THE ZONING RESOLUTION

OF

LOUDON COUNTY, TENNESSEE

OFFICIALLY ADOPTED

JULY 26, 1971

LOUDON COUNTY OFFICE OF PLANNING AND CODE ENFORCEMENT
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TABLE OF CONTENTS

		PAGE
ARTICLE 1	ENACTMENT	**2**
Section 1.010.	**Purpose**	**2**
Section 1.020.	**Authority**	**2**
Section 1.030.	**Title**	**3**
Section 1.040.	**Enactment**	**3**
ARTICLE 2	DEFINITIONS	**4**
Section 2.010.	**Scope**	**4**
Section 2.020.	**Definitions of General Terms**	**4**
ARTICLE 3	GENERAL PROVISIONS	**19**
Section 3.010.	**Scope**	**19**
Section 3.020.	**Only One (1) Principal Building on Any Lot**	**19**
Section 3.030.	**Lot Must Abut a Public Street**	**19**
Section 3.040.	**Reductions in Lot Area Prohibited**	**19**
Section 3.050.	**Obstruction to Vision at Street Intersection Prohibited**	**19**
Section 3.060.	**Access Control**	**20**
Section 3.070.	**Accessory Uses Regulations**	**20**
ARTICLE 4	SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS	**22**
Section 4.010.	**Off-Street Parking Requirements**	**23**
Section 4.011.	**Certification of Minimum Parking Requirements**	**24**
Section 4.012.	**Combination of Required Parking Space**	**24**
Section 4.013.	**Remote Parking Space**	**24**
Section 4.014.	**Requirements for Design of Parking Lots**	**25**
Section 4.020.	**Off-Street Loading and Unloading Required**	**25**
Section 4.030.	**Temporary Use Regulations**	**25**
Section 4.040.	**Customary Home Occupations**	**28**
Section 4.050.	**Fall-Out Shelter Restrictions**	**28**
Section 4.060.	**Gasoline Service Station Restrictions**	**28**
Section 4.070.	**Swimming Pool Restrictions**	**29**
Section 4.080.	**Planned Unit Development Regulations**	**29**
Section 4.081.	**General Provisions**	**29**
Section 4.082.	**Minimize Size**	**31**
Section 4.083.	**Permitted Activities and Uses**	**31**
Section 4.084.	**Limitation on Commercial Activities in Planned Unit Developments**	**32**

Section 4.085. Obstructions, Height Regulations, Accessory Structures, Customary Home Occupations, Off-Street Parking and Sign Control **32**
Section 4.086. Overall Densities and Bulk Regulations for Residential Activities in Planned Unit Developments **32**
Section 4.087 Setbacks, Landscaping **34**
Section 4.088. Building Spacing **34**
Section 4.089. Perimeter Requirements **34**
Section 4.089.1 Administrative Procedure **34**
Section 4.089.2 Definitions **39**
Section 4.090. Standards for Signs, Billboards, and Other Advertising Structures **42**
Section 4.100. Development Standards for Mobile Home Parks **47**
Section 4.110. Development Standards for Automobile Wrecking, Junk, and Salvage Yards **50**
Section 4.120. Development Standards for Cemeteries **51**
Section 4.125 Development Standards for Dog Kennels and Boarding Facilities **52**
Section 4.130. Alcohol and/or Substance Abuse Facilities **53**
Section 4.140. Litter, Refuse, Garbage, Junk and Debris, Vacant Dilapidated Buildings or Structures Control Regulations **53**
Section 4.150. Requirements for the Storage of Abandoned, Dismantled Junk Vehicles and Parts **56**
Section 4.160 Landscape Screening and Buffering Requirements **57**
Section 4.170 Storm Water Control Standards **58**
Section 4.180 Erosion and Sedimentation Control **61**
Section 4.190 Waste Disposal Facilities Location and Design Standards **63**
Section 4.200 Fireworks Distribution, Storage and Manufacture **65**
Section 4.210 Sexually Oriented Adult Businesses **66**
Section 4.220 Performance Standards for Quarrying, Gravel Processing, Mining and Mineral Extraction **67**
Section 4.230 Development Standards for Permitting Telecommunications Towers and Antennas **74**
Section 4.240 Site Plan Review **80**

ARTICLE 5 ZONING DISTRICTS **81**

Section 5.010. Classification of Districts **82**
Section 5.020. Zoning Map **82**
Section 5.030. Zoning District Boundaries **82**
Section 5.040. Specific District Regulations **83**
Section 5.041. A-1, Agriculture-Forestry District **83**
Section 5.042. A-2, Rural Residential District **88**
Section 5.043. R-1, Suburban Residential District **92**
Section 5.044. C-1, Rural Center District **98**
Section 5.045. C-2, General Commercial District **101**
Section 5.046. M-1, General Industrial District **103**
Section 5.047. F-1, Floodway District **107**

Section 5.048. O-1, Office-Professional District **113**
Section 5.049. R-E, Single Family Exclusive Overlay District **115**
Section 5.050. Planned Unit Development (PUD) Overlay District **117**
Section 5.051. Telecommunication Overlay District **118**

ARTICLE 6 EXCEPTIONS AND MODIFICATIONS **119**
Section 6.010. Scope **119**
Section 6.020. Nonconforming Uses **119**
Section 6.030. Exceptions to Height Limitations **120**
Section 6.040. Lots of Record **120**
Section 6.050. Exceptions to Front Setback Requirements **121**
Section 6.060. Absolute Minimum Lot Size **121**

ARTICLE 7 ADMINISTRATION AND ENFORCEMENT **122**

Section 7.010. Administration of the Resolution **122**
Section 7.020. The Enforcement Officer **122**
Section 7.030. Building Permits **123**
Section 7.035. Driveway Permits **125**
Section 7.040. Temporary Use Permits **126**
Section 7.050. Certificate of Occupancy **126**
Section 7.060. Procedure for Authorizing Special Exceptions **126**
Section 7.070. County Board of Zoning Appeals **127**
Section 7.080. Variances **128**
Section 7.090. Amendments to the Resolution **129**
Section 7.100. Penalties **130**
Section 7.110. Remedies **130**
Section 7.120. Validity **130**
Section 7.130. Interpretation **130**
Section 7.140. Effective Date **131**
Section 7.150. Postponed and/or Withdrawn Agenda Items **131**

RESOLUTION NO._____

A RESOLUTION PURSUANT TO THE AUTHORITY GRANTED BY SECTION 13-405 OF THE TENNESSEE CODE ANNOTATED TO AMEND THE ZONING RESOLUTION OF LOUDON COUNTY, TENNESSEE, OFFICIALLY ADOPTED JULY 26, 1971 FOR THE PURPOSE OF PROMOTING THE PUBLIC HEALTH, SAFETY, MORALS, CONVENIENCE, ORDER, PROSPERITY AND GENERAL WELFARE; TO PROVIDE FOR THE ESTABLISHMENT OF DISTRICTS WITHIN THE BOUNDARIES OF LOUDON COUNTY, TENNESSEE OUTSIDE THE CORPORATE LIMITS OF ANY MUNICIPALITY; TO REGULATE, WITHIN SUCH DISTRICTS, THE LOCATION, HEIGHT, BULK, NUMBER OF STORIES, AND SIZE OF BUILDINGS AND STRUCTURES, THE PERCENTAGE OF LOT OCCUPANCY, THE REQUIRED OPEN SPACE, THE DENSITY OF POPULATION, AND THE USES OF LAND, BUILDINGS AND STRUCTURES; TO PROVIDE FOR REGULATING LAND SUBJECT TO SEASONAL OR PERIODIC FLOODING AS WILL SECURE TO THE CITIZENS OF LOUDON COUNTY, THE ELIGIBILITY FOR FLOOD INSURANCE UNDER PUBLIC LAW 1016, 84TH CONGRESS, OR SUBSEQUENT RELATED LAWS OR REGULATIONS PROMULGATED THEREUNDER; PROVIDING FOR AMENDMENTS AND VARIANCES: AND TO PRESCRIBE PENALTIES FOR THE VIOLATION THEREOF.

WHEREAS, the Loudon County Quarterly Court in accordance with chapter Four, Section 13-405 of the Tennessee Code Annotated may, from time to time amend any provision of any zoning resolutions, and

WHEREAS, the Loudon County Regional Planning Commission has forwarded its recommendations regarding the amendment of the Zoning Resolution of Loudon County, Tennessee, and the necessary public hearing called for and held;

NOW, THEREFORE, BE IT RESOLVED by the Loudon County Quarterly Court that the Zoning Resolution of Loudon County, Tennessee, be amended as follows:

ARTICLE 1

ENACTMENT

SECTION
1.010. Purpose
1.020. Authority
1.030. Title
1.040. Enactment

1.010. Purpose. The purpose of this Resolution is to provide the public health, safety, convenience and general welfare by:

a. encouraging the most appropriate use of land;

b. preventing overcrowding of land;

c. conserving the value of land and buildings;

d. minimizing traffic hazards and congestions;

e. preventing undue concentration of population;

f. providing for adequate light, air, privacy, and sanitation.

g. reducing hazards from fire, flood and other dangers;

h. assisting in the economic provision, utilization and expansion of all services provided by the public, including but not limited to roads, water and sewer service, recreation, schools and emergency services;

i. enhancing the natural, man-made and historical amenities of Loudon County.

1.020. Authority. A Resolution, adopted pursuant to the authority vested in Sections 13-401 through 13-416, Tennessee Code Annotated, to regulate, in the portions of Loudon County, Tennessee, which lie outside of municipal corporations, the location, height and size of buildings and other structures; the percentage of lot which may be occupied, the sizes of yards, courts, and other open space; the density and distribution of population; and the uses of buildings, land and structures for trade, industry, residence, recreation, agriculture, forestry, soil and water conservation or other purposes. Special districts or zones are established in those areas deemed subject to seasonal or periodic flooding, and such regulations may be applied therein as will minimize danger to life and property, and as will secure to the citizens of Tennessee the

eligibility for flood insurance under Public Law 1016, 84th Congress, or subsequent related laws or regulations promulgated thereunder. This resolution shall take effect immediately upon its passage.

1.030. Title. This Resolution shall be known as The Zoning Resolution of Loudon County, Tennessee, dated July 21, 1971. The zoning map shall be referred to as The Zoning Map of Loudon County, Tennessee, and; all explanatory matter thereon are hereby adopted and made a part of this Resolution.

1.040. Enactment. Except as hereinafter provided, no building shall be erected or structurally altered, nor shall any building or premises be utilized for any purpose, other than those permitted in the zoning district in which the building or premises is located. No land or lot area shall be so reduced or diminished that the yards or open spaces shall be smaller than prescribed herein, nor shall the lot area per family be reduced in any manner except in conformity with the area regulations hereby established for the district in which such building is located. No yard or other open space provided about any building for the purpose of complying with these regulations shall be considered as providing a yard or other open space for any other building.

ARTICLE 2

DEFINITIONS

SECTION
2.010. Scope
2.020. Definitions of General Terms

2.010. Scope. For the purpose of this Resolution 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; 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 and land or building shall be construed to include the words "intended, arranged, or designed to be used or occupied."

2.020. Definitions of General Terms. The following words, terms, and phrases are hereby defined as follows and shall be interpreted as such throughout this Resolution. Terms not herein defined shall have the meaning customarily assigned to them or such as the context may imply:

ACCESS: The right to cross between public and private property, thereby permitting pedestrians and vehicles to enter and leave property.

ACCESSORY BUILDING: A subordinate building, located on the same lot as the main building, which is not used as living quarters and is incidental in use to the main building.

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

ADULT BOOKSTORE: A business which offers as its principal or predominant stock or trade sexually oriented material, devices or paraphernalia, whether determined by the total number of sexually oriented materials, devices or paraphernalia offered for sale, or by the retail value of such materials, devices or paraphernalia, or by the wholesale value of such materials, devices or paraphernalia, or that the majority of the businesses' interior floor space is dedicated to the display or sale of such materials, devices of paraphernalia, specified sexual activities or any combination or form thereof, whether printed, filmed, recorded, or live, which restricts or purports to restrict admission to adults, or to any class of adults, and such definition shall specifically include items sexually oriented in nature regardless of how labeled or sold, such as adult novelties, risqué gifts or marital aids. (Amended 8/1/05)

ADULT MOTION PICTURE THEATER: Any 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 herein) for the observation by patrons therein.

ADVERTISING: Includes any writing, printing, painting, display graphics, painting, display, emblem, drawing, sign, or other device designed, used or intended for advertising, whether placed on the ground, rocks, trees, tree stumps, or other natural structures or on buildings, structures, milestones, sign boards, billboards, wall board, roof board, frames, supports, fences or other man-made structure, and any such advertising is a structure within the meaning of the word "structure" as utilized in this resolution.

ADVERTISING SIGN OR STRUCTURE: See sign.

AGRICULTURE USE: This includes all forms of agriculture, growing of crops in the open, dairying, grazing, the raising and maintaining of poultry and other livestock, horticulture, viticulture, floriculture, forests, and woods, provided however all health codes of Loudon County are complied with.

The feeding or disposal of community or collected garbage to animals shall not be deemed an agricultural use, nor shall commercial feed lots, the raising of fur-bearing animals, fish or minnow hatcheries, riding stables, livery or boarding stables or dog kennels be so considered.

AGRICULTURAL ACCESSORY USE: Those structures or equipment which are normally required in the operation of agricultural uses.

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 purposes.

ALTERATION: As applied to a building or structure, means a change or rearrangement in the structural parts, or an enlargement, whether by extending a side or by increasing its height or structural changes, other than repairs, that would affect safety. The term “alter” in its various modes and tenses and its practical forms, refers to the making of an alteration.

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

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

AUTOMOBILE WRECKING, JUNK, AND SALVAGE YARD: Any lot or place which is exposed to the weather and upon which more than five (5) motor vehicle of any kind, incapable of being operated, and which it would not be economically feasible to make operative are placed, located, or found.

BASEMENT: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half (1/2) of its height is above the average ground elevation or when subdivided and used for commercial activities.

BOARD: The Loudon County Board of Zoning Appeals.

BUILDING: Any structure having a roof supported by columns or by walls, including tents, lunch wagons, dining cars, mobile homes, and similar structure whether stationary or movable.

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

BUILDING COMMISSIONER: The zoning and codes officer or his authorized representative appointed by the Loudon County Quarterly Court.

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 of the lot on which it is situated.

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.

BUILDING SETBACK LINE, FRONT: A line delineating the minimum allowable distance between the street right-of-way, or of an official future street right-of-way line, and the front of a building on a lot. The front building setback line extends the full width of the lot and is parallel to or concentric with the street right-of-way.

BUILDING SETBACK LINE, REAR: A line delineating the minimum allowable distance between the rear property line and a building on a lot (other than for permitted accessory structures). The rear setback line extends the full width of the lot.

BUILDING SETBACK LINE, SIDE: A line delineating the minimum distance between the side property line and a building on a lot. The side setback line extends from the front building setback line to the rear building setback line.

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

CAMPING GROUND: A parcel of land used or intended to be used, let, or rented for occupancy by campers for occupancy by camping trailers, tents, or movable or temporary dwellings, rooms, or sleeping quarters of any kind.

CLINIC: See medical facility.

COMMERCIAL FEED LOT: Any parcel of land on which two hundred fifty (250) or more cattle, or hogs are being kept and fed for the purpose of slaughter and sale on the commercial food market.

COVERAGE: The lot area covered by all buildings located therein, including the area covered by all overhanging roofs.

COUNTRY CLUB: A chartered, nonprofit membership club, with facilities catering primarily to its membership and providing one or more of the following recreational or social amenities: golf, riding, club house, pool, dining facilities, lounge.

COUNTY COURT: The Loudon County Quarterly Court.

DAY NURSERY: Any place, home, or institution, which receives six (6) or more young children, conducted for cultivating the normal aptitude for exercise, play observation, initiation, and construction.

DISTRICT: Any section or sections of the area lying within Loudon County but outside the corporate limits of any municipality, for which the regulations governing the use of land and the use, density, bulk, height, and coverage of buildings and other structures are in force.

DOG BOARDING FACILITY: Any building(s), structure(s), or location(s) where five (5) or more dogs more than four (4) months of age are boarded, bred, groomed, trained, or sold for commercial purposes.

DOG KENNEL: Any building(s), structure(s), or location(s) where five (5) or more dogs more than four (4) months of age, are housed, bred, groomed, trained or sold for commercial purposes. Provided, however, building(s), structure(s), or location(s) where dogs engaged in herding or protecting crops, cattle, goats, sheep, poultry, horses or other agricultural livestock are housed or located shall not be included in the definition of a kennel. (*Added by Loudon County Commission June, 2009*)

DWELLING: A building or portion thereof, used for residential purposes.

A. Single detached dwelling means a building and accessories thereto principally used, designed, or adapted for use by a single household.

B. Duplex dwelling means a building and accessories thereto principally used, designed, or adapted for use by two (2) households, the living quarters of each of which are completely separate.

C. Apartment dwelling means a building and accessories thereto principally used, designed or adapted for use as occupancy by three (3) or more households each of which has separate living quarters.

D. Rooming house means a building and accessories thereto principally used designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.

E. Boarding house means a building and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than six (6) occupants and having common cooking and dining facilities.

F. Town house means a residential structure containing three or more single non-detached dwelling units separated by a common vertical wall.

G. Condominium means an apartment building or townhouse containing three or more dwelling units being under or intended for separate ownership for each household living accommodations.

H. Prefabricated dwelling means a single detached dwelling constructed primarily off-site, designed to be transported on a flatbed truck or trailer, provided that it is installed on a permanently enclosed concrete or masonry foundation, with sewer and water connections designed for permanent connection to municipal or on-site systems, and permanently connected to such systems. Such structures are distinguished from mobile homes as described elsewhere in this resolution when they have a minimum gross floor area of 600 square feet and having no horizontal exterior dimensions of less than 15 feet not including porches or carports. When such a structure meets the above stated requirements it shall qualify as a single detached dwelling.

I. Mobile home or trailer means a vehicular, portable structure build on a chassis. designed for year-round occupancy and designed to have no foundation other than wheels, jacks, or skirtings, and which is capable of being moved, towed, or transported by another vehicle.

FAMILY: One or more persons related by blood, marriage, or adoption or a group of not to exceed five (5) persons not all related by blood, marriage, or adoption, occupying the premises and living as a single nonprofit housekeeping unit as distinguished from a group occupying a board or lodging house or similar dwelling for group use. A family shall not be deemed to include domestic servants employed by said family.

FLOOD: An overflow of lands not normally covered by water that results in significant adverse effects in the vicinity. For the purpose of this resolution, land subject to flood shall be:

A. Along Sweetwater, Steekee, Muddy, Little Tennessee River, Baker Creek, Clinch River, Bacon Creek, Towne Creeks, and the Tennessee River, any land which is below the elevation of the 100-year Flood as defined in the plates which have been made a part of this resolution.

B. Along other streams and those portions of Steekee, Muddy, Sweetwater, and Towne Creeks, which are not shown on the above mentioned plates, any land which is below the elevation reached by an overflow rising five feet above median streamflow elevation, unless it can be shown in a study by a registered engineer that a lower elevation would be a reasonable elevation for carrying out the intent of this resolution.

FLOOD, 100-YEAR: A flood having an average frequency of occurrence of one in 100 years, although the flood may occur in any year, as defined in TVA flood studies.

FLOOD, REGIONAL: A hypothetical flood whose level has been derived from consideration of the largest floods known to have occurred on streams of similar physical characteristics in the same general geographical region.

FLOODWAY: The natural channel and the portion of the floodplain along the channel that must be retained solely for the passage of floodwaters to prevent an undue increase in flood heights upstream, which in this resolution shall be:

A. Along Sweetwater, Steekee, Muddy, and Towne Creeks, and the Tennessee River, the floodways shown on the plates which have been made a part of this resolution.

B. Along other streams and along those portions of Steekee, Muddy, Sweetwater, and Towne Creeks which are not shown on the above mentioned plates, an area extending to each side of the stream equal to five (5) times the width of the stream at top of banks unless it can be shown in a study by a registered engineer that a smaller area would be a reasonable requirement.

FLOODWAY FRINGE AREA: Areas lying outside the Floodway District but within the area which would be flooded by the 100-year flood.

FLOOR AREA: The sum of gross floor area for each of the several stories under roof, measured from the exterior limits or faces of a building or structure.

FORESTRY USE: Those land uses devoted to the extraction of forestry products, such as timber or timber products, but excluding any activity involving the rearing, trapping, or slaughter of animals.

FRONTAGE: All the property on one side of a street between two intersecting streets (crossing or terminating) measured along the line of the street, or if the street is dead ended, then all the property abutting on one side between an intersecting street and the dead end of the street.

GARBAGE: Means food waste, animal waste (except for agricultural related operations), dead or decomposing animal matter, and dead or decomposing vegetable matter, and any dead or decomposing matter whether or not it originally constituted human or animal food.

GASOLINE SERVICE STATION: Any area of land, including structures thereon, that is utilized for the retail sale of gasoline, oil (but no butane or propane fuels), or automobile accessories, and incidental services including facilities for lubricating, hand car washing and cleaning, or otherwise servicing automobiles, but not including painting or major repair.

GRADE, FINISHED: The completed surfaces of lawns, walks, and roads brought to grades as shown on official plans or designs relating thereto.

HEALTH DEPARTMENT: The Loudon County Health Department.

HEIGHT OF BUILDING OR STRUCTURES: The vertical distance from the average ground elevation or finished grade at the building line, whichever is the highest, to the highest point of the building or structure.

HOME OCCUPATION: See Section 4.040.

HOSPITAL: See medical facilities.

JUNK: Rubbish and wasted or discarded items, including metal, wood, paper, glass and other objects and including junk motor vehicles. The term shall not include items held for sale in a business establishment which holds a valid Tennessee business license.

JUNK MOTOR VEHICLE: Any automobile, motor vehicle, or the metal scraps and remains of the foregoing items, which are incapable of being operated and which it would not be economically practical to make operative and which are not fully placed or located within and fully surrounded by a substantial and durable building. The term shall not include items on the premises or establishments constituting automobile graveyards within the meaning of Tennessee Code Annotated, Section 54-20-201, et seq., or establishments having facilities for processing scrap metal.

JUNK YARD OR SALVAGE YARD: A lot, land or structure, or part thereof, used primarily for the collecting, 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.

LIGHT INDUSTRY: Is defined, for the purpose of this resolution, on the basis of performance in terms of absence of objectionable noise, smoke, odor, dust, dirt, noxious gases, glare and heat; and of the creation of hazards to health and life by reason of fire, effects of industrial wastes, psychological effects and generation of motor vehicle traffic.

LITTER: Particles or items of trash, rubbish, wastepaper, or garbage lying or scattered about.

LIVERY OR BOARDING STABLE: Any parcel of land which is utilized to board ten or more horses which are owned by persons not residing on the premises.

LIVESTOCK: Domestic animals of types customarily raised or kept on farms.

LIVESTOCK FEEDING YARDS: An enclosure designed or used for holding livestock for purposes of sale or transfer by auction, consignment, or other means.

LOADING 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, plot, or parcel 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, AREA: The total land area included within lot lines.

LOT, CORNER: A lot of which at least two adjoining sides abut their full lengths on a street, provided that the interior angle at the intersection of two such sides is less than one hundred thirty-five (135) degrees.

LOT, DEPTH: The average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

LOT, FRONTAGE: That dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

LOT, INTERIOR: A lot other than a corner lot.

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 description of

which has been recorded in the office of the county register of deeds prior to the effective date of this zoning resolution.

LOT WIDTH: The width of a lot at the building setback line measured at right angles to its depth.

MARINA: A facility for the docking and servicing of boats.

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, body paint or other such embrocation 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 message therapist, licensed through the State of Tennessee Division of Health Related Board. Nor shall this definition be construed to include a barber shop or beauty salon operated by a duly licensed barber or cosmetologist.

MEDICAL FACILITIES:

A. Convalescent, Rest or Nursing Home: A health facility where persons are housed and furnished with meals and continuing nursing care for compensation.

B. Dental Clinic or Medical Clinic: A facility for the examination and treatment of ill and afflicted human out-patients provided, however, that patients are not kept overnight except under emergency conditions.

C. Hospital: An institution providing health services primarily for human in-patient medical care for the sick or injured and including related facilities such as laboratories, out patient facilities, emergency medical services and staff offices which are an integral part of the facility.

D. Public Health Center: A facility utilized by a health unit for the provision of public health services.

MINIMUM FLOOR ELEVATION: The lowest elevation permissible for the construction, erection, or other placement of any floor including a basement floor.

MOBILE HOME PARK: Any area, tract, site or plot of land whereupon mobile homes as herein defined are placed, located or maintained, and shall include all accessory buildings used or intended to be used as part of the equipment thereof.

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

NOXIOUS MATTER: Material in gaseous, liquid or solid 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.

OBSCENE: The basic guidelines for the trier of fact must be: (a) whether the average person applying contemporary community standards would find that the work, taken as a whole, appeals to the prurient interest; (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.

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 this resolution.

OWNER: Includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary, and a person having a vested or contingent interest in the property in question.

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.

PATENTLY OFFENSIVE: That which goes substantially beyond customary limits of candor in describing or representing such matters.

PLANNING COMMISSION: The Loudon County Regional Planning Commission.

PLAT: A map, plan, or layout indicating the location and boundaries of individual properties.

PRINCIPAL USE: The specific primary purpose for which land or a building is used.

PRIVATE WASTEWATER TREATMENT: Individual subsurface sewage disposal systems (i.e. septic tanks), package treatment plants or individual aeration systems employed for the collection and treatment and/or disposal of wastewater, as approved by the local health office.

PROFESSIONAL OFFICE: The office of a physician, dentist, attorney, architect, engineer, planner, accountant, or similar professions.

PRURIENT INTEREST: A shameful or morbid interest in sex.

PUD (PLANNED UNIT DEVELOPMENT): A single planned area of land which (1) has both individual building sites and common property such as a park, and (2) is designed and organized to be capable of satisfactory use and operation as a separate entity without necessarily having the participation of other building sites or other common property; the ownership of the common property may be either public or private.

PUBLIC USES: Public parks, schools, and administrative, cultural, and service buildings not including public land or buildings devoted solely to storage and maintenance of equipment and materials.

PUBLIC WASTEWATER SYSTEM: A municipal or utility district sewerage treatment and disposal system approved by the State Department of Public Health and the Public Service Commission.

PUBLIC WATER: A municipal of utility district water treatment and distribution system approved by the State Department of Public Health and the Public Service Commission.

REFUSE: means all items constituting garbage, litter, and rubbish.

RIDING STABLE: Any parcel of land which is available for individuals to ride or train horses and on which ten (10) or more horses are boarded for these purposes.

ROADSIDE STAND: A structure used or intended to be used solely by the owner or tenants for the sale of only seasonal farm products of the farm on which it is located.

ROADWAY: The actual road surface including necessary road shoulders and drainage facilities including ditches and curbs and gutters, which is used to transport motor vehicles.

RUBBISH: Means useless, rejected, or abandoned waste, waste matter, trash, junk, debris, and fragments of buildings, masonry or wood and building materials of structures which are determined to be unsafe as a result of their dilapidated condition.

SANITARY LANDFILL: An area or site utilized by a public or private entity for disposal of solid waste or refuse in a manner which meets the regulations imposed upon the

operation and maintenance of sanitary landfill sites by the State Department of Public Health.

SEXUALLY ORIENTED ADULT BUSINESSES: Non-obscene retail uses devoted to the sale, distribution, viewing or provision of services that involve the performance of or depiction of “specified sexual activities” or “specified anatomical areas”, hereinbelow defined. Sexually oriented adult businesses include, but are not limited to, adult bookstores, adult nightclubs/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.

SHELTER, FALL-OUT: A structure or portion of a structure intended to provide protection to human life during periods of danger from nuclear fall-out, air raids, storms, or other emergencies.

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 any 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 unit.

SIGN, OFF-PREMISE: A sign relating to a product, service, or establishment that is not on the premises on which the sign is located.

SIGN, ON-PREMISE: A sign relating to a product, service, or establishment that is on the premises on which the sign is located.

SPECIAL EXCEPTION: A use which is specifically permitted if the owner can demonstrate to the satisfaction of the Board that it will meet certain standards, enumerated safeguards, or qualifying conditions.

SPECIFIED ANATOMICAL SEXUAL AREAS:

1. Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

SPECIFIED SEXUAL ACTIVITIES: Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

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 commercial purposes.

STREET: A public road, highway, or thoroughfare which constitutes or is designed to constitute, the main access to more than one lot and which has been legally dedicated and accepted for public use.

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.

STRUCTURE PROFILE: Profile equivalent to one that would be reached if the maximum known flood in this general region were to occur on the drainage areas downstream form the major flood storage reservoirs, increased approximately 15 percent for a safety factor, and further increased by an appropriate minimum discharge from the storage reservoirs. the elevation of the structure profile shall be determined by the charts, "High Water Profiles, Tennessee River, Vicinity of Lenoir City," (TVA, April, 1964); "High Water 1963); "High Water Profiles, Sweetwater Creek, Vicinity of Loudon and Philadelphia, Tennessee," (TVA, January, 1963); and "High Water Profiles, Towne and Muddy Creeks, Vicinity of Lenoir City, Tennessee," (TVA, April, 1964), and flood profiles for the Little Tennessee River, Baker Creek, Clinch River and Bacon Creek as shown in the Flood Insurance Study dated June, 1986, which charts are made a part of this resolution.

SUBDIVISION: The division of a tract, or parcel of land into two or more lots, plots, sites or other division of land for the purpose or sale, or building development, whether immediate or future. It includes re-subdivision and, when appropriate to the context, relates to the process of subdivision of the land or territory subdivided, provided, however, that subdivision does not include a division of any tract or parcel when such as created are five (5) acres or larger in size.

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.

TENANT HOUSE: A residential structure and accessories thereto principally used, designed, or adapted to provide living accommodations for not more than two families who work on the operating farm on which the structure is located.

TOXIC MATERIALS: Materials (gaseous, liquid, solid, particulate) which is capable of causing injury to living organisms by chemical reaction even when present in relatively small amounts.

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.

UNSAFE BUILDING: Any building or structure that has any one of the following conditions, to the extent that the life, health, property or safety of the general public is endangered:

1. Whenever the stress in any material, member or portion thereof, due to all imposed loads including dead load, exceeds the working stresses which are generally acceptable in the course of building construction.

2. Whenever a building, structure, or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the buildings or structures is less than the minimum required by acceptable engineering practices.

3. Whenever any building, structure or portion thereof as a result of decay, deterioration, or dilapidation, as a result of fire, flood, wind, earthquake or other exterior force, is likely to fully or partially collapse.

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.

VACANT DILAPIDATED BUILDING: Any unoccupied building or structure which is in a state of disrepair to the extent that it is unsafe.

YARD: An open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this resolution, 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 required space unoccupied except as herein provided, measured between the side lot line and the nearest point of the principal building and between the front yard and the rear yard.

ARTICLE 3

GENERAL PROVISIONS

SECTION

3.010. Scope
3.020. Only One (1) Principal Building on Any Lot
3.030. Lot Must Abut a Public Street
3.040. Reductions in Lot Area Prohibited
3.050. Obstruction to Vision at Street Intersection Prohibited
3.060. Access Control
3.070. Accessory Uses Regulations

3.010. Scope. For the purpose of the zoning regulation, there shall be certain general provisions which shall apply, except as specifically noted, to the County as a whole.

3.020. Only One (1) Principal Building on Any Lot. Only one (1) principal building and its customary accessory buildings may be erected on any lot. However, on land in tracts of two (2) acres or more where the tract is a lot of record in the Register's Office of Loudon County, Tennessee, as many as two (2) dwelling units may be erected on a tract provided each dwelling unit meets all of the requirements of the district in which it is located. This provision does not prohibit planned development complexes as permitted under Article 4, Section 4.080. of this Resolution.

3.030. Lot Must Abut a Public Street. No building shall be erected on a lot which does not abut at least one (1) publicly approved and accepted street for a distance of at least twenty-five (25) feet.

3.040. Reductions in Lot Area Prohibited. No lot, even though 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 resolution are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose. A nonconforming lot of record of two acres or more which does not meet requirements of Section 3.030 may be further subdivided into no more than two lots provided all other requirements are met. Prior to subdividing, an approved plat must be filed with the County Register of Deeds office. In addition to complying with all platting requirements, the following note shall be prominently displayed on the plat: **The further resubdivision of lot(s) is prohibited until such time as they conform to all provisions of the Zoning Resolution of Loudon County.**

3.050. Obstruction to Vision at Street Intersection Prohibited. On a corner lot in any 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 seventy-five (75) feet from their intersection, there shall be no obstruction to vision between the height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street at the center line thereof. The requirements of this Section shall not be construed to prohibit any necessary retaining wall.

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

A. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width. All points of access shall be so constructed as to provide for proper drainage.

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. No point of access shall be allowed within twenty (20) feet of the right-of-way line or any public intersection.

D. No curbs on county streets or rights-of-way shall be cut or altered without written approval of a Loudon County Road Commissioner, or if a state highway, a permit must be obtained from the Tennessee Department of Transportation.

E. Where two driveways are provided for one lot frontage, the clear distance between driveways shall not be less than twenty-five feet.

F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided further, that no curb cuts for off-street automobile storage or parking space shall be permitted where the arrangement would require that vehicles back directly into a public street.

3.070. Accessory Use Regulations. The uses of land, buildings, and other structures permitted in each of the districts established by this Resolution are designed by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted principal uses are also permitted in each district. Each accessory use shall:

A. Be customarily incidental to the principal use established on the same lot.

B. Be subordinate to and serve such principal use.

C. Be subordinate in area, intent, and purpose to such principal use.

D. Contribute to the comfort, convenience, or necessity of users of such principal use.

ARTICLE 4

SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS

SECTION

4.010. Off-Street Parking Requirements
4.011. Certification of Minimum Parking Requirements
4.012. Combination of Required Parking Space
4.013. Remote Parking Space
4.014. Requirements for Design of Parking Lots
4.020. Off-Street Loading and Unloading Requirements
4.030. Temporary Use Regulations
4.040. Customary Home Occupations
4.050. Fall-Out Shelter Restrictions
4.060. Gasoline Service Station Restrictions
4.070. Swimming Pool Restrictions
4.080. Planned Unit Development Regulations
4.081. General Provisions
4.082. Minimum Size
4.083. Permitted Activities and Uses
4.084. Limitation on Commercial Activities in Planned Unit Developments
4.085 Obstructions, Height Regulations, Accessory Structures, Customary Home Occupations, Off-Street Parking and Sign Control
4.086 Overall Densities and Bulk Regulations for Residential Activities in Planned Unit Developments
4.087. Setbacks, Landscaping
4.088. Building Spacing
4.089. Perimeter Requirements
4.089.1. Administrative Procedure
4.089.2. Definitions
4.090. Standards for Signs, Billboards, and Other Advertising Structures
4.100. Development Standards for Mobile Home Parks
4.110. Development Standards for Automobile Wrecking, Junk and Salvage Yards
4.120. Development Standards for Cemeteries
4.125. Development Standards for Dog Kennels and Boarding Facilities
4.130. Alcohol and/or Substance Abuse Facilities
4.140. Litter, Refuse, Garbage, Junk, Debris, Vacant Dilapidated Buildings or Structures Control Regulations
4.150. Requirements for the Storage of Abandoned, Dismantled Junk Vehicles and Parts
4.160. Landscape Screening & Buffering Requirements

4.170. Storm Water Control Standards
4.180. Erosion and Sedimentation Control
4.190 Waste Disposal Facilities Location and Design Standards
4.200 Fireworks Distribution, Storage and Manufacture
4.210 Sexually Oriented Adult Businesses
4.220 Development Standards for Quarrying, Gravel Processing, Mining and Mineral Extraction
4.230 Development Standards for Permitting Telecommunications Towers and Antennas
4.240 Site Plan Review

4.010. Off-Street Parking Requirements. Off-street automobile storage or standing space shall be provided on each lot upon which any of the following uses are hereafter established. One (1) vehicle space shall be two hundred (200) square feet in size (10 feet x 20 feet) and such space shall be provided with vehicular access to a street or alley. The number of parking spaces provided shall meet the minimum requirements for the specific uses as set forth below:

A. Single detached dwelling and duplex - not less than two (2) spaces for each dwelling unit.

B. Apartment dwelling - not less than one and one half (1 1/2) spaces per dwelling unit.

C. Boarding houses and rooming houses - not less than one (1) space for each one (1) room to be rented.

D. Townhouse and condominium - not less than two (2) spaces per dwelling unit.

E. Other dwelling units - not less than two spaces per dwelling unit.

F. Hotels, motels and other tourist accommodations - not less than one (1) space for each room to be rented plus one (1) additional space for each three (3) employees.

G. Any auditorium, church, stadium, or other place of public assembly - not less than one space for each five (5) seats provided in such places of assembly. For places of public assembly where seating is not a measure of capacity, such as clubhouses, funeral parlors, etc., at least one (1) space for each two hundred (200) square feet of floor space devoted to that particular use shall be provided.

H. Manufacturing, industrial or wholesaling use - not less than one (1) space for each five (5) employees anticipated during maximum production, with a minimum of five (5) spaces provided for any establishment. For establishments maintaining space for the sale of products at retail, there shall be provided one

(1) parking space for each five hundred (500) square feet of floor area devoted to retail sales.

I. Office and professional buildings - not less than one (1) parking space for each three hundred (300) square feet of office space located on the first floor, plus one parking space for each five hundred (500) square feet of floor space (or fractions thereof) above or below the first or main floor; provided that office space constructed or arranged on the floors above or below the first floors of retail or other business establishments and not used in connection therewith, shall fall within the meaning of this subsection.

J. Retail sales and service establishments - not less than one (1) parking space for each two hundred and fifty (250) square feet, or fraction thereof, of floor space in general commercial districts and one (1) space for each three hundred (300) square feet, or fraction thereof, of floor space in the rural center districts.

K. Medical or dental clinics - not less than four (4) spaces per doctor or dentist, plus one (1) additional space for each two (2) employees.

L. Service Stations - not less than five (5) spaces for each grease rack or service bay, or one (1) space for each 1,500 square feet of lot area or fraction thereof, whichever is greater.

M. Restaurants - not less than one (1) space per one hundred fifty (150) square feet of floor area, plus one (1) space for each two employees. For drive-in restaurants, one (1) space per one hundred (100) square feet of floor area.

N. Other - for buildings and uses not listed the off-street parking requirements shall be determined by the Board of Zoning Appeals.

4.011. Certification of Minimum Parking Requirements. Each application for a building permit shall include information as to the location and dimensions of off-street parking spaces 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.

4.012. Combination of Required Parking Space. The required parking space for any number of separate uses may be combined in one (1) lot but the required space assigned to one (1) 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.

4.013. Remote Parking Space. If the off-street parking space required by this Resolution cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within two hundred (200) feet

of the main entrance to such principal use provided such land is in the same ownership as the principal use. Such land shall be used for no other purpose so long as no other adequate provision of parking space meeting the requirements of this Resolution has been made for the principal use.

4.014. 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 3.060 of this Resolution.

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.

4.020. Off-Street Loading and Unloading Space Required. Every building or structure hereafter constructed and used for industry, business, or trade involving the receiving 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:

Total Usable Floor Area for Principal Building	Spaces Required (See Chapter 2 for definition)
0 to 4,999 square feet	One (1) space
5,000 to 9,999 square feet	Two (2) spaces
10,000 to 14,999 square feet	Three (3) spaces
15,000 to 19,999 square feet	Four (4) spaces
Over 20,000 square feet	Four (4) spaces, plus one (1) space for each additional 20,000 sq. ft.

The Board of Zoning Appeals may reduce or increase this requirement in the interest of safety where unusual or special conditions are due consideration.

4.030. Temporary Use Regulations. 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 Building Commissioner. Said application shall contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to

determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are all-inclusive and shall be subject to the specific regulations and time limits which follow and to the regulations of any district in which such use is located:

A. Carnival or circus: May obtain a temporary use permit in the A-1, C-1, C-2, or F-1 districts; 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.

B. Christmas tree sale: May obtain a 30 day temporary use permit for the display and sale of Christmas trees on open lots in any district.

C. 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.

D. 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 Loudon County 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.

E. Religious tent meetings: In any district except the M-1, General Industrial District, 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.

F. Seasonal sale of farm produce: In any district except the M-1, General Industrial District, a temporary use permit may be issued for the sale of farm produce grown on the premises. Structures utilized for such sales shall be removed when not in use. The permit shall be issued for a five-month period. All structures must be set back from the roadway a minimum of thirty-five (35) feet.

G. Temporary dwelling units in case of medical hardships: In any district, a temporary use permit may be issued to place a mobile home (double-wides excluded) on a lot which already contains a residential structure, provided that the purpose of such placement temporarily shall be to make it possible for a resident of either structure to provide assistance to a person who requires daily assistance due to physical or mental disability, and provided further than such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a temporary use permit, as provided under this subsection, must produce a written statement from a physician certifying that the specific disability requires assistance from someone in close proximity as evidence of such disability, and a written statement from the Loudon County Sanitarian approving the sewage disposal system of the proposed temporary structure.

Such a permit may be initially issued for eighteen (18) months. A permit may be renewed for six (6) months at a time, subject to producing a new statement from a physician certifying that the assistance is still required due to the disabling condition. A temporary permit shall be revoked and the structure removed immediately upon expiration of the permit or upon a change in the conditions under which such permit was issued. The person requiring assistance due to the stated disabling condition may be a resident of either the temporary or permanent structure. The temporary residence shall be treated as an accessory structure.

H. Temporary dwelling unit in cases of other special hardships: In any district, a temporary use permit may be issued to place a mobile home (double-wides excluded) temporarily on a lot which already contains a residential structure where the Loudon County Board of Zoning Appeals finds that special circumstances or conditions, fully described in the findings of the Board exist; such that the use of a temporary residential structure is necessary in order to prevent an exceptional hardship on the applicant; provided that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a temporary use permit as provided under this subsection must produce a written statement from the Loudon County Sanitarian approving the sewage disposal system of the temporary structure. Such a permit may be initially issued for nine (9) months. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of eighteen months. The temporary structure shall be treated as an accessory structure.

I. Temporary manufacture of road materials: In any district, except the R-1, Suburban Residential District, a temporary use permit may be issued upon approval by the Loudon County Board of Zoning Appeals to operate manufacturing plants which are necessary in order to produce the materials

required for the construction of approved public roads where the board finds that such a use is not potential noxious, dangerous, or offensive. In the exercise of its approval, the Board of Zoning Appeals may impose such conditions upon the proposed plants as it may deem advisable in the furtherance of the general purposes of this Resolution.

Such a permit may be initially issued for a nine (9) month period. A permit may be renewed for up to six (6) months at a time, the total time for all permits not exceeding a total of twenty-four (24) months.

4.040. 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. When questions arise regarding the legality of specific home occupations, the Board of Zoning Appeals shall determine whether said home occupation is in compliance with the district in which said home occupation is located. However, activities such as dancing instruction, band instrument instruction, except piano instruction, tea rooms, tourist homes, real estate offices, convalescent homes, mortuaries, animal clinics, retail sales business, or any other activity deemed by the Board to be incompatible with the district or potential nuisance to the surrounding area shall not constitute an acceptable home occupation.

4.050. Fallout Shelter Restrictions. Fallout shelters are permitted as principal or accessory uses and structures in any district, subject to the yard and lot coverage regulations of the district. Areas of underground fallout 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 yard setback requirements to permit construction of joint shelters by two or more property owners provided, however, that side and rear yard setback requirements shall be met where property involved in the joint proposal abuts or adjoins property not included in the proposal.

4.060. Gasoline Service Station Restrictions. 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, except for canopies designed to cover the gasoline pump islands.

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 Article 4, Section 4.090, shall be met.

4.070. Swimming Pool Restrictions. The following regulations shall apply to all swimming pools:

A. No swimming pool or part thereof, excluding aprons and walks, shall protrude into any required front yard in the A-1, A-2, and R-1 Districts.

B. The swimming pool area shall be walled or fenced with a latching gate so as to prevent uncontrolled access by children and pets from the street or adjacent properties. The latch shall be placed on the inside of the gate at least 40" from the ground. Said fence or wall not be less than four (4) feet in height and maintained in good working condition. Hot tubs and spas with covers are not considered swimming pools (Revised June 6,2011)

C. Private swimming pools are permitted in A-1, A-2, R-1, and C-1 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.

4.080. Planned Unit Development Regulations. The purpose and intent of this Section is to encourage the total planning of relatively large tracts of land consistent with the long-range general comprehensive plan of the County, encourage innovations in design and the application of sound design principals, 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 unit developments upon determination by the Board of Zoning Appeals that the proposed development is in harmony with the purpose and intent as stipulated. Planned unit developments are permitted only as special exceptions after review by the Board.

4.081. General Provisions. The following general provisions apply to all planned unit developments:

A. Ownership and Division of Land. No tract of land may be considered for or approved as a planned unit 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 unit 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 master development plan.

B. Relationship to the Subdivision Regulations. The uniqueness of each proposal for a planned unit development may require that there be modification from the

specifications established in the subdivision regulations adopted by the Loudon County Regional Planning Commission.

Modifications may be incorporated only with the approval of the planning commission.

C. Common Open Space.

1. The location, shape, size, and character of the common open space shall be reviewed in detail.

2. Common open space must be used for amenity or recreational purposes. The uses authorized for the common open space must be appropriate to the scale and character of the planned development considering its size, density, expected population, topography, and the number and type of dwellings to be provided.

3. Common open space must be suitably improved for its intended use but common open space containing natural features worthy of preservation may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved conditions.

4. The use and improvements of common open space must be planned in relation to any existing or proposed public or semi-public open space which adjoins or which is within close proximity to the perimeter of the planned development.

5. All land shown on the final development plan as common open space must be conveyed under one of the following options:

   a. It may be conveyed to a public agency which will agree to maintain the common open space and any building, structures, or improvements which have been placed on it.

   b. It may be conveyed to a trustee(s) provided in a deed of record which establishes an association or similar organization for the maintenance of the planned development. The common open space may be conveyed to the trustees subject to approval of the board of zoning appeals, which will result in the restriction of the common open space to the uses specified on the final development plan; and which will provide for the maintenance of the common open space in a manner which assures its continuing use for its intended purpose.

6. No common open space may be put to any use not specified in the final development plan unless the final development plan has been amended to permit that use. However, no change of use authorized may be considered as a waiver of any of the covenants limiting all rights to enforce these convenants against any use permitted shall remain.

7. Any organization established for the ownership and maintenance of any common open space shall not dispose of any common space by sale or otherwise (except to an organization established to own and maintain the common open space) without first offering to dedicate the same to the county. Said dedication must be approved by the board of zoning appeals and accepted by the Loudon County Quarterly Court.

8. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment of the planned unit development, fail to maintain the common open space in reasonable order and condition in accordance with the adopted master development plan, the building commissioner may serve written notice upon such organization and/or owners or residents of the planned unit development. If deficiencies or maintenance are not corrected after 30 days, the building commissioner shall call upon any public or private agency to maintain the common open space. The cost of such maintenance by such agency shall be assessed proportionally against the properties within the planned unit development that have right of enjoyment of the common open space, and shall become a lien on said properties.

4.082. Minimum Size. The minimum size of a planned unit development is established according to the following table:

Minimum Area (Acres)	District R-1	C-1	A-2	C-2
5	X			X
8		X	X	

4.083. Permitted Activities and Uses. The following activities may be permitted as part of a planned unit development in R-1, C-1, A-2, and C-2 Districts except where expressly noted as not being allowed:

A. Residential. Multi-family and conventional detached.

B. Community Facilities. Utility services, streets and rights-of-way to all modes of transportation, open areas or natural reserves; basic installations, including but not limited to communication equipment, government offices, utility substations, radio or television stations, police and fire stations, water tanks and sewage disposal lift stations; community assembly, including but not limited to public,

private and parochial schools and day care centers; health care, including clinics, hospitals, rest homes, nursing homes, and homes for the aged.

C. Commercial activities. Convenience Sales and Services. Including the retail sale, from the premises, of drugs and other frequently needed small personal convenience items such as toiletries, tobacco, and magazines, as well as the provision of personal convenience services which are typically needed frequently or recurrently, such as barber and beauty care, and includes shoe shining and operation of self-service laundromats and laundry or dry cleaning pick-up stations, but excludes other apparel cleaning and repair services. Also includes small convenience food products retailing. Financial Consulting and Administrative. Includes the provision of financial, insurance, and real estate brokerage services, as well as the provision of advice, designs, information, or consultation of a professional nature. Also includes the executive, management, administrative, and desired activities of private, profit-oriented firms other than public utility firms. These activities do not include the storage of goods and chattels for the purpose of sale unless otherwise permitted by other provisions of this regulation. Food Service. Includes the retail sale of prepared food or beverages primarily for on-premises consumption on the same lot, but not to be consumed within a parked car. Medical Service. Includes the provision of therapeutic, preventive, or corrective personal treatment services by physicians, dentists, and other practitioners as well as the provision of medical testing and analysis services.

4.084. Limitation on Commercial Activities in Planned Unit Developments. The commercial activities allowed in a planned unit development shall be permitted, provided that such activities shall not exceed in the aggregate more than five percent of the total floor area of such development; provided further that the maximum floor area devoted to such activities by any single establishment shall be 3,000 square feet.

4.085. Obstructions, Height Regulations, Accessory Structures, Customary Home Occupations, Off-Street Parking and Sign Control. All residential structures and community facilities within a planned unit development shall conform to the requirements governing these items as specified in this regulation pertaining to the appropriate residential or commercial district within which it is located.

4.086. Overall Densities and Bulk Regulations for Residential Activities in Planned Unit Developments. The maximum overall densities for residential activities shall be in terms of the number of dwelling units per gross acre of all area within a development, as provided herein.

A. The maximum floor area for residential activities shall be in terms of a ratio of total floor area per total area within the development, as provided herein.

B. Yard requirements for planned unit developments are waived and the following minimum controls shall be applied.

C. The minimum total open space (including all uncovered outdoor areas, such as streets, parking, lawn, landscaped areas, patios, recreation area, as well as usable roofs and uncovered balconies) shall be provided at no less than a minimum ratio of open space per total floor area, as provided herein.

D. The minimum total living space (that part of the total open space which includes lawn, landscaping, and recreation areas and excluding streets and parking), shall be provided at no less than a minimum ratio of living space area per total floor area, as provided herein.

E. The minimum total recreation space (that part of living space which is any relatively large contiguous area for recreation purposes) shall be provided at no less a minimum ratio of recreation space per total floor area as provided herein.

F. If a planned unit development embraces one or more zoning districts requiring different maximum permitted overall densities and floor area, open space, living space, and recreation space ratios, these values shall be calculated separately for each distinct district, and a weighted average (weighing the area in each zoning district in proportion to its share of the total area of the development in such district) of each of these values shall be applied to the development.

G. The following table indicates the density and bulk regulations for residential activities in a planned unit development. Section 4.089.2 provides definitions for interpretation concerning terms and ratios appearing below:

	District			
1. Floor Area Ratio	R-1	C-1	A-2	C-2
The maximum floor area .162 shall not exceed net residential land area X floor area ratio		.162	.077	.077
2. Open Space Ratio				
The minimum open space area shall not be less than actual residential floor area X open space ratio	4.8	10.6	10.6	4.8
3. Living Space Ratio				
The minimum living space area shall not be less than actual residential floor area X living space ratio	3.3	8.6	8.6	3.3

4. Recreation Space Ratio

The minimum recreation space shall not be less than actual residential floor area X recreation space ratio	.20	.32	.32	.30

4.087. Setbacks, Landscaping. Setbacks shall be the same depth as required for buildings of the same height in the district in which the planned unit development is located, provided that in no case shall a required yard be less than ten feet in the minimum dimension. Yards adjacent to streets shall be landscaped for a minimum depth of at least ten feet from the street property line, except for driveways.

4.088. Building Spacing. Where space is left between buildings on a lot or building site, it shall be at least ten feet in width.

4.089. Perimeter Requirements. If topographical or other barriers do not provide adequate privacy for existing uses adjacent to the planned development, the planning commission or 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.

4.089.1 Administrative Procedure.

A. Outline Development Plan

1. The developer shall make a request to construct a planned unit development within one of the allowable districts to the Building Commissioner. At his option, the developer may accompany his request with an outline development plan specified in this Section. If no outline development plan is filed with the request, the developer shall submit a preliminary development plan as outlined in the following section.

2. An outline development plan consists of both maps and a written statement.

   a. The maps may be in a general schematic form, but must contain the following information:

i. The existing topographic character of the land.

ii. Existing and proposed land uses and the appropriate density of the existing dwellings.

iii. The approximate location of any road shown on the major thoroughfare plan.

iv. Public uses, including schools, parks, play areas, and other open spaces, both existing and proposed.

b. The written statement to accompany the outline development plan must contain the following information:

i. A statement of the present ownership of all the land included within the proposed development.

ii. A general indication of the expected schedule of the development.

3. Within thirty (30) days after the filing of the outline plan, Staff shall forward the plan to the Board of Zoning Appeals with a written report recommending the plan be approved, approved with modifications, or disapproved, and giving reasons for these recommendations.

4. The Board of Zoning Appeals will act on the recommendation by Staff and the procedure specified for special exceptions in Section 7.060 of this Resolution shall be followed. However, no building permits will be issued on land within the planned development until final plans for the development have been reviewed and approval granted by the Board of Zoning Appeals.

B. <u>Preliminary Development Plan</u>

1. If an outline development plan has been submitted and approved, the Board shall review the submission of a preliminary development plan in stages or as a whole. If a preliminary development plan has not been submitted within three (3) months following the approval of the outline development plan, the Board may withdraw its approval of the planned development. In its discretion and for good cause, the Board may extend for three (3) months the period for the filing of the preliminary development plan.

2. The preliminary development plan must include all the following information:

a. A map showing street systems, lot lines, lot designs, and existing topographic characteristics.

b. Areas proposed to be conveyed, dedicated, or reserved for parks, playgrounds, swimming pools, recreation buildings, supporting commercial areas, similar public and semi-public uses.

c. 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 the open spaces around buildings and structures.

d. Elevation and perspective drawings of all proposed structures and improvements. The drawings need not be the results of final architectural decisions and need not be in detail.

e. 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 anticipated rate of development; (4) the approximate dates when the development of each of the stages in the development will be completed; and (5) the area and location of common open space that will be provided at each stage.

f. An off-street parking and loading plan.

g. An estimate of population and density and extent of activities to be allocated to parts of the project.

h. The general means of the disposition of sanitary waste and storm water.

i. A tabulation of the land area to be devoted to various uses and activities and overall densities.

j. Agreements, provisions, or covenants which govern the use, maintenance, and continued protection of the planning development and any of its common open areas.

k. The following plans and diagrams, insofar as the Board of Zoning Appeals finds that the planned development creates special problems of traffic, parking, landscaping or economic feasibility:

    i. A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the planned development and to and from existing and proposed thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern must be shown.

ii. A landscaping and tree planting plan.

iii. An economic feasibility report or market analysis.

l. If no outline development plan has been filed, the preliminary plan must contain the information required by Section A 2 (a) and (b) and must include enough of the area surrounding the proposed planned development to show the relationship of the planned development to adjacent uses.

3. The Board of Zoning Appeals shall review the preliminary development plan and recommend its approval if it complies with the intent of this planned unit development section and contains all the information as specified in subsection B.2.

C. Final Development Plan

1. 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 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.

2. The Board shall review the final development, and if it is in substantial compliance with the preliminary development plan, shall recommend approval.

3. The Building Commissioner 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

1. 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. No change authorized by this Section may change the size of any building or structure by more than ten percent.

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 county or city.

2. Any changes which are approved for the final plan must be recorded as amendments to the recorded copy of the final plan.

3. If no construction has begun or no use established in the development within one year after approval of the final development plan, the final development plan will lapse and be of no further effect.

E. Control of Planned Development Following Completion

1. Upon completion of all 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.

2. 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.

3. After the certificate of completion has been issued, no change 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 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.

4. 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

1. A planned development may be subdivided or resubdivided for purposes of sale or lease after the certificate of completion has been issued.

2. 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 approve the subdivision or resubdivision if each section of the subdivided or resubdivided planned development meets the provisions of this regulation governing the density, common open space, and dimensional requirements.

3. All sections of a subdivided or resubdivided planned development are to be controlled by the final development plan.

4.089.2. Definitions. The following definitions are provided for a better interpretation of terms used in this section.

A. Floor Area. The total of the gross horizontal areas of all floors, including usable basements and cellars, below the roof and within the outer surfaces of the main walls of principal or accessory buildings on the center lines of party walls separating such buildings or portions thereof, or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls, but excluding the following:

1. Off-street parking, loading, and maneuvering space.

2. In the case of non-residential facilities: arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage service, or production areas.

B. Floor Area Ratio. The total floor area on a lot, divided by the lot area of that lot. For example, a building containing 20,000 square feet of floor area on a lot of 10,000 square feet has a FAR of 2.0.

C. Living Space. Outdoor areas including recreation areas but excluding streets and parking.

D. Open Space. In planned unit developments, as a partial substitution of yard requirements, it includes the total uncovered open area of a planned unit development including streets, parking, lawn, patios, recreation areas as well as usable roofs and uncovered balconies.

E. Recreation Space. That portion of a lot that is required by the specific district regulation to be open from the ground to the sky and may contain only explicitly listed obstructions.

F. The following tables provide additional explanatory matter and examples of computations:

R-1, Suburban Residential, and C-2, General Commercial

Minimum Acres - 5

Maximum Residential Floor Area per acre)	**7,057 square feet** **43,560 x .162 = 7,057)**
Minimum Open Space (per acre)	**- 33,874 square feet** **(7,057 x 4.8 = 33,874)**
	43,560 square feet **- 33,874 Minimum open space**
	9,686 Maximum building area
Minimum Living Space	**23,288 square feet** **(7,057 x 3.3 = 23,388)**

33,874 Minimum open space
- 23,288 Minimum living space
10,586 Maximum vehicular space

Minimum Recreation Space - 1,411 square feet
(7,057 x .20 = 1,411)

Maximum Dwelling Units (per acre) - Determined by size of unit:

	600 sq. ft.	800 sq. ft.	1,000 sq. ft.	1,200 sq. ft.	1,400 sq. ft.
Units Per Acre	11.8	8.8	7.1	5.9	5.0

C-1, Rural Center and A-2, Rural Residential

Minimum Acres - 8

Maximum Residential Floor Area (per acre) - 3,354 square feet
43,560 x .077 = 3,354)

Minimum Open Space (per acre) - 35,552 square feet
(3,354 x 10.6 = 35,552)

43,560 square feet
35,552 Minimum open space
8,008 Maximum building area

Minimum Living space (per acre) - 28,844 square feet
(3,354 x 8.6 = 28,844)

35,552 Minimum open space
- 28,844 Maximum living space
6,708 Maximum vehicular space

Minimum Recreation space (per acre) - 1,073 square feet
(3,354 x .32 = 1,073)

Maximum Dwelling Units (per acre) **- Determined by size of unit:**

	600 sq. ft.	800 sq. ft.	1,000 sq. ft.	1,200 sq. ft.	1,400 sq. ft.
Units Per Acre	**5.6**	**4.2**	**3.4**	**2.8**	**2.4**

TOTAL SQUARE FEET REQUIRED PER ACRE
(Percentage of Total Acre in Parenthesis)

	R-1	C-2	A-2	C-1
Maximum Floor Area	7,057 (16.2)	7,057 (16.2)	3,354 (7.7)	3,354 (7.7)
Minimum Open Space	33,874 (77.2)	33,874 (77.8)	35,552 (81.6)	35,552 (81.6)
Maximum Building Area	9,686 (22.2)	9,686 (22.2)	8,008 (18.9)	8,008 (18.9)
Minimum Living Space	23,288 (53.5)	23,288 (53.5)	28,844 (66.3)	28,844 (66.3)
Maximum Vehicular Space	10,586 (24.3)	10,586 (24.3)	6,708 (15.4)	6,708 (15.4)
Minimum Recreation Space	1,411 (3.2)	1,411 (3.2)	1,073 (2.5)	1,073 (2.5)

4.090. Standards for 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:

A. In any zoning district, the following general regulations shall apply as well as the regulations in Chapter 23, "Signs and Outdoor Displays," of the Southern Standard Building Code.

1. 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.

2. No sign having flashing, intermittent or animated illumination shall be permitted within three hundred (300) feet of property in any suburban residential district unless such sign is not visible from such property.

3. No illuminated sign shall be permitted within fifty (50) feet of property in any residential district unless the illumination of such sign is so designed that it does not shine or reflect light onto such property.

4. No billboard or ground sign shall be erected to exceed the maximum height limitation for the district in which it is located. No billboard shall exceed fifty (50) feet in length. The bottom coping of every ground sign shall be at least three (3) feet above the ground or street level.

5. 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. However, no billboard shall be erected or placed closer than within one hundred (100) feet of any R-1 and/or A-2 district.

6. Signs erected and overhanging any 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) the width of the sidewalk, but in no case exceeding ten (10) feet.

7. Professional signs and signs for home occupations shall not exceed four (4) square feet in area in the R-1 and C-1 districts.

8. No building walls or roofs shall be used for display of advertising in any district.

9. Temporary signs and posters are subject to the following regulations:

   a. Each sign shall not exceed (5) square feet in area.

   b. The sign shall not be located closer together than five hundred (500) feet.

   c. No such signs shall be allowed in any residential zone.

   d. Such signs shall not be nailed to trees, fence posts or public utility poles and shall not be located in the public right-of-way.

e. All such signs advertising events shall be removed within ten (10) days after the event date.

10. In any district, the following signs shall be permitted:

a. For parking areas, entrance and exit signs not exceeding four (4) square feet in area and not more than one (1) sign not more than sixteen (16) square feet in area identifying or designating the conditions of the use of such parking area.

b. Non-illuminated “For Sale” or “For Rent” signs not exceeding four (4) square feet in area.

c. One (1) sign not more than twelve (12) square feet in area giving the names of the contractors, engineers, or architect, during construction of a building.

d. Signs established by, or by order of, any governmental agency.

e. For special events of public interest, one (1) sign not over thirty-two (32) square feet in area located upon the site of the event.

B. In A-1, Agriculture-Forestry Districts, the following regulations shall apply:

1. Name plates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.

2. Not more than two (2) non-illuminated signs not to exceed a total of thirty-two (32) square feet in area, advertising the sale of farm products produced on the premises shall be permitted.

3. Church, school, or public buildings, bulletin boards, or identification signs, not exceeding sixty (60) square feet in area are permitted.

4. Flashing or intermittent illumination is prohibited.

5. Billboards and other advertising structure are prohibited.

6. Business signs, not to exceed one and one-half (1-1/2) square feet of surface area for each one (1) lineal foot of face of building, relating to the business on the premises will be permitted.

C. In A-2 Rural Residential District, the following regulations shall apply:

1. Nameplates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.

2. Not more than two (2) non-illuminated signs not to exceed a total of thirty-two (32) square feet in area, advertising the sale of agricultural products produced on the premises shall be permitted.

3. Church, school, or public building bulletin boards or identification signs, not exceeding thirty (30) square feet in area are permitted.

4. Billboards or other advertising structures are prohibited, except certain directional signs intended to guide the general public to areas designated by the planning commission as possessing scenic, historical, or recreational value. However, such directional signs shall not exceed sixty-four (64) feet in area.

5. Flashing or intermittent illumination is prohibited.

D. In the R-1, Suburban-Residential District, the following regulations shall apply:

1. Nameplates indicating name, address, house number, announcement of boarders or roomers, or customary home occupations are permitted.

2. For apartment buildings, identification signs not exceeding nine (9) square feet in area are permitted.

3. Church, school, or public building bulletin boards or identification signs not exceeding twenty (20) square feet in area are permitted.

4. Flashing or intermittent illumination is prohibited.

5. Billboards or other advertising structures are prohibited.

E. In the C-1, Rural Center District, the following regulations shall apply:

1. Nameplates indicating name, address, house number, announcement of boarders or rooms for rent, or customary home occupations are permitted.

2. Churches, schools, or public buildings, identification signs or bulletin boards not exceeding sixty (60) square feet in area are permitted.

3. For other permitted uses, one (1) business sign not exceeding one (1) square foot of surface for each two (2) lineal feet of lot fronting on a public street will be permitted. Such sign shall be mounted on the premises and shall be directly related to the activity conducted on said premises.

4. Billboards and other general advertising structures are prohibited.

F. In the C-2, General Commercial District, the following regulations shall apply:

1. Bulletin board or identification signs, not exceeding sixty (60) square feet in area, shall be permitted for public recreation uses, community facilities, hospitals, and clinics.

2. Business signs shall be permitted subject only to the restrictions in Section 4.090.A of this Resolution. All ground signs shall be located not closer to any property line than one-half (1/2) the required setbacks.

3. Billboards and other outdoor advertising structures are permitted in the C-2 General Commercial District subject to the general restrictions set forth in Section 4.090.A.

G. In the M-1, General Industrial District, the following regulations shall apply:

1. Business signs shall be permitted which relate to the business on the premises. Such signs shall be located not closer than one-half (1/2) the required setback from all property lines.

2. Flashing and intermittent illumination is prohibited.

3. Billboards and other outdoor advertising structures are permitted.

H. In the F-1, Floodway District, the following regulations shall apply.

1. There shall be permitted for public parks, playgrounds, and other outdoor recreational uses, signs not exceeding thirty-two (32) square feet in area.

2. Flashing intermittent illumination is prohibited.

3. Billboards and other outdoor advertising structures are prohibited.

I. In the 0-1, Office-Professional District, the following regulations shall apply.

1. One (1) on-premise freestanding sign not to exceed one hundred (100) square feet in area and no more than ten (10) in height.

2. One (1) wall sign per business establishment not to exceed one (1) square foot for each lineal foot of the business's primary facade.

3. Billboards or other similar signs, advertising structures, portable/temporary signs or banners are prohibited.

4.100. <u>Development Standards for Mobile Home Parks</u>. The following land development standards shall apply for all mobile home parks:

A. No parcel of land containing less than two (2) acres and less than ten (10) mobile home spaces available at the time of first occupancy shall be utilized for a mobile home park.

B. Mobile home parks shall be restricted to a maximum of fifty (50) sites per park.

C. The mobile home park shall be located on a well-drained site properly graded to insure rapid drainage and to avoid the possibility of stagnant pools of water.

D. <u>Dimensional Requirements for Parks.</u>

1. Each mobile home park shall have a front yard of fifty (50) feet exclusive of any required yards for each mobile home space extending for the full width of the parcel devoted to said use.

2. Each mobile home park shall provide rear and side yards of not less than twenty-five (25) feet exclusive of any required yards for each mobile home space from the parcel boundary.

3. In instances where a side or rear yard abuts a public street, said yard shall not be less than fifty (50) feet.

4. No building or structure erected or stationed in a mobile home park shall have a height greater than two (2) stories or thirty (30) feet.

5. Each mobile home park shall be permitted to display on each street frontage one (1) identifying sign of a maximum size of twenty (20) square feet. Said sign(s) shall contain thereon only the name and address of the park and may be lighted by indirect lighting only.

E. <u>Dimensional Requirements for Mobile Home Spaces</u>: Each mobile home space shall be of sufficient size that, in addition to the mobile home, the following space shall be provided:

1. Each mobile home space shall be at least fifty (50) feet wide and such space shall be clearly defined by permanent markers.

2. There shall be a front yard setback of twenty (20) feet from all access roads within the mobile home park.

3. Each mobile home shall have a minimum side yard setback of not less than fifteen (15) feet and a rear yard setback of not less than fifteen (15)

feet. No mobile home shall be located closer than (20) feet from any building within the mobile home park.

4. There shall be at least two (2) paved off-street parking spaces for each mobile home space, which shall be on the same sites the trailer served, and may be located in the rear or side yard of said trailer space.

5. Each mobile home space shall be provided with a paved patio of at least two hundred (200) square feet.

6. Each mobile home space shall be provided with a pad which shall be a minimum of twelve (12) feet by fifty (50) feet, which shall be constructed of four (4) inches of compacted gravel.

7. The mobile home park shall be developed to a density compatible with the district in which it is located; however, the minimum lot area per mobile home space with public water and sewer shall be five thousand (5,000) square feet. For double-wide mobile homes, the minimum lot size shall be seventy-five hundred (7,500) square feet. In areas without public wastewater service the minimum lot area shall be seven thousand five-hundred (7,500) square feet for single-wide mobile homes and ten thousand (10,000) square feet for a double-wide mobile home unless a higher density is approved by the Loudon County Sanitarian and the Board of Zoning Appeals after appropriate soils tests have been completed and analyzed as to the capability of the soils to accommodate a septic tank and drain field.

   No mobile home park shall be permitted unless such park is served by a public water supply.

8. The location of mobile home parks is restricted to the R-1, Residential District. The distance between mobile home parks shall not be less than one (1) mile measured in a straight line.

F. General Requirements

1. Roads within the mobile home park shall be paved to a width of not less than twenty-four (24) feet in accordance with the procedures and standards for minor residential streets as specified in the Loudon County Subdivision Regulations and the Loudon County Road Acceptance Standards Manual; however, requirements for concrete curbs may be waived at the discretion of the board, and the right-of-way shall only be of sufficient width to include the road surface itself and necessary drainage facilities. All roads within the mobile home park shall be private roads and shall not be accepted as public roads.

2. All mobile home spaces within the park shall abut the access road as described in subsection F.1 of this article.

3. Each mobile home space shall be provided with a connection to the sanitary sewer line or to a sewer system approved by the Loudon County Sanitarian and Board of Zoning Appeals.

4. Trailers, with or without toilet facilities, that cannot be connected to an approved sewer system, shall not be permitted in a mobile home park.

5. Cabanas, travel trailers, and other similar enclosed structures are prohibited.

6. Mobile homes shall not be used for commercial, industrial, or other nonresidential uses within the mobile home park, except that one (1) mobile home in the park may be used to house a rental office.

7. Ground anchors shall be installed at each mobile home space to permit tie-downs of mobile homes.

G. Plans and Schedules Required. The following information shall be shown on the required site plan.

1. The location and legal description of the proposed mobile home park.

2. The location and size of all building, improvements, and facilities constructed or to be constructed within the mobile home park.

3. The proposed use of buildings shown on the site plan.

4. The location and size of all mobile home spaces.

5. The location of all points of entry and exit for motor vehicles and the internal circulation pattern.

6. The location of all off-street parking facilities.

7. The location of park and recreation areas.

8. The name and address of the applicant.

9. Such other architectural, engineering, and topographic data as may be required to permit the local health department, the Loudon County Building Commissioner, staff planner, and the Board of Zoning Appeals to determine if the provisions of these regulations are being complied with shall be submitted with the site plan.

10. The location and name of the nearest mobile home park(s).

11. A time schedule for development shall be prepared, which shall demonstrate the applicant's readiness and ability to provide the proposed services. Said time shall be for a period of not more than one (1) year.

H. Application for Mobile Home Park Building Permit. An application for a permit to develop and construct a mobile home park shall be filed in accordance with Article 7, Section 7.060 of this resolution and shall be accompanied by all site plans, schedules, and other information herein required. Said application shall be processed in the following manner:

1. The written application, plans, and schedules herein required, and a statement of approval of the proposed sewage disposal system from the Loudon County Sanitarian will be submitted to the Loudon County Building Commissioner and staff planner shall duly review these materials and shall coordinate and review with other affected agencies and departments.

2. The Loudon County Building Commissioner and staff shall, after review, recommend approval or disapproval of the proposed mobile home park to the Board of Zoning Appeals which then may authorize the issuance of a permit for construction of the park as approved, or state the conditions under which approval for construction may be granted.

4.110. Development Standards for Automobile Wrecking, Junk and Salvage Yards. Because of the nature and character of their operations, automobile wrecking and salvage yard, junk yards, and similar uses of land can have a decidedly detrimental affect upon surrounding properties. Salvage and wrecking yards tend to create problems of noise, dust, traffic and health hazards, and may adversely affect property values by their general appearance. The following standards shall be used as a guide in evaluating whether proposed land uses such as those outlined above, will have properly minimized their objectionable characteristics:

A. All motor vehicles stored or kept in such yards shall be so kept that they will not catch and hold water in which mosquitoes may breed and so that they will not constitute a place or places in which rats, mice, or other vermin may be harbored, reared, or propagated.

B. Because of the tendency for salvage yards to promote the breeding of vermin, no such operation shall be permitted closer than three hundred (300) feet from any established residential zone.

C. All outdoor storage of salvage and wrecking operations shall be conducted entirely within an enclosed opaque fence, screen, or wall, excepting driveway areas, from eight (8) to twelve (12) feet in height. Storage between the road or

street and such fence, screen, or wall is expressly prohibited. Any fence, screen, or wall for concealment shall be maintained in good condition.

D. All such yards shall be so maintained as to be in a sanitary condition and so as not to be a menace to public health and safety.

E. Off-Road Parking: As regulated in Article 4, Section 4.010.

F. Ingress and Egress: The number of vehicular access driveways permitted on any single street frontage shall be limited to:

1. One (1) driveway where the parcel to be used has a maximum road or street frontage of one hundred (100) feet or less.

2. Two (2) driveways where the road or street frontage exceeds one hundred (100) feet. Driveways used for ingress and egress shall be limited to twenty-five (25) feet in width maximum, exclusive of curb returns.

G. Except for nonconforming yards, no automobile wrecking, junk or salvage yard shall be permitted within three hundred (300) feet of any public road in Loudon County except where a more stringent state or federal law applies.

H. Application for Automobile Wrecking, Junk, or Salvage Yard Permit. No person shall own or maintain an automobile wrecking, junk, or salvage yard within Loudon County until he has secured a permit from the Loudon County Board of Zoning Appeals. An application for said permit shall be filed in accordance with Article 7, Section 7.060 of this resolution and shall be accompanied by a detailed site plan, a schedule for construction, and any other information herein required. Said application shall be submitted along with any plans, schedules and a statement of approval of the site percolation and drainage characteristics from the Loudon County Sanitarian. The board shall vote to approve or disapprove the application in accordance with the time schedule in Section 7.060.

4.120. Development Standards for Cemeteries.

A. The following standards shall be imposed upon the development and construction of cemeteries in Loudon County.

1. The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare.

2. Any new cemetery shall be located on a site containing not less than twenty (20) acres.

3. All structures, including but not limited to mausoleums, permanent monuments, or maintenance buildings shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line.

4. All graves or burial lots shall be set back not less than twenty-five (25) feet from any property line or street right-of-way line.

5. All required yards shall be landscaped and maintained in good order in accordance with state and local regulations.

B. Application for Cemetery Permit. No person shall develop, construct, or maintain a cemetery in Loudon County until he has secured a permit from the Loudon County Board of Zoning Appeals. Any application for said permit shall be filed in accordance with Article 7, Section 7.060, of this Resolution, and shall be accompanied by a detailed site plan, a schedule for construction and other information herein required. Said application shall be considered by the Board and shall be approved or not approved within sixty (60) days from the date of submission. The Board of Zoning Appeals may require such additional information from the applicant as it feels is necessary to properly review the proposed development.

4.125. Development Standards for Dog Kennels and Boarding Facilities

(Added by Loudon County Commission June, 2009)

A. Purpose: By their nature, dog kennels and boarding facilities can become a community nuisance if not properly located and planned. These standards are intended to provide for the safe and beneficial operation of dog kennels and boarding facilities to the pets, operators and surrounding neighbors.

B. Location Requirements: When permitted in non-commercial zoning districts, dog kennels and boarding facilities shall be located on a site to minimize the nuisance effect created on adjoining properties by barking dogs. The minimum distance between a kennel or boarding facility and adjacent residential parcel shall not be less than 200 feet.

C. Parcel Size: Dog kennels and boarding facilities, in non-commercial zoning districts, may only be located on parcels of 5 acres or greater in size.

D. Required Buffers: Where dog kennels or boarding facilities border existing residential property, a landscaped buffer shall be planted to screen the kennel or boarding facility from the adjacent residential uses. Opaque fencing with a minimum height of six (6) feet may also be used to screen the adjacent residential property.

E. Operational Requirements:

1. Kennels and boarding facilities must be enclosed facilities. Fenced outdoor runs and exercise areas are permitted, but only for the exercise of dogs, not permanent housing.

2. Outdoor exercise activity may not occur after 9:00 p.m.

3. Any outdoor lighting must use full cut-off fixtures.

4. No more than 40 dogs may be housed in kennels or boarding facilities located in non-commercially zoned districts.

5. Owners or operators of kennels and boarding facilities must obtain all required local, state, and federal permits.

F. Site Plan Requirements: A site plan must be submitted along with the special exception request to the Loudon County Board of Zoning Appeals for dog kennels and boarding facilities proposed in non-commercial zoning districts. Site plans shall document compliance with the requirements of this subsection and include information on all adjacent properties.

4.130. Alcohol and/or Substance Abuse Facilities. The development of Alcohol and/or substance abuse facilities shall be prohibited in the A-1, Agriculture Forestry District, A-2, Rural Residential District and R-1, Suburban Residential District.

4.140. Litter, Refuse, Garbage, Junk and Debris, Vacant Dilapidated Buildings or Structures Control Regulations.

A. General Provisions: The following requirements shall apply to all zoning districts for the purpose of controlling the storage, placement, collection of junk, garbage, litter, refuse, rubbish or discarded material, and vacant and dilapidated buildings and structures which are unsafe. These regulations are promulgate under authority of Tennessee Code Annotated 39-14-508 and 5-1-115.

1. No owner, occupant, or resident of any real property (land and/or building) shall permit or allow garbage, litter, rubbish, or refuse to accumulate upon or in such real property.

2. The owner, occupant, or resident of real property, where refuse accumulates or has accumulated in violation of these regulations, shall take appropriate measures to gather up or otherwise collect and remove the refuse.

3. Removal of the refuse in accordance with these regulations shall include the transfer of the refuse to an appropriate and lawful landfill or dump site, whether public or private.

4. During or after the removal of refuse in accordance with these regulations, if it becomes necessary to store the refuse while it awaits transfer or further collection, the refuse shall be stored in a lawful manner consistent with the nature of the refuse that does not further endanger the inhabitants of the county. Temporary storage of such collected refuse shall be permitted; however, such refuse shall be removed within five (5) days.

5. If the Planning and Codes Department determines that a violation of these regulations exists, the Planning and Codes Department shall provide notice to the owner of record of the property upon which the conditions creating the violation is located to remedy the condition immediately within twenty (20) days. The notice shall be by personal service on the owner or by mailing by United States mail (certified, return receipt requested) to the owner of record at the last known address. If the whereabouts of such person(s) is unknown and the same cannot be ascertained by the Planning and Codes Department in the exercise of reasonable diligence, then the Planning and Codes Department shall serve notice by publishing the same in a newspaper of general circulation in the County once each week for three (3) consecutive weeks. The above notices whether by mail or published in a newspaper, shall contain but not be limited to the following items:

   a. A brief statement identifying these regulations.

   b. The person, office, address, and telephone number of the department or person giving notice.

   c. A cost estimate for remedying the noted conditions which shall be in conformity with standards of cost in the County.

   d. A brief statement informing the recipient of the notice that an appeal to the Loudon County Board of Zoning Appeals may be requested, said request to be received by the Planning and Codes Department in writing within twenty (20) days of receipt of the notice to the owner or date of last publication of said notice. Appeals before the Board shall conform to Section 7.070 of the Zoning Resolution.

   e. The place where the recipient of the notice can return a copy of the notice indicating a request for hearing.

f. A brief description of the property including the property's location utilizing street address, if available, street name, and tax map and parcel numerical designations.

B. Failure to Comply

1. If a violation of these regulations is not remedied within twenty (20) days following personal service receipt of notice or completion of public notice within the newspaper, or if a hearing is not requested as stated in A.5(d), or if such violation continues for twenty (20) days following a hearing before the Board, wherein the decision of the Planning and Codes Department is sustained by the Board, then the Planning and Codes Department shall commence the process to remedy the condition causing the violation by one of the following methods:

   a. By contracting with a private party for the job in accordance with any purchasing laws in effect; or

   b. By reaching agreement with the chief administrative officer of the County Highway Department for that department to remedy the condition. If this option is used, the highway fund shall be reimbursed for the cost of the job from the general fund.

2. If the County remedies a condition causing a violation, the County shall file a certified and acknowledged copy of the Notice of Lien affecting the owner's property with the County Register of Deeds after the work is completed. At the same time, the Planning and Codes Department shall send a statement by certified mail (return receipt requested) to the property owner, or if the whereabouts of the owner is unknown, publish a notice once in a newspaper of general circulation, itemizing the cost of remedying the condition causing the violation. If the owner fails to reimburse the County for the cost of removal (including publication and recording expenses) within sixty (60) days from the date of notification or publication, the monetary amount shown on the statement shall constitute a lien upon the property as of the date the notice is filed with the Register of Deeds.

3. The cost of all remedies affected by the Planning and Codes Department shall be defrayed from general fund appropriations for this purpose, but the general fund shall be reimbursed by the property owner in accordance with these regulations. Such lien shall be satisfied to the extent of the value of the consideration received at the time of any transfer of ownership of said property, and if the lien is not fully satisfied at the time of transfer, it shall remain a lien on the property until fully satisfied. If the property is not transferred within one year from the date notice is filed with the Register of Deeds, the property shall be sold by the County to

satisfy the lien, following the procedure set by law for the satisfaction of other liens. The lien shall remain in effect until the sale is completed or until all appeals have been heard.

C. Appeals

1. The property owner may request a hearing to the Board as permitted in A. 5(d). Such hearing shall be held at the next meeting of the Board of Zoning Appeals after the request is made unless a later date is agreed to by the owner. Failure to make the demand for a hearing within the time limit specified shall constitute a waiver of the right to a hearing. Following the hearing, the Board may modify, dismiss, or confirm the notice. After the Notice of Lien is filed with the Register of Deeds, if such property owner is aggrieved by the amount of the lien filed, such owner may submit the matter to the Chancery Court for Loudon County to determine the appropriate amount of the lien. The decision of the court may be appealed according to the Tennessee Rules of Appellate Procedure.

D. Exceptions

No provision of these regulations shall be construed as applying to any business being operated pursuant to Tennessee Code Annotated, Section 68-211 and 212, Section 69-3, or any farming activity protected pursuant to Section 43-26 (Tennessee Right to Farm Act).

E. Other Proceedings

Any proceedings, other than those listed herein, also shall conform to the provisions of Tennessee Code Annotated, Section 39-14-508

4.150. Requirements for the Storage of Abandoned, Dismantled Junk Vehicles and Parts. The following requirements shall apply to the storage or placement of the above mentioned vehicles or parts thereof:

1. Within any residential district no commercial vehicle engine repair or body repair operation shall be permitted except those businesses operating under the nonconforming provisions of this Resolution. The repair of vehicles titled to persons residing on the premises or for immediate members of the family shall be permitted; however, exterior storage of dismantled, abandoned or junk vehicles or parts thereof is prohibited.

2. Within any commercial district any vehicle engine repair or body repair operation permitted to operate within the district shall conform to the following:

Any dismantled, partially dismantled, junk vehicle or parts of same, shall be located within an enclosed area and completely screened from view to adjoining properties and/or from any public road, street, highway or thoroughfare (as amended (5/6/91).

4.160 Landscape Screening & Buffering Requirements. The following requirements shall apply to all multi-family, office and commercial developments:

A. 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 five (5) inch caliper; or six (6) canopy trees with a minimum three (3) inch caliper; or eight (8) canopy trees with a minimum two (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.

B. 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.

C. Alternative Design Proposals

The Board of Zoning Appeals is granted the authority to consider & approve alternative design proposals which meet or exceed the intent of these requirements.

4.170 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

county engineer 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 County road. 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 county 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 county. 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 county engineer 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 County road until a permit is obtained and approved by the county road engineer or representative. A permit can be obtained at the County Highway Department

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 County 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.

4.180. EROSION AND SEDIMENTATION CONTROL

A. Purpose. The purpose of these regulations is to empower the appropriate officials of Loudon County to control any land-disturbing activity that is determined by such officials to cause contamination of water supplies and water resources, clogging of watercourse, ditches, sinkholes or natural drainageways; or erosion of land which may jeopardize existing structures, roadways, or adjacent property. This Section shall apply to all districts within Loudon County, Tennessee.

B. 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 Commissioner for that particular site before commencement of any grading/excavation work. 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 Resolution.

1. 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:

   a. A boundary line and topographic survey of the site on which the work is to be performed.

   b. Plans and specifications of soil erosion and sedimentation control measures conforming to the requirements as outlined in this Resolution.

   c. The development sequence of construction as related to the control of soil erosion and sedimentation.

C. Exclusions. No grading/excavation permit shall be required for:

1. Nursery operations, such as the removal and/or transplanting of cultivated soil, shrubs and trees.

2. 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.

3. Agricultural land management practices such as plowing, cultivating, grading or clearing.

4. Projects owned by a government agency.

5. Strip and surface mining regulated by State and Federal statutes.

6. Sanitary landfills operated and conducted in accordance with the requirements and rules adopted by Loudon County or municipalities and State of Tennessee.

D. Acceptable Measures. Silt traps or other acceptable methods, as determined by the County, shall be erected on any graded site and located on the toe of any slope, if part of a proposed or existing public right-of-way or if such slope is adjacent to any stream, creek, or body of water. Silt fencing shall also be placed on any downward slope which adjoins property which is not being disturbed.

E. Site Entrances/Driveways. During construction of a site, driveways or entrances shall be maintained to avoid excess dirt or rock from being deposited on a public road. A minimum of 4" of gravel shall be placed on the driveway prior to any activity on the site. Upon completion of construction, driveway/entrances shall be paved for a minimum of 50' measured from the connection to the road. Driveways with upward grades in excess of 6% to the road shall be paved the entire length or until the grade declines below 6%.

F. 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.

1. 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.

G. 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 the Section. Activity must be of a weekly nature.

   b. On angles or graded slopes constant efforts must be undertaken to restrain erosion during and after excavation.

H. Drainage/Runoff.

   a. No land disturbing activity shall be permitted in proximity to a lake or any watercourse or drainageway unless:

      i. A 10' buffer zone is provided along the margin of the watercourse of sufficient width to confine visible salutation or sediment deposits.

      ii. Sufficient drainage and/or a runoff plan has been submitted to the Building Commissioner 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.

4.190 <u>Waste Disposal Facilities Location and Design Standards</u>

A. <u>Purpose</u>. These standards are established in order to maintain the integrity of rural Loudon County and preserve the health safety and general welfare of the

community resulting from improper location and design of landfill operations. These standards apply to the location, buffering and design restrictions for any waste operation, including but not limited to demolition, sanitary, or structural fill waste operations. No site shall be approved by the Loudon County Board of Zoning Appeals as a special exception unless the site and design complies with the minimum provisions outlined in this Section as well as those regulations of any state agency empowered to adopt provisions for the design and location of waste facility operations. Where discrepancies exist between the regulating entities, the stronger provision shall apply.

B. Location and Site Design Standards. No site shall be approved for a waste disposal facility/site unless said site complies with the following minimum standards, as well as any standard the Board of Zoning Appeals determines is necessary in order to maintain the character of the community and health, safety and welfare of the inhabitants of the area:

1. Site must have direct access to an arterial or collector road having a minimum pavement width of 24'.

2. No site shall be approved unless properties surrounding the site are served by public utility water.

3. Entrances into the landfill operation shall be paved and curbed from the connection of the road to the required entrance gate.

4. Suitable left turn lanes, acceleration and deceleration lanes shall be provided at the entrance as determined by the Board of Zoning Appeals.

5. An undisturbed buffer is required along the perimeter of the site. A 330' buffer shall be maintained on the front of the site and a 200' buffer along the remaining side and rear lot lines. The purpose of the buffer area is to visually screen the view of the operation from adjoining properties and public roads. If existing vegetative cover is not sufficient to adequately screen the operation, then suitable nursery stock shall be required.

6. The perimeter of the site shall be fenced which shall not be permitted in the buffer area.

7. A gate house or weigh station shall not be visible to the road or other properties. An on-site tire cleaning system shall be installed and used during the hours of operations in order to insure that dirt or other accumulation of debris is not deposited on the public road from exiting vehicles.

8. No waste disposal site shall be approved if the site is located within five (5) miles (air miles) of an existing operating waste disposal site. This requirement shall not prevent the expansion of an existing approved landfill operation.

9. No waste disposal site shall be approved under this Resolution unless such site is devoted exclusively to the disposal of waste generated within Loudon County.

C. Submittal of Site Plans. Prior to the review of any waste disposal operation by the Board of Zoning Appeals, a professionally prepared site plan shall accompany an application for a special exception. Plans shall show the following information:

- Property survey and adjacent land uses and roads
- Topographic information of the site and surrounding properties
- Location of all physical improvements
- Location of all landscaping, existing and proposed
- Location of water lines in the immediate area.

4.200 Fireworks Storage and Manufacture.

A. Purpose: To ensure the health and safety of the general public by regulating the sale and storage of firework devices. For the purpose of this Resolution, the definition of fireworks shall be governed by the State of Tennessee through the Department of Commerce and Insurance, Division of Fire Prevention.

B. Requirements for the Sale and Storage of Fireworks:
The retail sales and storage of fireworks devices are only allowed in C-2 (General Commercial) Districts when approved as a special exception use by the Loudon County Board of Zoning Appeals. The sales and storage of fireworks may only occur from a permanent building meeting the minimum requirements of the State of Tennessee Division of Fire Prevention and local building and fire safety codes. Sales and storage of fireworks devices from temporary structures for seasonal purposes are only permitted on the site of an approved permanent sales location by the owner of the permanent fireworks business. Temporary structures and days and times of operation must comply with the requirements of the State of Tennessee's Division of Fire Prevention.

C. Applications for Annual Fireworks License and Permit for Temporary Structures:
An annual application for a license to sell fireworks devices must be submitted to the Loudon County Building Commissioner's Office between October 1 and December 31 of the prior year in which the operator plans to sell fireworks. *Applications for annual licenses received after December 31 will incur a fee of $250. A license must be obtained prior to the sale of any fireworks devices. Each application for a license must be accompanied by the following documentation:

- Evidence that special exception approval for fireworks sales and storage has been obtained from the Loudon County Board of Zoning Appeals. (This requirement does not apply to any fireworks operations in existence prior to April 7, 2003, the date of adoption of this amendment by the Loudon County Commission)

- A current Tennessee State Fireworks Retailers License issued by the Tennessee Department of Commerce and Insurance Division of Fire Prevention

- Certificate(s) of insurance in the amount of $1,000,000 for public general liability, bodily injury and property damage. Loudon County shall be named as an additional insured on the certificate of insurance.

Permit for Temporary Structures

A separate building permit is required from the Loudon County Building Commissioner for licensed fireworks operators to sell from temporary structures on the site of the permanent sales operation. The sale and storage of fireworks from a temporary structure may only be owned and operated by the owner of the permanent sales facility. The days and hours of operation are subject to the State of Tennessee's regulations for temporary fireworks sales operations.

(This section amended by the Loudon County Regional Planning Commission 4/18/03, approved by Loudon County Commission 4/7/03 with revisions.)
*This sentence was amended by the Loudon County Planning Commission 5/19/09, approved by the Loudon County Commission 10/12/09.

4.210. Sexually Oriented Adult Businesses

A. Purpose: It is the purpose of these provisions to regulate Sexually Oriented Adult Businesses in order to promote the public health, safety, and welfare of the citizens of Loudon County, Tennessee, and to establish reasonable and uniform regulations to prevent the negative secondary effects caused by the location and concentration of Sexually Oriented Adult Businesses within the County. These provisions are intended to have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intended purpose of these provisions to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, nor is it the intended purpose or effect of these provisions to condone or legitimize the distribution of obscene material.

B. Location Requirements: Due to the negative effects of Sexually Oriented Adult Businesses on surrounding property values, crime rates, traffic congestion, and urban decay, the following minimum location conditions must be met:

1. Sexually Oriented Adult Businesses shall not be located within one thousand (1,000) feet of a residential zoning district or dwelling unit,

school, daycare facility, place of worship, recreational facility, community facility, library, nursing home, assisted living facility, hospital, or other sexually oriented adult business.

2. Sexually Oriented Adult Businesses shall not be located within 1,000 feet of any business selling alcoholic beverages, at the time of approval of the adult business.

3. No structure or parcel of property containing a sexually oriented adult business shall contain any other sexually oriented adult business.

4. Sexually Oriented Adult Businesses shall be located on arterial or collector roads.

5. For the purpose of this section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest property line of the lot used for a sexually oriented business, to the nearest property line or zoning district boundary of a use listed in this Section.

6. A survey, stamped by a registered surveyor in the State of Tennessee, shall be submitted to the Loudon County Building Commissioner showing the proposed location of the sexually oriented business and existing land uses within 1,000 feet of the proposed location.

In the event any provision of this regulation shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof or such otherwise invalid provision under circumstances other than those under which it was determined to be invalid, except to the extent that such provision is wholly dependent for its operation upon the part declared to be invalid, and to the extent the provisions hereof are agreed and declared to be severable.

(This section amended by the Loudon County Regional Planning Commission 4/16/02, approved by Loudon County Commission 5/9/02 with revisions.)

4.220. Performance Standards for Earth Removal, Quarrying, Gravel Processing, Mining and Mineral Extraction Businesses

A. CONDITIONS

Prior to the approval by the Board of Zoning Appeals (BZA) of a special exception use for quarrying, gravel processing, mining and related mineral extraction businesses in any area of the County, the Board shall be satisfied the following conditions and limitations are, or shall be, strictly complied with, in addition to

any other requirements contained in the Zoning Resolution or in any other resolution controlling such operations. The following requirements also apply to expanded or new areas of quarrying, gravel processing, mining and mineral extraction businesses actively in existence within the County at the time of adoption of the Resolution.

B. LOCATION

1. All such operations shall be located on a primary road, as defined by the county, for ingress and egress thereto, or on a road which does not create traffic through an area developed primarily for residential purposes. Where necessary, the BZA may require the applicant to construct and/or improve a road to accommodate the truck travel necessitated by the operations as a condition to such operations, and for the purpose of routing traffic around residential areas.

2. Sufficient setbacks shall be provided from all property lines and public highways to assure adequate buffering from adjacent public and private property. No such excavation operation shall be permitted closer than 150 feet to interior boundary lines of the property; larger setbacks may be required by the BZA in order to adequately protect adjoining properties. However, if the adjoining property is also used for such mining and excavation operation, then the BZA may reduce or eliminate the required setback from that interior boundary line. In addition, such setback may be temporarily reduced to 50 feet if reclamation of the land is promptly effected (within 48 hours after mining or excavation is terminated with the required setback) to increase the setback to at least 150 feet in accordance with the reclamation plan approved by the BZA and adequate buffering is at all times maintained.

3. No such excavation operation shall be permitted within 50 feet of adjoining public rights-of-way except for the lowering of land adjoining said rights-of-way to the grade level of said rights-of-way. Such excavation operations shall at no time be permitted where adequate buffering for the maintenance of adjoining lands is not maintained.

4. The permanent processing plant and its accessory structures shall not be located closer than 250 feet from the interior property lines and adjoining public rights-of-way and shall, where practicable, be located at a lower level than the surrounding terrain to lessen visual and noise impact. In addition, the foregoing shall apply to the storage of digging, excavating, and transporting equipment, and to the stockpiling or loading of materials.

5. No such excavation operation shall be located within 100 feet of the banks of any stream or waterway unless previously approved, in writing, by the State of Tennessee. No such mining operations shall be conducted to the detriment or damage of adjoining public or private properties.

C. SIGHT BARRIERS

1. Sight barriers shall be provided along all boundaries of the site which lack natural screening conditions through existing contours or evergreen growth. Such barriers shall consist of one or more of the following:

   a. Earth berms constructed to a height of six feet above the mean elevation of the centerline of the adjacent public roadway or six feet above the general level of terrain along interior property lines, as the case may be. Such berms shall have slopes that are not in excess of one foot vertical to three feet horizontal and shall be planted with grass, trees or shrubs.

   b. Plantings of evergreen trees or shrubbery in rows parallel to the boundaries of the property, not less than four feet in height at the time of planting and which grow to not less than six feet in height at maturity and sufficiently spaced to provide effective sight barriers when six feet in height.

   c. Masonry walls or attractive solid fences made of uniform new materials, constructed to a height of not less than six feet and maintained in good repair.

D. NUISANCE ABATEMENT

1. Noise and vibration shall be minimized in their effect upon adjacent properties by the utilization of modern equipment designed to accomplish such minimization and by the proper use of berms, walls, and natural planting screens. All equipment shall be maintained and operated in such a manner so as to eliminate, as far as practicable, excessive noise and vibrations which are not necessary in the operation of such equipment. Noise levels shall not exceed 70 db at the property line.

2. Air pollution in the form of dust and dirt shall also be kept to a minimum by the use of modern equipment and methods of operation designed to avoid any excessive dust or dirt or other air pollution injurious or substantially annoying to adjoining property owners. Interior and adjoining roads used in the operations shall have their surface treated to minimize any such nuisance.

3. Hours. The operation shall be restricted to the hours of seven o'clock a.m. until eight o'clock p.m. or sunset, whichever is earlier. No operations shall be permitted on Sunday.

4. Fencing. All dangerous excavations, pits and pond areas, banks or slopes shall be fenced and posted with signs around the perimeter thereof and maintained to prevent injury to children or others, and shall be eliminated as expeditiously as possible.

E. RECLAMATION OF MINED AREAS

1. Reclamation and rehabilitation of mined areas shall be accomplished as soon as practicable following the mining or excavation of an area. Rehabilitation and reclamation shall be commenced immediately upon the termination of the mining or excavation operations in any area consisting of one acre or more. Substantial completion of reclamation and rehabilitation shall be effected within one year after termination of mining or excavation activity. Inactivity for a 12-month consecutive period shall constitute, for this purpose, termination of mining activity.

2. The following standards shall control reclamation and rehabilitation:

   a. All excavation shall be either to a water producing depth of not less than five feet below the average summer level of water in the excavation, or shall be graded or backfilled with non-noxious, nonflammable, nonpolluting and noncombustible solids to ensure:

- That the excavated area shall not collect stagnant water and permit the same to remain therein; or

- That the surface of such area which is not permanently submerged is graded or backfilled as necessary to produce a gently rolling surface that will minimize wind and water erosion, and which will be generally compatible with the adjoining land area.

- The banks of all excavations shall be sloped to the waterline in a water-producing excavation, and to the pit floor in a dry operation at a slope which shall not be steeper than one foot vertical to three feet horizontal.

- Top soil of a quality equal to that occurring naturally in the area shall be replaced on excavated areas not covered by water, except where street, beaches, or other planned improvements are to be completed within a one-year period. Where used, top soil shall be applied to a minimum depth of four inches sufficient to support vegetation.

- Vegetation shall be restored by the appropriate seeding of grasses or the planting of trees and shrubs to establish a permanent vegetative cover on the land surface and to minimize erosion.

- Upon cessation of mining operations by abandonment or otherwise, the operating company, within a reasonable period of time not to exceed 12 months thereafter, shall remove all plant structures, foundations, buildings, stockpiles and equipment, provided that buildings and structures which have a function under the reclamation plan and which can be lawfully used under the requirements of the zoning district in which they will be located under such plan may be retained.

3. Performance Bond

   a. A performance bond or cash shall be furnished to the County ensuring the proper rehabilitation and reclamation of the mined and excavated areas prior to the commencement of any such mining or excavating operations. The amount of guarantee shall not be less than $10,000 per acre proposed to be mined or excavated in the following 12-month period and which has previously been mined or excavated during any preceding period and not reclaimed and rehabilitated in accordance with this Resolution and the applicant's filed plan. Mined areas resulting in a water depth of five feet or more shall be deemed to be reclaimed areas to within 15 feet of any vertical shoreline thereof and to the extent of the shoreline where the same has been sloped to a grade of not more than one foot vertical to three feet horizontal, for the purpose of this financial guarantee. Such financial guarantee shall be reviewed annually on or about the anniversary date of the excavation permit for adjustment and compliance with the foregoing requirements by the Building Commissioner and the BZA.

F. <u>SUBMISSION OF OPERATIONAL AND RECLAMATION PLANS</u>

1. No quarrying, gravel processing, mining and related mineral extraction businesses shall be allowed or commenced until a plan has been submitted to the BZA disclosing compliance with all of the provisions of this Resolution or the manner in which compliance will be secured by the applicant. Such plans shall include, among other things, the following:

   a. A contour map of the tract of land involved in the operations, including dimensions of the same, access to abutting public streets, additional roads, if any, to be constructed, and the location and nature of abutting improvements on adjoining property.

   b. The number of acres and the location of the same proposed to be operated upon within the following 12-month period after commencement of operations.

   c. The type of mining or processing proposed to be conducted and the nature of the equipment to be used.

d. The location of the principal processing plant and the distance of any proposed excavation, mining, stock piling, and equipment storage from the boundaries of the site.

e. Soil boring tests shall be made around the perimeter of the excavation site in the event excavation or activities are to be conducted closer than 150 feet from the boundaries of the site, said soil boring tests shall disclose conditions satisfactory for lateral support of adjacent premises as determined by a licensed civil engineer. The written consent of the BZA shall be required if mining operations shall be closer than specified in this Resolution to the boundaries of the site.

f. A map or plan disclosing the final grades and elevations to be established following the completion of the mining operations, including the proposed uses then contemplated for the land, future lakes and roads and such other matters as may evidence the bona fide nature of the reclamation and rehabilitation plans and the fact that the land will not be devastated and rendered unusable by the proposed mining activities.

G. <u>HEARING</u>

1. After receiving an application for a special exception permit for a quarrying, gravel processing, mining, and related mineral extraction business accompanied by the required plans and specifications and permit fees, the BZA shall hold a public hearing upon such application.

2. Opportunity shall be given to all present to be heard at such hearing.

    a. Following such hearing, said BZA shall grant or deny application and set forth its reasons for its decision. Such decision shall be based upon the criteria set forth in this Resolution and shall be based, in addition, on a consideration of the following:

- The protection and preservation of the general health, safety and welfare of the County.

- The scarcity of value of the minerals sought to be mined as compared with the effect upon the adjacent community of the proposed operations.

- Whether or not the operations were in existence prior to the adoption of the text provision concerning the same and the extent and character of such previous operations.

In making any decision, the BZA shall have the right and authority to impose such additional conditions and safeguards as it deems necessary for the protection of the health, safety and general welfare of the neighborhood and of

the adjoining residents and property owners. It may also limit the length of time its special exception permit is to be effective and may provide for a periodic review of the proposed operations to ascertain compliance with the conditions and limitations imposed upon such operations. It shall be empowered to renew or extend a special exception permit where all standards and conditions are complied with and may revoke or refuse to renew the same where non-compliance exists. No revocation or failure to renew or extend a permit shall release the applicant from the duty of rehabilitation and reclamation of said mined or disturbed area. No permit shall be revoked or not renewed until the operator has been given written notice of any violation forming the basis of such revocation or denial or renewal and not less than 30 days have elapsed to correct the said violation. All permits shall be reviewed by the BZA annually.

The operator shall be required to pay an annual fee to cover the cost of inspections and additional meetings of the BZA as may be established by the County.

H. INSPECTIONS AND CONFORMANCE

1. Inspections shall be made of the mining site no less often than twice in each calendar year by the Building Commissioner in order to ensure conformance with the requirements of the approved special use permits. An aerial photo or a video tape in VCR format showing the entire property and/or operations thereon shall be taken prior to the start of operations and annually thereafter and presented to the Building Commissioner for administrative and enforcement purposes.

2. Any violations shall be reported in writing to the BZA. The report shall be forwarded with a request for compliance, to the operating company by the Building Commissioner.

3. Failure on the part of the operating company to correct a reported violation within thirty days after such request is made by the Building Commissioner shall be reason for revocation of the permit. Additional time for correction of the cited violation may be allowed upon submission to the Building Commissioner of proof of good and sufficient cause by the operating company, otherwise the operating company shall be declared to be in violation of this Resolution and subject to the penalties of both the Resolution and the Special Use Permit approved for natural resource extraction operation.

I. LIABILITY INSURANCE

All operators shall be required to carry personal injury and property damage insurance while any unreclaimed or unrehabilitated area exists, in amount to be established by the BZA. Such insurance shall cover injury or damage occurring

upon the site of the operations as well as upon properties adjoining thereto, as a result of conditions or activities existing upon the site. A copy of the policy shall be filed with the Building Commissioner.

(The addition of Section 4.220 was recommended by Loudon County Regional Planning Commission 6/15/99; approved by Loudon County Commission 7/6/99.)

4.230 Development Standards for Permitting Telecommunications Towers and Antennas

A. Purpose

The purpose of this resolution is to establish general guidelines for the siting of wireless communication towers and antennas. The resolution is hereby 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 or interior 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. Tower. Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for wireless telephone, radio and similar wireless 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

New Towers and Antennas. All new towers or antennas in Loudon County 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 noncommercial 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 Resolution.

3. Telecommunications Equipment Co-locating on Existing Towers or Other Structures. These standards shall not apply to additional equipment of telecommunications companies co-locating on existing communication towers,

electrical transmission structures, or other existing structures capable of accommodating an antenna and the support equipment. A permit is required from the Loudon County Building Commissioner. If requesting a permit to co-locate on an existing electrical transmission structure or other existing structure, evidence of the structural integrity of the structure to support the antenna and related equipment along with evidence demonstrating the compatibility of the antenna and related equipment with the existing structure should be provided.

4. Communications Towers and Antennas Owned or Operated Exclusively by Governmental Organizations for Emergency Services.

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 locating towers or antennas.

3. Setbacks.

   a. All towers and antenna shall be setback a minimum of fifty (50') from each property line. Towers must be setback from any structure a distance equal to the height of the tower. In the event on the adjacent parcel no structure has been erected on such parcel, the tower shall be set back from the closest location on such parcel that a building could be erected taking into consideration the setback requirements (or any restrictive covenants or other conditions) which may apply.

   b. Towers and antenna exceeding fifty (50') feet 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.

4. Lighting. Towers shall not be artificially lit, 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 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, except as required by local, state or federal rule, law or regulation.

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. Towers over 200' should be designed to accommodate a minimum of four (4) antennas. Towers under 200' shall be designed to accommodate a minimum of two (2) antennas.

8. Users. A tower shall have at least one carrier commitment at the time of a rezoning application.

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. Tower Types. Lattice, monopole, guyed and other commonly designed structure support systems for antennas are allowable. Each application for a rezoning request must, however, include a written justification for the type of tower proposed, taking into consideration its compatibility with surrounding land uses.

11. Fencing. All telecommunications towers and equipment will be surrounded by a security fence at least six (6') feet in height.

F. <u>Landscaping</u>

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 ten (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 BZA finds that they achieve the same degree of screening.

G. Tower Abandonment and Removal

The operator or owner of real property on which the tower is located shall provide the County 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 of operations to remove the tower. In cases where the FCC does not require a notice of intent, the operator/owner must notify the County within 90 days after operations cease. Ground lease agreements shall include language requiring the lessee or their successors or assigns to remove all above ground tower related improvements from the lessor's property upon termination of the lease or within 90 days of ceasing operations, whichever first occurs.

H. 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 Loudon County in the amount of the average of the three demolition estimates. The bond or letter of credit shall have no termination date and shall only be released by the Loudon County Planning Commission upon satisfactory completion of the demolition and clearance of the site, and inspection by the Loudon County Building Commissioner.

I. Application Requirements For T-1 Zoning Request

The following information shall be submitted to the Loudon County Planning Office thirty (30) days prior to review by the Loudon County Planning Commission:

1. Site and landscape plans prepared by a registered engineer or licensed surveyor and drawn to scale showing site boundaries, tax map and parcel numbers, address, location of existing structures, access to public roads, tower foot print, proposed set-backs, perspective view of tower with dimensions, topographic features of the site, zoning of proposed site and surrounding contiguous properties, and names of contiguous property owners.

2. Copies of certified letters sent to contiguous property owners advising them of the rezoning request.

3. Construction plans including an elevation drawing of the proposed tower.

4. Names and addresses of the owner, telecommunications carriers locating on the tower, property owner, and copy of the lease agreement with the property owner with provisions which the applicant deems proprietary redacted, provided, however, the copy of the lease must at least show the parties to the lease, the granting and operative leasing language for the lease of the premises, the description of the lease premises and the removal requirements of the lease.

5. Documentation showing the site has been approved by the Tennessee Historical Commission and cleared by the Federal Aviation Administration must be provided prior to issuance of a building permit.

6. A report including technical reasons for the proposed tower type, height, location, and compatibility with the surrounding land uses. This report should include a radio frequency (RF) map showing the coverage area of the proposed tower.

7. Certification letter from a registered engineer of the structural integrity of the tower for its proposed use, and if requesting a variance from the required set-backs, a certification that the tower will collapse within the requested set-back.

8. An inventory of existing towers or alternative structures that could accommodate the proposed antenna(s) within a one mile radius of the proposed site. The inventory shall include the names of owners of towers and structures, height of towers, space available and at what elevation. If the reason for failing to locate upon a tower in such a one-mile radius is a structural reason, the Applicant shall show the structural ability or inability of the tower to accommodate the proposed antenna. If space is available on structures within the one-mile radius, applicants should provide an RF map of coverage provided from these existing towers.

9. An affidavit stating the applicant has exhausted all avenues to co-location.

10. An affidavit stating that space on the proposed tower will be made available to future users when technically possible at rates and lease terms commensurate with those required by other providers in the Knoxville Metropolitan area.

11. Three demolition cost estimates based on construction drawings and a bond or letter of credit for the average cost of the three estimates.

12. A visual study within a one (1) mile radius of the proposed site depicting areas where the tower can be seen. The study should include a minimum of four (4)

photographs of the proposed site from one mile north, south, east and west. The photos must include a computer simulation of the proposed tower.

13. An application for a special exception request accompanied by a $1,700 processing and technical review fee.

(The addition of Section 4.230 was recommended by Loudon County Regional Planning Commission 7/20/99, approved by Loudon County Commission 9/13/99.)
Amended: Loudon County Regional Planning Commission 11/20/01, approved by Loudon County Commission 12/03/01, with revisions.
Amended: Loudon County Regional Planning Commission 11/18/14, approved by Loudon County Commission 12/01/14, with revisions.

4.240. 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, multi-family residential, industrial, and institutional developments. A permit will not be issued unless a plan is submitted and approved by the Office of Planning. Approval of a site plan expires after twelve (12) months if construction is not underway. Construction is defined as completion of at least the building footer.

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 Office of Planning 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 the Office of Planning).

10. In the case of a shopping center, a master plan may be submitted that 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 that 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 Office of Planning, based on reasonable construction cost estimates provided by the developer. Letters of credit will be released upon satisfactory completion of the required improvements and the issuance of an occupancy permit by the Loudon County Building Commissioner.

(The addition of Section 4.240 was recommended by Loudon County Regional Planning Commission 12/19/00, approved by Loudon County Commission 2/05/01.)

(This section amended by the Loudon County Regional Planning Commission 4/18/03, approved by Loudon County Commission 4/7/03 with revisions.)

ARTICLE 5

ZONING DISTRICTS

SECTION

5.010. Classification of Districts
5.020. Zoning Map
5.030. Zoning District Boundaries
5.040. Specific District Regulations
5.041. A-1, Agriculture-Forestry District
5.042. A-2, Rural Residential District
5.043. R-1, Suburban Residential District
5.044. C-1, Rural Center District
5.045. C-2, General Commercial District
5.046. M-1, General Industrial District
5.047. F-1, Floodway District

5.048. O-1, Office-Professional District
5.049. R-E, Single Family Exclusive Overlay District
5.051. Telecommunication Overlay District

5.010. Classification of Districts. For the purpose of this Resolution the following zoning districts are hereby established in Loudon County, Tennessee:

Zoning District	District Abbreviation
Agriculture-Forestry District	A-1
Rural Residential District	A-2
Suburban Residential District	R-1
Rural Center District	C-1
General Commercial District	C-2
General Industrial District	M-1
Floodway District	F-1
Office-Professional District	0-1
Single Family Exclusive Overlay District	R-E
Telecommunications Overlay District	T-1

5.020. Zoning Map. The location and boundaries of the zoning districts established by this Resolution are bounded and defined as shown on the map entitled Zoning Map of Loudon County, Tennessee. The zoning map or any amendment thereto shall be dated with the effective date of the resolution that adopts same. Certified prints of the adopted zoning map or zoning map amendment shall be maintained in the office of the Loudon County Building Commissioner and shall be available for inspection by the public at all reasonable times, as long as this Resolution remains in effect.

5.030. Zoning District Boundaries. Unless otherwise indicated on the zoning map or zoning map amendment, the district boundaries are lot lines, center lines of streets or alleys, or the Loudon County boundary lines as they exist at the time of the enactment of the Zoning Resolution. Questions concerning the exact locations of district boundaries shall be determined by the Loudon County Board of Zoning Appeals.

Where a district boundary line divides a lot existing at the time this Resolution takes effect and the major portion of said lot is in the less restricted district, the regulations relative to that district may extend as well to such portion of said lot as is not more than twenty (20) feet within the more restricted district.

Where the property on one side of a street between two intersecting streets is in a business or industrial district and the property on the intersecting street, except the corner or corners, is in a residential district, the business or industrial use shall be limited to the property facing or fronting the street zoned for business or industry throughout the block and any property in the rear thereof facing or fronting the intersecting street, even though it appears to be in a business or industrial district, shall be governed by the use prevailing on the intersecting street. It is the purpose of this

Resolution to limit business and industrial uses to the property facing or fronting the street zoned for business or industry and to prohibit business or industrial uses facing or fronting the street zoned for residential uses. In all cases of ambiguity due to the actual layout of the property or other circumstances, the Board of Zoning Appeals shall have authority to determine on which street the business or industrial use shall face or front so that the intent of the resolution shall be observed.

5.040. Specific District Regulations. The following regulations shall apply in the seven zoning districts established in Section 5.010 of this resolution:

5.041. A-1 Agriculture-Forestry District

A. District Description

This district is intended to preserve space for agricultural and forestry uses which together comprise an important segment of the economy of Loudon County. The primary intent of the A-1 District is to minimize conflicts between agricultural and forestry activities and various nonfarm activities; to permit lands best suited for intense agricultural uses to be preserved for these purposes; and to prevent lands unsuitable for development of an urban or non-rural nature, due to topographic problems, location, or the inability to provide necessary urban services, from being encroached upon by these incompatible land uses. Areas assigned to the A-1 District are primarily areas where growth of an urban or non-rural nature is deemed undesirable for one or more of the reasons outlined above. The following regulations shall apply in the A-1 Agriculture-Forestry District as defined on the Zoning Map of Loudon County, Tennessee:

B. Uses Permitted:

In the A-1, Agriculture-Forestry District, the following uses and their accessory uses are permitted:

1. Agricultural and forestry uses and their accessory structures, as defined in Article 2.

2. Detached single-family and two-family dwellings.

3. Agricultural processing including cotton ginning and compressing, corn shelling, hay baling and threshing services.

4. Animal husbandry services including veterinarian services, animal hospital services and poultry hatchery services.

5. Forestry activities and related services.

6. Fisheries and related services.

7. Utility facilities necessary for the provision of public services.

8. One roadside stand for the sale of agriculture or forestry products produced on the premises provided that such stand does not exceed an area of three hundred (300) square feet and that it is located not nearer than thirty-five (35) feet from the roadway.

9. Customary home occupations as regulated in Article 4, Section 4.040.

C. Uses Permitted as Special Exceptions:

In the A-1, Agriculture-Forestry District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article 7, Section 7.060.

1. Public or private educational institutions.

2. Churches or other places of assembly.

3. The surface and subsurface mining or quarrying of natural mineral resources. *(Concrete and asphalt plants/facilities are not considered an accessory use to these uses.)* NOTE: Italics adopted by Loudon County Commission August 5, 1996.

4. Airports.

5. Marinas.

6. Travel trailer parks.

7. Sanitary landfill operations, subject to the approval of the Loudon County Sanitarian and the Tennessee Department of Public Health.

8. Cemeteries subject to the provisions of Article 4, Section 4.120.

9. Commercial feed lots which comply with all applicable state and federal laws.

10. On-site tenant houses for farm workers who are of a seasonal or permanent nature, provided the applicant produces a written statement by the Loudon County Sanitarian (environmentalist) approving the sewage disposal system for the structures(s) and provided the applicant provides sufficient evidence as to the need for such tenant houses(s).

11. Arts and crafts festivals.

The aforementioned activity may be permitted subject to the following:

a. Shall be limited to artists and craftsman displaying original work, including antiques and related activities connected with such festival.

b. Limits to no more than six (6) festivals per year (not exceeding four (4) days each) throughout the County with no one sponsor permitted to schedule more than two (2) events annually.

c. Events shall be restricted to county civic groups or events sponsored by such groups.

d. The Board of Zoning Appeals shall review each application and approval or disapproval shall be based on the quality of the event, impacts on the immediate area and suitability of plans as addressed in Subsection V.

e. Sponsor of the event shall provide the following:

   i. Site plans for the property indicating the location of all exhibit areas, parking, rest rooms, access, etc.

   ii. Projected number of visitors per day

   iii. Traffic flow diagram

   iv. Location of all residences within a one-half (1/2) mile radius of property to be considered

   v. Written narrative describing security and emergency services.

12. Light Manufacturing Uses

Light manufacturing uses are permitted as a special exception subject to provisions herein established. In considering the special exception, the Board shall consider impacts on adjoining properties and determine whether the proposed use meets the spirit and intent of this resolution. Approval of a special exception <u>may</u> be granted provided the following requirements are met and subject to such restrictions as the Board may deem necessary:

- Use is permitted only on the same property as a primary residence and shall be located in an accessory structure.

- The manufacturing use (process and storage) shall not occupy more than 1,500 square feet.

- There shall be no exterior storage of materials nor shall the exterior appearance of the structure indicate that any use is occurring which would not be customarily permitted as an accessory use within the district.

- There shall be no more than three (3) persons employed at any one time.

- The applicant for the special exception shall reside in the primary residence and shall be employed in the manufacturing operation.

- The property shall be not less than three (3) acres in size.

Light Manufacturing Uses Permitted as a Special Exception:

- Woodworking
- Light metal fabrication
- Furniture Upholstering
- Arts and crafts manufacturing
- Any use of a similar character

13. Daycare Centers – To serve up to 12 clients with no more than two (2) employees. *(Approved by County Commission 10/6/03)*

14. Riding Stables and Dog Kennels and Boarding Facilities (see Section 4.125) *(Amended by Loudon County Commission June, 2009)*

D. Uses Prohibited:

In the A-1, Agriculture-Forestry District, all uses except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

E. Dimensional Regulations:

All uses permitted in the A-1, Agriculture Forestry District shall comply with the following requirements except as provided in Article 6.

1. Front Yard: The minimum depth of the front yard shall be fifty (50) feet.

2. Rear Yard: The minimum depth of the rear yard shall be thirty-five (35) feet for the principal structure and five (5) feet for any permitted accessory structures. *(Amended by Loudon County Commission 8/4/08)*

3. Side Yard: The side yard shall be a minimum of twenty (20) feet for a single-story structure, plus an additional five (5) feet for each additional story, and five (5) feet for any permitted accessory structures. *(Amended by Loudon County Commission 8/4/08)*

4. Land Area: No farm, ranch, or other parcel of land shall be reduced in area to provide separate lots or building sites of less than one (1) acre in area. However, where there is an existing lot of record of less than one (1) acre on August 1, 1971, this lot may be utilized for the construction of one single-family dwelling. In the event that the property proposed to be subdivided is less than five (5) acres in area, then a soils analysis of the property must be conducted and the results of such an analysis shall be transmitted to the Loudon County Sanitarian. The Planning Commission shall assist the property owner or his agent in working with other agencies to have the soils analysis completed. If the results of the soils analysis indicate compliance with the required standards of the Tennessee Department of Public Health, the Loudon County Sanitarian shall submit a written statement certifying same to the Loudon County Building Commissioner. Upon receipt of such a certification from the Loudon County Sanitarian, the Loudon County Building Commissioner shall issue a building permit to the applicant, providing all other provisions of the Loudon County Zoning Resolution are met. In the event that the results of the soils analysis or other tests that may be required do not meet the required standards of the Tennessee Department of Public Health, then the Loudon County Sanitarian shall submit to the Loudon County Building Commissioner, prior to the issuance of a building permit, a written opinion, in lieu of a certification, which shall define what lot size or configuration or both shall be necessary to meet the required standards. In the event that an opinion is submitted in lieu of a certification by the Loudon County Sanitarian to the Building Commissioner, the Building Commissioner shall notify the applicant of the necessary lot size or configuration or both based upon the aforementioned Loudon County Sanitarian's written opinion. The Building Commissioner shall not issue a building permit until the necessary changes have been made and the Sanitarian submits to the Building Commissioner a certification that with these changes, the standards of the Tennessee Department of Public Health have been met.

5. Maximum Lot Coverage: Main farm and agricultural accessory buildings shall cover no more than five (5) percent of the total land area.

   Permitted non-agricultural or forestry uses, both principal and accessory, shall cover no more than twenty (20) percent of the total land area.

6. Lot Width: No lot shall be less than one hundred and fifty (150) feet wide at the building setback line.

7. Height Requirement: No building shall exceed three (3) stories or fifty (50) feet in height, except as provided in Article 6, Section 6.030.

(Amended: Loudon County Planning Commission 11/18/14, approved by Loudon County Commission 12/1/14.)

5.042. A-2 Rural Residential District

A. District Description

This district is intended to be utilized in areas where, due to remoteness, impermeability or shallowness of soils, the absence of the necessary urban services, or the continuation of farming or agricultural activities, development of a suburban density is undesirable or unfeasible. Although the A-2 District is primarily a rural district, it also provides for low-density residential development with lot sizes for single-family dwellings being less restrictive than those of the A-1 Agriculture-Forestry District. In addition, a primary objective of the A-2 District is to prevent undesirable urban sprawl and to exclude land uses which demand a level of urban services which are impossible or uneconomical to provide. The following regulations shall apply in the A-2 Rural Residential District as defined on the Zoning Map of Loudon County, Tennessee:

B. Uses Permitted:

In the A-2 Rural Residential District, the following uses and their accessory uses are permitted.

1. Agricultural and forestry uses and their accessory structures, as defined in Article 2.

2. Detached single-family and two-family dwellings.

3. Agricultural processing including cotton ginning and compressing, corn shelling, hay baling and threshing services.

4. Animal husbandry services including veterinarian services, animal hospital services and poultry hatchery services.

5. Forestry activities and related services.

6. Fisheries and related services.

7. Public and informational signs.

8. Utility facilities necessary for the provision of public services.

9. Public recreational facilities.

10. Public schools, libraries, and fire station.

11. Customary home occupation as regulated in Article 4, Section 4.040.

C. Uses Permitted as Special Exceptions:

In the A-2 Rural Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article 7, Section 7.060.

1. Churches or other places of assembly.

2. Riding stables and kennels and Boarding Facilities (see Section 4.125) *(Amended by Loudon County Commission June, 2009)*

3. Marinas.

4. Travel trailer parks.

5. Sanitary landfill operations, subject to the approval of the Loudon County Sanitarian, the Tennessee Department of Public Health, and the Loudon County Quarterly Court.

6. Subsurface extraction of natural mineral resources. *(Concrete and asphalt plants/facilities are not considered an accessory use to these uses.)* NOTE: Italics adopted by Loudon County Commission August 5, 1996.

7. Private doctor or dental offices.

8. Private schools, colleges, and libraries.

9. Private recreational facilities other than those permitted.

10. Planned unit developments subject to the provisions of Article 4, Section 4.080.

11. Government buildings and community centers.

12. Cemeteries, subject to the provisions of Article 4, Section 4.120.

13. Light manufacturing uses are permitted as a special exception subject to provisions herein established. In considering the special exception, the Board shall consider impacts on adjoining properties and determine whether the proposed use meets the spirit and intent of this Resolution. Approval of a special exception may be granted provided the following requirements are met and subject to such restrictions as the Board may deem necessary:

- Use is permitted only on the same property as a primary residence and shall be located in an accessory structure.

- The manufacturing use (process and storage) shall not occupy more than 1,500 square feet.

- There shall be no exterior storage of materials nor shall the exterior appearance of the structure indicate that any use is occurring which would not be customarily permitted as an accessory use within the district.

- There shall be no more than three (3) persons employed at any one time.

- The applicant for the special exception shall reside in the primary residence and shall be employed in the manufacturing operation.

- The property shall be not less than three (3) acres in size.

Light Manufacturing Uses Permitted as a Special Exception:

- Woodworking
- Light metal fabrication
- Furniture Upholstering
- Arts and crafts manufacturing
- Any use of a similar character

14. Daycare Centers – To serve up to 12 clients with no more than two (2) employees. *(Approved by County Commission 10/6/03)*

D. <u>Uses Prohibited</u>

In the A-2, Rural Residential District, all uses except those uses of their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

E. <u>Dimensional Regulations</u>

All uses permitted in the A-2, Rural Residential District, shall comply with the following requirements except as provided in Article 6.

1. Front Yard: The minimum depth of the front yard shall be forty (40) feet.

2. Rear Yard: The minimum depth of the rear yard shall be thirty (30) feet for the principal structure and five (5) feet for any permitted accessory structures. *(Amended by Loudon County Commission 8/4/08)*

3. Side Yard: The side yards shall be a minimum of twenty (20) feet for a single-story structure, plus an additional five (5) feet for each additional story, and five (5) feet for any permitted accessory structures. *(Amended by Loudon County Commission 8/4/08)*

4. Land Area: No farm, ranch, or other parcel of land shall be reduced in area to provide separate lots or building sites of less than one (1) acre in area. However, where there is an existing lot of record of less than one (1) acre on August 1, 1971, this lot may be utilized for the construction of one single-family dwelling. In the event that the property proposed to be subdivided is less than five (5) acres in area, then a soils analysis of the property must be conducted and the results of such an analysis shall be transmitted to the Loudon County Sanitarian. The Planning Commission shall assist the property owner or his agent in working with other agencies to have the soils analysis completed. If the results of the soils analysis indicate compliance with the required standards of the Tennessee Department of Public Health, the Loudon County Sanitarian shall submit a written statement certifying same to the Loudon County Building Commissioner. Upon receipt of such a certification from the Loudon County Sanitarian, the Loudon County Building Commissioner shall issue a building permit to the applicant, providing all other provisions of the Loudon County Zoning Resolution are met.

   In the event that the results of the soils analysis or other tests that may be required do not meet the required standards of the Tennessee Department of Public Health, then the Loudon County Building Commissioner, prior to the issuance of a building permit, a written opinion, in lieu of a certification, which shall define what lot size or configuration, or both, shall be necessary to meet the required standards. In the event that an opinion is submitted in lieu of a certification by the Loudon County Sanitarian to the Building Commissioner, the Building Commissioner shall notify the applicant of the necessary lot size or configuration, or both, based upon the aforementioned Loudon County Sanitarian's written opinion. The Building Commissioner shall not issue a building permit until the necessary changes have been made and the Sanitarian submits to the Building Commissioner a certification that with

these changes, the standards of the Tennessee Department of Public Health have been met.

5. Maximum Lot Coverage: Main farm or agricultural accessory buildings shall cover no more than five (5) percent of the total land area. Permitted none-agricultural uses, both principal and accessory, shall cover no more than thirty (30) percent of the total land area.

6. Lot Width: No lot shall be less than one hundred (100) feet wide at the building setback line.

7. Height Requirement: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article 6, Section 6.030.

8. Parking Space Requirements: As regulated in Article 4, Section 4.010.

(Amended: Loudon County Planning Commission 11/18/14, approved by Loudon County Commission 12/1/14.)

5.043. R-1 Suburban Residential District

A. District Description

The R-1, Suburban-Residential District, is intended to provide areas which are suitable for low-density single and multiple-family residential development. This district is particularly suitable for areas adjacent or near urban areas, where an adequate public water supply or public wastewater service is available. The principle uses of land range from single-family to multi-family apartment uses. The following regulations shall apply in the R-1 Suburban Residential District as defined on the Zoning Map of Loudon County, Tennessee:

B. Uses Permitted

In the R-1, Suburban-Residential District, the following uses and their accessory uses are permitted:

1. Detached single-family dwellings.

2. Rooming and boarding houses.

3. Prefabricated dwelling.

4. Mobile home.

5. Customary home occupation as regulated in Article 4, Section 4.040.

6. Duplexes.

C. Uses Permitted as Special Exceptions:

In the R-1, Suburban-Residential District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article 7, Section 7.060.

1. Churches and other places of assembly.

2. Educational institutions.

3. Public and private recreation facilities.

4. Utility facilities necessary for the provision of public services. (Telecommunications towers and antennas are specifically excluded.)

5. Planned unit developments as regulated in Article 4, Section 4.080.

6. Mobile home parks, subject to the provisions of Article 4, Section 4.100.

7. Cemeteries subject to the provisions of Article 5, Section 4.120.

8. Government buildings and community centers.

9. Multi-family dwellings. In order to provide for the orderly development of multi-family housing in areas conducive to such development the following specifications and guidelines shall be followed in granting a special exception:

   Multi-family dwellings shall be:

   a. located adjacent to arterials and/or collector roads;

   b. served by public utility water and an approved wastewater treatment facility (i.e., septic system or public wastewater system);

   c. located near areas of intense urban activity and necessary community facilities;

   d. designed to provide permanent open and recreational space for residents;

   e. designed to meet the area requirements as stated in Subsection 4. Land Area;

   f. located in areas where the use will not conflict with the character of the surrounding area.

Approval of an apartment complex consists of a two stage process, a preliminary approval for a site selection and a final approval consisting of a site design. A site plan shall be submitted with the following information:

a. The site location of the proposed use/structure including a location map and the scale of such a map.

b. 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.

c. Size and dimensions of the proposed building(s) and a drawing of all setbacks.

d. Parking area design, number of parking spaces, and design of those spaces.

e. Location of any signage and the dimensions of such sign(s) which will advertise the use of the buildings.

f. Location and design of all entrances and exits onto a public road.

10. Daycare Centers – To serve up to 12 clients with no more than two (2) employees. *(Approved by County Commission 10/6/03)*

D. Uses Prohibited:

In the R-1, Suburban-Residential District, all uses except those uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

E. Dimensional Regulations:

All uses permitted in the R-1, Suburban-Residential District, shall comply with the following requirements except as provided in Article 6:

1. Front Yard: The minimum of the front yard shall be thirty (30) feet.

2. Rear Yard: The minimum depth of the rear yard shall be twenty-five (25) feet for the principal structure and five (5) feet for any permitted accessory structure. . (Amended by Loudon County Commission 12/3/07)

3. Side Yard: The side yard shall be a minimum of fifteen (15) feet for one and two-story structures, plus five (5) additional feet of side yard for each additional story over two, and five (5) feet for any permitted accessory structure. (Amended by Loudon County Commission 12/3/07)

4. Land Area: No lot or parcel of land shall be reduced in size to provide separate lots or building sites of less than 20,000 square feet in area. Where there is an existing lot of record of less than 20,000 square feet, at the time of adoption of this Resolution, this lot may be utilized for the construction of one single-family dwelling, providing the lot in question has a public water supply and providing that said lot of record is not less than 7,500 square feet in area.

   On lots or parcels of land where multiple-family dwellings are constructed, the following area requirements and definitions shall apply except as regulated in Article 4, Section 4.080, (planned unit developments):

Number of Dwelling Units	With Public Water and Sanitary Sewers	With Public Water but without Public Wastewater
1	20,000 sq. ft.	20,000 sq. ft.
2	25,000 sq. ft.	30,000 sq. ft.
3	30,000 sq. ft.	35,000 sq. ft.
4	35,000 sq. ft.	40,000 sq. ft.
More than 4 units	3,500 sq. ft. for each unit over 4	Not permitted unless on-site treatment units (i.e., package plants) are used, 30,000 sq. ft. for each unit over 4

Dwelling, Attached - A dwelling with one or more party walls, or one party wall in the case of a dwelling at the end of a group of attached dwellings.

Dwelling, Multiple-Family - Two or more attached dwelling units.

*The Board of Zoning Appeals may increase the lot size requirement if a soils analysis or percolation tests as required by the Loudon County Sanitarian indicate a potential problem with subsurface sewage disposal.

F. Cluster Development Option

Purpose: The cluster development option is established to encourage clustering of residential development promoting more creative design options based on the size, shape, natural resources of a site; constraints which have direct implications for development. The primary purpose of the option is to maintain open space, preservation of natural environmental features and enhance design which may not be practical under traditional development standards. This option shall not apply within the 1st and 4th civil districts up to the Tennessee River and Little Tennessee River which are primarily rural in character.

Objectives:

* Maintain the same density standards of the district
* Promote connection to public sewage systems to reduce environmental impacts
* Reduce construction and maintenance costs (public and private)
* Enhance opportunities for creative design
* Encourage design which utilizes open space as part of the development

Requirements: The following general requirements are established for developments utilizing the cluster development option:

* Minimum lot area shall not be less than 15,000 sq. ft.
* Required connection to public sewage system.
* Establishment of association/entity to supervise and maintain open space.
* Open space shall be integrated throughout the development, including sensitive environmental areas and identified as part of the subdivision approval process.
* Minimum setback requirements: front-25 feet, side-15 feet, rear-20 feet.
* Minimum lot width at the building setback line shall not be less than 100 feet.
* Paved sidewalks, not less than 4 feet in width and located not less than 6 feet from the edge of the roadway.
* Density shall be based on the total developable land area less 20% for infrastructure. The total number of lots or density shall be determined based on a 20,000 sq. ft. scenario.

1. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings may not exceed forty (40) percent of the total area of such lot or parcel or the buildable area of said lot as defined by the front, side, and rear yard setbacks, whichever is less.

2. Lot Width: No lot shall be less than one hundred (100) feet wide at the

building setback line.

3. Height Requirement: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article 6, Section 6.030.

4. Parking Space Requirement: As regulated in Article 4, Section 4.010.

(Amended: Loudon County Planning Commission 11/18/14, approved by Loudon County Commission 12/1/14.)

5.044. C-1 Rural Center District

A. District Description:

The C-1 Rural Center District recognizes the need to provide for areas within Loudon County where residents of the more isolated agriculture and rural residential districts and for residents located beyond the limits of service of the four municipalities can receive certain merchandising and technical services. In Loudon County, several small rural centers exist, primarily to provide such convenience goods and services to residents of the surrounding areas. These centers serve a necessary economic function and the mixed land uses that characterize these centers are not particularly detrimental. This district is intended to be a flexible zone which is necessary in a rural center. It is designed to allow for change and growth within these areas, but also to prevent this mixture of land uses from unnecessarily spreading into the adjacent countryside.

The following regulations shall apply in the C-1 Rural Center District, as defined on the Zoning Map of Loudon County, Tennessee:

B. Uses Permitted:

1. Detached single-family and two-family dwellings.

2. Planned unit developments as regulated in Article 4, Section 4.080.

3. Agriculturally-oriented commercial or light industrial uses.

4. Educational institutions.

5. Utility facilities necessary for the provision of public services.

6. Churches and other places of assembly.

7. Governmental buildings and community centers.

8. Individual retail stores, professional and services offices, not to exceed 5,000 square feet and boarding houses.

9. Service stations and automobile repair, excluding auto body repair establishments, subject to the provisions of Article 4, Section 4.060.

10. Customary home occupations as regulated in Article 4, Section 4.040.

C. Uses Permitted as Special Exceptions

In the C-1 Rural Center District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance Article 7, Section 7.060.

1. Livestock, sales or feeding yards.

2. Travel trailer parks.

3. Kennels or animal hospitals.

4. Funeral parlors.

5. Drive-in commercial establishments.

6. Mobile home parks as regulated in Article 4, Section 4.010.

7. Cemeteries, subject to the provisions of Article 4, Section 4.102.

D. Uses Prohibited

In the C-1, Rural Center District, all uses except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

E. Dimensional Regulations:

All uses permitted in the C-1, Rural Center District, shall comply with the following requirements except as provided in Article 6:

1. Front Yard: The minimum depth of the front yard for (a) residential uses - thirty (30) feet; (b) nonresidential uses - thirty (30) feet.

2. Rear Yard: The minimum depth of the rear yard for (a) residential uses - twenty-five (25) feet; (b) nonresidential uses - twenty (20) feet.

3. Side Yard: The minimum width of the side yard for (a) residential uses - twenty (20) feet for single-story structures, plus five (5) additional feet for each additional story; (b) nonresidential uses - twenty (20) feet for single-story structures, plus ten (10) additional feet for each additional story.

4. Land Area: The following land area will be required in the C-1, Rural Center District:

a. Residential - no lot or parcel of land shall be reduced in size to provide separate lots, for single-family dwellings, of less than 15,000 square feet where public water is available. Where no public water is available, residential lots shall be a minimum of one (1) acre in area and the proposed sewage disposal system must be approved by the Loudon County Sanitarian.

   The minimum land area for two-family and multi-family dwellings shall be the minimum area for a single-family dwelling, plus 5,000 square feet for each unit over one.

b. Commercial - no lot or parcel of land shall be reduced in size to produce separate lots for commercial uses of less than 22,000 square feet in area where public water is available. Where no public water is available, commercial lots shall be a minimum of one (1) acre in area and the proposed sewage disposal system must be approved by the Loudon County Sanitarian.

c. Manufacturing - no lot or parcel of land shall be reduced in size to provide separate lots for manufacturing uses of less than five (5) acres in area where public water is available and where the method of sewage disposal has been approved by the Loudon County Sanitarian. Where no public water is available, manufacturing uses shall not be permitted in the C-1, Rural Center District.

   However, where there is an existing lot of record of less than the minimum land areas outlined above, at the time of adoption of this Resolution, this lot may be utilized for the construction of one single-family dwelling, providing said lot is not less than 10,000 square feet where a public water supply is available and 22,000 square feet where a public water supply is not available.

5. Maximum Lot Coverage: On any lot or parcel of land, the area occupied by all buildings including accessory buildings, shall not exceed forty (40) percent of the total area of such lot or parcel.

6. Lot Width: No lot shall be less than one hundred (100) feet wide at the building setback line.

7. Height Requirement: No building shall exceed three (3) stories or thirty-five (35) feet in height, except as provided in Article 6, Section 6.030.

8. Parking Space Requirements: As regulated in Article 4, Section 4.010.

5.045. C-2 General Commercial District

A. General Description. The C-2, General Commercial district is a general commercial and business district located at specific sites customarily along certain arterials and major collector roads with adequate utilities on property physically suitable for such uses and where business uses shall not conflict with adjacent residential and agriculture uses of land. Special emphasis is placed on the physical design of such developments in order to promote the unique scale and character of the community and to protect and enrich the unique qualities of these uses to insure compatibility with the community.

B. Permitted uses. The expanding nature of commercial and business uses prevents identifying all permitted uses which would customarily be located in the district. The following uses and their accessory uses, in addition to being permitted, shall guide other uses not specifically identified which are of a similar nature.

1. Retail
2. Office
3. Convenience stores
4. Churches and Places of Worship
5. Educational Facilities
6. Professional Services
7. Lodging and Restaurants
8. Repair Services, except vehicle or equipment repair
9. Wholesale business
10. Automotive and marine sales
11. Agriculture related sales
12. Nursery and garden sales
13. Day Care Centers
14. Funeral Homes
15. Medical Facilities
16. Financial Services
17. Veterinary Services

C. Uses Permitted as a Special Exception.
The following uses and their related accessory uses may be permitted as a special exception. The decision to allow such uses will depend on the infrastructure necessary to accommodate such uses within the area and compatibility of adjacent uses and zones. In approving such uses the Board may impose reasonable conditions and restrictions in addition to the requirements established in this resolution to insure the health, safety, general welfare and physical appearance of the community.

1. Mobile homes sales lots
2. Taverns

3. Automotive repair services (body and engine repair)
4. Storage Warehouse (except industrial storage)
5. Transfer or storage terminal
6. Trucking terminals
7. Wrecker Services
8. Amusement facilities
9. Stadiums and Coliseums
10. Implement and machinery sales and services

D. Uses Prohibited.

1. All other uses except those specifically permitted or of a similar nature, or permitted as a special exception
2. Sexually Oriented Adult Businesses

E. Dimensional Regulations.

All structures within the district shall comply with the following requirements except as provided in Article 6:

1. Front Yard: The front yard setback shall not be less than thirty (30) feet.

2. Rear Yard: The rear yard setback shall not be less than twenty (20) feet, except where vehicular access will be provided to the rear of the lot, in which case a minimum rear setback of thirty (30) feet shall be required

3. Side Yard: The side yard setback shall not be less than twenty (20) feet

4. Land Area: No lot shall be used for commercial purposes unless said lot has a minimum lot area of not less than 20,000 square feet, provided said lot is served by public water and an approved sanitary disposal system. Where public water is not available, the minimum land area shall not be less than three (3) acres. Multiple structures may be permitted on a single lot provided that all applicable area and space requirements have been complied with and provided all buildings comply with the Southern Building Code Congress standards for connecting structures.

5. Lot Width: No lot shall be less than one hundred (100) feet wide at the building setback.

F. Height Requirement. No building shall exceed three stories or forty (40) feet in height, except as provided for in Article 6, section 6.030.

G. Lot Area Coverage. There is no maximum lot area coverage within the district.

H. Parking.

The number of parking spaces shall be determined by standards in section 4.010 of this Resolution. All parking areas and drives shall be paved with sufficient base,

binder and surface to adequately accommodate the anticipated traffic type and volumes. The periphery of all parking areas and entrances shall be curbed with a minimum of 6 inches of extruded concrete curbing or similar material. Parking and storage areas shall maintain a minimum of five (5) feet at each side and rear property lines. These areas shall be permanently maintained as a buffer/landscaped area.

I. Exterior Storage and Loading Areas.

Exterior storage of materials, equipment, or damaged automobiles or parts shall not be permitted unless approved by the Board of Zoning Appeals. Any storage area permitted shall be landscaped or screened utilizing appropriate building materials. Loading areas shall be screened utilizing appropriate building materials, landscaping or earthen berms. Exterior solid waste disposal containers shall be enclosed.

J. Signs.

In addition to section 4.090, the following provisions apply to the use of sign structures on any commercially zoned property. Signs shall be considered, in the C-2 district, as accessory structures incidental to the permitted use or use permitted as a special exception. The content of sign(s) shall not be regulated only the physical characteristics of the sign structure. One free standing structure, not to exceed twenty (20) feet in height, is permitted not to exceed 120 square feet in area per sign face; two minor sign structures, customarily intended for directional purposes, are permitted not to exceed three (3) feet in height and not exceeding four (4) square feet in area per structure. Signs attached to the wall of the primary structure (s) shall be permitted. The total area for such signs shall be calculated based on the length of the building facade facing the primary road. Wall signs shall not exceed 1 square foot per lineal foot of building facade and shall not be located above the building eves.

K. Conflicts.

If a conflict exists between this amendment and any existing or future amendment, the more stringent requirement shall prevail.

5.046. M-1 General Industrial District

A. District Description:

The M-1, General Industrial District, is intended to provide areas in which the principal use of land is for manufacturing, processing, assembling, fabrication of materials, and warehousing or storage. These land uses generally do not depend primarily on frequent personal visits by clients or customers, but generally require good accessibility to major rail, water, or highway transportation routes. The following regulations shall apply in the M-1 General Industrial District, as defined on the Zoning Map of Loudon County, Tennessee:

B. Uses Permitted:

In the M-1, General Industrial District, the following uses and their accessory uses are permitted:

1. In the M-1 General Industrial District, the following uses and their accessory uses are permitted:

   a. Food and kindred products manufacturing, except meat products;

   b. Textile mill products manufacturing except dying and finishing of textiles;

   c. Apparel and other finished products made from fabrics, leather, and similar materials manufacturing;

   d. Lumber and wood products manufacturing;

   e. Furniture and fixtures manufacturing;

   f. Printing, publishing and allied industries;

   g. Stone, clay, and glass products manufacturing;

   h. Fabricated metal products manufacturing except ordinance and accessories;

   i. Professional, scientific, and controlling instruments; photographic and optical goods, watches and clocks manufacturing;

   j. Miscellaneous manufacturing including jewelry, silverware and plated ware, musical instruments and parts, toys, amusement and sporting goods manufacturing, pens, pencils, and other office materials, costume jewelry, novelties and miscellaneous notions; tobacco manufacturing, motion picture production;

   k. Transportation, communication and utilities, excluding airports, and solid waste disposal.

   l. All types of wholesale trade;

   m. Office functions only where it is directly related to the industrial establishment in which it is located;

   n. Signs and billboards as regulated in Article 4, Section 4.090.

o. Sexually Oriented Adult Businesses. (Approved by Loudon County Commission 05/09/02.)

C. Uses Permitted as Special Exceptions

In the M-1, General Industrial District, the following uses and their accessory uses may be permitted as special exceptions after review and approval in accordance with Article 7, Section 7.060.

1. Lots or yards for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or second-hand building materials;

2. Automobile wrecking, salvage, and junkyards, subject to the provisions of Article 4, Section 4.110;

3. Meat products manufacturing;

4. Dying and finishing of textiles;

5. Paper and allied products manufacturing;

6. Chemicals and allied products manufacturing;

7. Petroleum refining and related industries;

8. Rubber and miscellaneous plastic products manufacturing;

9. Primary metal industries;

10. Ordnance and accessories manufacturing;

11. Airports;

12. Solid waste disposal, subject to the approval of the Loudon County Sanitarian, the Tennessee Department of Public Health and the Loudon County Quarterly Court;

13. Mining activities and related services.

D. Uses Prohibited:

In the M-1, General Industrial District, all uses, except those uses or their accessory uses specifically permitted or permitted upon approval as a special exception by the Board are prohibited.

1. Front Yard: The minimum depth of the front yards shall be thirty (30) feet.

2. Rear Yard: The minimum depth of the rear yard shall be thirty (30) feet.

No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.

3. Side Yard: The minimum depth of the side yard shall be twenty (20) feet, except that side yards for industrial lots adjacent to suburban-residential, rural residential, or rural center districts shall be a minimum of fifty (50) feet. No yard shall be required for that portion of a lot which fronts on a railroad or rail spur line.

4. Land Area: Where public water and sewer service is available, there shall be required a minimum land area of two acres. In areas where only public water is available, there shall be a minimum of five (5) acres. No industrial land use shall be permitted in areas where a public water supply is not available, except where the Board of Zoning Appeals has determined that such use does not require a supply of potable water in its manufacturing operation. In such instances, the Board may grant written approval of the use and shall not be less than five (5) acres.

5. Maximum Lot Coverage: No maximum lot coverage shall be imposed in the M-1 District.

6. Lot Width: No lot shall be less than one hundred fifty (150) feet wide at the building setback line.

7. Height Requirement: No height limitations shall be imposed in the M-1, General Industrial District, except as provided in Article 6, Section 6.030.

8. Parking Space Requirement: As regulated in Article 4, Section 4.010.

5.047. F-1, Floodway District

A. District Description

The F-l, Floodway District, is intended for use in areas within Loudon County which are subject to flooding. The objective of the district is to impose restrictions upon the use of land which lie within the floodways and floodway fringe areas of the several creeks and rivers which flow within the boundaries of Loudon County, Tennessee, thereby protecting persons, property and the community from the dangers arising from periodic flooding within these areas. Due to the numerous streams in Loudon County, only the major floodway districts are defined on the zoning map. However, the districts which are not shown on the map are defined in Article 2. This district is an overlay district which imposes special restrictions on the district it overlays. The following regulations shall apply in the F-1, Floodway District, as defined on the Zoning

Map of Loudon County, Tennessee, and for small streams as indicated in Article 2.

B. General Restrictions

Within the floodway district, which shall include the floodway and floodway fringe areas, the following restrictions shall apply:

1. Any new construction, improvements and/or major repairs to uses permitted within the district shall meet the following requirements:

   a. New construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structures. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

   b. Utility and mechanical equipment including water supply and sewage system shall be so designed as to be floodproofed, flood resistant or elevated to prevent water from entering into components and avoiding discharge of any such substance into the watercourse. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination during flooding.

   c. All structures constructed shall feature methods and practices that will minimize flood damage.

   d. A building permit shall be required prior to the start of construction for any development permitted. For all new and substantially improved structures, the building official shall obtain and maintain on file a certificate of elevation indicating the elevation of the lowest structural member of the lowest floor or the floodproofed elevation of any horizontal structural member of the lowest floor.

   e. Prior to the issuance of a permit, the applicant shall obtain the necessary state and federal permits and shall show evidence of same to the building official.

   f. When base flood elevation data or floodway data have not been provided in accordance with this article, then the Building Commissioner shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer the provisions of this article.

g. A registered engineer or architect shall certify that all floodproofing measures for nonresidential structures comply with acceptable design and construction methods meeting the NFIP criteria.

h. New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

i. Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

- Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

- The bottom of all openings shall be no higher than one foot above grade; and,

- Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

2. Electrical, plumbing, and other utility connections are prohibited below the base flood elevation;

3. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

a. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

b. In the event any watercourse is altered or relocated a complete description shall be submitted indicating the extent of said action.

c. A certificate of flood elevation or floodproofing shall be provided after the completion of the lowest floor.

d. Prior to the start of construction, the building official shall review all development permits to assure that the permit requirements of the

Zoning Resolution have been satisfied. Said official shall notify adjacent communities and the Local Planning Office, Department of Economic and Community Development prior to any alteration or relocation of a watercourse, and shall submit evidence of such notification to the Federal Emergency Management Agency. The building official shall assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not administered.

C. Definition of Terms

The following terms found within the F-1, Floodway District, regulation shall have the following definitions:

BASE FLOOD means the flood having a one (1) percent change of being equaled or exceeded in any given year as determined by NFIP.

BREAKAWAY WALL means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

DEVELOPMENT means any man-made change to improved or unimproved real estate, including but not limited to the construction of buildings or other structures, mining, dredging, filling, grading, paving excavation, or drilling operations.

ELEVATED BUILDING means A non-basement building built to have the lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings, columns (posts and piers), shear walls, or breakaway walls.

FLOODWAY Means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

FLOODWAY FRINGE means the land area outside the floodway but within the area covered by the 100-year flood as determined by the NFIP.

MANUFACTURED HOME means a structure transportable in one or more sections, which is built on a permanent chassis to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

START OF CONSTRUCTION (for other than new construction or substantial improvements under the coastal Barrier Resources Act (PL 97-348), includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or improvement was within 180 days of the permit data. The actual start means the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the state of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwellings units or not part of the main structure.

SUBSTANTIAL IMPROVEMENT means any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure should be: 1) the appraised value of the structure prior to the start of the initial repair or improvement, or 2) in the case of damage, the value of the structure prior to the damage occurring.

For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not the alteration affects the external dimensions of the structure. The term does now, however, include any project for improvement of a structure required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions.

D. Uses Permitted within the Floodway

There are no permitted uses within the floodway, other than agricultural and pasture or as provided as “special exception.”

E. Uses Permitted within the Floodway as a Special Exception

The following uses may be permitted within the floodway subject to review and approval of the Board of Zoning Appeals in accordance with Article 8. The Board shall possess the authority to improve such conditions upon a proposed use as is deemed necessary to protect the public interest.

1. Parking lots and open loading areas.

2. Open type public and private recreation facilities, such as parks, golf courses, driving ranges and drive-in theaters, provided that no building or permanent structures are erected.

3. Storage yards for equipment and materials not subject to major damage by floods, provided such use is auxiliary to uses permitted in an adjoining district and materials do not include inflammables such as gasoline.

4. Boat docks or marinas.

5. Circus, carnival, or similar transient amusement enterprises.

6. Utilities, road and railroad bridges, and electric and other transmission lines.

7. Where, in the opinion of the Board of Zoning Appeals, topographic data, engineering and other studies are needed to determine the effects of flooding on a proposed structure and/or the effect of the structure on the flow of water, the Board of Zoning Appeals may require the applicant to submit such data or other studies prepared by competent engineers or other technical reports.

8. The granting of approval of a structure or use shall not constitute a representation, guarantee or warranty of any kind of nature by Loudon County, Tennessee, or the Loudon County Board of Zoning Appeals or by an officer or employee of either thereof of the practicality or safety of any structure of use proposed and shall create no liability upon or cause action against such public body, officer, or employee for any damage that may result thereto.

F. Uses Prohibited in the Floodway

Within the floodway, the filling of land, encroachment and new construction and/or substantial improvements to existing structures which would result in an increase of flood heights during the recurrence of the 100-year flood discharge are prohibited. Also prohibited are structures for human habitation (including manufactured homes) and the storage of inflammable materials.

G. Floodway Fringe Areas

Areas lying outside the floodway but within the area covered by the 100-year flood shall be subject to the following regulations.

1. No building or structure shall be erected, and no existing building or structure shall be extended or moved unless the lowest floor of said building or structure (including basement) is placed one foot above the

elevation of the 100-year flood. This requirement shall apply to the placement of manufactured homes within a manufactured home park (mobile home park) or subdivision regardless if such park or subdivision was developed prior to the adoption of the floodplain regulations. Non-residential structures shall be either elevated one foot above the base flood elevation or floodproofed to that elevation. The lowest floor for non-floodproofed buildings allows for unfinished enclosures provided that they are used solely for parking of vehicles, building access or storage. Said structures shall be designed to comply with the general requirements as outlined in Section B.

2. Land may be filled within the flood fringe areas, provided such fill extends twenty-five (25) feet beyond the limits of any structure erected thereon.

H. Land Use Restrictions

The same requirements for the district the floodway fringe area overlays shall apply to the area designated between the floodway and elevation of the 100-year flood.

1. Small Streams

Any structure proposed to be located outside the Floodway District but within fifty feet of any main drainage channel or stream (hereafter referred to as stream) within Loudon County must be approved by the Loudon County Board of Zoning Appeals. The Board of Zoning Appeals or other designated public official shall determine on the basis of the area of the watershed and probably runoff of the opening needed for the stream or how close a structure may be built to the stream in order to assure adequate space for the flow of floodwater. However, no building shall be permitted within ten (10) feet of the top of the bank of any stream.

5.048. 0-1, Office Professional District.

A. District Description

The purpose of this district is to create a district which is compatible with adjacent residential areas and serves as a transitional zone between residential and other incompatible land uses. The district is intended to promote quality development which promotes clustering of buildings surrounded by landscaped yards and open spaces. The district shall be established within areas in close proximity to arterials and which will directly serve the residential areas in the immediate vicinity. The district is primarily office in nature, however, certain retail uses are permitted within the development.

B. Uses Permitted

Within the 0-1, Office-Professional District, the following uses and their accessory uses are permitted.

1. Professional, business, and governmental offices. These shall include, but not limited to, offices for attorneys, architects, engineers, insurance and real estate agents, physicians, chiropractors, dentists, accountants, and brokers;

2. Medical/health care clinics & offices;

3. Funeral homes;

4. Day cares;

5. Financial service businesses;

6. Churches;

7. Travel agencies;

8. Personnel services;

9. Pharmacies.

C. Uses Permitted as a Special Exception

Within the 0-1 District the following uses may be permitted as special exceptions after review and approval in accordance with Article 7, Section 7.060:

1. Retail business*

   a. Florists, barber and beauty shops, specialty shops, restaurants, convenience stores, dry cleaners, video stores, arts and crafts, landscape nurseries, other similar uses.
   In reviewing an application for these uses, the Board shall consider the suitability of roads, utilities, and impact on adjacent residential areas resulting from increase traffic, noise and property devaluation resulting from such development.

   *The square footage of finished floor area dedicated or used for retail shall not exceed forty (40) percent of the total square footage of the development. Retail uses shall be integrated into the development and shall be secondary in nature.

D. Uses Prohibited

1. All uses not specifically permitted or permitted as a special exception and includes any permitted use in which any stock in trade or activity is conducted on the exterior of the primary or accessory structures. (The provisions of this Section do not apply to landscape nursery operations).

2. Signs and billboards except as permitted in Article 4.

E. Dimensional Regulations

All uses in the 0-1, Office-Professional District, shall comply with the following requirements except as provided in Article 6.:

1. Front yard: The minimum depth of the front yard shall be forty (40) feet for one story structures and fifty (50) feet for two story structures.

2. Rear yard: The minimum depth of the rear yard shall be twenty-five (25) feet.

3. Side yard: The minimum depth of the side yard shall be twenty (20) feet for one story structures and twenty-five (25) feet for two story structures.

4. Land area: The minimum land area required shall be one (1) acre. Where no public water is available, the minimum lot area shall not be less than three (3) acres.

5. Maximum lot coverage: In order to reduce incompatibilities with adjacent residential uses and promote quality developments with emphasis on open space, the total land area covered by buildings, and parking areas shall not exceed forty (40) percent.

6. Lot width: No lot shall be less than one hundred (100) feet wide at the building setback line.

7. Height requirement: No building shall exceed two (3) stories or forty (40) feet in height, except as provided in Article 6, Section 6.030
(Amended by Loudon County Commission 8/6/07)

8. Parking space requirements: As regulated in Article 4, Section 4.010.

5.049. R-E Single Family Exclusive Overlay District

A. District Description. The R-E District is a restricted residential overlay district which places additional restrictions on property within the base district. The overlay district may be placed over any residential base district. The district is intended to be used for established well-defined single family residential uses.

These areas are intended to be defined and protected from the encroachment of uses and structures which do not contribute to well established stable single family areas.

B. Conditions for Designating an R-E Zone

Prior to an area being considered for such a designation, a petition shall be presented to the Planning Commission containing not less than 75 percent of all property owners who support the Overlay zone on their property. Said petition shall include a map of the area and proposed district boundaries.

C. Uses Permitted
Detached single family dwellings.

D. Uses Permitted as Special Exception

1. Churches;

2. Educational institutions;

3. Public & private recreational facilities;

4. Utility facilities necessary for the provision of public services. (Telecommunication tower and antennas are specifically excluded.)

5. Cemeteries subject to Article 4, Section 4.120.;

6. Temporary mobile homes for medical variances.

E. Uses Prohibited

1. Mobile homes and mobile home parks;

2. Customary home occupations or any nonresidential use;

3. All uses except those uses specifically permitted or permitted upon approval as a special exception by the board are prohibited.

F. Dimensional Regulations

The base zone requirements shall apply.

(Amended: Loudon County Planning Commission 11/18/14, adopted by Loudon County Commission 12/1/14.)

5.050 Planned Unit Development (PUD) Overlay District

A. District Description. The PUD Overlay District is intended to encourage a comprehensive or master planned approach to the development of land consistent with the goals and objectives of the County's adopted long-range plans and as required under Section 4.080 of this Resolution. Plans shall exhibit characteristics that demonstrate a comprehensive understanding of the land and surrounding uses, incorporating an analysis of the physiographic and natural features of the site, public utility availability, transportation access and capacity, and compatibility with surrounding land uses. Planned communities meeting the diverse living, recreational, and service needs of residents is the primary objective.

B. Uses Permitted.

All uses permitted by the primary zoning district and as regulated by Section 4.080.

C. Density Permitted.

The development density for each project shall be recommended by the Planning Commission and approved by the County legislative body, with a maximum allowable density or 8 units per acre, excluding areas designated for non-residential use.

D. Uses Permitted as Special Exception.

All special exception uses permitted by the primary zoning district and as regulated by Section 4.080.

E. Uses Prohibited.

All uses prohibited by the primary zoning district and by Section 4.080.

F. Dimensional Regulations.

As permitted by Section 4.080 or the primary zoning district.

(Section 5.050 approved 6/27/05 by Loudon County Commission)

5.051 T-1 Telecommunication Overlay District

A. District Description

The T-1 Overlay District is established to govern the location of telecommunication towers and antennas. Telecommunication towers and antennas can only be located in the T-1 Overlay District. The T-1 Overlay District can only be used in the A-1 Agriculture-Forestry District and the C-2 General Commercial District. The location for each telecommunication tower or antenna must individually be rezoned T-1 prior to any construction. Telecommunication towers and antennas located in the T-1 Overlay District must meet all requirements in Section 4.230 (Development Standards for Permitting Telecommunications Towers and Antennas) of the Zoning Resolution of Loudon County, Tennessee.

B. Uses Permitted

1. Telecommunication towers and antennas

2. All uses permitted by the primary zoning district as regulated by Section 4.080.

C. Uses Permitted as Special Exceptions

All special exception uses permitted by the primary zoning district as regulated by Section 4.080.

D. Uses Prohibited

All uses prohibited by the primary zoning district.

(Section 5.051 was added by recommendation from the Loudon County Planning Commission 11/18/14, adopted by the Loudon County Commission 12/1/14.)

ARTICLE 6

EXCEPTIONS AND MODIFICATIONS SECTION

SECTION

6.010. Scope
6.020. Nonconforming Uses
6.030. Exceptions to Height Limitations
6.040. Lots of Record
6.050. Exceptions to Front Setback Requirements
6.060. Absolute Minimum Lot Size

6.010 Scope. Article 6 of this Resolution is devoted to providing for necessary exceptions and modifications to the specific zoning district provisions and the supplementary provisions provided for in Article 4 and Article 5.

6.020. Nonconforming Uses. It is the intent of this Resolution 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 this Resolution 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 of this Resolution. It is also the intent of this Resolution to so administer the elimination of nonconforming uses, buildings, and structures existing at the time of the passage of this Resolution or any amendment thereto shall be allowed to remain subject to the following provisions:

A. An existing nonconforming use of a building may be changed to a conforming use or to another nonconforming use of the same of higher classification, provided, however, that establishment of another nonconforming use of the same or higher 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.

B. A nonconforming use of land shall be restricted to the area occupied by such use as of the effective date of this Resolution. A nonconforming use of a building or buildings shall not be enlarged to either additional land or buildings after the effective date of this Resolution.

C. When a nonconforming use of any structure or land, excepting nonconforming mobile homes or mobile home parks, has been discontinued for a period of six (6) months, it shall not be reestablished or changed to any use not in conformity with the provisions of this Resolution. Immediately upon the removal of a nonconforming mobile home or discontinuance of a nonconforming mobile home park the nonconformity of such structure and use of land shall lapse.

D. Any nonconforming building or nonconforming use, which is damaged by fire, flood, wind, or other act of God, may be reconstructed and used as before, if it be done within six (6) months of such damage, unless damaged to extent of more than (fifty) 50 percent of its fair market value immediately prior to damage in which case any repair or reconstructions shall be in conformity with the provisions of this Resolution.

E. A nonconforming building or building housing a nonconforming use shall not be structurally altered except in conformance with the provisions of this Resolution. These provisions shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

6.030. Exceptions to Height Limitations. The height limitations of this Resolution shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy; monuments, water towers, silos, grain elevators, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyers, flag poles, radio towers, masts, and aerials.

6.040. Lots of Record. The following provisions shall apply to all existing lots of record:

A. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of this Resolution does not own sufficient land to enable him to conform to the yard or other requirements of this Resolution, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of this Resolution. 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 as in the opinion of the Board of Zoning Appeals as possible.

B. No lot which is now or hereafter built upon shall be so reduced in area that the yards and open space will be smaller than prescribed by this Resolution, and no yard, court, or open space provided around any building for the purpose of complying with the provisions hereof, shall again be considered as a yard, court, or other open space for another building.

C. 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.

6.050. <u>Exceptions to Setback Requirements</u>. The front setback requirement of this Resolution for dwellings shall not apply to any lot where the average depth of existing setbacks on the developed lots located within one hundred (100) feet on each side of such lot is less than the minimum required front yard depth. In such cases, the front yard setback may be less than required but not less than the average of the existing depth for front yards on developed lots within one hundred (100) feet on each side of the lot. In residential districts, however, the setback shall in no case be less than fifteen (15) feet from the street right-of-way line.

6.060. <u>Absolute Minimum Lot Size</u>. In no case shall the Board of Zoning Appeals permit a residence to be erected on a lot whose width at the building line is less than seventy-five (75) feet and/or whose total lot area is less than seven thousand five-hundred (7,500) square feet.

ARTICLE 7

ADMINISTRATION AND ENFORCEMENT

SECTION

7.010. Administration of the Resolution
7.020. The Enforcement Officer
7.030. Building Permits
7.040. Temporary Use Permits
7.050. Certificate of Occupancy
7.060. Procedure for Authorizing Special Exceptions
7.070. County Board of Zoning Appeals
7.080. Variances
7.090. Amendments
7.100. Penalties
7.110. Remedies
7.120. Validity
7.130. Interpretation
7.140. Effective Date
7.150. Postponed and/or Withdrawn Agenda Items

7.010. Administration of the Resolution. Except as other-wise provided, no structure or land shall after the effective date of this Resolution be used and no structure or part thereof shall be erected, altered or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this Resolution shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

7.020. The Enforcement Officer. The provisions of this Resolution shall be administered by the Loudon County Building Commissioner. The Building Commissioner shall administer and enforce this Resolution and, in addition, he shall:

A. Issue all building permits and make and maintain records thereof.

B. Issue all Certificates of Occupancy and make and maintain records thereof.

C. Issue and renew, where applicable, all temporary use permits and make and maintain records thereof.

D. Maintain and keep current zoning maps and records of amendments thereto.

Conduct inspections as required in this Resolution and such other inspections as are necessary to insure compliance with the various other general provisions of this resolution. The Building Commissioner shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

7.030. Building Permits. In accordance with Section 13.410 of the Tennessee Code Annotated, it shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, including accessory structures, to use a building or structure or to change the use of a building or structure, or to commence the filling of land until the Building Commissioner has issued for work a building permit containing a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this resolution. Application for a building permit shall be made in writing to the Building Commissioner on forms provided for that purpose. No building permit shall be issued for any commercial, office, industrial or multi-family developments until site plans have been submitted to and approved by the Office of Planning and Community Development.

It shall be unlawful for the Building Commissioner to approve the plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them to be in conformity with this Resolution. To this end, the building permit for excavation, construction, moving or alteration shall be accompanied by a plan or plat drawn to a scale and showing the following in sufficient detail to enable the Building Commissioner to ascertain whether the proposed excavation, construction, moving or alteration is in conformance with this Resolution:

A. The actual shape, location, and dimensions of the lot to be built upon.

B. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot, the elevation of the building site.

C. The existing and intended use of all such buildings or other structures.

D. Location and design of off-street parking areas and off-street loading areas. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this resolution are being observed.

If the proposed excavation, construction, moving or alteration as set forth in the application is in conformity with the provisions of this Resolution, the Building Commissioner shall issue a building permit for such excavation or construction. If an application for a building permit is not approved, the Building Commissioner shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this

Resolution, and building permits shall be void after six (6) months from date of issue unless substantial progress on the project has been made by that time.

A. The following schedule is hereby adopted as a fee for all commercial, industrial and residential buildings:

1. Commercial - .06 per square foot of floor space up to 5,000 square feet, plus .03 per square foot over 5,000 square feet.

2. Residential - .05 per square foot of floor space for the first 2,000 square feet, plus .03 per square foot exceeding 2,000 square feet.

3. Utility/warehousing - .03 per square foot of floor space.

B. For all structures, not classified as buildings, the following fee schedule is adopted:

1. Where the valuation does not exceed $500, no fee shall be required, unless an inspection is necessary, in which case there shall be a $1.50 fee.

2. For a valuation over $500 up to an including $15,000 the fee shall be $3.00 per thousand or fraction thereof.

3. For a valuation over $15,000 up to and including $100,000, the fee shall be $45 for the first fifteen thousand plus $2.00 for each additional thousand or fraction thereof.

4. For a valuation over $100,000 up to and including $500,000, the fee shall be $215 for the first one hundred thousand plus $1.00 for each additional thousand or fraction thereof

5. For a valuation over $500,000 up to and including $1,000,000, the fee shall be $615 for the first five hundred thousand plus .40 for each additional thousand or fraction thereof. For a valuation over $1,000,000, the fee shall be $815 for the first million plus .15 for each additional thousand or fraction thereof

The Building Commissioner shall keep a permanent and accurate accounting of all permit fees and other monies collected, the names of all persons upon whose account the same was paid, the date and amount thereof. No permit shall be issued until the fees prescribed herein shall have been paid. Nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, shall have been paid. If no permit has been obtained before the erection or alteration of any building or structure, the Building Commissioner is hereby authorized to charge a fee at a rate twice the designated fee for that structure of

building. This Resolution shall not be construed as authorizing the requirement of building permits for the erection, construction, or reconstruction of any building or other structure on land now devoted to agricultural uses or which may hereafter be and for agricultural purposes, except on agricultural land adjacent or in proximity to state, federal aid highways, public supports or public parks, however, such building or structure is incidental to the agricultural enterprise.

7.035. Driveway Permits

Prior to constructing a driveway that will connect to a Loudon County road, property owners must contact the Loudon County Highway Department for a driveway permit. The purpose of the permit is to assure the proper placement of new driveway connections to improve traffic safety and to reduce the costs of maintaining the roadway drainage system.

Guidelines for Obtaining a Driveway Permit

1. Contact the Loudon County Highway Department at 458-6940 to request a field inspection prior to constructing a driveway connecting to a county road. The property owner should provide his/her name, a day time phone number, address, subdivision name and lot number, and directions to the property.

2. The property owner should locate the center of the proposed driveway connection by placing an orange flag or spray paint at the edge of pavement.

3. A Highway Department inspector will inspect the proposed driveway location and complete a field inspection report within 48 hours of contacting the Highway Department for an inspection. The inspection report will approve the requested location or designate a new driveway location and specify the size of the drain tile required for adequate drainage.

4. A copy of the Highway Department field inspection report will be sent to the property owner and the Loudon County Building Commissioners' Office.

5. The property owner may proceed with the driveway connection upon receipt of the Highway Department's field inspection report. When the work is completed, the property owner should contact the Highway Department for a final inspection.

6. A driveway permit approving the work will be signed by the Highway Superintendent and sent to the Loudon County Building Commissioner's Office. The Building Commissioner will not issue a certificate of occupancy without a driveway permit from the Highway Superintendent.

Minimum Requirements for Driveway Construction

1. All driveways shall have a sufficient rock or stone base to keep mud and dirt off the county road.

2. Driveway drainage tiles must be galvanized metal, plastic or concrete. If plastic is used it must meet state specifications and have headwalls installed. All pipe must be covered with a minimum of 6” of crusher run stone. Driveway drain tile must have a minimum diameter of 15”.

3. If the driveway has a 10% or greater slope from the county road, the first 20’ of the driveway from the edge of pavement must be paved with concrete or asphalt. Concrete should have a minimum thickness of 4” or asphalt should have a minimum thickness of 2”.

Property owners are responsible for maintaining driveways and cleaning up any material that washes off the driveway into the county right of way or road.

7.040. Temporary Use Permits. It shall be unlawful to commence construction or development of any use of a temporary nature until a permit, accompanied by a $5.00 fee, has been secured from the Loudon County Building Commissioner, as provided for in Article 4, Section 4.030 of this Resolution. Application for a temporary use permit shall be made in writing to the Building Commissioner on forms provided for that purpose.

7.050. Certificate of Occupancy. No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Commissioner shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of the Resolution. 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 Commissioner to make a final inspection thereof, and to issue a Certificate of Occupancy, if the building or premises or part thereof is found to conform with the provisions of the Resolution, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal.

7.060. Procedure for Authorizing Special Exceptions. The following procedure is established to provide procedures for review of a proposed use by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this Resolution or whether a proposed use is potentially noxious, dangerous or offensive.

A. Application:

An application shall be filed with the Board of Zoning Appeals by the first day of the month in which the request will be reviewed. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require. A one hundred dollar ($100.00) review fee shall accompany each application requesting special exception approval.

Signage notifying the public about the request shall be posted on the property within five (5) working days of receipt of application. (This amendment updated 10/1/01.)

B. Restrictions:

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this Resolution.

C. Validity of Plans:

All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

D. Time Limit:

All applications reviewed by the Board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

7.070. County Board of Zoning Appeals. A Loudon County Board of Zoning Appeals is hereby established in accordance with Section 13-7-106 of Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members appointed by the Loudon County Commission. Board members shall be appointed to five (5) year terms, with such terms arranged so that the term of one (1) member will expire each year. The county legislative body may appoint associate members of the Board, and in the event that any regular member be temporarily unable to act owing to absence from the county, illness, interest in a case before the Board, or other cause, such Board member's place may be taken during such temporary disability by an associate member designated for the purpose by the county legislative body.

A. Procedure:

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

B. Appeals to the Board:

An appeal to the Loudon County Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental office,

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

C. Powers of the Board:

The Board of Zoning Appeals shall have the following powers:

1. Administrative review:

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Building Commissioner or other administrative official in the carrying out of enforcement of any provision of this Resolution.

2. Special exceptions:

To hear and decide application for special exceptions as specified in the Zoning Resolution, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.

3. Variances:

To hear and decide applications for variances from the terms of this Resolution.

7.080. Variances. The purpose of the variance is to modify the strict application of the specific requirements of this Resolution in the case of exceptionally irregular, narrow, shallow, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle that is preventing an owner from using his property under this Resolution.

A. Application:

After written denial of a permit, a property owner may make application for a variance by the first day of the month in which the variance request will be reviewed by the Board of Zoning Appeals, using any form that may be made

available by the Board of Zoning Appeals. A one hundred dollar ($100.00) review fee shall accompany each application requesting approval of a variance.

Signage notifying the public about the request shall be posted on the property within five (5) working days of receipt of this application. (This amendment made 10-1-01.)

B. Hearings:

Upon receipt of an application and fee, the Board shall hold a hearing, to decide whether a variance to the Resolution provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.

C. Standards for Variances:

In granting a variance, the Board shall ascertain that the following criteria are met:

a. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the Board, do not apply generally in the district.

b. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.

c. For reasons fully set forth in finding of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of the Zoning Resolution would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.

d. The granting of any variance shall be in harmony with the general purposes and intent of this Resolution and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.

e. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying therefore.

7.090. Amendments to the Resolution. The regulations and the number or boundaries of districts established by this Resolution may be amended, supplemented, changed, modified, or repealed by the Loudon County Quarterly Court, but in accordance with the Tennessee enabling legislation, no amendment shall become

effective unless it is first submitted to and approved by the Loudon County Regional Planning Commission or, if disapproved, shall receive a majority vote of the entire membership of the Loudon County Quarterly Court, except that when the zoning map is amended within the areas which fall within the planning region of Lenoir City or Loudon, such amendments must also be submitted to and receive a recommendation from the Lenoir City or the Loudon Regional Planning Commission. Application for zoning amendments must be submitted to the Loudon County Office of Planning and Community Development by the first day of the month in which the request for the amendment will be considered by the Planning Commission. Signage notifying the public about the request shall be posted within five (5) days of receipt of the application. Before finally adopting any such amendment, the County Court shall hold a public hearing thereon, at least thirty (30) days' notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the County; and any such amendment shall be published at least once in the official newspaper of the County or in a newspaper of general circulation in the County. Rezoning requests submitted to the Planning Commission shall not be resubmitted if the request has been considered by the Planning Commission within 180 days. (This section amended 10/1/01.)

7.100. Penalties. Any persons violating any provisions of this Resolution shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars ($5.00) nor more than fifty ($50) for each offense. Each day such violations shall continue constitutes a separate offense.

7.110 Remedies. In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained; or any building, structure, or land is used in violation of this Resolution; the Building Commissioner or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

7.120. Validity. Should any section, clause, or provision of this Resolution be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgment shall not affect the validity of this Resolution as a whole or any other part than the part judged invalid.

7.130. Interpretation. Where a condition imposed by a provision of this Resolution is less restrictive than comparable conditions imposed by any other provision of this Resolution or any other resolution, the provisions which are more restrictive shall govern.

7.140. <u>Effective Date</u>. This Resolution shall take effect from and after the effective day of its passage and publication as required by law, the public welfare requiring it.

_____
DATE OF PASSAGE OF RESOLUTION

_____
COUNTY JUDGE OF LOUDON COUNTY

Attested by:

_____
LOUDON COUNTY COURT CLERK

7.150. <u>Postponed and/or Withdrawn Agenda Items</u>

Any item placed on the agenda of the Loudon County Planning Commission or the Loudon County Board of Zoning Appeals that is postponed and/or withdrawn twice by the petitioner cannot be resubmitted for a period of twelve months.
(Section 7.150 was added by recommendation from the Loudon County Planning Commission 11/18/14, adopted by the Loudon County Commission 12/1/14.)