

ARTICLE 7

ADMINISTRATION AND ENFORCEMENT

SECTION

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7.010. Administration of the Resolution. Except as other-wise provided, no structure or land shall after the effective date of this Resolution be used and no structure or part thereof shall be erected, altered or moved unless in conformity with the regulations herein specified for the district in which it is located. In their interpretation and application, the provisions of this Resolution shall be considered minimum requirements adopted for the promotion of public health, safety, morals, convenience, order, prosperity, and general welfare of the community. Where other ordinances, resolutions, or regulations heretofore adopted or which may be adopted hereafter impose greater restrictions than those specified herein, compliance with such other ordinances, resolutions, or regulations is mandatory.

7.020. The Enforcement Officer. The provisions of this Resolution shall be administered by the Loudon County Building Commissioner. The Building Commissioner shall administer and enforce this Resolution and, in addition, he shall:

- A. Issue all building permits and make and maintain records thereof.
- B. Issue all Certificates of Occupancy and make and maintain records thereof.
- C. Issue and renew, where applicable, all temporary use permits and make and maintain records thereof.
- D. Maintain and keep current zoning maps and records of amendments thereto.

Conduct inspections as required in this Resolution and such other inspections as are necessary to insure compliance with the various other general provisions of this resolution. The Building Commissioner shall possess the right to enter upon any premises for the purpose of making inspections of buildings or premises necessary to carry out his authorized duties.

7.030. Building Permits. In accordance with Section 13.410 of the Tennessee Code Annotated, it shall be unlawful to commence the excavation for or the construction of any building or other structure, including accessory structures, to commence the moving, alteration, or repair of any structure, including accessory structures, to use a building or structure or to change the use of a building or structure, or to commence the filling of land until the Building Commissioner has issued for work a building permit containing a statement that the plans, specifications and intended use of such structure in all respects conform with the provisions of this resolution. Application for a building permit shall be made in writing to the Building Commissioner on forms provided for that purpose. No building permit shall be issued for any commercial, office, industrial or multi-family developments until site plans have been submitted to and approved by the Office of Planning and Community Development.

No building permit shall be issued for any applicant who, prior to the issuance of said building permit, is in violation of any provision of the Loudon County Regional Subdivision Regulations or any development related resolutions in Loudon County, Tennessee, in any development within the County. The term "applicant" shall include an individual, including spouse/family, business entity such as a corporation, limited liability company (LLC) and/or any owner, member, shareholder, or partner in any business entity that is in violation of any resolution or regulation in any development within the County. *(Paragraph added by recommendation from the Loudon County Planning Commission 8/18/15, adopted by the Loudon County Commission 10/5/15.)*

It shall be unlawful for the Building Commissioner to approve the plans or issue a building permit for any excavation or construction until he has inspected such plans in detail and found them to be in conformity with this Resolution. To this end, the building permit for excavation, construction, moving or alteration shall be accompanied by a plan or plat drawn to a scale and showing the following in sufficient detail to enable the Building Commissioner to ascertain whether the proposed excavation, construction, moving or alteration is in conformance with this Resolution:

- A. The actual shape, location, and dimensions of the lot to be built upon.
- B. The shape, size, and location of all buildings or other structures to be erected, altered, or moved and of buildings or other structures already on the lot, the elevation of the building site.
- C. The existing and intended use of all such buildings or other structures.

- D. Location and design of off-street parking areas and off-street loading areas. Such other information concerning the lot or adjoining lots as may be essential for determining whether the provisions of this resolution are being observed.

If the proposed excavation, construction, moving or alteration as set forth in the application is in conformity with the provisions of this Resolution, the Building Commissioner shall issue a building permit for such excavation or construction. If an application for a building permit is not approved, the Building Commissioner shall state in writing on the application the cause for such disapproval. Issuance of a permit shall in no case be construed as waiving any provisions of this Resolution, and building permits shall be void after six (6) months from date of issue unless substantial progress on the project has been made by that time.

- A. The following schedule is hereby adopted as a fee for all commercial, industrial and residential buildings:

1. Commercial - .06 per square foot of floor space up to 5,000 square feet, plus .03 per square foot over 5,000 square feet.
2. Residential - .05 per square foot of floor space for the first 2,000 square feet, plus .03 per square foot exceeding 2,000 square feet.
3. Utility/warehousing - .03 per square foot of floor space.

- B. For all structures, not classified as buildings, the following fee schedule is adopted:

1. Where the valuation does not exceed \$500, no fee shall be required, unless an inspection is necessary, in which case there shall be a \$1.50 fee.
2. For a valuation over \$500 up to and including \$15,000 the fee shall be \$3.00 per thousand or fraction thereof.
3. For a valuation over \$15,000 up to and including \$100,000, the fee shall be \$45 for the first fifteen thousand plus \$2.00 for each additional thousand or fraction thereof.
4. For a valuation over \$100,000 up to and including \$500,000, the fee shall be \$215 for the first one hundred thousand plus \$1.00 for each additional thousand or fraction thereof
5. For a valuation over \$500,000 up to and including \$1,000,000, the fee shall be \$615 for the first five hundred thousand plus .40 for each additional thousand or fraction thereof. For a valuation over \$1,000,000,

the fee shall be \$815 for the first million plus .15 for each additional thousand or fraction thereof

The Building Commissioner shall keep a permanent and accurate accounting of all permit fees and other monies collected, the names of all persons upon whose account the same was paid, the date and amount thereof. No permit shall be issued until the fees prescribed herein shall have been paid. Nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, shall have been paid. If no permit has been obtained before the erection or alteration of any building or structure, the Building Commissioner is hereby authorized to charge a fee at a rate twice the designated fee for that structure of building. This Resolution shall not be construed as authorizing the requirement of building permits for the erection, construction, or reconstruction of any building or other structure on land now devoted to agricultural uses or which may hereafter be and for agricultural purposes, except on agricultural land adjacent or in proximity to state, federal aid highways, public supports or public parks, however, such building or structure is incidental to the agricultural enterprise.

7.035. Driveway Permits

Prior to constructing a driveway that will connect to a Loudon County road, property owners must contact the Loudon County Highway Department for a driveway permit. The purpose of the permit is to assure the proper placement of new driveway connections to improve traffic safety and to reduce the costs of maintaining the roadway drainage system.

Guidelines for Obtaining a Driveway Permit

1. Contact the Loudon County Highway Department at 458-6940 to request a field inspection prior to constructing a driveway connecting to a county road. The property owner should provide his/her name, a day time phone number, address, subdivision name and lot number, and directions to the property.
2. The property owner should locate the center of the proposed driveway connection by placing an orange flag or spray paint at the edge of pavement.
3. A Highway Department inspector will inspect the proposed driveway location and complete a field inspection report within 48 hours of contacting the Highway Department for an inspection. The inspection report will approve the requested location or designate a new driveway location and specify the size of the drain tile required for adequate drainage.
4. A copy of the Highway Department field inspection report will be sent to the property owner and the Loudon County Building Commissioners' Office.
5. The property owner may proceed with the driveway connection upon receipt of the Highway Department's field inspection report. When the work is completed, the property

owner should contact the Highway Department for a final inspection.

6. A driveway permit approving the work will be signed by the Highway Superintendent and sent to the Loudon County Building Commissioner's Office. The Building Commissioner will not issue a certificate of occupancy without a driveway permit from the Highway Superintendent.

Minimum Requirements for Driveway Construction

1. All driveways shall have a sufficient rock or stone base to keep mud and dirt off the county road.

2. Driveway drainage tiles must be galvanized metal, plastic or concrete. If plastic is used it must meet state specifications and have headwalls installed. All pipe must be covered with a minimum of 6" of crusher run stone. Driveway drain tile must have a minimum diameter of 15".

3. If the driveway has a 10% or greater slope from the county road, the first 20' of the driveway from the edge of pavement must be paved with concrete or asphalt. Concrete should have a minimum thickness of 4" or asphalt should have a minimum thickness of 2".

Property owners are responsible for maintaining driveways and cleaning up any material that washes off the driveway into the county right of way or road.

7.040. Temporary Use Permits. It shall be unlawful to commence construction or development of any use of a temporary nature until a permit, accompanied by a \$5.00 fee, has been secured from the Loudon County Building Commissioner, as provided for in Article 4, Section 4.030 of this Resolution. Application for a temporary use permit shall be made in writing to the Building Commissioner on forms provided for that purpose.

7.050. Certificate of Occupancy. No land or building or other structure or part thereof hereafter erected, moved, or altered in its use shall be used until the Building Commissioner shall have issued a Certificate of Occupancy stating that such land, structure, or part thereof is found to be in conformity with the provisions of the Resolution. Within three (3) days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the Building Commissioner to make a final inspection thereof, and to issue a Certificate of Occupancy, if the building or premises or part thereof is found to conform with the provisions of the Resolution, or, if such certificate is refused, to state the refusal in writing with the cause for such refusal.

7.060. Procedure for Authorizing Special Exceptions. The following procedure is established to provide procedures for review of a proposed use by the Board of Zoning Appeals. The procedure shall be the same whether review is required by this Resolution or whether a proposed use is potentially noxious, dangerous or offensive.

A. Application:

An application shall be filed with the Board of Zoning Appeals by the first day of the month in which the request will be reviewed. Said application shall show the location and intended uses of the site, the names of the property owners, existing land uses within two hundred (200) feet, and any other material pertinent to the request which the Board may require. A one hundred dollar (\$100.00) review fee shall accompany each application requesting special exception approval.

Signage notifying the public about the request shall be posted on the property within five (5) working days of receipt of application. (This amendment updated 10/1/01.)

B. Restrictions:

In the exercise of its approval, the Board may impose such conditions upon the proposed uses of buildings or land as it may deem advisable in the furtherance of the general purposes of this Resolution.

C. Validity of Plans:

All approved plans, conditions, restrictions, and rules made a part of the approval of the Board shall constitute certification on the part of the applicant that the proposed use shall conform to such regulations at all times.

D. Time Limit:

All applications reviewed by the Board shall be decided within sixty (60) days of the date of application, and the applicant shall be provided with either a written notice of approval or denial.

7.070. County Board of Zoning Appeals. A Loudon County Board of Zoning Appeals is hereby established in accordance with Section 13-7-106 of Tennessee Code Annotated. The Board of Zoning Appeals shall consist of five (5) members appointed by the Loudon County Commission. Board members shall be appointed to five (5) year terms, with such terms arranged so that the term of one (1) member will expire each year. The county legislative body may appoint associate members of the Board, and in the event that any regular member be temporarily unable to act owing to absence from the county, illness, interest in a case before the Board, or other cause, such Board member's place may be taken during such temporary disability by an associate member designated for the purpose by the county legislative body.

A. Procedure:

Meetings of the Board of Zoning Appeals shall be held at the call of the chairman, and at such other times as the Board may determine. Such chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall adopt rules of procedure and shall keep records of applications and action taken thereon which shall be public records.

B. Appeals to the Board:

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

C. Powers of the Board:

The Board of Zoning Appeals shall have the following powers:

1. Administrative review:

To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Building Commissioner or other administrative official in the carrying out of enforcement of any provision of this Resolution.

2. Special exceptions:

To hear and decide application for special exceptions as specified in the Zoning Resolution, hear requests for interpretation of the zoning map, and for decision on any special questions upon which the Board of Zoning Appeals is authorized to pass.

3. Variances:

To hear and decide applications for variances from the terms of this Resolution.

7.080. Variances. The purpose of the variance is to modify the strict application of the

specific requirements of this Resolution in the case of exceptionally irregular, narrow, shallow, or other exceptional physical conditions, whereby such strict application would result in practical difficulty or unnecessary hardship which would deprive an owner of the reasonable use of his land. The variance shall be used only where necessary to overcome some obstacle that is preventing an owner from using his property under this Resolution.

A. Application:

After written denial of a permit, a property owner may make application for a variance by the first day of the month in which the variance request will be reviewed by the Board of Zoning Appeals, using any form that may be made available by the Board of Zoning Appeals. A one hundred dollar (\$100.00) review fee shall accompany each application requesting approval of a variance.

Signage notifying the public about the request shall be posted on the property within five (5) working days of receipt of this application. (This amendment made 10-1-01.)

B. Hearings:

Upon receipt of an application and fee, the Board shall hold a hearing, to decide whether a variance to the Resolution provisions is, in fact, necessary to relieve unnecessary hardships which act to deprive the property owner of the reasonable use of his land. The Board shall consider and decide all applications for variances within thirty (30) days of such hearing and in accordance with the standards provided below.

C. Standards for Variances:

In granting a variance, the Board shall ascertain that the following criteria are met:

- a. Variances shall be granted only where special circumstances or conditions, fully described in the finding of the Board, do not apply generally in the district.
- b. Variances shall not be granted to allow a use otherwise excluded from the particular district in which requested.
- c. For reasons fully set forth in finding of the Board, the aforesaid circumstances or conditions are such that the strict application of the provisions of the Zoning Resolution would deprive the applicant of any reasonable use of his land. Mere loss in value shall not justify a variance. There must be a deprivation of beneficial use of land.

- d. The granting of any variance shall be in harmony with the general purposes and intent of this Resolution and shall not be injurious to the neighborhood, detrimental to the public welfare, or in conflict with the comprehensive plan for development.
- e. In reviewing an application for a variance, the burden of showing that the variance should be granted shall be upon the person applying therefore.

7.090. Amendments to the Resolution. The regulations and the number or boundaries of districts established by this Resolution may be amended, supplemented, changed, modified, or repealed by the Loudon County Quarterly Court, but in accordance with the Tennessee enabling legislation, no amendment shall become effective unless it is first submitted to and approved by the Loudon County Regional Planning Commission or, if disapproved, shall receive a majority vote of the entire membership of the Loudon County Quarterly Court, except that when the zoning map is amended within the areas which fall within the planning region of Lenoir City or Loudon, such amendments must also be submitted to and receive a recommendation from the Lenoir City or the Loudon Regional Planning Commission. Application for zoning amendments must be submitted to the Loudon County Office of Planning and Community Development by the first day of the month in which the request for the amendment will be considered by the Planning Commission. Signage notifying the public about the request shall be posted within five (5) days of receipt of the application. Before finally adopting any such amendment, the County Court shall hold a public hearing thereon, at least thirty (30) days' notice of the time and place of which shall be given by at least one (1) publication in a newspaper of general circulation in the County; and any such amendment shall be published at least once in the official newspaper of the County or in a newspaper of general circulation in the County. Rezoning requests submitted to the Planning Commission shall not be resubmitted if the request has been considered by the Planning Commission within 180 days. (This section amended 10/1/01.)

7.100. Penalties. Any persons violating any provisions of this Resolution shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars (\$5.00) nor more than fifty (\$50) for each offense. Each day such violations shall continue constitutes a separate offense.

7.110 Remedies. In case any building or other structure is erected, constructed, altered, repaired, converted, or maintained; or any building, structure, or land is used in violation of this Resolution; the Building Commissioner or any other appropriate authority or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies, may institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use; or to correct or abate such violation; or to prevent occupancy of such building, structure, or land.

7.120. Validity. Should any section, clause, or provision of this Resolution be declared by a court of competent jurisdiction to be unconstitutional or invalid, this judgment shall not affect the validity of this Resolution as a whole or any other part than the part judged invalid.

7.130. Interpretation. Where a condition imposed by a provision of this Resolution is less restrictive than comparable conditions imposed by any other provision of this Resolution or any other resolution, the provisions which are more restrictive shall govern.

7.140. Effective Date. This Resolution shall take effect from and after the effective day of its passage and publication as required by law, the public welfare requiring it.

DATE OF PASSAGE OF RESOLUTION

COUNTY JUDGE OF LOUDON COUNTY

Attested by:

LOUDON COUNTY COURT CLERK

7.150. Postponed and/or Withdrawn Agenda Items

Any item placed on the agenda of the Loudon County Planning Commission or the Loudon County Board of Zoning Appeals that is postponed and/or withdrawn twice by the petitioner cannot be resubmitted for a period of twelve months.

(Section 7.150 was added by recommendation from the Loudon County Planning Commission 11/18/14, adopted by the Loudon County Commission 12/1/14.)

