

PHILADELPHIA ZONING ORDINANCE
ADOPTED BY PHILADELPHIA CITY COUNCIL
MAY 16, 1996

LOUDON COUNTY OFFICE OF PLANNING AND COMMUNITY DEVELOPMENT
274 BLAIR BEND DRIVE
LOUDON, TN 37774

Revised and Reprinted November 15, 1999

ORDINANCE NO. _____

An ordinance pursuant to the authority granted by Tennessee Code Annotated §13-7-201 thru §13-7-210 establishing a comprehensive zoning ordinance for the City of Philadelphia as specified in Title 11 of the Philadelphia Municipal Code being an ordinance adopted for the purpose of promoting the public health, safety, morals, convenience, order, prosperity and general welfare; to provide for the establishment of districts within the corporate limits of Philadelphia, Tennessee; to regulate within such districts the location, height, bulk, number of stories, and size of buildings and structures, the percentage of lot occupancy, the required open spaces, the density of population, and the uses of land, buildings and structures; to provide for regulating land subject to seasonal or periodic flooding and as will secure to the citizens of Philadelphia the eligibility for flood insurance under the National Flood Insurance Program incorporated in 42 U.S.C. 4001-4128 or subsequent related laws or regulations promulgated thereunder; providing for amendments and variances; to provide methods of administration of this ordinance; and to prescribe penalties for the violation thereof.

Whereas, the Loudon Regional Planning Commission, acting under the authority conveyed by Tennessee Code Annotated §13-3-301, 12-9-101, 13-7-201 thru 13-7-210 has recommended the following regulations to Title 11 of the Philadelphia Municipal Code, Title 11 more commonly known as the “Zoning Ordinance of the City of Philadelphia, Tennessee”; and

Whereas, the Board of Mayor and Alderman of the City of Philadelphia, Tennessee in accordance with §13-7-203 of the Tennessee Code Annotated, held a public hearing giving fifteen (15) day notice thereof in the “Loudon County News Herald”, being a paper of general circulation in the City of Philadelphia;

Now, Therefore, Be It Ordained by the Board of Mayor and Alderman of the Cuity of Philadelphia, Tennessee, that:

Section 1. Chapters 1 through 8 of Title 11 of the Philadelphia Municipal Code are hereby amended as follows:

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CHAPTER 1

ZONING CODE

SECTION

11-1-10. Zoning Code and Zoning Map

11-1-11. Purpose of Zoning Code

11-1-12. Zoning Affects Every Building and Use

11-1-13. Continuance of Non-Conforming Uses and Structures

11-1-14. Only One (1) Principal Building on Any One Lot

11-1-15. Lot Must Abut a Public Street

11-1-16. Access Control

11-1-10. ZONING CODE AND ZONING MAP. Chapters 1 through 8, inclusive of this title shall be known as the Zoning Ordinance of the City of Philadelphia, Tennessee, and a map entitled “Zoning Map of Philadelphia, Tennessee, dated _____, 1995, and referred to in this code as the zoning map and all explanatory matter thereon is hereby made a part of the Zoning Code and is on file with the Officer of the City of Philadelphia.

11-1-11. PURPOSE OF ZONING CODE. The zoning regulations and districts as herein set forth have been made for the purpose of promoting the public health, safety, convenience, order, prosperity, and the general welfare of the community. They have been designed to lessen congestion in the streets, to secure safety from fires, floods, panic, and other dangers, to provide adequate light and air, to prevent the overcrowding of land, to facilitate the adequate provision of water, sewerage, schools, parks, and other public requirements. They have been made with reasonable consideration among other things as to the character of each district and its peculiar uses, and with a view of conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

11-1-12. ZONING AFFECTS EVERY BUILDING AND USE. No building or land shall hereafter be used, and no building or part thereof shall be erected, moved, or altered unless for a use expressly permitted by and in conformity with the regulations where specified for the district in which it is located, except as hereafter provided.

11-1-13. CONTINUANCE OF NON-CONFORMING USES AND STRUCTURES. It is the intent of the zoning ordinance to recognize that the elimination, as expeditiously as is reasonable, of the existing buildings and structures or uses that are not in conformity with the provisions of the zoning ordinance is as much a subject of health, safety, and welfare as is the prevention of the establishment of new uses that would violate the provisions contained herein. It is also the intent of the zoning ordinance to so administer the elimination of non-conforming uses, buildings, and structures as to avoid an unreasonable invasion of established private property rights. Lawful non-conforming uses, buildings, and

structures existing at the time of passage of the zoning ordinance or any amendments thereto, shall be allowed to remain subject to the following provisions:

1. An existing non-conforming use of a building may be changed to another non-conforming use of the same classification or to a non-conforming use of a more restrictive classification; provided, however, that a more restrictive classification shall be subject to the written approval of the Board of Zoning Appeals and subject to such conditions as the Board of Zoning Appeals may require in order to protect the area.

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

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

3. When a non-conforming use of any structure or land has been discontinued for a period of one (1) year, it shall not be reestablished or changed to any use not in conformity with the provisions of the zoning ordinance.

4. Any non-conforming building or use, which is damaged by fire, wind, or other act of nature, may be reconstructed and used as before, if it is done within twelve (12) months of such damage, unless damaged to the extent of more than seventy-five (75) percent of its fair sales value prior to damage, in which case, any repair or reconstruction shall be in conformity with the provisions of the zoning ordinance. Furthermore, all non-conforming structures within the Floodplain (F-1) District which have been damaged to the extent of fifty (50) percent or more of its market value shall not be repaired or reconstructed except in conformity with the provisions of this ordinance, including compliance with floodproofing standards as specified in Section 1-43.

5. A non-conforming building or building housing a non-conforming use shall not be structurally altered except in conformance with the provisions of the zoning ordinance. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.

11-1-14. ONLY ONE PRINCIPAL BUILDING ON ANY LOT. Only one principal building and its customary accessory buildings may be erected on any lot.

11-1-15. LOT MUST ABUT A PUBLIC STREET. No building shall be erected on a lot which does not abut at least one public street for a distance of at least fifty (50) feet at the right-of-way line and seventy-five (75) feet wide at the building setback line.

11-1-16. ACCESS CONTROL. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and property damage by reducing the points of conflict, the following regulations shall apply:

1. There should be no more than one (1) point of access (driveway) per residence or house to any one public street. Any commercial structure should not have more than (2) points of access (driveways) to any one public street.
2. No curbs on city streets or rights-of-way shall be cut or altered without written approval of the street department, and the Tennessee Department of Transportation when state highways are involved.
3. The distance between double-driveways shall not be less than seventy-five (75) feet measured from the nearest edge of the surface. All drainage shall maintain a connection of ninety (90) feet with the public road. No driveway radius shall exceed thirty (30) feet, nor exceed a length of twenty (20) feet. The driving radius shall not extend beyond the property line. A fifteen (15) inch CMP needs to be installed in any driveway that contains a concrete headwall.

CHAPTER 2

ZONING DISTRICTS

SECTION

11-2-10. Classification of Districts

11-2-11. Boundaries of Districts

11-2-12 R-A, Residential/Agricultural District

11-2-13 R-1, Residential District

11-2-14. C-1, Commercial District

11-2-15 F-1, Floodplain Overlay District

11-2-10. CLASSIFICATION OF DISTRICTS. For the purposes of this ordinance, the City of Philadelphia, Tennessee, is hereby divided into the following zoning districts:

R-A, Residential/Agricultural District

R-1, Residential District

C-1, Commercial District

F-1, Floodplain District

11-2-11 BOUNDARIES OF DISTRICTS.

1. The boundaries of these districts are hereby established as shown on the map entitled "Zoning Map of Philadelphia, Tennessee," dated _____, 1995, which is a part of the Zoning Code, and which is on file with the Officer of the City of Philadelphia.

11-2-12 R/A, RESIDENTIAL/AGRICULTURAL DISTRICT. This district is primarily agricultural and residential in character on large lots. The area is rural with limited public services. The primary transportation routes are narrow and substandard roads, which limit intensive development.

Within the R-A, Residential/Agricultural District, as shown on the Zoning Map of Philadelphia, Tennessee, the following regulations plus the other applicable provisions of this zoning code shall apply:

1. Permitted uses and structures:

a. Single-family dwellings and two-family attached dwellings.

b. Institutions (including churches, schools, offering general education courses, and public libraries).

- c. Horticulture, including forestry, not involving advertising, display, or public sale of products on the premises.
- d. Accessory buildings or uses customarily incidental to any aforementioned uses.
- e. Single real estate signs advertising the sale, rental, or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least six (6) feet from all lot lines and street rights-of-way.

2. Prohibited uses and structures.

- a. Any other use not specifically permitted in this R-A, Residential/Agriculture District.
- b. Advertising signs and billboards except those specifically permitted in Section 1-33 (1)(e).
- c. Single mobile homes.

3. Uses and structures permitted on review by the Board of Zoning Appeals.

- a. Municipal, county, state, or federal uses, except general office buildings; public utilities, except storage and warehousing areas; cemeteries; hospitals for human care; philanthropic institutions and clubs, except a club the chief activity of which is customarily carried out as a business; public parks; golf courses; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board may require in order to preserve and protect the character of the district in which the proposed use is located.

11- Customary home occupations.

- 12-** Temporary manufactured homes may be permitted on property with an existing residential structure for the express purpose of providing medical care for a family member, provided a letter from a physician explaining the need for on-site care is presented to the Board as part of the application process. Said letter shall state in detail the nature of the illness, limitations on independent living and duration of illness and long term implications for care. In determining the appropriateness of allowing the special exception, the Board shall consider the impacts on surrounding property, the size of the property the structure will be located on, availability of utilities and justification of the request. Prior to hearing the request, the applicant shall submit to the Philadelphia City Council the request with the information outlined in this section. The City Council shall make a recommendation to the Loudon Board of Zoning Appeals on the appropriateness of the special exception within thirty (30) days. If no recommendation is received within

the specified time frame the Board shall review the request and make a determination based on the applicant's needs and community interest. In granting a special exception under this section, any manufactured home located on the site shall be placed to the rear of the property behind the primary structure and meeting all the required setbacks for the district. Permits not exceeding twelve (12) months shall be granted with annual renewals provided conditions of the applicant have not changed. Applications for one-year extensions shall be made directly to the Building Official who shall have the authority to renew the permit. Upon determination that conditions of the applicant no longer warrant the special exception, the structure shall be removed within 60 days from the date of notice from the Building Official.

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

- a. Minimum lot area for single family dwelling unit: 2 acres.
- b. Minimum lot width at building setback line.....200 feet.
- c. Minimum depth of front yards..... 60 feet.
- d. Minimum depth of rear yards..... 35 feet.
- e. Minimum width of side yards..... 30 feet.
- f. Maximum percentage of lot area which may be occupied by structures and parking areas: Thirty (30) percent. The maximum size of any accessory building cannot exceed 20% of the primary structure, nor shall such structure exceed the height of the primary structure.
- g. Parking: There should not be less than two (2) off-street parking spaces for each dwelling unit.

11-2-13. R-1, RESIDENTIAL DISTRICT. This district is intended to create higher density neighborhoods built around a sound roadway network and within close proximity to public facilities and utilities.

Within the R-1, Residential District, as shown on the Zoning Map of Philadelphia, Tennessee, the following regulations plus the other applicable provisions of this zoning code shall apply:

1. Permitted uses and structures:
 - a. Single-family dwellings.
 - b. Institutions (including churches, schools, offering general education courses, and public libraries).
 - c. Accessory buildings or uses customarily incidental to any aforementioned uses.
 - d. Single real estate signs advertising the sale, rental, or lease of only the premises on which they are maintained, provided that they are not over four (4) square feet in area, and at least six (6) feet from all lot lines and street rights-of-way.
 2. Prohibited uses and structures.
 - a. Any other use not specifically permitted in this R-1, Residential District.
 - b. Advertising signs and billboards except those specifically permitted in Section 1-43 (1)(e).
 - c. Single mobile homes.
 3. Uses and structures permitted on review by the Board of Zoning Appeals.
 - a. Municipal, county, state, or federal uses, except general office buildings; public utilities, except storage and warehousing areas; cemeteries; hospitals for human care; philanthropic institutions and clubs, except a club the chief activity of which is customarily carried out as a business; public parks; golf courses; provided, however, that no permit shall be issued except with the written approval of the Board of Zoning Appeals and subject to such conditions as the Board may require in order to preserve and protect the character of the district in which the proposed use is located.
- 11-** Customary home occupations.
- 12-** Temporary manufactured homes may be permitted on property with an existing residential structure, for the expressed purpose of providing medical care for a family member provided a letter from a physician explaining the need for on-site care is presented to the Board as part of the application process. Said letter shall state in detail the nature of the illness, limitations on independent living and duration of illness and long term implications for care.

In determining the appropriateness of allowing the special exception, the Board shall consider the impacts on surrounding property, the size of the property the structure will be located, availability of utilities and justification of the request. Prior to hearing the request, the applicant shall submit to the Philadelphia City Council the request with the information outlined in this section. The City Council shall make a recommendation to the Loudon Board of Zoning Appeals on the appropriateness of the special exception within thirty (30) days. If no recommendation is received within the specified time frame the Board shall review the request and make a determination based on the applicant's needs and community interest. In granting a special exception under this section, any manufactured home located on the site shall be placed to the rear of the property behind the primary structure and meeting all setbacks for the district. Permits not exceeding twelve (12) months shall be granted with annual renewals provided conditions of the applicant have not changed. Applications for one year extensions shall be made directly to the Building Official who shall have the authority to renew the permit. Upon determination that conditions of the applicant no longer warrant the special exception, the structure shall be removed within 60 days from the date of notice from the Building Official.

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

- a. Minimum lot area for single family dwelling: 20,000 square feet.
- b. Minimum lot width at building setback line: 100 feet.
- c. Minimum depth of front yards: 30 feet.
- d. Minimum depth of rear yards: 20 feet.
- e. Minimum width of side yards: 15 feet.
- f. Maximum percentage of lot area which may be occupied by structures and parking areas: Thirty (30) percent. The maximum size of any accessory building cannot exceed 20% of the primary structure, nor shall such structure exceed the height of the primary structure.
- g. Parking: There should not be less than two (2) off-street parking spaces for each dwelling unit.

11-2-14. C-1, COMMERCIAL DISTRICT. The intent of this district is to provide areas for retail trade and services, establishments, and offices oriented primarily toward serving local citizens and other uses compatible with the intent of this district.

Within the C-1 Commercial District, as shown on the Zoning Map of Philadelphia, Tennessee, the following regulations plus other appropriate provisions of this zoning code shall apply:

1. Permitted uses and structures.
 - a. Retail trade-general merchandise
 - b. Retail trade-food
 - c. Retail trade-apparel and accessories.
 - d. Retail trade-furniture, home furnishings and equipment.
 - e. Retail trade-eating and drinking.
 - f. Retail trade-drug and proprietary, antiques, books and stationary, sporting goods, farm and garden supplies, jewelry, florists, and optical and photographic supplies.
 - g. Professional services: i.e. finance, insurance, and real estate services.
 - h. Business services.
 - i. Personal services-laundering and dry cleaning and beauty and barber services.
 - j. Governmental services not including correctional institutions and military reservations.
 - k. Cultural activities.
 - l. Religious activities and welfare and charitable services.
2. Prohibited uses and structures: Any use or structure not specifically permitted is prohibited.
3. Uses permitted as special exceptions:
 - a. Repair services including automotive repair and services.
 - b. Entertainment assemblies not including drive-in movies.
 - c. Residential hotels and transient lodgings.
 - d. Railroad transportation.

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

- a. Minimum lot areas: 1 acre.
- b. The lot area covered by buildings and parking should not exceed sixty (60%) percent. The remaining undeveloped area shall be landscaped and revegetated if disturbed.
- c. Parking: For each commercial building or related use there shall be one off-street parking space for each two hundred (200) square feet of retail floor space.
- d. The maximum size of any building in the C-1, Commercial District is 10,000 square feet.

11-2-15.F-1, FLOODPLAIN OVERLAY DISTRICT. The F-1, Flood plain Overlay District, is intended for use in areas within Philadelphia which are subject to flooding. The objective of the district is to impose development restrictions upon land which lies within the floodway and floodway fringe areas of the two creeks which flow within the boundaries of Philadelphia, Tennessee, thereby protecting persons, property and the community from the dangers arising from periodic flooding. For information concerning the F-1, Floodplain District, refer to the supplemental section.

CHAPTER 3

EXCEPTIONS AND MODIFICATIONS

SECTION

11-3-10. Lot of Record

11-3-11. Adjoining Substandard Lots of Record

11-3-12. Height Limits

11-3-10. LOT OF RECORD. Where the owner of a lot consisting of one or more adjacent lots of official record at the time of the adoption of the zoning code does not own sufficient land to enable him to conform to the yard or other requirements of the zoning code, an application may be submitted to the Board of Zoning Appeals for a variance from the terms of the zoning code. Such a lot may be used as a building site; provided, however, that the yard and other requirements of the district are complied with as closely, in the opinion of the Board of Zoning Appeals, as is possible.

11-3-11. ADJOINING SUBSTANDARD LOTS OF RECORD. Where two or more lots of record with a continuous frontage are under the same ownership, or where a substandard lot of record has continuous frontage with a larger tract under the same ownership, such lots shall be combined to form one or more building sites meeting the minimum requirements of the district in which they are located.

11-3-12. HEIGHT LIMITS. The height limitations of this zoning code shall not apply to churches, schools, hospitals, and other public and semi-public buildings, provided that the minimum widths of side yards for the district are increased one (1) foot for each foot in height by which the structure exceeds the height limit. Also excluded from the height limits are water towers, transmission towers, chimneys, radio towers and other structures, which in the opinion of the Board of Zoning Appeals will not adversely affect the neighborhood.

CHAPTER 4

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

SECTION

11-4-10. Signs, Billboards, and Other Advertising Structures

11-4-11. Mobile Homes and Mobile Home Parks

11-4-12. Landscape Screening and Buffering Requirements

11-4-10. SIGNS, BILLBOARDS, AND OTHER ADVERTISING STRUCTURES. These conditions are established as a reasonable and impartial method of regulating advertising structures in order to insure light, air, and open space, to reduce hazards at intersections, and to protect property values of the entire community. The regulations for signs, billboards, and other advertising structures are enumerated below:

1. In any zoning district the following general regulations shall apply as well as the regulations of the Tennessee Department of Transportation:
 - a. No sign shall be erected or maintained where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any authorized traffic control sign, signal, or device.
 - b. All signs must be constructed and displayed so as not to impair vision and create safety hazards at any street intersection.
 - c. No sign shall be located on or attached to any public property, i.e. utility poles, except public signs authorized by the City of Philadelphia or the State of Tennessee.
 - d. 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 it is located. The front yard setback requirement shall not apply to properties where property is dedicated to the city for frontage road purposed. In such instances said signs shall not be on or extend beyond the frontage road right-of-way. No sign shall be erected or placed closer then within one hundred (100) feet of any residential district.
 - e. Awnings, canopies, and marquees are permitted; however, these may be used to calculate any maximum allowable total square footage or area for signs in the district in which they are located if any message of an advertising nature is displayed on these or similar appurtenances.

f. Signs or devices which flash, reflect, blink, or appear to do any of the foregoing are prohibited unless required by law or utilized by a governmental agency. This shall not apply to signs which provide only time, temperature, or public service information.

g. Flags, pennants, and barriers shall be permitted. No flags, pennants, or barriers may be attached to any public property to be located in or protrude into any public right-of-way unless specific permission in writing is granted to the applicant by the City of Philadelphia.

h. A sign shall be considered as an accessory use, incidental to the principle use of land.

2. In the R-A, R-1 districts, the following regulations shall apply:

a. Nameplates indicating name, address, house number, announcement of boarders or roomers are permitted.

b. Signs announcing customary home occupations are permitted but shall not exceed four (4) square feet in area and shall not be lighted.

c. Church, school, or public building bulletin boards or identification signs not exceeding forty-eight (48) square feet in area are permitted.

d. Flashing or intermittent illumination is prohibited.

e. For rent and sale signs not exceeding six (6) square feet.

3. In the Commercial District, signs relating only to the business on the premises are permitted.

a. Only one (1) free standing sign shall be permitted not to exceed one hundred (100) square feet in area.

b. There shall only be one square foot of signage for each front facing or lining foot of building.

c. Signs shall comply with other requirements of this section.

d. Portable signs shall not be permitted.

11-4-11. MOBILE HOMES AND MOBILE HOME PARKS.

1. No single mobile homes may be placed on a lot in the R-A, R-1 Residential, or C-1 Commercial districts. All mobile homes occupied for living purposes shall be confined to mobile home parks excepting non-conforming mobile homes subject to Section 1-33 of this code.

2. Mobile home parks shall conform to the following standards:
 - 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.
3. Dimensional Requirements for Parks.
 - a. Each mobile home park shall have a front yard setback of fifty (50) feet.
 - b. 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 space from the parcel boundary.
 - c. In instances where a side or rear yard abuts a public street, said yard shall not be less than fifty (50) feet.
 - d. No building or structure erected or stationed in a mobile home park shall have a height greater than one (1) stories or twenty (20) feet.
 - e. 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 light only.
 - f. There shall be at least two (2) paved off-street parking spaces for each mobile home space, which shall be on the same space/site.
 - g. Each mobile home space shall be provided with a paved patio or deck of at least two hundred (200) square feet.
 - h. 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.
 - i. 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, mobile home parks are prohibited.

4. General Requirements

a. No mobile home park shall be permitted unless such park is served by a public water supply and sewer system. Also, 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 Health Department and Board of Zoning Appeals.

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

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

d. 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.

e. Ground anchors shall be installed at each mobile home space to permit tiedowns of mobile homes.

f. All mobile home storage buildings must be a minimum one hundred (100) square feet in area. They are also required to be underpinned.

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

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

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

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

d. The location and size of all mobile home spaces and the location and name of the nearest mobile home park(s)

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

f. The location of all off-street parking facilities and park and recreation facilities.

g. The name and address of the applicant.

h. 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.

i. 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.

6. An application for a mobile home park shall be presented to the Board of Zoning Appeals for review and approval prior to the issuance of a building permit for such use.

a. 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

b. 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.

11-4-12. LANDSCAPE SCREENING AND BUFFERING REQUIREMENTS.

The following requirements shall apply to all commercial and multi-family developments:

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

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

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

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

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 construction and meet the minimum standards stated above.

2. 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. Screening shall not be less than four (4) 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. If plant materials are used for screening, they shall cover a minimum of ten (10) feet in width along the property line.

11-4-13. 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, and industrial developments at least thirty (30) days prior to the meeting at which it is to be considered. A permit will not be issued unless a plan is submitted and approval from the Loudon Regional Planning Commission is given to the Building Official. Approval of a site plan expires twelve (12) months from the date of approval, if substantial construction is not underway.

All site plans shall show the following:

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

plan for the shopping center must submit a site plan for the proposed addition to the shopping center including additional parking areas.

****This section approved and added by Philadelphia City Council on April 14, 2003.****

CHAPTER 5

ENFORCEMENT

SECTION

11-5-10. Building Permit Required

11-5-11. Issuance of Building Permit

11-5-10. BUILDING PERMIT REQUIRED. It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings, or to commence the moving or alteration of any building, including accessory buildings, until the Building inspector has issued a building permit for such work.

11-5-11. ISSUANCE OF BUILDING PERMIT. In applying to the Building Inspector for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size, height, and location of all buildings to be erected, altered, or moved and of any building ready on the lot and the elevation at which any structure is to be built. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the Building Inspector for determining whether the provisions of this ordinance are being observed. If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this zoning code, and other ordinances of the City of Philadelphia, Tennessee, then in force, the Building Inspector shall state such refusal in writing, with the cause.

CHAPTER 6

BOARD OF ZONING APPEALS

SECTION

11-6-10. Creation and Designation

11-6-11. Procedure

11-6-12. Appeals, How Taken

11-6-13. Administrative Reviews

11-6-14. Special Exceptions

11-6-15. Variances

11-6-10. CREATION AND DESIGNATION. A Board of Zoning Appeals is hereby established in accordance with Section 137-205, Tennessee Code Annotated. As permitted by Section 13-7-205, Tennessee Code Annotated, the Loudon Board of Zoning Appeals is hereby designated as the Board of Zoning Appeals.

11-6-11. PROCEDURE. Meeting of the Board of Zoning Appeals shall be held at the call of the Chairperson and at such other times as the Board may determine. All meetings of the Board shall be open to the public. The board shall adopt rules of procedure and shall keep records of applications and action thereon. Such records shall be public records.

11-6-12. APPEALS, HOW TAKEN. An appeals to the Board of Zoning Appeals may be taken by any person, firm, or corporation aggrieved, or by any governmental officer, department, board, or bureau affected by a decision of the Building Inspector based in whole or in part upon the provisions of this ordinance. Such appeal shall be taken by filing with the Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. The Building Inspector shall transmit to the Board all papers constituting the record upon which the action appealed was taken. The board shall fix a reasonable time for the hearing of the appeal, give notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing any person or party may appear in person, by agent, or by attorney.

11-6-13. ADMINISTRATIVE REVIEWS. The Board of Zoning Appeals shall have the power to hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Building Inspector or other administrative official in the carrying out or enforcement of any provision of this ordinance.

11-6-14. SPECIAL EXCEPTIONS. The Board of Zoning Appeals shall have the power to hear and decide applications for special exceptions (uses and structures permitted on review by the Board of Zoning Appeals) as specified in this ordinance and for decisions on any special questions upon which the Board of Zoning Appeals is specifically authorized to pass under this ordinance.

11-6-15. VARIANCES. The Board of Zoning Appeals shall have the power to hear and decide applications for variances from the terms of this zoning code, but only where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property which at the time of the adoption of this zoning code was a lot of records; or where, by reason of exception situation or condition of a piece of property the strict application of the provisions of this zoning code would result in exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, provided that such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purposes of this zoning code.

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

CHAPTER 7

DEFINITIONS

SECTION

11-7-10. Definitions

11-7-10. DEFINITIONS. For the purpose of this zoning code, and in order to carry out the provisions and intentions as set forth herein, certain words, terms, and phrases are to be used and interpreted as defined hereinafter. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular; the word “person” includes a firm, partnership, or corporation as well as an individual; the term “shall” is always mandatory and not directory; and the word “may” is permissive. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

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

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

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

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

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

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

BOARD: The Board of Zoning Appeals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the next floor above; or any portion of a building between the topmost floor and the roof, which is used for human occupancy in which the floor area with eight (8) feet or more head clearance equals fifty (50) percent or more of floor area of the next story below. Provided it is not used as a dwelling unit, a top floor in which the floor area with eight (8) feet or more of head clearance equals less than fifty (50) percent of the floor area of the story below shall be a “half-story.” A basement shall be considered as a story if more than half of its height is above the average ground level from which the “height of a building” is measured or if it is used for residential purposes.

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

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

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

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

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

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

YARD: A yard is an open space on the same lot with a principal building, open, unoccupied, and unobstructed by buildings from the ground to the sky except as otherwise provided in this ordinance, provided that accessory buildings may be located in a rear yard.

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

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

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

CHAPTER 8

AMENDMENT AND LEGAL STATUS

SECTION

11-8-10. Amendment

11-8-11. Legal Status

11-8-10. AMENDMENT. Such regulations, restrictions, and boundaries as are provided for in this ordinance may be amended, supplemented, changed, modified, or repealed by the chief legislative body of Philadelphia, Tennessee. All changes and amendments shall be effective only after official notice and public hearing.

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

11-8-11. LEGAL STATUS. In case of conflict between this zoning code or any part thereof, and the whole or part of any existing or future ordinance of the City of Philadelphia, Tennessee, the more restrictive provisions shall in all cases apply.

If any section, clause, provision, or portion of this zoning code shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this code which is not of itself invalid or unconstitutional.

Section 2. This ordinance shall take effect from and after its final passage, the public welfare requiring it.

Passed 1st Reading _____, 1996

Passed 2nd Reading _____, 1996

Passed 3rd Reading _____, 1996

Public Hearing _____, 1996

MAYOR

CITY RECORDER

Updated: December 1, 2003