are permitted within the Mixed Residential Area with strict architectural and land use controls, provided that such uses do not exceed twenty percent (20%) of the gross square footage in the area and are reasonably scaled. Educational and religious uses also may be located in a Mixed Residential Area. Commercial and office uses in

the Mixed Residential Area are required to blend into the residential character of the neighborhood and to be of smaller scale than what would be expected in the Neighborhood Center Area. The Mixed Residential Area should include public or private open space such as small squares, pocket parks, community parks and recreational areas, and greenways. The Mixed Residential Area should promote pedestrian activity through well-designed and varied streetscapes that also provide for the safe and efficient movement of vehicular traffic. Alleys may be utilized to create buildings with little separation between public street frontages.

3. Neighborhood Edge Area.

A Neighborhood Edge Area is characterized as the least dense portion of a PD District, with larger lots and greater setbacks than the rest of the neighborhood. Direct vehicular access to the street is common, although alleys are not prohibited. Single-family residential dwellings represent the majority of uses in the Neighborhood Edge Area; however, attached residential uses to include duplexes, townhouses and condominiums also are permitted. Additionally, recreational areas (including golf courses and clubhouses) may locate in the Neighborhood Edge Area. A Neighborhood Edge Area is particularly appropriate along the perimeter of the PD District, but also may be appropriate around recreational amenities such as a golf course or lake.

4. Workshop and Employment Center Areas.

A PD District may have an optional Workshop Area, an Employment Center Area, or both. Commercial and limited trade or craft uses that are not appropriate for a Neighborhood Center Area or a Mixed Residential Area but which serve the local residents may be located in a Workshop Area. Office uses also may be located within an Employment Center Area. The scale and architectural conventions of a PD District apply to a Workshop area and an Employment Center Area. Such districts also should be accessible by alternative transit devices such as bicycle paths, trolleys or shuttles, or pedestrian connections. Residential uses are not prohibited in these areas but in no event shall predominate.

5. Civic Uses.

Civic uses that are oriented to the PD community primarily but also to general public should be located in the Neighborhood Center and Mixed Residential Areas. However, they also may be located in other areas if needed to take advantages of amenities of a PD district such as lakes, golf courses, or other

recreational uses. These uses are to be encouraged as components of the social and physical fabric of a PD District. Special attention should be paid to the location of government offices, meeting areas, libraries, museums, schools, churches, assembly areas, and other prominent public buildings to create focal points and landmarks for the community.

6. Open Space.

Open space is a significant part of a PD District design. Formal and informal open spaces are required. These serve as areas for community gatherings, landmarks, and as organizing elements for the neighborhood. Open space includes squares, plazas, greens, preserves, parks, buffers and greenways. Open space also may include recreational areas such as soccer fields or golf courses. Open space shall be available throughout the entire PD district and linked, if possible and environmentally sound, to encourage pedestrian and bicycle movement.

7. Streets and Alleys.

The Neighborhood Center Area, Mixed Residential Areas, and Workshop and Employment Center Areas of a PD District are designed to be pedestrian-oriented. To accomplish this goal, street patterns and designs should be encouraged which reduce vehicle travel speeds and encourage pedestrian activity. An interconnected network of streets and alleys should be used unless impractical due to topographic constraints. Streets may be smaller than in conventional development and more varied in size and form to control traffic and give character to the neighborhood; provided, however, that all streets and alleys must satisfy public safety standards and some device must be implemented to provide for ongoing maintenance of any private streets, alleys or access easements.

C. GENERAL PROVISIONS

The following general provisions apply to the PD District:

1. Minimum Size: The minimum area of a PD District shall contain not less than fifty (50) acres.
2. Ownership and Division of Land.

No tract of land may be considered for or approved under the PD District unless such tract is under single ownership or, if listed in several ownerships, the application for zoning shall be filed jointly by all owners. The holder of a written option to purchase, any governmental agency, or a redeveloper under contract shall be considered a landowner for purposes of this section. The initial approval

process shall require approval of a Conceptual Master Plan, which shall include a commitment to private covenants or other restrictions which will ensure the consistent development of a PD pursuant to the terms of its approval. These restrictions will run with the land, so that if it is subdivided or developed in phases, then the common development plan will still be observed. This requirement shall not prohibit subsequent modifications of the Conceptual Master Plan if approved by the Planning Commission, provided the private covenants also then are amended to reflect such changes. Additionally, minor modifications to the Conceptual Master Plan which do not detract from its intended purpose and which do not change the geographical location of the various Areas as defined by the Conceptual Master Plan may be approved administratively by the Director or the person otherwise designated by the City to administer its Zoning Ordinance. This requirement also shall not prohibit the addition of land, in any amount, to the PD; provided such addition to the Conceptual Master Plan is subjected to the review and approval of the Planning Commission and is affirmatively added to the covenants.

3. Relationship to the Subdivision Regulations.

The uniqueness of each proposal for development under the PD District may require modification of standards and specifications as established in standard subdivision regulations which apply to development within the City. The conditions of approval of the PD shall supercede these subdivision regulations if in conflict therewith, unless otherwise prohibited by law.

4. Other Regulations.

All PD development shall be subject to Standard Building Codes and Public Health Regulations in effect at the time of building permit application.

D. DEFINITIONS

Note: This definition section is supplemental to section 14-203.

Attached House. A single family dwelling unit located on a single deeded lot, and attached to another single family dwelling unit on one (1) or two (2) sides.

Accessory Structure. A structure that is incidental and subordinate in use and square footage to the principal structure constructed on any given lot. Accessory structures and their associated uses also must comply with all applicable regulations of the PD district.

Block. An area composed of private/public lots and perhaps alleys, which generally is surrounded by or lined up on either side of a public street.

Colonnade. A roof or building structure, extending over the sidewalk, open to the street and sidewalk except for supporting columns or piers. Colonnades will have, at the sidewalk, a minimum clear height of ten (10) feet (excluding signage or lighting); a minimum clear height of eight (8) feet, (including signage and lighting); and a minimum clear width of eight (8) feet. Colonnades will be constructed a minimum of five (5) feet from the curb. Supporting structures will not encroach into the required easements or required rights-of-ways.

Commercial Use. Business and retail establishments providing consumer services and products including prepared food for consumption on premises.

Community Parking Facility. An off-site parking lot or garage that provides required parking for some or all of the uses within a Neighborhood Center Area, Mixed Residential Area, Workshop Area or Employment Center Area.

Detached Housing. A single family dwelling unit not attached to any other dwelling unit, located on a single deeded lot with an open yard on all sides of the home.

Director. The individual who administers the Zoning Ordinance of the City of Loudon.

Duplex Home. A building designed for two separate attached dwelling units, each of which is occupied by one family related by blood, marriage or adoption or by no more than six unrelated individuals who function as a family unit.

Encroachment. The part of a structure that intrudes into a buffer, yard or setback.

Facade Front. The exterior wall of a building, parallel to the frontage line.

Forecourts. Forecourts are open space areas other than roads or driveways that act as buffers between residential and nonresidential buildings or streets, and are entirely bounded by streets. It is recommended that forecourts be planted parallel to all street rights-of-ways. The forecourt roadway loop will be a one-way clockwise travel lane with a minimum pavement width of twenty (20) feet, and must be designed in accordance with local road safety standards.

Frontage Buildout. The length of a front building facade compared to the length of the front lot line, expressed as a percentage.

Frontage Lines. The shorter building lot line that coincides with the right-of-way of the street or square. In the case of a building lot abutting upon only one (1) street, the frontage line is the line parallel to and common with the right-of-way.

In the case of a corner lot or other lot with double road frontage, that part of the building lot having the narrowest frontage on any street will be considered the frontage line.

Front Porch. A front porch is an unairconditioned, unenclosed roofed structure attached to the front of the unit. A typical front porch will have a minimum depth of seven (7) feet and a minimum width of twelve (12) feet.

Green. An open space available for unstructured recreation, its landscaping typically consisting of grassy areas and trees.

Greenway. A series of connected improved or unimproved open spaces that may follow natural features such as ridges, ravines, creeks, or streams.

Joint Use Parking. An off-street parking space that is shared by businesses and other uses with varying peak periods of demand.

Limited Commercial. Retail, business, restaurant service or office space located on the ground floor level of a building, up to two thousand five hundred (2,500) square feet in floor area per use.

Limited Lodging. A use also referred to as "bed and breakfast" that takes place within a single family residence, which consists of renting one (1) or more dwelling rooms on a daily basis to tourists, vacationers and business people, and where provision of meals is limited to breakfast.

Limited Office. Office space located within a single family or multifamily dwelling, used for the transaction of business or professional services by the dwelling occupant. On site customer contact should be nominal.

Lodging. Buildings, other than limited lodging, providing food service and bedrooms for rent or lease.

Major Civic Use. Includes Administrative and Business Offices used by a governmental entity, College and University use, Cultural Services use, Postal Facilities use, Public or Private Primary Educational Facilities use, Public or Private Secondary Educational Facilities use, Religious Assembly use, Safety Services use and Transportation Terminal use.

Major Private Recreational Improvements. Includes but is not limited to golf courses, swimming pools, tennis courts, basketball courts, sports fields, marinas, recreation centers, and community meeting halls.

Meeting Hall. A building designed for public or private assembly, containing at least one (1) room having a minimum area of two thousand and four hundred (2,400) gross square feet. A meeting hall also shall contain restrooms and may include cooking facilities.

Multifamily. A building consisting of more than four single-family dwelling units separated by fire resistance as required by applicable building codes. Generally this use is typified by the lease or rental of units for at least six months.

Neighborhood Center. The focal point of the PD District, most often but not requiring geographic centrality, and which contains a central public space and customarily the most intensive and greatest mix of development.

Office Use. Business, professional, service and governmental occupations and institutions.

Open Space. Areas which are pervious and open to the sky, which include squares, plazas, greens, preserves, parks, buffers, greenways, recreational uses and golf courses; whether public or private.

Park. An open space, available for public or private recreation; its landscape consisting of some open lawn, paved paths and trails, trees, open shelters, or recreational facilities.

Pedestrian Pathways. Usually paved, interconnected pathways a minimum of four (4) feet and a maximum of eight (8) feet in width. Sidewalks may qualify as pedestrian pathways. Some pathways may be of packed earth provided it is clearly demarcated as a pedestrian trail.

Planting Strips. The strips of grass between the curb and sidewalk, or pathway parallel to the street. The minimum width of such strips is six (6) feet.

Plaza. An open space at street intersections, set aside for civic purposes and commercial activity, including parking. Plaza landscape consists of durable pavement and formal tree plantings and grass strips.

Preserve. Open space that preserves or protects endangered species, a critical environmental feature, or other natural feature.

Private Open Space. Open space that is owned and maintained by a Property Owners' Association or an individual property owner.

Public Open Space. Open space that is owned and maintained by the City.

Public Use Tracts. Tracts of land within the PD District reserved for public use such as street right-of-ways, sidewalks and some pedestrian pathways, public squares, public parks, and other open spaces intended for use by the public as a whole.

Residential. A lot, parcel or tract of land containing a building or structure used for non-transient dwelling purposes. Residential uses shall not include buildings which allow rental by the day, week or other period of time less than three months, unless operated as a Limited Lodging bed and breakfast facility.

Side Yard House. A dwelling built adjacent to an interior side lot line with a yard adjacent to the opposite side lot line.

Single Family Dwelling Unit. A dwelling which contains only one kitchen and which is intended to be used by one family.

Square. Open space that may encompass an entire block, is located at the intersection of important streets, and is set aside for civic, social, or recreational purposes, with landscape consisting of paved walks, lawns, trees, and civic, social or recreational buildings or other structures.

Streetscape. The area within a street right of way that contains sidewalks, street furniture, landscaping, or trees.

Street Vista. A view framed by buildings at the termination of the axis of a thoroughfare.

Note: Words used herein which are not specifically defined may be defined elsewhere in the Codes of the City of Loudon or shall be entitled to their customary dictionary definition.

E. PERMITTED USES AND GENERAL DEVELOPMENT STANDARDS

1. Zoning Procedure.

A PD District is a zoning district that is approved in the same manner as any other zoning districts set forth in this Zoning Ordinance. The rezoning procedures in the Loudon Zoning Ordinance apply to approval of a Planned Development District. Additional requirements are described in this article.

No PD District shall be adopted unless accompanied by a Conceptual Master Plan generally reflecting the intended location of all Areas.

2. Permitted Uses.

Any of the following uses may be located in the PD district, subject to the regulations which pertain to the Neighborhood Center Area, Mixed Residential Area, Neighborhood Edge Area, Workshop Area, or Employment Center Area as set forth in Articles II, III, IV and V hereof:

- Administrative and Business Office
- Arts and Crafts Studio (for public use)
- Arts and Crafts Studio (for private use)
- Automotive Rentals
- Banks and other Financial Institutions
- Beer Sales
- Bicycle/Moped Rentals
- Building Maintenance and Repair Services
- Business or Trade School
- Business Support Services
- Club or Lodge (private)
- Club or Lodge (public)
- College or University
- Communications Services
- Communications Facilities
- Conference/Meeting Center
- Congregate Living
- Consumer Convenience Services and Repairs
- Convalescent Services
- Convenience Stores
- Counseling and Guidance Services
- Cultural Services
- Day Care (commercial)
- Day Care (private)
- Dwelling Units: Single Family Attached, Single Family Detached, Condominium, Townhouse, Duplex, Triplex and Multifamily
- Entertainment (carried on wholly within an enclosed building)
- Extermination Services
- Food Sales
- Golf Courses
- Grocery Stores
- General Retail Sales
- Guest Houses
- Hospital Services (limited)
- Hotel/Conference Center
- Kennel

Limited Lodging
Marina
Medical Offices
Parks (public and private)
Parking Lots (commercial)
Parking Lots (private)
Personal Improvement Services
Pet Services
Places of Worship and Other Religious Centers
Professional Offices
Postal Facilities (public and private)
Pubs/Taverns
Public/Government Uses
Recreational Structures (internal and external, public and private)
Recycling Drop-Off Centers
Restaurant
Safety Services (public and private)
Schools (public and private)
Service Stations
Telecommunications Tower
Theatre
Transportation Terminal
Utilities (public or private)

3. Private Covenants Required.

a. General Conditions, Covenants, and Restrictions for all the property within a PD District must be filed with the City of Loudon with an application for PD approval. These covenants shall allow for development in phases and for amendments, provided that any such amendments which contemplate a major change from the Conceptual Master Plan as defined in Section I(c)(2) may not be approved nor filed until an amendment to the Conceptual Master Plan is approved by the Planning Commission.

b. Conditions, Covenants, and Restrictions shall:

1. Create a Property Owners Association (POA), with mandatory membership for one owner for each platted lot;
2. Establish consistent architectural standards for development of the entire PD district;

3. Create an Architectural Control Committee to review development for compliance with the architectural standards and issue certificates of approval;
4. Provide for the ownership, development, management, and maintenance of private open space (except plazas owned by individual property owners), private community parking facilities, private community meeting hall, and other common areas;
5. Provide for the maintenance of the landscaping and trees within the streetscape, subject to approval of the City if streets are to be dedicated to it;
6. Require the collection of assessments from members in an amount sufficient to pay for its functions;
7. Be effective for an initial term of not less than fifty (50) years, with the extension thereof for additional twenty-five (25) year periods unless terminated by a two-thirds vote of the then owners of each lot platted in the PD (one vote per lot); and
8. Require that the Property Owners' Association obtain the approval of the Planning Commission regarding the means of disposition and continued management of private open space, community parking facilities, community meeting hall, and other common areas if the association is dissolved. The City shall have the right of first refusal to purchase any open space or common areas the POA elects to sell, provided the City agrees to maintain same to the standards of the PD development and covenants.

4. Community Meeting Hall.

- a. A community meeting hall for the use of PD residents is required and must be constructed by the developer prior to the issuance of the 250th residential Certificate of Occupancy for a dwelling unit within the PD.
- b. A community meeting hall must be located so that it is easily accessible to the residents. It may be placed in a square, park, or other suitable open space location, and also may be included within another accessible structure such as a clubhouse or townhall.

- c. The minimum size of the community meeting hall required by this section is 2,400 square feet.

5. Architectural Standards.

The architectural standards required by Section 3(b)(2) above must achieve the following objectives:

- a. architectural compatibility;
- b. human scale design;
- c. integration of uses;
- d. encouragement of pedestrian activity;
- e. buildings that relate to and are oriented toward the street and surrounding buildings;
- f. residential scale buildings in Mixed Residential Areas;
- g. buildings that contain special architectural features to signify entrances to the Neighborhood Center Area and important street intersections; and
- h. Neighborhood Center Area buildings that focus activity on a neighborhood square, park or other commonly used facility.

6. Open Space.

The following open space requirements apply within a PD District:

- a. Not less than 20% of the gross land area of the PD District must be open space.
- b. Any portions of drainage and water quality facilities existing or developed within the PD that are usable by the public for recreational purposes, as determined by the Planning Commission, also may be designated as parks or greenways.
- c. At least one square or central park for use by PD residents shall be located in the Neighborhood Center Area. The required square or central park for use by PD residents shall be at least one-half acre

in size in a PD District of 100 acres or less, and the required square or park shall be at least one acre in size in a PD District that is larger than 100 acres.

- d. At least one additional green or public park that is not less than one-half acre in size must be located elsewhere within the PD District.
- e. A greenway is an area of open space which may be interspersed throughout or along the perimeter of a PD District. A greenway acts to buffer non-compatible uses from the community such as industrial districts, highways, noxious agricultural uses and other non-compatible land uses. Greenways are also used to protect environmental features such as streams or lakes and to link together the various communities within the PD District by providing pedestrian or bicycle connections. Commercial uses existing within a greenway prior to the approval of the PD District plan will be considered nonconforming and subject to all applicable nonconforming use requirements contained in this Zoning Ordinance.
- f. Perimeter buffers (undisturbed natural foliage) of at least fifty feet (50') in width should be located along the entire perimeter of the PD district unless unnecessary due to some environmental, topographical, or other reason. Within this perimeter buffer the following uses shall be allowed:
 - 1. Golf course tee boxes, greens, fairways and cart paths;
 - 2. Athletic fields;
 - 3. Community agricultural plots.

Hiking, biking and equestrian paths also may be located within the perimeter buffer and along road right-of-ways.

- g. Existing open spaces, greenways and/or perimeter buffers may be allocated toward the PD District.

7. Storm Water Control.

To the fullest extent possible, storm water control planning and engineering for a PD District shall be for the district as a whole. This requirement does not prohibit

the development of the PD District in phases nor the phased implementation of the storm water management system.

8. Roadway Design.

- a. The roadway designs used within the different areas of the PD District may vary depending on the proposed function of the roadway, the anticipated adjacent land uses, and the anticipated traffic load subject to applicable public safety requirements. The City encourages the use of a variety of designs to lend character to the neighborhood, and also encourages use of traffic calming measures as needed.
- b. Roads within the PD may be private or may be dedicated to the City of Loudon if the latter consents to same.

9. Vehicular Access.

- a. Access to alleys: Direct vehicular access from a lot to an alley is permitted.
- b. Joint access driveways: If adjacent lots have direct vehicular access to a street, access may be through a common or joint driveway.

10. Parking.

The following parking regulations apply in a PD District:

- a. Street parking shall be allowed provided road width will accommodate same.
- b. Any parking lot shall be located at least twenty feet (20') behind the front facade of any building, except for limited guest parking in front of the structure. If located at the side, screening shall be provided at the lot line by landscaping or decorative walls or fences.
- c. There is no off-street loading requirement for a building with less than ten thousand (10,000) square feet of gross building area. Otherwise off-street loading requirements shall be as provided elsewhere in the Zoning Ordinance.

- d. Unless expressly designed for parking, this use is prohibited in alleys.
- e. Minimum parking requirements are as follows:
 - 1. Except as otherwise provided in this subsection, a commercial or office use must provide one parking space for every five hundred (500) square feet of gross building area.
 - 2. A commercial parking lot or garage also must provide not less than one bicycle parking space for every ten (10) motor vehicle parking spaces.
 - 3. A condominium, multi-family, or retirement housing use must provide one (1) parking space for the first bedroom of a dwelling unit and 0.5 parking spaces for each additional bedroom.
 - 4. A townhouse, single-family residential, duplex, group residential home, or triplex must provide two parking spaces for each dwelling unit.
 - 5. A convalescent home or congregate living use must provide one parking space for every four beds.
 - 6. Daycare services, primary educational facilities, or secondary educational facilities use must provide one parking space for each employee.
 - 7. Unless otherwise provided here or approved as part of the Conceptual Master Plan, parking requirements shall be as provided elsewhere in the Zoning Ordinance.
- f. Other parking requirements:
 - 1. The required parking for a use may be located anywhere in the Neighborhood Center Area. Community parking facilities are encouraged.
 - 2. Not more than 125% of the required parking for a use may be provided on-site.

3. A commercial or a multi-family use may apply adjacent on-street parking toward the minimum parking requirements.
4. Where vehicular access is provided between adjoining sites and peak operating hours of adjoining uses do not materially overlap, the uses may share up to fifty (50) percent of the required parking spaces. Shared use of parking shall be guaranteed by a legally binding agreement.
5. In a Neighborhood Edge Area, all of the required parking for a use must be provided on-site.

11. Signage.

- a. Simultaneously with the submittal of a PD application, the landowner shall submit design guidelines which will govern signage throughout the PD District. These guidelines (or amendments thereto) shall be approved as part of the PD approval process and will comply with or exceed the requirements of City's sign ordinance.
- b. Signs shall be consistent and compatible throughout the PD District.

12. Compatibility Standards.

- a. Lighting. Except for lighting in a public right of way or due to a demonstrated security or health need, all exterior lighting must be hooded or shielded so that the light source is not directly visible from adjacent properties.
- b. Reflective surfaces. The use of highly reflective surfaces, including reflective glass and reflective metal roofs with a pitch of more than a run of seven to a rise of 12, is prohibited. This prohibition does not apply to solar panels and copper or painted metal roofs.
- c. Dumpsters. Dumpsters and other permanently placed refuse receptacles must be located at least 20 feet from adjacent residential uses and to the rear or side of the structure they serve. The location of and access to dumpsters or any other refuse

receptacles must comply with adopted design guidelines and the covenants developed for the PD.

- d. Screening. Yards, fences, vegetative screening, or berms shall be provided to screen off-street parking areas, mechanical equipment, storage areas, and areas for refuse collection. If fences are used for screening, the height may not exceed six feet unless otherwise permitted by the Director. The property owner is responsible for the upkeep and maintenance of fences, berms, and vegetative screening, as well as fencing.

13. Additional Regulations For All Development.

- a. Residential uses in commercial buildings. A residential use may be located above the first floor of a commercial building.
- b. Stoops, porches, and balconies. A stoop, open porch, or balcony may extend into the front setback not more than five feet.

14. Accessory Uses.

- a. Residential accessory uses. One accessory dwelling unit containing not more than 700 square feet of gross building area is permitted as an accessory to a residential use if the other requirements of this chapter are met. This structure shall be limited to use by a member of the family dwelling in the primary residence, domestic help or security, or occasional guests.
- b. Commercial accessory uses. Commercial uses may include the following as accessory uses, activities, and structures on the same site or lot:
 - 1. Any other commercial use type not listed as a permitted use in the same district, and which complies with all of the following criteria:
 - a. Is operated primarily for the convenience of employees, clients, or customers of the principal use;
 - b. Occupies less than ten percent (10%) of the total floor or lot area of the principal use; and

- c. Is located and operated as an integral part of the principal use and does not comprise a separate business use or activity

2. A parking facility.

15. Exceptions.

In the following sections, the regulations applicable to each of the components of a PD are defined, including allowed uses and standards for those uses. It is acknowledged, however, that these regulations cannot address every possible situation which may arise during development of a PD, particularly one which may be developed over a number of years. Accordingly, and upon application filed with and approved by the Board of Zoning Appeals, the following exceptions also may be allowed:

- a. Variances: The minimum lot size, setbacks, buffers, landscaping, fencing, parking and similar requirements may be waived when warranted by extraordinary environmental, topographical or other unusual circumstance and where, if the variance is not approved, an undue hardship would be imposed upon the property owner or other residents of the PD. Variances may be approved as part of the Conceptual Master Plan or by subsequent application or amendment to the Concept Plan.
- b. Special Exceptions: A use otherwise prohibited in one of the five Areas may be allowed by the Board of Zoning Appeals if it satisfies criteria 1 below or at least three of the four other criteria:
 - 1. It is required by federal or state law;
 - 2. It is needed by the community which resides in the PD;
 - 3. It is effectively screened, landscaped or otherwise conditioned to ameliorate any negative impacts;
 - 4. It serves the public health, safety, welfare or morality; or
 - 5. It causes no significant negative impact upon adjacent property, schools, utilities, environmental features, roads or other infrastructure.

Special Exceptions may be approved as part of the Master Concept Plan approval process or by way of subsequent application or amendment to the Concept Plan.

- c. The application process for a variance or Special Exception shall be as otherwise required by the Zoning Ordinance.

II. NEIGHBORHOOD CENTER AREA DEVELOPMENT STANDARDS

A. SCOPE

This article applies specifically to the design and development of a Neighborhood Center Area, and sets forth requirements in addition to the general PD requirements.

B. SIZE OF NEIGHBORHOOD CENTER AREA

A Neighborhood Center Area will compose a maximum of ten (10) percent of the gross land area of the PD District. However, in no case will the Neighborhood center be less than five (5) acres.

C. LOCATION OF NEIGHBORHOOD CENTER AREA

A Neighborhood Center Area should be easily accessible by pedestrians from all parts of the Mixed Residential Area.

D. PERMITTED USES

The following uses are allowed in the Neighborhood Center Area, subject to the other requirements herein:

- Administrative and Business Office
- Arts and Crafts Studio (for public)
- Arts and Crafts Studio (for private use)
- Automotive Rentals
- Banks and other Financial Institutions
- Beer Sales
- Bicycle/Moped Rentals
- Building Maintenance and Repair Services
- Business Support Services
- Club or Lodge (private)
- Club or Lodge (public)
- Communications Services
- Communications Facilities
- Congregate Living (Personal care home for more than 6 unrelated individuals)
- Consumer Convenience Services and Repairs
- Convalescent Services
- Convenience Stores
- Counseling and Guidance Services

Cultural Services
Day Care (commercial)
Day Care (private)
Dwelling Units: Single family attached, condominium, townhouse, duplex, triplex and multifamily
Extermination Services
Food Sales
Golf Courses
Grocery Stores
General Retail Sales
Guest Houses
Hotel/Conference Center
Kennel
Limited Lodging
Marina
Medical Offices
Parks (public and private)
Parking Lots (commercial)
Parking Lots (private)
Personal Improvement Services
Pet Services
Places of Worship and Other Religious Centers
Professional Offices
Postal Facilities (public and private)
Pubs/Taverns
Public/Government Uses
Recreational Structures and Uses (internal and external, public and private)
Restaurant
Safety Services (public and private)
Schools
Service Stations
Theatre
Utilities (public or private)

E. SITE DEVELOPMENT STANDARDS

The Following Table Lists Specific Site Development Regulations For A Neighborhood Center Area:

REGULATION	SINGLE-FAMILY or DUPLEX	TOWNHOUSE TRIPLEX	COMMERCIAL, OFFICE, MULTIFAMILY, CONDOMINIUM	HOTEL/ CONFERENCE/ MARINA	CIVIC CLUB HOUSE, COMMUNITY MEETING CENTER
Min. Lot Size	3,600 SF 4,000 SF on corner lot	2,000 SF 2,500 SF on corner lot	3,600 SF 4,000 SF on corner lot	1 acre	3,600 SF 4,000 SF on corner lot
Max. Lot Size	6,000 SF 6,500 SF on corner lot	4,000 SF	43,560 SF	N/A	43,560 SF
Min. Lot Width	36 FT 41 FT on corner lot	20 FT 25 FT on corner lot	40 FT 45 FT on corner lot	100 ft.	40 FT 45 FT on corner lot
Max. Site Area	N/A	N/A	43,560 SF	N/A	43,560 SF
Min. Frontage Buildout	N/A	80%	80%	N/A	60%
Max. Height	35 FT	35 FT	60 FT	N/A	60 FT
Max. Front Yard Setback	10 FT	5 FT	15 FT	N/A	20 FT
Min. Front Yard Setback	5 FT	-0-	-0-	25 ft.	-0-
Min. Street Side Yard Setback	10 FT	5 FT	5 FT	15 ft.	5 FT
Min. Interior Side Yard Setback	5 FT	0 FT	0 FT	20 ft.	5 FT
Min. Rear Yard Setback	5 FT	5 FT	5 FT	25ft.	5 FT
Max. Building Coverage	55%	70%	70%	55%	70%
Max. Impervious Cover	75%	90%	90%	70%	90%

F. EXCEPTIONS

1. Cu-de-sac/courtyard lots: On a courtyard or curved street, the minimum lot width between the front lot line and the minimum front yard setback is fifteen (15) feet for a townhouse lot and thirty (30) feet for other lots. However, minimum lot sizes will not change for cul-de-sac lots.
2. Tree protection: The Director administratively may reduce the minimum frontage buildout to accommodate a protected tree or significant tree cluster.
3. A Single-family detached lot must be separated from commercial or office uses by townhouse, multi-family or condominium uses unless separated from the commercial or office use by a rear alley.
4. As reflected on the Conceptual Master Plan or by way of amendment to it, a structure may be erected adjacent to an interior side lot line. The eaves of a structure may extend across the interior side lot line not more than three feet. An easement is required on each lot that abuts a lot with a structure adjacent to a common interior side lot line. The easement is for the purpose of construction and maintenance of the structure and drainage. The easement must be not less than five feet wide and extend the full length of the interior side lot line.
5. Side Yard Houses:
 - a. Except for a patio or patio cover, the minimum distance between structures on adjoining lots is ten (10) feet. The minimum distance between a patio or patio cover and a structure on an adjoining lot is three feet.
 - b. An easement is required on each lot that abuts a lot with a structure adjacent to a common interior side line. The easement is for the purpose of construction and maintenance of the structure and drainage. The easement must not be less than five (5) feet wide and extend the full length of the interior side line.
 - c. The minimum interior side yard setback is zero (0) feet.
 - d. The minimum required side yard between structures is ten (10) feet.

- e. The minimum lot width is thirty (30) feet, or thirty-five (35) feet on a corner lot.
 - f. The minimum lot size is 2,400 square feet, or 2,800 feet on a corner lot.
5. Automotive Rental. An Automotive Rental use may keep not more than twenty (20) vehicles on site.
 6. Building height on square. A building that is adjacent to a square may not be less than two (2) stories nor more than five (5) stories in height.
 8. Colonnades, balconies, and awnings: An open colonnade may extend into the front setback a maximum of five feet. An unenclosed balcony with a minimum clearance of nine (9) feet above finished grade may extend five (5) feet over a public sidewalk. An awning or walkway covering with a minimum clearance of eight feet above finished grade may extend five (5) feet over a public sidewalk.
 9. Commercial Off-street Parking. A site for such use must be screened from the street by low hedges or walls not less than three (3) feet and not more than four (4) feet in height.
 10. Kennels. A Kennel use in a Recreational Center Area must be conducted entirely within an enclosed structure.
 11. Residential. A residential use with street level living space must have a finished first floor elevation not less than eighteen (18) inches above the elevation of the sidewalk at the front lot line. A residential use may not front at ground level on the mandatory central square.
 12. A front porch or stoop is required on a single-family residential structure.
 13. Service Station. A Service Station use may have the capability of fueling not more than eight (8) vehicles at one time.
13. Special Uses: Uses which may be allowed only by issuance of a Special Exception (unless approved as part of the PD Concept Plan or an amendment thereto) are as follows, subject to the previous site development requirements for a commercial use:

Business or Trade School
College or University

Safety Services (private)
Telecommunications Tower

Hospital Services (limited)
Recycling Drop Off Centers

Transportation Terminal

III. MIXED RESIDENTIAL AREA DEVELOPMENT STANDARDS

A. SCOPE

This article applies specifically to the design and development of a Mixed Residential Area, and sets forth requirements in addition to the general requirements for a PD development.

B. USE AND SITE DEVELOPMENT REGULATIONS FOR MIXED RESIDENTIAL AREA

All residential uses, a golf course, a marina, schools, religious institutions, a clubhouse, civic use and community meeting center are allowed as a matter of right in a Mixed Residential Area.

The following table lists the site development regulations for a Mixed Residential Area:

REGULATION	SINGLE-FAMILY, DUPLEX	TOWNHOUSE, TRIPLEX	COMMERCIAL, OFFICE, MULTI-FAMILY, CONDOMINIUM	CIVIC, CLUB HOUSE, COMMUNITY MEETING CENTER
Min. Lot Size	3,600 SF 4,000 SF on corner lot	2,000 SF 2,500 SF on corner lot	3,600 SF 4,000 SF on corner lot	3,600 SF 4,000 SF on corner lot
Max. Lot Size	None	6,000 SF	20,000 SF	20,000 SF
Min. Lot Width	40 FT 45 FT on corner lot	20 FT 25 FT on corner lot	40 FT 45 FT on corner lot	40 FT 45 FT on corner lot
Max. Site Area	None	20,000 SF	20,000 SF	20,000 SF
Max. Height	35 FT	35 FT	35 FT	35 FT
Max. Front Yard Setback	15 FT	10 FT	10 FT	10 FT
Min. Front Yard Setback	10 FT	5 FT	5 FT	5 FT
Min. Street Side Yard Setback	10 FT	10 FT	10 FT	10 FT
Min. Interior Side Yard Setback	0 FT	0 FT	5 FT	5 FT
Min. Rear Yard Setback	5 FT	5 Ft	10 FT	10 FT
Max. Building Coverage	55%	55%	55%	55%
Max. Building Footprint	5,000 SF	5,000 SF	5,000 SF	5,000 SF (or more for community meeting hall or clubhouse)
Maximum Impervious Cover	65%	65%	65% (90% for commercial or office use)	65%

C. NONRESIDENTIAL USES

Although the following uses are allowed within the Mixed Residential Area, in total they may not exceed twenty percent (20%) of the Area.

Administrative and Business Office
Arts and Crafts Studio (for public)
Arts and Crafts Studio (for private use)
Beer Sales
Business Support Services
Club or Lodge (private)
Club or Lodge (public)
Communications Services
Communications Facilities
Consumer Convenience Services and Repairs
Convalescent Services
Convenience Stores
Counseling and Guidance Services
Cultural Services
Day Care (private)
Food Sales
General Retail Sales
Hotel/Conference Center
Limited Lodging
Medical Offices
Parks (public and private)
Parking Lots (commercial)
Parking Lots (private)
Personal Improvement Services
Pet Services
Professional Offices
Pubs/Taverns
Public/Government Uses
Recreational Structures (internal and external, public and private)
Restaurant
Safety Services (public and private)
Schools (public and private)

D. EXCEPTIONS

1. On a courtyard or curved street, the minimum lot width between the front lot line and the minimum front yard setback is fifteen (15) feet for a townhouse lot and thirty (30) feet for other lots.

2. A side yard house is permitted on a lot in the Mixed Residential Area if the following requirements are met:
 - a. The lot has been designated for single family residential purposes on the Master Concept Plan; and
 - b. All the lots fronting on the same street are side yard houses; and
 - c. A structure may be erected adjacent to an interior side lot line. The wall of a structure erected adjacent to an interior side lot line must be solid and opaque with no openings of any kind. The eaves of a structure may extend across the interior side lot line not more than three (3) feet.
 - d. Except for a patio or patio cover, the minimum distance between structures on adjoining lots is ten (10) feet. The minimum distance between a patio or patio cover and a structure on an adjoining lot is six (6) feet.
 - e. An easement is required on each lot that abuts a lot with a structure adjacent to a common interior side lot line. The easement is for the purpose of construction and maintenance of the structure and drainage. The easement must be not less than five (5) feet wide and extend the full length of the interior side lot line.
 - f. The minimum required side yard between structures is ten (10) feet.
 - g. The minimum lot width is thirty (30) feet, or thirty-five (35) feet on a corner lot.
 - h. The minimum lot size is 2,400 square feet, except if a corner lot, in which case minimum lot size shall be 2,800 square feet.
3. Special Uses. Uses which may be allowed only by issuance of a Special Exception (unless approved as part of the PD Concept Plan or an amendment thereto) are as follows:

Automotive Rentals (for no more than twenty (20) on site vehicles)
Business or Trade School
College or University
Day Care (commercial)
Hospital Services (limited)
Kennel

Recycling Drop Off Centers
Service Stations
Telecommunications Tower
Transportation Terminal

E. ADDITIONAL REGULATIONS FOR MIXED RESIDENTIAL AREA

1. Similar land uses should face across streets, and dissimilar land uses should abut at rear lot lines or across alleys.
2. A commercial use (except for a hotel/conference center) may only be located on the first floor of a building. Up to one-half of the second floor may be used for accessory uses that are not open to the public.
3. A commercial use (except for a hotel/conference center) may not be open to the public between the hours of 11:00 p.m. and 6:00 a.m.
4. There may be no more than ten (10) dwelling units in a single structure. This prohibition shall not prohibit the location of more than ten (10) dwelling units per lot, provided they are located in structures separated in an amount sufficient to satisfy fire codes.
5. There may be no more than one (1) principal structure on a lot, except that separate townhomes or buildings within condominiums or multifamily developments shall not be considered separate principal buildings.
6. There may be no more than one (1) accessory dwelling unit on a site.
7. A garage entry may not face the street unless it is at least ten (10) feet behind the front building face of the principal structure.
8. A front porch or stoop is required on a single-family residential, duplex or triplex structure.

IV. NEIGHBORHOOD EDGE AREA DEVELOPMENT STANDARDS

A. SCOPE

This article applies specifically to the design and development of a Neighborhood Edge Area, and sets forth requirements in addition to the general requirements for a PD development.

B. LOCATION OF NEIGHBORHOOD EDGE AREA

A Neighborhood Edge Area may be designated along the perimeter of a PD District, along same environmental amenity such as a lake or stream, or along a recreational amenity such as a golf course. Unless there is a park, green, greenway, or preserve which otherwise separates it, a Neighborhood Edge Area must be designated for those portions of a PD District that abut land zoned R-1 or more restrictive.

C. USE AND SITE DEVELOPMENT REGULATIONS FOR NEIGHBORHOOD EDGE AREA

All residential uses (except triplexes), a clubhouse, parks, golf course, hotel/conference center, limited lodging, marina places of worship, and a community meeting center are allowed as a matter of right in the neighborhood Edge Area. The site development regulations for a Neighborhood Edge Area are as follows:

REGULATION	SINGLE-FAMILY	TOWNHOUSE, CONDOMINIUM, DUPLEX, LIMITED LODGING	CLUB HOUSE OR COMMUNITY MEETING CENTER
Min. Lot Size	7,500 sf.	10,000 sf.	20,000 sf
Min. Lot Width	50 ft.	75 ft.	100 ft.
Max. Height	35 ft.	35 ft.	60 ft.
Min. Front Yard Setback	25 ft.	30 ft.	25 ft.
Min. Rear Yard Setback	15 ft.	25 ft.	25 ft.
Min. Street Side Yard Setback	15 ft.	15 ft.	15 ft.
Min. Interior Side Setback	5'	10' (Duplex) 15' (3-6 Units)	20'
Maximum Building Coverage	55%	50%	55%
Maximum Impervious Cover	65%	65%	65%

D. ADDITIONAL REGULATIONS FOR NEIGHBORHOOD EDGE AREA

1. There may be no more than one (1) principal residential structure per lot.
2. There may be no more than one (1) accessory dwelling unit on a lot.
3. Accessory buildings shall meet all yard requirements set forth above. No accessory building shall be located in any required front or side yard. Accessory buildings shall not cover more than thirty (30) percent of any required rear yard.
4. For residential uses, a garage entry may not face the street unless it is at least ten (10) feet behind the front building face of the principal structure. Additionally, all parking shall be off-street unless the Director determines that shared parking or on street parking is available.

E. SPECIAL USES

Uses Allowed by Special Exception (unless approved as part of the PD Concept Plan or an amendment thereto) are as follows:

- Arts and Crafts Studio (private)
- Congregate Living (personal care for more than 6 unrelated adults)
- Convenience Stores
- Day Care (private)
- Recycling Drop-Off Centers
- Telecommunications Tower

**V. WORKSHOP AREA AND EMPLOYMENT CENTER AREA
DEVELOPMENT STANDARDS**

A. SCOPE

This article applies specifically to the design and development of a Workshop Area or an Employment Center Area, and sets forth requirements in addition to the general requirements for a PD development.

B. SIZE OF WORKSHOP AREA AND EMPLOYMENT CENTER AREA

The aggregate size of all Workshop Areas and Employment Center Areas within a PD District may not exceed 10% of the gross land area.

C. SITE DEVELOPMENT REGULATIONS FOR WORKSHOP AREA AND EMPLOYMENT CENTER AREA

The site development regulations for the Workshop Area and Employment Center Area are as follows:

1. Minimum lot size: 20,000 square feet
2. Maximum lot size:
 - a. In Workshop Area: 5 acres
 - b. In Employment Center Area: 10 acres
3. Minimum lot width: 50 feet

4. Minimum frontage buildout: 80%
5. Maximum height: 60 feet
6. Minimum front yard setback: 0 feet
7. Maximum front yard setback: 10 feet
8. Minimum side setback: 10 feet
9. Minimum rear yard setback: 25 feet
10. Maximum building coverage: 65%
11. Maximum impervious coverage: 80%
12. Maximum floor-to-area ratio: 1:1

D. USES ALLOWED WITHIN THE WORKSHOP AREA OR EMPLOYMENT CENTER AREA ARE AS FOLLOWS:

Administrative and Business Office
Arts and Crafts Studio (for public)
Automotive Rentals and Repairs
Banks and other Financial Institutions
Building Maintenance and Repair Services
Business or Trade School
Business Support Services
College or University
Communications Services
Communications Facilities
Consumer Convenience Services and Repairs
Convenience Stores
Day Care (commercial)
Entertainment (carried on wholly within an enclosed building)
Extermination Services
Food Sales
Golf Courses
Grocery Stores
General Retail Sales
Hospital Services (limited)
Hotel/Motel
Kennel
Marina

Medical Offices
Offices (general)
Parks (public and private)
Parking Lots (commercial)
Parking Lots (private)
Personal Improvement Services
Pet Services
Professional Offices
Postal Facilities (public and private)
Public/Government Uses
Recycling Drop Off Centers
Restaurant
Safety Services (public and private)
Schools (public and private)
Service Stations
Telecommunications Tower
Transportation Terminal
Utilities (public or private)

3. Design review guidelines

The issuance of a certificate of appropriateness, by the Historic Zoning Commission, shall be issued based on established design review guidelines. For each historic district established, a separate set of design review guidelines shall be adopted. The commission shall recommend to council the proposed guidelines which shall be a part of this ordinance. Prior to adoption by council, the guidelines and historic districts shall be reviewed by the planning commission.

4. Appeals

Anyone who may be aggrieved by any final order or judgment of the historic zoning commission may have such order or judgment reviewed by the courts by the provisions of certiorari, as provided for in Tennessee Code Annotated Chapter 8, Title 27.

CHAPTER 5

EXCEPTIONS AND MODIFICATIONS

SECTION

14-501. Lot of Record

14-502. Adjoining Substandard Lots of Record

14-503. Group Housing

14-504. Rear and Side Yards Abutting a Railroad Siding

14-505. Front Yards

14-506. Height Limits

14-507. Planned Commercial Development

14-501. 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 the zoning code does not own sufficient land to enable him to conform to the yard or other requirements of the zoning code, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of the zoning code. Such lot may be used as a building site; provided, however, that the yard and other requirements of the district are complied with as closely, in the opinion of the Board of Zoning Appeals, as is possible.

14-502. ADJOINING SUBSTANDARD LOTS OF RECORD. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

14-503. GROUP HOUSING. In the case of group housing developments of two or more, to be constructed on a plot of ground of four (4) acres or more, not subdivided into the customary streets and lots and which will not be so subdivided, or where the existing or contemplated street and lot layout makes it impractical to apply the requirements of the zoning code to the individual building units in such group housing; the application of the terms of the zoning code may be varied by the Board of Zoning Appeals in a manner which will be in harmony with the character of the neighborhood, will insure an intensity of land use no higher and a standard of open space no lower than that permitted by the zoning code in the district in which the proposed housing is to be located. However, in no case shall the Board of Zoning Appeals authorize a use prohibited in the district in which the housing is to be located, or a smaller lot area per family than the minimum required in such district.

14-504. REAR AND SIDE YARDS ABUTTING A RAILROAD SIDING. In industrial districts when lot boundaries abut a railroad siding, the Board of Zoning Appeals may grant a variance for the width and depth of side and rear yard requirements.

14-505. FRONT YARDS. The front setback requirements of this code shall not apply on lots where the average depth of existing front yards on developed lots, located within two hundred (200) feet on each side of a lot, within the same block and zoning district as such lot, is greater or less than the minimum required front setback. In such case the depth of the front setback on such lot shall not be less than the average front yard depth on such developed lots.

14-506. HEIGHT LIMITS. The height limitations of this zoning code shall not apply to churches, schools, hospitals and other public and semi-public buildings, provided that the minimum widths of side yards for the district are increased one (1) foot for each foot in height by which the structure exceeds the height limit. Also excluded from the height limits are water towers, transmission towers, chimneys, radio towers and other structures, which in the opinion of the Board of Zoning Appeals will not adversely affect the neighborhood.

14-507. PLANNED COMMERCIAL DEVELOPMENTS. The purpose and intent of this section is to encourage the total planning of relatively large tracts of land consistent with the long-range innovations in design and the application of sound design principles, provide a framework within which an effective relationship of different land uses and activities can be planned on a total basis, provide a harmonious relationship with surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities, and provide a means of developing areas of physiographic or other physical features to enhance natural beauty and other attributes. This section shall only be used for planned commercial developments upon determination by the Board of Zoning Appeals that the proposed development is in harmony with the purpose and intent as stipulated. Planned commercial developments are permitted only as special exceptions in the C-2, Highway Business District after review by the Board of Zoning Appeals.

1. General Provisions. The following general provisions apply to all planned commercial developments.

- a. Ownership and division of land. No tract of land may be considered for or approved as a planned commercial development unless such tract is under single ownership. The holder of a written option to purchase, any governmental agency, or a redeveloper under contract shall be considered landowners for purposes of this section. Unless otherwise provided as a condition of approval of a planned commercial development the land owner of an adopted planned commercial development may divide and transfer parts of such development. The transferee shall complete each

such unit, and use and maintain it in strict conformance with the adopted final development plan.

- b. Relationship to the subdivision regulations. The uniqueness of each proposal for a planned commercial development may require that there be modification from the specifications established in the subdivision regulations adopted by the Loudon Regional Planning Commission. Modifications may be incorporated only with the approval of the planning commission.
2. Permitted Uses and Structures. All uses permitted in the C-1, Central Business District and in the C-2, Highway Business District may be permitted in a planned commercial development and/or complex. Since some permitted uses may be incompatible with others, the developer of a planned commercial development shall provide the Board of Zoning Appeals with a list of uses proposed in the development. The Board shall determine whether such uses are compatible with each other and with neighboring land uses.
3. Area Regulations.
 - a. The intent of this section is to provide for the best design and coordinated arrangement of commercial buildings and uses. Therefore, the suggested size of a planned commercial development shall be five (5) acres; however, a smaller size shall be allowed if, in the opinion of the Board of Zoning Appeals, such size will be in harmony with surrounding development.
 - b. All buildings shall be set back at least fifty (50) feet from any peripheral boundary of the project, or any public street or road existing prior to the planned commercial development.
 - c. Any project divided into individual lots or building sites shall comply with the setback regulations in the C-2 district. No building shall cover more than fifty (50) percent of the lot on which it is located.
 - d. The heights of buildings shall be limited, in general, to three (3) stories of fifty (50) feet. However, to permit the greatest flexibility of design, the Board of Zoning Appeals may approve greater heights provided such height is an integral part of the building grouping and enhances the design of the entire project.
4. Obstructions, accessory structures, off-street automobile storage, design of parking lots, off-street loading and unloading space. All structures and facilities within the planned commercial complex shall conform to the requirements

concerning obstructions, accessory structures, off-street automobile storage, design of parking lots, and off-street loading and unloading space, as specified in Chapter 3 and elsewhere in this ordinance except that no parking shall be permitted in the front yard of any structure constructed on an individual lot unless such parking area is landscaped with trees, shrubs, and grass islands to prevent the appearance of an open parking lot.

5. Storage. Outdoor storage shall be prohibited unless fully screened on all sides by an opaque ornamental screen.
6. Landscaping. A landscape plan for the entire development shall be prepared and presented to the Board of Zoning Appeals for approval. This plan shall show, in general, the type and location of plantings including but not limited to approaches to building entrances, appropriate visual screens, and any parking areas.
7. Access. Access to the planned commercial complex shall be designed to minimize conflicts in traffic. Insofar as possible, all lots and/or buildings shall be designed to front on streets within the commercial development. Lots and/or buildings should not have direct access to existing streets, roads, or highways, except as may otherwise be approved by the Board of Zoning Appeals. The provisions governing access control in Chapter 3 of this ordinance shall apply to the development unless specific approval is granted for a variance.
8. Signs
 - a. No flashing or intermittent illumination shall be permitted.
 - b. One business ground sign identifying the commercial complex shall be permitted at each entrance. Such signs shall not exceed eighty (80) square feet.
 - c. Where a single tenant is to occupy a building lot, one business ground sign or one building mounted business sign identifying the structure or business may be permitted on each such lot.
 - d. Where a group of tenants are to occupy a single building, or, are located within a building group, each such tenant shall be permitted an appropriate identifying sign.
 - e. No general advertising billboards, pole signs, or temporary signs shall be permitted, except as permitted and regulation in Section 14-604 (5) of this ordinance.

- f. It is strongly urged that all signage proposed for the planned commercial development be of uniform style, letter-type, and character in order to promote a sense of uniformity, cohesiveness, and attractiveness in the development.
9. Perimeter Requirements. If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the planned development, the Board of Zoning Appeals may impose either of the following requirements:
- a. Structures located on the perimeter of the planned development must be set back by a distance sufficient to protect the privacy and amenity of adjacent existing uses, if applicable.
 - b. Structures located on the perimeter of the planned development must be permanently screened in a manner which is sufficient to protect the privacy and amenity of adjacent existing uses. Such screening should be suitably landscaped with grass and/or ground cover, shrubs and trees.
10. Administrative Procedures. The developer shall make a request to the Loudon Board of Zoning Appeals for a planned commercial development within the C-2, Highway Business District. A preliminary development plan shall be submitted with this request. Planning commission staff should be consulted for any assistance needed in the preparation of this plan.
- a. Preliminary Development Plan. The preliminary development plan must include all of the following information:
 - i. A map showing street systems, lot lines, lot designs, and existing topographic characteristics.
 - ii. A site plan for each building site and common open area, showing the approximate location and dimensions of all buildings, structures, and improvements and indicating open spaces around buildings and structures.
 - iii. A development schedule indicating (1) the approximate date when construction of the project can be expected to begin; (2) the stages in which the project will be built and the approximate date when construction of each stage can be expected to begin; (3) the approximate dates when the development of each of the stages in the development will be completed.
 - iv. An off-street parking and loading plan.

- v. Water, sewer and drainage plan.
 - vi. Any agreements, provisions, or covenants which will govern the use, maintenance, and continual protection of the planned development.
 - vii. A general circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the development and to and from existing and proposed thoroughfares. Any special engineering features or traffic regulation devices needed to facilitate or insure the safety of this circulation's pattern must be shown.
 - viii. A landscaping and tree planting plan.
- b. The Board of Zoning Appeals shall review the preliminary development plan and recommend its approval if it complies with the intent of this planned commercial development section and contains all of the information as required in subsection 10 (a).
 - c. Within three (3) months following the approval of the preliminary development plan, the developer shall file with the Board a final plan containing in final form the information previously required in granting preliminary approval (and any changes or additions required by the Board of Zoning Appeals), and the necessary signatures as required by the Loudon County Subdivision Regulations. In its discretion, and for good cause, the Board may extend for three (3) months the period for the filing of the final development plan.
 - i. The Board shall review the final development, and, if it is in substantial compliance with the preliminary development plan, shall recommend approval.
 - ii. The Building Inspector shall issue building permits for building and structures in the area covered by the approved final development plan if they are in conformity with the approved final development plan and with all other applicable regulations. He shall issue a certificate of occupancy for any completed building or structure located in an area covered by the approved final development plan if the complete building or structure conforms to the requirements of the approved final development plan and all other applicable regulations.

- d. Changes to final development plan.
 - i. No changes may be made in the approved final plan during the construction of the planned development except as specified.
 - a. Minor changes in the location, siting, and height of buildings and structures may be authorized by the Board of Zoning Appeals if required by engineering or other circumstances not foreseen at the time the final plan was approved.
 - b. All other changes in use, rearrangement of lots, blocks, or building tracts, provisions for open spaces, or any other desired changes in the approved final plan must be submitted to the Board which will make its recommendation for approval or disapproval. No amendments may be made in the approved final plan unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the city.
 - ii. Any changes which are approved for the final plan must be recorded as amendments to the recorded copy of the final plan.
 - iii. If no construction has begun or use established in the development plan, the final development plan will lapse and be of no further effect.
- e. Control of planned commercial development following completion.
 - i. Upon completion of all the work within the development, the Board of Zoning Appeals shall issue a certificate of completion. The Secretary of the Board shall note the issuance of the certificate on the recorded final development plan.
 - ii. After the certificate of completion has been issued, the use of land and the construction, modification, or alteration of any buildings or structures within the planned development will be governed by the approved final development plan rather than by any other provisions of this regulation.

- iii. After the certificate of completion has been issued, no changes may be made in the approved final development plan except upon application to the Board under the procedures provided below:
 - a. Any minor extensions, alterations, or modifications of existing buildings or structures may be authorized by the Board of Zoning Appeals if they are consistent with the purposes and intent of the final plan. No change authorized by this section may change the size of any building or structure by more than ten (10) percent.
 - b. Any uses not authorized by the approved final plan, but allowable in the Planned development as a permitted use under the provisions of this regulation, or permitted as a special exception in the zone in which the planned development is located, may be added to the final development plan upon approval by the Board of Zoning Appeals.
 - c. A building or structure that is totally or substantially destroyed may be reconstructed but only in compliance with the final development plan unless an amendment to the final development plan is approved under one of the two procedures specified above.
 - d. Changes in the use of common open space may be authorized by an amendment to the final development plan under one of the two procedures specified above.
 - e. All other changes in the final development plan must be made by the Board of Zoning Appeals under the procedures authorized by this regulation. No changes may be made in the final development plan unless they are required for the continued successful functioning of the planned development, or unless they are required by changes in the development policy of the city or county.
 - f. No changes in the final development plan which are approved under this section are to be considered as a waiver of the covenants limiting the use of land, buildings, structures, and improvements within the area of the Planned development, and all rights to enforce these covenants against any changes permitted by this section are expressly reserved.

- f. Subdivision and resale of the planned development.
 - i. A planned development may be subdivided or resubdivided for purposes of sale or lease after the certificate of completion has been issued.
 - ii. If the subdivision or resubdivision of a Planned development will create a new lot line the applicant shall make a request to the planning commission for the approval of the subdivision or resubdivision. The planning commission shall approved the subdivision or resubdivision if each section of the subdivided or resubdivided Planned development meets the provisions of this regulation governing density, common open space, and dimensional requirements.
 - iii. All sections of a subdivided or resubdivided planned development are to be controlled by the final development plan.

CHAPTER 6

SUPPLEMENTARY REGULATIONS APPLYING TO A SPECIFIC, TO SEVERAL, OR TO ALL DISTRICTS

SECTION

- 14-601. Scope**
- 14-602. Fall-out Shelters**
- 14-603. Customary Home Occupation**
- 14-604. Signs, Billboards, and Other Advertising Structures**
- 14-605. Swimming Pools**
- 14-606. Mobile Homes and Manufactured Home Communities**
- 14-607. Development Standards for Certain Uses**
- 14-608. Erosion and Sedimentation Control Standards**
- 14-609. Nationally Registered Historic Structures**
- 14-610. Litter Receptacles**
- 14-611. Landscape Screening and Buffering Requirements**
- 14-612. Construction/Demolition Waste Landfills**
- 14.613. Storm Water Control Standards**
- 14.614. Vehicle Parking and Junk Vehicles**
- 14.615. Performance Standards for Permitting Telecommunications Towers and Antennas**
- 14-616. Sexually Oriented Adult Businesses**
- 14-617. Temporary Use Regulations**

14-601. SCOPE. These supplementary regulations are listed and described in this chapter, rather than repeated several times throughout the zoning code, as they are applicable to specific to several or all districts. The regulations pertain to certain specific uses, authorize certain exemptions, or related to unusual conditions, thus warranting a more convenient placement than that which would be possible by placing them in Title 11, Chapter 4, of this code.

14-602. FALL OUT SHELTERS. Fall-out shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Area of underground fall-out shelters extending not more than thirty (30) inches above the general ground level of the graded lot shall not be included in computations of lot coverage by all buildings. The Board of Zoning Appeals may waive side and rear open and setback requirements to permit construction of joint shelters by two or more property owners; provided, however, that side and rear open space and setback requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal.

14-603. CUSTOMARY HOME OCCUPATIONS. A customary home occupation is a gainful occupation or profession conducted by members of a family residing on the premises and conducted entirely within the principal dwelling unit. In connection with a home occupation, no stock in trade shall be displayed outside the dwelling and no alteration to any building shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a residential unit, including permitted accessory buildings.

14-604. STANDARDS OF SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES. These conditions are established as a reasonable and impartial method of regulating advertising structures in order to insure light, air, and open space, to reduce hazards at intersections, and to protect property values of the entire community. The regulations for signs, billboards, and other advertising structures are enumerated below:

1. In any zoning district the following general regulations shall apply as well as the regulations of the Tennessee Department of Transportation.
 - a. No sign shall be erected or maintained where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, or device.
 - b. All signs must be constructed and displayed so as not to impair vision and create safety hazards at any street intersection.
 - c. Free standing signs in business or industrial districts shall not exceed two hundred (200) square feet in area except in the C-4, Interchange District.
 - d. No sign shall be located on or attached to any public property, i.e. utility poles, except public signs authorized by the City of Loudon or the State of Tennessee.
 - e. Billboards and other similar outdoor advertising structures shall be erected or placed in conformity with the side, front, and rear yard requirements of the district in which located. The front yard setback requirement shall not apply to properties where property is dedicated to the city for frontage road purposed. In such instances said signs shall not be on or extend beyond the frontage road right-of-way. No billboard shall be erected or placed closer than within one hundred (100) feet of any residential district.

- f. Awnings, canopies, and marquees are permitted; however, these may be used to calculate any maximum allowable total square footage or area for signs in the district in which they are located if any message of an advertising nature is displayed on these or similar appurtenances.
 - g. Signs or devices which flash, reflect, blink, or appear to do any of the foregoing are prohibited unless required by law or utilized by a governmental agency. This shall not apply to signs which provide only time, temperature, and public service information or to the candy-stripped rotating symbols of barber shops provided this barber shop symbol is not greater than twelve (12) inches in diameter nor more than three (3) feet in length.
 - h. Flags, pennants, and barriers shall be permitted. No flags, pennants, or barriers may be attached to any public property to be located in or protrude into any public right-of-way unless specific permission in writing is granted to the applicant by the City of Loudon.
 - i. Signs erected and overhanging sidewalk must be placed at least nine (9) feet above the sidewalk and may extend over the sidewalk a distance equal to two-thirds (2/3) of the width of the sidewalk, but in no case exceeding ten (10) feet.
 - j. Portable or temporary signs shall not be permitted. A temporary or portable sign structure is one which allows for easy transport from or on the site and is not permanently attached to or affixed to the property. An example of portable/non-permanent sign structure are structures with movable frames, A-frames and inverted T structures, banners, streamers, or similar methods of advertising. This section shall not apply to governmental flags. All sign structures shall be installed in accordance with applicable building codes.
2. In the R-1, R-2 districts, the following regulations shall apply:
- a. Nameplates indicating name, address, house number, announcement of boarders or roomers are permitted.
 - b. For apartment buildings, identification signs not exceeding forty-eight (48) square feet in area are permitted.
 - c. Signs announcing customary home occupations are permitted but shall not exceed four (4) square feet in area and shall not be lighted.

- d. Church, school, or public building bulletin boards or identification signs not exceeding forty-eight (48) square feet in area are permitted.
 - e. Flashing or intermittent illumination is prohibited.
 - f. For rent and sale signs not exceeding six (6) square feet.
3. In C-3, Local business district signs relating only to the business on the premises are permitted.
- a. Only one (1) sign shall be permitted not to exceed one hundred (100) square feet in area.
 - b. Signs shall comply with other requirements of this section.
4. In the C-1, Central business and C-2, Highway commercial districts the following regulations shall apply:
- a. Only one (1) free standing sign shall be permitted and must conform to the size requirements under Section 2, subsection 1.
 - b. Signs shall be permitted on building walls. Such signs shall not exceed one and one-half (1 1/2) square foot for every running foot of building frontage.
 - c. Only one (1) ground sign shall be permitted meeting the requirements established below:
 - i. less than six (6) feet in height
 - ii. maximum square footage of twenty-four (24) square feet
 - iii. shall not be located on any public right-of-way nor block or interfere with the sight distance for driveway, traffic flow or parking area.
 - e. When a building is occupied by more than one (1) business, such building will be permitted to display one (1) wall sign per business, as required under subsection (c) and one (1) free standing on premise sign not to exceed two hundred (200) square feet plus thirty (30) square feet for each additional business activity.
 - f. Free standing signs shall not exceed thirty (30) feet in height, nor shall the bottom coping be less than ten (10) feet from the ground or driveway.

5. In the C-4, Interchange commercial district, the following regulations shall apply:
 - a. All those regulations provided for in the C-2 and C-3 districts, except that free standing signs shall comply with Section 5.b, or 5.d if developed as a multi-parcel business park.
 - b. One (1) on premise, free standing sign not exceeding four hundred (400) square feet in size or two (2) signs, not exceeding two hundred (200) square feet shall be permitted; however, the clear distance between the signs shall not be less than fifty (50) feet and shall not block any pre-existing sign.
 - c. Signs for the C-4 district shall not exceed thirty (30) feet in height except in instances where topography conditions warrant a variance from this requirement.
 - d. Where property is developed as a commercial or business park with multiple parcels under common ownership, freestanding signage shall be co-located in a dedicated area with sign structures designed to accommodate a minimum of four (4) signs. Individual business signs shall not exceed 400 sq. ft. setback and signage spacing requirements may be varied to provide for public safety, subject to the approval of the Board of Zoning Appeals.
6. In the M-1 and M-2, Industrial districts, the following regulations shall apply:
 - a. Two (2) free standing signs designating the firm occupying the premises and product manufactured. The size of such signs shall not exceed two hundred (200) square feet in area for one (1) free standing sign and one (1) square foot for each foot of building frontage for wall signs.
 - b. On-premise free standing signs shall not exceed thirty (30) feet in height, nor shall the bottom coping be less than five (5) feet from the ground or driveway.
7. In any district the following signs shall be permitted:
 - a. For parking areas, entrance and exit signs not exceeding ten (10) square feet in area and not more than one (1) sign not more than ten (10) square feet in area identifying or designating the conditions of the use of such parking area.

- b. One (1) sign not more than forty-eight (48) square feet in area giving the names of the contractors, engineers, or architect during construction of a building.
- c. Signs established by or by order of any governmental agency.
- d. For special events of public interest one (1) sign, not over forty-eight (48) square feet in area, located upon the site of the event.

14-605. SWIMMING POOLS. No swimming pool or part thereof, excluding aprons, walks, and equipment rooms, shall protrude into any required front or side open space.

The swimming pool area shall be walled or fenced so as to prevent uncontrolled access by children and pets from the street or from adjacent properties. Said fence or wall shall be not less than five (5) feet in height and maintained in good condition. However, swimming pools located in the C-2, Highway business district may be located in the front yard provided such swimming pool is operated in conjunction with a permitted use in that district. In addition, the design requirements with respect to the height of the fence around the pool are waived for pools in the C-2 district.

Private swimming pools are permitted in the R-1 and R-2, Residential Districts provided that the pool is intended and is to be used solely for the enjoyment of the occupants and their guests of the property on which it is located.

14-606. MOBILE HOMES AND MANUFACTURED HOME COMMUNITIES. The following regulations shall apply to mobile homes and manufactured home communities:

- 1. Single mobile homes are prohibited in any residential district. All mobile homes occupied for living purposes shall be confined to manufactured home communities excepting non-conforming mobile homes subject to Section 14-303 of this Code, and temporary occupancies as provided for in Section 14-606 (2) of this Code. Non-Conforming mobile homes on individual lots existing at the time of adoption of this amendment shall be permitted to be replaced with another mobile home provided said mobile home complies with all applicable codes and provisions of the Ordinance and provided further that if removed it shall be replaced within 90 days from the date of removal, otherwise the provisions of Section 14-606 shall apply. (*Adopted by the Loudon City Council May 25, 1995*)
- 2. A temporary permit not exceeding six (6) months may be issued for occupancy of a mobile home on a lot with another dwelling or building for living purposes where applicant can show that such occupancy is necessary to provide for the care of a sick or infirm person or the guarding of a construction site. A temporary permit may be renewed if the applicant can show that the conditions under

which the permit was originally granted have not changed. Upon expiration of the permit or upon a change in the conditions under which such permit was granted, the mobile home shall be removed from the lot within thirty (30) days.

3. A permit may be issued for a mobile home to permanently locate on a site when such a unit is to be used solely for security personnel in conjunction with a school or similar facility as authorized by the Board of Zoning Appeals. In its review of the application for a permit, the Board may impose such conditions on the use or location of said mobile home as it feels necessary to protect the health, safety and welfare of the general public.

4. **Manufactured Home Communities**

- a. Purpose and Intent:

1. The purpose of these standards is to provide definitions, community, space and site plan requirements for the development of manufactured home land lease communities in Loudon, Tennessee. Manufactured home land lease communities can offer residents a lifestyle which is affordable, attractive, safe and maintenance free. Amenities such as clubhouses, swimming pools, and landscaped grounds are common elements. These features attract residents who desire such a lifestyle which can be provided in very affordable fashion only by manufactured home land lease communities.
2. It is the intent of this ordinance to promote the safety and health of the residents within the manufactured home land lease community and to enhance the development of such communities in Loudon, Tennessee.

- b. Definitions:

1. **Manufactured Home:** A structure defined by and constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974 as amended, 42 U.S.C. 5401, et seq, as incorporated into law of the State of Tennessee through the adoption of the Uniform Standards Code for Manufactured Homes and Recreational Vehicles Act (TCA 68-36-202).

"Manufactured Home" means a structure, transportable in one or more sections, which, when positioned on the site, is fourteen body feet or more in width or forty body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems

contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary and complies with the standards established under this ordinance.

2. **Manufactured Home Land Lease Community:** Any single plot or tract of land of five or more acres where 15 or more manufactured or mobile homes are located on sites which are leased or rented to the homeowner by the land owner and other rental services are provided and which has been approved by the Loudon Board of Zoning Appeals.
3. **Manufactured Home Space:** A building site within a manufactured home land lease community on which a manufactured home is to be sited, complete with required parking, patios, decks, utilities, landscaping and which has frontage on a private road constructed specifically to the requirements of this ordinance.
4. **Mobile Home:** A structure, transportable in one or more sections, which is fourteen body feet or more in width and forty body feet or more in length, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein and manufactured prior to June 15, 1976.

c. Manufactured home Community Design Requirements:

The following property development standards shall apply for all manufactured home land lease communities:

1. No parcel of land containing less than five (5) acres and less than fifteen (15) manufactured home spaces, available at the time of first occupancy, shall be used for a manufactured home community.
2. All structures/homes in the community shall be connected to a public sewer. The community shall not exceed a maximum density of six (6) dwelling units per acre. This space ratio shall include setbacks, access roads, automobile parking, and accessory building.
3. A peripheral setback of twenty-five feet shall be provided around the outermost boundary of the community, within which no structure shall be permitted.

4. The required boundary setback area shall be landscaped with landscape materials which provide a buffer for the community. This landscaped area may be provided through the preservation of existing vegetation, earthen berms or the planting of evergreen shrubs or trees which will attain a minimum height of six feet at maturity and which at maturity provides a visual screen of fifty (50) percent from adjoining property or roads.
5. Recreational and club house facilities maintained within each community shall provide an automobile parking area which complies with the parking space requirements.
6. Access streets within the manufactured home community shall be concrete or asphalt surfaced constructed to a width of not less than twenty-four feet. All streets shall comply with the requirements established in the municipal subdivision regulations, however the requirement for curbing shall be mountable concrete curbs with stormwater grates.
7. The street layout shall be designed to provide for continuous flow of traffic with traffic control signs placed where necessary.
8. Streets shall be identified by permanent signs identifying each street.
9. Street lighting shall be provided throughout the community at intervals which provide adequate amounts of light for traffic and pedestrian safety.
10. Solid waste storage and disposal systems shall be provided throughout the community with collection at least weekly. All dumpsters shall be enclosed with appropriate building materials and landscaped.
11. There shall be provided a park and recreation area having a minimum of two hundred and fifty square feet for each manufactured home space but in no case less than a total of two thousand five hundred (2,500) square feet. Areas shall be consolidated into usable areas with minimum dimensions on all sides of not less than fifty feet. Appropriate playground equipment shall be required, the quantity shall be appropriate to the size of the community.
12. Each community shall be provided with a management office and such service buildings as are necessary to provide facilities for mail distribution, and storage space for supplies, maintenance materials, and equipment. Laundry facilities equipped with washing machines and dryers may be provided for use of home owners only.

13. The manufactured home community shall be maintained in a neat manner clear of litter, refuse, and debris.
14. Manufactured homes shall not be used for commercial, industrial, or other nonresidential uses within the manufactured home communities other than one managerial office for the community and/or home occupations allowed under the underlying zoning classification or as allowed as a Special Use or Use on Review.
15. The sale of manufactured homes shall be allowed in the community provided that the home is displayed and offered for sale on the site which is the intended location for the home. Homes may not be offered for sale on a retail basis in the community for siting outside the community.
16. Appropriate grading and drainage measures shall be taken during construction and thereafter to prevent erosion throughout the community and prevent the accumulation or passage of water under any home. Stormwater detention within the community shall comply with section 14-613.
17. It is recommended that a paved or gravel surfaced parking area, appropriately screened from view, be provided for the parking or storage of boats, RV's and additional vehicles exclusively for residents of the community. The storage of boats, RV's or similar vehicles shall not be permitted on the site given limited space and parking.
18. The manufactured home community must provide two additional remote parking spaces per four manufactured home sites.
19. Any areas of the community not used for buildings or other structures, parking or roads shall be landscaped with grass, trees and shrubs, in accordance with section 14-611, and shall have pedestrian walkways (min. of 4' in width), all of which shall be designed and maintained to accepted standards.
20. Where provided or allowed, accessory or storage buildings (not exceeding 150 square feet in area) on each space shall be constructed with permanent building materials and shall have an appearance which is compatible with the manufactured home and its surroundings.
21. It shall be the responsibility of the community owner to see that these requirements are met. The building inspector shall have the right to make inspections of the community to ensure that the requirements are met.

22. Overhead electric/utility lines and cables shall not be permitted within the community. All utility lines shall be underground.

d. Manufactured Home Space Requirements:

Each manufactured home space shall provide the following:

1. Each space shall have a minimum size of five thousand (5,000) square feet for single-wide units; and a minimum size of seven thousand five hundred (7,500) square feet for double-wide units.
2. There shall be a minimum setback of fifteen feet from all access roads within the manufactured home community.
3. Each space shall have a minimum width at the home setback line of fifty feet.
4. Each space shall abut a minimum of forty feet upon an access road and thirty upon a cul-de-sac.
5. Manufactured homes shall be placed on each space to provide a minimum twenty foot clearance between homes, between any additions such as decks, and from any permanent building within the community, but not less than ten feet from any site boundary line.
6. There shall be two 10' x 20' sealed surface off-street parking spaces provided to accommodate two cars, which shall be on the same site as the home served.
7. Each space shall be provided with a deck or hard surfaced patio of at least one hundred fifty square feet.
8. Each space shall have a permanent site number or address sign that is clearly visible from the street and located on each power panel box serving the home.
9. There shall be permanent steps with a landing area provided for each home's exterior doors.
10. Accessory buildings, where provided, shall set back five feet from all lot lines.

11. All manufactured homes shall be sited in conformance with the State of Tennessee Manufactured Home Anchoring Act.
12. Within 60 days of siting a home on a space, a skirting material compatible with the home's exterior siding shall be securely fastened around the structure from the bottom of the home to the ground.
- e. Site Plan Requirements:
 1. The following information shall be shown on the manufactured home community site development plan drawn to a scale of 1"=100' or larger. Plans submitted shall be prepared by a licensed design professional in engineering, architecture or landscape architecture:
 - a. The location and legal description of the proposed community.
 - b. Plans and specifications of all buildings, improvements, and facilities constructed within the community.
 - c. The proposed use of buildings shown on the site plan.
 - d. The location and size of all manufactured home spaces including a typical drawing showing the proposed configuration of single section and multi-section sites.
 - e. The location of all points of entry and exit for motor vehicles and the internal circulation pattern.
 - f. The location of all landscaping to be provided.
 - g. The location of all lighting standards to be provided.
 - h. The location of all walls and fences, indicating their height and the materials of their construction.
 - i. The location of all off-street parking facilities.
 - j. The name and address of the applicant.
 - k. Such other engineering and topographic data as may be required to permit the Board of Zoning Appeals to determine if the provisions of this ordinance are being complied with.
 - l. Restrictive covenants or lease requirements.

2. The development plan of the manufactured home community shall be submitted as a Use Permitted on Review.
3. A revised development plan shall be submitted for approval of any changes, alterations, amendments, or extensions to the development plan. Approval of such changes may be granted if, in the opinion of the Board of Zoning Appeals, the requested changes would be in keeping with the intent and provisions of this ordinance.
4. No building permit shall be issued for construction of any building or location of any manufactured home on the land until the Board has approved the development plan and a statement of approval has been affixed.
5. The building permit shall be revoked if construction of any part, or phase, of the development is not in compliance with the approved plans.

(Revisions to Section 14-606 regarding Manufactured Home Communities was recommended by Loudon Regional Planning Commission 3/5/97; adopted by Loudon City Council 6/16/97.)

14-607. DEVELOPMENT STANDARDS FOR CERTAIN USES. In order to accomplish the purposes of the zoning code, special consideration is hereby given to certain uses. These uses shall comply with the following requirements regardless of the district in which they may be located.

1. Gasoline service stations. The following regulations shall apply to all gasoline service stations:
 - a. There shall be a building setback from all street right-of-way lines of a distance of not less than forty (40) feet.
 - b. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.
 - c. Sign requirements as established in this ordinance shall be met.
2. Cemeteries. The following regulations shall apply to all cemeteries:
 - a. The site proposed for a cemetery shall not interfere with the development of a system of streets and in addition shall have direct access to a thoroughfare.

- b. Any new cemetery shall be located on a site containing not less than ten (10) acres.
 - c. All structures and facilities including but not limited to mausoleums, shall be set back at least thirty (30) feet from any property line or street right-of-way.
 - d. All required yards shall be landscaped and maintained.
 - e. Proposals for cemeteries must be approved by the Board of Zoning Appeals prior to the issuance of a building permit.
3. Automobile wrecking, junk, and salvage yards. The following regulations shall apply to all automobile wrecking, junk, and salvage yards:
- a. No automobile wrecking, junk, and salvage yard shall be permitted closer than three hundred (300) feet from any residential district.
 - b. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence or wall, except driveway areas, from eight (8) to twelve (12) feet in height. Storage between the street and such fence or wall is expressly prohibited. Any fence or wall erected for screening purposes shall be property painted or otherwise maintained in good condition.

14-608. EROSION AND SEDIMENTATION CONTROL STANDARDS. The purpose of these regulations is to empower the appropriate officials of Loudon, to control any land-disturbing activity that is determined by such officials to cause contamination of water supplies and water resources, the clogging of water-courses, and ditches, sinkholes or natural drainage ways; or erosion of land which may jeopardize existing structures, roadway, or adjacent property. This section shall apply to all districts within Loudon, Tennessee.

- 1. Permits. Any site of three (3) acres or more which may be exposed or disturbed of earth shall have a valid grading permit issued by the Building Inspector for that particular site before commencement of any grading/excavation works. Any site with less than three (3) acres shall not be required to obtain a permit, however, such tracts are not excluded from the general requirements of this ordinance.
 - a. Permit requirements. The developer shall submit the following information for the entire tract of land to be graded/excavated before a permit is to be released.

- i. A boundary line survey of the site on which the work is to be performed.
 - ii. Plans and specifications of soil erosion and sedimentation control measures conforming to the requirements as outlined in this ordinance.
 - iii. The development sequence of construction events as related to the control of soil erosion and sedimentation.
2. Exclusions. No grading/excavation permit shall be required for:
 - a. Nursery operations, such as the removal and/or transplanting of cultivated soil shrubs and trees.
 - b. Garden plots; lawn preparation or landscaping activities on existing lots or parcels unless the possibility for erosion and sedimentation or alteration of drainage is such to necessitate a grading permit as determined by the administrator.
 - c. Agricultural land management practices such as plowing or cultivation.
 - d. Projects owned by a government agency.
 - e. Strip and surface mining regulated by State and Federal statutes.
 - f. Sanitary landfills operated and conducted in accordance with the requirements and rules adopted by Loudon County, or municipalities and State of Tennessee.
3. Maintenance. Any person, firm or entity engaged in or conducting any land disturbing activity shall be responsible for maintaining all temporary and permanent erosion and sedimentation measures and facilities during development of the site and for a period of one (1) year thereafter. If during the one (1) year period, repairs or maintenance are required to said measures and facilities, then there shall be a further period of responsibility of one (1) year. Thereafter such responsibility shall be with the landowner except for those improvements which have been accepted by the Commissioner/Inspector.
 - a. Maximum slope permissible.
 - i. The finished slope of any excavation on private property shall not exceed a slope greater than 2:1, while slopes for public improvements, i.e. proposed roadways, etc., shall not exceed a

slope greater than 3:1. The slope is calculated as the slope or degree of inclination from the horizontal.

- ii. Slopes left exposed will, within thirty (30) working days of completion of any phase of grading, be planted or otherwise provided with a ground cover, devices or structures sufficient to restrain erosion.

4. Ground cover

- a. Whenever land disturbing activity is undertaken on a tract, a vegetative ground cover sufficient to restrain erosion must be planted or otherwise provided within thirty (30) working days on that portion of the tract upon which further active construction is not being undertaken. Periodic or intermittent land disturbing activity does not preclude the intent of this section. Activity must be of a weekly nature.
- b. On angled or graded slopes constant efforts must be undertaken to restrain erosion during and after excavation.

5. Drainage/runoff.

- a. No land disturbing activity shall be permitted in proximity to a lake or any water-course or drainage way unless:
 - i. A buffer zone is provided along the margin of the water-course of sufficient width to confine visible siltation or sediment deposits.
 - ii. Sufficient drainage and/or a runoff plan has been submitted to the building inspector and approval received. This approval is contingent on the plans intent on preserving the character of the land, and preserving the drainage course.
- b. Any land disturbing activity shall be so conducted to eliminate unnecessary runoff and/or drainage into properties or public rights-of-way.

14-609. NATIONALLY REGISTERED HISTORIC STRUCTURES. In order to promote adaptive reuse of registered historic structures, special consideration is hereby given for the use of such structures. The following uses shall be applicable in any zoning district in which a nationally registered historic structure is located.

- 1. Any structure, listed on the National Register of Historic Places, may be utilized for any of the following uses which compliments its historic character provided;

however, that such uses must be approved by the Board of Zoning Appeals as a special exception prior to the issuance of a permit.

- a. Commercial retailing activities (excluding automotive repair, sales and salvaging).
- b. Office - professional or business.
- c. Lodging - hotel, motel or guest house.
- d. Museums.
- e. Residential dwellings.

14-610. LITTER RECEPTACLES. Litter receptacles shall be provided for all commercial retailing establishments within the municipality. Said receptacles shall be acquired and maintained by the owner/occupant of said premises. Receptacles shall be of a type specifically designed and manufactured for litter collection. The following requirements for the number and location of receptacles shall be in addition to other on-premise waste containers, i.e., dumpsters, green boxes, etc. The number and space requirements for receptacles are enumerated below:

1. General retail establishments
 - a. Restaurants (take out), theaters, stadiums, convenient stores, grocery stores, service stations - not less than 2.0 receptacles for each building entrance/exit and drive-up window. Receptacles shall be strategically located on the site in order to afford maximum customer use.
 - b. Other commercial retailing establishments not specifically listed in subsection (2) - not less than one receptacle for each establishment. Said receptacles shall be located near high pedestrian traffic areas.
2. Office and business establishments
 - a. There shall be no specific requirements for litter receptacles for such establishments.

14-611. LANDSCAPE SCREENING AND BUFFERING REQUIREMENTS. The following requirements shall apply to all multi-family and commercial developments (excluding properties in the central business district):

1. Landscaping

Landscaping shall be integrated into building arrangements, topography, parking, and buffering requirements. Landscaping shall include trees, shrubs, ground cover, perennials, annuals, art, and the use of building and construction materials in a manner that respects the natural topographic features and natural resources of the site. A detailed landscape plan shall be submitted with the site plan when requesting a building permit.

For each acre, or fraction thereof, the following minimum standards shall apply:

Canopy Trees: Three (3) canopy trees with a minimum 5 inch caliper; or six (6) canopy trees with a minimum 3 inch caliper; or eight (8) canopy trees with a minimum 2 inch caliper.

Shrubs: Thirty-five (35) shrubs with a minimum height of 18 inches.

Minimum Area: There shall be a minimum of ten (10) square feet of landscaping for each parking space provided within the development. Retail automobile sales establishments shall conform to one-half the minimum requirements.

Location: Landscaping shall be integrated into parking areas, buffer areas and open spaces. The design shall maximize the visual effect to motorists and adjacent properties. Consideration will be given to mature trees which remain on the site following completion of construction. Trees with a caliper size less than the minimum stated above will not be calculated as mature trees.

2. Screening & Buffering

Parking areas in commercial areas shall be adequately screened/buffered so as not to be visible from contiguous residential areas and shall have limited visibility from adjoining streets. The impacts of headlight glare, noise, and traffic movement shall be mitigated by utilizing berms, evergreens, shrubs, deciduous trees or any combination to achieve the stated objective. Screening shall not be less than six (6) feet in height, shall be provided from the grade of the property upward and shall be permanently maintained. The screening/buffer area shall be fifteen (15) feet wide and shall be located along the front perimeter of the property between the roadway and parking areas of the development. The area shall not be utilized for parking or structures. If plant materials are used for screening, they shall cover a minimum of ten (10) feet in width along the property line.

14-612. CONSTRUCTION/DEMOLITION WASTE LANDFILLS. These regulations are established as a reasonable and impartial means of regulating and controlling the location of and method of disposing of construction/demolition waste.

A. General Requirements

1. No disposal fill area shall exceed one (1) acre in size
2. The disposal fill area shall not be less than one hundred (100) feet from any property line
3. No residential structure shall be located within 500' of any fill area except for any residence located on the parcel. A buffer area (see subsection b.) shall be provided, consisting of the undisturbed area between the property line and edge of the fill area.
4. No fill material shall be located within 200' of any stream or other waterway.
5. The fill area shall be surveyed and a plat filed with the register of deeds referencing the location of the disposal area. A deed shall be recorded perpetually identifying that the area has been utilized for a solid waste demolition/construction landfill.
6. There shall be no contaminants released into the environment.
7. Sites shall be located adjacent to either an arterial or collector street, and all vehicles entering/exiting the site shall access the area by such roads.
8. Sites which have sinkhole or drainage areas shall not be permitted.
9. There shall be a minimum of 5 feet of soil buffer under any material being deposited on the site.
10. At closing, the site shall be capped with 18" of compacted clay and 6" of topsoil.
11. Prior to closing of the site, the area shall be seeded, fertilized and mulched in an acceptable manner to eliminate erosion.
12. No slope shall exceed 3:1.
13. Active portions of the fill area shall be fully covered at least once every 14 days with soil as prescribed in Section 10.
14. Prior to covering, the owner/operator shall notify the building commissioner's office. The building commissioner shall verify that material

disposed of on the site are acceptable demolition or construction materials.

B. Penalties & Performance Guarantee

The property owner and disposal operator shall be liable for any violation of these requirements. Prior to the issuance of a permit to operate a demolition construction material disposal area a cash bond in the amount of one thousand dollars shall be posted with the building inspector. The bond shall not be released until the site has been closed and all legal documents filed with the register of deeds

C. Submission of Site Plan

Upon submittal of an application for a special exception, a site plan shall be submitted with the following information.

- Survey of existing property lines
- Location of any drainage areas, sinkhole, and utilities, if present
- Location of the proposed demolition area and a description of the materials to be deposited on the site
- Name, address, telephone number of property owner and operator of demolition site.
- Location of all residences within 500' of the fill area
- Tax map & parcel reference
- Zoning designation

D. Exemptions

These requirements shall not be applicable to the disposal of demolition/construction wastes generally associated with agricultural/farming activities, or structures provided such wastes are generated by the owner or lessee of the property on which they are to be disposed.

E. Locations

Construction/demolition waste landfills are permitted within any zoning district upon review and approval by the Board of Zoning Appeals as a special exception.

14-613. STORM WATER CONTROL STANDARDS.

A. Purpose: To effectively control the discharge of storm water resulting from urban development, and to protect public and private properties from inundation of storm water.

B. Definitions:

Ten-Year Frequency Flood: a flood with a ten percent (10%) chance of being equaled or exceeded in any given year.

Detention Basin: A permanent basin constructed to protect downstream facilities by providing temporary storage of peak discharges from surface water runoff on a developed site and releasing the stored water at controlled rates not to exceed pre-development discharges under specified storm frequencies.

Pre-Development Discharge: The present or natural peak storm water discharge from a site generally before significant development occurs and within a specified storm duration and frequency.

Post-Development Discharge: The present or natural peak storm water discharge from a fully developed site within a specified storm duration and frequency.

Watercourse: Any natural or artificial stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, street, roadway, or wash in which water flows in a definite direction or course, either continuously or intermittently, and which has a definite channel, bed or banks, and shall include any area adjacent thereto subject to inundation by reason of overflow of surface water.

C. Watercourse Protection: Watercourses shall be maintained in order to carry storm water from adjacent properties or public rights-of-way. The filling of any watercourse is prohibited unless the property owner/developer can successfully demonstrate that an alternative approach will meet the intent of this Section. The City engineer (or designated person) shall approve any alternative plan and the filling of any existing watercourse, not within a designated floodplain.

D. Drainage System Design Criteria: The following criteria shall be followed in the design and installation of storm water drainage systems:

1. The installation of drainage pipe is required for all driveways which connect into a City road (or County road if in Planning Region). This requirement, and specifications herein noted, is applicable on any roadway section which does not have curbing.

2. Driveway side drains shall be a minimum of 16 gauge for corrugated metal pipe (CMP), or class III concrete for pipe diameters to 18". For pipe 24" in diameter or larger, the CMP shall be 14 gauge or class III concrete. Pipe shall extend beyond the edges of the driveway and shall terminate with a concrete flared headwall (see illustrations 1 & 2). No pipe shall be installed which is less than 15" in diameter. For single family driveway permits, the City engineer shall determine the need for or minimum size pipe for installation. The engineer shall also have the authority to approve an alternative headwall design which is suitable for the site.
3. Catch Basins shall be integrated into any new roadway construction where curbing will be installed. Catch basins shall be TDOT 12-32 (standard drawing D-CB-12-32) modified to accept the frame and grate as shown on standard drawing D-CBB-12A or other designs of comparable quality as approved by the City. Total casting weight shall be a minimum of 730 lbs. per catch basin. Castings shall be aligned using plan normal gutter elevations which shall be adjusted to allow for a 2' sump at face of curb.
4. Enclosed storm drains which collect and convey drainage on, across, and through public rights-of-way shall comply with standards for driveway side drains. Pipe shall extend beyond the ROW and shall terminate with a flared concrete headwall (see illustration 1). Rip rap/quarry or field stone 4" to 8" shall be placed a minimum of 6' beyond the headwall and laid over erosion control matting material equal to Erosion Control Fabric 955 by Synthetic Industries Inc.
5. Standards for enclosed systems: The minimum design criteria used for calculating the size of enclosed drainage systems shall be based on a ten-year (10) flood frequency, 24 hour duration storm. For major system designs, the City engineer (or designee) and development engineer shall determine other appropriate criteria which is consistent with the intent of this Section.
6. All hydrologic and hydraulic computations utilized in the design of storm water appurtenances and detention facilities must be prepared by a registered engineer proficient in the field of hydrology and hydraulics and licensed in the state of Tennessee. An acceptable method for calculating runoff and detention facilities is outlined in "Urban Hydrology For Watersheds", 2nd. Edition, U.S. Soil Conservation Service, Technical Release #55.

E. Permits: No driveway shall be constructed onto a City road until a permit is obtained and approved by the City Road Superintendent or representative. A permit can be obtained at the City Hall.

F. Storm Water Detention

Storm water detention shall be required for any road construction, commercial, industrial, educational, institutional, and recreational developments of one (1) acre or more. Multi-family residential developments of two (2) acres or more and single family residential developments of five (5) acres or ten (10) lots shall comply with these standards. The Board of Zoning Appeals may waive these requirements if the applicant can demonstrate that compliance is unnecessary or not feasible.

Standards: The engineer will be required to use generally accepted standards and procedures for calculating the release of storm water from the site before and after development, and institute control measures on site so that downstream peak discharges at post-development are generally reduced to pre-development conditions. The design criteria for the sizing of detention basins and drain pipes is based on a 24-hour storm of a ten-year frequency under the pre-development conditions of the site (4.8 inches), and a 24-hour storm of 25-year frequency under the post-developed condition (5.5 inches).

G. Storm Water Plan

Storm water drainage and detention plans must be submitted to the City five (5) days prior to the issuance of a permit. The plan can be integrated into the site plan when requesting a building permit, or as part of a subdivision plat.

H. Erosion Control

Effective erosion control measures shall be required during construction to eliminate sedimentation on public rights-of-way or watercourses. The use of straw bales or silt fencing is typically the most prevalent, however other suitable methods will be permitted.

I. Exemptions

The requirement for detention, hydrologic or hydraulic computations, plans and preparation by an engineer are not applicable for single family residences or duplexes on individual lots.

14-614. VEHICLE PARKING AND JUNK VEHICLES

A. Purpose: This ordinance is intended to regulate the storage of vehicles and place restrictions on the placement of junk vehicles on private property in order to prevent diminution of property values, eliminate hazardous situations caused by deteriorating vehicle parts, overgrown vegetation around, in, or through vehicles, and collection of pools of stagnate water in vehicles.

B. Definition: As used in this ordinance, the following terms and phrases shall have the following meanings:

1. "Person" shall mean any person, firm, partnership, association, corporation or any organization of a similar kind.
2. "Private Property" shall include all property that is not public property, regardless of how the property is zoned or used.
3. "Vehicle" shall mean any machine propelled by power other than human power, designed to travel along the ground by the use of wheels, treads, self-laying tracks, runners, slides or skids, including but not limited to automobiles, trucks, motorcycles, motor scooters, go-carts, campers, tractors, tractor - trailers, buggies, wagons, and earth moving equipment and any part of the same.
4. "Junk Vehicle" shall mean a vehicle of any age that is damaged or defective in any one or combination of any of the following ways that either makes the vehicle immediately inoperable, or would prohibit the vehicle from being operated in a reasonably safe manner:
 - Flat tires, missing tires, missing wheels, or missing or partially or totally disassembled tires and wheels.
 - Missing or partially or totally disassembled essential part or parts of the vehicles drive train, including but not limited to engine, transmission, transaxle, drive shaft, differential, or axle.
 - Extensive exterior body damage or missing or partially or totally disassembled essential body parts, including but not limited to, fenders, doors, engine hood, bumper or bumpers, windshields, or windows.
 - Missing or partially or totally disassembled essential interior parts, including but not limited to drivers seat, steering wheel, instrument panel, clutch, brake, gear, shift lever.
 - Missing or partially or totally disassembled parts essential to the starting or running of the vehicle under its own power, including, but not limited to, starter, generator, or alternator, battery, distributor, gas tank, carburetor, or fuel injection system, spark plugs, or radiator.
 - Placed on the ground in either an upside down or side position, sitting on blocks, or suspended in the air by any other method in combination with any of the preceding conditions.

C. General Restrictions:

Vehicles and junk vehicles on private property shall comply with the following provisions:

1. Any vehicle designed or intended to be used on public roads shall maintain a current license plate.
2. Any junk vehicle located on private property shall be completely enclosed within a building which shall prevent the vehicle from being visible from any adjoining property or any public way.
3. No vehicle shall be used for storage or as a container for metal, glass, paper, rags, or other cloth, wood, auto parts, machinery, waste, or discarded materials in such quantity or arrangement that a driver cannot operate the vehicle in a safe and normal manner.
4. No junk vehicle shall be allowed to be located on private property, except within an enclosed building, for a period of time not to exceed forty-eight (48) hours.

D. Exceptions

This ordinance shall not be construed to prohibit the placement of parked or stored vehicles or junk vehicles on private property lawfully zoned for business engaged in towing and storing vehicles, wrecking, salvaging, repairing of vehicles or any similar operation.

E. Severability

Each section, subsection, paragraph, sentence, and clause of this ordinance is declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence or clause shall not be affect the validity of any other provision of this ordinance.

(Note: The addition of Section 14-614 recommended by Loudon Regional Planning Commission June 3, 1998; approved by Loudon City Council September 21, 1998.)

14-615. PERFORMANCE STANDARDS FOR PERMITTING TELECOMMUNICATIONS TOWERS AND ANTENNAS

A. Purpose. The purpose of this ordinance is to establish general guidelines for the siting of wireless communication towers and antennas. The ordinance is thereby intended to:

- (1) protect residential areas and land uses from potential adverse impacts of towers and antennas;

- (2) encourage the location of towers in non-residential areas;
- (3) minimize the total number of towers throughout the community;
- (4) strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional towers;
- (5) encourage users of towers and antennas to locate in areas where the adverse impact on the community is minimal;
- (6) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- (7) enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;
- (8) consider the public health and safety; and
- (9) avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures.

B. Definitions.

1. *Alternative Tower Structure.* Man-made trees, clock towers, bell steeples, light poles, power poles or structures and similar alternative-design mounting structures that camouflage or conceal the presence of towers or antennas.
2. *Antenna.* Any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.
3. *FAA.* Federal Aviation Administration.
4. *FCC.* Federal Communications Commission.
5. *Height.* When referring to a tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
6. *Communication Towers.* Structures that are designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and other similar structures. This term includes the structure and any support structures.

C. Applicability

1. *New Towers and Antennas.* All new towers or antennas in the City of Loudon shall be subject to these development standards, except as provided below.

D. Exceptions

1. *Amateur Radio Station Operator/Receive Only Antennas.* These standards shall not govern any tower, or the installation of any antenna, that is under forty feet (40') in height and is owned and operated by a radio station operator or is used exclusively for receive only antennas.
2. *Pre-existing Towers or Antennas.* Pre-existing towers and pre-existing antennas shall not be required to meet the standards of this Ordinance.
3. *Telecommunications Equipment Co-locating on Existing Towers.* These standards shall not apply to additional equipment of telecommunications companies co-locating on existing towers, although a permit from the City of Loudon's Building Codes Enforcement Officer is required.

E. General Requirements

1. *Principal or Accessory Uses.* Towers and antennas may be considered either principal or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
2. *Lot Size.* For purposes of determining whether the installation of a tower or antenna complies with zoning district regulations, including but not limited to setback requirements, lot coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot. There are no minimum lot area requirements for the locating of towers or antennas.
3. *Setbacks.*
 - A. All towers and antenna shall be setback a minimum of fifty (50') from each property line.
 - B. Towers and antenna exceeding fifty (50') in height shall be setback a minimum of one foot for each additional one foot in height of the tower and antenna, unless the tower is certified by a registered engineer as collapsible within the 50' minimum setback. Setbacks shall be measured from the farthest most protrusion

of the tower to the nearest point of any property line. A certified survey shall be submitted which shall verify tower and antenna heights and setbacks for the tower, antenna, and all accessory structures.

- C. Towers shall not be located within 500' of a platted residential neighborhood, unless a camouflaged tower not exceeding 75' in height is approved by the Loudon Regional Planning Commission. Approved camouflaged towers may not be located closer than 300' to any platted residential district.
4. *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, such lighting shall be oriented inward so as not to project onto surrounding residential property.
 5. *Height.* The maximum height of a tower and antenna shall not exceed three hundred (300') feet.
 6. *Signs.* No signs shall be allowed on an antenna or tower.
 7. *Co-location.* All towers shall be designed to accommodate more than one primary user, which allows for multiple telecommunication companies to locate on a single tower.
 8. *Users.* A tower shall have a minimum of one user upon completion of tower construction.
 9. *Buildings and Support Equipment.* Buildings and support equipment associated with towers and antennas shall comply with the minimum set-backs set forth herein, and shall not exceed the height of required landscape screening.
 10. *Fencing.* All telecommunications towers and equipment will be surrounded by a security fence at least six (6') feet in height.
 11. *Landscaping.* For all towers, at least one row of evergreen trees or shrubs capable of forming a continuous hedge at least five feet in height and screening the base of the tower from public view within two years of planting shall be planted and maintained in a healthy condition. A break in the hedge, not to exceed 10 feet in width, shall be allowed for access for maintenance personnel and vehicles. New or existing vegetation, earth berms, existing topographic features, walls, fences, building and features other than those described above may be used to meet the requirements of these regulations if the Loudon Regional Planning Commission finds that they achieve the same degree of screening.
 12. *Tower Abandonment and Removal.* The operator or owner of real property on which the tower is located shall provide the City of Loudon with a copy of the notice of

intent to the FCC to cease operations of the tower. The operator/owner shall have 90 days from the date of ceasing operations to remove the tower. In cases where the FCC does not require a notice of intent, the operator/owner must notify the City of Loudon within 90 days after operations cease.

13. *Removal Bonds or Letter of Credit.* Prior to the issuance of a permit to construct the tower, the operator/owner shall submit to the Loudon County Planning Office demolition estimates from three licensed contractors to remove the tower, antenna, and buildings and support equipment and return the site to its original condition. After review and acceptance by the Planning Office, a bond or letter of credit will be provided to the City of Loudon in the amount of the average of the three demolition estimates. The term of the bond or letter of credit shall coincide with the term of the property lease. The operator/owner must also submit a letter committing to renew the bond or letter of credit each time the property lease is extended. Release of the bond or letter of credit shall occur upon satisfactory completion of the demolition and clearance of the site, and inspection by the City of Loudon's Building Codes Enforcement Officer.

F. Application Requirements. The following information shall be submitted to the Loudon County Planning Office thirty (30) days prior to review of the site plan by the Loudon Regional Planning Commission:

1. Site and landscape plans prepared by a registered engineer or licensed surveyor and drawn to scale showing site boundaries, set-backs, location of existing structures, access, tower foot print, perspective view of tower with dimensions, topographic features of the site, and other information documenting compliance with the standards set-forth in this Ordinance.
2. Construction plans including an elevation drawing of the proposed structure.
3. Names and addresses of the operator, telecommunications company(s) locating on the tower, and owner of the property.
4. Address of proposed site and tax map and parcel number.
5. Proof of ownership of the proposed site or authorization to utilize the site.
6. Copy of property lease agreement.
7. A report including a description of the tower with technical reasons for its design.
8. Certification from a registered engineering of the structural integrity of the tower for its proposed uses, and number of users the tower can accommodate, and if requesting a variance from the minimum set-back requirements certification of its ability to collapse within the set-back being requested.
9. An inventory of the operator/owner's existing towers, antennas, or sites approved within the City of Loudon, including specific information about the location, height, and design of each tower.
10. An affidavit stating that space on the proposed tower will be made available to future users when technically possible at a reasonable rate commensurate with fees charged by other providers in the Knoxville Metropolitan area.

11. Three demolition cost estimates based on construction drawings and bond or letter of credit for the average cost of the three estimates.
12. A statement indicating the applicant has exhausted all avenues to co-location. Such statement shall include copies of certified letters sent to all other tower operators and other structures in the area that could accommodate the equipment requesting space, and responses received from the companies.
13. A visual study within a three (3) mile radius of the proposed site depicting areas where the tower can be seen.

14-616. SEXUALLY ORIENTED ADULT BUSINESSES

A. Purpose: The following conditions, restrictions, and definitions shall govern the location, permitting and licensing of Sexually Oriented Adult Businesses.

B. Location Restrictions: Sexually oriented adult businesses shall be permitted as a special exception in the M-2 (Heavy Industrial District). Due to the secondary effects associated with sexually oriented adult businesses, like crime, health, safety, and traffic issues, no sexually oriented adult business shall be permitted to locate within one thousand feet (1,000') of any residential district, school, daycare, park, recreation center, place of worship or other sexually oriented adult business. Measurements shall be taken from the nearest recorded property line of the sexually oriented adult business to the nearest property line or boundary of the above-mentioned uses. In addition to the requirements stated hereto, the Board of Zoning Appeals (BZA) may impose other restrictions as are deemed necessary in order to protect the health, safety and general welfare of the community.

C. General Restrictions (Disclosure Requirements) and Licenses: As part of the application process for a special exception to the BZA, the principals of the sexually oriented adult business shall provide the necessary verifiable documentation regarding any convictions of any sexual assault, child molestation, or any similar illegal or deviant sexual conduct as well as any felony drug convictions. This information is necessary to determine the responsibility of individuals associated with such business. Applicants shall be required to submit to the BZA a letter from the local law enforcement agency verifying that the applicant has no prior legal convictions of a sexual nature or drug felony conviction committed within the past five (5) years. The business manager shall file with the law enforcement agency the names, addresses, social security numbers, and identification of each employee within thirty (30) days of employment. No minor or any person convicted of any sexual assault, child molestation, or any similar illegal or deviant sexual conduct as well as any felony drug conviction within the past five (5) years shall be employed in a sexually oriented adult business. Within thirty (30) days of employment, the employer shall make available to the local law enforcement agency the following information:

1. Name and address of the individual;
2. Description of the individual including finger prints obtained by the law enforcement agency;
3. A statement from the individual that they have no prior convictions of a sexual nature nor have they been committed for any mental illness relating to any sexually deviant behavior or conviction for drug use or trafficking within the past five (5) years.

The law enforcement agency shall make available to the appropriate building official correspondence, statements or applications pertaining to sexually oriented adult businesses, which shall be filed with the special exception. Failure to obtain the necessary approvals from the law enforcement agency or failure to comply with the provisions of this article shall constitute a violation of this Ordinance and may jeopardize the approval of a special exception.

D. Applications for Special Exception: No sexually oriented adult business shall be allowed to operate unless said business has received the approval or approval with conditions from the Loudon Board of Zoning Appeals (BZA). In reviewing the application, the BZA shall be provided with a tax map or GIS map indicating compliance with the restrictions for spacing as stated above, an engineered site plan meeting the requirements for businesses (setbacks shall conform to the M-2 district), interior layout plan for the building, names and addresses of individuals directly affiliated with the business (principal owners) and correspondence from the law enforcement agency certifying that the applicant has no prior legal convictions of a sexual nature or drug felony conviction committed within the past five (5) years.

E. Building Restrictions: The interior space of any sexually oriented adult business shall be designed in such a manner as to avoid private rooms except for customary restrooms and business office. Viewing rooms or private rooms, including partitions for customer use, shall not be permitted. Display or sales areas shall be visible upon entering the building in order for enforcement agencies to completely evaluate compliance with these provisions.

F. Revocation and Hearing: Expansion, relocation, substantial misrepresentation, violation of any of the terms of this ordinance or change in dominant sales items or services offered to the public or failure to operate the establishment in conformity with any terms and conditions set forth in the approval of the special exception by the BZA shall constitute grounds for revocation of the special exception after notice and hearing. Notice of the hearing before the BZA for revocation of the permit shall be given in writing setting forth the grounds of the complaint and the time and place of the hearing. Such notice shall be mailed by certified mail to the applicant's last known address at least five (5) days prior to the date set for the hearing.

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.

CHAPTER 7

ENFORCEMENT

SECTION

14-701. Enforcing Officer

14-702. Building Permit Required

14-703. Issuance of Building Permit

14-704. Certificate of Occupancy

14-705. Records

14-706. Violations and Remedies

14-707. Building Permit Required Prior to Electrical Service

14-701. ENFORCING OFFICER. The provisions of this ordinance shall be administered and enforced by a Building Inspector who shall have the power to make such inspections of buildings or premises as are necessary to carry out his duties in the enforcement of this ordinance.

14-702. BUILDING PERMIT REQUIRED. It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including buildings, until the Building Inspector has issued a building permit for such work.

14-703. ISSUANCE OF BUILDING PERMIT. In applying to the Building Inspector for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, height, and location of all buildings to be erected, altered, or moved and of any building ready on the lot and the elevation at which any structure is to be built. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application is in conformity with the provisions of this zoning code, and other ordinances of the City of Loudon, Tennessee, 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.

The issuance of a permit shall, in no case, be construed as waiving any provision of this ordinance. A building permit shall become void six (6) months from the date of issuance unless substantial progress has been made by that date on the project described therein.

14-704. 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 three (3) 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 in the land, building or part thereof and the proposed use thereof are found to conform with the provisions of this ordinance; or, if such certificate is refused, to state such refusal in writing, with the cause.

14-705. RECORDS. A complete record of applications, sketches, and plans shall be maintained in the Office of the Building Inspector.

14-706. VIOLATIONS AND REMEDIES. Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined under the general penalty clause for this code. In case any building or structure is erected, construction, 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 of such building, structure, or land.

14-707. BUILDING PERMIT REQUIRED PRIOR TO ELECTRICAL SERVICE.

1. It shall be unlawful for any electric utility to provide electric service to any structure within Loudon, Tennessee, until such time as an individual provides such utility with a certified building permit or receipt of such permit.
2. That this resolution is not applicable to structures previously connected with electrical service and includes multiple services connections in apartments, condominiums, office complexes or manufactured home communities.
3. That any utility violating the provisions of this resolution is guilty of a misdemeanor and upon conviction thereof shall be fined not less than ten (10) dollars nor more than fifty (50) dollars.

CHAPTER 8

BOARD OF ZONING APPEALS

SECTION

14-801. Creation and Designation

14-802. Procedure

14-803. Appeals, How Taken

14-804. Administrative Reviews

14-805. Special Exceptions

14-806. Variances

14-801. CREATION AND DESIGNATION. A Board of Zoning Appeals is hereby established in accordance with Section 13-705 through 13-707, Tennessee Code Annotated. As permitted by Section 13-705, Tennessee Code Annotated, the Loudon Regional Planning Commission is hereby designated as the Board of Zoning Appeals.

14-802. PROCEDURE. Meeting 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 action thereon. Such records shall be public records.

14-803. APPEALS, HOW TAKEN. An appeals 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 a 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 notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any person or party may appear in person, by agent, or by attorney.

14-804. ADMINISTRATIVE REVIEWS. The Board of Zoning Appeals shall have the power 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; and for interpretation of the zoning map as provided in Section 14-402 (2).

14-805. SPECIAL EXCEPTIONS. The Board of Zoning Appeals shall have the power to hear and decide applications for special exceptions (uses and structures permitted on review by the Board of Zoning Appeals) as specified in this ordinance and for decisions on any special questions upon which the Board of Zoning Appeals is specifically authorized to pass under this ordinance.

14-806. VARIANCES. The Board of Zoning Appeals shall have the power to hear and decide applications for variances from the terms of this zoning code, but only where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which at the time of the adoption of this zoning code was a lot of records; or where, by reason of exception situation or condition of a piece of property the strict application of the provisions of this zoning code 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 purposes of this zoning code.

In granting a variance the Board may attach thereto such conditions regarding the location, character and other features to use as it may deem advisable in furtherance of the purposes of this zoning code.

CHAPTER 9

AMENDMENT AND LEGAL STATUS

SECTION

14-901. Amendment

14-902. Legal Status

14-901. AMENDMENT. Such regulations, restrictions, and boundaries as are provided for in this ordinance may be amended, supplemented, changed, modified, or repealed by the chief legislative body of Loudon, Tennessee. All changes and amendments shall be effective only after official notice and public hearing.

No amendment shall become effective unless it is first submitted to and approved by the planning commission, or, if disapproved, shall receive a majority vote of the entire membership of the City Council of Loudon, Tennessee.

14-902. LEGAL STATUS. In case of conflict between this zoning code or any part thereof, and the whole or part of any existing or future ordinance of the City of Loudon, Tennessee, the more restrictive provisions shall in all cases apply.

If any section, clause, provision, or portion of this zoning code 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 code which is not of itself invalid or unconstitutional.

CHAPTER 10

HISTORIC ZONING COMMISSION

SECTION

14-1001. Membership & Authority

14-1002. Loudon Design Guidelines Manual

14-1001. MEMBERSHIP AND AUTHORITY. Pursuant to Tennessee Code Annotated 13-7-403 there is hereby created the Loudon Historic Zoning Commission. The Commission shall be composed of five members, one from a local patriotic or historical organization; an architect, if available; a member of the Loudon Regional Planning Commission and two persons from the community in general. Members to the Commission shall be appointed by the mayor, subject to confirmation by the City Council. Members on the Commission shall be appointed for five (5) years, except for members appointed initially shall be appointed for staggered terms so that the terms of at least one member, but not more than two, shall expire each year. The Commission shall have the following powers and duties:

1. To review all projects, within the limits of an established historic district(s), that require the issuance of a permit before such projects can be lawfully commenced within Loudon, and following such review, grant, grant with conditions, or deny a certificate of appropriateness; and further to review any projects not requiring a permit.
2. To adopt design review guidelines for each historic district established, which shall be utilized in assessing the appropriateness of any project in determining the granting, granting with conditions, or denial of a permit.
3. To recommend to the Planning Commission and City Council, the establishment of historic zoning district(s) or to recommend amendments to existing historic districts.

14-1002. LOUDON DESIGN GUIDELINES MANUAL (see supplement)