

## ARTICLE 4

### **SUPPLEMENTARY PROVISIONS APPLYING TO SPECIFIC DISTRICTS**

#### SECTION

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**4.10. 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.

**4.11. 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.

**4.12. 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.

**4.13. 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.

**4.14. 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:

<u>Total Usable Floor Area for Principal Building</u>	<u>Spaces Required</u> (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.

**4.80. 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.

**4.81. 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 covenants 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.

**4.82. 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	

**4.83. 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.

**4.84. 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.

**4.85. 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.

**4.86. 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:

1.	<u>Floor Area Ratio</u>	<u>District</u>			
		<u>R-1</u>	<u>C-1</u>	<u>A-2</u>	<u>C-2</u>
	The maximum floor area .162 shall not exceed net residential land area X floor area ratio		.162	.077	.077
2.	<u>Open Space Ratio</u>				
	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.	<u>Living Space Ratio</u>				
	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
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**4.87. 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.

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

**4.89. 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.

**4.89.1 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. Preliminary Development Plan**

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.

- i. A landscaping and tree planting plan.
  - i. 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**

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

**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:**

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

**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:**

	<b>600 sq. ft.</b>	<b>800 sq. ft.</b>	<b>1,000 sq. ft.</b>	<b>1,200 sq. ft.</b>	<b>1,400 sq. ft.</b>
<b>Units Per Acre</b>	<b>5.6</b>	<b>4.2</b>	<b>3.4</b>	<b>2.8</b>	<b>2.4</b>

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

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

**4.90. 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 O-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. Development Standards for Mobile Home Parks.** 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. Dimensional Requirements for Parks.
  - 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. Dimensional Requirements for Mobile Home Spaces: 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 promulgated 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 Waste Disposal Facilities Location and Design Standards**

- A. Purpose. 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:

- A. Site must have direct access to an arterial or collector road having a minimum pavement width of 24'.
- B. No site shall be approved unless properties surrounding the site are served by public utility water.
- C. Entrances into the landfill operation shall be paved and curbed from the connection of the road to the required entrance gate.
- D. Suitable left turn lanes, acceleration and deceleration lanes shall be provided at the entrance as determined by the Board of Zoning Appeals.
- E. 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.
- F. The perimeter of the site shall be fenced which shall not be permitted in the buffer area.
- G. 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.

- H. 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.
- I. 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. SUBMISSION OF OPERATIONAL AND RECLAMATION PLANS

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. HEARING

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 setbacks 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. Landscaping

For all towers, at least one row of evergreen trees or shrubs capable of forming a continuous hedge at least five feet in height and screening the base of the tower from public view within two years of planting shall be planted and maintained in a healthy condition. A break in the hedge, not to exceed 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.)*